

# Infrastructure and Development Select Committee

Date: **Wednesday 15 November 2023**  
Time: **10am**  
Venue: **Council Chamber, County Hall, Norwich**

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

## Membership:

Cllr James Bensly (Chair)  
Cllr Vic Thomson (Vice Chair)

Cllr David Bills  
Cllr Claire Bowes  
Cllr Chris Dawson  
Cllr Jim Moriarty  
Cllr Rob Colwell  
Cllr William Richmond

Cllr Catherine Rowett  
Cllr Chrissie Rumsby  
Cllr Robert Savage  
Cllr Maxine Webb  
Cllr Tony White

**For further details and general enquiries about this Agenda please contact the  
Committee Services Officer, Nicola Ledain:  
email [committees@norfolk.gov.uk](mailto: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**

To confirm the minutes of the meeting held on 13 September 2023.

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**3 Members to Declare any Interests**

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

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

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

If you do not have a Disclosable Pecuniary Interest you may nevertheless have an **Other Interest** in a matter to be discussed if it affects, to a greater extent than others in your division

- Your wellbeing or financial position, or
- that of your family or close friends
- Any body -
  - Exercising functions of a public nature.
  - Directed to charitable purposes; or
  - One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);

Of which you are in a position of general control or management.

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

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

## 5 Public Question Time

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](mailto:committees@norfolk.gov.uk)) by **5pm Thursday 9 November 2023**. For guidance on submitting a public question please visit <https://www.norfolk.gov.uk/what-we-do-and-how-we-work/councillors-meetings-decisions-and-elections/committees-agendas-and-recent-decisions/ask-a-question-to-a-committee>

## 6 Local Member Issues/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](mailto:committees@norfolk.gov.uk)) by **5pm Thursday 9 November 2023**.

## 7 County Deal Update

Report by the Director of Strategy and Transformation Services

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## 8 Strategic and Financial Planning 2024-25

Report by the Director of Strategic Finance

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## 9 CES Compliance and Enforcement Policy – Annual Review

Report by the Interim Executive Director of Community and Environmental Services

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## 10 Progress with delivering the Norfolk Access Improvement Plan (NAIP)

Report by the Interim Executive Director of Community and Environmental Services

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## 11 Forward Work Programme

Report by the Interim Executive Director of Community and Environmental Services

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### Group Meetings:

Conservative	9:15am
Labour	9:00am
Liberal Democrats	9:00am

Tom McCabe  
Chief Executive  
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County Hall  
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# Infrastructure and Development Select Committee

Minutes of the Meeting Held on Wednesday 13 September  
10.00am, held at County Hall, Norwich

**Present:**

Cllr James Bensly – Chair

Cllr David Bills  
Cllr Graham Carpenter  
Cllr Claire Bowes  
Cllr Chris Dawson  
Cllr Brenda Jones  
Cllr Jim Moriarty

Cllr William Richmond  
Cllr Catherine Rowett  
Cllr Chrissie Rumsby  
Cllr Vic Thomson  
Cllr Brian Watkins  
Cllr Tony White

**Also Present:**

Cllr Graham Plant  
Cllr Eric Vardy

Cabinet Member for Infrastructure, Highways and Transport  
Cabinet Member for Environment and Waste

**Also Present:**

Grahame Bygrave  
Al Collier  
Helen Corina  
David Cumming  
Katy Dorman  
Jon Franklin  
Nicola LeDain  
Steve Miller  
Katy Owen  
Sarah Rhoden  
Chris Starkie

Executive Director of Community and Environmental Services  
Director of Procurement and Sustainability, CES  
Transport Planner, CES  
Strategic Transport Team Manager, CES  
Apprenticeship Strategy Manager, CES  
Strategy, Resourcing and Intelligence Manager, CES  
Committee Officer, Democratic Services  
Director of Community, Culture and Heritage, CES  
Protected Landscapes Manager, CES  
Director of Community Learning and Information, CES  
Director of Growth and Investment, CES

**1. Apologies and substitutions**

- 1.1 Apologies received from Cllr Rob Colwell (substituted by Cllr Brian Watkins), Cllr Robert Savage (substituted by Cllr Graham Carpenter) and Cllr Maxine Webb (substituted by Cllr Brenda Jones). Apologies were also received from Cllr Andrew Jamieson, the Cabinet Member for Finance.

**2. Minutes**

- 2.1 The minutes of the meeting held on 12 July 2023 were agreed as a true record and signed by the Chair with one amendment. Cllr Tony White explained he had put in apologies for the last meeting; however, this had not been recorded.

**3. Declarations of Interest**

- 3.1 Cllr Jim Moriarty declared an “other” interest as he is the Deputy Leader and Cabinet Member for Development and Regeneration at the Borough Council of

King's Lynn and West Norfolk.

#### **4. Items of Urgent Business**

4.1 There were no items of urgent business.

#### **5. Public Question Time**

5.1 There were no public questions received.

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

6.1 There were no members questions submitted.

#### **7. Norfolk Coast Area of Outstanding Natural Beauty (AONB) Management Plan (2019-24)**

7.1 The Select Committee received the revised management plan, which had been updated through collaborative working with all local authority partners for endorsement.

7.2 The following points were noted in response to questions from the Committee:

- Members asked if the management plan should cover a period between 2023 and 2028. Officers explained the current plan had been extended to 2025. The Council was due to enter a year's redevelopment for the new management plan. A significant revision is expected, however updated guidance from the government was still awaited.
- Members expressed concern that the management plan may be out of step with national guidance, with various inaccuracies recorded. Officers responded that the document had already been scrutinised by four authorities and apologised for any errors that were not highlighted beforehand. The difference between AONB plans was due to guidelines and different composition of governance between authorities, and documents are tailored towards needs of each area. The Council must work within the limitations of the framework, however with the Environment Act the framework will be significantly overhauled in the near future.
- Members expressed concern regarding sewage entering the sea in Norfolk and the effect of climate change on the marine environment, and asked if the council could act on this issue. Officers stated that the AONB did not have the legal authority to challenge companies about water quality, as this was under the remit of the Environment Agency. However, the AONB did have contact with the water companies and could lobby for change. The Cabinet Member for Environment and Waste stated that the Environment Agency had been challenged by local campaigners. It was mentioned that Anglian Water had previously attended meetings with the council, including Scrutiny Committee, regarding water quality. It was remarked that some British farmers were alleged to be using pesticides which were not authorised by the European Union. The Cabinet Member responded stating a framework was in place to reduce usage of such pesticides in Norfolk. Officers included that farmers and landowners in Norfolk have invested in methods which are more environmentally friendly.
- Members thanked the officers for their contributions and reports to the committee, while also asking for reassurance that the committee was continuing to engage with the Council's partners relating to the AONB. It was confirmed that correspondence was still taking place on a regular basis. There

were many stakeholders attending consultations, in readiness for the next Management Plan. Further workshops were planned. Officers expressed hope that the next framework/guidance would be further streamlined and simplified and a mission statement and vision document would be drafted.

- Members asked about the decline of traditional industries on the North Norfolk coast and what strategies were in place to attract new employment. It was questioned whether there are any plans to protect and enhance natural beauty in this area, ensuring there is resilience in the face of climate change and loss of biodiversity. The Cabinet Member for Environment and Waste responded, stating that the improved management plan would tackle this subject in a sustainable manner. There were plans to set up apprenticeships for young people in areas such as nature management and land recovery, in order to develop skills which can be utilised locally. Discussions with educational facilities in Norfolk have taken place. Green industries could reuse skills lost from the decline of the fishing industry in North Norfolk.
- A member expressed disappointment that the document was not as ambitious as it could be, given what has been discussed by the committee, and the Council could have pushed forward on this subject further than the government has. Officers responded that the Council must operate within the guidelines set out by Natural England, and that any documents required sign-off by the Secretary of State.

### 7.3 The Select Committee **RESOLVED**:

- To **endorse** the Norfolk Coast AONB Management Plan.

## 8. Climate Action Plans, Tranche 1

8.1 The Select Committee received the report, which set out how the Council could address its own carbon footprint and its role in supporting Norfolk's transition to become a greener and more resilient county. The action plans are to be reported and refreshed annually to provide accountability for the delivery of the Climate Strategy. The report proposed that action plans were brought to the Select Committee in three tranches, with the first tranche of actions provided for the committee to review.

8.2 The following points were noted in response to questions from the Committee:

- Members asked about the timeline for each tranche, and requested if the reports could be brought back to the committee in six months rather than a year. Officers agreed to make a recommendation to Cabinet, although noted that the other two tranches would be reported to this committee over the coming six months.
- It was mentioned that the plans require broad support amongst the councillors and the general public. Further details are required as to how this support will be garnered. Questions were raised regarding funding to decarbonise buildings, and if there is a contingency plan should funding not be available. Members asked if Norse had drawn up a decarbonisation plan, and if any further help could be made available to bus operators in Norfolk. A member asked if the Council had abandoned their plan to plant 1 million new trees in Norfolk by 2025. Officers mentioned the plans will be

brought back to the committee each year to ensure accountability. Further government funding has been made available to decarbonise buildings and the County Council has already provided £26.5m towards this initiative to date. A new contract with Norse was being negotiated at present. The county had recently been awarded £50m in Bus Service Improvement Plan (BSIP) funding from the government, along with £25m Zero Emission Bus Regional Areas (ZEBRA) funding. This will allow First Bus to introduce a new fleet of zero-emission electric buses later in 2023, and their depot would receive infrastructure upgrades to support this fleet. The first new bus recently arrived in Norwich and would enter service shortly. The government has confirmed there will be a second round of ZEBRA funding, and officers are discussing opportunities with Norfolk bus operators regarding potential bids.

- The Council had pledged to plant one million new trees in the county by 2025. A member commented that the target may be missed and asked how the Council planned to achieve this. Officers mentioned discussions have taken place with stakeholders and delivery is ongoing. Members commented that it is an ambitious target, but that the Council should always strive to achieve more. A member commented that the survival rate of new saplings is more important than the numbers of new trees planted. Officers acknowledged the approach is science-based, to ensure the right species of tree is planted in the right area and that they are maintained. Future plans for the Long Stratton bypass and Norwich Western Link will include plans to ensure new trees are maintained to improve the survival rate, using lessons learned from the Northern Distributor Road (NDR) project.
- A member queried about the targets for certain sectors set for 2030, asking if there were strategies to ensure modal shift onto public transport, provision of charging points supplied by renewable energy, and whether tariffs need to be considered. Officers confirmed this would be covered by Tranche 3 of the plans.
- Members asked if rural broadband installations would make use of local equipment. Officers responded to say there is a pilot installation planned for Norfolk, for which funding had been agreed for. Concern was expressed regarding the installation of fibre cables in Poringland, as there appeared to be a lack of coordination between service providers. Officers stated mentioned that there are several different providers due to the government's free market tender programme, CityFibre and Openreach being two such providers.

8.3 The Select Committee reviewed and commented on the report and **RESOLVED** to:

- **Note** the proposed approach to climate action planning.
- **Note** the first tranche of actions.
- **Endorse** the approach and actions to progress to Cabinet.



## 9. NCC Apprenticeship Strategy

9.1 The Select Committee received the NCC Apprenticeship Strategy 2023-2025, which set out a strategic vision, aims and objectives and an operational delivery plan for apprenticeships across all areas of Norfolk County Council (NCC), cohesively bringing together the three strategic priorities from three directorates (as identified by the 2018 Local Government Association (LGA) review); Children's Services, Growth & Investment and Human Resources.

9.2 The following points were noted in response to questions from the committee:

- Members asked how the strategy would benefit the rest of Norfolk and not just the Norwich urban area. Officers responded support had been made available for stakeholders and for small and large companies in Norfolk, to ensure the fund is spent and not returned to the government as a levy.
- A member praised the strategy regarding young people in rural areas, and asked officers how it would be funded. Officers confirmed the funding would be obtained via a mixture of partnerships between the Council and stakeholders.
- Members queried regarding the apprenticeship levy. Officers mentioned that NCC has an apprenticeship levy and has utilised it for a long time. We are also able to pull in levy from national companies. Concern was expressed that Norfolk's levy could be spent in other counties. Officers stated the money is included a national pot and explained how companies can utilise it. Only 25% of the levy can be transferred. NCC was a levy broker as some companies and supply chains are not set up to handle it.
- A member asked if there was a breakdown of apprentice numbers by gender, and whether any support was available for apprentices and for companies that offer apprenticeships. Officers stated Norfolk County Council currently had 406 apprentices on payroll, of which 64% were female and 36% male. Across Norfolk as a whole, the gender split was 52% female and 48% male, comparable to the whole of England figures (51% female/49% male). Apprenticeships were disproportionately affected by the COVID-19 pandemic, and the Council has looked into increasing support by establishing an Apprenticeship Project Manager position, which would enable support to be built into existing apprenticeships. Children's Services would continue to help with support for vulnerable and disadvantaged groups. Officers stated that English and Maths qualifications remain mandatory for apprenticeships. Extra support for young people was required, and the Council was working closely with local training providers to build relationships in this area. A member stressed that apprentices could be from any age group and would not necessarily be from the youngest age groups.
- The ambition to increase the number and range of apprenticeships in Norfolk was praised, however concern was expressed about only two providers out of nine having the 67% achievement rate required. Members asked if plans were in place to raise standards and pass rate, while ensuring that disadvantaged groups had equitable access to apprenticeships and training. Concern was also expressed regarding a lack of apprenticeships in green

industries. Officers explained that Norfolk saw 18% growth in new starts over the last year, double the national average of 9%. It was acknowledged that there had to be a focus on green skills in future apprenticeships. A green apprenticeship focused workshop was run in June, and ways to expand green skills to every sector were being considered. Officers mentioned that green apprenticeship vacancies, along with ones which paid the Living Wage were being spotlighted on Norfolk social media.

- A member asked if there was class-based analysis of the apprenticeship data. Officers responded to say datasets did not contain class information, and that age was quantified in a large category known as 25+, which made it difficult to differentiate age groups. Economic factors and pay rates were factors that contributed to apprenticeship retention rates.
- Concern was expressed about apprenticeship take-up in deprived areas of Norfolk, and whether anything could be done to push employers to offer apprenticeships which pay the Living Wage. Officers agreed that companies should offer the Living Wage as standard, and there was scope to educate employers about the benefits of such a scheme. The Chair asked officers if employers could still access the apprenticeship levy. Officers confirmed this was still the case, and that more support could be made available. A mentoring programme would continue into 2025. At present the levy totalled £400,000, and discussions were taking place with around 15 more companies to expand the scheme.

9.3 The Select Committee reviewed the report and **RESOLVED** to:

- Provide feedback on the proposed Norfolk County Council (NCC) Apprenticeship Strategy and Operational Delivery Plan updated for 2023-2025.

## 10. **Draft Norfolk Walking, Wheeling and Cycling Strategy Consultation 2023**

10.1 The Select Committee received the report, which contained the draft strategy consultation in Appendix A. Comments would be considered ahead of obtaining an Individual Cabinet Member Decision to launch a public consultation on the draft strategy. Following the consultation, the responses would be analysed, with necessary amendments to the strategy document made. The updated strategy would then return to Infrastructure and Development Select Committee for comment before submission to Cabinet for final approval and adoption in 2024.

10.2 The following points were noted in response to questions from the Committee:

- Members asked if this strategy would give the council more powers to deal with landowners. Officers confirmed this was under consideration.
- A member expressed surprise that the government's Net Zero strategy was not mentioned within the report and asked how targets for cycling and walking by 2030 would be achieved. It was queried as to whether Low Traffic Neighbourhoods (LTNs), school streets and rural speed limits would form part of the Council's strategy. Officers confirmed the strategy would help Norfolk

reach its Net Zero target, however it was acknowledged that the cycling/walking target would be challenging, requiring a comprehensive joined-up infrastructure network. The Cabinet Member for Infrastructure, Highways and Transport mentioned that school streets were covered in the Council's recently approved Norfolk Speed Management Strategy. It was remarked that there was 6,200 miles of road in Norfolk and the safest option for all road users had to be considered, with compromises required where necessary. Concern was expressed that pedestrians and cycles are seemingly being grouped together in this strategy.

- A member stated the strategy appeared to be aimed at urban areas rather than rural areas, and asked how the consultation would reflect this divide. Officers confirmed the strategy was for urban and rural areas and that the responses to the consultation would be brought into the final strategy for consideration.
- Members stressed that the consultation must be accessible to all age groups in Norfolk along with disadvantaged groups, with consideration given towards printed media rather than a purely online focus.
- Members stated that logistical issues to modal shift must be considered in the strategy. Single-occupancy car journeys would need to be tackled for Norfolk to achieve longer-term objectives. Public transport should be made more affordable and attractive. The Cabinet Member for Infrastructure, Highways and Transport mentioned that a £2 maximum fare on Norfolk buses was being charged at present with government support, and priority infrastructure for bus services was being installed in parts of Norwich. Officers confirmed there were plans within the strategy to investigate ways of increasing bus service provision.
- Concern was expressed by members about disabled groups being unable to travel on buses until 0930 on weekdays, along with pavement car parking affecting access for wheelchairs and mobility scooters across Norfolk. Officers mentioned the strategy was not a one-size-fits-all and would be dependent on local factors. Infrastructure issues would need to be reported to highway agencies for observation and potential remedial work.
- Additional government funding was secured for additional Beryl Bikes in Norfolk along with Beryl Trikes. Members asked if child seats could be included in the Beryl Bike offer.
- A member stated that buses in other countries can carry cycles in racks fitted to the vehicle, and asked whether this could be implemented in Norfolk. Officers confirmed the proposal would be highlighted to the bus operators for consideration. However, it was noted that a bicycle-carrying trial had been previously conducted on the Coasthopper service in North Norfolk. Longer dwell times at bus stops had been observed to load and unload cycles and this needs to be balanced with ensuring a fast and reliable bus service. It was also highlighted that the £50m received from the government's Bus Service Improvement Plan (BSIP) fund would enable various bus stops in market towns to be upgraded.

10.3 The Select Committee considered the report and **RESOLVED** to:

- **Provide** views on the Draft Norfolk Walking, Wheeling and Cycling Strategy 2023 before public consultation.

## 11. Forward Work Programme

11.1 The committee received the report by the Executive Director of Community and Environmental Services, which set out the Forward Work Programme for the committee to enable the Committee to review and shape.

11.2 Members requested that reports relating to pollinators and waste items remained on a future agenda, in addition to items which related to road safety and trees. Officers confirmed these items would all stay on the forward plan.

11.3 The Select Committee **RESOLVED**:

- To **agree** the Forward Work Programme for the Select Committee, as set out in Appendix A.
- To **agree** that the motion set out in Appendix B should be considered by Scrutiny Committee and to identify any key lines of enquiry the Select Committee may wish to suggest are explored.

The meeting closed at 13:18pm

**James Bensly, Chair**



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# Infrastructure and Development Select Committee

Item No: 7

**Report Title:** A County Deal for Norfolk

**Date of Meeting:** 15 November 2023

**Responsible Cabinet Member:** Cllr Mason-Billig (Leader and Cabinet Member for Strategy & Governance)

**Responsible Director:** Chris Starkie, Director for Growth and Investment

## Executive Summary

This paper provides an update on County Deal activity, building on information that was provided to this committee on 12 July 2023.

Devolution offers a generational opportunity to unlock significant long-term funding and gain greater freedom to decide how best to meet local needs and create new opportunities for the people who live and work in Norfolk. Some decisions and funding previously controlled in Westminster will now be decided by Norfolk, for Norfolk.

If the devolution deal is agreed, it will provide Norfolk with new powers, devolved funding and additional investment of over £600m over the next 30 years to help us to boost our economy through jobs, training and development, improve our transport network and support our environment.

A Deal for Norfolk will mean that we can:

- target funding and resources to Norfolk's own priorities, with a new investment fund of £20m per year for 30 years.
- unlock housing and employment sites with an injection of £12.9m capital funding in this Spending Review period and new powers to drive regeneration, housing and development priorities.
- invest in the skills we know we need, with devolution of the adult education budget (of approximately £12m) and input into the new Local Skills Improvement Plans.
- invest in local transport planning and consolidate transport budgets to direct funding to better meet our local needs and priorities. The government has also committed to work with Norfolk to agree an integrated multi-year transport settlement at the next Spending Review. At this point, opportunities for expanding the integrated transport settlement offer will also be explored.
- strengthen the local business voice to inform local decision making and strategic economic planning through the future integration of New Anglia Local Enterprise Partnership.
- have a council leader who is directly elected by the public.
- raise our influence regionally and nationally, enabling our voice to be better heard by Government to shape future policies and funding decisions for the benefit of our County.

Both the Government and Norfolk County Council recognise that devolution is a journey, not a one-off event. This agreement would be the first step in a process of further devolution and will pave the way for future conversations as part of an ongoing dialogue; with the experience from other devolution areas showing that initial deals can open the door to receiving further powers, funding and influence.

## Recommendations

The Select Committee is asked to:

- a) **offer thoughts and feedback on activity to date and proposed next steps, as summarised in this report**
- b) **agree that further progress reports are presented to the Committee as appropriate**

## 1. Background

- 1.1 'County Deals' are part of the Government's levelling up agenda (as set out in the 2022 [Levelling Up White Paper](#)) "to spread opportunity equally across the UK" through greater devolution of powers and funding.
- 1.2 The Government set a mission that, by 2030, every part of England that wants one will have a devolution deal offering powers and funding over issues like transport, skills and economic support and with a strong emphasis on the importance of high profile, directly elected local leadership. Norfolk, along with Suffolk, is one of the areas invited to negotiate a County Deal, when the Levelling Up White Paper was launched in February 2022.
- 1.3 On 8 December 2022 the Secretary of State for Levelling Up, Housing and Communities announced that the Government was "minded to" enter into a County Deal with Norfolk under which the County would benefit from over £600m of new Government investment over the next 30 years and an additional £12.9m during the current Spending Review period to fund local priorities to produce growth. In addition, the deal will also devolve a number of powers as well as provide Norfolk County Council with an additional £1.632m capacity funding over 2023/24 and 2024/25 to support implementation.
- 1.4 The content of the in-principle Deal has been the subject of a formal consultation with other public sector partners including district, borough and city councils, as well as local communities and business. The findings of the consultation were agreed at Cabinet on 5 June 2023, and have been shared with the Secretary of State for the Department for Levelling Up, Housing and Communities.
- 1.5 As this is a Level 3 deal, Norfolk County Council would be required to change its governance model to that of a directly elected leader. Elements of the deal such as the Investment Fund, the Brownfield Housing Fund and the Integrated Transport Settlement are only available at Level 3.
- 1.6 The full Deal for Norfolk can be found on the Government's website, here: [Norfolk devolution deal - GOV.UK \(www.gov.uk\)](#).

## 2. Introduction

- 2.1 This report builds on the previous report to the Infrastructure and Development Committee on 12 July 2023, to provide an update on further activity to date and planned next steps.

- 2.2 Since the signing of the in-principle deal, Norfolk County Council has continued to negotiate enhancements to the deal in order to secure the best possible outcome for residents. This has included a face-to-face meeting between the Leader of the County Council and the Rt Hon Michael Gove MP, the Secretary of State for Levelling Up, Homes and Communities.
- 2.3 These negotiations remain ongoing but include the potential for additional funding for projects to support jobs and growth, as well as the opportunity to immediately start negotiations on further devolved powers and funding if the initial deal is agreed.

### **3. Norfolk Investment Fund**

- 3.1 Investment funds, sometimes referred to as gainshare or earn back, are long-term grants agreed by government with 13 UK localities as part of City Deal, Growth Deal and Devolution Deal programmes, such as Norfolk's County Deal.
- 3.2 Norfolk's Investment Fund is £600m over 30 years, consisting of 40% capital and 60% revenue, offering Norfolk a significant set of benefits, which include:
- Local control over how economic policy is implemented and the flexibility to prioritise what is right for the county (e.g., Net Zero projects to address challenges of Norfolk being on the front line of climate change).
  - Direct investment to address the needs and meet the demands of Norfolk's businesses and people – enabling us to be agile and responsive.
  - Long term funding is available without the need for costly and resource intensive bidding to Government. In addition, it does not preclude Norfolk's local authorities from accessing other funds that are currently or will become available.
  - Funding can be used to draw additional investment through matched funding – for example, the Greater Manchester combined authority has leveraged approximately £1.1bn in private sector funds. It also enables NCC to borrow against the revenue element of the fund (£13m) to grow the pot of money.
  - The NIF can also be used to leverage in tens of millions of pounds of other funding streams from sources such as the National Lottery Heritage Fund, Sport England or the National Infrastructure Bank.
  - For example a relatively modest amount of local funding levered in £10m of National Lottery funding for the Winter Gardens in Great Yarmouth.
  - The Investment Fund enables stakeholders across all sectors to work together to shape investment projects, helping to move Norfolk forward in partnership.
  - Investment outcomes are direct and highly visible for residents and businesses, contributing to better outcomes and offering pride of place.
- 3.3 The Investment Fund is ringfenced for the purpose of economic growth and is subject to 5-year independent gateway review to assess the impact investment funds have made in the local area on economic growth and trigger the release of the next 5-year tranche of funding.
- 3.4 In line with the ethos and policy of devolution, Norfolk will have the autonomy to shape the Investment Fund in order to address Norfolk's Investment priorities for economic growth. This provides Norfolk stakeholders, including district councils, a real opportunity to shape Norfolk's future and provide a shift change in employment, sustainable growth, productivity, and skills.

