

Environment, Development and Transport Committee

Date: Friday, 20 October 2017

Time: 10:00

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

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

Membership

Mr M Wilby (Chairman)

Mr M Castle

Mr S Clancy (Vice-Chairman)

Mr P Duigan

Mr T East

Mr S Eyre

Mr C Foulger

Mr A Grant

Mr T Jermy

Mr C Jones

Ms J Oliver

Mr T Smith

Mr T White

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

Hollie Adams on 01603 223029
or email committees@norfolk.gov.uk

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A g e n d a

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

2. Minutes

Page 5

To confirm the minutes of the meeting held on the 15 September 2017

3. Declarations of Interest

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

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

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

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

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

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

4. Any items of business the Chairman decides should be considered as a matter of urgency

5. Public QuestionTime

Fifteen minutes for questions from members of the public of which due notice has been given.

Please note that all questions must be received by the Committee Team (committees@norfolk.gov.uk) by **5pm Tuesday 17 October 2017**.

For guidance on submitting public questions, please visit:
www.norfolk.gov.uk/what-we-do-and-how-we-work/councillors-meetings-decisions-and-elections/committees-agendas-and-recent-

6. Local Member Issues/ Member Questions

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

Please note that all questions must be received by the Committee Team (committees@norfolk.gov.uk) by **5pm Tuesday 17 October 2017**.

7. Verbal update/feedback from Members of the Committee regarding Member Working Groups or bodies that they sit on.

8. Annual review of the Enforcement Policy **Page 18**

A report by the Executive Director of Community and Environmental Services

9. Strategic and Financial Planning 2018-19 to 2021-22 **Page 80**

A report by the Executive Director of Community and Environmental Services

10. Norwich Western Link project update and next steps **Page 96**

A report by the Executive Director of Community and Environmental Services

11. Risk management **Page 110**

A report by the Executive Director of Community and Environmental Services

12. Performance management **Page 121**

A report by the Executive Director of Community and Environmental Services

13. Finance monitoring **Page 135**

A report by the Executive Director of Community and Environmental Services

14. Forward Plan and decisions taken under delegated authority **Page 140**

A report by the Executive Director of Community and Environmental Services

Group Meetings

Conservative 9:00am Leader's Office, Ground Floor
Labour 9:00am Labour Group Room, Ground Floor
Liberal Democrats 9:00am Liberal Democrats Group Room, Ground Floor

Chris Walton
Head of Democratic Services

County Hall
Martineau Lane
Norwich
NR1 2DH

Date Agenda Published: 19 October 2017



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Environment, Development and Transport Committee

Minutes of the Meeting held on Friday, 15 September 2017 at 10am in the Edwards Room, County Hall

Present:

Mr M Wilby - Chair	
Mr M Castle	Mr C Foulger
Mr S Clancy (Vice-Chairman)	Mr A Grant
Ms E Corlett	Mr T Jermy
Mr P Duigan	Ms J Oliver
Mr T East	Mr T Smith
Mr S Eyre	Mr A White

1. Apologies and Substitutions

- 1.1 Apologies were received from Mr Chris Jones (Ms E Corlett substituting).

2. Minutes

- 2.1 The minutes of the meeting held on 21 June 2017 were agreed as an accurate record and signed by the Chairman.

3. Members to Declare any Interests

- 3.1 No interests were declared.

4. Urgent Business

- 4.1 No urgent business was discussed.

5. Public Questions

- 5.1 One public question was received from Mr MJ Ray; see appendix A.

6. Member Questions

- 6.1 One member question was received from Mr A Grant; see appendix A.

7. Verbal update/feedback from Members of the Committee regarding Member Working Groups or bodies that they sit on.

- 7.1 Mr M Castle updated the Committee from discussions held at recent briefings of the

Regional Coastal Committee; Mr Castle proposed that the reference group continue as a means to discuss and raise issues as they arose. The Chairman **agreed** with this proposal; the Committee **AGREED** to continue the Regional Coastal Reference Group.

7.2 A written update was circulated from the Norwich Western Link Member Working Group; see appendix B.

7.3 A written update was circulated from the NDR (Northern Distributor Road) Member Working Group; see appendix C. Mr C Foulger updated the Committee that a 4x4 trip around the route and a plan of the NDR had been arranged. The Committee **AGREED** the terms of reference for the NDR Member Group.

8. Proposed Internal Procedures for responding to Consultations on planning applications potentially requiring infrastructure as set out in the County Council's Planning Obligations Standards

8.1 The committee received the report outlining proposed internal procedures for responding to consultations on planning applications where there may be a requirement to secure funding for County Council Infrastructure.

8.2.1 Mr T East suggested that under evidence it would be beneficial to refer to "health provision", to acknowledge the pressure on GP surgeries and other health provision.

8.2.2 It was clarified that the Norfolk strategic framework referred to a series of frameworks including a "planning for health protocol" to engage the health community more thoroughly in the planning process.

8.2.3 The inclusion of the role of local members in the framework was noted.

8.3 The Committee **AGREED** the Internal Procedures attached to the report.

9. Hornsea Project Three Windfarm Consultation

9.1.1 The Committee discussed the report providing information on the pre-application consultation by DONG Energy for the proposal of an offshore windfarm and onshore ancillary grid connection infrastructure in Norfolk to be determined by the Secretary of State for Business, Energy and Industrial Strategy.

9.1.2 The Principal Infrastructure and Economic Growth Planner pointed out that, due to the distance from shore, the turbines would not be seen, however land-based infrastructure and construction would impact on Norfolk, such as substations.

9.2.1 Cllr Butikofer had sent her views on the consultation; as local member for Holt she hoped the views of local residents would be taken into account. Weyborne had infrastructure for 2 windfarms already. She highlighted the time span for construction and the impact of this on residents and local businesses. At the recent meeting in Cromer, DONG Energy had indicated the Windfarms were unlikely to bring local jobs. Most were likely to be in their Humber base except for short term construction phase jobs. She also raised concerns over the impact on transport in the area.

9.2.2 The Principal Infrastructure and Economic Growth Planner responded that an

ecologist had been negotiating with DONG Energy regarding mitigating impact on local areas, and acknowledged the ongoing issues related to transport which would continue to be looked at. He **agreed** that the response to DONG Energy would include asking them to consider compensation for businesses due to the scale and timescales of construction and the impact this was likely to have on them.

- 9.2.3 The importance of wind energy to Norfolk's economy and the environment was noted, and that there may be scope for jobs in fabrication of turbines. It was suggested that local employment in the industry may take time due to the need for training and education.
- 9.2.4 The Vice-Chairman suggested the response asked DONG Energy to look into options for good quality compensation schemes including how communities could benefit from local community funding. The Principal Infrastructure and Economic Growth Planner **agreed** to include this in the Council's response to DONG Energy.
- 9.2.5 It was suggested that DONG Energy be asked to cover the cost of moving cables if this was ever needed for infrastructure such as road building in the future. The Principal Infrastructure and Economic Growth Planner **agreed** to include this in the Council's response to DONG Energy.
- 9.2.6 A discussion was held over the impact on the pipeline if fracking was ever considered in North Norfolk. It was indicated that due to the depth of fracking compared to cables there was unlikely to be an impact. It was reported that preliminary investigatory work in North Norfolk had found no gas, and the closest place identified as suitable for fracking had been North West Lincolnshire.
- 9.3 The Committee:
 - (1) **AGREED** that the County Council support the principle of the offshore renewable energy proposal, which was consistent with national renewable energy targets and objectives, subject to the detailed comments raised in the report being resolved with the applicant;
 - (2) **ENDORSED** the detailed comments set out in the report and Appendix A to be forwarded onto DONG Energy.

10. Recommendations of the Greater Norwich Development Partnership (GNDP) Board

- 10.1.1 The Committee received the report on progress of the production of the Greater Norwich Local Plan (GNLP) and recommendations from the GNDP.
- 10.1.2 The Principal Planner updated the Committee that Government had released their proposed methodology on housing numbers for Local Authorities; preliminary estimates suggested that house building requirements may go up for Greater Norwich and down for Great Yarmouth.
- 10.1.3 The programme detailed in the report for 21 September had been postponed.
- 10.2.1 Ms Corlett queried the levels of social and affordable housing in the numbers shown in the report. The Principal Planner clarified that affordable housing requirements were calculated using a SHMA (Strategic Housing Market Assessment) and were in the high 20%. While developing the Housing Policies it was necessary to consider the impact on viability of sites of delivering the calculated amount of affordable

housing. The Principal Planner agreed to send more information to Ms Corlett.

10.3 The Committee **AGREED** to:

- **NOTE** progress on the production of the Greater Norwich Local Plan;
- **ENDORSE** the GNDP Board's recommendations on housing provision and strategy options to help shape public consultation.

11. Recommendations of the Norfolk Duty to Cooperate Member Forum

11.1 The Committee received the report providing information on the draft Norfolk Strategic Framework and the work of the Duty to Cooperate Member Forum.

11.2.1 Concerns were raised on behalf of Dereham Town Council; they were concerned about the lack of inclusion of Dereham due to the amount of housing development there and need for more employment in the area. The Executive Director of Community and Environmental Services reported that the Local Enterprise Partnership Economic Strategy would be considered at the next meeting of Policy and Resources Committee and then by full council; this report would recommend that the 3 big population centres of Kings Lynn, Norwich and Great Yarmouth and the 2 strategic transport routes, the A11 and A47 and settlements along them, were considered in terms of employment development.

11.2.2 Mr East suggested that the statement on page 53 of the report: "should clarify what was meant by 'protection and maintaining the Wensum, Coast, Brecks and the Broads'" should also include "tributaries on the Wensum".

11.3 The Committee **AGREED** to welcome and support the production of the Framework document and support the Vision, Objectives and the Agreements it contains, subject to further consideration of the comments in Appendix 1 of the report.

12. Highway Asset Performance Report

12.1.1 The Committee discussed the report highlighting performance of the highway asset against current service level priorities, based on previous Member decisions, and covering planned capital structural maintenance of the assets.

12.1.2 The Assistant Director of Highways clarified that the asset backlog was referenced against the 2007 backlog.

12.1.3 Following a risk assessment it had been identified that the frequency of highways inspections could be changed from 4 to 6 weeks, bringing an efficiency saving.

12.2.1 It was hoped the increased money put into Public Rights of Way (PROW) and staffing changes, such as a dedicated officer for PROW in area offices and strategic trails function carried out centrally, would help increase public satisfaction for PROW.

12.2.2 It was **requested** that reviewing the data from the next satisfaction survey be built into the forward plan to identify what further could be done to improve.

12.2.3 A discussion was held over trading and advertising on highways and enforcement of the protocol. Members discussed issues experienced in their constituency areas related to this. It was **AGREED** that a report be brought back to a future meeting.

12.3 The Committee:

1) **NOTED:**

a) Progress against the Asset Management Strategy Performance framework and the continuation of the current strategy and targets;

2) **REVIEWED** and **APPROVED:**

a) The proposed adoption of the Recommendations in Well-Managed Highway Infrastructure a Code of Practice

b) An improvement plan to prepare for the introduction of the Code

c) The Asset Management Framework

d) Frequency of highway safety inspections

13. Forward Plan and Decisions Taken under delegated Authority

13.1 The Committee received the Forward plan and considered the delegated decisions taken by Officers.

13.2 A report on great Yarmouth transportation in light of infrastructure changes was suggested; the interim Team Leader for Transport clarified that a comprehensive study had been carried out as part of the business case for the 3rd river crossing and resourcing to support this was currently being looked into.

13.3 The Committee:

- **REVIEWED** the Forward Plan at Appendix A of the report;
- **REQUESTED** that reports on the following would be put onto the forward plan:
 - a) reviewing data from the next NHT (National Highways and Transport) public satisfaction survey to identify further improvements;
 - b) trading and advertising on highways and enforcement of the protocol;
- **NOTED** the delegated decisions set out in section 1.2 of the report.

14. Finance Monitoring

14.1 The Committee considered the report providing information on the budget position for services reporting to the Committee for 2017-18, revenue budget including forecast over or underspends and identified budget risks, and an update on the forecast use of reserves and details of the capital programme.

14.2 The Committee **NOTED:**

- a) The forecast out-turn position for the Environment, Development and Transport Committee.
- b) The capital programme for this Committee.
- c) The current planned use of the reserves and the forecast balance of reserves as at the end of March 2018.

15. Major Infrastructure Improvements

15.1 The Committee received the report providing an update on progress to date for the three priority infrastructure projects being undertaken by the County Council, the Great Yarmouth 3rd River Crossing, Norwich Western Link (NWL) and Long Stratton Bypass.

- 15.2.1 The risk of a more expensive option being found to be the most preferred during consultation was raised; the Executive Director of Community and Environmental Services pointed out that the key issue for consideration was value for money for the public and that the consultation would inform the planning application.
- 15.2.2 The percentage of building work costs for the long Stratton bypass from private contributions and public funds was queried. The Major Projects Manager clarified that further work was needed to see what the Council's contributions would be.
- 15.2.3 The Major Projects Manager confirmed there was a limit in the Long Stratton Area Action Plan setting out how many houses could be built in the village.
- 15.2.4 The Chairman thanked the Committee for their commitment to infrastructure.
- 15.2.5 The Executive Director of Community and Environmental Services made reference to point 2.9 of the report about a bid being made to the Department of Transport to make changes to Hempnall junction. It was hoped the outcome of the bid would be known by the end of October 2017.
- 15.3 The Committee:
- **NOTED** and commented on the progress of the infrastructure projects provided in the report;
 - **NOTED** the decision made regarding the continuation of the Great Yarmouth 3rd River Crossing project at risk ahead of confirmation of funding by Department of Transport as set out in Appendix B to the report.

16. Transport for Norwich (TfN) and Northern Distributor Road (NDR) update report

- 16.1 The Committee discussed the report giving an update on progress towards delivering the Transport for Norwich programme of works since the update given in July 2016.
- 16.2.1 It was noted that if the route was opened in stages publicity and signage would be put in place to identify the routes available.
- 16.2.2 A concern was raised over pedestrian visibility at the pedestrian crossings during the construction of cycle improvement works on Newmarket Road. This will be followed up by the Transport for Norwich / City Agency Manager.
- 16.2.3 Ms Corlett queried why no money had been set aside for secure cycle storage along the route particularly in social housing. The Transport for Norwich / City Agency Manager clarified that funding for cycle parking had been included in the overall bid, but was provisionally planned for places with the most demand for cycle parking such as Norwich. He added there may be an opportunity to look for other areas of secure cycle storage along cycle routes and asked for feedback.
- 16.2.4 The Transport for Norwich / City Agency Manager clarified that the Sustainable Travel Transition Fund had guidelines for where funding was directed which was primarily areas of housing and jobs growth and therefore there were restrictions on where it could be used. The Executive Director of Community and Environmental Services had been working with the Member Cycling and Walking Champion Mr S Eyre on the use of railways as safe cycle routes into market towns.

- 16.3 The Committee:
- i) **COMMENTED** on the projects set out in this report as part of the ongoing commitment to deliver the Transport for Norwich (Transport for Norwich) plan
 - ii) **NOTED** the latest update on progress of the NDR project and **AGREED** to the phased opening of sections of the NDR as set out in the report (section 3).

17. Strategic and Financial Planning 2018-19 to 2021-22

- 17.1 The Committee considered the information contained within the financial planning report setting out Policy and Resources Committee's guidance to the Committee on the actions required to support preparation of a balanced budget for 2018-19, an overview of the Council's budget planning process, principles for this year's budget setting activity, and the latest forecast gap for budget planning purposes for the period 2018-19 to 2021-22.
- 17.2 It was noted that in the recommendations on page 127 and 128 of the report, "error reference source not found", should read "section 3".
- 17.3 The Committee:
- 1) **NOTED** the budget planning guidance for 2018-19 agreed by Policy and Resources Committee and in particular **NOTED**:
 - a. the budget assumptions set out in the report;
 - b. the budget planning principles for 2018-19;
 - c. the forecast budget gap of £100.000m reflected in the Council's latest financial planning;
 - d. the allocation of saving targets for the medium term financial strategy (MTFS) period 2018-19 to 2021-22 to Departments and Committees, noting the existing savings for 2018-19 and beyond which were agreed as part of the 2017-18 budget round;
 - 2) **CONSIDERED** and **AGREED** the service-specific budgeting issues for 2018-19 as set out in section 3 of the report.
 - 3) **CONSIDERED** whether any planned 2018-19 savings could be implemented during 2017-18 to provide an in-year saving;
 - 4) In order to help close the forecast 2018-19 budget gap (as defined in recommendation 1 c), **COMMISSIONED** officers to report to the October Committee cycle:
 - a. whether any savings identified for 2019-20 had the capacity to be brought forward to 2018-19;
 - b. to identify alternative new savings for 2018-19;
 - c. to identify further savings for the future years 2019-20 to 2021-22 to close the budget gap identified in those years.

18. Norfolk Waste Partnership and Waste Services

- 18.1 The Committee received the report outlining a summary of recent and planned activities of the Norfolk Waste Partnership.
- 18.2.1 The Head of Waste reported that Norfolk was ahead of the UK and England national average recycling rates.
- 18.2.2 Mr East noted the good work of the Waste Advisory Group (WAG) shown on page 151. He **proposed** that the group were replaced by one with a similar function but

different name. This was seconded by Mr Jermy. With 4 votes for and 9 votes against the Committee **voted against** this proposal.

18.2.3 The Head of Waste clarified that impact of the current recycling campaign would be seen in the recycling contamination rate which was currently at 13%. Future campaigns would focus on specific contamination materials such as nappies.

18.3 The Committee

1. **SUPPORTED** the continuing work of the Norfolk Waste Partnership and the County Council's active involvement and ongoing commitment to its activities to reduce waste, increase recycling and deliver service improvements; agreed
2. **ADVISED** that there was not a need to establish a successor to the Waste Advisory Group;
3. **EXPLORED** within the Norfolk Waste Partnership the merits of different approaches to helping fund recycling and waste reduction initiatives. agreed

19. Market Town Network Improvement Strategy

19.1 The Committee considered the proposal outlined within the report to facilitate sustainable development of Norfolk's market towns' and larger villages' by improving access to public transport and reducing congestion.

19.2.1 So far Dereham Fakenham, Diss and Swaffham had expressed an interest.

19.2.2 The Chairman proposed increasing the top four as indicated in the report to a top five, by including Swaffham (to make a top 5 of Dereham; Long Stratton; Thetford; North Walsham; Swaffham). The proposal was **DULY AGREED**.

The Committee **AGREED**:

1. The scope of the market town studies as set out in Section 1.2 of the report;
2. The top five (as detailed in paragraph 19.2.2 above) and second three towns from the list at Section 1.3 to form the first two years of the programme.

20. Exclusion of the Public

20.1 The Committee **AGREED** to exclude the public for agreement of the exempt minutes.

21. Exempt Minutes

21.1 The exempt minutes of the meeting held on the 21 June 2017 were agreed as an accurate record and signed by the Chairman.

The meeting closed at 11:25 am

**Mr Martin Wilby, Chairman,
Environment Development and Transport Committee**



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MEMBER & PUBLIC QUESTIONS TO ENVIRONMENT, DEVELOPMENT AND TRANSPORT COMMITTEE: FRIDAY 15 SEPTEMBER 2017

5. PUBLIC QUESTIONS

5.1 Question from M J Ray

Will the committee please uphold the current Traffic Regulation Order and thereby prevent the Borough Council of King's Lynn and West Norfolk's attempt to open part of Harding's Way to "max legal HGV" traffic, in line with assurances given in the past that this safe walking and cycling route between South Lynn and Whitefriars School would only be used by buses, or, if not, could you please tell users of this route what you feel has changed, such as whether you believe HGVs are now safe to drive among schoolchildren and others walking and cycling?

I thank you for your attention and await your reply with interest.

Response by Chairman of EDT Committee

Norfolk County Council has been involved in the development of the King's Lynn Riverfront Masterplan and at an officer level is supportive of the aspirations to regenerate the area.

We have already identified a number of issues with the Masterplan that will need detailed consideration relating to transport and car parking and are keen to understand the precise proposals.

The position is that the current local politicians are not bound by previous decisions and could make different ones. However, the case for change would need to be robustly made and clearly define the benefits and satisfactorily address all the other negative issues with appropriate mitigation and be based on robust evidence and assessment work.

The existing traffic order permits the use of Hardings way for buses and cyclists; pedestrians are also able to use the route. If there was a proposed change in use, the existing TRO would need to be revised which would be subject to the usual consultation process.

6. MEMBER QUESTIONS

6.1 Question from Cllr Andy Grant

I would like to ask a question and raise an issue in relation to Church Walk in the parish of Bradwell.

Church Walk is a road leading from Green Lane, past green space, the Woodlands Primary Academy and onto a narrow country lane and several homes.

The first 100 meters and the footpath that runs up until the school has been adopted and maintained by Norfolk highways. The road from the split until the school is unadopted. NPS and GYBC property services have looked into it and concluded it does not belong to anyone.

The fact that a primary school is on an unadopted road where a speed limit is unenforceable in law and where parking restrictions cannot be in place is wrong. The fact that someone can drive at 60mph past this school and not be prosecuted has got to be unique.

My predecessors have all tried and all councillors within Bradwell South would like this road looked into seriously. Without any jargon or passing the buck what advice can officers give to me to tell parents and residents that can reassure them that we as a council take pupil safety seriously? Only last year a young boy was knocked down by a car and all I can say is I'm trying.

Adopting the road will not solve everything but it will mean enforceable parking and speeding, it will mean that bushes and trees that overhang the road are in order. The road itself has received surface dressing at some point, its potholes have been marked and makes no sense not to adopt.

Response by Chairman of EDT Committee

Whilst Norfolk County Council can fully understand this request, unfortunately we are not able to just 'adopt' land as highway, as it has to be brought up to an acceptable standard by the owners of the land and 'dedicated' through certain legal processes. This would be difficult, as it would appear no owners appear likely to have come forward in the past when ownership has been researched.

Norfolk County Council does take pupil safety seriously and has previously provided highlighted crossing points (albeit on the adopted section of the road) and undertaken safer journey to school studies/travel plans with the school. Some maintenance of the un-adopted section leading to the school will be undertaken from time to time by our highways team to assist with the safe usage of the school. The trees and bushes mentioned would remain in private ownership, even if the road could be adopted, however we would be happy to help by writing to the adjacent properties to highlight that their vegetation is hindering access to the school. There does obviously have to remain an onus on drivers to act responsibly whether on highway or private accesses.

Norwich Western Link Project - Update for EDT Committee from Working Group (for 15 September 2017)

Further to previous meetings of the Norwich Western Link Project (NWL) Member Working Group and the report provided at the 8 July 2016 EDT Committee meeting, a meeting was held on 13 September to provide an update for the Member Group. The following provides a brief summary of the meeting:

1. The Member Group has a new Chair (Cllr Stuart Clancy). Cllr Clancy set out the aspiration of the Group is to oversee the delivery of the project to achieve target dates and budgets and avoid delays and cost over-runs; The project has cross-party support and the ambition is that all involved must be focussed to ensure that the project is delivered.
2. Highways England (HE) latest proposals for the A47 from North Tuddenham to Easton were discussed in some detail following their preferred route announcement in mid-August. A plan that has been discussed with some of the parish councils was reviewed. There were a range of points made by the Group that will be fed into a planned meeting with HE on 21 September. These include concerns regarding community severance (are too many local roads being closed), the location and form of the junctions shown, what the modelling shows in relation to traffic redistribution on the local county road network, the implications for HGV's on the local network, whether sufficient opportunities have been taken to utilise the old A47, in particular whether consideration has been given to bus operations and access and local walking and cycling routes (including public rights of way).
3. The Member Group received an update summarising the ongoing NWL project activities planned to be completed ahead of a detailed report being provided to EDT Committee in October. Details have been discussed with Natural England and the Environment Agency. Project costings, appraisal and funding options will be included as part of the work that will be reported in October. Details were also discussed regarding the plans for stakeholder engagement for the project and this will be included in the October report.
4. The Local Plan Review process was briefly discussed, noting that a report providing an update is on the September Committee agenda. An update on the Food Hub proposals and the associated Local Development Order (LDO) was provided by Cllr Clancy. The LDO was reported to BDC Cabinet in May and was agreed subject to a screening decision being considered by the Secretary of State. That decision, and the Order, have been confirmed and the developer is now working to deliver the Food Hub as soon as possible.
5. The next local group meeting (with parish council representatives) is planned for 20 September and details were discussed with the Member Group. This meeting will provide an opportunity for further feedback on the specific project objectives from each community, provide an update on project progress, give an opportunity to discuss details with HE regarding their A47 proposals and the implications for the NWL, and provide a chance to discuss the project stakeholder engagement. Feedback from this local group meeting will be incorporated in the October Committee report.

For more details, please contact David Allfrey (Infrastructure Delivery Manager).
Tel 01603 223292

NDR- Update for EDT Committee from Working Group (for 15 September 2017)

At the EDT Committee meeting held on 21 June 2017, it was agreed that a Member Group would be formed to provide increased scrutiny of the closing stages of the delivery of the NDR. An initial meeting of the Group was held on 28 July 2017, and a further meeting was held on 14 September. The following provides a brief summary for Committee of the recent meeting:

1. The Member Group has agreed that Cllr Colin Foulger will be Chair. The terms of reference for the Group have been developed following the initial meetings and are attached to this note for Committee to review and agree.
2. The contract administration is being managed via a web based system - Cemar. The Member Group received a demonstration of the system and had the opportunity to raise questions on the details around the management of Early Warnings, Compensation Events and how the contract notifications and administration work in practice. The system has joint access for both the NCC and Balfour Beatty teams to ensure there is only one version of the necessary project administration.
3. The Group were updated on progress relating to the road construction programme, which is in line with details included in the report being presented to Committee. It remains a determination for all involved with the project to complete the works as quickly and efficiently as possible to ensure the overall project cost is kept as low as possible.
4. An update on current and planned audits was provided. There are three key areas being reviewed currently; land acquisition process and authorisations; contract administration and management processes; defined cost review. It was agreed that details will be reported to the Member Group as the reports become available.
5. The Group were updated on the latest commercial position on the project. Details are not provided in this note due to their commercial sensitivity and to respect the Committee decision at its meeting on 21 June that these details must remain confidential.
6. It has been agreed that a site visit will be arranged for the Member Group on 12 October 2017.

For more details, please contact David Allfrey (Infrastructure Delivery Manager).
Tel 01603 223292

Terms of Reference for the NDR Member Group:

Introduction

At its meeting on 21 June 2017 the EDT Committee received a confidential report setting out the budget position for the project. The reason the report was confidential was set out at Committee as "if the information in this report were to be disclosed or otherwise made public; the Authority's ability to manage the difficult and commercially sensitive dialogue necessary with the supplier of the NDR contract in the coming weeks and months would be significantly compromised, in particular it is necessary to ensure key financial information and associated decision making is not disclosed".

As part of its consideration of the report details the EDT Committee decided that it wanted to set up an NDR Member Group to oversee the close out of the project delivery and the resolution of the final account.

Members of the Group

Committee agreed that the following Members should be part of the NDR Member Group:

Colin Foulger (the group agreed Colin would chair the meetings)
Judy Oliver
Anthony White
Terry Jermy
Tim East

Officers would attend the meetings as needed, however key project leads are David Allfrey (Infrastructure Delivery Manager) and Brett Rivett (NDR Commercial Team Manager).

Scope of Member Group

The Group agreed the following as its primary role (all of which takes into account the attached notes for guidance for Member Groups):

1. To receive updates on the project construction progress and any key issues.
2. To review project details relating to the commercial, legal and budget position of the project.
3. To receive updates and comment on any key remaining risks.
4. To monitor cost implications taking account of the key headings presented in the confidential 21 June committee report (a copy has been provided to the Member Group in confidence) and to challenge the details.
5. To question the details behind cost changes and cost increases and seek further details if needed and identify good practices.
6. To receive and review any audit details.
7. To receive details on any negotiations being undertaken with the main contractor and provide comments on these.
8. To develop and agree brief update reports to advise Committee.
9. To provide verbal updates at Committee (but taking into account the confidential nature of the information).

EDT Committee

Item No.

Report title:	Annual review of the Enforcement Policy
Date of meeting:	20 October 2017
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) directorate is responsible for a range of regulatory functions, including Trading Standards, Planning enforcement (mineral and waste sites), Flood and Water (land drainage), Norfolk Fire and Rescue (fire safety) and Highways (networks, maintenance and blue badge enforcement). Each area of work uses different legislation to secure its aims and each has its own framework of regulations, codes of practice and guidance.

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

All changes proposed this year are highlighted in yellow in Appendix 1; with the key changes summarised below:

- Inclusion of provision for food seizure and detention by Trading Standards (page 11) and immediate action for failure of food safety requirements (page 9)
- Greater emphasis on Primary Authority Partnerships, insofar as these relate to enforcement policy (page 6)
- Clarification that court outcomes will be routinely publicised and that other practices/incidents may also be publicised, subject to legal considerations (page 5)
- Addition of 'other legislation' under the 'Taking animals into possession/banning orders' section, to allow for situations where we might need to consider this (page 12)
- Clarification that we may look to local authorities outside Norfolk to assist with conflict of interest matters (the Policy currently refers only to local authorities in Norfolk, which may be a constraint in certain situations) (page 14)
- Annex 4 has been added, which details the Highways Enforcement Protocol.

Recommendations:

To confirm the revised CES Enforcement Policy (Appendix 1) and its annex documents meet the requirements of EDT services, prior to consideration by Communities Committee (the approval body for the Policy).

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), Norfolk Fire and Rescue (fire safety) and Highways (networks, maintenance and blue badge enforcement). 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. There are now four areas of work which appear as annex documents to the main policy; these relate to minerals and waste planning, flood and water management, the Norfolk Fire and Rescue Service and Highways Enforcement- see Annexes 1, 2, 3 and 4 to the main Policy.

The current Enforcement Policy has been reviewed 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 Equality Act 2010 and the Council's Equalities Policies
- consistent in approach, and appropriate.

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

- Inclusion of provision for food seizure and detention by Trading Standards (page 11) and immediate action for failure of food safety requirements (page 9)
- Greater emphasis on Primary Authority Partnerships, insofar as these relate to enforcement policy (page 6)
- Clarification that court outcomes will be routinely publicised and that other practices/incidents may also be publicised, subject to legal considerations (page 5)
- Addition of 'other legislation' under the 'Taking animals into possession/banning orders' section, to allow for situations where we might need to consider this (page 12)
- Clarification that we may look to local authorities outside Norfolk to assist with conflict of interest matters (the Policy currently refers only to local authorities in Norfolk, which may be a constraint in certain situations) (page 14)
- Annex 4 has been added which details the Highways Enforcement Protocol.

2. Evidence

- 2.1. A CES wide Enforcement Policy is considered to be the most effective way to demonstrate how CES intends to fulfil its regulatory/legal responsibilities. An

alternative option would be for each service area within CES to produce its own enforcement policy. However as above there is a need for consistency in overall approach; and (where necessary or appropriate to do so) the draft policy also provides for additional (detailed) protocols.

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

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

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

Human Rights

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

Equality Impact Assessment (EqIA)

An Equality Impact Assessment (EqIA) for 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 completed. This year’s review proposes no significant changes to the Policy which would require a new EqIA at this stage.

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 of which to take account.

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. CES regulatory activities are aimed at protecting the economic wellbeing and safety of Norfolk's residents and businesses and protecting the environment. How we carry out regulatory activities is key to supporting this aim.
- 5.2. Experience in regulatory enforcement 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.
- 5.3. 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:

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Email address : sophie.leney@norfolk.gov.uk



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Enforcement Policy

Community and Environmental Services



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October 2017

Contents	Page
Introduction	3
Principles of Inspection & Enforcement	4 - 6
Primary Authority Partnerships	7
Enforcement Actions	8 - 14
Complaints, Compliments and Comments	15
Conflict of Interest in Enforcement Matters	15
Where to get further information	15
Annexes	
Annex 1 – Local Monitoring and Enforcement Code	
Annex 2 – Flood and Water Management Enforcement Protocol	
Annex 3 – Norfolk Fire and Rescue Service Enforcement Policy Statement	
Annex 4 - Highways Enforcement Protocol	

1 Introduction

- 1.1 This document applies to the enforcement activities carried out by the Community and Environmental Services (CES) Directorate of Norfolk County Council (NCC); including Trading Standards, Highways, Planning and Norfolk Fire and Rescue Service (Fire Safety).
- 1.2 Where appropriate, additional enforcement protocols or policy may be developed to support this policy, for example where there are national requirements regarding a particular enforcement process. These will be appended to this policy as required. **When read in conjunction with Annex 1 this policy constitutes the Local Enforcement Plan for Planning as recommended by Paragraph 207 of the National Planning Policy Framework.**
- 1.3 The consolidated Enforcement Policy was originally developed in conjunction with a range of stakeholders, including business representatives in 2013. The policy forms part of the Council's policy framework and is subject to annual review and approval.
- 1.4 The purpose of this Enforcement Policy is to provide a framework to ensure that we work in an equitable, practical and consistent manner. NCC is committed to the principles of good enforcement, as set out in the Legislative and Regulatory Reform Act 2006, and we have had regard to the associated [Regulators' Code](#) (the Code) in the preparation of this policy. In certain instances we may conclude that a provision in the Code is either not relevant or is outweighed by another provision. We will ensure that any decision to depart from the Code will be properly reasoned, based on material evidence and documented.
- 1.5 Compliance with this Policy will ensure that we will strive to be fair, impartial, independent and objective. The Council is committed to ensuring that the decisions we take and the services we deliver take proper account of equality issues and, where necessary, put actions in place to address any barriers faced by protected groups.
- 1.6 Within the context of this Policy, 'enforcement' includes action carried out in the exercise of, or against the background of, statutory enforcement powers. This is not limited to formal enforcement action, such as prosecution or issue of notices, and so includes inspection to check compliance with legal or other requirements and the provision of advice to aid compliance.
- 1.7 For the purposes of this document 'formal action' means: Prosecution, Simple Caution, Enforcement Order, Issue of Notices, Monetary Penalties, Seizure, Suspension, Forfeiture, Revocation/Suspension of a licence, registration or approval, Works in Default or any other criminal or civil/injunctive proceedings or statutory sanctions, applied either separately or in any other combination.
- 1.8 Where appropriate the Council will seek to recover its enforcement costs, including making formal applications for costs through the Courts.

2 Principles of Inspection & Enforcement

2.1 Proportionality

- 2.1.1 We are committed to avoiding the imposition of unnecessary regulatory burdens and will endeavour to minimise the cost of compliance for business by ensuring that any action taken, or advice offered, is proportionate to the seriousness of the breach, as well as the risk to people, property, the community or the environment. In doing so we will choose approaches that are based on relevant factors including, for example, business size and capacity.
- 2.1.2 We will usually give notice of our intention to carry out routine inspection visits, unless we are required by law to visit unannounced, or we have a specific reason for not giving prior notice. For example this would include where the identity of the person or premises is unknown, or where it would defeat the objectives of the inspection visit to give such notice. Similarly, routine or reactive inspections of the highway are not normally subject to such notice.
- 2.1.3 As far as the law allows, we will take account of the circumstances of the case and attitude of the people involved when considering action. We will take particular care to work with businesses and individuals so that, where practicable, they can meet their legal obligations without unnecessary expense, to support and enable economic growth.
- 2.1.4 The most serious formal action, including prosecution, will be reserved for serious breaches of the law.

2.2 Accountability

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

2.4 Transparency

- 2.4.1 In most circumstances we will seek to ensure that people affected by formal action are informed of what is planned, and allow for discussion and time to respond before the action is taken. We will also give them a named officer's contact details. These arrangements must have regard to legal constraints and requirements.
- 2.4.2 When a notice is served it will say what needs to be done, why, and by when, and that in the officer's opinion a breach of the law has been committed and why the notice is necessary. We will also make a clear distinction between legal requirements and recommended works.
- 2.4.3 As part of our commitment to equality we 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.
- 2.4.4 This Enforcement Policy is published via the Norfolk County Council website, and we may publish further guidance about specific areas, such as the use of civil sanctions.
- 2.4.5 The publicity generated by legal proceedings acts as a deterrent to others, and reassures the general public that we take a serious view of illegal behaviour. We therefore publish the outcome of court proceedings, including undertakings; as part of this we include the name of the defendant(s), unless directed not to do so by the Courts.
- 2.4.6 Where we are aware of ongoing breaches of the law we may also use publicity in order to raise awareness, warn residents and increase compliance. This may involve publishing the name of an individual(s) and/or business suspected of breaching the law. In reaching a decision as to whether to publish such information, we will consider the following factors:

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

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

2.5 Targeted (Intelligence and Risk Led) Enforcement

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

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

2.6 Supporting the local economy

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

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

2.7 Reducing enforcement burdens

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

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

2.7.3 When conducting farm visits, we will have due regard to the [Farm Regulators' Charter](#), which makes sure visits are carried out consistently across regulators. The charter covers all inspection types and visits of agricultural and aquaculture activities carried out by Farm Regulators.

3 Primary Authority Partnerships

3.1 Primary Authority is a statutory scheme established by the Regulatory Enforcement and Sanctions Act 2009. It allows an eligible business to form a legally recognised partnership with a single local authority in relation to the provision of tailored advice, guidance and assistance relating to regulatory compliance. The single local authority (known as the “Primary Authority”) is registered with the Government’s Regulatory Delivery Directorate via the Primary Authority Register.

3.2 The Primary Authority then acts as the single point of contact between its partner business and the local authorities that regulate it. The Primary Authority can issue assured advice upon which the business can rely and can also, where appropriate, devise inspection plans for businesses. The inspection plan can place specific requirements on other local authorities and can require feedback on their checks to be given to the Primary Authority.

3.3 Where an enforcing local authority is considering enforcement action against a business that has a Primary Authority it is required to make a statutory notification to the Primary Authority. In most cases, this notification must be made before the action can be taken. However, in certain circumstances the notification can be retrospective. These currently include:

- abatement notices under section 80 of the Environmental Protection Act 1990
- emergency prohibition notices under specified food hygiene legislation
- prohibition notices under section 31(1) of the Regulatory Reform (Fire Safety) Order 2005
- notices of emergency remedial action under section 40(7) of the Housing Act 2004
- emergency prohibition orders under section 43 of the Housing Act 2004
- enforcement action that is required urgently to avoid a significant risk of harm to human health, the environment or the financial interests of consumers; and
- enforcement action where the ‘pre-notification’ requirements of the scheme would be wholly disproportionate.

3.4 If another local authority proposes enforcement action which the Primary Authority deems to be inconsistent with the assured advice, the Primary Authority may seek to block the enforcement action. Where this is the case but is disputed, or there is a need for further considerations, the matter would be referred to Regulatory Delivery for their consideration/determination.

4 Enforcement Actions

- 4.1 Nothing in this policy shall be taken to compel the Council to take enforcement action. In certain instances the Council may conclude that an enforcement response is not appropriate given the circumstances. Any decision to deploy enforcement powers will be taken in the context of operational priorities and this policy.
- 4.2 In deciding what enforcement action to take, we will have regard to the following aims:
- to change the behaviour of the offender
 - to eliminate financial gain or benefit from non-compliance
 - to be responsive and consider what is the most appropriate sanction for the particular offender and the regulatory issue concerned
 - to be proportionate to the nature of the offence and the harm/potential harm caused
 - to repair the harm caused to victims, where appropriate to do so
 - to deter future non-compliance.
- 4.3 Any decision to undertake formal enforcement action will be taken in the context of operational priorities, this policy and the [Council Constitution and scheme of delegations](#). Such decisions will include the use of risk based approaches and intelligence in determining the nature of any response, as well as being subject to ongoing monitoring and review.
- 4.4 Where a right of appeal against a formal action exists other than through the courts, advice on the appeal mechanism will be clearly set out in writing at the time the action is taken.
- 4.5 Where more formal enforcement action, such as a simple caution or prosecution, is taken, Norfolk County Council recognises that there is likely to be an ongoing need for compliance advice and support, to prevent further breaches.
- 4.6 Where it is necessary to carry out a full investigation, the case will be progressed without undue delay. All investigations into alleged breaches of legislation will be conducted in compliance with statutory powers, time limits and all other relevant legislation (and relevant Codes of Practice), including the requirements of:
- Police and Criminal Evidence Act 1984 (PACE)
 - Criminal Procedure and Investigations Act 1996 (CPIA)
 - Regulation of Investigatory Powers Act 2000 (RIPA)
 - the Criminal Justice and Police Act 2001 (CJPA)
 - Human Rights Act 1998 (HRA).
- 4.6.1 As part of any criminal investigation process, persons suspected of having committed a criminal offence will, wherever possible,
- be formally interviewed in accordance with PACE
 - be given the opportunity to demonstrate a statutory defence
 - have the opportunity to give an explanation or make any additional comments about the alleged breach

- be offered translation services where English is not their first language.
- 4.6.2 Some of our Officers have a wide variety of powers, including the power to enter premises and inspect goods, to require the production of documents or records and, when necessary, the power to seize and detain such material where they believe it may be required as evidence.
- 4.6.3 Officers may also take with them such other persons as may be necessary as part of their investigations, or when exercising their powers. This may include Police Officers where there is the possibility of an arrest. In certain cases, Officers may exercise an entry warrant issued by a Magistrate in order to gain access to premises.

Officers may also use investigation equipment as part of their duties, including hand held and Body-Worn Video (BWV) cameras. BWV devices are capable of recording both visual and audio information and can provide a number of benefits to enforcement agencies, including a deterrent to aggressive, verbal and physical abuse towards officers, and in providing additional evidence to support investigations. BWV will usually be deployed on an overt basis for a specific purpose, and where it is necessary and proportionate to do so. Any decision to deploy BWV on a covert basis will be made in accordance with the Regulation of Investigatory Powers Act (RIPA), related legislation, Codes of Practice and associated Council Policy.

4.7 Immediate Formal Action

- 4.7.1 Whilst recognising that most people want to comply with legal requirements, we also recognise that some will operate outside the law (both intentionally and unintentionally). A staged approach to enforcement will therefore be adopted, with advice and informal action fully explored to resolve the matter in the first instance, if appropriate. However the Council will consider taking immediate formal action for the most serious breaches, which may include any of the following circumstances:
- Where there is a significant risk to public health, safety or wellbeing, or damage to property, infrastructure or the environment.
 - Fraud or deceptive/misleading practices, including those seeking an unfair 'competitive advantage'.
 - For matters where there has been recklessness or negligence, causing or likely to cause significant loss or prejudice to others.
 - Illegal practices targeted at the young, the elderly or other vulnerable people.
 - A deliberate or persistent failure to comply with advice, warnings or legal requirements.
 - Where food fails food safety 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.
- 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

Compliance advice can be 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 how to prevent re-occurrence. Warnings cannot be cited in court as a previous conviction, but may be presented in evidence.

4.10 Statutory (Legal) Notices

- 4.10.1 Statutory Notices are used as appropriate in accordance with relevant legislation. Such notices are legally binding. Failure to comply with a statutory notice can be a criminal offence and may lead to prosecution and/or, where appropriate, the carrying out of work in default.
- 4.10.2 A statutory notice will clearly set out actions which must be taken and the timescale within which they must be taken. It is likely to require that any breach is rectified and/or prevented from recurring. It may also prohibit specified activities until the breach has been rectified and/or safeguards have been put in place to prevent future breaches. Where a statutory notice is issued, an explanation of the appeals process for such notices will be provided to the recipient.

4.11 Monetary penalties

- 4.11.1 Fixed or variable monetary penalties may be issued where there is a specific power or delegated authority to do so and under the following circumstances:
 - To provide an effective and visible way to respond to less serious crimes without going to court
 - As a response to genuine problems or as part of a wider enforcement strategy.

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

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

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

4.12 Licences, registrations and approvals

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 **items such as** goods and documents that may be required as evidence. When we seize goods, we will give an appropriate receipt to the person from whom they are taken. On some occasions we may also ask a person to voluntarily surrender and transfer ownership of illegal goods to Norfolk County Council.

4.13.2 Where we seize food for failing food safety requirements, or animal feed for non-compliance with feed law, an application will be made to the Court for a condemnation order, for the illegal product to be destroyed. We will provide details of where and when this application will be made to allow interested parties to attend the hearing.

4.14 Detention

4.14.1 Where food is suspected of failing food safety requirements, or where animal feed does not comply with specified feed law, it may be detained to allow further investigation.

4.14.2 When food or animal feed is detained, a notice of detention will be provided, detailing the detention arrangements, including the location where the product(s) will be detained.

4.15 Forfeiture

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

4.16 Injunctive Actions, Enforcement Orders etc

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.

4.16.1 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.

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

4.17 Other Sanctions

The Council will consider other sanctions where legally available and appropriate to do so, including criminal behaviour orders under the Anti-Social Behaviour, Crime and Policing Act 2014, injunctions under the Local Government Act 1972 or equivalent orders to disrupt and/or prevent activities that may contribute to crime or disorder.

4.18 Taking animals into possession/banning orders

Under the Animal Welfare Act 2006, if a veterinary surgeon certifies that 'protected animals' are suffering or are likely to suffer if their circumstances do not change, we will consider taking them into our possession and applying for Orders for re-imbursement of expenses incurred and subsequent disposal. We may also look to other legislation where appropriate to ensure that similar standards of care and/or control of animals is properly maintained. In some circumstances we will also consider applying to the Court to ban a person(s) from keeping animals.