### 3.5 Activity to date includes:

- Research around best practice use of Investment Funding to help shape the design of our Fund. For example:
  - To reflect the 5-year gateway process we will focus on a £100million pot.
  - 6-7 funds will provide a workable number where impact will not be diluted.
  - Other areas with a fund are using a blend of grants, loans and equity.
  - The targeting of funds should complement other funds within the funding landscape.
  - Application pipelines are a critical success factor.
- Presentations and workshops to Norfolk County Council's Member Engagement Working Group and Cabinet, as well as to Norfolk Leaders' Group and Norfolk Chief Executives. These meetings, which have received positive feedback, have proved a useful forum to engage stakeholders, receive constructive challenge and evolve the model.
- Developing a potential model, with feedback sought from members and district stakeholders to co-develop fund design, using the first £100 million to create different funding pots. Funds that have been proposed include:
  - **A Feasibility and Business Case Fund** - to support studies where there is potential to identify future projects that will have economic impact and ensure a steady pipeline.
  - **A Place based Fund** - to identify, understand and address barriers to economic growth and prosperity; capitalising on sector specific opportunities, enabling growth within a geography.
  - **A Growing Norfolk Business Fund** - to support business growth and investment in Norfolk.
  - **A Skills Fund** - to target the Skills agenda and complement control of the adult education budget to deliver projects outside of traditional scope.
  - **A Financial Instruments Fund** - The Norfolk and Suffolk Economic Strategy highlights the importance of, identifying opportunities to build on current public sector equity and loan schemes for businesses to provide a full range of green finance options for our businesses including investment in early stage and high risk innovation.
  - **A Commissioning Fund** - to be used where a project has a clearly defined need but there is no lead organisation coming forward to address the need, using the skills and expertise of a broad range of stakeholders to help identify gaps in provision and develop solutions.

### 3.6 Next steps will involve:

- Continued development of proposals for fund design (as above) and governance with a timeline for adoption of these recommendations aligned to devolution activities.
- Recruitment of staff to ensure sufficient levels of resource available to meet devolution timeframes.
- Ongoing engagement with members and district councils to ensure transparency and collaboration as investment fund concepts and plans evolve.



- Further development of an assurance framework for the fund, that will sit within an accountability framework that is required by central government for devolved areas.
- Development of prioritisation, assessment, and assurance processes for each investment fund.
- Development of pipelines for each investment type.

#### **4. Capital funding for homes – Brownfield Housing Fund**

- 4.1 The Brownfield Housing Fund was set up by the Department for Levelling Up, Housing and Communities to support the national housing agenda. Profiled over 5 years (2020/21 – 2024/25), it has the aim of creating more homes by bringing more brownfield land into development.
- 4.2 The Fund contributes to the levelling-up agenda helping to ease the viability issues that brownfield projects face, alongside supporting wider interventions aimed at economic development.
- 4.3 It is worth noting that this programme is separate to the One Public Estate programme, to which all councils continue to have access to under the terms of the programme.
- 4.4 As part of Norfolk’s devolution deal we have been offered c.£7m funding via this existing fund to deliver 455-583 new homes. For future spending reviews, we would be treated the same as other devolved areas.
- 4.5 The fund sets a number of conditions, so projects proposed must:
- Be “green book” compliant with a BCR floor of 1.
  - present the best possible Value for Money opportunities.
  - have an evidenced market failure.
  - satisfy that they could not happen without financial support from the fund.
  - offer the highest additionality.
  - start on site before 31 March 2025.
- 4.6 Local authorities wishing to participate must have up to date Local Plans. As the accountable body for the Deal, Norfolk County Council must satisfy the necessary monitoring and reporting requirements to be outlined by the Department for Levelling Up, Housing and Communities.
- 4.7 As a reminder to the Committee, to date, the Brownfield Housing Fund has only been available to those areas with a devolution deal, who have received significant investment to unlock housing. For example, £120m of funding for brownfield land was awarded to 7 combined authorities on 2 February 2022, to deliver 7,800 homes on brownfield land, with a further £30 million funding to regenerate brownfield sites across West Midlands, Greater Manchester and the Tees Valley Combined Authorities and build another 2,500 new homes.
- 4.8 A brownfield site is an area that has been used before and tends to be disused or derelict land. For Norfolk, having the opportunity to participate in this Fund constitutes a significant opportunity to unlock housing sites that would otherwise remain undeveloped.
- 4.9 Activity to date includes:

- Engagement with Homes England to begin to shape a strategic partnership and align plans to national objectives.
- Liaison with Norfolk's councils to discuss the fund and opportunities it offers.
- Individual meetings held with all Districts to provide clarity around brownfield land regeneration funding criteria and collate local priorities.
- Submissions from all districts received and a possible 800+sites identified to create a long list of projects for Norfolk.
- Procurement activity undertaken to appoint a skilled, specialist contractor to complete rigorous evaluation of proposed sites to ensure that these meet BLRF criteria.

#### 4.10 Next steps will involve:

- Appointment of a specialist evaluator who will create the assessment framework to ensure proposals meet deliverability criteria.
- Evaluation of sites completed to create a pipeline of projects.
- Ongoing engagement with Districts to inform them of progress against plans.
- Submission of the pipeline to government to access funding.
- Setting up a number of legal agreements between the Department for Levelling Up and Norfolk County Council, and Norfolk County Council and Developers as needed.

## 5. Adult Education budget

- 5.1 As mentioned in the last report to the Committee, the draft deal gives Norfolk new powers and funding to shape local skills provision to better meet the needs of the local economy and local people, to target funding where it is needed and to ensure that delivery is aligned to Norfolk's skills strategy. This involves the devolution of the adult education budget (that is funding for the 19+provision), currently c.£12m, to Norfolk County Council.
- 5.2 Under current plans, the budget will be devolved in 2025, and providers who wish to deliver to learners will need to discuss funding arrangements directly with Norfolk County Council.
- 5.3 The deal also gives Norfolk County Council the opportunity to contribute to the development of our Local Skills Improvement Plan, for which the responsible body is the Norfolk Chamber of Commerce. Local Skills Improvement Plans are key documents which outline priorities and changes in that area to make post-16 education more responsive to the needs of the local labour market.
- 5.4 Activity to date includes:
- Submission of a successful bid to the Department for Education to secure implementation funding for the Adult Education Budget devolution (there is a clawback clause for deals that do not proceed so spending is being limited prior to a vote on the Deal).
  - Continuing research and learning sessions with the Department for Education and other devolved authorities to define best practice and shape Norfolk County Council's activities to prepare for devolution.
  - Coordinating resource across internal departments to begin to define and shape processes in areas like finance, procurement, digital, compliance and

legal, in order to comply with the readiness conditions laid out by government, that need to be met by 31 May 2024.

- Work proceeding with the development of a Strategic Skills Plan to inform and shape the use of the Adult Education Budget in Norfolk and to meet readiness condition requirements.
- Ongoing engagement with Norfolk stakeholders from industry, education, voluntary sector, Department for Work and Pensions, and local government to shape and guide an understanding of skills requirements.

#### 5.5 Next steps include:

- Attendance at Department for Education knowledge transfer sessions by relevant officers from across departments to prepare to meet readiness conditions.
- Ongoing engagement with local stakeholders to inform and steer work in this area, including districts, adult education providers and industry.
- Analysis of the Norfolk Adult Education data pack, once provided by DfE, to inform an evidence-based approach.
- Completion of a Strategic Skills Plan for Norfolk.
- Further defining and developing processes to the required level to successfully meet readiness condition requirements by 31 May 2024.

## **6. Consolidated transport budget and Local Transport Plan**

6.1 Norfolk County Council is already responsible for transport planning and delivery and will continue to exercise these functions and powers.

6.2 From 2024/25, Norfolk County Council would be offered a devolved and consolidated integrated local transport budget for the area of Norfolk. Initially this will consist of the local highways maintenance funding (both the Pothole Fund and Highways Maintenance Block) and the Integrated Transport Block.

6.3 The integrated transport settlement will be available to Norfolk following the first directly elected leader election in May 2024, for the final year (2024/25) of the current Spending Review period. This single fund will give Norfolk greater flexibility to use funding on locally determined priorities and plans.

6.4 Government will also work with Norfolk to agree an integrated multi-year transport settlement at the next Spending Review, at which point opportunities for expanding the integrated transport settlement offer will also be explored. This will enable longer term predictability and security of funding.

6.5 Norfolk currently has a Local Transport Plan, which is part of the Council's policy framework. It is expected that we will update our existing area-wide local transport plan by March 2024 (to be finalised by the elected Leader) to include quantifiable carbon reductions in line with guidance from the Department of Transport. To carry out this work, Norfolk will be provided with an additional £250,000 in revenue funding in both 2023/24 and 2024/25.

6.6 Finally, if the deal is agreed, Norfolk will be able to explore a local, more strategic partnership with Great British Railways to shape and further improve local rail services.

6.7 Activity to date:

- There is ongoing engagement with the Department of Transport to get early sight of the guidance to be published, which will in turn shape the work that needs to be done to update the current Local Transport Plan.
- Next steps will be determined by what is required to deliver the above.

## 7. Stakeholder Governance

- 7.1 A governance model for the Deal will form the foundation of an Assurance Framework, as required by Government, that will set out the arrangements for Norfolk County Council, as accountable body for the Deal. This must satisfy the Government's tests of strong local leadership, joint working, accountability and deliverability, but most importantly, how the Deal is delivered and overseen must ensure that the best possible outcomes for the people of Norfolk are achieved.
- 7.2 Whilst the County Deal is an agreement between Government and Norfolk County Council, the involvement of district councils and other key partners including business, is pivotal to the success of the Deal.
- 7.3 Activity to date:
- Development of a model, with key partners, to address how we work together with partners to get the best outcomes from the Deal for Norfolk, using existing governance arrangements and partnerships, wherever possible, to do so.
  - The proposed model looks to establish a series of boards to engage partners, as expert advisors, to inform and steer decision-making in the Investment Fund and other areas of the County Deal and the integrated LEP. These include:
    - **A Norfolk Leadership Board** – building on the Norfolk Public Sector Leaders' Board, and evolved to include wider representation of local leaders, to consider issues of strategic importance to Norfolk where collectively we can have the greatest impact. The Board will promote the ongoing benefit to Norfolk from devolution, shaping recommendations on the development of future County Deal strategies and reviewing annual progress of the Deal.
    - **A Norfolk Investment Board** – membership could include the Directly Elected Leader, an additional member from Norfolk County Council and all District Leaders. The Board will focus on shaping and endorsing the structure and criteria of the Norfolk Investment Fund and its funding streams, as well as assessing proposed projects and proposals to be funded through the Norfolk Investment Fund, and recommending them to the Norfolk County Council Executive.
    - **Norfolk Business Board** – a partnership between business, education and local government to enable sustainable growth in Norfolk with a membership that could include Business Leaders (including those who represent micros, small and medium sized enterprises), local authority leaders (county and district) and education representatives (FE and HE). The Board will focus on the provision of business support (including the Growth Hub), inward investment, innovation, sector and supply chain development. The Board is a requirement from Government as part of the LEP integration plan, which is separate from the implementation of the County Deal, and will build on the successes of the existing LEP Business Board.

- **Norfolk Employment and Skills Board** – a partnership of local government, DWP, voluntary sector, business, and educational provider representatives focussed on developing a portfolio of activity to strengthen skills levels and ensure businesses have the right skills to enable their growth. This Board will replace and build on the existing LEP Skills Advisory Board and sit alongside the Regional Skills Leadership Forum.
- **NB** It is important to note that Norfolk County Council remains the accountable body for public expenditure that supports the Devolution Deal and ultimately decision-making around the delivery of the County Deal, including the Investment Fund, would still rest with the Norfolk County Council Executive and, for those decisions that rest within the policy framework, with the wider Council.

## **8. Impact of the Proposal**

- 8.1 Norfolk has an ambitious vision for enhancing social and economic prosperity and increasing the wellbeing of our communities, as set out in Better Together, For Norfolk 2021-2025.
- 8.2 The Deal for Norfolk contains significant new and devolved powers and funding for Norfolk and represents an opportunity to gain greater local control and influence across a range of issues that directly affect our residents that are currently decided in Whitehall.
- 8.3 It will enable us to invest in areas such as better transport, skills, job opportunities, housing and regeneration, tailored to the specific needs of local people, and will ensure that the County is not disadvantaged as other areas acquire their own devolution deals.
- 8.4 Both the Government and Norfolk County Council recognise that devolution is a journey, not a one-off event. This agreement would be the first step in a process of further devolution and will pave the way for future conversations as part of an ongoing dialogue; with the experience from other devolution areas showing that initial deals can open the door to receiving further powers, funding and influence.

## **9. Alternative Options**

- 9.1 The Deal for Norfolk is contingent upon a County Council resolution to change the current leader and cabinet executive governance model to a 'directly elected leader and cabinet' governance model in December 2023.
- 9.2 If Council do not agree to change the model of governance, then the alternative option would be not to proceed with a Level 3 agreement. In that case all of the elements above, except for the Adult Education Budget would not be available to Norfolk.

## **10. Financial Implications**

- 10.1 On 22 February 2023, Council agreed to allocated £250,000 to support the mobilisation of the County Deal, including the costs of the public consultation and any additional resources required, prior to capacity funding becoming available in December 2023, if the County Deal is approved.

## **11. Resource Implications**

- 11.1 **Staff:** At the moment, implementation planning is done as part of officers' role. As part of implementation, there may be a need to draw together a programme team to support the delivery and monitoring of activity arising from devolution. Additional

resources needed are being identified, and further information will be presented to Committee when it is available.

11.2 **Property:** None at this point.

11.3 **IT:** None at this point.

## **12. Other Implications**

12.1 **Legal Implications:** None at this point

12.2 **Human Rights Implications:** None at this point

12.3 **Equality Impact Assessment (EqIA)** (this must be included):

12.3.1 A comprehensive range of evidence has been gathered and analysed, to enable the Council to develop a sound equality impact assessment about the likely impacts of the Deal on people with protected characteristics. This has involved reviewing data about people and services that might be affected, contextual information and commissioned research about local areas and populations.

12.3.2 The equality impact assessment conducted as part of the public consultation on the County Deal, identified that the Deal has the potential to significantly enhance access for disabled and older people in Norfolk - and equality of opportunity for people with other protected characteristics. This will continue to be relevant to all aspects of the work to implement the County Deal and to inform implementation plans.

12.3.3 The equality impact assessment is included in the Cabinet papers for 5 June 2023, in section 15 below (pages 264 – 271)

12.4 **Data Protection Impact Assessments (DPIA):** N/A

12.5 **Health and Safety implications (where appropriate):** N/A

12.6 **Sustainability implications (where appropriate):** None at this point

12.7 **Any Other Implications:** None at this point

## **13. Risk Implications / Assessment**

13.1 The primary risk is related to set up and implementation costs expended should the Deal not receive formal approval. If agreed, the Deal provides capacity funding to cover these costs. The risk is expected to diminish as council progresses through the Deal agreement process, but the risk is only eliminated upon the legislation being made and the Deal being agreed.

## **14. Recommendations**

14.1 The Select Committee is asked to:

a) **Offer thoughts and feedback on activity to date and proposed next steps, as summarised in this report.**

b) **Agree that further progress reports are presented to the Committee as appropriate.**

## **15. Background Papers**

[Levelling Up the United Kingdom - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

[Norfolk Devolution Deal text](#)

[A Devolution Deal for Norfolk - report to Cabinet Extraordinary Meeting 17 January 2023](#)

[Cabinet Agenda 5 June 2023](#) – A County Deal for Norfolk – Public Consultation and Equality Impact Assessment

[A County Deal for Norfolk - report to the Infrastructure & Development Select Committee 12 July 2023](#)

### **Officer Contact**

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# **Infrastructure and Development Select Committee**

**Item No: 8.**

**Report Title: Strategic and financial planning 2024-25**

**Date of Meeting: 15 November 2023**

**Responsible Cabinet Member: Cllr Andrew Jamieson (Cabinet Member for Finance)**

**Responsible Director: Harvey Bullen (Director of Strategic Finance)**

## **Executive Summary**

The appended report, which was considered by Cabinet in October 2023, represents a key milestone in the Council's budget setting process for 2024-25. Cabinet has already sought Select Committee input into the 2024-25 budget process, in respect of the overall planning context, and broad approach to the development of saving proposals.

This Select Committee report now appends the latest Cabinet report in order to provide details of the saving proposals identified to date for 2024-25 Budget setting. This is intended to support the Select Committee's discussion of the specific proposals and enable the Committee to provide its feedback and input to a future meeting of Cabinet and thereby to inform budget decisions.

This report therefore forms an important part of the process of developing the 2024-25 Budget, representing a key opportunity for the Select Committee to provide its views on priorities and the budget proposals for the services within its remit.

## **Recommendations / Action Required**

The Select Committee is asked:

1. To consider the latest Budget and Medium Term Financial Strategy position as reported to Cabinet in October 2023 (Appendix 1), noting in particular the emerging risks and uncertainties within the Council's planning position.
2. To consider and comment on the savings proposals for 2024-25 as set out in Appendix 1, which fall within the Committee's remit (savings marked with reference S2425CES in Appendix 1 Table 5).



3. To note the budget gap which remains to be closed for 2024-25 and in this context to comment on any areas the Select Committee would recommend exploring for savings development in relation to the services within the Select Committee's remit, in order to provide further input to the 2024-25 budget process and inform the final package of saving proposals put forward to Cabinet later in the year. In particular the Committee is asked to consider savings opportunities under the following headings:
  - a. New initiatives which would deliver savings;
  - b. Activities which could be ceased in order to deliver a saving;
  - c. Activities which the Council should seek to maintain at the current level as far as possible (i.e. areas where the Committee considers there is limited scope for savings).

## 1. Background and Purpose

- 1.1 Cabinet has sought input from the Council's three Select Committees in relation to developing budget proposals for the 2024-25 Budget. This continues the approach adopted to setting the budget in previous years. Select Committees therefore received an update on the Council's budget setting process in July 2023, and in particular were invited to:
  - Consider the overall Budget and Medium Term Financial Strategy position as reported to Cabinet in June 2023.
  - Consider the key issues for 2024-25 budget setting, overall service strategies as set out within the 2023-24 Budget Book, and budget setting principles.
  - To consider any specific areas of activity that the Select Committee would recommend exploring for savings development.
- 1.2 Select Committee comments from the July 2023 meeting cycle were reported to Cabinet in October. Following the July Select Committee meetings, Cabinet considered savings proposals for 2024-25, totalling £26.485m. Select Committees now have an opportunity to consider these proposals and the package of measures currently being consulted on.
- 1.3 At the time of preparing the October Cabinet report, one saving was identified as requiring specific public consultation: *Review contracts providing respite for adults with learning disabilities and identify a more cost effective and efficient way of delivering this service*. Following further review it has been confirmed that specific consultation is not necessary, and this saving will form part of the main overall consultation process.
- 1.4 This report therefore represents the key opportunity for Select Committees to provide input to 2024-25 budget setting and the Committee is invited to

comment on the substantive proposals which have been developed and are currently undergoing public consultation.

- 1.5 Any comments from Select Committees will be reported to Cabinet later in the budget setting process in order to inform final budget recommendations to Full Council.

## 2. Context

- 2.1 Community and Environmental Services (CES) deliver a wide a variety of front-line locally focused services. The common factor with these services being that they all impact on making Norfolk a great place to live, work, visit and thrive in, for our communities, businesses, visitors and our heritage and landscape. Services are focussed around:-

- **Keeping people safe** – for example Fire and Rescue, Trading Standards, planning, winter gritting, flood and water management
- **Helping people stay connected to services, businesses and to each other** – for example roads, transport, walking, cycling and wheeling, community hubs
- **Providing opportunities for people to reach their full potential in their career and life** – for example adult education, community learning, libraries, arts
- **Supporting healthy and resilient communities** – Active Norfolk, emergency planning, public rights of way, waste and water management, hardship support
- **Protecting and celebrating our landscape, heritage and history** – for example museums, Norfolk Record Office, environment, climate strategy, tourism

- 2.2 CES services are delivered locally across the county, including through our 42 fire stations, 47 libraries and 3 highways area offices. The majority of these services are universal and are available to be accessed by everyone as part of their day to day lives. For example, everyone relies on the highway network for moving around sustainably including walking, cycling, wheeling, travelling by bus or making sure others are able to visit and receive goods and services.

- 2.3 A key part of our strategy for some time has been to reduce our reliance on revenue funding whilst continuing to make significant investment in key improvements and activities for Norfolk. We have achieved this through successfully securing funding from alternative sources, including grants,

competitively bidding for funding and generating income; less than half of the workforce in CES is revenue funded.

2.4 This approach means that we can continue to invest in crucial infrastructure, both physical and social, to enable activities to support local communities and businesses can continue to be delivered and developed further. This includes:-

- Investing in significant highway infrastructure, including Great Yarmouth 3<sup>rd</sup> River Crossing, Norwich Western Link, Long Stratton Bypass & West Winch Housing Access Road
- Investing in our heritage, including a nationally significant project to restore Norwich Castle Keep into its medieval former glory
- Investing in two new learning and library hubs in Great Yarmouth and King's Lynn, providing better facilities for local communities whilst also helping to bring the high street back to life
- Investing infrastructure and equipment that support our work to reduce our impact on the environment and deliver the Climate Strategy, including investing in new electric vehicles for mobile libraries and fire and rescue, working with transport providers to secure electric buses, and developing transport infrastructure that supports green ways to travel
- Investing in support for people struggling with the cost of living, through the household support fund, as well as directly supporting those most in need
- Working with partners and stakeholders to further develop the visitor economy, and drawing in external funding

### **Savings proposals 2024-25**

2.5 The approach to meeting the budget shortfall for CES services is to focus on **protecting vital front-line services which local communities, businesses and visitors rely on**. This approach has three key strands:-

- Working both internally and with key partners and stakeholders to collectively maximise opportunities to **securing alternative funding**
- **Generating income** from our services – making sure our charges reflect a fair market rate and identifying new ways to generate income without impacting on core service delivery
- **Maximising value for money** – challenging ourselves and our contractors to ensure that we have efficient and effective ways of working in place that make best use of our assets, including putting new ways of working in place for our directly employed workforce, working with our contractors to enable efficiencies from our

commissioned services and reviewing/rationalising our property portfolio

- 2.6 This approach recognises the importance of continuing to provide community infrastructure across the county, enabling communities to benefit from the significant investments being made.

### **3. Proposal**

- 3.1 The report to October Cabinet reproduced as Appendix 1 provides an update on the financial planning context for the County Council, including:
- the 2024-25 Budget proposals which have been developed so far;
  - the proposed approach to public consultation on, and equality impact assessments of, the 2024-25 Budget;
  - the emerging service and other budget pressures which have been identified to date; and
  - key areas of risk and uncertainty.
- 3.2 The Select Committee's views are particularly sought in relation to the services within its remit on (1) the new proposals identified for 2024-25 budget setting and currently undergoing public consultation, and (2) further areas for savings development to bridge the remaining 2024-25 budget gap. The Committee's feedback will help shape budget and saving proposal development for 2024-25, assist in the identification of key pressures and priorities for the 2024-25 Budget, and (ultimately) inform Cabinet's recommendations on the budget proposals to Full Council later in the year.
- 3.3 The financial approach and key strategies for Directorates delivering services which fall broadly within the remit of this Committee have been set out within the County Council's [2023-24 Budget Book](#)<sup>1</sup>.

### **4. Impact of the Proposal**

- 4.1 Select Committee input will support in shaping budget proposals and thereby contribute to the 2024-25 budget setting process. Individual recommendations from Select Committees will help to inform budget proposals and will therefore ultimately impact on Departmental budgets and service delivery for 2024-25. Details of specific impacts will be identified and reported in later stages of the budget process. Further impacts are also set out in the appended Cabinet paper.

<sup>1</sup> <https://www.norfolk.gov.uk/-/media/norfolk/downloads/what-we-do-and-how-we-work/budget-and-council-tax/budget-book-2023-27.pdf>

## **5. Evidence and Reasons for Decision**

- 5.1 As set out in the appended report. Select Committees have a specific role in policy development and therefore are invited to comment and advise Cabinet on budget options within their remit as in previous years.