4.19 Simple Cautions

4.19.1 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.

4.19.2 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.

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

4.20 Prosecution

4.20.1 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.

4.20.2 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 falls within the guidelines as laid down by the Attorney General and Crown Prosecution Service [Code for Crown Prosecutors](#).

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

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

A conviction will result in a criminal record and the court may impose a fine and, for particularly serious breaches, a prison sentence. The court may order the forfeiture and disposal of non-compliant goods and/or the confiscation of assets. Prosecution may also lead, in some circumstances, to the disqualification of individuals from acting as company directors (see 4.22 below).

4.21 Proceeds of Crime Actions

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

4.21.2 Financial investigations will be undertaken in accordance with the Proceeds of Crime Act 2002. Such investigations may include applications to the Court requiring financial information to be provided (production orders) or in serious cases applications to freeze and/or confiscate criminal assets (restraint and confiscation orders). Where appropriate, consideration will also be given to seek compensation for victim losses as part of financial investigations.

4.22 Directors

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/compliments and 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.

If you wish to appeal against any enforcement action taken or have any other comments about this policy, you should write to the Executive Director - Community and Environmental Services, at the address shown at the bottom of this page.

6 Conflict of Interest in Enforcement Matters

6.1 Where a breach is detected in which the enforcing authority is itself the responsible operator, for example operating as a food business, the following protocol will be followed:

(a) Where a breach of law is sufficiently serious to warrant more than the provision of advice, information, assistance or a written warning, or where the response to remedy the breach is considered insufficient, an authorised officer from **another local authority** will be requested to assist in the decision making process as to the action required. The Managing Director of Norfolk County Council and the **Chief Legal Officer** 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 2SG.

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



LOCAL MONITORING AND ENFORCEMENT PROTOCOL

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

in

Norfolk

October 2017

CONTENTS

1.0	BACKGROUND.....	3
2.0	GENERAL STATEMENT.....	4
3.0	MONITORING INSPECTIONS.....	5
4.0	INVESTIGATION AND ENFORCEMENT.....	6
5.0	THE RELEVANT ENFORCEMENT AUTHORITY.....	7
6.0	GENERAL GUIDANCE.....	8
7.0	INVESTIGATION PRIORITIES.....	12
8.0	PROSECUTIONS.....	15
9.0	MONITORING OF REGULATION 3 DEVELOPMENT.....	16
10.0	MEMBER PROTOCOL.....	17

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.' In conjunction with the overarching CES Enforcement Policy, this Annex represents Norfolk County Councils Local Enforcement Plan for planning.
- 1.3 Schedule 1 to The Town and Country Planning Act 1990 as amended sets down the responsibilities for Town Planning within a two tier Planning Authority in England and Wales. Regulation 3 of The Town and Country Planning General Regulation 1992 authorises an authority to determine (subject to regulation 4), an application for planning permission by an interested planning authority to develop any land of that authority, or for development of any land by an interested planning authority or by an interested planning authority jointly with any other person, unless the application is referred to the Secretary of State under section 77 of the 1990 Act for determination by him.
- 1.4 The Development Plan for the County comprises the Norfolk Core Strategy and Minerals and Waste Development Management Policies Development Plan Document (DPD) 2010 -2016 (Adopted 2011), Norfolk Waste Site Specific

Allocations DPD, Norfolk Minerals Site Specific Allocations DPD (both adopted in 2011) and the adopted Borough and District wide Local Plans, including Development Plan Documents and Area Action Plans. Adopted Neighbourhood Plans which have been developed by local communities, also form part of the Development Plan. The County Council maintains an up-to-date list of local planning authority policy documents and Neighbourhood Plans.

2.0 GENERAL STATEMENT

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

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

3.0 MONITORING INSPECTIONS

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

shall be prepared and copied to the operator/owner usually within two weeks of such inspection taking place. The report shall amongst other matters detail any breaches identified and specify timescales for compliance with conditions that have been breached.

- 3.5 The Monitoring and Control Team will be consulted on all proposals to permit development by the Development Control Team in particular they will be consulted on the planning conditions intended to be attached to the planning permission.

MONITORING FEES

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

4.0 INVESTIGATION AND ENFORCEMENT

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

leading to an unacceptable injury to amenity, the County Council's approach will be to seek to remedy the injury in the first instance by negotiation and persuasion.

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

have been unauthorised;

- maintain the integrity of sites having interests of acknowledged importance;
- where appropriate maintain liaison and contact with the general public, and mineral and waste operators.

5.0 THE RELEVANT ENFORCING AUTHORITY

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

complaints to other regulating bodies where necessary.

6.0 GENERAL GUIDANCE

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

6.2 This Authority remains committed to fostering business enterprise and prosperity, provided that the necessary development can take place without unacceptable harm to local amenity. The new regional 'Better Business for all' working group actively seeks to promote this aim. Whilst the Authority has a general discretion to take enforcement action when they regard it expedient, it does not condone wilful breaches of planning law. Moreover, in some cases effective enforcement action is likely to be the only appropriate remedy where a breach is causing unacceptable harm. The Authority will be guided by the following considerations:-

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

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

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

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

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

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

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

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

7.0 INVESTIGATION PRIORITIES

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

COMPLAINTS

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

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

INVESTIGATION OF COMPLAINTS/INCIDENTS

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

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

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

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

8.0 PROSECUTIONS

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

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

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

9.0 MONITORING OF REGULATION 3 DEVELOPMENT

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

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

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

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

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

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

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

10. MEMBER PROTOCOL

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

October 2017

Norfolk County Council Flood and Water Management Enforcement Protocol

1.0 Introduction

This document provides supplemental guidance to Norfolk County Council's Community and Environmental Services (CES) Enforcement Policy, and is provided in the context of specific requirements arising from the Flood and Water Management Act 2010 and the Land Drainage Act 1991.

Norfolk County Council (NCC) is the Lead Local Flood Authority (LLFA) for the county. This role is fulfilled by the Flood and Water Management team.

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

2.0 Regulation of Ordinary Watercourses

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

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

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

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

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

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

August 2017

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

3.0 Guiding Principles

Enforcement under the Land Drainage Act, 1991 will be carried out using the guiding principles as set out in the CES Enforcement Policy.

4.0 Process

a) Initial response

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

b) Initial assessment

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

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

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

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

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

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

C) Further Investigation

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

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

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

D) Outcome of initial assessment/Further Investigation

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

- I. Informing relevant party(s) of works that are required to be undertaken within the set timescale OR
- II. No further action by the LLFA and:
 - Providing advice to those affected on referral to the [First Tier Tribunal \(Property Chamber\), Agricultural Land and Drainage \(AL&D\)](#) or other relevant organisation, where appropriate
 - Informing relevant parties of their [riparian responsibilities](#)

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

- An explanation of the problem and the remedy required in accordance with the Land Drainage Act 1991.
- Depending on the nature of the problem we aim to ensure that remedial work is carried out within the timeframe specified in the letter (between 7 and 21 days of the date of the letter). However, there will be occasions when it is necessary to extend the period of compliance for more complex matters and/or to accommodate exceptional circumstances e.g. weather, flood conditions, etc. The time allowed will be reasonable in the circumstances. The extent of the work required will be proportionate to the scale of the problem.

- In certain circumstances practicalities may not allow for works to be done within the timeframe specified in the letter. The Lead Local Flood Authority will assess the circumstances with regards to enforcement and whether any works need to be deferred or amended to take into account the impacts of any works on wildlife. Examples where this may occur include:
 - Seasonal farming practices and Environmental Schemes can restrict access or time schedules to carry out works;
 - The nesting season for some birds occurs between the 1 March and 31 August and works might cause disruption if nests are present;
 - Presence of protected species will influence when it is most appropriate to carry out work.

Seeking resolution prior to serving notices

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

Serving notices under the Land Drainage Act 1991

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

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

Enforcement of notices

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

- The responsible person will carry out the work to the satisfaction of the council.
- The responsible person may appeal the notice.
- The responsible person will fail to carry out the work to the satisfaction of the Lead Local Flood Authority and the Lead Local Flood Authority will seek to recover their expenses; and /or

- The Lead Local Flood Authority will, where appropriate, decide whether to take a prosecution against the responsible person, in addition to carrying out the work and seeking to recover the costs of that work.

Completion of proceedings

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

No further action

The Lead Local Flood Authority may take no action where:

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

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

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

Advice

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

Further Information

Please consult the Glossary of terms document which supports this protocol.

Norfolk Fire and Rescue Authority

Fire Safety Policy Directive

ENFORCEMENT POLICY STATEMENT
(England and Wales)

Introduction

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

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

Quick-guide

1. Introduction

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

2. Principles

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

3. Regulation

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

4. Helping Those We Regulate (Transparency)

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

5. Targeting

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

6. Accountability To Those We Regulate

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

7. Principles of Enforcement Action

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

8. Our Enforcement Action

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

9. After Enforcement Action

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

10. Failure to Comply With Requirements

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

11. Simple Cautions and Prosecution

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

12. Public Register

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

13. Other Duties of the Service

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

14. Data Protection

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

15. Freedom of Information

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

-End-

More on the Introduction

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

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

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

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

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

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

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

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

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

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

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

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

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

More on Our Principles

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

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

October 2017

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

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

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

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

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

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

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

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

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

More on the way we approach regulation

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

October 2017

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

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

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

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

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

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

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

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

More on helping those we regulate

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

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

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

More on Targeting

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

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

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

More on our Accountability

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

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

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

More on the Principles of Enforcement Action

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

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

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

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

October 2017

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

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

More on Our Enforcement Action

- 8.1 The Service will offer duty holders information and advice both verbally and / or in writing. This will include an explanation of why any specified work is necessary and a time period within which the specified work should be completed. Educating, informing and advising responsible persons and duty holders about their duties under fire safety legislation will form a fundamental element of our enforcement regime. The Service will fulfil its obligation under section 6(2) of the Fire and Rescue Services Act 2004 to give on request, advice on fire safety free of charge.
- 8.2 Where we find risks to safety, we may deal with them by informal means or (where appropriate) we may take formal action by serving alterations, enforcement and / or prohibition notices. We may also issue Simple Cautions, and (in the most serious cases) may prosecute. Before formal enforcement action is taken, inspectors will provide the person responsible with an opportunity to discuss the circumstances of the case and, if possible, resolve points of difference without recourse to formal enforcement action (unless immediate action is required to reduce the risk to life or to prevent evidence from being destroyed).
- 8.3 In certain circumstances, after evaluating the safety at premises, no action may be required. This will be the case when the safety of people in case of fire has been adequately secured.
- 8.4 If the likelihood of fire is high and the consequences in case of fire are low, advice may be given on how the likelihood can be reduced. Advice may also be given where the consequences of fire might cause harm to people but can be simply avoided. Advice can also be given to point out good practice or to

October 2017

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

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

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

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

More about After Enforcement Action

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

More on a Failure to Comply With Requirements

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

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

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

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

More on Simple Cautions and Prosecution

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

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

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

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

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

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

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

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

More about the Other Duties of the Service

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

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

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

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

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

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

More on Data Protection

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

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

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

More on Freedom of Information

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

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

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

The Regulators Code

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

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

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

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

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

The Regulatory Enforcement and Sanctions Act

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

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

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

Legislative and Regulatory Reform Act

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

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

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

October 2017

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

The Legislative and Regulatory Reform (Regulatory Functions) Order 2007

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

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

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

The Environment and Safety Information Act

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

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

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

The Regulatory Reform (Fire Safety) Order

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

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

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

The Licensing Act 2003

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

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

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

October 2017

The Explosive Regulations 2014

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

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

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

The Petroleum (Consolidation) Regulations

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

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

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

Approval

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

Signature:

Date: **12 September 2016**

Reviewed By: **Gary Collins**

Signature:

Date **28th September 2016**

October 2017

October 2017

Norfolk County Council Highways Enforcement Protocol

1.0 Introduction

The Highways area teams receive a significant number of customer complaints each year relating to enforcement matters. These range from trading on the highway, such as car sales on verges, caravans / motorhomes being parked on the highway, blocked public footpaths and trailer or van mounted advertising hoardings.

The CES enforcement policy is followed, with priority is given to highway safety matters. Increasingly, the teams work with a number of bodies to achieve successful outcomes, as often issues are complex and can be legally difficult to resolve.

For example, we have been working closely with South Norfolk District Council over illegal advertising trailers. A joint authority meeting, which included NPLaw, concluded that the most appropriate way forward in addressing the issue of these trailers was to use the Town & Country Planning Act 1990 rather than the Highways Act 1980, as this offered the best chance of a successful prosecution combined with deterrent fines.

2.0 Illegal Advertising Trailers

Illegal advertising trailers are an issue on both the trunk road network and the local road network, particularly on the approaches to urban areas. Contrary to popular belief, Norfolk County Council cannot simply tow these trailers away as it is not known if they are roadworthy (and Norfolk County Council could be fined) and the wheels are usually locked.

A recent review of the national situation by the Highways teams, has concluded that although the Highways Act could be used for a prosecution, the fines are very low, and it has to be successfully proven that the Highway was obstructed giving rise to a safety concern. Although most trailers are a distraction to motorists, they are usually placed to enable easy access to the verge and not in locations where visibility is obstructed. This would reduce the probability of a successful prosecution using powers under the Highways Act.

Recent legal advice has also highlighted:

- that there is no reason why powers cannot be delegated from the County Council to a District / Borough Council;
- that under the Highways Act 1980 Section 130 (2) any council may assert and protect the rights of the public to the use and enjoyment of any highway in their area for which they are not the highway authority. Therefore, delegated powers are not necessarily required.
- That District & Borough Councils can use their existing powers under the Town & Country Planning Act 1990 Section 224 to take action against the advertisers, including a prosecution.

Therefore, the current approach is that:

- i) The County Council Highways teams will only notice and contact the owners / advertisers if the trailers are negatively impacting on highway safety (ie blocking visibility or obstructing the public highway in areas where there is expected usage of the verge);
- ii) District and Borough Councils have existing powers under both the Highways Act and the Town & Country Planning Act, so there is no need to go through a formal delegated powers process;
- iii) District & Borough Councils have the option to use their powers under the Town & Country Planning Act 1990 to carry out prosecutions against the owners of these trailers. Any action would be supported by the County Council.

3.0 Vehicles for sale on the Highway

Parking of vehicles on the Highway 'for sale' is an offence under the Clean Neighbourhood & Environment Act 2005.

When a complaint is received or issue identified, the Highways Area team will notify the owner and ask them to remove it immediately. A phone call will suffice provided that a record is kept of the time and date.

The Highways Area team will re-inspect the site at least twice within the next calendar month, taking photos and noting the date and time of the inspections. If the problem persists after 4 weeks, the Highway Engineer and Area Manager will assess situation and identify a way forward.

4.0 Public Footpaths

The Countryside Access Officers within the local Highways area teams undertake a high level of enforcement. This is typically to deal with obstructions on public rights of way, such as illegal gates and other structures across the official alignment, and removing other blockages across public footpaths such as crops and livestock.

In the period April 2017 to August 2017, across the county, there have been 85 number Section 134-137 Non-reinstatement Notices and 11 number Section 143 Removal Obstruction Notices sent out. By early September 2017, 85 of the 96 cases had been resolved and the remaining are ongoing and being actively monitored and pursued with landowners.

5.0 Other issues

Parking of vehicles on the Highway without a valid Tax

If a vehicle has been parked on the Highway without valid road tax (which can be checked on line on the DVLA website), then this offence should be reported to either the police or the DVLA.

Parking of vehicles on the Highway causing an obstruction

If a vehicle is parked on the Highway causing an obstruction, then this is generally an offence which should be reported to the police for action. Highway Authority's such as Norfolk County Council do have powers under Section 149 of the Highways Act 1980 to remove vehicles but only if they constitute a 'danger'. In accordance with the Act, a notice period is required to allow the offender time for removal before any action can be taken.

Environment, Development and Transport Committee

Item No.

Report title:	Strategic and Financial Planning 2018-19 to 2021-22
Date of meeting:	20 October 2017
Responsible Chief Officer:	Tom McCabe – Executive Director, Community and Environmental Services

Strategic impact

This report provides an update on the Service Committee's detailed planning to feed into the Council's budget process for 2018-19. The Council's budget setting activity is informed by a range of documents including the Medium Term Financial Strategy, and the County Council Plan, which is currently being updated. Together these help to set the context for the Council's medium term service and financial planning, which will support the development of a robust, balanced budget for 2018-19.

Executive summary

This report forms part of the strategic and financial planning framework for Service Committees. It provides an update on the Council's budget setting process, and sets out details of the actions required by Service Committees to enable the Council to set a balanced budget for 2018-19.

Recommendations:

EDT Committee is recommended to:

- 1) Note that the Council's current budget planning includes an assumed increase in council tax of 3.0% for the Adult Social Care precept, and an inflationary increase of 1.9% in 2018-19.
- 2) Consider and agree the service-specific budgeting issues for 2018-19 as set out in section 3.
- 3) Consider whether any planned 2018-19 savings could be implemented during 2017-18 to provide an in-year saving; and
- 4) In order to help close the forecast 2018-19 budget gap as set out in section 2 of this report:
 - a. Consider whether any savings identified for 2019-20 have the capacity to be brought forward to 2018-19;
 - b. Agree the proposed new savings for 2018-19 (Table 4) for recommendation to Policy and Resources Committee;
 - c. Agree to recommend to Policy and Resources Committee the proposed new savings for 2018-19 which require consultation as set out in section 3.

1. Introduction

- 1.1. The Council's approach to medium term service and financial planning includes a rolling medium term financial strategy, with an annual budget agreed each year. The County Council agreed the 2017-18 Budget and Medium Term Financial Strategy (MTFS) to 2019-20 at its meeting 20 February 2017. At this point, the MTFS identified a gap for budget planning purposes of £35.015m.
- 1.2. The MTFS position is updated through the year to provide Members with the latest available financial forecasts to inform wider budget setting work across the organisation. As previously reported to Committees, Policy and Resources Committee considered a report "Strategic and Financial Planning 2018-19 to 2021-22" on 3 July 2017, which set out a forecast gap of £100.000m for the period to 2021-22.
- 1.3. This year, the budget-setting process is closely aligned with development of the new Council Plan and associated corporate strategy work, to be completed in the autumn. Further details of this were set out in the report "Caring for your County" and in the Strategic and Financial Planning reports considered by Policy and Resources Committee.
- 1.4. This report builds on the position reported to Service Committees in September and represents the next stage of the Council's budget planning process. In particular, the paper sets out details of the saving proposals identified for 2018-19 and subsequent years, for the Committee's consideration.

2017-18 budget position

- 1.5. The Council's approach to medium term service and financial planning includes a rolling medium term financial strategy, with an annual budget agreed each year. The County Council agreed the 2017-18 Budget and Medium Term Financial Strategy (MTFS) to 2019-20 at its meeting 20 February 2017. At this point, the MTFS identified a gap for budget planning purposes of £35.015m.
- 1.6. The latest details of the 2017-18 budget position are set out in the budget monitoring report elsewhere on the agenda. The Council's overarching budget planning assumptions for 2018-19 continue to assume that the 2017-18 Budget will be fully delivered (i.e. that all savings are achieved as planned and there are no significant overspends).

2. 2018-19 Budget planning

2017-20 Medium Term Financial Strategy

- 2.1. County Council approved the 2017-18 Budget and the Medium Term Financial Strategy for the period 2017-18 to 2019-20 on 20 February 2017. The Medium Term Financial Strategy to 2019-20 set out a balanced budget for 2017-18, but a deficit remained of £16.125m in 2018-19, and £18.890m in 2019-20. The Medium Term Financial Strategy's aim is to ensure a balanced budget to aid forward planning and help mitigate financial risk. The Medium Term Financial Strategy position is shown in the table below.

Table 1: Budget surplus / deficit as reported to Full Council on 20 February 2017

	2017-18 £m	2018-19 £m	2019-20 £m
Additional cost pressures and forecast reduction in Government grant funding	74.212	58.719	52.819
Council Tax base increase	-19.853	-14.722	-9.338
Identified saving proposals and funding increases	-54.359	-27.872	-24.591
Budget gap (Surplus) / Deficit	0.000	16.125	18.890

- 2.2. The £58.719m assumed cost pressures and forecast reduction in Government grant funding in 2018-19 consists of:
- Inflationary cost pressures for pay and non-pay budgets of £11.548m.
 - Legislative changes of £22.891m including responsibilities at the time anticipated relating to the improved Better Care Fund, and pension revaluation costs.
 - Demographic cost pressures of -£2.866m. Demographic pressures in Adult Social Services were offset by the fact that additional funding for Children's Services was one-off in 2017-18 and so reversed in the plans for 2018-19. This pressure has subsequently been made ongoing during 2018-19 budget planning.
 - NCC policy changes of £2.552m.
 - Forecast funding reductions of £24.594m.
- 2.3. It should be noted that the budget gap of £16.125m in 2018-19 **assumes a CPI (1.9%) increase in council tax** above the 3% Adult Social Care precept, based on the assumptions used by the Government at the time of the 2016-17 local government settlement. Any reduction in this increase will require additional savings to be found. The assumed increases in Council Tax for the Adult Social Care Precept and inflation (the OBR forecast of CPI) are set out in the table below. It should be noted that currently CPI is running at 2.6%¹ and the Council awaits guidance from the Government on the council tax referendum threshold for 2018-19. The assumed council tax increases are of course subject to Full Council's decisions on the levels of Council Tax, which will be made before the start of each financial year. In addition to an annual increase in the level of Council Tax, the budget assumes modest annual tax base increases of 0.5%.
- 2.4. The Medium Term Financial Strategy (MTFS) for 2017-20 agreed by Full Council in February therefore set out a forecast gap for the years 2018-19 and 2019-20 of **£35.015m** and included planned net savings of **£72.737m**. Detail of these savings is shown in Appendix 1.

Latest forecast budget gap 2018-19

- 2.5. As reported to Service Committees in September, since the preparation of the Medium Term Financial Strategy, further pressures on the budget have been identified, resulting in changes to the Council's budget planning position. In September Service Committees also considered the budget planning principles for 2018-19. Alongside the assumptions about Council Tax, other key

¹ UK consumer price inflation: July 2017, published by the Office for National Statistics:
<https://www.ons.gov.uk/economy/inflationandpriceindices/bulletins/consumerpriceinflation/july2017>

assumptions within the Council's current budget model include:

- **That Revenue Support Grant will substantially disappear in 2020-21. This equates to a pressure of around £36m, but significant uncertainty is attached to this and clearly the level of savings required in year three could be materially lower should this loss of funding not take place**
- 2017-18 Budget and savings delivered in line with current plans (no overspend);
- Use of additional Adult Social Care funding during 2017-18 and future years as agreed by Adult Social Care Committee 10 July 2017;
- 2017-18 growth in Children's Services is included as an ongoing pressure;
- Ongoing annual pressures will exist in waste budgets;
- Council tax increases are agreed (subject to annual decision by Full Council) as shown in the table above for 2018-19 to 2020-21 (including Adult Social Care precept in 2018-19) with no increase in council tax in 2021-22; and
- Moderate council tax base growth over the period of the MTFS.

2.6. The latest estimate of the budget gap for the four year planning period up to 2021-22 is **£100.000m**. The table below sets out the summary County Council forecast position. Further details of the budget planning changes as reported to Policy and Resources Committee are shown in the September report to this Committee.

Table 2: Norfolk County Council budget gap forecast

	2018-19	2019-20	2020-21	2021-22	Total
	£m	£m	£m	£m	£m
Gap as at MTFS February 2017	16.125	18.890	0.000	0.000	35.015
New pressures	13.135	-6.897	20.773	21.366	48.377
Funding changes	-11.612	5.998	42.343	0.000	36.729
Savings changes	0.878	0.535	-10.000	0.000	-8.587
Council tax increase (1.99% 2020-21, 0% 2021-22)	0.000	0.000	-7.657	0.000	-7.657
Council tax base growth (0.5%)	0.000	0.000	-1.914	-1.962	-3.877
Revised gap as at P&R July 2017	18.526	18.526	43.544	19.404	100.000
Reallocate year 4 saving to years 1-3 (split 20/60/20)	3.881	11.642	3.881	-19.404	0.000
Total new savings to find (in addition to savings in 2017-18 MTFS)	22.407	30.168	47.425	0.000	100.000
Note: Budget planning assumes:					
Forecast council tax	373.535	382.873	392.445	394.407	n/a
Forecast increase in council tax in budget planning (including ASC precept, council tax increase and council tax base growth)	14.723	9.338	9.572	1.962	35.595
Council tax increase	1.9%	2.0%	2.0%	0.0%	
Adult Social Care precept increase	3.0%	-	-	-	

2.7. The Council is already implementing a number of strategic initiatives focused on demand management, prevention and early help, and a locality focus to service provision. As referenced in the Strategic and Financial Planning 2018-19 to 2021-22 report presented at Policy and Resources 3 July 2017, the County Leadership Team has identified a number of corporate priorities (known as Norfolk Futures).

2.8. Norfolk Futures will focus on delivering the administrations manifesto priorities over the MTFS plan period and include:

Local Service strategy

A new deal for families in crisis

Promoting independence for vulnerable adults

Smarter information and advice

Towards a Housing Strategy

Digital Norfolk

Commercialisation

2.9. The budget position and the associated assumptions are kept under continuous review, and will be updated to reflect any changes arising from the Government's Autumn Budget, or further information about the Council's funding position as it becomes available. Reports on the latest financial planning position will be presented to Policy and Resources Committee up until budget-setting by County Council in February

2.10. The outline budget-setting timetable for 2018-19 is set out in Appendix 2 to this report.

Allocation of savings required

2.11. The following table sets out the indicative savings by department (excluding Schools and Public Health) as reported to the Committee in September.

Table 3 Allocation of new MTFS 2018-22 savings required by Committee

Allocation of new 2018-22 MTFS savings by Committee excluding Schools and Public Health	2018-19	2019-20	2020-21	2021-22	Total
	£m	£m	£m	£m	£m
Adult Social Care	-1.477	-11.480	-18.047	0.000	-31.004
Children's Services	-7.134	-6.369	-10.013	0.000	-23.516
Communities	-2.461	-2.197	-3.454	0.000	-8.112
Environment, Development and Transport	-6.663	-5.950	-9.353	0.000	-21.966
Policy and Resources	-3.553	-3.172	-4.987	0.000	-11.712
Business and Property	-0.362	-0.323	-0.507	0.000	-1.192
Digital Innovation and Efficiency	-0.757	-0.677	-1.064	0.000	-2.498
Total	-22.407	-30.168	-47.425	0.000	-100.000

3. Budget strategy

- 3.1. There are a number of common themes across the proposals which seek to complement the thrust of Norfolk Futures, as set out in paragraph 2.8. We will continue to target our efforts on those Norfolk communities and residents who most need our support. Through better management, procurement of new contracts and income generation we will free up resource to protect services. We will also redesign our services to achieve the right balance between having sufficient capacity to meet anticipated need and providing the best value for money. In some instances we will make minor changes to realise savings or shift capacity to priority areas. In other instances, following the principles of Norfolk Futures, we will undertake a more fundamental review.

New 2018-19 Budget proposals

- 3.2. The new budget saving proposals for EDT Committee to consider are summarised in Table 4 below.

Table 4: New 2018-19 Saving Proposals

Proposal Note: savings are shown as a negative figure	Saving 2018-19 £m	Saving 2019-20 £m	Saving 2020-21 £m	Saving 2021-22 £m	Total 2018-22 £m	Risk Assessment
Vacancy management and streamlined management arrangements	-0.159				-0.159	
Capitalisation of activities to release a revenue saving	-1.065				-1.065	
Changing back office processes and efficiency	-0.085				-0.085	
Further roll-out of street lighting LEDs	-0.160	-0.160			-0.320	
Succession of milder winters justifies a reduction in the winter maintenance budget	-0.400				-0.400	
Improved management of on-street car parking		-0.150	-0.350		-0.500	
Re-profiling the public transport budget	-0.250				-0.250	
Review the operation of bus services supported by the County Council	-0.500				-0.500	
Reduce the number of roads gritted in winter	-0.200				-0.200	
Stop filling/re-filling grit bins for free	-0.100				-0.100	
Reducing spend on non-safety critical highway maintenance	-0.200				-0.200	
Remove the construction and demolition waste concession at all recycling centres	-0.180				-0.180	
Reduce waste reduction activity	-0.150				-0.150	

- 3.3. Further details of these new saving proposals are set out in Appendix 3. At this stage, the risk assessment rating is based on an officer view of deliverability of the proposed saving. Any proposals that progress will be subject to consultation (where appropriate) and equality and rural impact assessments, which will provide further information that can be used to better understand the risks associated with implementing the proposal.
- 3.4. Committee discussions about proposed new savings will be reported to Policy and Resources Committee in October 2017 and used to inform development of the Council's 2018-19 Budget to enable an overall assessment of the budget position to be made.

Potential to bring forward 2018/19 savings for early delivery

- 3.5. As reported to Committee in September, Officers reviewed the current agreed savings and, from an operational perspective, no suitable savings were identified with potential for early deliver. It was highlighted that:-
- Part of the strategy in the previous budget round was to deliver savings as early as possible, and the savings proposed were 'front loaded' for delivery in 2017/18 as far as possible (as can be seen in the profile at Appendix 3).
 - Members already previously agreed to bring forward £0.150m of a saving for waste (Ref EDT032) to be delivered early in 2017/18. In addition, a £1.500m one-off saving through capitalisation of highways maintenance activities has been delivered in 2017/18.
- 3.6. Officers have reviewed the new proposed savings, as set out in Table 4 (and at Appendix 3) to consider whether early delivery of any of these may be possible. No suitable savings were identified that could be implemented during 2017/18 to provide an in-year saving. Key points to note are:-
- The winter maintenance period starts in October 2017 and it is considered to be too risky to introduce changes to this service during the operational winter period, therefore the first opportunity to introduce any changes would be for the 2018/19 winter season.
 - A number of proposals will require further work before they can come into effect, (e.g. carrying out further work to develop), and for LED street lighting delivery is already on an accelerated programme and our contractor does not have the capacity to deliver the full programme in one year.
 - A number of proposed savings require changes to staff structures and roles. Appropriate staff consultation needs to be carried out, and any staff implications properly managed. It will not be possible to do this in time to deliver an early saving.
- 3.7. Officers have not identified any savings proposed for 2019/20 that could be brought forward to 2018/19 to deliver early.

2018-19 Budget proposals requiring consultation

- 3.8. Of the new budget proposals for 2018/19 set out in Table 4 above (and detailed in Appendix 3), officers consider the following require public consultation.
- Reduce number of roads gritted in winter
 - Stop filing/re-filling grit bins for free

- Reducing spend on non-safety critical highway maintenance
- Review the operation of bus services supported by the County Council
- Removal of construction and demolition waste concession at recycling centres

3.9. There is a proposal to introduce more on-street car parking. It is not considered that public consultation on this proposal is needed at this stage as any local scheme progressed will be subject to a statutory consultation process before it can be delivered (as part of the Traffic Regulation Order (TRO) process).

4. **Financial implications**

4.1. Financial implications for the Committee's Budget are set out throughout this report.

5. **Issues, risks and innovation**

5.1. Significant risks or implications have been set out throughout the report. Specific financial risks in this area are also identified in the Corporate Risk Register, including the risk of failing to manage significant reductions in local and national income streams (RM002) and the risk of failure to effectively plan how the Council will deliver services (RM006).

5.2. Decisions about significant savings proposals with an impact on levels of service delivery will require public consultation. As in previous years, saving proposals, and the Council's Budget as a whole, will be subject to equality and rural impact assessments later in the budget-setting process.

5.3. In addition, a number of the proposals relate to changes in staffing/organisational structures and require staff consultation. The CES Department is planning to commence a staff consultation in late October.

5.4. Income generation - as we continue to maximise and increase reliance on generation of income, from various sources, and become more reliant on market factors, we increase our risk.

5.5. External funding – there are a number of projects and services being fully or partly funded by external funding, for example grants from other organisations and successful funding bids. Many of these include an element of match funding or similar expectations about the County Council's input. Reductions in revenue funding could impact on our ability to do this and we could risk losing funding or our ability to successfully bid for funding in the future.

5.6. Staffing - It will not be possible to deliver the level of savings required without some changes and reductions in staffing levels. The CES Department has already made a number of changes/reductions to staff in recent years, including reducing the number of managers in the department, but further reductions will be needed. Although we will take steps to minimise the impact of any changes as far as possible, including by introducing new ways of working, there is a risk that a reduced workforce will directly impact on the level of service we are able to deliver.

6. **Background Papers**

6.1. Background papers relevant to the preparation of this report are set out below.

Norfolk County Council Revenue and Capital Budget 2017-20, County Council, 20 February 2017, Item 4:

<http://norfolkcc.cmis.uk.com/norfolkcc/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/444/Committee/2/SelectedTab/Documents/Default.aspx>

Norfolk County Council Budget Book 2017-20, May 2017:

<https://www.norfolk.gov.uk/-/media/norfolk/downloads/what-we-do-and-how-we-work/budget-and-council-tax/the-2017-2020-budget-book.pdf?la=en>

Caring for your County, Policy and Resources Committee, 3 July 2017, Item 7:

<http://norfolkcc.cmis.uk.com/norfolkcc/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/1359/Committee/21/Default.aspx>

Strategic and Financial Planning 2018-19 to 2021-22, Policy and Resources Committee, 3 July 2017, Item 9:

<http://norfolkcc.cmis.uk.com/norfolkcc/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/1359/Committee/21/Default.aspx>

Finance Monitoring Report Outturn, Policy and Resources Committee, 3 July 2017, Item 11:

<http://norfolkcc.cmis.uk.com/norfolkcc/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/1359/Committee/21/Default.aspx>

Additional Social Care Funding, Adult Social Care Committee, 10 July 2017, Item TBC:

<http://norfolkcc.cmis.uk.com/norfolkcc/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/1377/Committee/10/SelectedTab/Documents/Default.aspx>

Officer Contact

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

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Previously agreed MTFS savings 2017-20

Appendix 1

Agreed MTFS savings 2017-20 by Committee

	2017-18	2018-19	2019-20	Total
	£m	£m	£m	£m
Adult	-11.213	-18.716	-10.000	-39.929
Children's	-1.854	-0.859	-0.535	-3.248
Communities	-1.906	-0.102	0.000	-2.008
EDT	-5.340	-0.605	0.000	-5.945
Policy and Resources	-23.646	9.100	0.290	-14.256
Business and Property	-1.710	-1.751	-1.000	-4.461
Digital Innovation and Efficiency	-2.105	-0.726	-0.059	-2.890
Total	-47.774	-13.659	-11.304	-72.737

Categorisation of saving	2017-18	2018-19	2019-20	2017-20
	£m	£m	£m	£m
A) Cutting costs through efficiencies	-32.813	8.967	-0.245	-24.091
(i) Efficiency savings	-32.531	9.589	-0.245	-23.187
(ii) Reducing service standards	-0.282	-0.622	0.000	-0.904
B) Better value for money through procurement and contract management	-1.161	-1.044	0.000	-2.205
(i) Efficiency savings	-1.161	-1.044	0.000	-2.205
C) Service Redesign: Early help and prevention, working locally	-8.978	-18.411	-10.000	-37.389
(i) Efficiency savings	-0.458	-0.950	-0.500	-1.908
(ii) Reducing service standards	-1.170	-7.199	-0.800	-9.169
(iii) Ceasing a service	-0.350	0.000	0.000	-0.350
(iv) Providing statutory services differently	-7.000	-10.262	-8.700	-25.962
D) Raising Revenue; commercial activities	-3.059	-1.561	0.000	-4.620
(i) Efficiency savings	-3.049	-1.561	0.000	-4.610
(ii) Reducing service standards	-0.010	0.000	0.000	-0.010
E) Maximising property and other assets	-1.763	-1.610	-1.059	-4.432
(i) Efficiency savings	-1.763	-1.610	-1.059	-4.432
Total	-47.774	-13.659	-11.304	-72.737

Further details of savings by Department can be found in the 2017-18 Budget Book.

2018-19 Budget Timetable

Appendix 2

Activity/Milestone	Time frame
County Council agree recommendations for 2017-20 including that further plans to meet the shortfall for 2018-19 to 2019-20 are brought back to Members during 2017-18	20 February 2017
Spring Budget 2017 announced	8 March 2017
Consider implications of service and financial guidance and context, and review / develop service planning options for 2018-20	March – June 2017
Executive Director of Finance and Commercial Services to commission review of 2016-17 outturn and 2017-18 Period 2 monitoring to identify funding from earmarked reserves to support Children's Services budget.	June 2017
Member review of the latest financial position on the financial planning for 2018-20 (Policy and Resources Committee)	July 2017
Member review of budget planning position including early savings proposals	September – October 2017
Consultation on new planning proposals and Council Tax 2018-21	October to December 2017 / January 2018
Service reporting to Members of service and budget planning – review of progress against three year plan and planning options	November 2017
Chancellor's Autumn Budget 2017	TBC November / December 2017
Provisional Local Government Finance Settlement	TBC December 2017
Service reporting to Members of service and financial planning and consultation feedback	January 2018
Committees agree revenue budget and capital programme recommendations to Policy and Resources Committee	Late January 2018
Policy and Resources Committee agree revenue budget and capital programme recommendations to County Council	29 January 2018
Confirmation from Districts of council tax base and Business Rate forecasts	31 January 2018
Final Local Government Finance Settlement	TBC February 2018
County Council agree Medium Term Financial Strategy 2018-19 to 2020-21, revenue budget, capital programme and level of Council Tax for 2018-19	12 February 2018

2018-19 to 2021-22 New Saving Proposals

Appendix 3

Proposal Note: savings are shown as a negative figure	Further information about the proposal	Saving 2018-19 £m	Saving 2019- 20 £m	Saving 2020- 21 £m	Saving 2021- 22 £m	Total 2018- 22 £m	Risk Assessment
Vacancy management and streamlined management arrangements	This relates to the Planning and Economy and Support and Development service groupings. We are reviewing vacancies and looking at better ways for services to be managed. Support and Development, in particular, has a relatively high turnover compared to other areas, as it is entry point into the organisation for many people. This gives us the opportunity to regularly review staffing levels, particularly as we start to benefit from efficiencies in processes etc., and delete vacancies.	-0.159				-0.159	
Capitalisation of activities to release a revenue saving	Capitalisation of some activity that is currently revenue funded, within the financial rules. Switching to this type of funding means that the revenue budget is available for saving, without the need to make any changes to the level and type of activity. This proposal relates to various elements of capitalisation in the highways service.	-1.065				-1.065	
Changing back office processes and efficiency	We are reviewing our back office spend across the whole of CES and looking to harvest all of the savings available. This proposal relates to a number of small savings including savings from telephone and printing (where new, cheaper, contracts are in place) and the premises costs for the previous highways depot at Watton (where savings from the closure we slightly higher than expected).	-0.085				-0.085	

2018-19 to 2021-22 New Saving Proposals

Proposal Note: savings are shown as a negative figure	Further information about the proposal	Saving 2018-19 £m	Saving 2019- 20 £m	Saving 2020- 21 £m	Saving 2021- 22 £m	Total 2018- 22 £m	Risk Assessment
Further roll-out of street lighting LEDs	Roll-out of more LED street lights, which enables an energy saving. This proposal is to implement on residential streets. As with previous LED roll-outs, there is a need for investment to enable this to progress, on an invest to save basis, and this has been agreed with the Executive Director of Finance and Commercial Services. Discussions with our contractor, Amey, are well progressed and no issues have been identified.	-0.160	-0.160			-0.320	
Succession of milder winters justifies a reduction in the winter maintenance budget	The budget for winter maintenance is based on the number of actions in the last five years. The recent mild winters mean the average number of actions is now lower than the budget provision, providing an opportunity to make a saving. There is a risk of overspend if there is a harsh winter, but there continues to be a £0.5m reserve that could be used if needed. In addition, if there is a very long/harsh winter there are usually savings that can be made elsewhere e.g. we would not be doing as much work on the ground.	-0.400				-0.400	
Improved Management of on-street car parking	In many locations around Norfolk there is not sufficient on-street parking to meet local need. There can be conflicts between residents, businesses, tourists and visitors. In addition we receive various requests for yellow lines to stop dangerous or inconsiderate parking. We will consider the full range of residents parking, payment for on-street parking and waiting		-0.150	-0.350		-0.500	

2018-19 to 2021-22 New Saving Proposals

Proposal Note: savings are shown as a negative figure	Further information about the proposal	Saving 2018-19 £m	Saving 2019- 20 £m	Saving 2020- 21 £m	Saving 2021- 22 £m	Total 2018- 22 £m	Risk Assessment
	restrictions. There will be a significant lead in time and some investment (e.g. to fund a project team) needed to develop and implement a suitable scheme. Any local schemes would be subject to a statutory consultation with local residents before it they be implemented.						
Re-profiling the public transport budget	There is an opportunity to change the way that we account for our public transport grant allocations which can deliver a saving. This will not impact on front-line services or reduce the amount we currently use to support local bus services.	-0.250				-0.250	
Review the operation of bus services supported by the County Council	The County Council supports a range of local bus services through either providing a subsidy (£1.3m in 2017/18) or through grants to community Transport Operators. We will review to ensure that our support is targeted to delivering the most effective service.	-0.500				-0.500	
Reduce the number of roads gritted in winter	Currently 34% of the road network is on the gritting routes. This proposal will take the equivalent of two whole routes out and reduce the overall network gritted to around 30%. There will continue to be a gritted route into each town. The new NDR route will be gritted, once opened, and will not be affected by this proposal. This proposal, if implemented, would come into effect for the 2018/19 winter season.	-0.200				-0.200	
Stop filling/re-filling grit bins for free	This relates to the yellow grit bins in place on the side of the road. The current policy allows parish	-0.100				-0.100	

2018-19 to 2021-22 New Saving Proposals

Proposal Note: savings are shown as a negative figure	Further information about the proposal	Saving 2018-19 £m	Saving 2019- 20 £m	Saving 2020- 21 £m	Saving 2021- 22 £m	Total 2018- 22 £m	Risk Assessment
	councils to purchase the bins, after which will regularly fill them with grit for free which residents can use e.g. on footways. Stopping this means that parish councils (or others) will need to purchase their own grit if they wish to continue to use it. It is possible for us to purchase/store grit from our contractor which communities could then purchase and collect from a highway depot.						
Reducing spend on non-safety critical highway maintenance	We will assess and programme the work that is carried out based on a number of factors, and high risk/emergency work will continue. Local Members will be able to use their annual budget to top-up activities in their local areas. The proposal relates to a reduction in non safety critical spend on road signs, verges, hedges and trees, bridge maintenance and gully emptying.	-0.200				-0.200	
Remove the construction and demolition waste concession at recycling centres	Change the policy on concessions for construction and demolition waste accepted at recycling centres so that it is only accepted at main sites on a pay as you throw basis.	-0.180				-0.180	
Reduce waste reduction activity	We currently undertake a number of waste reduction and minimisation activities. There is a risk that reducing this activity will negatively impact on waste volumes. However, we will continue to work with district colleagues through the Norfolk Waste Partnership to identify ways to reduce	-0.150				-0.150	

2018-19 to 2021-22 New Saving Proposals

Proposal Note: savings are shown as a negative figure	Further information about the proposal	Saving 2018-19 £m	Saving 2019- 20 £m	Saving 2020- 21 £m	Saving 2021- 22 £m	Total 2018- 22 £m	Risk Assessment
	volumes. In 2015/16 the Partnership achieved Norfolk's highest ever recycling rate of 45.8%.						

EDT Committee

Item No.

Report title:	Norwich Western Link update
Date of meeting:	20 October 2017
Responsible Chief Officer:	Tom McCabe – Executive Director, Community and Environmental Services
Strategic impact The County Council, at its meeting in December 2016, agreed a motion setting out that the 'Council recognises the vital importance of improving our transport infrastructure and that this will help to deliver the new jobs and economic growth that is needed in the years ahead.' In addition the motion set out that the 'Council also recognises the importance of giving a clear message of its infrastructure priorities to the government and its agencies, and so ensure that there is universal recognition of their importance to the people of Norfolk.' Three projects were identified as priorities for the coming years and the Norwich Western Link is one of these.	

Executive summary

This report sets out an update on the progress to date for the Norwich Western Link (NWL) project and the work undertaken since 2016.

There are a number of factors that have been and will continue to be considered as the project moves forwards. These include the opening of the NDR, the A47 dual carriageway proposal between Easton and North Tuddenham, the development of the Food Enterprise Zone (FEZ) at Easton, and the Local Plan Review.

Engagement has been ongoing with the communities in the Norwich Western Quadrant to seek their views and opinions on a NWL. This has provided positive feedback regarding their general concerns, particularly taking account of the wider changes that are emerging (NDR, A47 dualling, FEZ, etc). In these meetings a range of high-level and specific objectives have been discussed.

Modelling work has been completed to provide an indicative assessment of a possible dual or single carriageway NWL. This work has been based on an assumed alignment (which should not be taken to be a preferred solution). The economic appraisal of the options, assuming an indicative dual carriageway over large bridge structures to cross the Wensum Valley, provide a high value for money (vfm) rating (using Department for Transport guidance). A tunnel solution has also been assessed, but was found to provide low vfm. It is important to note that these outputs are based on initial appraisal work to assist decision making as to whether or not to continue with a NWL project.