## **6. Alternative Options**

- 6.1 As set out in the appended report, a range of options remain open at this stage. The purpose of this report is to provide Select Committees with an opportunity to engage with the budget process and inform the development of specific options for the 2024-25 Budget.

## **7. Financial Implications**

- 7.1 Immediate financial implications are highlighted in the appended report. Any implications arising from the Select Committee's comments will be reported to a future meeting of Cabinet as part of 2024-25 budget setting as appropriate.

## **8. Resource Implications**

### **7.1 Staff:**

There are no direct implications arising from this report although existing and proposed saving plans will include activities linked to staffing budgets. In addition there is a potential that further staffing implications may arise linked to specific saving proposals developed. These implications will be identified and reported as they arise later in the budget planning process. Further details are set out in the appended report.

### **7.2 Property:**

The appended report includes saving proposals related to declaring surplus and ultimately disposing of sites. Services currently delivered from these sites will need to be relocated and delivered from alternative sites within the County Council's property estate. There are no direct property implications arising from this report although existing and proposed saving plans will include activities linked to property budgets and assumptions around capital receipts to be achieved. In addition there is a potential that further property implications may arise linked to specific saving proposals developed and these implications will be identified and reported as they arise later in the budget planning process. Further details are set out in the appended report.

### **7.3 IT:**

There are no direct IT implications arising from this report although existing and proposed saving plans include activities linked to IMT budgets. In addition there is a potential that further IT implications may arise linked to specific saving

proposals developed and these implications will be identified and reported as they arise later in the budget planning process. Further details are set out in the appended report.

## **9. Other Implications**

### **8.1 Legal Implications:**

As set out in the appended Cabinet paper.

### **8.2 Human Rights Implications:**

As set out in the appended Cabinet paper.

### **8.3 Equality Impact Assessment (EqIA) (this must be included):**

As set out in the appended Cabinet paper.

### **8.4 Data Protection Impact Assessments (DPIA):**

As set out in the appended Cabinet paper.

### **8.5 Health and Safety implications (where appropriate):**

As set out in the appended Cabinet paper.

### **8.6 Sustainability implications (where appropriate):**

As set out in the appended Cabinet paper.

### **8.7 Any Other Implications:**

As set out in the appended Cabinet paper.

## **10. Risk Implications / Assessment**

9.1 As set out in the appended Cabinet paper.

## **11. Recommendations**

The Select Committee is asked:

1. To consider the latest Budget and Medium Term Financial Strategy position as reported to Cabinet in October 2023 (Appendix 1), noting in particular the emerging risks and uncertainties within the Council's planning position.
2. To consider and comment on the savings proposals for 2024-25 as set out in Appendix 1, which fall within the Committee's remit (savings marked with reference S2425CES in Appendix 1 Table 5).
3. To note the budget gap which remains to be closed for 2024-25 and in this context to comment on any areas the Select Committee would recommend exploring for savings development in relation to the services within the Select Committee's remit, in order to provide further input to the 2024-25 budget

process and inform the final package of saving proposals put forward to Cabinet later in the year. In particular the Committee is asked to consider savings opportunities under the following headings:

- a. New initiatives which would deliver savings;
- b. Activities which could be ceased in order to deliver a saving;
- c. Activities which the Council should seek to maintain at the current level as far as possible (i.e. areas where the Committee considers there is limited scope for savings).

## 12. Background Papers

11.1 As set out in the appended Cabinet paper, plus

Norfolk County Council Budget Book 2023-24 <https://www.norfolk.gov.uk/-/media/norfolk/downloads/what-we-do-and-how-we-work/budget-and-council-tax/budget-book-2023-27.pdf>

Norfolk County Council Constitution, [Part 7 – Overview and Scrutiny Bodies](#), para 3.9 – Membership and Areas of Responsibility of Select Committees.

Strategic and Financial Planning reports considered by Select Committees in July 2023 as follows:

- [Corporate Select Committee, 10/07/2023](#)
- [Infrastructure and Development Select Committee, 12/07/2023](#)
- [People and Communities Select Committee, 14/07/2023](#)

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## **Cabinet**

**Item No:**

**Decision making report title: Strategic and financial planning 2024-25**

**Date of meeting: 2 October 2023**

**Responsible Cabinet Member: Cllr Andrew Jamieson (Cabinet Member for Finance)**

**Responsible Director: Harvey Bullen (Director of Strategic Finance)**

**Is this a key decision? Yes/No**

**If this is a key decision, date added to the Forward Plan of Key Decisions: 5 June 2023**

### **Introduction from Cabinet Member**

It remains the case that there is substantial uncertainty about funding for 2024-25 onwards, in spite of the Government's Policy Statement published shortly before the 2023-24 Finance Settlement. The County Council faces a significant challenge in developing the Budget for 2024-25. There remains a Budget gap, and there are simultaneously severe headwinds in both the wider economy and public finances which will inevitably serve to increase cost pressures.

The Medium Term Financial Strategy (MTFS) agreed in February 2023 set out a gap of £126.522m for the period 2024-25 to 2026-27 including a gap of £46.216m for the first year, 2024-25. In June, Cabinet agreed to extend the MTFS for an additional year, 2027-28 which added a further £18.689m to the budget gap to be addressed and resulted in a total revised gap of £145.211m for the MTFS.

In June Cabinet also agreed to begin the Budget setting process, agreeing the timetable and proposed consultation process for 2024-25, as well as allocating saving targets to each Department. The Council's well-established process for annual budget setting forms a key part of the Council's robust approach to developing savings proposals at the scale and pace required to support the preparation of a balanced 2024-25 Budget.

DLUHC published the [Local government finance policy statement 2023-24 to 2024-25](#) in December 2022. Although this included 2024-25 indicative figures for some specific grants at a national level, individual authority grant allocations remain



unknown. The Local Government Finance Settlement for 2023-24 was essentially a one-year announcement providing limited certainty for planning for 2024-25 onwards.

The next fiscal event will be the Autumn Statement 2023, due to be announced 22 November 2023. Although this may provide an outline of the funding available for local government, further detail about local authority funding may not be available until the Local Government Provisional Settlement for 2024-25, which is unlikely to be before mid-December 2023.

It is in this climate of continuing uncertainty that the Council has developed proposals for the 2024-25 Budget. Many elements of the Budget remain unknown at this stage but have the potential to make a material impact on the level of resources available to Norfolk County Council to deliver services in the future. The level of proposals brought forward so far remain short of the level identified to be sought in June 2023 and intensive work therefore continues to develop further savings. Nonetheless the proposals set out in this paper make a significant contribution towards the overall quantum of savings required and provide a strong foundation which will enable the Cabinet to bring forward a package of balanced, sustainable budget proposals in January 2024. Ultimately this will enable the Council to continue to deliver the key services which are relied upon every day by Norfolk's residents, businesses and visitors.

This report therefore sets out details of the initial proposals for Cabinet consideration prior to public consultation. It also explains the broad approach planned to enable further options to be brought forward in order to contribute to a balanced Budget being proposed for 2024-25.

## **Executive Summary**

The October Cabinet meeting is an important milestone in the process of developing the 2024-25 Budget, although work is required to identify further proposals that will support the development of a balanced Budget in January 2024 as described more fully within the body of the report.

This report provides an opportunity for Cabinet to consider the current 2024-25 Budget proposals prior to public consultation being undertaken, and in particular:

- details the 2024-25 Budget proposals which have been developed so far;
- summarises the proposed approach to public consultation on, and equality impact assessments of, the 2024-25 Budget;
- describes the emerging service and other budget pressures which have been identified to date; and
- details key areas of risk and uncertainty.

The Strategic and Financial Planning report should be read in conjunction with the latest Financial Monitoring report for 2023-24 included elsewhere on the agenda. Collectively, these reports serve to provide an overview of the Council's current and expected future financial position.

As set out throughout this report, significant uncertainty remains around the planning position for 2024-25, and this report therefore also summarises the remaining steps required in the process leading to budget-setting in February 2024. Recognising the scale of the budget gap to be addressed, the Budget planning process for 2024-25 includes a further round of savings development which will enable proposals to be developed to be included in the January Cabinet meeting. The MTFs position will need to be updated to reflect future government funding announcements, and as the scale of the impact of both social care reform announcements and any implications of the ongoing cost of living crisis on the Council become clearer. This will be reported to January 2024 Cabinet and considered by Scrutiny Committee as the budget setting process progresses to its conclusion at Full Council in February 2024.

Cabinet decisions based on the information in this report will ultimately help to support the development of a robust, balanced 2024-25 Budget for the Council.

## **Recommendations:**

Cabinet is recommended:

- 1. To consider and comment on the County Council's financial strategy as set out in this report and note that the Budget process is aligned to the overall policy and financial framework;**
- 2. To note that fiscal and policy decisions made by the Government in autumn 2023, may have implications for the County Council's budget planning position. The outcome of these national funding announcements, alongside the Local Government Finance Settlement, will have potentially significant impacts on the 2024-25 Budget position, which will not be fully known until later in the budget setting process.**
- 3. To consider and agree for planning purposes the latest assessment of significant areas of risk and uncertainty around emerging budget pressures for the 2024-25 Budget and Medium Term Financial Strategy, which remain to be resolved and which may have a material impact on budget planning (section 8).**
- 4. To direct Executive Directors to identify proposals for further recurrent Departmental savings towards the original target of £46.200m agreed in June 2023, for consideration by Cabinet in January 2024 and to support final 2024-25 Budget recommendations to Full Council.**
- 5. To note that, taking into account the significant budget pressures for 2024-25, the S151 Officer anticipates recommending that the Council will need to apply the maximum council tax increase available in order to set a sustainable balanced budget for 2024-25;**
- 6. To note the responsibilities of the Director of Strategic Finance under section 114 of the Local Government Act 1988 and section 25 of the Local Government Act 2003 to comment on the robustness of budget**

estimates as set out in section 9 and the further actions which may be required to set a balanced budget as set out in paragraph 10.3;

7. To consider and agree the proposals as set out in section 5 (Table 5) to be taken forward in budget planning for 2024-25, subject to final decisions about the overall Budget in February 2024, noting the level of savings already included from the 2023-24 Budget process (Table 3);
8. To agree that public consultation (as set out in section 11) and equality impact assessment (as set out in section 17) in relation to all other proposals for the 2024-25 Budget be undertaken as set out in section 11, and asking residents for their views on the level of council tax;
9. To note that the Chief Executive (Head of Paid Service) has the delegation to undertake any staff consultation relating to specific proposals as required to inform and support 2024-25 Budget setting decisions in January 2024;
10. To confirm the remaining next steps in the Budget planning process for 2024-25, and the Budget planning timetable (Appendix 1); and
11. To note and thank Select Committees for their input into the Budget development process for 2024-25 in July, and to invite Select Committees to comment further on the detailed proposals set out in this report when they meet in November 2023 (section 19).

## **1. Background and Purpose**

- 1.1. In [June 2023, Cabinet](#) agreed the approach to Budget setting for 2024-25. Cabinet also agreed the allocation of saving targets as shown in the table below. These represent the new savings which needed to be found in addition to those currently planned for in the 2023-24 MTFs position and set out in the Council's [2023-24 Budget Book](#)<sup>2</sup>. As set out in this report, progress has been made in the development of saving proposals for 2024-25, but further savings need to be identified to get closer to the overall targets originally set. There also remains a possibility that the targets set out in the table below may need to be revisited later in the budget process in view of the significant uncertainties around the pressures and funding assumptions used at the time of preparing the MTFs, although this is considered unlikely at this stage. Further details are set out later in this report in relation to the risks to the Budget and MTFs position (section 8).

<sup>2</sup> <https://www.norfolk.gov.uk/-/media/norfolk/downloads/what-we-do-and-how-we-work/budget-and-council-tax/budget-book-2023-27.pdf>

**Table 1: Saving targets by Department**

<u>Savings Target</u>	2024-25	2025-26	2026-27	2027-28	Total MTFS saving target	Share
	£m	£m	£m	£m	£m	%
Adult Social Services	20.700	16.100	19.600	7.800	64.200	44%
Children's Services	11.800	9.200	11.200	4.500	36.700	25%
Community and Environmental Services	11.400	8.900	10.800	4.300	35.400	24%
Strategy and Transformation	1.300	1.300	1.200	1.200	5.000	3%
Finance	1.000	1.000	1.000	0.900	3.900	3%
	<b>46.200</b>	<b>36.500</b>	<b>43.800</b>	<b>18.700</b>	<b>145.200</b>	<b>100%</b>

1.2. This report provides Cabinet with an update on the progress towards identifying proposals to address the 2024-25 target and the proposed approaches to tackling the remaining MTFS gap.

1.3. The savings targets were apportioned to departments in line with the Council's departmental structure at the time. The savings proposals and tables in this report are aligned to the same departments as the savings targets. Recategorisation of savings proposals to the new departmental structure agreed by [July 2023 Employment Committee](#) will be presented in the January 2024 budget papers to Cabinet.

## **2. Strategic Context**

2.1. 2024-25 strategic and financial planning has been undertaken in the context of continued uncertainty around the ongoing war in Ukraine in terms of global energy and food supply, as well as inflationary pressures and the consequent impact on both the cost of services we deliver, and the demand for services as households and communities continue to struggle with the rising cost of living. These inflationary impacts have not been a short-term issue and have resulted in a permanent uplift in the Council's cost base in many key areas.

2.2. CPI inflation stands at 6.7% in August 2023 and the [Bank of England Monetary Policy Report August 2023](#) forecasts inflation to come down to around 5% in quarter four 2023, keep on falling in 2024, but not reach the 2% target until early 2025. At its meeting of 21 September 2023, the Bank of England's Monetary Policy Committee maintained the Bank Rate interest rate at 5.25%, the highest level since February 2008. Increases in the base rate have consequences for the Council in relation to the cost of borrowing which impacts on the revenue budget through the cost of financing the capital programme.

2.3. Falls in real household incomes have had a significant impact on people and families, particularly (but not limited to) those experiencing financial or

employment vulnerability. This, in turn, could have a knock-on impact on demand for our services.

- 2.4. This cost of living crisis is expected to constrain growth in consumer spending, the main driver of economic growth. With business investment and demand for exports subdued, there is little room for economic growth.
- 2.5. It is in these difficult times that the County Council cannot afford any complacency and, working with its partners, will have to consider how best to deploy its own limited resources to support the most vulnerable people and communities, whilst continuing to provide wider public services.
- 2.6. The Council Strategy '[Better Together, for Norfolk 2021-2025](#)' is the key high-level document which, supported by the Medium Term Financial Strategy, sets the Council's strategic policy direction. The four-year strategy, developed following broad engagement, sets out the Council's vision – *'In Norfolk, we cherish our heritage, we embrace opportunity, and offer an extraordinary place in which to spend a lifetime. We want Norfolk to be the place where everyone can start life well, live well and age well, and where no one is left behind. We want our economy to be vibrant, entrepreneurial and sustainable, supported by the right jobs, skills, training and infrastructure. We want our communities to feel safe, healthy, empowered and connected, their individual distinctiveness respected and preserved.'*
- 2.7. The strategy is structured around five key priorities which clearly demonstrate the organisation's level of ambition and intent to deal with key challenges:
  1. **A vibrant and sustainable economy**
  2. **Better opportunities for children and young people**
  3. **Healthy, fulfilling and independent lives**
  4. **Strong, engaged and inclusive communities**
  5. **A greener, more resilient future**
- 2.8. Our ongoing service transformation programmes collectively are intended to enable us to improve services and manage demand, making the Council more effective and efficient.
- 2.9. On 8 December 2022, Norfolk County Council and Government signed a **County Deal for Norfolk**. Devolution offers a generational opportunity to unlock significant long-term funding and gain greater freedom to decide how best to meet local needs and create new opportunities for the people who live

and work in Norfolk. Some decisions and funding previously controlled in Westminster will now be decided by Norfolk, for Norfolk.

2.10. If agreed, a Deal for Norfolk will mean that, from 2024 onwards, we can:

- target funding and resources to Norfolk's own priorities, with a new investment fund of £20m per year for 30 years
- unlock housing and employment sites with an injection of £12.9m capital funding in this Spending Review period and new powers to drive regeneration, housing and development priorities
- invest in the skills we know we need, with devolution of the adult education budget and input into the new Local Skills Improvement Plans
- invest in local transport planning and consolidate transport budgets to direct funding to better meet our local needs and priorities
- strengthen the local business voice to inform local decision making and strategic economic planning through the future integration of New Anglia Local Enterprise Partnership
- have a council leader who is directly elected by the public
- raise our influence regionally and nationally, enabling our voice to be better heard by Government to shape future policies and funding decisions for the benefit of our County

2.11. This agreement would be the first step in a process of further devolution and will pave the way for future conversations as part of an ongoing dialogue; with the experience from other devolution areas showing that initial deals can open the door to receiving further powers, funding, and influence.

### **3. Financial Context – Government Funding**

3.1. Collectively the Spending Review 2021, Autumn Budget 2022 and DLUHC Policy Statement provided indications of the medium term financial envelope within which local authorities will operate for 2024-25, but the Final Local Government Finance Settlement 2023-24 itself only set out funding allocations for one year (2023-24). The failure to publish full medium term funding forecasts is disappointing and impacts on the Council's ability to plan over the longer term. The further significant delay to long awaited funding reforms (until at least 2025-26 and potentially later), alongside the absence of any detail at this stage about the likely terms of reference for this funding review, only serves to add further uncertainty to the Council's financial planning and associated forecasts.

3.2. The Chancellor of the Exchequer announced the Government's 2023 Spring Budget on 15 March 2023, but this did not include further significant policy announcements in terms of local government funding, which would impact on the budget position. As such, the Council currently has no concrete information to inform estimates of government funding levels for the 2024-25

Budget planning although the working assumption is that there will be some form of rollover settlement announced for 2024-25.

3.3. Additional social care funding was announced at the Autumn Statement 2022 and confirmed in the Local Government Finance Settlement. The announcements at national level included:

- Delaying charging reform: £1.265 billion in 2023-24 and £1.877 billion in 2024-25 will be distributed to local authorities through the Social Care Grant for adult and children's social care. This is in addition to the existing Social Care Grant. Government is continuing to equalise against the adult social care precept.
- New grant funding: £600 million will be distributed in 2023-24 and £1 billion in 2024-25 through the Better Care Fund to "get people out of hospital on time into care settings, freeing up NHS beds for those who need them." The funding is split 50:50 between the DLUHC Local Government DEL (departmental expenditure limit) and the Department for Health and Social Care DEL.
- New grant funding: £400 million in 2023-24 and £683 million in 2024-25 will be distributed through a grant ringfenced for adult social care which will also help to support capacity and discharge.
- Funding for adult social care retains £162 million per year of Fair Cost of Care funding and its distribution.
- There will be reporting requirements on the new Adult Social Care Grant and the Better Care Fund regarding performance and use of funding to deliver tangible improvements against the following objectives: discharge delays, social care waiting times, low fee rates and workforce pressures in the adult social care sector.
- A subsequent announcement in August 2023 advised of Market Sustainability and Improvement Fund: Workforce Fund, worth £570 million over 2023/24 and 2024/25. It makes extra in-year resource available to further boost capacity, allowing councils to support the adult social care workforce, including on pay. The new funding will be worth an additional £365 million in 2023/24.

3.4. The next fiscal event will be the Autumn Statement 2023. Although this may provide further details of Government planning including an insight into local government funding levels and (potentially) any changes to the council tax referendum threshold for 2024-25, further detail about local authority funding will not be available until the Local Government Provisional Settlement for 2024-25. The outcome of any national funding announcements that have potentially significant impacts on the 2024-25 Budget position will be reported

to Cabinet in January as part of 2024-25 Budget setting or to an earlier meeting of Cabinet if necessary.

#### **4. Medium Term Financial Strategy and assumptions**

4.1. At the time of setting the Medium Term Financial Strategy in February 2023, the Council adopted the following key assumptions:

- A balanced outturn position for 2022-23 and successful delivery of all existing planned savings proposed and included for 2023-24.
- Government funding rollover into 2024-25, including Settlement Funding (RSG, business rates), Rural Services Delivery Grant, Social Care Grant, Better Care Fund / improved Better Care Fund, Public Health Grant and the “2023-24 Services Grant”.
- Cost pressures for 2024-25 including:
  - 4% for pay inflation in 2024-25.
  - Price inflation of £12.5m including £7.0m in Adult Social Care and £3.2m Children’s Services. It should be noted that the MTFs assumed a material reduction in inflationary pressures compared to the level provided for in the 2023-24 Budget.
  - Demographic growth pressures including £5.5m relating to Adults demographic growth, £9.5m Children’s Services demographic growth (including £2.5m Home to School transport pressures), and £2.0m relating to waste tonnages.
  - £25m held centrally as provision for anticipated service growth in 2024-25.
  - Assumed increases in council tax of 4.99% in 2024-25 including 2.00% for the Adult Social Care precept.

4.2. A number of these assumptions now need to be revisited as described more fully in section 8 of this report. The gap based on these assumptions reflected:



**Table 2: Updated Medium Term Financial Strategy 2024-25 to 2027-28**

	<b>2024-25</b>	<b>2025-26</b>	<b>2026-27</b>	<b>2027-28</b>	<b>Total</b>
	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>
<b><u>Growth Pressures</u></b>					
Economic and inflationary	25.471	22.737	23.293	24.495	<b>95.996</b>
Legislative requirements	6.760	-0.200	0.000	0.000	<b>6.560</b>
Demand and demographic	42.150	37.150	37.010	11.000	<b>172.310</b>
Policy decisions	0.776	-1.543	2.078	0.000	<b>1.311</b>
Funding decreases	0.628	0.000	0.000	0.000	<b>0.628</b>
<b><u>Savings and funding increases</u></b>					
Identified savings	6.197	-0.669	-2.285	0.000	<b>3.243</b>
Funding increases	-8.352	0.000	0.000	0.000	<b>-8.352</b>
Council tax changes	-27.414	-20.949	-16.316	-16.807	<b>-81.486</b>
<b>Forecast Gap (Surplus)/Deficit</b>	<b>46.216</b>	<b>36.526</b>	<b>43.781</b>	<b>18.689</b>	<b>145.212</b>

4.3. The MTFS includes substantial existing savings to be delivered of £59.703m for 2023-24, and any non-delivery will need to be addressed in 2024-25. For 2024-25, the MTFS also assumes the reversal of one-off savings from 2023-24 resulting in an overall pressure of £6.197m from savings brought forward into 2024-25 planning. These break down as shown in the table below. New proposals set out in this report are in addition to these existing savings assumptions.

**Table 3: Existing MTFS savings planned for 2023-24 to 2026-27 by Department**

	<b>2023-24</b>	<b>2024-25</b>	<b>2025-26</b>	<b>2026-27</b>	<b>2023-27</b>
	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>
Adult Social Services	-28.040	2.700	-2.500	-2.000	<b>-29.840</b>
Children's Services	-12.517	0.088	0.050	0.000	<b>-12.379</b>
Community and Environmental Services	-10.904	2.819	0.570	-0.045	<b>-7.560</b>
Strategy and Transformation	-2.542	0.050	1.571	0.000	<b>-0.921</b>
Finance	-5.700	0.540	-0.360	-0.240	<b>-5.760</b>
<b>Savings total</b>	<b>-59.703</b>	<b>6.197</b>	<b>-0.669</b>	<b>-2.285</b>	<b>-56.460</b>

4.4. The forecast gap is kept under continuous review through the Budget process. However, it is not proposed to update the forecast budget pressures from the MTFS position at this point, reflecting the wider uncertainty about local authority finances, the lack of government funding announcements, and the need for updated forecasts for local income streams including council tax and business rates.

4.5. It is nevertheless important to note that as at October 2023, further significant revenue budget pressures are beginning to emerge in relation to items such as pay and price market pressures in Adult and Children's Services, pressures from the Fire and Rescue Service including the Fire pay award, inflationary pressures in areas like Highways Winter Maintenance, and interest payable costs. Further details of these are provided in Section 8. The cost pressures position will continue to be kept under review as the budget process progresses, however there is likely to be no residual budget from the £25m held centrally as provision for anticipated service growth to contribute to closing the 2024-25 budget gap. This overall position reflects the fact that fundamentally local authorities continue to face a growing shortfall between funding and service pressures, which is caused in large part by a combination of inflation, demographic changes, unfunded burdens, policy decisions, and the needs of vulnerable social care users becoming increasingly complex. The detailed allocation of the £25m to meet identified service pressures is underway as part of the budget setting process and will be reported to Cabinet in January 2024.

## 5. New proposals for Cabinet consideration October 2023

5.1. Work has been undertaken over the summer in order to develop savings proposals to contribute to closing the 2024-25 Budget gap. These new proposals total £26.485m and are summarised in the table below.