Based on the indicative structures used for the work to date, feedback from the statutory environmental bodies has helped to further establish the possibility of a NWL. There are still a number of factors identified that the project will need to take into account.

If agreed by Committee, this report sets out the next steps in developing the NWL project further, including the range of further scheme development, technical and environmental work and consultation to be completed during 2018. This will move the project towards a decision on the options for a preferred route/solution for Committee to consider.

Recommendations:

- 1. Members are asked to note and comment on the progress of the project.**
- 2. Members are asked to agree whether to continue the project, with funding provided for the next stages of the project for a further year to the end of 2018, as set out in section 3 of this report.**

3. **Members are asked to agree the scope of further work to the end of 2018 as set out in Appendix B. The funding of this work would come from a bid to the Pooled Business Rates fund, with match funding allocated from the remaining A47 reserve budget.**
4. **If the Pooled Business Rate funding is not confirmed, Members are asked to delegate authority to consider alternative funding strategies to the Executive Director of Community and Environmental Services in consultation with the Chair/Vice Chair of EDT and Executive Director of Finance and Commercial Services, or to a review of the delivery timescales of the project to align with the available budget.**

1. Proposal

1.1. Norwich Western Link

A report was presented to EDT Committee in July 2016 setting out initial work to assess options and next steps for the project.

- 1.2. The report outlined a range of work to be completed during the remainder of 2016 and first half of 2017 to further develop the case for the Western Link. It suggested providing a review having completed this before further work is progressed – this latest Committee report provides that review and discusses implications of other factors that will impact the project.

- 1.3. The latest technical report from WSP (formerly Mouchel) is available here: <https://www.norfolk.gov.uk/-/media/norfolk/downloads/roads-and-transport/roads/norwich-western-link-technical-report-october-2017.pdf>

The report set out the range of work completed since the last committee report in 2016.

2. Project Progress

- 2.1. A Member working Group has been overseeing the work being undertaken and has reported to Committee on a regular basis. The key project activities being delivered by WSP have been discussed, as well as other project details including the A47 dual carriageway proposals between Easton and North Tuddenham and the Local Development Order for the proposed Food Hub at Easton.

2.2. A47DualCarriagewayproposals(EastontoNorthTuddenham)

Highways England (HE) has recently (14 August) made their preferred route announcements for this project. The alignment broadly follows the existing A47 single carriageway alignment, but moves the road slightly north as it passes Honingham and slightly south as it passes Hockering, crossing the old A47 at a point between Sandy Lane and Wood Lane. This alignment has the potential advantage of retaining much of the existing local road network, which should therefore minimise the impact of the project during construction. At this time the junction strategy has not been provided and this is to be developed as part of the detailed design work which will be consulted during 2018. More details can be seen via this [link](#).

- 2.3. It is therefore still unclear what impact the A47 dual carriageway project will have on the Western Link, however it is becoming more defined and the preferred route alignment does retain the connectivity due to its location on the north side of the existing A47 between Easton and Honingham. Further work by HE is ongoing to develop the junction strategy and this will also provide further key information for the Western Link project. It is clearly significant, and NCC will

continue to work closely with HE as these details are developed.

2.4. **FoodEnterpriseZone**

Broadland District Council (BDC) has progressed a Local Development Order to help facilitate a Food Enterprise Zone (FEZ). The FEZ is located to the west of Easton village and just south of the existing A47. FEZ's are a government initiative introduced by the Dept for Food, Environment and Rural Affairs (DEFRA), with the aim to:

- Enhance rural development through the growth of food businesses in a particular location, be it producers, processors, retailers and/or manufacturers.
- Encourage greater collaboration between food and farming businesses, and even encourage links to research and education institutions, in order to develop the domestic food and farming sector.
- Allow local decision making, particularly for planning and development.
- Attract inward investment.

2.5. The LDO is being progressed to provide planning permission and allow greater flexibility for new business-related development to locate within the site. The proposed LDO was considered at BDC's Cabinet meeting on 23 May 2017, where it was agreed to be adopted subject to the outcome of a Screening Direction from the Secretary of State and a Section 106 obligation. At the time of writing this report, the LDO was still to be confirmed, however it is understood that this is now close following resolution of the Screening Direction process.

2.6. **NorwichWesternLink**

Since the last report to Committee in July 2016, WSP have reviewed available evidence, engaged with local Parish Councils and met with statutory environmental bodies to consider:

- The need for transport intervention in the western quadrant of Norwich;
- The case for a Western Link, including a review of previously identified issues and objectives;
- Local considerations that could influence the project including the NDR and associated mitigation measures, Highways England's plans to dual the A47 between Easton and North Tuddenham, environmental designations and the development of Local Plan;
- The possible options to progress; and
- How any assessment could be taken forward.

2.7. The WSP technical report sets out a range of work completed to assess the case for a Western Link project. Details are summarised and discussed below.

2.8. **Requirements for an intervention**

The delivery of the NDR will significantly change the way the existing road network is used. It is currently in construction and a key test of the need for an intervention such as the Western Link will be, in part, dependent on what happens to traffic movements once the NDR is opened. Feedback from communities within the western quadrant is that they are concerned about the impact of the NDR and that it will make their existing problems and quality of life worse. A Western Link is seen as an important intervention to remove these concerns. It is an important point to note however that the impact of the NDR will need to be based on actual monitored data, which will not be available until after a period of traffic redistribution following the opening of the new road.

In addition, as discussed above, since the approval of the NDR and its construction, we have seen the confirmation of significant improvements to the A47, notably the dualling of the section from Easton to North Tuddenham.

Further, also since the NDR confirmation, the delivery of a Local Development

Order to enable the construction of a Food Enterprise Zone just west of Easton is expected.

The early stages of the Local Plan Review process has also started and this will consider the likely options for housing and employment growth beyond the current plan period, to 2036.

2.9. Project objectives

A range of objectives have been developed to align with the current strategic objectives presented in national, regional, and local policy and associated guidance. It is considered that the objectives reflect the issues and opportunities identified within the WSP reports, in addition to the wider objectives of the New Anglia Local Enterprise Partnership, supporting the principal aim to deliver a modern and efficient transport system.

The following high-level objectives have therefore been discussed with the local communities:

- Support sustainable housing growth in the western quadrant
- Improve the quality of life for local communities
- Support economic growth
- Protect and enhance the natural environment
- Improve strategic connectivity with the national road network

In addition, a range of specific objectives have been developed and discussed at meetings with the local communities. These will also continue to develop, but they provide a further basis for assessing the project options and alternatives.

- 2.10. Ultimately any scheme will need to be developed to achieve these objectives, and contribute to the desired outcomes. Clearly at this stage, the final definition of scheme objectives and outcomes would still be subject to extensive stakeholder and public consultation. This further engagement would also need to establish support for the scheme. Subject to the scheme continuing to be developed, the scheme that is best able to deliver the objectives and give high value for money should be pursued.

2.11. Modelling assumptions

In order to complete a high level evaluation of a possible NWL and its impact on the road network in the western quadrant, the previous NATS model has been used. The model and the input data is now dated (with much of it based on 2012), and the network in the western quadrant area was previously not as detailed as needed to assess the NWL. In view of this the model has been enhanced in the Norwich Western Quadrant to enable more robust outputs from this latest work. However, it should be noted that there will still be a need to complete a more comprehensive update to the model for the project should it continue to further stages of development.

- 2.12. The modelled data has also used assumptions based on previous details for the NDR project. This will need to be updated following the completion of the NDR based on actual surveyed traffic movements. These surveys can only be completed after a period of traffic redistribution following the opening of the NDR.

- 2.13. The advent of the construction of the NDR, the (now) preferred route status for the A47 dual carriageway between Easton and North Tuddenham, and the emergence of the Easton Food Enterprise Zone Local Development Order have all had an input to the assumptions made for the project and the high level modelling completed and referred to in this report. The model outputs, for example, have assumed a dual carriageway has been completed for the A47.

Modelled scenarios

The modelling has considered various scenarios for the following future years

and the scenarios tested include planned housing growth, the FEZ and additional future housing growth from the emerging Local Plan.

For these different future years the following options were considered:

- No western link but A47 dualling
- Dual carriageway western link (with A47 dualling)
- Single carriageway western link (with A47 dualling)

Modelling outcomes

In summary, with no western link, the modelling has shown that with the increase in demand for travel, over time there is likely to be a significant decrease in network performance, with greater increases in queueing and delay caused by overcapacity junctions. This shows the highway network provides insufficient capacity to accommodate the potential level of growth without other interventions.

With all the western link options tested there is a decrease in queueing and delay and overcapacity at junctions, with the dual carriageway option for the NWL providing the greatest relief.

2.14. Assumed engineering solutions

In order to provide the basis for testing the viability of a NWL, some broad assumptions have been necessary. Firstly, a notional route alignment has been determined. It must be made clear that this is not a preferred solution and it has been developed to enable the completion of a sufficiently robust assessment process. The alignment selected is broadly in keeping with one that is in the middle of the range of possible options first considered in the 2014 Committee report. Tests have been undertaken following this alignment for a dual carriageway and a single carriageway solution.

A second assumption for this alignment has been the type of structure. Diagrammatic solutions for a viaduct (bridge) and tunnel have been considered. These options were developed in part to take account of previous discussions with the statutory environmental organisations – Environment Agency (EA) and Natural England (NE) – and they have enabled further more recent discussions with them. The various structure types have also enabled indicative costs to be developed based on these structure types.

It is also assumed that the A47 dual carriageway project between Easton and North Tuddenham currently being progressed by Highways England has been completed ahead of the NWL. This is on the basis that this is a listed project in the current HE Road Investment Strategy programme and following recent publication of a preferred route alignment (August 2017) and HE's suggested construction start date of 2020.

2.15. Feedback from Environmental Bodies

Further discussions with NE and EA have highlighted specific points they saw as positive contributions to the design:

- It was acknowledged that there was no construction upon the river banks which was a key concern from previous consultation;
- It was welcomed that the embankments and bankseats are not within the floodplain; and
- A significant soffit height of the bridge above the watercourse would reduce the degree of shading that is encountered.

The meetings also highlighted a range of other issues to be addressed:

- Concerns about the potential effects of the tunnel option upon groundwater flow which could compromise the Water Framework Directive objective for the groundwater body. This could become a 'showstopper' for this option;
- Highway runoff is likely to require a high degree of treatment to both remove common highway pollutants, but also to provide adequate emergency provision;
- It was queried whether salt spray could result in an impact upon the Wensum and this will require additional assessment;
- Smaller, thinner piers are preferable from the perspective of flood water attenuation and this should be considered as the design progresses;
- Greater information on the construction process should be included in any future optioneering;
- A significant number of species surveys are likely to be required in order to provide sufficient information to inform the assessments; and
- Opportunities for environmental enhancement should be sought.

In summary, both the EA and NE were supportive of the progress that had been made with the proposals since consultation in 2016, although continued liaison during the adoption of a preferred alignment is recommended.

2.16. Economic Assessment

Based on details from the modelling completed and the assumed NWL alignment, types of structure and assumption of a connection to a dual carriageway A47, there are overall project benefits that are within the High value for money, based on the DfT assessment criteria.

It should be noted that these are high level assessments at this stage, with project costs allowances that provide for a significant structure crossing the Wensum Valley.

2.17. NextStepsforNWL

Following completion of the initial work by WSP, there is a case for the continuation of the project, assessing options in more detail against the emerging transport strategy, in particular against the project objectives. It should be noted that the work completed to date is at a high level and the next stages will continue to refine the detail further with the intention of developing options for consultation, ultimately to arrive at a decision for a preferred option or package of options.

- 2.18. A stakeholder engagement proposal is included at Appendix A and this sets out the next steps for the project over the next year. This aligns with the proposed work to be undertaken to complete further technical assessment for the project. In summary, the key engagement will include a consultation during the Spring/Summer 2018 to seek feedback overall on the support for a NWL, and asking for feedback on options that should be considered. Later in 2018, having completed further technical assessment, it is proposed to develop a shortlist of options for consultation to enable a decision regarding a preferred route/solution.
- 2.19. It should be noted that any technical work being undertaken regarding options appraisal will need to take account of observed traffic data following the opening of the NDR, therefore timescales will need to be developed taking this into account. If there are significant changes to the suggested timescales for the delivery of the project, these will be discussed at regular intervals with the Member Group and further reports will be brought to Committee.
- 2.20. The next steps for the project are set out in the table at Appendix B and it is

recommended that an update report is brought back to Committee late in 2018 to agree whether to continue the project and to also review and agree options for consultation to determine a preferred route/solution.

3. Financial Implications

3.1. Norwich Western Link

The latest update report by WSP has established a notional scheme that provides for a significant viaduct crossing the Wensum Valley. This has an indicative cost of around £160m (based on the present value of cost used in the value for money (vfm) analysis) and the vfm assessment has been based on this figure and on a notional alignment of possible road link between the A1067 and A47. The assessment still provides a high value for money output.

3.2. However, there is further work to complete to develop a solution and possible route. This is the work required as part of the next steps, and this needs to also include further work to assess the level of support for a possible link or other solutions that may meet the scheme objectives. The work completed does provide sufficient confidence that there is a case to continue with the delivery of the project.

3.3. The recommendation is for Committee to agree further work to move the project towards a more detailed range of options for consultation. This will provide for an informed decision making position for the project to continue to a next stage of developing a preferred route/solution and the development of a more detailed Outline Business Case.

3.4. The cost of the next stage, to the end of 2018, is estimated at £1m. At present there is no allocated funding to undertake this work. A funding bid has been submitted to the Pooled Business Rates fund for £0.5m and this requires match funding. The match funding could be provided by making use of the remaining A47 reserve. To date approximately £450k of this reserve has been used towards the NWL project, leaving £550k which is currently unallocated and therefore would be best used to match fund the Pooled Business Rates funding, if this bid is successful. An approximate breakdown of costs is provided in Appendix B, with approximately £300k in the remainder of 2017/18, and £700k in 2018/19.

3.5. It is expected that the Pooled Business Rates funding bid announcements will be confirmed during October 2017. However, if this bid is unsuccessful, there will be a need to fund this shortfall. If this occurs, it is recommended that Committee agree to delegate authority to consider alternative funding strategies to the Executive Director of Community and Environmental Services in consultation with the Chair/Vice Chair and Executive Director of Finance and Commercial Services, or to a review of the delivery timescales of the project to align with the available budget.

3.6. Funding options for the construction of the final scheme are still being developed, and it is too early in the delivery process to provide confirmation of a preferred funding solution. It is therefore recommended that this remains part of the scheme development process and funding is identified for each stage as the project moves forwards. Initially, funding has been set out for the next phase in para 3.4 above, and further bids are likely to be made to the Local Growth Fund (managed by the New Anglia LEP) for future scheme development.

4. Issues, risks and innovation

4.1. Robust risk management arrangements are being developed for the Norwich Western Link for the next stages of work for the project. These arrangements

will be similar to those developed and set out in the Outline Business Case provided for the Great Yarmouth 3rd River Crossing project, following good practice methodologies for project management.

4.2. Project governance

Assuming there is agreement by Committee to continue with the project, there is a need to provide good project governance to oversee the next stages of delivery, ensuring key decisions are made via a project board and the allocated budgets are managed. A dedicated Project Manager will be essential to this, to ensure the project is being delivered to programme and budget and that the relevant resources are being engaged and managed accordingly and all issues, including risks, and general progress are reported to the Board. It is also expected that the project Member Group will continue to meet and will be informed and updated by the Project Manager and the Board.

4.3. Key Project Risks

The Norwich Western Link project is following behind the A47 Easton to North Tuddenham proposals. It will therefore remain important for the project team to continue to work closely with Highways England to ensure the implications of this scheme are considered.

- 4.4. In addition, the opening of the NDR will need to be closely monitored as this will have a significant impact on the assumptions made currently in the modelling. This will need to be informed by actual observed traffic movements following the opening of the NDR early in 2018.
- 4.5. The development of the Easton Food Enterprise Zone (FEZ) will also need to be closely monitored to assess the scope of its impact and influence as the NWL proposals and options are developed. The FEZ will also influence the A47 proposals and this will also need to be monitored as part of working with Highways England as they develop their route alignment and junction strategy for the A47.
- 4.6. The initial work with the statutory environmental bodies has provided important initial feedback to assist the project development. There will be a need to continue this engagement to ensure any options meet the objectives, but also minimise impacts to the environment, particularly taking account of the points already made in discussion with Environment Agency and Natural England (see para 2.15 above).
- 4.7. There will be a need to update the traffic model and complete more detailed work to assess the environmental impacts of any options as they develop. The modelling will need to take account of the monitored traffic flows and network impacts following the opening of the NDR, and will also need to model the impacts of the A47 dualling (and any modelling work and data used by Highways England), Easton FEZ and any emerging growth locations as part of the Local Plan Review.

5. **Background**

5.1. Links to previous committee reports:

- EDT Committee 18 September 2014 – Follow this [link](#) (see item 11, page 28)
- EDT Committee 8 July 2016 – Follow this [link](#) (see item 9, page 25)
- B&P Committee 8 September 2017 – Follow this [link](#) (see item 10)
- EDT Committee 15 September 2017 – Follow this [link](#) (item 15, page 98)

Links to Highways England preferred route announcement details:

- Easton to North Tuddenham via this [link](#)

Officer Contact

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

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

Norwich Western Link

Stakeholder Consultation and Engagement

The Norwich Distributor Road (NDR) is currently under construction and nearing completion, originally planned to link to the A47, the link from the A1067 and the A47 did not proceed because of concerns about its impact on the Wensum Valley. There has been sustained calls for the 'missing link' to be provided.

Consultation responses received during the formal Development Consent Order process, published January 2015, and continued to indicate support for the link to be completed. Of the 1492 responses received, a total of 349 (23% made specific comments regarding the need for a Norwich Western Link).

Norfolk County Council wish to work in partnership with all key stakeholders to develop, design and deliver a Norwich Western Link.

Throughout the project, it is vital for us to engage with key stakeholders. The objective of the consultation is to understand the potential issues that need to be overcome, in particular, the environmental impacts on the Wensum Valley. We wish to gather a wide range of views on the scheme objectives, the development of preferred route options, and the junction strategy.

Norfolk County Council wish to ensure stakeholders fully engaged throughout the project. The project team will use a range of communication methods and tools to reach the widest audience. Our key stakeholders include a number of groups including, but not exclusively:

- ✓ **Statutory Stakeholders**
 - Highways Agency
 - Natural England
- ✓ **Political Stakeholders**
 - MPs
 - Parish Councils
 - Member Working Group
 - Local Council Working Group
- ✓ **Business Stakeholders**
 - Major Businesses in Norfolk
 - Local Businesses within the study area
 - Landowners
- ✓ **Environmental Groups**
 - Wensum Valley Alliance
 - Friends of the Earth
- ✓ **Residents**

Key Stages of Stakeholder Engagement Strategic Communications Timetable

	Timeline	Activity/Output	Communication Method
Stage 1 – Initial Engagement	October 2017	Committee Report - Norwich Western Link recommendations	Website Social Media Media press release
	November 2017 to March 2018	Stakeholder Engagement <ul style="list-style-type: none"> - Stakeholder mapping - Wider initial stakeholder engagement - Preferred corridor development and engagement - Highways England preferred route junction announcements 	Develop and design prospectus for stakeholders Member Working Group meetings Local Working Group Meetings Stakeholder meetings Business events Environment Agency and Natural England Meetings
Stage 2 – High Level Public Consultation	May/June/July 2018	Public Consultation on <ul style="list-style-type: none"> - High Level Scheme Principals - Strategic Objectives - Alternative options 	Stakeholder Events Online questionnaire Drop in sessions Workshops Environmental Workshop
	August 2018	Consultation Analysis to feed into the Strategic Outline Business Case (SOBC)	
	October 2018	EDT Committee Report on Preferred Option assessment and appraisal work and Junction Strategy for public consultation.	Website Social Media Media press release

Stage 3 – Preferred Option Public Consultation	November/December 2018	Public Consultation on Preferred Options	Stakeholder Events Online questionnaire Drop in sessions Workshops Environmental Workshop
	January 2019	Consultation Analysis	
	February/March 2019	Preferred Option Announcement	Press release Stakeholder Meetings

Appendix B - Extract from WSP report

8 SUGGESTED NEXT STEPS

8.1 NEXT STEPS

The work undertaken indicates that there is need for intervention in the Norwich Western Quadrant and a NWL could provide a solution that delivers high value for money. There will be a need to update the evidence base once the impacts of the NNDR and associated mitigation measures are known and further details regarding the A47 dualling, the FEZ and the GNLP are confirmed. However, there is sufficient evidence to suggest that a case for a NWL should be progressed and that the work undertaken should focus on the development of a business case.

Given this context it is recommended that a staged approach is taken forward over the next 12 -14 month period.

- Phase A: Communications, Engagement and Governance (November 2017 to December 2018)
- Phase B: Option development and initial appraisal (December 2017 to July 2018)
- Phase C: Development of NWL business case (February 2018 to December 2018)

Each of these Phases are described in more detail below.

8.1.1 PHASE A: COMMUNICATIONS, ENGAGEMENT AND GOVERNANCE

This phase would establish a clear governance structure and enable effective consultation and engagement with key stakeholders.

Reference	Activity	Timescale	Cost	Scope
A1	Project Management & Governance	November 17 to December 18	£30k	<ul style="list-style-type: none">■ Establish NWL Project Board■ Ensure effective management and governance of project
A2	Communication & Engagement	November 17 to December 18	£120k	<ul style="list-style-type: none">■ Develop engagement strategy■ Continue to provide regular updates to Member Working Group and Local Steering Group■ Undertake meetings with key stakeholders■ Initial public engagement■ Produce stakeholder engagement report

8.1.2 PHASE B: OPTION DEVELOPMENT AND INITIAL APPRAISAL

This phase would review previously identified options and then develop and appraise a range of potential options and packages, and would set out future the proposed approach to appraise the options.

Reference	Activity	Timescale	Cost	Scope
B1	Corridor appraisal	November 17 to January 18	£20k	<ul style="list-style-type: none"><input type="checkbox"/> EAST approach to appraise the corridor<input type="checkbox"/> High-level review of economics, environment, geotech, land, planning and engineering<input type="checkbox"/> Identify preferred corridor
B2	Option generation	January 18 to March 18	£30k	<ul style="list-style-type: none">■ Detailed review of previously identified alignments within preferred corridor■ Generate options and alignments within identified corridor

B3	Transport Strategy	November 17 to July 18	£30k	<input type="checkbox"/> Engage with stakeholders to progress <input type="checkbox"/> Develop strategy document
B4	Option development and initial appraisal	February 18 to July 18	£70k	<ul style="list-style-type: none"> Develop options reflecting likely range of routes, scheme types, alternatives, junctions etc Undertake viability and feasibility considerations against agreed criteria Identify best performing options using available information Prepare options assessment report
B5	Appraisal specification	January 18 to July 18	£50k	<ul style="list-style-type: none"> Prepare appraisal specification report

8.1.3 PHASE C: DEVELOPMENT OF NWL BUSINESS CASE

This phase would develop the business case for a NWL.

Reference	Activity	Timescale	Cost	Scope
C1	High-level SOBC	March 18 to August 18	£100k	<ul style="list-style-type: none"> Produce high-level SOBC document
C2	Design progress	February 18 to November 18	£100k	<ul style="list-style-type: none"> Progress initial design options Develop design strategy for NMU, Drainage, Landscape, Highways and Structures, Geotechnical Review land ownership for options Initial architectural involvement Explore innovative options Urban design review Prepare visuals
C3	Environmental assessment	February 18 to November 18	£150k	<ul style="list-style-type: none"> Desk-top assessments Scoping of surveys Collation of available information
C4	Traffic modelling and economic appraisal	April 18 to December 18	£150k	<ul style="list-style-type: none"> Confirm traffic survey requirements Commission data collection Update and review modelling Update economic appraisal
C5	Costs and Risk	April 18 to October 18	£25k	<ul style="list-style-type: none"> Update costs based on options Update risk register and QRA
C6	Enhanced SOBC / OBC light	August 18 to December 18	£25k	<ul style="list-style-type: none"> Update the SOBC with revised information Produce enhanced SOBC

Environment, Development and Transport Committee

Item No.

Report title:	Risk Management
Date of meeting:	20 October 2017
Responsible Chief Officer:	Tom McCabe, Executive Director, Community and Environmental Services
Strategic impact One of the Environment, Development, and Transport (EDT) Committee's roles is to consider the risk management of EDT's risks. Assurance on the effectiveness of risk management and the EDT departmental risk register helps the Committee undertake some of its key responsibilities. Risk management contributes to achieving departmental objectives, and is a key part of the performance management framework.	

Executive summary

This report provides the Committee with information from the latest EDT risk register as at October 2017, following the latest review conducted in September 2017. The reporting of risk is aligned with, and complements, the Performance and Financial reporting to the Committee.

Recommendations:

Members are asked to consider:

- a) the changes to the risks reported by exception (in paragraph 2.2 and Appendix A), and other departmental risks (in Appendix E);
- b) whether the recommended mitigating actions identified in Appendix A are appropriate, or whether Risk Management improvement actions are required (as per Appendix C);
- c) the definitions of risk appetite and tolerance in Appendix D.

1. Proposal

- 1.1 The Community and Environmental Services (CES) Departmental Management Team (DMT) has been engaged in the preparation of the EDT risk register.
- 1.2 The risks presented in **Appendix A** are the risks that are reported by exception, where there is a score of 12 or more (out of 25), and where the prospects of meeting the target score is judged to be at either red or amber. **Appendix E** shows a summary of all of the corporate and departmental level risks for the department. A note of the criteria used to determine which risks sit at which level can be located at section 5 of this report. It is proposed that these current risks continue to be reported to Committee in Appendices A and E until mitigated to the appropriate level.

2. Evidence

- 2.1. The EDT Committee risk data detailed in this report reflects those key business risks that are managed by the Community and Environmental Services Departmental Management Team, and Senior Management Teams of the

services that report to the Committee including amongst others Planning and Economy, and Highways. Key business risks materialising could potentially result in a service failing to achieve one or more of its key objectives and/or suffer a financial loss or reputational damage. The EDT risk register is a dynamic document that is regularly reviewed and updated in accordance with the Council's Risk Management Framework. The current risks are those linked to departmental objectives.

- 2.2. The Exceptions Report, in **Appendix A**, 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. There are currently two risks that meets this criteria, as seen in this appendix.

- 1) RM14248 - Failure to construct and deliver Norwich Northern Distributor Route (NDR) within agreed budget (£179.5m).
- 2) RM14231 - Increase in the amount of left over waste collected by local authorities.

A reconciliation of risks since the last June 2017 Committee report can be located in **Appendix B**.

- 2.3. To assist Members with considering whether the recommended actions identified in this report are appropriate, or whether another course of action is required, a list of such possible actions, suggested prompts and challenges are presented for information and convenience in **Appendix C**.
- 2.4. One of the two risks (RM14248) reported by exception in Appendix A appears on the corporate risk register as it is of corporate significance. Definitions of the different categories of risks can be found in **Appendix D**.
- 2.5. The EDT risk register contains eight departmental level risks (inclusive of RM14248 also reported at corporate level). **Appendix E** provides the Committee members with a summary of the corporate and departmental level risks on the EDT risk register.
- 2.6. Of the eight departmental risks, two risks have a green prospects score of meeting the target score by the target date, five have an amber prospects score, and one has a red prospects score. Please see Note 1 for details of Prospects scoring.
- 2.7. The risk that has been identified as having 'prospects of meeting the target score by the target date' as red is RM14248, 'Failure to construct and deliver Norwich Northern Distributor Route (NDR) within agreed budget (£179.5m)' in Appendix A. There are risks around the cost of NDR construction, which were highlighted in the last Risk Management report to EDT Committee in June 2017. The NCC team continue to work with the main contractor Balfour Beatty to review costs. There remains a strong focus on delivering the project as quickly as possible, to reduce overall costs and to minimise risks. With any project of this size and complexity there are a number of risks that could impact on the cost of delivery. The project team will continue actively monitoring and managing the risks associated with the NDR.

3. Financial Implications

- 3.1. There are potential financial implications arising from RM14248, relating to the NDR, as set out in the report.

4. Background

- 4.1. Background information regarding risk scoring and definitions can be found in **Appendix D.**

Officer Contact

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

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

Note 1:

The prospects of meeting target scores by the target dates are a reflection of how well the risk owners consider that the mitigation tasks are controlling the risk. It is an early indication that additional resources and tasks or escalation may be required to ensure that the risk can meet the target score by the target date. The position is visually displayed for ease in the “Prospects of meeting the target score by the target date” column as follows:

- Green – the mitigation tasks are on schedule and the risk owner considers that the target score is achievable by the target date.
- Amber – one or more of the mitigation tasks are falling behind and there are some concerns that the target score may not be achievable by the target date unless the shortcomings are addressed.
- Red – significant mitigation tasks are falling behind and there are serious concerns that the target score will not be achieved by the target date and the shortcomings must be addressed and/or new tasks introduced.

Risk Number	RM14248					Date of update		29 August 2017		
Risk Name	Failure to construct and deliver the Norwich Northern Distributor Route (NDR) within agreed budget (£179.5m)									
Risk Owner	Tom McCabe					Date entered on risk register		26 November 2015		
Risk Description										
There is a risk that the NDR will not be constructed and delivered within budget. Cause: environmental and/or contractor factors affecting construction progress. Event: The NDR is completed at a cost greater than the agreed budget. Effect: Failure to construct and deliver the NDR within budget would result in the shortfall having to be met from other budgets. This would impact on other NCC programmes.										
Original			Current			Tolerance 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	5	25	5	5	25	Mar-18	Red
Tasks to mitigate the risk										
The total project budget agreed by Full Council (November 2015) is £179.5m. Since then, November 2016, a risk of £6.8m increased budget was highlighted. In June 2017, this valuation and risk has increased. The new assessment reflects the corporate assessment criteria (i.e. 5 x 5) and was agreed at June Committee. Mitigation measures now reflect the revised position.										
1) Project Board and associated governance to continue to monitor cost and programme at monthly reporting meeting.										
2) NCC project team to include increased commercial resource to provide scrutiny throughout the remaining works by Balfour Beatty. This will include an independent audit of Balfour Beatty's project costs.										
3) Programme to be developed that shows works to be completed as rapidly and efficiently as possible.										
4) Project controls and client team to ensure systems in place to deliver the project and prepare for any contractual issues to be robustly handled as works are completed and final account process closed.										
5) All opportunities to be explored to reduce risk and programme duration with appropriate management meetings (at appropriate levels) to be held.										
6) Provide further assurance of budget management governance through appropriate audits and further specialist advice.										
7) Seek further contract/legal advice on key contract cost risks as necessary (linked to item 4 above).										
Overall risk treatment: Reduce, with a focus on reducing project costs										
Progress update										
1) The project Board is in place and monthly reporting on progress, cost and risk is being provided to the Board. Process will also include updates and feedback from the NDR Member Group who are providing additional project scrutiny.										
2) The project commercial team has been reinforced to provide increased scrutiny throughout the remaining works. This includes a planned review by external specialists to examine Balfour Beatty's project costs to date. Further resource or specialist advice to be discussed at Board meetings.										
3) Contractor has been asked to develop a programme demonstrating the activities necessary to complete all the remaining works. Expected to provide details of the planned phased opening of the NDR (in up to 3 stages). Board and NDR Member Group to be provided with details.										
4) Project administration controls and client commercial team are reinforcing systems and staffing levels to monitor ongoing costs and contract information. The specialist review of allowable costs will provide input to any further cost management requirements. Contract administration will continue to be managed through CEMAR software package. Project cost										

Progress update

forecasting also to be updated in line with programme (see 3 above).

5) Regular construction meetings held to ensure delivery maintains momentum on site. Further meetings being held between respective commercial teams to deal with closing out necessary contract changes and programme management. Senior management meetings are also being held to discuss the commercial position and find ways of reducing costs. Details to be reported to Board and new NDR Member Group.

Ongoing analysis by the Projects Support Manager assigned to the NDR project will provide additional detailed assessment of project cost issues.

6) A governance (delegated purchasing of land) audit and a contract variations audit are being carried out. The governance audit has been carried out, with the report to follow, and the audit of contract variations is due to start imminently. Further cost analysis by specialist consultants is also planned to commence at the end of August 2017.

7) Specialist contract advice has been requested to deal with specific project issues. The scope of this is under review and may increase. Decisions on this will be discussed at Board and with the Member Group.

Risk Number	RM14231					Date of update		24 August 2017		
Risk Name	Increase in the amount of left over waste collected by local authorities.									
Risk Owner	Tracy Jessop					Date entered on risk register		01 April 2007		
Risk Description										
The risk is that the amount of waste exceeds the budget provision in 2017/18 of £23.190m. Increases above projected tonnages would lead to additional costs of around £110 per tonne, ie an additional 1,000t is a pressure of around £110,000 and a 2.5% increase is around £580,000. An increase could be caused by any combination of factors such as increases in household numbers, change in legislation, or export related issues, economic growth, weather patterns, a collapse in the recycling markets or an unexpected change in unit costs.										
Original			Current			Tolerance 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	3	4	12	1	4	4	Mar-18	Amber
Tasks to mitigate the risk										
Work effectively with the Norfolk Waste Partnership on waste initiatives. Reduce the amount of overall waste each household generates, eg campaigns such as Love Food Hate Waste, Plan Eat Save, reusable nappies, and effective use of re-use networks such as for furniture. Improving recycling performance, including improved capture rates for collections for dry recyclables and food waste, and improved performance of Recycling Centres. Lowering the unit costs of providing services, eg through procurement, contract negotiations, contract management and optimising use of existing arrangements. Ensuring we pass on costs effectively where possible, eg recharging for trade waste. Driving waste out of the system, eg waste reduction such as home composting or campaigns against fly tipping.										
Progress update										
Even though Q1 data is incomplete the risk rating is amber as: 1 The outturn tonnage for 2016/17 was 1,000t higher than had been projected. 2. District Councils are not delivering pilot scale changes in 2017/18 as had been expected. 3. £150,000 base budget reduction in 2017/18. The 2017/18 budget was based on 216,000t which allowed for around 1,000t growth linked to increasing household numbers - but this contingency is now removed as the final outturn for 2016/17 was actually 216,000t and not 215,000t as had been previously estimated due to a late surge in volumes after the budget had been set. Pilot scale changes to some district council collection services which could have generated a reduction in residual waste in 2017/18 will not occur as had been expected. However a programme of communications activities for 2017/18 was approved by the Norfolk Waste Partnership on 20 June and a £50k grant secured by the Partnership from Sainsbury's to support waste reduction focused on food waste.										

Appendix B – Risk Reconciliation Report

1. Significant changes* to the EDT departmental risk register since the last Environment, Development, and Transport (EDT) Committee Risk Management report was presented in June 2017.

Since the last Environment, Development, and Transport (EDT) Committee Risk Management report was presented in June 2017, there have been changes to risks. For information, please find the full list of changes below as follows;

Risk Closures

There has been one risk closure since the June 2017 Committee:

RM14242 - Failure to meet Lafarge Tarmac (LT) contract requirements as result of slow implementation of new HMS.

This scope of this risk has significantly changed, so has been closed and replaced with RM14292 (see below).

New Risks

There has been one new risk since the June 2017 Committee:

RM14292 - Failure to development test and implement the Accounts Payable (AP) interface following the replacement of the HMS system.

This risk has been opened to replace RM14292 (see above).

Changes to Risk Scores

There have been three changes to risk scores since the June 2017 Committee:

RM14248 - Failure to construct and deliver the Norwich Northern Distributor Route (NDR) within agreed budget (£179.5m)

Following the June 2017 EDT Committee meeting, this risk has been increased from 12 to 25. The target score has also been increased from 4 to 25.

RM14231 - Increase in the amount of left over waste collected by local authorities.

Having further scrutinised the financial impact of this risk, this risk has been lowered from 15 to 12 (impact lowered from 5 to 4). The target score for this risk has also been lowered from 5 to 4 (impact lowered from 5 to 4).

Changes to Reporting

There has been one significant change to report:

RM14250 - Infrastructure is not delivered at the required rate to support existing needs and the planned growth of Norfolk

This risk is now being reported to the Business and Property Committee.

* A significant change can be defined as any of the following;

- A new risk
- A closed risk
- A change to the risk score
- A change to the risk title, description or mitigations (where significantly altered).

Risk management discussions and actions

Reflecting good risk management practice, there are some helpful prompts that can help scrutinise risk, and guide future actions. These are set out below.

Suggested prompts for risk management improvement discussion

In reviewing the risks that have met the exception reporting criteria and so included in this report, there are a number of risk management improvement questions that can be worked through to aid the discussion, as below:

1. Why are we not meeting our target risk score?
2. What is the impact of not meeting our target risk score?
3. What progress with risk mitigation is predicted?
4. How can progress with risk mitigation be improved?
5. When will progress be back on track?
6. What can we learn for the future?

In doing so, committee members are asked to consider the actions that have been identified by the risk owner and reviewer.

Risk Management improvement – suggested actions

A standard list of suggested actions have been developed. This provides members with options for next steps where reported risk management scores or progress require follow-up and additional work.

All actions, whether from this list or not, will be followed up and reported back to the committee.

Suggested follow-up actions

	Action	Description
1	Approve actions	Approve recommended actions identified in the exception reporting and set a date for reporting back to the committee
2	Identify alternative/additional actions	Identify alternative/additional actions to those recommended in the exception reporting and set a date for reporting back to the committee
3	Refer to Departmental Management Team	DMT to work through the risk management issues identified at the committee meeting and develop an action plan for improvement and report back to committee
4	Refer to committee task and finish group	Member-led task and finish group to work through the risk management issues identified at the committee meeting and develop an action plan for improvement and report back to committee
5	Refer to County Leadership Team	Identify key actions for risk management improvement and refer to CLT for action
6	Refer to Policy and Resources Committee	Identify key actions for risk management improvement that have whole Council 'Corporate risk' implications and refer them to the Policy and Resources committee for action.

Appendix D – Background Information

A **corporate risk** is one that requires:

- strong management at a corporate level, thus the County Leadership Team should direct any action to be taken.
- input or responsibility from more than one Executive Director for mitigating tasks; and if not managed appropriately, it could potentially result in the County Council failing to achieve one or more of its key objectives and/or suffer a significant financial loss or reputational damage.

A **departmental risk** is one that requires:

- strong management at a departmental level thus the Departmental Management Team should direct any action to be taken.
- appropriate management. If not managed appropriately, it could potentially result in the County Council failing to achieve one or more of its key departmental objectives and/or suffer a significant financial loss or reputational damage.

A **Service Risk** is one that requires:

- strong management at a service level, thus the Head of the Service should direct any action to be taken.
- input or responsibility from the Head of Service for mitigating tasks; if not managed appropriately, it could potentially result in the County Council failing to achieve one or more of its key service objectives and/or suffer a significant financial loss or reputational damage.

Each risk score is expressed as a multiple of the impact and the likelihood of the event occurring.

- Original risk score – the level of risk exposure before any action is taken to reduce the risk
- Current risk score – the level of risk exposure at the time the risk is reviewed by the risk owner, taking into consideration the progress of the mitigation tasks
- Target risk score – the level of risk exposure that we are prepared to tolerate following completion of all the mitigation tasks. This can be seen as the risk appetite.

Risk Appetite

Risk Appetite is strategic and directly related to the achievement of the Council's objectives, including the allocation of resources. The risk appetite set by each Committee explicitly articulates the attitudes to and boundaries of risk that the Committee expects Executive Directors to take.

Risk Tolerance

Risk Tolerance is the tactical and operational boundaries and values which enable the Council to control its risk appetite in line with the organisational strategic objectives.

Norfolk County Council, Appendix E - EDT Risk Register Summary												
Risk Register Name:		Appendix E - EDT Risk Register Summary									Red	⬇️ Worsening
Prepared by:		Thomas Osborne									Amber	↔️ Static
Date updated:		September 2017									Green	⬆️ Improving
Next update due:		December 2017									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 the Target Risk Score by the Target Date	Change in Prospects of meeting the Target Risk Score by the Target Date	Risk Owner
Corporate & Departmental	RM14248	Failure to construct and deliver Norwich Northern Distributor Route (NDR) within agreed budget (£179.5m)	There is a risk that the NDR will not be constructed and delivered within budget. Cause: environmental and/or contractor factors affecting construction progress. Event: The NDR is completed at a cost greater than the agreed budget. Effect: Failure to construct and deliver the NDR within budget would result in the shortfall having to be met from other budgets. This would impact on other NCC programmes.	5	5	25	5	5	25	Red	↔️	Tom McCabe
Planning and Economy	RM14231	Increase in the amount of left over waste collected by local authorities.	The risk is that the amount of waste exceeds the budget provision in 2017/18 of £23.190m. Increases above projected tonnages would lead to additional costs of around £110 per tonne, ie an additional 1,000t is a pressure of around £110,000 and a 2.5% increase is around £580,000. An increase could be caused by any combination of factors such as increases in household numbers, change in legislation, or export related issues, economic growth, weather patterns, a collapse in the recycling markets or an unexpected change in unit costs.	3	4	12	1	4	4	Amber	⬇️	Tracy Jessop
Planning and Economy	RM14202	Insufficient drainage controls in place as new development continues to take place increasing local flood risk on site or downstream.	The SUDS (Sustainable Drainage Systems) Approving Body role recommended by the Pitt Review and included in the Flood and Water Management Act 2010 has been abandoned. Flood risk controls on new development is to be continued through the planning process. The Local Lead Flooding Authority has been given a role as a statutory consultee but no funding to deliver this role. Without high levels of support, planning authority may continue to overlook flood risk in decision making.	3	3	9	2	2	4	Green	↔️	Nick Johnson
Planning and Economy	RM14203	The allocation and level of funding for flood risk mitigation does not reflect the need or priority of local flood risk within Norfolk.	There are 37,000 properties at risk from surface water flooding caused by intense rainfall within Norfolk. Historically funding for flood risk management has focused on traditional defence schemes to protect communities from the sea and rivers and not surface water flooding. There is a risk that funding continues to ignore properties at risk of surface water flooding. This is exacerbated by a reduction in the overall level of funding from government and governments requirement to seek local contributions for schemes to be successful.	3	3	9	1	4	4	Green	↔️	Nick Johnson
Planning and Economy	RM12031	Failure by any service provider to provide contracted services for disposal or treatment of waste	Would result in higher costs for alternative disposal and possible disruption to Waste Disposal Authority and Waste Collection Authority operations. If any service provider, i.e. a contractor, or Norse via an SLA, or another authority via an agreement is unable to provide a service for a significant period due to reasons such as planning, permitting, fuel or weather related issues, the Authority may have to use alternative existing contracts which may cost more and require tipping away payments to be made to the Waste Collection Authorities where they are exposed to additional costs for transporting waste significantly out of their area.	3	3	9	1	3	3	Green	↔️	Tracy Jessop
Highways	RM14292	Failure to development test and implement the Accounts Payable (AP) interface following the replacement of the HMS system.	There is a risk that payments to Tarmac will continue to be made via a manual process if the Accounts Payable interface allowing automatic payment is not fully tested and functioning. Cause: The Mayrise / Realtime AP interface. Event: Payment to Tarmac continues to be undertaken manually via CHAPS. Effect: continued risk of manual error in the payment process / inefficient payment methods.	3	2	6	2	2	4	Amber	⬇️	Nick Tupper
Highways	RM14050	Rising transport costs	Rising transport costs and changes to legislation (e.g. Bus Service Operators Grant and concessionary reimbursements) could lead to savings not being made on the local bus budgets	2	3	6	1	3	3	Green	↔️	Sean Asplin

EDT Committee

Item No.....

Report title:	Performance management
Date of meeting:	20 October 2017
Responsible Chief Officer:	Tom McCabe - Executive Director, Community and Environmental Services

Strategic impact

Robust performance 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 is the sixth performance management report to this committee that is based upon the revised Performance Management System, which was implemented as of 1 April 2016, and the committee's 13 vital signs indicators.

Details of the revised Performance Management System are available in the 11 March 2016 EDT Committee 'Performance monitoring and risk report' on the Norfolk County Council web site at <http://norfolkcc.cmis.uk.com/norfolkcc/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/421/Committee/18/Default.aspx>

Performance is reported on an exception basis using a report card format, meaning that only those vital signs that are performing poorly or where performance is deteriorating are presented to committee.

Of the 13 vital signs indicators that fall within the remit of this committee, three have met the exception criteria and so will be discussed in depth as part of the presentation of this report:

- Planning service – speed of determination.
- % of rural population able to access a market town or key employment location within 60 minutes by public transport.
- % of Local Wildlife Sites in positive management.

Technically a further measure complies with the exception reporting criteria (Winter gritting - % of actions completed within 3 hours) in that its last data point (March 2017) was red. Performance against this was covered in previous reports, nevertheless we will continue to monitor this as it becomes relevant through the winter months and report any off-target performance.

Recommendations:

1. Review and comment on the performance data, information and analysis presented in the vital sign report cards and determine whether the recommended actions identified are appropriate or whether another course of action is required (refer to list of possible actions in Appendix 1).