**Table 4: New saving proposals summarised by Department**

	<b>2024-25 £m</b>	<b>2025-26 £m</b>	<b>2026-27 £m</b>	<b>2027-28 £m</b>	<b>Total £m</b>
Adult Social Services	-14.228	0.500	-2.900	-3.100	-19.728
Children's Services	-4.842	-5.769	-7.449	-5.703	-23.763
Community and Environmental Services	-5.505	-2.158	2.205	0.380	-5.078
Strategy and Transformation	-0.910	-0.010	0.000	0.000	-0.920
Finance	-1.000	0.000	0.000	0.000	-1.000
	<b>-26.485</b>	<b>-7.437</b>	<b>-8.144</b>	<b>-8.423</b>	<b>-50.489</b>

5.2. The following table provides further details of these proposals which are recommended for inclusion in the 2024-25 Budget planning, subject to the outcomes of EQIA and public consultation, which will collectively inform Cabinet's recommendations on the full Budget package in January 2024, and Full Council decision-making on the Budget in February 2024.

**Table 5: Detailed Budget savings proposals 2024-25**

Dept	Saving Proposal	2024-25 £m	2025-26 £m	2026-27 £m	2027-28 £m	Total £m
S2425ASS001	Review contracts providing respite for adults with learning disabilities and identify a more cost effective and efficient way of delivering this service.	-0.250	-0.250			<b>-0.500</b>
S2425ASS002	Shifting our payments for 1:1 care in Residential Care to being based on actual delivery rather than commitment basis	-0.100				<b>-0.100</b>
S2425ASS003	Reduction in budget for a historic pension scheme based on people exiting the scheme over time.	-0.050				<b>-0.050</b>
S2425ASS004	One-off release of reserves to offset budget pressures.	-3.000	3.000			<b>0.000</b>
S2425ASS005	Plans to build 2,800 units of extra care housing for older adults. This proposal is aimed at increasing independence and making savings by reducing demand for residential care.	1.100	-1.000	-1.700	-2.000	<b>-3.600</b>
S2425ASS006	Plans to provide 183 units of supported housing for young adults. This proposal is aimed at increasing independence and making savings by reducing demand for residential care.	-0.500	-1.100	-1.200	-1.100	<b>-3.900</b>
S2425ASS007	Supporting more people through an enhanced reablement service that prevents, reduces and delays the need for ongoing care	-1.500				<b>-1.500</b>
S2425ASS008	Reduce purchasing of short-term residential care, by focusing on more independent outcomes following hospital discharge.	-1.000				<b>-1.000</b>

Dept	Saving Proposal	2024-25 £m	2025-26 £m	2026-27 £m	2027-28 £m	Total £m
S2425ASS009	A programme of work based on data designed to support people earlier and connect them to services and support in their communities. The saving would be from prevention and early intervention (Connecting Communities additionality)	-4.000				<b>-4.000</b>
S2425ASS010	Expand the Falls Pilot to promote prevention and early intervention with a larger cohort of people at risk of falls.	-0.050	-0.150			<b>-0.200</b>
S2425ASS011	Investment in additional staffing to promote earlier intervention and maximise independence amongst young people with additional needs.	-0.250				<b>-0.250</b>
S2425ASS012	Use grant funding to replace NCC budget.	-2.128				<b>-2.128</b>
S2425ASS013	Potential use of additional reserves, including Public Health reserves.	-1.000	1.000			<b>0.000</b>
S2425ASS014	Use digital technology to streamline services and make productivity and efficiency savings across priority areas for Adult Social Care.	-1.000				<b>-1.000</b>
S2425ASS016	Delivering improved choice and independent outcomes for those with Mental Health needs.	-0.500	-1.000			<b>-1.500</b>
S2425CS001	Prevention, early intervention and effective social care - helping families stay together and ensuring fewer children in care: Reducing demand for social care intervention through earlier help and prevention.	-0.642	-1.285	-1.285	-1.285	<b>-4.497</b>
S2425CS002	Prevention, early intervention and effective social care - helping families stay together and ensuring fewer children in care: New Roads approach to help children		-0.125	-0.250	-0.500	<b>-0.875</b>

Dept	Saving Proposal	2024-25 £m	2025-26 £m	2026-27 £m	2027-28 £m	Total £m
	and young people with neurodevelopmental disabilities and enable them to remain living within their families.					
S2425CS003	Transforming the Care Market and creating the capacity that we need: Expansion of in-house fostering capacity through a whole-Council and whole-County focus on carer recruitment and retention, ensuring we have sufficient foster carers to avoid the use of other, more costly, care arrangements where they do not provide better outcomes.	-0.378	-1.611	-1.546	-0.783	<b>-4.318</b>
S2425CS004	Transforming the Care Market and creating the capacity that we need: Reshaping our in-house residential care provision to successfully support the highest needs young people and to support positive 'move on' to family-based care as early as possible	-1.067	-0.973	-1.043	-0.210	<b>-3.293</b>
S2425CS005	Inclusion: More primary aged children with SEND can travel independently by adapting the Travel Independence Travel Across Nation (TITAN) programme.	-0.125	-0.125	-0.125	-0.125	<b>-0.500</b>
S2425CS006	Inclusion: Ongoing focus on efficient delivery of Home to School Transport through maximising travel independence wherever appropriate and possible.	-0.250	-0.100	-0.100		<b>-0.450</b>
S2425CS007	Local First Inclusion: Creation of additional specialist provision closer to home resulting in children needing to travel less far	-0.750	-0.500	-0.500	-0.500	<b>-2.250</b>
S2425CS008	Local First Inclusion: More children supported in mainstream schools preventing the need to travel to specialist schools.		-1.550	-2.300	-2.300	<b>-6.150</b>

Dept	Saving Proposal	2024-25 £m	2025-26 £m	2026-27 £m	2027-28 £m	Total £m
S2425CS009	Ongoing focus on efficient commissioning of complex care placements.	-0.100				<b>-0.100</b>
S2425CS010	Efficient commissioning of clinical training required for some families. Training delivered in partnership with Norfolk Community Health & Care (NCH&C).	-0.030				<b>-0.030</b>
S2425CS011	Reshaping our system support for learning and education aligned to the evolving role of the local authority and creation of a self-improving education system	-0.375	-0.375	-0.175		<b>-0.925</b>
S2425CS012	One-off usage of reserves earmarked to contribute to invest-to-save funding. This saving has a corresponding pressure in 2025-26 ensuring invest-to-save funding continues.	-1.000	1.000			<b>0.000</b>
S2425CS013	Prevention, early intervention and effective social care - helping families stay together and ensuring fewer children in care: Reduced social care placement and support costs through improved the timeliness of court decisions.	-0.125	-0.125	-0.125		<b>-0.375</b>
S2425CES001	Small scale efficiency improvements within Norfolk Fire and Rescue service (NFRS) that will not affect the front-line service.	-0.040				<b>-0.040</b>
S2425CES002	Review the management of the NFRS vehicle maintenance contract currently delivered by Norse to ensure best value.		-0.200			<b>-0.200</b>
S2425CES004	Reintroduce overdue charges for adults in libraries (charges were suspended during the Covid 19 pandemic).	-0.045				<b>-0.045</b>

Dept	Saving Proposal	2024-25 £m	2025-26 £m	2026-27 £m	2027-28 £m	Total £m
S2425CES005	Remove vacant Open Library Manager post (0.5fte).	-0.015				<b>-0.015</b>
S2425CES006	To capitalise a portion of the Executive Director post salary - 20% (to be funded from existing capital allocation).	-0.040				<b>-0.040</b>
S2425CES007	Remove vacant post from within the Business Support Operations team.	-0.025				<b>-0.025</b>
S2425CES008	Enable digital fund raising online for our libraries.	-0.020				<b>-0.020</b>
S2425CES009	Review highway fees and compare to those charged by neighbouring authorities, then introduce new or reviewed fees, where possible, for external customers.	-0.050	-0.025	-0.025		<b>-0.100</b>
S2425CES010	Review design recharge fees (BCIS 10% increase in rates from 1/4/23) and benchmark against neighbouring authorities. Introduce new or reviewed fees where possible for internal and external customers.	-0.200	-0.150	-0.150		<b>-0.500</b>
S2425CES011	Capitalise £0.050m of the £1.5m revenue budget from the Flood Reserve Fund. Currently £0.5m is capitalised annually.	-0.050		0.050		<b>0.000</b>
S2425CES012	Increase capital funding of the Norse Local Management Overhead (LMO) in the same proportions as the split of direct activity between revenue and capital.	-0.100				<b>-0.100</b>
S2425CES013	Further increase Area recharge budgets.	-0.100				<b>-0.100</b>
S2425CES014	Freeze third party delegated grass cutting rate as it received 13.4% this year. Move away from RPI increase for new applicants.	-0.030				<b>-0.030</b>

Dept	Saving Proposal	2024-25 £m	2025-26 £m	2026-27 £m	2027-28 £m	Total £m
S2425CES015	Review the level of permits NCC process in line with the permit scheme and ensure full cost recovery.	-0.250	-0.100	-0.050		<b>-0.400</b>
S2425CES016	Waste and recycling levels have reduced following the increase during Covid 19 due to the effects of behaviour change. A slow down in growth has been observed from Q3 2021-22 which has continued.	-0.500				<b>-0.500</b>
S2425CES017	Recycling credits review of assumed growth has allowed for a reduction from what has currently been factored into the medium term financial plan.	-0.275				<b>-0.275</b>
S2425CES018	Increase trade waste charges in recycling centres.	-0.030				<b>-0.030</b>
S2425CES019	Increased income generated from reuse items sold at recycling centres.	-0.070				<b>-0.070</b>
S2425CES020	Income generated by selling some of the materials deposited at recycling centres.	-0.075				<b>-0.075</b>
S2425CES021	Pay as you throw annual index price uplift at recycling centres (*will be impacted by proposed new legislation).	-0.030				<b>-0.030</b>
S2425CES022	Refine existing approach to trade waste recharges to district councils.	-0.010				<b>-0.010</b>
S2425CES023	Introduce charging to internal and external customers for all aspects of Lead Local Flood Authorities advice.	-0.005	-0.005			<b>-0.010</b>
S2425CES024	Cease Transport for Norwich advisory committee meetings to achieve a cost saving by reducing time spent preparing, reviewing and publishing reports.	-0.005				<b>-0.005</b>
S2425CES025	Explore with South Norfolk District Council and Broadland District Council on whether their restrictions on	-0.045	-0.015			<b>-0.060</b>



Dept	Saving Proposal	2024-25 £m	2025-26 £m	2026-27 £m	2027-28 £m	Total £m
	roundabout sponsorship can be lifted to generate additional income.					
S2425CES026	Reduce cleaning specifications across NCC offices (County Hall, Priory and Havenbridge).	-0.100				<b>-0.100</b>
S2425CES027	Reduce Grounds maintenance at County Hall.	-0.010				<b>-0.010</b>
S2425CES028	Reduction of expenditure with outsourced provider within Corporate Property service.	-0.400				<b>-0.400</b>
S2425CES030	Relocation of Havenbridge House staff and functions to former Great Yarmouth library.	-0.200				<b>-0.200</b>
S2425CES031	Relocation of Norman House staff to Shrublands.	-0.028				<b>-0.028</b>
S2425CES032	Rationalisation of Breckland House occupancy in Thetford.	-0.020				<b>-0.020</b>
S2425CES033	Rationalisation of occupancy at Wymondham Gateway.	-0.010				<b>-0.010</b>
S2425CES034	Efficiency improvements to reduce cost codes and processing of invoices and recharges.		-0.020			<b>-0.020</b>
S2425CES035	Alternative delivery of security / vacant building management.	-0.010				<b>-0.010</b>
S2425CES036	Increase income generated from County Farms.	-0.160				<b>-0.160</b>
S2425CES038	Defer Environmental Policy revenue budget uplift to 2024-25. Working closely with Suffolk CC on this important programme to enable efficiencies.	-0.150	0.150			<b>0.000</b>
S2425CES039	Arts Service - further reduction of the Council's strategic arts grants (Reduction on the Council's ability to lever in substantial external funding from DCMS, Arts Council England, etc. ).	-0.015				<b>-0.015</b>

Dept	Saving Proposal	2024-25 £m	2025-26 £m	2026-27 £m	2027-28 £m	Total £m
S2425CES040	Further increases in fees income generated by our Planning teams.	-0.018				<b>-0.018</b>
S2425CES041	Fundraising and new events income generated by the Norfolk Records Office.	-0.015				<b>-0.015</b>
S2425CES042	The 2024-25 business rates pool to contribute in full towards savings. Decision on pooling will be taken in Autumn 2023.		-2.600	2.600		<b>0.000</b>
S2425CES043	Utilisation of business rates pool for 2023-24 to fund 2024-25 growth for Local Transport Plan (£0.300m) and Transport for Norwich (£0.200m).	-0.500	0.500			<b>0.000</b>
S2425CES044	Holding of vacant posts and delayed recruitment to generate one-off saving within staff costs	-0.070	0.070			<b>0.000</b>
S2425CES046	Reduce staff learning and development budget across the department.	-0.015				<b>-0.015</b>
S2425CES047	One-off reversal of business as usual budget growth across the Communities, Information and Learning service.	-0.039	0.039			<b>0.000</b>
S2425CES048	One-off streetlighting saving which represents the in-year maintenance cost saving for those lights being replaced.	-0.040	0.040			<b>0.000</b>
S2425CES049	Increased recharge for Highways Asset & Capital Programme team.	-0.100				<b>-0.100</b>
S2425CES050	Increased use of Commuted Sums for 3 years which are applied to the highways revenue maintenance fund each year to support the maintenance of the highways asset.	-0.300			0.300	<b>0.000</b>

Dept	Saving Proposal	2024-25 £m	2025-26 £m	2026-27 £m	2027-28 £m	Total £m
S2425CES052	Moving Traffic Offences - scheme implementation - Following the government devolving powers, moving traffic offences in Norfolk are now the responsibility of the Council. The scheme will go live this autumn, and following an initial period, the scheme is likely to generate a small income from 24/25. This also includes bus lane enforcement transferred from the City Council in 2023.	-0.050	-0.050			<b>-0.100</b>
S2425CES053	Moving Traffic Offences - scheme expansion - Following the government devolving powers, moving traffic offences in Norfolk are now the responsibility of the Council. The scheme will go live in autumn 2023, and there is the option of adding more sites for enforcement in 24/25 and then in subsequent years. This represents the projected income from this scheme.		-0.100	-0.050		<b>-0.150</b>
S2425CES054	A series of new on-street electric vehicle charging points will go live in Norwich in 23/24. This contract has an income revenue share with the Council.	-0.020	-0.020			<b>-0.040</b>
S2425CES055	The Council's premium for its annual insurance policy within Highways has recently reduced. This figure represents the current annual saving.	-0.150				<b>-0.150</b>
S2425CES056	Civil Parking Enforcement - Further increased income and reprofiling as more on-street parking schemes are rolled out	-0.100	-0.302	-0.300	0.100	<b>-0.602</b>
S2425CES057	One-off use of Highways and Transport reserves	-0.250	0.250			<b>0.000</b>
S2425CES058	One-off use of Waste reserves	-0.250	0.250			<b>0.000</b>
S2425CES062	Increased income to the Council from road closure applications	-0.150		0.150		<b>0.000</b>

Dept	Saving Proposal	2024-25 £m	2025-26 £m	2026-27 £m	2027-28 £m	Total £m
S2425CES064	Planning - additional fee income from reviewing the approach to planning applications and internal development work	-0.025				<b>-0.025</b>
S2425CES065	Reduce Local Transport Plan growth bid	-0.120	0.120			<b>0.000</b>
S2425CES066	Use of Reserves - Utilise reserves from Kickstart programme (now closed)	-0.030	0.030			<b>0.000</b>
S2425CES067	Increase fees charged to developers for Section 38 road adoption agreements.	-0.050				<b>-0.050</b>
S2425CES068	Align Scottow income budget with most recent actual rental income forecasts	-0.100				<b>-0.100</b>
S2425CES069	Further increase rent charged by Scottow over and above the amounts currently factored into the medium term financial plan.		-0.020	-0.020	-0.020	<b>-0.060</b>
S2425S&T001	Democratic Services new income stream from citizenship service	-0.010				<b>-0.010</b>
S2425S&T002	Insight & Analytics team Strategic Review efficiency savings from restructure	-0.320				<b>-0.320</b>
S2425S&T003	HR Strategic Review savings from ending temporary and vacant posts	-0.100				<b>-0.100</b>
S2425S&T004	Democratic Services savings from reduction of Chairman's functions budget and executive assistant support	-0.020	-0.010			<b>-0.030</b>
S2425S&T005	Digital Services to reduce spend on application systems through contract management	-0.360				<b>-0.360</b>

<b>Dept</b>	<b>Saving Proposal</b>	<b>2024-25 £m</b>	<b>2025-26 £m</b>	<b>2026-27 £m</b>	<b>2027-28 £m</b>	<b>Total £m</b>
S2425S&T006	Digital Services to reduce spend on network services through contract management	-0.100				<b>-0.100</b>
S2425FIN001	Review interest receivable budgets for updated cash balance forecasts and interest rates forecast to be achievable 2024-25.	-1.000				<b>-1.000</b>
		<b>-26.485</b>	<b>-7.437</b>	<b>-8.144</b>	<b>-8.423</b>	<b>-50.489</b>

5.3. All proposals will be subject to consultation and further validation work to ensure that they are fully robust and deliverable prior to being included in the Budget presented to Full Council for consideration in February 2024. At this stage, the following proposal has been identified as requiring specific public consultation:

- Review contracts providing respite for adults with learning disabilities and identify a more cost effective and efficient way of delivering this service

5.4. For the avoidance of doubt, no final decisions on the implementation of proposals will be made until February 2024 when the County Council considers the Cabinet's proposed Budget for 2024-25, including the findings of public consultation and equality impact assessments.

## 6. Council tax and Adult Social Care precept

- 6.1. As set out above, the MTFs approved by Full Council in February 2023 assumes a council tax increase of 4.99% (2.99% general council tax and 2.00% Adult Social Care precept). For 2023-24 the Government announced a core council tax referendum principle of 3% and an additional 2% adult social care precept. The Policy Statement also indicates that the same principles will be applied for 2024-25. However the referendum threshold is formally reviewed and set annually, and the Government has not at this stage confirmed the referendum threshold for 2024-25.
- 6.2. In this context it also remains the case that Government's approach to the funding of local authorities in recent years has been predicated on an assumption that councils will increase council tax by the referendum limit, and that average levels of tax base growth will be experienced. This broad expectation for councils to absorb their own growth pressures has been reiterated in the Plan for Health and Social Care. A decision to increase council tax by less than the referendum threshold therefore results in the Council having lower levels of funding than Government would expect.
- 6.3. Every 1% change in council tax would equate to approximately £4.9m of additional income (reduced gap) or pressure (increased gap). In the Policy Statement, Government strongly indicated that the referendum threshold for 2024-25 would be maintained at 5%, and this assumption has been used within the Council's budget planning. **The Section 151 Officer anticipates recommending that Members agree a council tax increase of 4.99%, which is within the referendum threshold and will be a key element of setting a balanced 2024-25 Budget and establishing a robust MTFs position.** The level of council tax will therefore be a key part of the 2024-25 Budget setting discussions, and this report recommends that Cabinet seek to retain maximum flexibility by undertaking public consultation on the full range of options currently available for 2024-25. In the event that Government were to increase the threshold above 5%, this would be reviewed in the context of the overall budget position.
- 6.4. The anticipated pressures and risks within the current budget planning position are significant, and unless these are mitigated by additional savings or material new government funding, the Director of Strategic Finance considers that the Council will have very limited opportunity to vary these assumptions. In the event that the Government offered the discretion for larger increases in council tax, or further increases in the Adult Social Care precept, this would be the recommendation of the Section 151 Officer in order to ensure that the council's financial position remains robust and sustainable. This judgement reflects:
- the level of emerging service pressures balanced against the quantum of saving proposals identified to date, and the difficulties experienced in identifying sustainable ongoing savings within some demand-led services;

- the utilisation of reserves and provisions to deliver a balanced monitoring position in the current year, 2023-24;
- consideration of the robustness of the Council's overall 2024-25 budget;
- the risks for the longer term financial position, and in particular the need to ensure that a resilient budget can be set in future years,
- the reliance on one-off measures to support both the current year 2023-24 Budget and in the emerging 2024-25 Budget which will need to be addressed over the MTFS.
- the considerable remaining uncertainty around risks, funding and cost pressures in 2024-25 and beyond.

6.5. The precise final level of any change in council tax remains a matter for Full Council based on the recommendation of Cabinet and as such will be confirmed in February 2024 as part of the annual Member decision making process on the Budget.

## 7. Impact of the Proposals

7.1. This paper sets out details of progress in the Council's Budget planning process for 2024-25 and in particular includes further saving proposals which are expected to form part of the Council's 2024-25 Budget, subject to consideration of the outcomes of public consultation and EQIA, which this report will initiate. The proposals in this report take into account the fact that significant risks and uncertainties remain. The proposals in this report are therefore intended to:

- provide a robust basis for budget planning and a significant contribution towards closing the budget gap forecast for 2024-25;
- set the context for public consultation on and equality impact assessments of the 2024-25 Budget proposals;
- provide an opportunity for Cabinet to comment on and provide guidance about the departmental saving proposals and emerging pressures;
- provide Cabinet with the latest details about the continuing significant uncertainty around local authority funding (including funding reform);
- provide an update on the risks identified to date for the 2024-25 budget process; and
- determine the next steps which will ultimately contribute to the Council setting a balanced budget for 2024-25.

## 8. Risks to Budget and MTFS position

8.1. Since the development of the 2023-24 Budget and MTFS in February 2023, a number of further significant risks have emerged which will impact upon both the 2023-24 and 2024-25 budget position. At this point, these have **not** been reflected within Departmental service targets for 2024-25 as they remain subject to significant uncertainty.



## 8.2. Key risks include:

- **2023-24 forecast outturn** – The monitoring position for 2023-24, reported elsewhere on this agenda, currently indicates a balanced outturn position as at August 2023, period 5. This includes underlying service overspends in part offset by utilisation of reserves and provisions to achieve a balanced outturn. Any service overspends against the 2023-24 Budget will need to be addressed (to the extent it is an ongoing issue) in 2024-25.
- **Reversal of savings** – The extent to which planned 2023-24 savings are delivered in a sustainable ongoing manner will have a material impact on the level of gap that ultimately needs to be addressed for the 2024-25 Budget. Historical trends are that approximately 15% of budgeted savings are not delivered in year as reported to Cabinet at outturn. While many of these relate to timing differences (delay in achieving planned savings), a smaller proportion require reversal each year as part of the budget process. The level of savings in the 2023-24 Budget is materially higher than the trend for previous years, at £59.7m. Reversing 5% of savings would equate to a pressure of approximately £3m.
- **Inflation (pay)** – The employers' latest pay offer for 2023-24 is a flat rate £1,925 increase for employees up to scale L and a 3.88% increase for employees above scale L. This is now assumed to be the minimum outcome and can be broadly accommodated within the provision already made as part of 2023-24 Budget setting. However, any award over this amount would result in a pressure above the amount provided for at the time of setting the 2023-24 Budget and would represent both an in-year (2023-24) issue and an additional pressure to be addressed in 2024-25 Budget setting. There is in addition very significant uncertainty about the adequacy of assumptions about pay increases for 2024-25 onwards (currently 4% assumed in 2024-25 and 3% in future years), which appear potentially insufficient in the context of the wider inflationary pressures being experienced. Every 1% increase in pay inflation assumed equates to a further cost pressure of approximately £3m.
- **Inflation (non-pay)** – The adequacy of assumptions about inflation in the MTFs position need to be re-examined. Inflation in 2023-24 is above the level assumed at the time of Budget setting and remains persistently high. Forecast inflationary pressures for 2024-25 will need to be addressed in budget plans. This will have an impact across a number of budget lines, particularly where contracts are pegged to specific rates (i.e. CPI/RPI at a particular date). Detailed work over the autumn will provide greater clarity about the scale of these pressures but they may well contribute to an increase in the 2024-25 gap.
- **Interest rates** – At its meeting of 21 September 2023, the Bank of England's Monetary Policy Committee held the Bank's base rate at 5.25%, the highest level since February 2008. It appears likely that rates will persist at these higher than usual levels in the short to medium term. Interest payable budget lines will be reviewed throughout the budget setting process, any additional cost of borrowing pressures will need to be addressed in 2024-25 budget setting.