In support of this, Appendix 1 provides:

- A set of prompts for performance discussions
- Suggested options for further actions where the committee requires additional information or work to be undertaken

1. Introduction

- 1.1. This is the sixth performance management report to this committee that is based upon the revised Performance Management System, which was implemented as of 1 April 2016, and the committee's 13 vital signs indicators.

Previously there were 14 vs indicators reported to this committee, however one has been transferred from this committee's remit to the Digital Innovation and Efficiency committee, it being "% of Norfolk homes with superfast Broadband coverage".

- 1.2. This report contains:

- A Red/Amber/Green rated dashboard overview of performance across all 13 vital signs indicators
- Report cards for the vital signs that have met the exception reporting criteria.

- 1.3. The full list of vital signs indicators can be found at Appendix 2. The vital signs indicators are monitored during the year and are subject to review when processes are amended to improve performance, to ensure that the indicator correctly captures future performance.

- 1.4. The lead officers for those areas of performance that have been highlighted through the exception reporting process are available at this committee meeting to answer any specific questions Members may have about the services concerned. The report author is available to answer any questions that Members may have about the performance management framework and how it operates.

2. Performance dashboard

- 2.1. The performance dashboard provides a quick overview of Red/Amber/Green rated performance across all 13 vital signs. This then complements that exception reporting process and enables committee members to check that key performance issues are not being missed.

- 2.2. The current exception reporting criteria are as below:

- Performance is off-target (Red RAG rating or variance of 5% or more)
- Performance has deteriorated for three consecutive periods (months/quarters/years)
- Performance is adversely affecting the council's ability to achieve its budget
- Performance is adversely affecting one of the council's corporate risks.
- Performance is off-target (Amber RAG rating) and has remained at an Amber RAG rating for three periods (months/quarters/years)'.

2.3 Environment, Development & Transport Committee - Vital Signs Dashboard

NOTES:

In most cases the RAG colours are set as: Green being equal to or better than the target; Amber being within 5% (not percentage points) worse than the target; Red being more than 5% worse than target.
 'White' spaces denote that data will become available; 'grey' spaces denote that no data is currently expected, typically because the indicator is being finalised.
 The target value is that which relates to the latest measure period result in order to allow comparison against the RAG colours. A target may also exist for the current and/or future periods.

Monthly	Bigger or Smaller is better	Aug 16	Sep 16	Oct 16	Nov 16	Dec 16	Jan 17	Feb 17	Mar 17	Apr 17	May 17	Jun 17	Jul 17	Aug 17	Target
{PE} Percentage of bus services on time	Bigger	79.2%	80.5%	81.3%	80.4%	78.7%	83.7%	83.7%	83.7%	82.5%	82.7%	80.9%	80.7%		79.0%
									56691 / 67738	62282 / 75461	67046 / 81064	64727 / 80040	70669 / 87538		
{HW} Winter gritting - % of actions completed within 3 hours	Bigger				86.9%	91.2%	83.3%	90.1%	70.0%						100%
					392 / 451	448 / 491	1144 / 1374	326 / 362	14 / 20						
{HW} Street lighting - CO2 reduction (tonnes)	Smaller	692	830	1,019	1,129	1,213	1,176	960	881	692	591	498	554		602
{PE} Planning service - speed of determination	Bigger	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	91.7%	100.0%	100.0%	92.3%	66.7%			95.0%
								11 / 12	11 / 11	9 / 9	12 / 13	2 / 3			
{HW} Average journey speed during morning peak time	Bigger														Under Development
{FBP} Income and external funding successfully achieved as a % of overall revenue budget	Bigger	30.5%	29.2%	30.6%	29.9%	30.3%	34.4%	35.2%	30.5%	25.1%	27.2%	31.6%			25.1%
															668779 / 2902604
Quarterly / Termly	Bigger or Smaller is better	Sep 14	Dec 14	Mar 15	Jun 15	Sep 15	Dec 15	Mar 16	Jun 16	Sep 16	Dec 16	Mar 17	Jun 17	Sep 17	Target
{HW} % of planning applications agreed by Local Planning Authorities contrary to NCC recommendations regarding the highway	Smaller	23.5%	27.3%	19.0%	20.0%	16.7%	17.8%	20.4%	24.2%	22.9%	32.5%	24.0%	17.6%		22%
		4 / 17	6 / 22	4 / 21	6 / 30	4 / 24	8 / 45	11 / 54	16 / 66	11 / 48	13 / 40	12 / 50	6 / 34		
{PE} % of rural population able to access a market town or key employment location within 60 minutes by public transport	Bigger	75.0%	75.1%	75.5%	74.6%	74.1%	71.4%	71.4%	72.0%	72.0%	68.4%	69.6%	69.4%		75%
{PE} Kilograms of residual household waste per household per week	Smaller			10.4				10.0				10.0			10.1

Annual (financial / academic)	Bigger or Smaller is better	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	Target
{HW} Highway improvements for local communities – parish partnerships	Bigger											145	193	227	227
{CH} % of Local Wildlife Sites in positive management	Bigger							61.0%	61.0%	65.0%	67.0%	75.0%	72.1%		80.0%
													960 / 1331		
{PE} Number of new and existing properties at high risk (1 in 30 years) of surface water flooding	Smaller												100%		
{CH} Equality of Access to Nature for All – number of audited routes	Bigger											1	4	17	8

NOTES:

1. Indicators are usually reported on a monthly, calendar year or financial year basis, the colour of the different headings below corresponds with the colour of the indicator title.
2. In most cases the RAG colours are set as: Green being equal to or better than the target; Amber being within 5% (not percentage points) worse than the target; Red being more than 5% worse than target.
3. The target displays the latest target from the latest period shown. That target may be different from the target for the latest actual value shown due to profiling.
4. Where cells have been greyed out this indicates: that data is not available due either to the frequency of reporting or the vital sign being under development. In this case, under development can mean that the vital sign has yet to be fully defined or that baseline data is being gathered.

3. Report cards

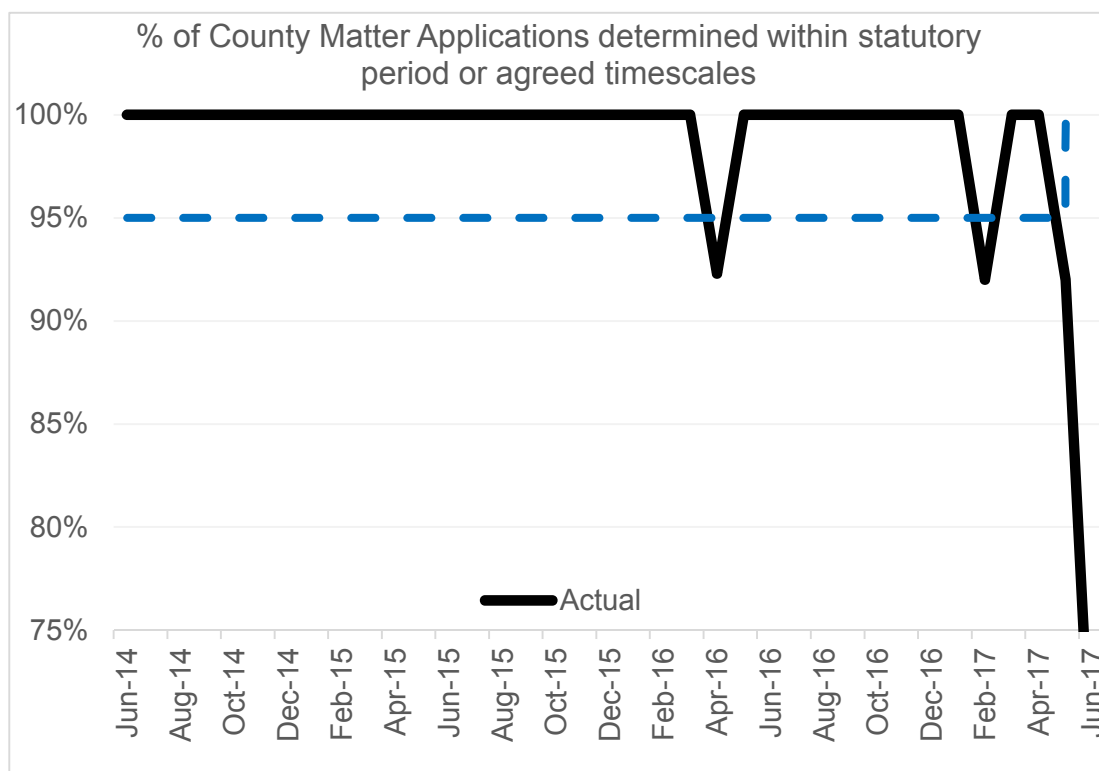
- 3.1. A report card has been produced for each vital sign. It provides a succinct overview of performance and outlines what actions are being taken to maintain or improve performance. The report card follows a standard format that is common to all committees and updated on a monthly basis.
- 3.2. Vital signs are reported to committee on an exceptions basis. The report cards for those vital signs that do not meet the exception criteria on this occasion, and so are not formally reported, are also collected and are available to view if requested.

Planning Service – Speed of Determination

Why is this important?

The planning system operates in the long term public interest. It doesn't exist to protect the interests of one person or business against the activities of another. Development Management is a key part of the planning system and services that provide certainty and speed of decision making whilst maintaining transparency are central to achieving sustainable economic growth.

Performance



What is the background to current performance?

- Development management services should operate in a climate of continuous improvement
- Norfolk as a planning authority was a pioneer of providing decisions within mutually agreed timescales. As opposed to arbitrary timescales set by government which take no account of the issues that need to be addressed in the public interest and perversely increased the overall time taken as applications which with negotiation could be made acceptable were routinely refused to ensure fixed timescales were met.
- Authorities scoring below 50% over a two year rolling period are liable to be subject to special measures and may lose their decision making powers.
- Performance for June reflects is based on 1 application from 3 being determined outside an agreed time limit. This was due to matters remaining unresolved from a statutory consultee on the 8 week threshold. The decision was issued 2 weeks later. Overall performance for 2017/18 is at 92% and the rolling 2 year average above 95%. The service will need to review the approach to negotiation, even if a solution is achievable, but extensions to time cannot formally be agreed.

What will success look like?

- All Applications are agreed within statutory time periods or agreed timescales. This approach supports developers and planners working to address/mitigate potential concerns to ensure development is within policy requirements and acceptable to communities

Action required

- Increased uptake on pre application advice provided for a fee to shorten time to determine applications
- Engagement with applicants to get applications that meet statutory consultees requirements as submitted.

Responsible Officers

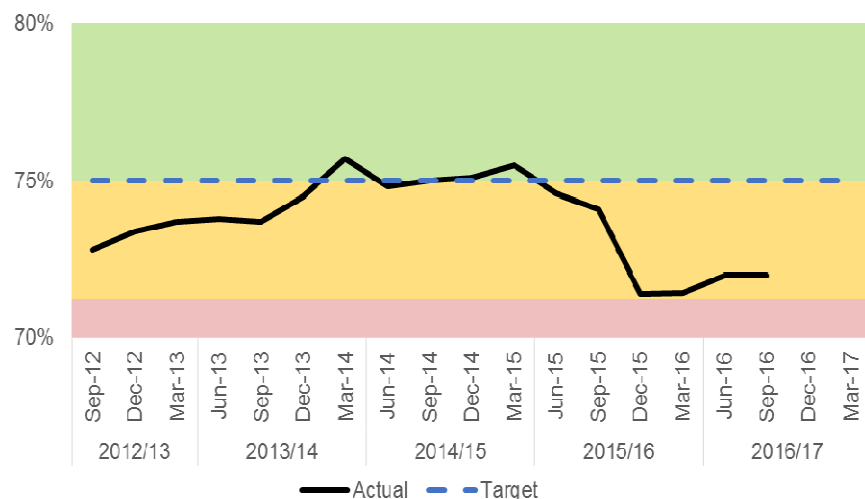
Lead: Nick Johnson, Head of Planning Data: Mark Dyson , Business Support

Access to market towns and key employment locations using public transport

Why is this important?

Access to key locations is important for those living in rural areas so that they can access not only work but also health and other essential services, shopping, education and leisure activities. This in turn reduces social and rural isolation and contributes to overall wellbeing of residents.

Performance



Graph shows the percentage of the rural population able to access a market town or key employment destination within 60 minutes by public transport between 0700-1000 with a return between 1600-1900.

What is the background to current performance?

- Performance has dropped this year after being fairly stable between 73.5% and 75.5% for the last 3 years. It is measured quarterly.
- September 2013 saw the introduction of a journey to work service by the Swaffham flexi-bus. This still exists, but other services will have changed, causing the dip in performance.
- A minor change in service can cause the indicator to dip, but this does not necessarily mean that it affects current customers already using a service.
- This used to be a national performance indicator and we are not currently aware of any other authorities who continue to measure it on a regular basis, therefore there is no benchmarking data.
- Current target reflects the limited opportunities to increase subsidised public transport within the current financial climate – progress will be made by working with commercial operators and integrating with other transport services.
- Key risk - fluctuation in operational costs, particularly fuel, which could lead to reductions in transport being operated commercially – this is identified on our risk register.
- Other key risks - Commercial operators streamlining services as they review revenues and effects of previous subsidy cuts, which puts pressure on areas with lower patronage and the reliance of passengers on use of concessionary passes and an unwillingness to engage with other transport modes that do not accept them.
- Flexible services, unregistered feeder services and Community Transport dial-a-ride services are not represented in the figures given, therefore the measure is only of registered local bus services.

What will success look like?

- An increase in the percentage of the rural population able to access a market town or key employment destination within 60 minutes by public transport (at peak times), to 75%
- A reduction in the number of unemployed in Norfolk, including NEETs
- An increase in the number of young people able to access their local market town for work, leisure and education opportunities without the use of a car.

Action required

- Build journeys to work into future Flexibus and flexible feeder contracts where possible
- Monitor proposed local bus service changes and work with operators to ensure they do not adversely affect journeys to key employment locations
- Incorporate local bus services into school transport provision as much as possible.
- Review the data that is reported so that it fully represents the transport network available.
- TRACC training to be completed for TTS so that data can be interrogated and recommendations for changes made.

Responsible Officers

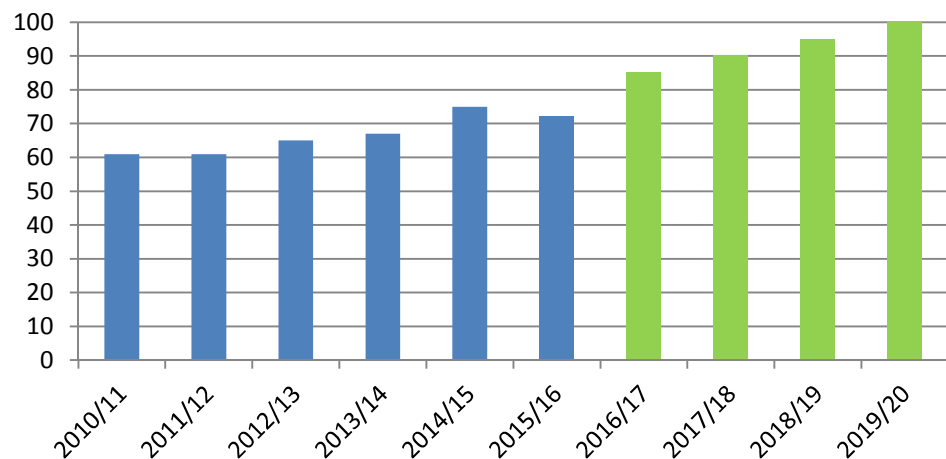
Lead: Laurie Egan, Head of Travel and Transport Data: Martin Stringfellow/Sean Asplin, Passenger Transport Managers

% of Local Wildlife Sites (LWS) in positive management (Single Data List indicator 160/Biodiversity 2020 indicator 16) – our target is 100% by 2020

Why is this important?

As a lead partner in the LWS Partnership we need to ensure that Norfolk's important natural capital assets are safeguarded and integrated into decision-making to support and promote future growth.

Performance



(Actual values in blue, targets for future reporting years in green)

What is the background to current performance?

- Effective partnership working allows us to make the best use of limited resources and to increase action.
- External project funding such as EU Interreg allows us to deliver biodiversity action despite reduced resources within NCC.
- Effective targeting of existing resources allows us to maximise impact
- A successful strategic approach to planning allows us to maximise gains for biodiversity through effective siting of green infrastructure.
- Access to high quality biodiversity data allows effective decision making and informs strategic planning.
- In-house technical expertise allows effective decision making.
- External funding through SLA/MoA secures resources for our work and builds positive relationships with partners.

What will success look like?

- An increasing proportion of Local wildlife sites will be positively managed (Biodiversity 2020 national indicator 16, SDL 160).
- Biodiversity data and information will be used effectively for decision making (Biodiversity 2020 national indicator 24).
- Partnership working will ensure effective delivery of our work and will improve the health of the natural environment
- Local plans found sound with regards to the Habitat Regulations 2010
- New developments deliver sustainable GI, supported by effective ecological advice
- Number of sites adversely affected by access or recreation reduced

Action required

- Better co-ordination between the strategic focus provided by the Environment Team in NCC, districts and the Broads Authority.
- Develop effective partnerships with external organisations
- Develop effective funding strategies for Green Infrastructure
- Training provided for planners, developers, consultants
- Advice to development management and strategic planning officers
- Monitor quality of key sites
- Develop recording networks for tree pests and diseases and IAS
- Prioritise funding bids to address key biodiversity issues

Responsible Officers

Lead: Martin Horlock – Senior Biodiversity Officer Data: Sam Neal – Biodiversity Officer (Information)

4. Exceptions (additional explanation) and other updates

- 4.1.
 - Planning Service – Speed of Determination
(Jun 2017 was Red: 66.7% against a target of 95% - *May 2017 was 92.3%*)

The performance for June reflects that it is based on an unusually small number of applications. In this instance one application from three being determined outside an agreed time limit. This was due to matters raised by a statutory consultee remaining unresolved on the 8 week threshold. The issue was ultimately resolved and a decision was issued two weeks later. Overall performance for 2017/18 is at 92% and the rolling two year average above 95%. The service will need to review the approach to negotiation, even where we believe a solution is achievable, but where extensions to time cannot formally be agreed with applicants.

Suggested actions to remedy this include increased uptake on pre-application advice provided for a fee to shorten time to determine applications and engagement with applicants to get applications that meet statutory consultees requirements as submitted without the need for additional information.

- 4.2.
 - % of rural population able to access a market town or key employment location within 60 minutes by public transport.
(2017/18 Q1 was Red: 69.4% against a target of 75% - *2016/17 Q4 was 69.6%*)

Performance has dropped this year after being fairly stable between 73.5% and 75.5% for the last 3 years. Flexibuses still exist and more flexible feeders are in place, plus operator service changes, including changes to routes and frequencies causing the dip in the performance figure. This measure used to be a national performance indicator but we are not currently aware of any other authorities who continue to measure it on a regular basis, therefore there is no benchmarking data. The current target reflects the limited opportunities to increase subsidised public transport within the current financial climate – progress will be made by working with commercial operators and integrating with other transport services.

The performance lead has suggested that the reported figure is not fit for purpose and has looked at amendments to rectify this, but has not been able to come up with anything suitable. TRACC will not report on Community Transport and Flexibuses and flexible feeders that are used to deliver some of our transport. No software exists for NCC to tap into this as the data is not in any form that allows it to be read. The performance lead advises that a staff member has been given the TRACC system to access and use (following training). He advises that the data derives from Travelline, which itself comes from registrations of scheduled services. These registrations all have routes and stops on and this can be mapped and interrogated. Flexibuses are a registered area rather than set routes, therefore these are not registered in the same way as traditional bus routes. The feeders we use and Community Transport are not required to be registered due to the way they operate and the license they are operated under. Therefore they do not appear on this base Traveline information.

Therefore, although we can continue with the current indicator, it does give a misleading view of accessibility, as we are often using flexible feeders to fill gaps left by conventional buses and overall, this is not easy to indicate. He has suggested that going back to a target level of service would give a better indicator as of old, where we could assess what level of service towns and villages should have (based on population) and report on the level that meet the target level of service. Though it may take some time to set-up, once done would be fairly straightforward to monitor.

However, the Local Transport Plan has this measure and its targets set until 2026. The target was amended down to 77% in 2012/13 to account for not including the flexibus et al services. Whilst in principle, in order to reflect current practices, we ought to include those services, the target is not set as such. In essence, it may be worth continuing with the very same process, but making it much clearer for vital sign 333, what is missing, by listing contracts we have that do not appear on this report, so that members could understand what the figure they have represents and what is not included.

The problem will always be that the figure may continue to drop, as NCC moves away from scheduled services and replace isolated rural gaps with flexible services of feeder/connecting services. We will find it increasingly difficult to confirm (as has been the case through the last year), exactly what has changed every quarter, but as at present, we would continue to review all registrations, which is a time consuming task as comparing timetables can be difficult, especially with the way we store information.

- 4.3.
- % of Local Wildlife Sites in positive management
(2015/16 was Red: 72.1% against a target of 80% - 2014/15 was 75%)

This data for 2015/16 should have been reported in October 2016. Reporting was delayed due to failure by Defra to provide agri-environment scheme data. 2016/17 will be reported in October 2017. The final value provided is based on incomplete data because Defra did not provide all that was needed to calculate the figure. We did not receive the data for the Countryside Stewardship scheme for last year and will not so the figure is incomplete. It is difficult to estimate the missing data as CS is new and operating quite differently to the previous schemes.

Following correspondence with Defra it is considered unlikely that we will get the missing data for the 2015/16 reporting year. Hopefully we can pressure Defra to ensure it is provided for the next reporting round. As a result data for this period should be used for reference only. The upward trend is still continuing and it is likely that we would have shown a continued increase in the percentage of sites in positive management with the additional data.

We continue to influence the management of these sites via our lead role on the Local Sites Partnership. At present there is little additional action that we can take to improve the picture. This vital sign is part of the SDL so NCC are not the only authority that has been unable to report on this. We are in contact with other organisations who also do report on this measure and the data has not been provided to anyone. As a result all Local Authorities reporting on this measure (SDL160) will have been unable to report the correct figure.

The current situation is that we now have the Countryside Stewardship (CS) data for this reporting year (2016/17) and we will be reporting SDL-160 to Defra by their deadlines and the results of which will be available in October. In terms of future trends, we will be much better placed to assess this once we have reported the results for 2016/17.

5. Recommendations

5.1 Committee Members are asked to:

- Review and comment on the performance data, information and analysis presented in the vital sign report cards and determine whether the recommended actions identified are appropriate or whether another course of action is required (refer to list of possible actions in Appendix 1).

In support of this, Appendix 1 provides:

- A set of prompts for performance discussions
- Suggested options for further actions where the committee requires additional information or work to be undertaken

6. Financial Implications

- 6.1. There are no financial implications arising from the development of the revised performance management system or the performance and risk monitoring reports.

7. Issues, risks and innovation

- 7.1. There are no significant issues, risks and innovations arising from the development of the revised performance management system or the performance and risk monitoring reports.

Officer Contact

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

Performance: **Officer name :** Austin Goreham **Tel No. :** 01603 223138
Email address : austin.goreham@norfolk.gov.uk



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Performance discussions and actions

Reflecting good performance management practice, there are some helpful prompts that can help scrutinise performance, and guide future actions. These are set out below.

Suggested prompts for performance improvement discussion

In reviewing the vital signs that have met the exception reporting criteria and so included in this report, there are a number of performance improvement questions that can be worked through to aid the performance discussion, as below:

1. Why are we not meeting our target?
2. What is the impact of not meeting our target?
3. What performance is predicted?
4. How can performance be improved?
5. When will performance be back on track?
6. What can we learn for the future?

In doing so, committee members are asked to consider the actions that have been identified by the vital sign lead officer.

Performance improvement – recommended actions

A standard list of suggested actions have been developed. This provides members with options for next steps where reported performance levels require follow-up and additional work.

All actions, whether from this list or not, will be followed up and reported back to the committee.

Suggested follow-up actions

The suggested 'follow up actions' have been amended, following on from discussions at the Communities Committee meeting on 11 May 2016, to better reflect the roles and responsibilities in the Committee System of governance.

	Action	Description
1	Approve actions	Approve actions identified in the report card and set a date for reporting back to the committee
2	Identify alternative/additional actions	Identify alternative/additional actions to those in the report card and set a date for reporting back to the committee
3	Refer to Departmental Management Team	DMT to work through the performance issues identified at the committee meeting and develop an action plan for improvement and report back to committee
4	Refer to committee task and finish group	Member-led task and finish group to work through the performance issues identified at the committee meeting and develop an action plan for improvement and report back to committee
5	Refer to County Leadership Team	Identify key actions for performance improvement and refer to CLT for action
6	Refer to Policy and Resources Committee	Identify key actions for performance improvement that have 'whole Council' performance implications and refer them to the Policy and Resources committee for action.

Appendix 2 – EDT Committee Vital Signs indicators

A vital sign is a key indicator from one of the Council's services which provides members, officers and the public with a clear measure to assure that the service is performing as it should and contributing to the Council's priorities. It is, therefore, focused on the results experienced by the community. There are 13 vital signs indicators for the EDT Committee. The full list with explanations of what the vital sign indicator measures and why it is important, is as below.

Vital Signs Indicators	What it measures	Why it is important
Bus journey time reliability	% of bus services that are on schedule at intermediate time points	Better transport networks bring firms and workers closer together, and provide access to wider local markets
Planned growth in the right places	% of planning applications agreed by Local Planning Authorities contrary to NCC recommendations regarding the highway	Poorly planned developments can place unacceptable burdens on existing resources and infrastructure and negatively impact those living in/near the developments.
Highway improvements for local communities - parish partnerships	Cumulative bids for all Norfolk Parishes compared to cumulative bids from Parishes that had not previously submitted a bid	Empowerment of communities to take greater control of the response to locally identified issues supports community resilience and autonomy
Public Transport Accessibility	% of rural population able to access a market town or key employment location within 60 minutes by public transport	Access to work and key facilities promotes economic growth and health and wellbeing
Winter gritting	% of actions completed within 3 hours	We have a statutory duty to ensure, as far as reasonably practicable, that the safe passage along a highway is not endangered by snow and ice
Street lighting – CO2 reduction (tonnes)	Carbon Dioxide emissions and energy use	Street lighting is one of the Council's biggest energy users. Putting in place measures to reduce carbon will reduce our CO2 emissions and costs

Vital Signs Indicators	What it measures	Why it is important
Residential house waste collection	Weekly kg of residential house waste collected per household	The amount of household waste collected and the costs arising from processing it have risen for the past three years. Housing growth (65,000 new houses between 2013 and 2026) will create further pressures
Protection of the natural environment	% of Local Wildlife Sites (LWS) in positive management	The natural environment is one of Norfolk's key assets and a significant contributor to the economic success of Norfolk
Management of flood risk	Number of new and existing properties at high risk (1 in 30 years) of surface water flooding	Flooding undermines existing infrastructure and impacts directly on health and economy
Planning determination	Speed of planning determination	Timely planning decision are important to economic growth and development
Equality of Access to Nature for All	Number of audited routes	Access to green space promotes health and wellbeing and tourism
Road network reliability	Average journey speed during morning peak time	A safe, reliable road network with quick journey times enables business growth
External funding achievement	Income and external funding successfully achieved as a % of overall revenue budget	High quality organisations are successful in being able to attract and generate alternative sources of funding

Those highlighted in bold above, 2 out of 13, are vital signs indicators deemed to have a corporate significance and so will be reported at both the EDT Committee and the Policy and Resources Committee.

One of the vital signs indicators listed above also appears on the Communities Committee list:

- 'Income and external funding successfully achieved as a % of overall revenue budget'.

Environment, Development and Transport Committee

Item No.

Report title:	Finance monitoring
Date of meeting:	20 October 2017
Responsible Chief Officer:	Tom McCabe – Executive Director, Community and Environmental Services
Strategic impact <p>This report provides the Committee with information on the budget position for services reporting to Environment, Development and Transport Committee for 2017-18. It provides information on the revenue budget including any forecast over or underspends and any identified budget risks. It also provides an update on the forecast use of reserves and details of the capital programme.</p>	

Executive summary

The services reporting to this Committee are delivered by Community and Environmental Services.

The 2017-18 net revenue budget for this committee is £98.362m and this report reflects the risks and forecast outturn position as at period 5, August 2017-18.

The total capital programme, relating to this committee is £122.832m with £110.795 currently profiled for delivery within 2017-18. Details of the capital programme are shown in section 3 of this report.

The balance of Environment, Development and Transport reserves as of 1 April 2017 was £26.837m, and the forecast balance at 31 March 2018 is £23.213m.

Recommendations:

Members are recommended to note:

- a) **The forecast out-turn position for the Environment, Development and Transport Committee.**
- b) **The capital programme for this Committee.**
- c) **The current planned use of the reserves and the forecast balance of reserves as at the end of March 2018.**

1. Proposal

1.1. Members have a key role in overseeing the financial position for the services under the direction of this committee, 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 report reflects the budgets and forecast out-turn position as at the end of Period 5, August 2017.

2. Evidence

Revenue budget 2017-18

2.1. The services reporting to this Committee are delivered by the Community and Environmental Services.

2.2. This report reflects the forecast outturn position for the Services that are relevant to this committee, which are:

- Business support and Development (support of CES department)
- Culture and Heritage – Countryside Management
- Highways
- Planning and Economy

2.3. The 2017-18 net revenue budget for this committee is £98.362m, we are currently forecasting a balanced budget.

Table 1: Environment, Development and Transport Net revenue Budget Forecast Out-turn 2017-18

	2017-18 Budget £m	Forecast Out-turn £m	Forecast Variance £m
Business Support and Development	1.577	1.577	0.000
Culture and Heritage – Countryside management	1.120	1.120	0.000
Highways			
Flood and Water management	0.435	0.435	0.000
Highways Operations	14.669	14.669	0.000
ITS management	0.235	0.235	0.000
Major Projects	0.357	0.357	0.000
Networks	0.869	0.869	0.000
Highways Depreciation	23.538	23.538	0.000
Total highways	40.103	40.103	0.000
Planning and Economy			

Residual Waste	23.314	23.314	0.000
Waste and Energy	17.021	17.021	0.000
Infrastructure and economic Growth	0.564	0.564	0.000
Travel and Transport Services	14.253	14.253	0.000
Planning Services	0.410	0.410	0.000
Total for Committee	98.362	98.362	0.000

2.4. We are currently forecasting a balanced revenue budget, however there are a number of budget risks that are being monitored by services:

Planning and Economy There is a risk that the amount of waste increases. Each tonne of residual waste above projected tonnages would lead to additional costs of around £110 per tonne, meaning a 1% increase in tonnages would be a pressure of over £230,000. Such an increase could be caused by any combination of factors such as increases in household numbers, change in legislation, economic growth, weather patterns, a collapse in the recycling markets or an unexpected change in unit costs, much of which are out of the control of the County Council. The combined impacts of these effects will continue to be monitored extremely closely and will be reported to the committee. The risk is explained in further detail within the risk report elsewhere on this agenda.

– Residual Waste

3. Capital Programme

3.1. The overall capital programme for the services reported to this Committee is £122.832m, with £110.795m currently profiled to be delivered in 2017-18.

	2017-18 programme	2018-19 programme	2019-20 programme	Total
	£m	£m	£m	£m
Highways	102.481	8.083	1.204	111.768
Waste management	1.011	2.750		3.751
Other programmes	7.312			7.312
	110.795	10.833	1.204	122.832

3.2. The Highways programme includes the budget for the NDR and the Highways general programme. The general Highways programme is currently anticipated to be fully delivered.

3.3. The waste management programme is for the completion of drainage improvements at a number of Household Waste Recycling Centres (HWRC) and

the reprovision of Norwich HWRC.

4. Reserves 2017-18

4.1. The Council holds both provisions and reserves.

4.2. Provisions are made for liabilities or losses that are likely or certain to be incurred, but where it is uncertain as to the amounts or the dates which they will arise. The Council complies with the definition of provisions contained within CIPFA's Accounting Code of Practice.

4.3. Reserves (or Earmarked Reserves) are held in one of three main categories:

4.4. Reserves for special purposes or to fund expenditure that has been delayed, and in many cases relate to external Grants and Contributions - reserves can be held for a specific purpose, for example where money is set aside to replace equipment or undertake repairs on a rolling cycle, which can help smooth the impact of funding.

4.5. Local Management of Schools (LMS) reserves that are held on behalf of schools – the LMS reserve is only for schools and reflects balances held by individual schools. The balances are not available to support other County Council expenditure.

4.6. General Balances – reserves that are not earmarked for a specific purpose. The General Balances reserve is held to enable the County Council to manage unplanned or unforeseen events. The Executive Director of Finance is required to form a judgement on the level of the reserve and to advise Policy and Resources Committee accordingly.

4.7. The reserves falling under this Committee would fall into the first category. Additionally, balances may relate specific grant income where we have received the income but are yet to incur the expenditure, or the grant was planned to be used over a period of time, not related to a specific financial year.

4.8. We will continue to review the reserve balances to ensure that their original objectives are still valid and would identify any reserves that could be considered available for re-allocation.

4.9. The committees' unspent grants, reserves and provisions as at 1 April 2017 stood at £26.837m.

4.10. The table below shows balance of reserves and the current planned usage for 2017-18.

4.11. The 2017-18 Budget included plans for available reserves totalling £5.813m to be identified during the process of closing the 2016-17 accounts. We have reviewed the reserves relating to this committee and have been able to identify £0.089m of business support reserves that are no longer required and

therefore can be released to help support this requirement and this is reflected in the tables below.

- 4.12. The planned use of reserves relates to the funding of the street lighting PFI, planned use of commuted sums to fund Highway maintenance and the delivery of projects that have spanned financial years.

Table 3: Environment, Development and Transport Reserves & Provisions			
Reserves & Provisions 2017-18	Balance at 1 April 2017	Forecast Balance at 31 March 2018	Planned Change
	£m	£m	£m
Business support and development	0.085	0.000	0.085
Highways	11.593	8.488	3.105
Planning and economy	15.159	14.725	0.435
Committee Total	26.837	23.213	3.625

5. Financial Implications

- 5.1. There are no decisions arising from this report. The financial position for Environment, Development and Transport Committee is set out within the paper and appendices.

6. Issues, risks and innovation

- 6.1. This report provides financial performance information on a wide range of services responsible to the committee.

Officer Contact

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

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Tel No. : 01603 223144

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Environment, Development and Transport Committee

Item No.

Report title:	Forward Plan and decisions taken under delegated authority
Date of meeting:	20 October 2017
Responsible Chief Officer:	Tom McCabe – Executive Director, Community and Environmental Services
Strategic impact Providing regular information about key service issues and activities supports the Council's transparency agenda and enables Members to keep updated on services within their remit. It is important that there is transparency in decision making processes to enable Members and the public to hold the Council to account.	

Executive summary

This report sets out the Forward Plan for EDT Committee. The Forward Plan is a key document for this committee to use to shape future meeting agendas and items for consideration, in relation to delivering environment, development and transport issues in Norfolk. Each of the Council's committees has its own Forward Plan, and these are published monthly on the County Council's website. The Forward Plan for this Committee (as at 22 September) is included at Appendix A.

This report is also used to update the Committee on relevant decisions taken under delegated powers by the Executive Director (or his team), within the Terms of Reference of this Committee. There are two relevant delegated decisions to report to this meeting.

Recommendations:

- 1. To review the Forward Plan at Appendix A and identify any additions, deletions or changes to reflect key issues and priorities the Committee wishes to consider.**
- 2. To note the delegated decisions set out in section 1.2 of the report.**

1. Proposal

1.1. Forward Plan

- 1.1.1. The Forward Plan is a key document for this committee in terms of considering and programming its future business, in relation to communities issues in Norfolk.
- 1.1.2. The current version of the Forward Plan (as at 22 September) is attached at Appendix A.
- 1.1.3. The Forward Plan is published monthly on the County Council's website to enable service users and stakeholders to understand the planning business for this Committee. As this is a key document in terms of planning for this Committee, a live working copy is also maintained to capture any changes/additions/amendments identified outside the monthly publishing schedule. Therefore, the Forward Plan attached at Appendix A may differ slightly from the version published on the website. If any further changes are

made to the programme in advance of this meeting they will be reported verbally to the Committee.

1.2. **Delegated decisions**

- 1.2.1. The report is also used to update on any delegated decisions within the Terms of Reference of this Committee that are reported by the Executive Director as being of public interest, financially material or contentious. There are two relevant delegated decisions to report for this meeting.

Subject: **Traffic Regulation Order : Queens Square, Attleborough (Street Parking Places) Amendment Order 2017**

Decision: To approve the Order, as advertised.

During the advertisement of the Order, one objection was received.

The Thursday Market was located on the car park to the Northeast of Queens Square, but was moved onto Queens Square with a short permit. The permit has expired and this Traffic Regulation Order formalises the changes needed to enable the market to be permanently run at the Queens Square location.

See note at para 1.2.2.

Taken by: Executive Director in consultation with the Committee Chair and Vice Chair

Taken on: 15 September 2017

Contact for further Information: Antonio Fernandez, Technician / Phil Reilly, Project Engineer

Email antonio.fernandez@norfolk.gov.uk / phil.reilly@norfolk.gov.uk

Phone 0344 800 8020

Subject: **Consultation on Norwich Airport draft Masterplan**

Decision: A response to the consultation was sent (a copy can be provided to Members). Key areas of comment included in the response related to:-

- Vision and objectives
- Phased growth
- Sustainable transport
 - Surface access strategy
 - Joint Core Strategy and Norwich Area Transportation Strategy
 - Public Transport Accessibility
 - Travel Plan
 - Parking Strategy
 - Employee parking
- Sustainability

Taken by: Executive Director in consultation with the Chair of EDT Committee and the Chair of Business and Property Committee

Taken on: 15 September 2017

Contact for further information: David Cumming, Interim Team Leader (Transport Planning)
Email david.cumming@norfolk.gov.uk
Phone 0344 800 8020

- 1.2.2. Note that there is no delegated power for officers to approve Traffic Regulation Orders where objections are received. The decision to approve the Orders set out in this report were made under the urgent business procedure. Traffic Regulation Orders where no objections are received are approved by officers, under delegated powers, and are not included in this report.

2. Evidence

- 2.1. As set out in the report and appendices.

3. Financial Implications

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

4. Issues, risks and innovation

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

5. Background

- 5.1. N/A

Officer Contact

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

Officer name : Sarah Rhoden

Tel No. : 01603 222867

Email address : sarah.rhoden@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.

Forward Plan for EDT Committee

Issue/decision	Implications for other service committees?	Requested committee action (if known)	Lead Officer
Meeting : Friday 20 October 2017			
Verbal update/feedback from Members of the Committee regarding Member Working Groups or bodies that they sit on	None	To receive feedback	Members
Annual review of the Enforcement Policy	Also to be reviewed and approved by the Communities Committee	To confirm the CES Enforcement Policy and its appendices meet the requirements of EDT services, prior to consideration by Communities Committee (the approval body for the Policy).	Head of Trading Standards (Sophie Leney)
Forward Plan and decisions taken under delegated authority	None	To review the Committee's forward plan and agree any amendments/additions and to note the decisions taken under delegated authority	Head of Support and Development (Sarah Rhoden)
Risk management		Review and comment on the risk information and consider any areas of risk that require a more in-depth analysis	Chief Internal Auditor (Adrian Thompson)
Performance management	None	Comment on performance and consider areas for further scrutiny.	Business Intelligence and Performance Analyst (Austin Goreham)
Finance monitoring	No	To review the service's financial position in relation to the revenue budget, capital programme and level of	Finance Business Partner (Andrew Skiggs)

Forward Plan for EDT Committee

Issue/decision	Implications for other service committees?	Requested committee action (if known)	Lead Officer
		reserves.	
Strategic and Financial Planning 2018-19 to 2021-22	No – all service committees will receive a report	To consider full budget savings proposals.	Executive Director of CES (Tom McCabe)
Norwich Western Link project update and next steps	Possibly P&R in relation to funding decisions	To note progress of the project, agree whether to continue the project, and assess funding requirements and arrangements to continue delivery.	Major Projects Manager (David Allfrey)
Meeting : Friday 10 November 2017			
Verbal update/feedback from Members of the Committee regarding Member Working Groups or bodies that they sit on	None	To receive feedback	Members
Adoption of the Silica Sand Single Issue Review	None	To recommend the adoption of an amendment to minerals site specific allocations document following receipt of the Inspectors binding report on silica sand provision to 2026.	Head of Planning (Nick Johnson)
Opportunities to increase commercial activity for the highways service	No	To consider a Business Case to help inform the potential for a more commercial trading organisation.	Assistant Director Highways (Nick Tupper)
Finance monitoring	No	To review the service's financial position in relation to the revenue budget, capital programme and level of reserves.	Finance Business Partner (Andrew Skiggs)
Ash Dieback Project update	Yes	To receive an update on the ongoing	Head of Environment (John

Forward Plan for EDT Committee

Issue/decision	Implications for other service committees?	Requested committee action (if known)	Lead Officer
		Ash Dieback Project.	Jones)
Customer satisfaction: highway and transport services	None	To consider the Norfolk results of the 2017 National Highways and Transport (NHT) customer satisfaction survey.	Assistant Director Highways (Nick Tupper)
Norwich Depot Hub – project initiation	B&P to approve land acquisition at future committee as needed	To note progress on the proposed Norwich Depot Hub, agree whether the project should continue, and approve the setup of a project board to oversee the scheme, including the delivery of a communications and consultation plan.	Infrastructure Delivery Manager (David Allfrey), Waste Infrastructure Manager (Nicola Young)
Forward Plan and decisions taken under delegated authority	No	To review the Committee's forward plan and agree any amendments/additions and to note the decisions taken under delegated authority	Head of Support and Development (Sarah Rhoden)
Meeting : Friday 19 January 2018			
Verbal update/feedback from Members of the Committee regarding Member Working Groups or bodies that they sit on	No	To receive feedback	Members
Strategic and Financial Planning 2018-19 to 2021-22.	No	To consider final budget savings proposals.	Executive Director of CES (Tom McCabe)
Forward Plan and decisions taken under delegated authority	No	To review the Committee's forward plan and agree any amendments/additions and to note the	Head of Support and Development (Sarah Rhoden)

Forward Plan for EDT Committee

Issue/decision	Implications for other service committees?	Requested committee action (if known)	Lead Officer
		decisions taken under delegated authority	
Finance monitoring	No	To review the service's financial position in relation to the revenue budget, capital programme and level of reserves.	Finance Business Partner (Andrew Skiggs)
Wensum River Strategy	No	To endorse the Wensum River Strategy.	Assistant Director Culture and Heritage (Steve Miller)
Highway capital programme and Transport Asset Management Plan (TAMP)	No	To approve the highways capital programme/funding, and some changes to the Transport Asset Management Plan.	Head of Highways (Nick Tupper)
Risk management	No	Review and comment on the risk information and consider any areas of risk that require a more in-depth analysis	Chief Internal Auditor (Adrian Thompson)
Performance management	None	Comment on performance and consider areas for further scrutiny.	Business Intelligence and Performance Analyst (Austin Goreham)
Minerals and Waste Local Plan Consultation	No	To approve the draft document published for public consultation for a minimum period of 6 weeks.	Head of Planning (Nick Johnson)
Meeting: Friday 16 March 2018			
Verbal update/feedback from Members of the Committee regarding Member Working Groups or	No	To receive feedback	Members

Forward Plan for EDT Committee

Issue/decision	Implications for other service committees?	Requested committee action (if known)	Lead Officer
bodies that they sit on			
Highway parish partnership schemes 2018/19	No	To approve parish/town council bids for small highway improvements.	Head of Highways (Nick Tupper)
Forward Plan and decisions taken under delegated authority	No	To review the Committee's forward plan and agree any amendments/additions and to note the decisions taken under delegated authority	Head of Support and Development (Sarah Rhoden)
Risk management	No	Review and comment on the risk information and consider any areas of risk that require a more in-depth analysis	Chief Internal Auditor (Adrian Thompson)
Performance management	No	Comment on performance and consider areas for further scrutiny.	Business Intelligence and Performance Analyst (Austin Goreham)
Finance monitoring	No	To review the service's financial position in relation to the revenue budget, capital programme and level of reserves.	Finance Business Partner (Andrew Skiggs)

Regular items	Frequency	Requested committee action (if known)	Lead officer
Forward Plan and decisions taken under delegated authority	Every meeting	To review the Committee's forward plan and agree any amendments/additions and to note the decisions taken under delegated	Head of Support and Development (Sarah Rhoden)

Forward Plan for EDT Committee

Regular items	Frequency	Requested committee action (if known)	Lead officer
		authority	
Performance management	Four meetings each year – January, March, June/July, October	Comment on performance and consider areas for further scrutiny.	Business Intelligence and Performance Analyst (Austin Goreham)
Risk management	Four meetings each year – January, March, June/July, October	Review and comment on the risk information and consider any areas of risk that require a more in-depth analysis	Chief Internal Auditor (Adrian Thompson)
Finance monitoring	Every meeting	To review the service's financial position in relation to the revenue budget, capital programme and level of reserves.	Finance Business Partner (Andrew Skiggs)
Verbal update/feedback from Members of the Committee regarding Member Working Groups or bodies that they sit on	Every meeting	To receive feedback	Members