- **Pay and Price Market pressures** – further significant revenue budget pressures are beginning to emerge in relation to items such as pay and price market pressures in Adult and Children’s Services. Uplifts are materially driven by wage inflation and wider inflation (measured by proxy via National Living Wage (NLW) and Consumer Price Index). The Government has not yet confirmed what the April 2024 NLW might look like, but if the average increase of the last three years of 7% is seen, additional budget pressures will need to be provided for.
- **Service growth** - At this stage there remains a risk that the £25m set aside for service pressures may be insufficient. This will be kept under review as part of the budget setting process and will be reported to Cabinet in January 2024.
- **Adult Social Care reform** – There are two financially material aspects of the proposed reforms. The first relates to the changing of the policy in regards to what a person may be assessed to contribute towards their care costs. The second aspect relates to the care market and a requirement to undertake a Fair Cost of Care (FCoC) exercise with the production of an interlinked Market Sustainability Plan. Both of these aspects have been delayed by Government until at least October 2025. In addition, the national funding earmarked to fund these elements of reform have been recycled into Social Care for broader purposes. Therefore whilst we continue to work towards the implementation of reform, we await clarity from Government about the financial implications and thus it still remains a significant uncertainty in our budget planning.
- **Dedicated Schools Grant deficit recovery** – During 2022-23, Norfolk worked intensively with the DfE and their appointed financial and Special Educational Needs and Disabilities Advisors as part of the Safety Valve programme to develop DSG recovery plan that would result in Norfolk achieving an in-year balanced budget and enabling the cumulative deficit to be addressed. This resulted in a Safety Valve agreement with the DfE where the DfE will contribute £70m towards the repayment of the cumulative deficit by 2028-29 (first instalment of £28m received at the end of 2022-23) and NCC agreed to make an annual contribution of £5.5m pa that was included in the 2023-24 budget. Norfolk has commenced the implementation of ‘Local First Inclusion’ which is a complex programme to deliver the DSG recovery plan in line with the Safety Valve agreement covering the period 2023-29, with tri-annual reporting to the DfE. The latest forecast DSG Reserve is based on the latest modelling of the Dedicated Schools Grant (DSG) Recovery Plan after the 2022-23 outturn and early data, including amendments for the timing of opening of new provision previously estimated. An in-year deficit of c. £26.869m is forecast, in £1.721m above the budgeted deficit of £25.149m, which is partially offset by contributions from NCC and DfE in line with the Safety Valve agreement of (£5.5m) and (£6m) respectively. This will increase the DSG Reserve to £61.247m by 31 March 2024 due to the invest to save element of the plan that will deliver significant savings (and subsequently a balanced in-year budget) in future years. It should be noted that this is an early forecast before the new academic year in September when there can be significant changes to placements.

- **Government funding announcements and associated assumptions**
  - The MTFS has made assumptions about the continuation of certain elements of the 2023-24 funding settlement. If these allocations are not maintained in the 2024-25 settlement, it will further increase the 2024-25 gap position.
  - There remains significant uncertainty about the Fair Funding Review (and more generally) the 2024-25 settlement as described elsewhere in this report. The Fair Funding Review has been repeatedly delayed and is likely to be dependent on the priorities of any new Government following the 2024 General Election. It is quite possible that reforms will not be brought forward until 2026-27. Regardless of progress on Fair Funding, it is unlikely that there will be any certainty about the 2024-25 Provisional Settlement until mid-December at best.
  - There remains considerable uncertainty around the progress and intentions of Government for Adult Social Care grant funding and reform. The MTFS position for 2024-25 assumes an estimated £15m+ of additional Social Care Grant funding in 2024-25 (as indicated, but not confirmed, by the DLUHC Policy Statement published late 2022). Two risks attach to this:
    - The grant funding ultimately allocated may not be at the level forecast.
    - And / or grant funding may be provided with additional duties or responsibilities which will require additional (offsetting) growth to be provided within the Adult Social Care budget. Currently no additional burdens are assumed against this funding.

8.3. The sensitivity analysis shown in the table below provides an indication of the potential impact of some of these changes on the overall Budget position.

**Table 6: Sensitivity analysis 2024-25 Budget**

<b>Change</b>	<b>Impact £m</b>
Additional income from scope to raise Adult Social Care Precept by further 1%	-4.900
Potential pressure from 2023-24 savings (assuming 15% non-delivery)	9.000
Potential pressure from 2024-25 planned savings feasibility review (assuming 15% unachievable)	4.000
Potential pressure from change in tax base growth +/-1%	+/-4.900
Impact of varying pay award assumptions +/- 1%	+/-3.000

8.4. As set out elsewhere in this report, it is not proposed to amend the budget gap targets at this stage. **It remains critical that further robust, achievable, and recurring saving proposals are brought forward in order to deliver the originally identified target of £46m.** However, although an extremely high level of uncertainty remains, based on the currently available information it is anticipated that the additional pressures

emerging (i.e. over and above the existing £46m gap) can be mitigated through a range of measures including further savings, improved business rates income and inflationary funding increases provided in the Local Government Finance Settlement, and other corporate finance options. These are all being explored and will be deployed to the fullest extent possible to support the Council in setting a balanced Budget for 2024-25. Additional certainty will be provided when Government publishes details of 2024-25 funding.

## **9. Robustness of the Budget and compliance with the Financial Management Code**

- 9.1. The Director of Strategic Finance is required by section 114 of the Local Government Finance Act 1988 to report to Members if it appears that the expenditure the authority proposes to incur in a financial year is likely to exceed the resources available to it to meet that expenditure. In addition, duties under section 25 of the Local Government Act 2003 establish a requirement to report on the robustness of the estimates made for the purposes of the calculation of the precept (and therefore in agreeing the County Council's budget).
- 9.2. As a result, these duties require a professional judgement to be made by the Director of Strategic Finance as the officer ultimately responsible for the authority's finances. The Director of Strategic Finance takes a view of the robustness of the Council's budget across the whole period covered by the Medium Term Financial Strategy and this will be fully reported to Members as part of the budget setting process in February 2024.
- 9.3. At this stage of the budget setting process, and with reference to the new saving proposals developed for 2024-25 and set out in this report, the initial assessment by the Director of Strategic Finance in relation to this duty is that it will be possible to propose a balanced budget for 2024-25, but that further recurrent savings proposals need to be developed to achieve this, and significant uncertainties remain to be addressed through the remainder of the Budget process. This reflects the following key considerations and assumptions:
  - The new savings proposals developed to date for 2024-25 establish a solid foundation for the development of a robust budget, but a number of key risks remain and the ability to identify savings is becoming increasingly challenging.
  - The current monitoring position for 2023-24 is forecast to achieve a balanced position by the end of the financial year.
  - Forecasts from District Councils for locally retained income from council tax (the tax base and collection fund position) and business rates have not yet been received.
  - Contingent on the details of the Local Government Finance Settlement and without additional deliverable, recurrent savings, the Director of Strategic Finance expects to recommend that a sustainable Medium Term

Financial Strategy will require an increase in line with the maximum referendum threshold for council tax and the Adult Social Care precept.

- Significant risks remain around the scale of the likely gap for 2025-26 and future years, subject to the level of one-off options required to balance the 2024-25 budget.
- The assessment of the robustness of the Budget remains highly sensitive to the detail of Government decisions about funding to be made at any fiscal events through the remainder of the year and also the Local Government Finance Settlement for 2024-25, expected in December 2023.

9.4. In addition, the judgement takes into account the fact that work is underway to quantify and validate significant emerging pressures which will need to be included in the final Budget proposals in February 2024 where they are shown to be appropriate and unavoidable. Details of some of these pressures and risks are set out in the preceding section of the report.

9.5. Taking the above into account, the Director of Strategic Finance's current advice is that the Council needs to continue to develop the 2024-25 Budget in a way which offers flexibility to respond to changes in the wider environment and operating context. This includes a further process to identify deliverable recurrent savings for 2024-25 to meet the original target of £46m set out in June 2023. This will need to be undertaken over the course of the next few months and reported to Cabinet in January 2024. The overall Budget position will be kept under review as budget planning continues through the remainder of the year. As part of setting the 2024-25 Budget, the Director of Strategic Finance will also consider the adequacy of the overall General Fund balance, the need for a general contingency amount within the revenue budget, uncertainty about Government funding, other areas of risk including the wider economic climate, and the Council's wider value for money position.

9.6. The Council closely monitors developments across local government finance and takes account of the financial issues being reported by other authorities. At this stage, the Director of Strategic Finance's judgement is that the specific problems identified by those councils which have issued s114s to date are not replicated in Norfolk, as they relate to particular local issues for those authorities including equal pay, commercial activities, excessive levels of borrowing, or a failure to set robust budgets. However the recent spate of section 114 notices serves to highlight that there is an underlying fragility and lack of financial resilience within the wider local government sector; in other words whereas in the past councils were in a position to "weather the storm" it now takes only one or two external shocks to destabilise even well run authorities. The County Council is not immune to this overall decline in financial resilience across the whole local government sector, and continues to face significant financial and service delivery pressures and risks across all services, as set out elsewhere in this report. It is therefore critical to continue to work with partners across the sector to lobby Government for adequate and sustainable levels of funding for local government as a whole, while simultaneously pushing for a fair share of that funding for Norfolk.

9.7. As in previous years, the 2024-25 Budget needs to be prepared with reference to the Financial Management Code (the FM Code) published by the Chartered Institute of Public Finance and Accountancy (CIPFA). The FM Code provides guidance about the principles of good and sustainable financial management, and requires authorities to demonstrate that processes are in place which satisfy these principles. It identifies risks to financial sustainability and sets out details of a framework of assurance which reflects existing successful practices across the sector. In addition, the Code establishes explicit standards of financial management, and highlights that compliance with these is the collective responsibility of elected members, the chief finance officer and the wider Corporate Board. Further details of how the Council considers it achieves compliance with the FM Code will be set out in the January Cabinet Budget report.

## **10. Next steps and approach to addressing the remaining gap**

10.1. The overarching timetable for 2024-25 as agreed by Cabinet in June is reproduced at Appendix 1 of this report. The Council will be undertaking a further round of Budget Challenge in December to enable and inform a full suite of budget proposals to be presented to Cabinet in January 2024.

10.2. If the proposals identified in this report, totalling £26.485m, are incorporated into the budget planning process, there remains a forecast gap of approximately £20m to be addressed. Further measures to contribute to the development of a balanced budget for 2024-25 are expected to be brought forward under the following key areas:

- Ongoing scrutiny of budget pressures within 2024-25 budget planning
- Government funding announcements including the Local Government Finance Settlement and council tax referendum thresholds for 2024-25
- Review of forecast business rates income budgets
- Corporate finance options
- Third round of Budget Challenge in December 2023, to provide an opportunity to review additional specific savings proposals brought forward by services.

10.3. In the event that the next phases of the budget process fail to yield the required level of (ongoing) savings proposals, then through the autumn and winter further work will be necessary to enable the preparation of a balanced budget. This would require a range of activities including, but not limited to, the following:

- Identification of significant capital receipts that can be used to fund transformation work and/or reduce borrowing costs.
- A further material reduction in the future capital programme.
- A review of all non-essential expenditure.

10.4. The Government has not yet definitively confirmed the council tax referendum principles for 2024-25, including whether there will be a continuation of the adult social care (ASC) precept beyond 2024-25. The Council's current planning assumes a council tax increase of 4.99% including 2% for the ASC precept. Government will confirm the council tax referendum principles alongside the Local Government Finance Settlement, taking into account cost pressures and the overall Local Government funding package later in the year. In the event that Government allows increased flexibility for 2024-25, the Section 151 officer will consider any recommendations on the level of council tax in the context of the ability to deliver a robust and sustainable budget.

## **11. Proposed consultation process for 2024-25 budget**

11.1. The Medium Term Financial Strategy for 2024-25 agreed in February 2023 assumed that core council tax will increase overall by 2.99%, and that the Adult Social Care precept will be increased by 2% (these referendum thresholds have not yet been confirmed for 2024-25). The report also set out that if the referendum threshold were increased in the period 2024-25 to 2026-27, or any further discretion were offered to increase the Adult Social Care precept (or similar), then it is likely that the Section 151 Officer would recommend the council take full advantage of any flexibility in view of the council's overall financial position.

11.2. The Government has not yet announced the referendum thresholds for 2024-25 onwards. These may be confirmed either within any technical consultation on local government funding, at a fiscal event, or as part of the Provisional Settlement. Government has historically assumed that councils will raise the maximum council tax available to them. In light of the overall financial position and pressures facing the Council, it is proposed to consult the public to understand views about a total council tax and adult social care increase of 4.99% (as per MTFFS assumptions), in order to support Member decision making in February 2024. It should be noted that the level of council tax is a decision for Full Council each year; it is therefore prudent to consult on the full range of available options to inform Member decision-making. As in previous years we are inviting comments on the level of council tax through our consultation hub on Citizen Space.

11.3. We will publish our budget consultation, including details of all new saving proposals for 2024-25 on the Council's online consultation hub, Citizen Space. We will produce large print, downloadable and easy read versions as standard and make any consultation documents available in other formats on request.

11.4. As well as alerting key stakeholders to the consultation, we will promote opportunities for people to have their say on budget proposals and council tax through news releases, online publications and social media. We will also be sharing our consultation with members of the Norfolk Residents'

Panel and inviting parish councils to a webinar where they can find out more about our proposals and invite them to provide feedback.

- 11.5. Our consultation will take place in the autumn. Consultation feedback on both budget proposals and council tax will be available for Cabinet in January 2024 and Full Council in February 2024. We will make extra effort to find out the views of people who may be affected by our proposals, including people with protected characteristics.
- 11.6. We will also report on the findings of the equality impact assessments we are undertaking. For information about this please see Section 17.

## **12. Evidence and Reasons for Decision**

- 12.1. After more than ten years of savings identification and delivery, and in the face of both continuing significant financial pressures and Government plans for funding reform, it is essential that the Council has a robust approach to budget setting and the identification of saving proposals. Simultaneously, it is critical to continue to engage with Government, MPs and other stakeholders to campaign for adequate and sustainable funding for Norfolk to enable the delivery of vital services to residents, businesses and visitors. In the context of economic uncertainty and in the absence of funding reform, it remains imperative that Government issues guidance on the direction of travel for reform, financial planning assumptions, and confirms funding allocations for 2024-25, as soon as possible.
- 12.2. In view of the size of the gap forecast for 2024-25, there remains a risk that the Council will be obliged to consider reductions in service levels. As such it was important for the process of developing savings proposals to have been undertaken as soon as possible to support robust engagement and public consultation. The Council's planning within the MTFS forecast is based on the position agreed in February 2023 and it is important to note that this will be kept under review throughout the remainder of the 2024-25 Budget setting process, particularly in the event that further information about funding or cost pressures becomes available. The proposals in this report do not close the entire budget gap faced by the Council for 2024-25, but they do establish a robust foundation for the Council to build on in order to develop a deliverable and balanced Budget for 2024-25.

## **13. Alternative Options**

- 13.1. This report forms part of the framework for developing detailed saving proposals for 2024-25 and at this stage no proposals have been agreed, meaning that a range of alternative options remain open. Cabinet has the opportunity to comment on the proposals now, and will have further scope to consider them (informed by public consultation and EQIA) when making final Budget recommendations to Full Council in January 2024 (for the Full Council meeting in February 2024).



13.2. In addition, there are a number of areas where Cabinet could choose to consider different parameters for the budget setting process, such as:

- Adopting an alternative allocation of targets between directorates / services, or retaining a target corporately.
- Considering an alternative timetable within the time constraints required to develop proposals, undertake public consultation, and meet statutory deadlines for the setting of council tax.
- Establishing an alternative approach to identifying savings.
- Changing assumptions within the MTFs (including the level of council tax) and therefore varying the level of savings sought.

13.3. The planning context for the Council will be updated if further information becomes available. Final decisions about the overall shape of the 2024-25 Budget, savings, and council tax will not be made until Full Council in February 2024, when they will be informed by Local Government Finance Settlement figures, forecasts supplied by District Councils, and the findings of EQIA and public consultation activity.

13.4. The deliverability of all saving proposals will continue to be kept under review by the Section 151 Officer as further detailed implementation plans are developed and up until final budget setting proposals are presented to Cabinet in January 2024.

## **14. Financial Implications**

14.1. Financial implications are discussed throughout this report, which sets out in particular the proposed savings which have been identified by each department to contribute to closing the 2024-25 and future year budget gap, subject to formal approval by Full Council in February 2024. It should be noted that even if all the proposals detailed in this report were to be approved, the scale of the gap is such that services will be required to identify further significant savings to be delivered against current budget levels. However, simultaneously it appears to be increasingly difficult to identify savings within statutory demand led services, and this represents a major challenge. The scope to achieve savings at the level required may also be limited by a range of factors including the impact of the cost of living on cost pressures, service delivery expectations, existing saving programmes, and the legacy of COVID-19.

14.2. The Council is legally required to set a balanced Budget annually and should plan to achieve this using a prudent set of assumptions. However, as previously set out, Members could choose to vary the allocation of indicative targets between Directorates, establish an alternative approach to identifying savings, or substitute proposals brought forward. Work to deliver additional Government funding could also have an impact on the overall budget gap to

be addressed. As a result, the budget setting process and savings targets will continue to be kept under review as budget planning progresses.

14.3. The scale of the budget gap and savings required are such that if the Council is required to deliver savings at this level there is a risk that this could result in the Council failing to fulfil its statutory responsibilities. As such the Government's response and decisions about Council funding in 2024-25 will be hugely significant. Any changes in Government funding could have a material impact on both the level of savings to be identified, and the Council's wider budget process. Government has hitherto failed to deliver the comprehensive adjustment needed in terms of the recognition of the importance and costs of providing social care, and to adequately fund local authorities to provide these and other vital services. Fundamentally there is a need for a larger quantum of funding to be provided to local government to deliver a sustainable level of funding for future years.

14.4. Major uncertainty remains about the prospects for funding reform. There is a risk that this could see resources shifted away from shire counties, in which event the Council's forecast 2024-25 gap could increase. At this point, Government has not confirmed details of the proposed approach or timescales for consultation on funding reform, although there are indications that this will not be taken forward in a way which delivers substantial funding changes and may not happen until 2026-27 at the earliest. The 2024-25 MTFS position assumes that a number of funding streams will be rolled forward from 2023-24. These assumptions remain to be confirmed and should be considered a key area of risk.

14.5. As a result of the above, the budget setting process and savings targets will be kept under review as budget planning progresses. In the event that additional budget pressures for 2024-25 emerge through budget planning, there may be a requirement to revisit the indicative saving targets.

## 15. Resource Implications

15.1. **Staff:** There are no direct implications arising from this report although it is likely that staffing implications may be linked to specific saving proposals as they are developed. These will be identified as they arise later in the budget planning process.

15.2. **Property:** The report includes saving proposals related to declaring surplus and ultimately disposing of sites. Services currently delivered from these sites will need to be relocated and delivered from alternative sites within the County Council's property estate. There are no other direct property implications arising from this report although existing saving plans include activities linked to property budgets and assumptions around capital receipts to be achieved.

15.3. **IT:** There are no direct IT implications arising from this report although existing saving plans include activities linked to IMT budgets. In addition,

activities planned within Business Transformation will include further work to deliver savings through activity related to digital and IT initiatives.

## 16. Other Implications

- 16.1. **Legal Implications:** This report is part of a process that will enable the Council to set a balanced budget for 2024-25 in line with statutory requirements, including those relating to setting council tax, and undertaking public consultation.
- 16.2. **Human Rights implications:** No specific human rights implications have been identified.
- 16.3. **Equality Impact Assessment (EqIA) (this must be included):** See section 17 below.
- 16.4. **Data Protection Impact Assessments (DPIA):** N/a
- 16.5. **Health and Safety implications (where appropriate):** N/a
- 16.6. **Sustainability implications (where appropriate):** There are no direct sustainability implications arising from this report although the financial implications of climate change are considerable. Existing 2023-24 budget plans include funding for activities which may have an impact on the environmental sustainability of the County Council through the delivery of the Environmental Policy. These issues were considered in more detail within the February budget report to Full Council and further details were set out in the *Net Zero and Natural Norfolk Progress Update* previously considered by Cabinet.
- 16.7. Since 2023-24 Budget setting, in [May 2023, Cabinet](#) approved the recommendation to develop a Funding Blueprint for the Climate Strategy. This will set out funding options for delivering the strategy. The blueprint is under development by officers and will be brought to Infrastructure and Development Select Committee for review in 2024.
- 16.8. In [June 2023, Cabinet](#) approved recommendations relating to “Delivering Norfolk County Council’s Net Zero Pledge: Retrofitting our buildings” and initial cost implications have been incorporated into the Capital Programme. Also in June, [Norfolk County Council’s Climate Strategy](#) was launched, setting out a comprehensive framework for how the council can best direct its powers, resources and influence in support of Norfolk’s journey towards a clean and resilient future in the face of climate change.
- 16.9. Details of financial implications of these are set out within the associated reports, and the wider budgetary implications of all of these will need to be considered for 2024-25, alongside further sustainability issues. Any associated financial implications in relation to either new 2024-25 proposals, or activities developed during 2023-24, will need to be fully

considered once such initiatives are finalised, and ultimately as part of budget setting in February 2024.

- 16.10. **Any other implications:** Significant issues, risks, assumptions and implications have been set out throughout the report.

## 17. Equality Impact Assessment (EqIA)

### Introduction

- 17.1. Local authorities are required by the Equality Act 2010 to give 'due regard' to the Public Sector Equality Duty when exercising public functions.

- 17.2. This means giving due regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it;
  - Foster good relations between people who share a relevant protected characteristic and people who do not share it<sup>3</sup>.

- 17.3. Many local authorities summarise their efforts to give 'due regard to equality' in an '**equality impact assessment**' – because this is an accessible way to analyse the different ways a proposal might impact on people with protected characteristics.

- 17.4. If the assessment identifies any detrimental impact, this enables mitigating actions to be developed. Giving 'due regard to equality' enables informed decisions to be made that take every opportunity to minimise disadvantage.

### How the Council gives due regard to equality on the budget saving proposals

- 17.5. Due regard to equality has been given to the saving proposals set out in this report. This includes ensuring that:

- The development of the proposals are compliant with the Equality Act 2010
- Information about the proposals is accessible
- Arrangements for public consultation are inclusive and accessible.

- 17.6. Following confirmation (or any changes made) by the Cabinet at this October meeting that the proposals will be taken forward for budget planning for 2024-25, further analysis in the form of equality impact assessments will take place of each proposal, to consider the impact on people with protected characteristics.

<sup>3</sup> [The full Equality Act 2021 is available on legislation.gov.uk.](https://www.legislation.gov.uk)

17.7. Equality impact assessments cannot be completed until public consultation is concluded. This is because the Council must ensure that it has fully understood the impact of each proposal.

17.8. The findings of equality impact assessments will be published for consideration by the Cabinet in the Strategic and Financial Planning 2024-25 report of January 2024, and in advance of the final decision by the Full Council about the overall Budget in February 2024.

## **18. Risk Implications/Assessment**

18.1. A number of significant risks have been identified throughout this report. Risks in respect of the MTFs were also set out within the February 2023 report to Full Council. Uncertainties continue to remain which could have an impact on the overall scale of the budget gap to be addressed in 2024-25. These include:

- The significant impacts of the “cost of living” crisis, exceptional inflationary pressures and the wider impact of the invasion of Ukraine on the economy. All of these have the potential to drive additional cost pressures (either through increased demand for services, or as a result of the increased price of delivering service provision) and may also lead to reductions in overall income due to the wider economic impacts. In particular it is important to note that the MTFs approved by Full Council did not provide for the current high levels of inflation which are expected to persist through the remainder of the financial year. These inflationary pressures have the potential to impact on the Council’s budget in a range of ways:
  - Pay pressures in excess of the 4% provided for in the Council’s planning assumptions.
  - Pressures associated with increase in the National Living Wage (NLW), particularly in relation to services contracted by the Council. This has a material impact on any services commissioned whereby staff, typically care workers, are paid at, or just above, the NLW. In particular, the £400m of care services purchased by Adult Social Care, and increasingly services commissioned by Children’s Services. In addition, Children’s Services are seeing an impact upon some in-house services. In April 2023 the NLW increased from £9.50 to £10.42, an increase of £0.92 or 9.7%. We currently estimate the 2024 NLW rate required to meet this target to be in the range £10.90 to £11.43, with a central estimate of £11.16. for 2024.<sup>4</sup> The government remains committed to the 2024 target, but if the economic evidence warrants it, the Low Pay Commission should advise the government to adjust the target. This emergency

<sup>4</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1147845/The\\_National\\_Minimum\\_Wage\\_in\\_2023.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1147845/The_National_Minimum_Wage_in_2023.pdf)

- brake will ensure that the lowest-paid workers continue to see pay rises without significant risks to their employment prospects.<sup>5</sup>
- The higher rates of general inflation measures (CPI and RPI) will directly impact on the Council's contractual costs which are set with reference to these indicators. Government has indicated that there is limited scope within the existing spending review envelope to address these exceptional inflationary pressures. Forecasts are that inflation will return to the target 2% over the medium term but this implies a permanent increase in the Council's cost base from the current extreme rates (i.e. inflationary pressures are not being taken back out of the system by negative inflation in future).
  - Ongoing uncertainty around local government (and wider public sector finances) including:
    - the need for a long term financial settlement for local government. There remains high uncertainty about the levels of funding for 2024-25 and beyond. The Council's budget planning assumes funding will continue at a similar level.
    - It remains of major concern that Government continues to place significant reliance and expectations on locally raised income. If this trend persists, the financial pressures for 2024-25 and beyond may become unsustainable. The Government has not yet announced the council tax referendum limit for 2024-25.
    - There remains a specific risk in relation to longer term reform of local government funding and the planned funding review, in that a failure by the Government to provide adequate resources to fund local authorities could lead to a requirement for further service reductions, particularly where these result in a redistribution between authority types or geographical areas. Changing Government policies around the nature, role, responsibilities and requirements of Local Government may also represent an area of risk, as will changing expectations of the public, taxpayers and service users. The Government has not made any formal announcement about funding reform for some time and this may not be going ahead in the short to medium term.
    - linked to this are risks around delivery of reforms to local government funding including actions to deliver "Levelling Up", the funding review, the detailed implications of Adult Social Care reform, reforms to the Business Rates system, and changes to other funding streams including the New Homes Bonus.
    - In respect of Adult Social Care reform, whilst it has been materially delayed until at least October 2025, the County Councils Network has estimated that Government's proposed reforms lack sufficient funding for implementation, with a shortfall of nearly £10bn compared to Government estimates.<sup>6</sup>

<sup>5</sup><https://www.gov.uk/government/publications/national-minimum-wage-and-national-living-wage-low-pay-commission-remit-2023/national-living-wage-and-national-minimum-wage-low-pay-commission-remit-2023>

<sup>6</sup> <https://www.countycouncilsnetwork.org.uk/new-analysis-reveals-the-regional-impact-on-local-councils-of-the-governments-flagship-adult-care-reforms/>

- Further decisions about Local Government reorganisation and the progress of the County Deal.
- Risks around the Dedicated Schools Grant (DSG) deficit position and successful implementation of the 'Local First Inclusion' plan to eliminate the in-year DSG deficit over the short to medium term.
- Any ongoing impact of COVID-19 on the budget in 2023-24, including in particular:
  - any ongoing cost pressures within service delivery and contracted services which have not currently been provided for;
  - future pressures on income particularly in relation to business rates and council tax; and
  - the implications of any measures implemented by Government to restore the national finances in the medium to longer term.

18.2. The Council's Corporate Risk Register provides a full description of corporate risks, including corporate level financial risks, mitigating actions and the progress made in managing the level of risk. A majority of risks, if not treated, could have significant financial consequences such as failing to generate income or to realise savings. These corporate risks include:

- RM002 – Income streams
- RM006 – Service Delivery
- RM022b – Replacement EU Funding for Economic Growth
- RM031 – NCC Funded Children's Services Overspend
- RM035 – Adverse impact of significant and abnormal levels of inflationary pressure on revenue and capital budgets

18.3. Further details of all corporate risks, including those outlined above, can be found in Appendix B of the October 2023 Risk Management report to Cabinet. There is close oversight of the Council's expenditure with monthly financial reports to Cabinet. Any emerging risks arising will continue to be identified and treated as necessary.

## **19. Select Committee comments**

19.1. Select Committees provided commentary and input to the 2023-24 Budget process during budget development. Where relevant, any comments from that exercise have been incorporated within the budget setting approach for 2024-25.

19.2. In July 2023, Select Committees therefore again had the opportunity to provide their views about the scope for savings and the implications of 2024-25 budget setting for the service areas within their remit. Select Committees are being invited to consider all of the detailed proposals for 2024-25 in the round when they meet in November, following Cabinet decisions about the complete package of measure to be consulted on as part of this report. Any further comments from Select Committees will therefore be reported to Cabinet later in the budget setting process in order to inform final budget recommendations to Full Council.

## **20. Recommendations**

20.1. Cabinet is recommended:

- 1. To consider and comment on the County Council's financial strategy as set out in this report and note that the Budget process is aligned to the overall policy and financial framework;**
- 2. To note that fiscal and policy decisions made by the Government in autumn 2023, may have implications for the County Council's budget planning position. The outcome of these national funding announcements, alongside the Local Government Finance Settlement, will have potentially significant impacts on the 2024-25 Budget position, which will not be fully known until later in the budget setting process.**
- 3. To consider and agree for planning purposes the latest assessment of significant areas of risk and uncertainty around emerging budget pressures for the 2024-25 Budget and Medium Term Financial Strategy, which remain to be resolved and which may have a material impact on budget planning (section 8).**
- 4. To direct Executive Directors to identify proposals for further recurrent Departmental savings towards the original target of £46.200m agreed in June 2023, for consideration by Cabinet in January 2024 and to support final 2024-25 Budget recommendations to Full Council.**
- 5. To note that, taking into account the significant budget pressures for 2024-25, the S151 Officer anticipates recommending that the Council will need to apply the maximum council tax increase available in order to set a sustainable balanced budget for 2024-25;**
- 6. To note the responsibilities of the Director of Strategic Finance under section 114 of the Local Government Act 1988 and section 25 of the Local Government Act 2003 to comment on the robustness of budget estimates as set out in section 9 and the further actions which may be required to set a balanced budget as set out in paragraph 10.3;**
- 7. To consider and agree the proposals as set out in section 5 (Table 5) to be taken forward in budget planning for 2024-25, subject to final decisions about the overall Budget in February 2024, noting the level of savings already included from the 2023-24 Budget process (Table 3);**
- 8. To agree that public consultation (as set out in section 11) and equality impact assessment (as set out in section 17) in relation to all other proposals for the 2024-25 Budget be undertaken as set out in section 11, and asking residents for their views on the level of council tax;**
- 9. To note that the Chief Executive (Head of Paid Service) has the delegation to undertake any staff consultation relating to specific**



proposals as required to inform and support 2024-25 Budget setting decisions in January 2024;

10. To confirm the remaining next steps in the Budget planning process for 2024-25, and the Budget planning timetable (Appendix 1); and

11. To note and thank Select Committees for their input into the Budget development process for 2024-25 in July, and to invite Select Committees to comment further on the detailed proposals set out in this report when they meet in November 2023 (section 19)

## 21. Background Papers

21.1. Background papers relevant to this report include:

[Norfolk County Council Revenue and Capital Budget 2023-24 to 2026-27, County Council 21/02/2023, agenda item 5](#)

[Norfolk County Council 2023-24 Budget Book](#)

[Financial and Strategic Planning 2024-25, Cabinet, 05/06/2023, agenda item 16](#)

Finance Monitoring Report 2023-24 P5: August 2023, Cabinet, 02/10/2023 (on this agenda)

Risk Management, Cabinet, 02/10/2023, (on this agenda)

Strategic and Financial Planning reports considered by Select Committees in July 2023 as follows:

- [Corporate Select Committee, 10/07/2023](#)
- [Infrastructure and Development Select Committee, 12/07/2023](#)
- [People and Communities Select Committee, 14/07/2023](#)

## Officer Contact

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## Appendix 1: Budget setting timetable 2024-25

2024-25	Time frame
Cabinet review of the financial planning position for 2024-28 – including formal allocation of targets	5 June 2023
Scrutiny Committee	21 June 2023
Select Committee input to development of 2024-25 Budget – strategy	w/c 10 July 2023
Review of budget pressures and development of budget strategy and detailed savings proposals 2024-28 incorporating: <ul style="list-style-type: none"> <li>Budget Challenge 1 (18 July 2023) – context / strategy / approach / outline proposals</li> <li>Budget Challenge 2 (5 September 2023) – detail and final proposals</li> <li>Budget Challenge 3 (12 December 2023)</li> </ul>	April to December 2023
Cabinet approve final proposals for public consultation	2 October 2023
Scrutiny Committee	18 October 2023
Public consultation on 2024-25 Budget proposals, council tax and adult social care precept	Late October to mid December 2023
Select Committee input to development of 2024-25 Budget – comments on specific proposals	w/c 13 November 2023
Government Autumn Statement	22 November 2023
<i>Provisional Local Government Finance Settlement announced including provisional council tax and precept arrangements</i>	<i>TBC December 2023</i>
Cabinet considers outcomes of service and financial planning, EQIA and consultation feedback and agrees revenue budget and capital programme recommendations to County Council	29 January 2024
Confirmation of District Council tax base and Business Rate forecasts	31 January 2024
<i>Final Local Government Finance Settlement</i>	<i>TBC January / February 2024</i>
Scrutiny Committee 2024-25 Budget scrutiny	14 February 2024
County Council agrees Medium Term Financial Strategy 2024-25 to 2027-28, revenue budget, capital programme and level of council tax for 2024-25	20 February 2024

*Assumed Government activity and timescales – Budget process will be informed through the year by Government announcements on the Local Government Settlement, and any progress on reforms including the Funding Review. As set out elsewhere in the report, the timing for these is currently unknown.*

# Infrastructure and Development Select Committee

Item No: 9

**Report Title: CES Compliance and Enforcement Policy – Annual Review**

**Date of Meeting: 15 November 2023**

**Responsible Cabinet Member: Cllr Margaret Dewsbury** (Cabinet Member for Communities & Partnerships), **Cllr Graham Plant** (Cabinet Member for Highways, Infrastructure and Transport) and **Cllr Eric Vardy** (Cabinet Member for Environment and Waste)

**Responsible Director: Grahame Bygrave** (Interim Executive Director, Community and Environmental Services)

## **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), Highways (networks, maintenance, and blue badge enforcement) and Safety of Sports Grounds. 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 CES Compliance and Enforcement Policy and associated performance data are subject to annual review by Members.

The Policy has been reviewed and updated to reflect recent changes to legislation and guidance. A revised CES Compliance and Enforcement Policy (Appendix A) has been produced, with proposed amendments highlighted with explanatory notes.

The revised Policy, once adopted, will be published via the Council's web pages.

## **Action Required**

The Select Committee is asked to:

- 1. Review and comment on the revised CES Compliance and Enforcement Policy at Appendix A and its annex documents (A-1 to A-6), prior to consideration by Cabinet**
- 2. To note the 2022/23 enforcement performance data provided at Appendix B, and summary of stakeholder engagement at Appendix C.**

## **1. Background and Purpose**

- 1.1 The current Policy was first developed as a cross-departmental policy in 2013. The Policy covers the range of regulatory functions within CES, including Trading Standards, Planning enforcement (mineral and waste sites), Flood and Water (land drainage), Norfolk Fire and Rescue (fire safety), Highways (networks, maintenance, and blue badge enforcement) and Safety of Sports Grounds. It does not try to capture all 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.
- 1.2 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 six 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, highways enforcement, Blue Badge enforcement and Safety of Sports Grounds.

## **2. Proposal**

- 2.1 The current Compliance and Enforcement Policy has been reviewed by CES regulatory services and updated to reflect recent changes to legislation and guidance. There are very few amendments this year, most for clarification. All proposed amendments are highlighted with explanatory notes.
- 2.2 Appendix C documents the stakeholders who have been consulted on and/or contributed to the CES Enforcement Policy since 2014.
- 2.3 The revised policy continues to ensure that the application of enforcement is:
  - proportionate to the offence and risks, and mindful of previous transgressions
  - transparent - persons affected understand what is expected of them, what they should expect from the local authority and the reasons for the action
  - consistent in approach, and appropriate
  - consistent with the Equality Act 2010 and the Council's Equalities Policies.

## **3. Impact of the Proposal**

- 3.1 CES regulatory activities are aimed at protecting the economic wellbeing and safety of Norfolk's residents and businesses and protecting the environment and the CES Compliance and Enforcement Policy provides a framework within which our regulatory activities are performed.

- 3.2 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. Impact arising from non-compliance can therefore range from advice to prosecution.

## **4. Evidence and Reasons for Decision**

- 4.1 The 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. A range of enforcement approaches are 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.
- 4.2 Appendix B provides enforcement performance information in relation to those regulatory functions covered by the Policy.

## **5. Alternative Options**

- 5.1 A CES wide Compliance and 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 policy. However as described in section 4.1 above there is a need for consistency in overall approach. The format of the draft Policy provides for additional (detailed) protocols where necessary or appropriate.

## **6. Financial Implications**

- 6.1 There are no direct financial implications arising from this report.

## **7. Resource Implications**

- 7.1 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.

## **8. Other Implications**

### **8.1 Legal Implications:**

There is a legal context to the deployment of enforcement powers. In 2014 the Regulators' Code (the Code) was published and seeks to provide a clear,

flexible, and principles-based framework to which regulators should work. It covers how we develop and implement items such as our service standards, policies, and legal procedures, and sets out the type of information we must include in our enforcement policy. The Council has a legal obligation to have regard to the Code, including ensuring a consistent approach to enforcement. However, we are able to make changes to the policy, if these would better explain or clarify the requirements arising from the Code.

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

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 the legal requirement arising from Section 17 of the Crime and Disorder Act 1998.

## **8.2 Human Rights Implications:**

In carrying out its enforcement role, the directorate has regard to the Freedom of Information Act 2000, the Data Protection Act 2018, Regulation of Investigatory Powers Act 2000, and the Human Rights Act 1998, in terms of the right to a fair trial, right to respect for private and family life, prohibition of discrimination and protection of property.

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

This Policy has been reviewed and updated in line with the requirements of the Equality Act 2010.

Having a clearly defined approach to enforcement action provides positive benefits to equality. In particular, enforcement in areas such as the misuse of blue badges helps to ensure an important and highly valued service is not abused and can continue to be available for those who need it. People with a disability frequently highlight the importance of effective blue badge enforcement.

An Equality Impact Assessment (EqIA) was produced for this Policy in 2020, in conjunction with the CES Equality and Accessibility Officer. The policy will

continue to be reviewed periodically to ensure that it reflects changes to legislation and safeguards the interests and rights of all.

#### **8.4 Data Protection Impact Assessments (DPIA):**

Regulators routinely obtain, store, and share information to provide advice and guidance, conduct investigations and ensure compliance with relevant laws. Some of this information is personal data, and some of it is confidential or sensitive. The information is securely stored electronically, on the County Council's Network, and in other ways such as on secure databases and in secure paper files. The information is stored and processed in accordance with the law (including the Data Protection Act 2018 and the Enterprise Act 2002) and with proper regard to The Council's privacy notices.

Previous discussions have taken place with the Information Governance Team who advise that a Data Protection Impact Assessment is not required, as there is no new processing and the relevant privacy notices relating to regulatory provision are in place and have been recently reviewed.

#### **8.5 Health and Safety implications:**

Health, safety, and wellbeing risk assessments are in place for all enforcement activity.

#### **8.6 Sustainability implications:**

There are no direct sustainability implications to consider 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, and for planning controls.

#### **8.7 Any Other Implications: None**

### **9. Risk Implications / Assessment**

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

### **10. Recommendations**

The Select Committee is asked to:

- 1. Review and comment on the revised CES Compliance and Enforcement Policy at Appendix A and its annex documents (A-1 to A-6), prior to consideration by Cabinet.**
- 2. To note the 2022/23 enforcement performance data provided at Appendix B, and summary of stakeholder engagement at Appendix C.**

## 11. Background Papers

11.1 N/A

### Officer Contact

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

**Officer name: Sophie Leney**

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**Norfolk** County Council

## **Compliance and Enforcement Policy**

**Community and Environmental Services**

**November 2023**



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## Annexes

Annex 1.....	Local Monitoring and Enforcement Protocol
Annex 2.....	Flood and Water Management Enforcement Protocol
Annex 3.....	Fire and Rescue Service Enforcement Policy Statement
Annex 4.....	Highways Enforcement Protocol
Annex 5.....	Blue Badge Enforcement Protocol
Annex 6.....	Safety of Sports Grounds 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, including Trading Standards, Highways, Planning and the 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 Norfolk County Council Planning Services, as recommended by Paragraph 58 of the National Planning Policy Framework.
- 1.3 This Policy has been developed in conjunction with a range of stakeholders, including business representatives and is subject to annual review and approval.
- 1.4 The purpose of this Policy is to provide a framework to ensure that local authority enforcement is delivered in an equitable, practical, and consistent manner. This is in line with the principles of good enforcement, as set out in the Legislative and Regulatory Reform Act 2006, and regard has been given to the associated [Regulators' Code](#) (the Code) in the preparation of this policy. In certain instances, it may be concluded that a provision in the Code is either not relevant or is outweighed by another provision. 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. We are committed to ensuring that the decisions we take and the services we deliver take proper account of equality issues.
- 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' includes: Prosecution, Simple Caution, Injunctive Action, Enforcement Order, Issue of Notices, Monetary Penalties, Seizure, Suspension, Withdrawal, Recall, Forfeiture, Revocation/Suspension of a licence ~~or permit~~, registration or approval, Disqualification of weighing or measuring equipment, Works in Default, Criminal Behaviour Orders, ~~Referral to another agency~~ or any other criminal or civil/injunctive proceedings or statutory sanctions, applied either separately or in any other combination.
- 1.8 Where appropriate we will seek to recover our enforcement costs, including making formal applications for costs through the Courts.

**Commented [A1]:** Added to clarify this also applies to permits

**Commented [A2]:** Removed as this is now generally considered at an earlier stage than formal action

## 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 by ensuring that any action taken, or advice offered, is proportionate to the seriousness of the breach, as well as the risk to people, businesses, other organisations, animals, 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 otherwise required to visit unannounced, it is a reactive inspection visit, or we have a specific or legal 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. Routine, or reactive inspections of the highway and blue badges are not normally subject to such notice.

2.1.3 We may carry out a revisit for those businesses assessed as requiring a priority intervention, depending upon the nature of the non-compliance(s) and the date of the next planned intervention. We may also bring forward the date of the priority intervention depending on the nature and/or scale of the non-compliances found. Revisits, or remote follow up activity, will also be carried out as appropriate at other business establishments that are not subject to priority intervention where non-compliances are identified, to ensure that issues have been addressed and no further action is required.

2.1.4 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.

2.1.5 The most serious formal action, including prosecution, will be reserved for serious breaches of the law.

**Commented [A3]:** Clarifies the circumstances where a revisit may be necessary and the prioritisation of this depending on the nature/scale of any non-compliance found

**Commented [A4]:** Removed as now provided for in more detail under section 2.1 (Proportionality) and section 4 (Enforcement)

### 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.

**Commented [A5]:** Numbering corrected in this section

2.2.2 We will aim to carry out visits and inspections at a reasonable time and where appropriate to do so. In most cases our staff will show their identification (and authority if requested) at the outset of every visit and explain the reason for the visit. However, so that we can see things from the point of view of a customer or ordinary member of the public, we may carry out informal visits or arrange to buy goods or services and not introduce ourselves. Where we must use a young person to carry out work on our behalf, such as in attempting to purchase age-restricted products, we will always have regard to the latest guidance and Codes of Practice. In order to undertake test purchases of age-restricted products online, the young person making the purchase on behalf of the Service

may use a false date of birth or tick a declaration requiring the person to be of legal age to buy the product.

**Commented [A6]:** Confirms the approach taken for online test purchases of age restricted products

2.2.3 Out-of-hours contact for some 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.

**Commented [A7]:** Clarified this only applies to some services within the Directorate

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. These may be sent out by post, or electronically (email or online).

**Commented [A8]:** Clarification on methods used for feedback questionnaires.

2.2.6 Where possible we will include information to highlight new legal requirements, via our social media platforms and/or website, with reports or letters provided after an inspection or visit; and/or by providing or signposting advice and information to help businesses and individuals keep up to date.

2.2.7 We will have regard to fairness and individuals' human rights in all of our enforcement work through conforming to the European Convention on Human Rights (as implemented by the Human Rights Act 1998).

## 2.3 Consistency

2.3.1 All officers are required to act in accordance with this Compliance and 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 Unless otherwise required by law, 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.

**Commented [A9]:** Clarifies that some notices may have a specific process/requirement

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. ~~We offer translation/interpretation services (language and British Sign Language) where English is not the first language.~~ Where businesses or the public do not have English as a first language, we offer translations of correspondence on request.

**Commented [A10]:** Simplification and clarification that this also applies to businesses as well as the general public.

2.4.4 This Compliance and Enforcement Policy is published via the Norfolk County Council website, and we may also publish further guidance about specific/technical areas, such as the use of civil sanctions.

2.4.5 The publicity generated by legal and other enforcement proceedings acts as a deterrent to others and reassures the general public that we take a serious view of illegal behaviour. We therefore routinely publish information on court proceedings and other enforcement actions such as undertakings, enforcement orders, and the administrative issue of penalties/fines; as part of this we include names and trading addresses, unless directed not to do so by the Courts.

~~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 and other enforcement actions such as undertakings; as part of this we include the name of the defendant(s), unless directed not to do so by the Courts.~~

~~We will routinely publish the names and trading addresses of traders subject to enforcement actions, including prosecutions, enforcement orders, undertakings, or the administrative issue of penalties/fines.~~

**Commented [A11]:** Simplification and consolidation

2.4.6 We may also publish the names and trading addresses of traders who act in ways that represent a significant risk to consumers or the interests of legitimate businesses, subject to the following conditions:

- There is no risk of prejudice to legal proceedings or other formal enforcement action, and
- The evidence of unfair or illegal trading is conclusive, and
- It is in the public interest to do so, taking into account the personal circumstances of the offender and community cohesion, and
- To do so does not breach Human Rights or Data Protection Law, or the Children and Young Persons Act 1933.

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

2.4.8 We obtain and process information in the course of our enforcement functions. Some of this information is personal data, and some of it is confidential or sensitive. We will process information in accordance with the law (including the Data Protection Act 2018 and the Enterprise Act 2002) and with proper regard to our [privacy notices](#).

## 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.
- 2.5.1 By having a coherent and risk-based 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. Subject to the provisions of Data Protection and Human Rights Law, we may also refer cases and/or share information, intelligence, and evidence with other law enforcement agencies.

**Commented [A12]:** Clarifies that evidence of offences committed may also be shared with other law enforcement agencies

## 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, where legally permitted, share information that we collect with other local authority regulatory services to minimise business impact.
- 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 2008. 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 [Office for Product Safety & Standards](#) (OPSS), 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, including where a compliance issue is identified that requires urgent action in order to avoid a significant risk of harm to human health, the environment, or the financial interests of consumers.
- 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 the [Office for Product Safety & Standards](#) (OPSS) for their consideration/determination.

#### 4 Enforcement Actions

- 4.1 Nothing in this policy shall be taken to compel us to take enforcement action. In certain instances, we may conclude that an enforcement response is not appropriate given the circumstances.
- 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 The Key steps in seeking a staged approach to compliance are:

- Engage
- Explain
- Encourage
- Enforce

Commented [A13]: Clarifies that this is a staged approach

4.4 The prime objective is to obtain compliance by consent - it is anticipated that, in the vast majority of cases, businesses will comply with the legal requirements further to the provision of advice.



- 4.5 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 intelligence in determining the nature of any response, as well as being subject to ongoing monitoring and review.
- 4.6 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.
- 4.7 All investigations into alleged breaches of legislation will be conducted in compliance with statutory powers, time limits and other relevant legislation (and relevant Codes of Practice), including:
- Police and Criminal Evidence Act 1984 (PACE)
  - Criminal Procedure and Investigations Act 1996 (CPIA)
  - Regulation of Investigatory Powers Act 2000 (RIPA)
  - Investigatory Powers Act 2016 (IPA)
  - Criminal Justice and Police Act 2001 (CJPA)
  - Human Rights Act 1998 (HRA).
  - Consumer Rights Act 2015 (CRA)
- 4.8 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/interpretation services (language and British Sign Language) where English is not their first language
- 4.9 As part of our enforcement function, we may exercise 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 we believe it may be required as evidence.
- 4.10 We may also take with us such other persons as may be necessary as part of our enforcement function. This may include Police Officers where there is the possibility of an arrest, or a breach of the peace situation. In certain cases, we may exercise an entry warrant issued by a Justice of The Peace to gain access to premises and may use police assistance to effect entry.
- 4.11 We may also use investigation equipment whilst undertaking our duties, including handheld 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 or other investigation equipment 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.

#### 4.12 Immediate Formal Action

4.12.1 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). Where possible, a staged approach to enforcement will be adopted, with advice and informal action explored to achieve compliance in the first instance. However, we will consider taking immediate formal action ~~for the most serious breaches~~ where appropriate, including in any of the following circumstances:

- Where the infringement causes or is likely to cause actual or emotional damage, or substantial loss or prejudice to people, businesses, or other organisations.
- Where there is a significant risk to public health, safety or wellbeing, or damage to property, infrastructure, or the environment.
- Fraud, aggressive or misleading practices/equipment, or practices seeking an unfair 'competitive advantage'.
- Illegal practices targeted at vulnerable people, including young people and the elderly.
- For matters where there has been recklessness or negligence, or a deliberate or persistent failure to comply with advice, warnings, or other enforcement action.
- 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.
- Disqualification of weighing or measuring equipment where, in the inspector's opinion, immediate disqualification is the most appropriate enforcement action
- Obstruction or assault (including verbal assault) of an officer in the execution of their duties.

**Commented [A14]:** The indicative circumstances listed identify where this course of action may apply

**Commented [A15]:** Clarification that equipment found to no longer meet legal requirements may be immediately disqualified

#### 4.13 Advice, Guidance and Support

4.13.1 We are committed to using advice, guidance, and support as a first response to the majority of breaches of legislation, subject to any need to take immediate formal action for the most serious breaches (see paragraph 4.12 above).

4.13.2 Any initial requests for advice from individuals or businesses on non-compliance will not necessarily trigger enforcement action. In such cases 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.

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

4.13.4 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.

4.13.5 Where more formal enforcement action has previously been taken, such as a simple caution or prosecution, we recognise that, in some cases,

there may be a need for additional compliance advice and support, to prevent further breaches.

#### 4.14 **Verbal or written warning**

4.14.1 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. Failure to comply with warnings or advice could result in more serious enforcement action being taken.

#### 4.15 **Statutory (Legal) Notices**

4.15.1 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.

4.15.2 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.

#### 4.16 **Monetary penalties**

4.16.1 Fixed or variable monetary penalties, or penalty charge notices may be issued where there is a specific power or delegated authority to do so and under the following circumstances:

- To provide an effective and visible way to respond to less serious crimes without going to court
- As a response to particular issues or as part of a wider enforcement strategy.

4.16.2 Specific guidance for legislation, which includes the power to issue monetary penalties, may be produced to support this policy. Such guidance will be published via our website. Some examples of these can be found on the [Trading Standards Policies webpage](#).

4.16.3 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.

#### 4.17 Licences, registrations, and approvals

4.17.1 Local authorities have a role to play in ensuring that appropriate standards are met in relation to licences, registrations, and approvals. We may refuse to grant, seek to review, temporarily remove, suspend, 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.

#### 4.18 Seizure and Destruction

4.18.1 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 or other record of seizure 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 us.

4.18.2 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.

4.18.3 Where products are found to present a serious risk, we may seek to destroy or otherwise render them inoperable, where permitted by law.

4.18.4 We may seek to recover costs of destruction, including through the Courts as may be necessary.

#### 4.19 Detention

4.19.1 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.

4.19.2 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.

#### 4.20 Forfeiture or Deprivation

4.20.1 Where a person has not agreed to surrender infringing goods, we may apply to the court for forfeiture or deprivation of the goods whether or not we start a prosecution or bring other proceedings.

4.20.2 We may also seek to recover costs of these proceedings from the defendant(s).

#### 4.21 Injunctive Actions, Enforcement Orders etc

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

4.21.1 Civil enforcement mechanisms, such as injunctions and enforcement orders, are available to address certain breaches of law. We will consider the use of these mechanisms where available.

- Before taking civil enforcement action, we will normally discuss the circumstances with anyone suspected or involved and, through consultation, aim to achieve compliance
- Where consultation does not lead to compliance or has no realistic prospect of compliance, we will use formal enforcement mechanisms, including applications for injunctions or court orders. When considering formal enforcement action, we will have regard to any undertakings given to us.
- We can in certain circumstances apply to the Court for additional remedies including compensation for complainants.
- Where a defendant subsequently breaches an injunction or enforcement order we will consider further proceedings for contempt of court.

#### 4.21.2

~~4.21.3 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:~~

- ~~• undertakings to us or the court~~
- ~~• 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.~~

**Commented [A16]:** Section 4.21 has been updated to clarify and simplify the explanation of the various civil enforcement mechanisms available

## 4.22 Other Sanctions or Interventions

4.22.1 We will consider other sanctions or interventions where legally available and appropriate to do so, including criminal behaviour orders under the ~~Anti-Social Behaviour, Crime and Policing Act 2014~~ Sentencing Act 2020, injunctions under the Local Government Act 1972, restriction orders under the Children & Young Persons Act 1933, and/or equivalent orders to disrupt and/or prevent activities that may contribute to crime or disorder. This may also include arranging for the removal of websites where it is clear they are being used for illegal purposes.

**Commented [A17]:** Criminal Behaviour Orders are now made under the Sentencing Act 2020

## 4.23 Taking animals into possession/disqualification orders

4.23.1 Under the Animal Welfare Act 2006, if a veterinary surgeon certifies that 'protected animals' are suffering or are likely to suffer if their circumstances do not change, we will consider taking them into our possession and applying for Orders for reimbursement 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 are properly maintained. In some circumstances we will also consider applying to the Court to deprive persons of the animals seized and/or disqualify them from keeping animals.

## 4.24 Simple Cautions

4.24.1 In certain cases, ~~and where available,~~ a simple caution may be offered as an alternative to a prosecution, for example for first time offending. The purpose of a simple caution is to deal quickly with less serious offences,

**Commented [A18]:** Have included 'where available' here as there are proposals by Govt to change the Cautions regime which could see these removed from local authority use in their current form. The legislation for this is however not in force at the time of writing.

to divert less serious offences away from the Courts, and to reduce the chances of repeat offences.

4.24.2 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 concerning all elements of the offence(s) in question
- 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.

4.24.3 A simple caution may appear on the offender's criminal record. It is likely to influence how we and other enforcement agencies 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 or wishes to travel or move to certain countries. Simple cautions will be issued with regard to Ministry of Justice and Crown Prosecution Service guidance.

#### 4.25 Prosecution

4.25.1 We 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.

4.25.2 Before any decision is taken, the alleged offence(s) will be fully investigated, and a report will be compiled by the Investigating Officer/Officer in Charge of the case. The file will then be reviewed by a Senior Manager, who will consider whether 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](#).

**Commented [A19]:** Amended in line with a review of the 'Threshold Test' in the Code for Crown Prosecutors

4.25.3 Any decision to prosecute will be taken:

- where it is expedient for the promotion or protection of the interests of the inhabitants of Norfolk to do so (Section 222 of the Local Government Act 1972), or
- where we have another express power to prosecute, and the use of that power is appropriate to the circumstances.

Before deciding whether or not to prosecute, consideration will also be given to:

- How well the prosecution supports our aims and priorities
- The factors contained in paragraphs 4.2 and 4.12 of this policy
- Action taken by other enforcement agencies for the same facts
- The nature and extent of any harm or loss, including potential harm and loss, and any offer of redress made by the offender to victims
- The willingness of the alleged offender to prevent a recurrence of the infringement

- The likelihood of the alleged offender being able to establish a statutory defence
- The calibre and reliability of witnesses
- The probable public benefit of a prosecution and the importance of the case, e.g., the possibility of establishing legal precedent
- Cost effectiveness of a prosecution
- The scope for alternative routes for redress for 'victims' and their likelihood of success
- The impact of the intervention on small businesses in particular, to ensure action is proportionate.

4.25.4 A conviction can 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 4.28 below).

4.25.5 Norfolk County Council may also act as prosecuting authority for joint investigations with partner agencies, including those which are supported by National Trading Standards (NTS). NTS works in partnership with local Trading Standards authorities, regional investigation teams, and other enforcement agencies to maximise effectiveness. NTS funding supports major investigations that are detrimental to consumers or businesses that occur on a regional, cross boundary or national level, in areas such as doorstep crime, counterfeiting, and consumer and business fraud. NTS investigations are subject to the same best practice principles found in legislation and codes that are outlined within this Compliance and Enforcement Policy. Any decision to prosecute in such cases will be made in accordance with paragraph 4.26 of this Policy.

#### 4.26 **Proceeds of Crime Actions**

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

4.26.2 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 seeking compensation for victims or recovery of financial investigation costs as part of this process. Any funds recovered as part of the Asset Recovery Incentivisation Scheme (ARIS) will be used to support further asset recovery work, or crime reduction and community projects.

#### 4.27 **Directors**

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

## 5 Complaints, Compliments and Comments

- 5.1 If you are unhappy with the service you have received, or we have failed to live up to our promises, managers are always willing to discuss with you the cause of your dissatisfaction and will try to find a solution.
- 5.2 If you wish to make a complaint or send us a compliment or comment about our service, please use our online procedure by going to:

[www.norfolk.gov.uk/compliments\\_and\\_complaints](http://www.norfolk.gov.uk/compliments_and_complaints)

Complaints can also be submitted by telephone to 0344 800 8020 or in writing to:

**Compliments and Complaints Team, Norfolk County Council,  
County Hall, Martineau Lane, Norwich, NR1 2DH.**

If you are still not satisfied, and feel you have been caused injustice, our complaints process explains how the matter will be escalated, including how to complain to the Local Government Ombudsman.

- 5.3 If you wish to appeal against enforcement action taken or have other comments, you should write to: The Executive Director, Community and Environmental Services, using the address in 5.2 above.

## 6 Conflict of Interest in Enforcement Matters

- 6.1 Where a breach is detected in which the enforcing authority is itself the responsible operator, the following protocol will be followed:

- 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 additional authorised officer from another local authority will be requested to assist in the decision-making process. **Senior Managers** The Chief Executive of the Council will be informed without delay.
- 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.

**Commented [A20]:** Clarifies that this will be reported to the Chief Executives Office.

## 7 Where to get further information

- 7.1 Copies of this document and other information/advice are available by writing to the Trading Standards Service using the address in 5.2 above.
- 7.2 We will make this policy available on tape, in Braille, large type, or in another language on request.





## **Annex 1: Local Monitoring and Enforcement Protocols**

**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**

**November 2023**

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## 1.0 Background

- 1.1 This document provides supplemental guidance to the County Council's Compliance and 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) and associated guidance contained in the Planning Practice Guidance.

Paragraph 59 of the National Planning Policy Framework, July 2021 (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. They 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 Compliance and Enforcement Policy, this Annex represents Norfolk County Councils Local Enforcement Plan for planning.

- 1.2 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.
- 1.3 The Development Plan for the County comprises the Norfolk Core Strategy and Minerals and Waste Development Management Policies Development Plan Document (DPD) 2010 -2026 (Adopted 2011), Norfolk Waste Site Specific Allocations DPD adopted 2013, Norfolk Minerals Site Specific Allocations DPD adopted in 2013 and updated in 2017. 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

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.

- 2.1 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).

- 2.2 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 the person committing the breach can be liable to prosecution.
- 2.3 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.
- 2.4 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 land and the nature of the alleged breach, although failure to comply with a notice may lead to formal enforcement action, as may the information contained in the response.
- 2.5 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.
- 2.6 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 this document and the County Council's Communities and Environmental Services 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.

There are currently over 200 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 can give rise to more complaints and the need for more officer time, in comparison with large sites.

- 3.3 Pro-Active monitoring will also vary over the lifetime of mineral extraction sites with greater emphasis taking place during the extraction and restoration phases. Once a site has been restored it will be inspected annually until the aftercare scheme has been successfully established. This is typically a five-year period, although longer periods can be specified depending on the restoration scheme. In some cases, a restoration scheme can be linked to permanent changes in the way the site used. Examples of this can be provision of public open space and recreation facilities. In these cases, proactive inspection will only continue for a limited period until the restoration scheme has been established. After this, inspections will be on a reactive basis, should we receive reports of suspected non-compliance.

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.

Regulation 19 of the Waste (England and Wales) Regulations 2011 specifies that where a planning authority has planning functions, under regulation 17, in relation to establishments or undertakings carrying on disposal or recovery of waste, that planning authority must ensure that appropriate periodic inspections of those establishments or undertakings are made. In situations where a Local Planning Authority has assumed the planning function and issued a planning permission which has enabled a waste use to take place on a site, that Local Planning Authority should ensure that appropriate periodic inspections of those establishments or undertakings are made, and that any enforcement action is taken as appropriate. The County Planning Authority will not, as a matter of course, assume the planning function for the site.

**Commented [A21]:** Added to explain the process for inspection and planning functions arising from sites carrying on disposal or recovery of waste

The County Planning Authority may be identified as the relevant authority in development consent orders granted for Nationally Significant Infrastructure Projects (NSIP's) by the Secretary of State. In such events the authority will adopt an appropriate risk-based monitoring strategy. It will also seek to recover costs incurred through a planning performance agreement or a similar scheme.

**Commented [A22]:** Clarifies the process for Nationally Significant Infrastructure Projects

### Monitoring Fees

- 3.4 The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2006 as amended, 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-imbursment of the average costs calculated over all MWPAs providing a monitoring service.
- 3.5 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

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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 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 wellbeing, 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 As authorities are unable to take formal enforcement action against themselves the County Planning Authority will, from time to time, act as enforcing authority for a local planning authority or agree terms for another authority to act as enforcing authority for itself. In most cases will be limited to legal agreements attached to planning consents, but can be extended to conditions if it is considered appropriate. Where responsibilities are delegated, it is expected that authorities carry out their roles in accordance with their adopted enforcement plans. Notwithstanding any agreements a local planning authority can under the Town and Country Planning Act, initiate enforcement action against a county council approved development subject to carrying out appropriate consultation, prior to initiating the action.
- 5.4 At the request of the Local Planning Authorities, the County Council will consider whether to enter into an agreement, to act as the Enforcing Authority for planning applications approved by the Local Planning Authority, in order to secure the compliance with planning conditions and other obligations associated with the planning permission. Unless specially agreed with the relevant district council, the County Council will not routinely monitor the compliance of the district council but will respond to notifications provided by the district planning authority that enforcement interventions are required.
- 5.5 In deciding whether to act as the Enforcing Authority, the County Council will have regard to:
- The Local Planning Authority's ownership of the site.
  - Whether the duration of the Enforcing Authority role being during such time as the Local Planning Authority has an interest in the site.
  - The purpose being to avoid any suggestion of a conflict of interest or other improper motive or conduct by the Local Planning Authority.

**Commented [A23]:** Added to clarify the process whereby the County Planning Authority will carry out enforcement on behalf of others, or appoint another such authority to do so on our behalf.

5.6 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. All of whom are also planning authorities. In addition to these councils the Broads authority also has planning responsibilities for the Norfolk and Suffolk Broads area.

5.7 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 Effective enforcement is important to maintain public confidence in the planning system. The County Council will have regard to the provisions of the development plan (see paragraph 1.4) and any other material considerations in the enforcement of planning control.

**Commented [A24]:** Emphasis on the importance of public confidence

6.2 A breach of planning control is defined in section 171A of the Town and Country Planning Act 1990 as:

- the carrying out of development without the required planning permission; or
- failing to comply with any condition or limitation subject to which planning permission has been granted.

Any contravention of the limitations on, or conditions belonging to, permitted development rights, under the [Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#), also constitutes a breach of planning control against which enforcement action may be taken.

**Commented [A25]:** Explains breach of planning control

6.3 This Authority remains committed to fostering business enterprise and prosperity, provided that the necessary development can take place without unacceptable harm to local amenity. Whilst enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control, this Authority has a general discretion to take enforcement action when they regard it expedient, it does not condone wilful breaches of planning-law control. 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:

**Commented [A26]:** Clarifies that this section relates to planning control

- (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



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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.

### **Carrying Out Development Without the Required Planning Permission**

- 6.4 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 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.
- 6.5 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.
- 6.6 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.
- 6.7 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

**Commented [A27]:** New heading & some re-numbering of paragraphs below

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.

- 6.8 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.
- 6.9 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.
- 6.10 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.
- 6.11 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.
- 6.12 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.

- 6.13 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.

#### **Failing To Comply with Any Condition or Limitation Subject to Which Planning Permission Has Been Granted**

- 6.14 As set out in section 3 (Monitoring Inspections) monitoring of permitted sites is an essential tool of controlling development. Whilst the responsibility to adhere to planning permissions and comply with associated conditions lies with those undertaking the development, we recognise the importance of addressing harmful breaches of planning control. As a result, where possible, the council will use its resources and promote cross department liaison to identify breaches of planning control. Where it's found that operators are failing to comply with conditions paragraphs 6.4 to 6.13 above would apply. Nevertheless, if the unauthorised development is causing unacceptable harm to the environment or amenity, the Authority will consider issuing a breach of condition notice under section 187 A of the Town and Country Planning Act 1990 which provides for enforcement of a planning condition.

**Commented [A28]:** New heading and paragraph to clarify process for unauthorised development

## **7.0 Investigation Priorities**

- 7.1 Investigating and remedying alleged breaches of control is labour intensive and the level of service provided is directly proportional to the resources available for regulating planning control. The demand for resources in this area naturally fluctuates over time and while the service will endeavour to match resources to demand, the level of service provided may vary over time.

### **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:

**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. It should be noted that in cases giving rise to immediate and substantial harm there are often more appropriate regulatory regimes outside the planning system. Officers will work cooperatively with other agencies in such cases (see paragraphs (5.1 to 5.6)

**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.

**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 Breaches**

- 7.3 A response to an alleged breach 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. 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 breach.
- 7.4 Where separate members of the public report complaints/incidents about different issues relating to a site then these should be recorded as separate breaches. Where multiple residents complain about the same incident then this is recorded as a single breach.
- 7.5 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 breach. These will 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 single breach.
- 7.6 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.
- 7.7 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.

- 7.8 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 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.
- 7.9 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 upon request. If, however, the Authority elects to instigate enforcement proceedings against the offender the complainant will be notified of the progress of that action.
- 7.10 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 Subject to the Evidential and Public Interest tests Persons who fail to comply with formal notice will normally be prosecuted.

## **9.0 Monitoring of Regulation 3 Development**

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

## Annex 1

permanent external substantial building works is subject to this regime.

- 9.2 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.
- 9.3 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.
- 9.4 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.
- 9.5 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.
- 9.6 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.
- 9.7 Once the report has been completed, it will be sent to the applicant along with a copy of the planning permission and an invoice for payment.

### **10. Member Protocol**

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



**Norfolk** County Council

## **Annex 2: Norfolk County Council Flood and Water Management Enforcement Protocol**

November 2023

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## 1.0 Introduction

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

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

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

## 2.0 Regulation of Ordinary Watercourses

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

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

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

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

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

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

If the works are not completed by the date set out in the notice, the Lead Local Flood Authority may take action to remedy the effect of the

contravention or failure and seek to recover the costs incurred, as well as pursue any necessary prosecution.

### 3.0 Guiding Principles

Enforcement under the Land Drainage Act, 1991 will be carried out using the guiding principles as set out in the CES Compliance and 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 from Risk Management Authorities i.e., Anglian Water, District Councils
- 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 Compliance and 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.

### **Data Protection**

Information may be shared with [Risk Management Authorities](#) under Section 13 and 14 of the Flood and Water Management Act 2010 in order to exercise flood and coastal erosion risk management functions. This information will be held securely, and any processing will be performed in line with the requirements of the Data Protection Act 1998 and the General Data Protection Regulation from 25 May 2018. Norfolk County Council is registered as a Data Controller with the Information Commissioner's Office. Further details about how we process personal data can be found in our [Privacy Notice](#).

### **Further Information**

Please consult the [Glossary of terms](#) document which supports this protocol.

Annex 3



**Norfolk** County Council

# **Annex 3: Norfolk Fire and Rescue Service Enforcement Policy Statement (England and Wales)**

## **Fire Safety Policy Directive**

November 2023

### 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 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.

### 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.

### 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.

### 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.

### 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.

### 6. Accountability to Those We Regulate

The Service is accountable for its actions and is open to analysis and questioning of our regulatory work.

### 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.

### 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.



### **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.

### **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.

### **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.

### **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 [Enforcement Register](#).

Commented [A29]: Revised link to external register

### **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.

### **14. Data Protection**

The Service will comply with data protection laws.

### **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.

**More on the Introduction**

1.1 This statement sets out the service that business and others being regulated by the Norfolk Fire and Rescue 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.

[Policy](#)

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

The Regulators Code

The Regulatory Enforcement and Sanctions Act 2008

The Legislative and Regulatory Reform Act 2006

The Legislative and Regulatory Reform (Regulatory Functions) Order 2007

The Environment and Safety Information Act 1988

The Regulatory Reform (Fire Safety) Order 2005

The Licensing Act 2003

The Explosive Regulations 2014

The Petroleum (Consolidation) Regulations 2014

The Building Safety Act 2022

The Fire Safety Act 2021

The Fire Safety (England) Regulations 2022

**Commented [A30]:** Addition of other applicable legislation

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).

**More on Our Principles**

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

2.2 Non-compliance with fire safety law will mean that, in our view, people are at risk in case of fire. Where we identify people at risk in case of fire, we will respond proportionately to that risk, taking account of the likelihood and severity of the risk, in line with our service standards.

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

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- 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 [Fire regulations for businesses and organisations in Norfolk - Norfolk County Council](#)

Commented [A31]: Revised link to external information

### More on the way we approach regulation

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

- (a) change the behaviour of the offender.
- (b) change societal attitudes to the risks from fire.
- (c) eliminate financial gain or benefit from putting people at risk in case of fire.
- (d) exercise a proportionate response to the nature of the offence and the harm caused.
- (e) restore safety to premises where fire safety risks were found; and
- (f) encourage fire safety to be secured in future.

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- (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).

For further details please review [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.

#### 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

**Commented [A32]:** For example the Building Safety Act 2022 section 156 was introduced as new legislation from 1st October 2023 which imposes new duties on businesses and building owners. This represents the next phase of the government's fire safety reform programme

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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.

#### **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.

#### **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 [Complaint](#)

#### **More on the Principles of Enforcement Action**

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

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

- legal advice.

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

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

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

#### **More on Our Enforcement Action**

8.1 The Service will offer duty holders information and advice both verbally and / or in writing. This will include an explanation of why any specified work is necessary and a time period within which the specified work should be completed.

Educating, informing and advising responsible persons and duty holders about their duties under fire safety legislation will form a fundamental element of our enforcement regime. The Service will fulfil its obligation under section 6(2) of the Fire and Rescue Services Act 2004 to give on request, advice on fire safety free of charge.

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

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

8.4 If the likelihood of fire is high and the consequences in case of fire are low, advice may be given on how the likelihood can be reduced. Advice may also be given

where the consequences of fire might cause harm to people but can be simply avoided. Advice can also be given to point out good practice or to signpost business continuity advice or other business protections, for example protection from flooding.

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

8.7 Fire Safety law gives power to warranted inspectors to take samples of dangerous materials or extracts of recorded safety information and documents. When we take materials or documents we will provide an appropriate receipt.

8.8 In the most serious of cases we will gather information and conduct an investigation to prepare for a prosecution. The decision to prosecute a case will be taken by those with authority to do so in accordance with our Scheme of Delegations.

8.9 All our members of staff that make enforcement decisions will be required to follow the Regulators Code.

#### **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. [Complaint](#)

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.

#### **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 available and 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.

**Commented [A33]:** Have included 'where available' here as there are proposals by Govt to change the Cautions regime which could see these removed from local authority use in their current form. The legislation for this is however not in force at the time of writing.

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.

#### **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 licence 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.

#### **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](#))

#### **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](#).

#### **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 see the: [The Regulators Code](#)

#### **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](#)

#### **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 see the [Legislative and Regulatory Reform Act](#)

#### **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 see the: [Legislative and Regulatory Reform \(Regulatory Functions\) Order](#)

#### **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 see [The Environment and Safety Information Act 1988](#)

#### **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 see [The Regulatory Reform \(Fire Safety\) Order](#)

#### **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 see [The Licensing Act](#)

#### **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 see [The Explosive Regulations 2014](#)

#### **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 see [The Petroleum Consolidation Regulations](#)



**Norfolk** County Council

## **Annex 4: Norfolk County Council Highways Enforcement Protocol**

November 2023

Annex 4

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Advertising Boards and Trailers on the Highway..... 3

## 1.0 Introduction

The Highways area teams receive a significant number of customer enquiries 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, public roads and paths restricted for other highway users e.g., by overhanging trees, shrubs and hedges or blocked public footpaths and trailer or van mounted advertising hoardings.

**Commented [A34]:** Clarification on the range of enquiries received

The CES Compliance and Enforcement Policy is followed, although priority is given to highway safety matters. Increasingly, the teams work with District and Borough Councils and on a more local level with Town and Parish Councils to achieve successful outcomes.

In the majority of cases, the legal processes relating to enforcement are well established, such as dealing with public rights of way issues under various sections of the Highways Act. On occasion it is necessary to deal with Street works issues under applicable sections of the New Roads and Street Works Act 1991, Traffic Management Act 2004 and the Norfolk Permit Scheme.

**Commented [A35]:** Amended to confirm additional legislation that applies to street works

The following processes are less well established and have been the subject of recent Local Member interest.

## 2.0 Vehicles for sale on the Highway

When an enquiry 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.

## 3.0 Advertising Boards and Trailers on the Highway

At joint authority meeting, which included Nplaw, it was concluded that the most appropriate way forward in addressing the issue of illegal advertising boards and 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. In these cases, District and Borough Councils would take be the Lead Authority.

However, where an enquiry is received and the issue identified is likely to cause a danger to other highway users, the Highways Area team will:

- Check whether route is subject to an advertising ban by-law (generally District/Borough Council imposed)
- Laminated notices can be attached to towable hoardings if they are found to be on Highway land, illegal and causing a safety issue for highway users.
- If the contact details for the trailer owner are known, they can be contacted direct to remove the trailer. This can be by either telephone or the use of letter.

#### Annex 4

- If letter is sent or contact details are unknown, a formal notice must be attached to the advertising hoarding. All fees charged should recover all costs incurred including Officer time, administration costs and hoarding collection costs.
- Officers can request the removal of unauthorised A Boards. Photographic records can be taken, and re-inspection may be required.
- Request for removal, by formal letter, should be made to the offending party, in their absence, immediate removal can be arranged, and cost recovered.
- If there is a significant problem with a particular shopping area, precinct, or high street it may be helpful for the Highways Engineer to arrange a meeting with the traders, town Councillors or Town Centre Managers to explain the procedure and our Duty of Care for all highway users.
- In exceptional cases Area Managers can consider whether offenders should be prosecuted in Magistrates Court.





**Norfolk** County Council

## **Annex 5: Blue Badge Enforcement Protocol**

November 2023

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## 1.0 Introduction

In November 2011 Norfolk was designated as a Civil Enforcement Area and, following the commencement of the Disabled Persons' Parking Badges Act 2013, local authority enforcement officers are now able to inspect and retain a blue badge without police presence, if they have reasonable grounds for believing that an offence has occurred. Wrongful or misuse of a Blue Badge is a strict liability offence. The County Council employs a Blue Badge Investigator to carry out follow up investigations and prepare the evidence in support of enforcements – including giving written warning, or recommendations for formal prosecutions or simple cautions.

The Community and Environmental Services Compliance and Enforcement Policy is followed, and this protocol is to be read in conjunction with that document. The Blue Badge Investigations service forms part of the Sustainable Transport Section. There is a close working arrangement with Trading Standards, who process the legal disposals, and with the Customer Services Centre (CSC) who administer the Blue Badge Scheme.

**Commented [A36]:** Amended following the move of this Service to a new Section.

There is close liaison with District Councils who employ Civil Enforcement Officers (CEO), including guidance on the policy requirements for evidence-gathering and operational arrangements.

The misuse of the Blue Badge Scheme can have serious consequences for legitimate users by denying them access to essential services and facilities. Norfolk County Council are committed to reducing the level of misuse and increasing compliance with the scheme in pursuit of our traffic management duties and aims, and to support vulnerable people in Norfolk.

## 2.0 Identifying Offences

Blue Badge Offences are identified in 3 ways –

- Reports by members of the public via the online form or the CSC
- Badge Inspections and seizures by CEOs as part of normal patrol duties.
- Badge Inspections and seizures by the Blue Badge Investigator during specific patrols.

The County Council publicised the commencement of work by the Blue Badge Investigator and continues to publish on its website the results of enforcement action where a person is taken to court.

[See further information on Blue Badge Enforcement](#)

We have provided guidance to Civil Enforcement Officers who have the power to inspect and retain Blue Badges. This includes when and when not to inspect/retain badges, what offences are likely to have been committed. How they should interact with members of the public in what is a stressful situation and the type of questions to ask to gather evidence.

The Investigative process will also follow good practice guidance related to how those with hidden disabilities interact with the Criminal justice system.

### 3.0 Investigation Process

All investigations into alleged offences are conducted in accordance with statutory powers, relevant legislation, and codes of practice. Persons suspected of committing an offence will always where possible be formally interviewed in accordance with Police and Criminal Evidence Act 1984 (PACE). This is undertaken in 3 ways –

- Roadside interview by the Blue Badge Investigator
- Interview in person with the Blue Badge Investigator
- Postal Interview

The method chosen is dependent on how the alleged offence was identified. The opportunity to demonstrate a statutory defence and offer mitigating information is, where possible, always offered during the PACE interview. Unsolicited information may also be recorded and used as part of the decision making process. We will also give an additional opportunity to offer mitigation following a roadside interview by writing to the alleged person providing them with a copy of their responses.

### 4.0 Disposal

We are committed to giving advice, guidance, and support to all those persons suspected of committing an offence and will do so at all stages of an investigatory process. Mitigating information where supplied will be used during the decision-making process but, a formal disposal may still be the likely outcome. There are four methods of disposal available to use in relation to the misuse of a Blue Badge.

1. No further Action (NFA) – the alleged offence may fall outside our jurisdiction, there may be insufficient evidence or formal action not in the public interest.
2. Written warning – The alleged offence was within our jurisdiction but there is insufficient evidence or formal action would not be in the public interest.
3. Simple Caution – In certain cases a simple caution may be offered instead of prosecution. When offering a simple caution, we will comply with relevant Home Office Circulars and the offender will be made aware of the impact the simple caution may have on their life.
4. Prosecution - We may prosecute using different pieces of legislation depending on what offences are alleged. The legislation we use is:
  - Section 115/117 of the Road Traffic Regulation Act 1984
  - The Fraud Act 2006
  - Forgery and Counterfeiting Act 1981
  - The Theft Act 1968
  - Proceeds of Crime Act 2002
  - Sec 21 of the Chronically Sick and Disabled Persons Act 1970
  - Sec 44 Magistrates Court Act 1980

#### Annex 5

A person could also be issued with a penalty charge notice for any parking contravention that occurs. We also have the power to immobilise and remove vehicles in certain circumstances.

In cases where a badge holder lets a third party use a badge, the issuing local authority can withdraw the badge under regulation 9(2)(a) of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 after a relevant conviction has been obtained.

In certain circumstances involving prolific offenders Courts are able to disqualify drivers for a period of time under section 163(2) of the Sentencing Act 2020.



**Norfolk** County Council

## **Annex 6: Safety at Sports Grounds Enforcement Protocol**

**November 2023**

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### **Introduction**

This Enforcement Protocol is supplementary to and published as part of the County Council's Compliance and Enforcement Policy (Community and Environmental Services). It sets out the arrangements that Norfolk County Council has put in place for enforcement action in relation to its statutory duties concerning safety at sports grounds.

### **Legislation and Guidance**

This protocol should be read in conjunction with the following legislation and guidance that applies to the safety of those present at sports grounds:

- Safety of Sports Grounds Act 1975 (the 1975 Act)
- Fire Safety and Safety of Places of Sport Act 1987 (the 1987 Act)
- Safety of Sports Grounds Regulations 1987
- Safety of Places of Sport Regulations 1988
- Regulatory Reform (Fire Safety) Order 2005 (enforced by Norfolk Fire and Rescue Service)
- Health and Safety at Work etc. Act 1974 (enforced by Health and Safety Executive / District/Borough Councils)
- Licensing Act 2003 (enforced by District/Borough Councils)
- Home Office Circular 71/1987 – which provides guidance relating to the issuing of prohibition notices
- Further advice contained in "Guide to Safety Certification of Sports Grounds" (known as the Green Guide) published by the Sports Grounds Safety Authority.

### **Scope**

The sports grounds currently covered by these arrangements are listed below:

#### **Designated Sports grounds in Norfolk requiring a General Safety Certificate:**

- Norwich City Football Club (Carrow Road)

#### **Regulated Stands in Norfolk requiring a safety certificate:**

- Fakenham Racecourse
- Great Yarmouth Greyhound Stadium
- Great Yarmouth Racecourse



- King's Lynn Town Football Club (The Walks)
- King's Lynn Speedway (Norfolk Arena)
- Wellesley Stadium

The 1975 Act defines a sports ground as a place where sports or other competitive activities take place in the open air, where accommodation has been provided for spectators, consisting of artificial structures or natural structures artificially modified for the purpose.

Under the provisions of section 1 of the 1975 Act the Secretary of State for Culture, Media and Sport may designate as requiring a safety certificate any sports ground that has accommodation for more than 10,000 spectators, or 5,000 in the case of Premier League and Football League grounds in England and Wales. These sports grounds are referred to as designated grounds.

A Regulated Stand is defined in the 1987 Act as any covered stand at a sports ground with accommodation for 500 or more spectators, whether seating or standing.

Under the provisions of section 10 of the Safety of Sports Grounds Act 1975 the Council has the power to issue a prohibition notice to limit the capacity, or totally prohibit the admittance of spectators to any sports ground within the County of Norfolk.

### Choices of Enforcement Action

There are several courses of action open to the council's enforcement officers depending on the different circumstances that may be encountered or apply to the situation. The choices of enforcement action are:

- Informal Warning
- Reduction in Capacity
- Simple Caution (where available)
- Prohibition Notice
- Prosecution

**Commented [A37]:** Have included 'where available' here as there are proposals by Govt to change the Cautions regime which could see these removed from local authority use in their current form. The legislation for this is however not in force at the time of writing.

### Reduction in Capacity

Reducing the capacity of all, or part of, a sports ground is a formal action which would be appropriate in the following situations:

- if an incident suggests that the management of a sports ground is performing poorly; or

- if the Council's inspecting officers identify any deficiencies in the fabric, equipment, records, or management systems, which the authority has not already taken into account when accepting calculation of the permitted capacity

Any new capacity should be properly calculated having regard to the change in circumstances and the procedures to be followed will be the same as during the routine annual review of the safety certificate. Ground management should be invited to submit its proposed revised (P) or (S) factor, but the Council reserve the right to overrule this if appropriate.

When reducing a capacity, it is important that:

- officers act reasonably and in accordance with due process, not least because the certificate holder has a right of appeal against any reduction in capacity; and
- a formal amendment to the safety certificate is issued.

Once the remedial measures or improvements have been implemented consideration will be given to restoring the original capacity.

**Commented [A38]:** Confirmation of restoration to the original capacity where improvements have been implemented

### **Prohibition Notice**

Unlike the other provisions of the 1975 and 1987 Acts, the power to issue a prohibition notice applies to all sports grounds, as defined in section 17 of the 1975 Act, including those that are neither designated nor contain a regulated stand.

Section 10 of the 1975 Act empowers the Council to issue a prohibition notice in respect of all or part of any sports ground if it considers that "the admission of spectators to a sports ground or any part of a sports ground involves or will involve a risk to them so serious, that, until steps have been taken to reduce it to a reasonable level, admission of spectators to the sports ground or that part of the sports ground ought to be prohibited or restricted".

A prohibition notice is therefore a measure of last resort and should only be used where an amendment of the safety certificate (where issued) is not considered an effective way of dealing with the risk(s).

When issuing a prohibition notice consideration should be given as to whether the risk to spectators is or may be imminent and if so, the notice should take effect as soon as it is served. In all other cases it should come into force at the end of the period specified in the notice.

A prohibition notice must specify:

- the nature of the risk to spectators; and
- the number of spectators that may be admitted to the sports ground, or any part of the sports ground, until appropriate steps have been taken to address those risks.

The notice may also include directions as to the steps which will have to be taken to reduce the risk to a reasonable level.

### **Appeals**

Appeals against a reduction in capacity imposed by way of an amendment to a safety certificate or against a prohibition notice are to a Magistrates Court. Where an appeal is made against an amendment to a safety certificate the amendment cannot take effect until the appeal is heard. However, in the case of an appeal against a prohibition notice any reduction in capacity remains in place until the appeal is heard.

### **Penalties**

It is an offence for any responsible person, not merely the certificate holder, to contravene the terms and conditions of a safety certificate or a prohibition notice. These offences and associated penalties, along with the defences of absence of consent and due diligence, are listed in section 12 of the Safety of Sports Grounds Act 1975 and section 36 of the Fire Safety and Safety of Places of Sport Act 1987.

**Performance Data 2022/23**

In response to a member request in 2018, this appendix provides compliance and enforcement performance information in relation to those regulatory functions covered by the CES Compliance and Enforcement Policy; Trading Standards, Planning enforcement (mineral and waste sites), Flood and Water (land drainage), Highways (networks, maintenance, and blue badge enforcement) and Norfolk Fire and Rescue Service.

**Trading Standards**

**Outcomes of investigations and prosecutions**

Number of defendants convicted	6
Number of offenders to whom simple cautions issued	2
Number of months imprisonment (immediate and suspended sentences)	52
Fines awarded	£700
Costs awarded from court cases	£6,000
Community Punishment Orders (hours)	400
Proceeds of Crime Act (POCA) benefit ordered to be paid in the year	£1
Proceeds of Crime Act (POCA) benefit paid in the year	£3,103

**Redress obtained/detriment prevented by service actions**

(£) not handed over to criminals (e.g., rapid response outcomes)	£12,490
Total number of Scam victims subject to interventions by the Service	267
Detriment (£) over the following 12 months prevented by service actions	£2,071,211

**Business compliance**

Percentage of businesses that were compliant when visited, brought into compliance at the time of the visit or brought into compliance during the period, subsequent to the visit	97%
Number of counterfeit items/products removed from or prevented from entering the supply chain and value	0 £0
Number of unsafe items/products removed from or prevented from entering the supply chain and value	29,998 £1,050,830
Number of businesses identified as supplying misdescribed food, or not correctly declaring allergens, or selling food containing toxic or illegal components, or involved in fraud involving food	98
Number of businesses found in breach of animal health and welfare legislation	91

**Businesses tested for compliance with the law utilising underage volunteers or compliance with mandatory Challenge 21/25 conditions**

Number of individual premises tested for Alcohol	0
Failure rate (%)	0%
Number of individual premises tested for Tobacco	2
Failure rate (%)	0%
Number of individual premises tested for Other Products	0
Failure rate (%)	0%

### Tackling the availability of illegal tobacco

Weight	34kg of illegal cigarettes and hand rolling tobacco seized.
Value	Illegal cigarettes seized amount to an approximate street value of £6396.25. If the cigarettes were legal this would amount to an approximate value of £19,324.20. The lost tax duty amounts to approximately £11,092.  The illegal hand rolling tobacco seized amounts to an approximate street value of £1,370. If the tobacco was legal this would amount to an approximate value of £4,110.00.

### Planning Services

The number of complaints received has remained stable with 23 new complaints reported; this is below the long-term level of complaints. During the reporting period 25 complaints were resolved (some were received in a previous reporting year).

The Monitoring and Control Team has continued to attempt, where appropriate, to resolve complaints through negotiation and exchange of correspondence rather than face-to-face site meetings. 49 inspections were undertaken as the result of complaint investigations; in addition, 163 other actions, including telephone calls, e-mails, letters and online meetings were undertaken in attempts to resolve complaints without the need for face-to-face site visits.

The chargeable site monitoring regime generated £21,834 of income during 2022/23.

One Enforcement Notice was served in relation to breaches of planning control at a site in Rackheath; that notice is the subject of an on-going appeal. One Breach of Condition Notice was served in relation to restoration at a site in Aldeby.

No prosecutions were undertaken during 2022/23.

Planning Services has agreed to act as the enforcing authority for planning matters in relation to housing developments promoted by the district / borough council(s). Two new housing developments have been added to the list of developments making seven in total to date.

### Flood and Water team

No enforcement action, beyond advisory letters being sent, has been required due to a) matters being resolved or b) not meeting the required thresholds for action.

### Norfolk Fire and Rescue Service\*

707 Fire Safety Audits (FSA) were completed in 2022-23. Of these:

- 110 premises were issued with informal notices for deficiencies.
- 25 premises were issued with formal notices for deficiencies.
- 0 formal prosecutions were concluded.

\*Norfolk Fire and Rescue Service is required to provide detailed operational statistics to the Home Office on an annual basis. Further information regarding this is available

from Robert Curtis, Group Manager – Fire Protection, Norfolk Fire and Rescue Service.

### Highway obstructions

No enforcement action taken beyond advisory letters being sent, following which matters were resolved.

### Highways development

Enforcement action covering development management is all undertaken by the District Council as part of their remit. Enforcement action for highway obstructions (highway boundaries) is undertaken by area.

### Blue badge enforcement

Total investigations by disposals, reporting, location of incident and residency of badge-holder (latest 2 years):

<b>Investigations of Blue Badge Infringements</b>	2021-22	2022-23
<b>Disposals:</b>		
Formal prosecution including caution*	7	5
Advisory/warning letter or verbal advice from BBI	53	35
Details forwarded to parking team for CEO awareness	17	
No action required (including insufficient or incorrect information to pursue further)	14	51
Investigation in progress/pending	-	-
<b>Reporting:</b>		
Reports from others (incl. public)	36	50
Identified by CEO	64	35
Identified by BBI	1	12
<b>Location of incident:</b>		
Norfolk	94	91
Outside Norfolk	0	0
Insufficient information to determine	1	6
<b>Residency of badge-holder:</b>		
Norfolk resident badge-holder	73	64
Non-Norfolk resident badge-holder	12	23
Insufficient information to determine	11	6
Not BB related	5	4
<b>Total investigations:</b>	<b>101</b>	<b>97</b>
* A summary of all prosecutions is available to view on the NCC website under Blue Badges		

## Summary of Stakeholder Engagement

Since 2014 the following have been consulted on and contributed to the development of the CES Enforcement Policy:

1. Norfolk County Councillors
2. Local businesses
3. Business organisations/forums
4. Members of the public
5. Charity or community organisations/groups
6. Suffolk County Council Trading Standards Service
7. Other Local Authorities
8. Enforcement partners such as the Police and HMRC
9. Planning Services (NCC)
10. Highways Maintenance (NCC)
11. Blue Badge Enforcement (NCC)
12. Norfolk Fire and Rescue Service
13. Trading Standards Service (NCC)
14. Flood and Water Management Team (NCC)
15. Economic Development (NCC and other local authorities)
16. Nplaw (Chief Legal Officer)
17. CES Equalities representative

# Infrastructure and Development Select Committee

Item No: 10

**Report Title: Progress with delivering the Norfolk Access Improvement Plan (NAIP)**

**Date of Meeting: 15 November 2023**

**Responsible Cabinet Member: Cllr Eric Vardy** (Cabinet Member for Environment & Waste)

**Responsible Executive Director: Grahame Bygrave** (Executive Director of Community & Environmental Services)

## Executive Summary

Norfolk County Council has set out its priorities for increasing public use and enjoyment of the Norfolk Rights of Way network in the Norfolk Access Improvement Plan (NAIP) [www.norfolk.gov.uk/naip](http://www.norfolk.gov.uk/naip) which was adopted by the Council in 2019 and runs for 10 years. As local Highway Authority, the Council has a responsibility to protect Public Rights of Way in Norfolk to enable people to secure the health and well-being benefits of access to the countryside.

This report provides an update for members of the Infrastructure and Development Committee on progress with delivering the NAIP. The update (in the form of a NAIP monitoring report) is produced for the Norfolk Local Access Forum (NLAF), an independent forum which advises Norfolk County Council (NCC) and other organisations on ways to improve countryside access. The monitoring report enables the NLAF to review the Council's progress with delivery of the NAIP. The NLAF's activities and those of its charitable arm Pathmakers, also contribute directly to delivery of the NAIP.

## Recommendations

The Select Committee is asked to:

- 1. To consider officers' ongoing work to deliver the Norfolk Access Improvement Plan (NAIP) which is presented in Appendix 1 as the monitoring report covering the period September 2022 to September 2023.**



2. **To note ongoing work by the Norfolk Local Access Forum and its charity Pathmakers, to improve access to the countryside in Norfolk, as summarised by the Annual Report in Appendix 2.**

## 1. Background and Purpose

- 1.1 Norfolk's extensive countryside access network is a valuable resource for residents and visitors and is free to all users. Norfolk County Council has set out its priorities for increasing public use and enjoyment of Norfolk's Public Rights of Way network (PRoW) – footpaths, bridleways, restricted byways and byways open to all traffic - in Norfolk's Rights of Way Improvement Plan (ROWIP) which is referred to as the Norfolk Access Improvement Plan (NAIP).
- 1.2 The NAIP is a 10-year plan for Norfolk, which Norfolk County Council is required to produce as local Highway Authority under the Countryside and Rights of Way Act 2000. There are 2,400 miles (3,900km) of Public Rights of Way in Norfolk (footpaths, bridleways, restricted byways and byways open to all traffic) as well as cycle tracks, quiet lanes, unclassified county roads and permissive routes. The NAIP runs from 2019 to 2029 and was adopted by Norfolk County Council in March 2019 by the Environment, Transport and Development Committee in March 2019 and is published on the NCC website : [www.norfolk.gov.uk/naip](http://www.norfolk.gov.uk/naip)
- 1.3 The NAIP sets out how NCC will:
  - Increase public, economic and environmental benefit associated with the countryside access network;
  - Involve local communities in improving the countryside access network;
  - Work collaboratively and pragmatically to make best use of resources to benefit the countryside access network;
  - Increase investment in the countryside access network.
- 1.4 The NAIP includes
  - a 10-year Statement of Actions organised into 8 themes
  - an Annual Delivery Plan
  - bi-annual Monitoring Reports which provide highlights of NCC activity against the Delivery Plan
- 1.5 Progress with the NAIP was last reported to this committee on November 16<sup>th</sup> 2022  
<https://norfolkcc.cmis.uk.com/norfolkcc/CalendarofMeetings/tabid/128/ctl/ViewMeetingPublic/mid/496/Meeting/1964/Committee/171/Default.aspx>
- 1.6 The Norfolk Local Access Forum (NLAF) [www.norfolk.gov.uk/nlaf](http://www.norfolk.gov.uk/nlaf) plays an important monitoring and advisory role for the Council to check progress with delivering the NAIP. Forum members are local people and experts in their

specialist area of countryside access (or related interest area) who volunteer their time to provide advice to Norfolk County Council and other statutory bodies such as Natural England, district and parish councils on how to make the countryside more accessible and enjoyable for recreation and to benefit social, economic and environmental interests.

- 1.7 The NLAF is an independent body, providing advice to the Council and others on improving access to the countryside <https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/partnerships/local-access-forum/about-the-local-access-forum>

Current membership is 19 volunteer members, including two County Councillors who have all been appointed for a 3-year term. Members are enthusiastic and proactive people with a passion for the outdoors, and good communication skills. See [www.norfolk.gov.uk/nlaf](http://www.norfolk.gov.uk/nlaf) for more details.

- 1.8 The NLAF has set up an independent charity – Pathmakers Charitable Incorporated Organisation (charity number 1161475) - which has a legal identity and can make direct improvements to access (or seek funding for access improvements). The NLAF appoints 5 trustees to the Pathmakers board of up to 10 trustees and the chair of the NLAF is an ex-officio trustee. Whilst interconnected and sharing the common aim of improving countryside access in Norfolk, the two organisations have different structures and operation.
- 1.9 The Forum has 3 subgroups which meet prior to each main NLAF meeting, to give more time for focussed discussion. Subgroups report into the main NLAF meetings. Current subgroups are: Public Rights of Way (PRoW) subgroup; Norfolk Access Improvement Plan (NAIP) subgroup; Vision and Ideas subgroup
- 1.10 The NLAF/ Pathmakers Annual report for 2022 / 2023 is attached as Appendix 2.
- 1.11 NAIP monitoring reports are produced by Council officers for the NLAF to review annually. These cover projects and services which contribute to that year's NAIP Delivery Plan. The Council's teams contributing to the report include the Environment Team; Highways; Legal Orders and Registers team.

See Appendix 1 for NAIP monitoring report covering September 2022 to September 2023.

- 1.12 The NLAF is generally satisfied with progress that the Council is making on the NAIP's delivery, recognising the energy and commitment of officers working on access improvement work and projects, which comes through in the NAIP monitoring reports. It made recommendations regarding the development of shared access goals with the Broads Authority as part of future strategy

development, and resourcing to address the ongoing backlog with processing Definitive Map Modification Orders. The possibility of developing more specific targets for reporting was recommended, with a view to changes being introduced for when the next Rights of Way Improvement Plan (ROWIP) for Norfolk is developed (the current plan comes to an end in 2029).

## **2. Proposal**

- 2.1 The NAIP's actions form an important way in which the Council can deliver its Environment Policy [www.norfolk.gov.uk/environmentpolicy](http://www.norfolk.gov.uk/environmentpolicy), our ambitious plan to tackle the Council's carbon emissions (to achieve net zero by 2030) and deliver exemplar natural capital projects.

Public Rights of Way contribute to people's wellbeing, offer sustainable and non-polluting transport opportunities, support the rural economy and provide green corridors of direct benefit for wildlife and which connect habitats.

As a local highway authority, the Council has a number of statutory duties and responsibilities regarding Public Rights of Way which are given here: <https://www.gov.uk/guidance/public-rights-of-way-local-authority-responsibilities>

- 2.2 The Committee is asked to consider progress with delivering the NAIP which is presented in form of a monitoring report.

## **3. Impact of the Proposal**

- 3.1 The report highlights ongoing work to deliver the NAIP to improve countryside access in Norfolk.

## **4. Evidence and Reasons for Decision**

- 4.1 Please see Proposal

## **5. Alternative Options**

- 5.1 None

## **6. Financial Implications**

- 6.1 None arising from this report, although advice offered by the NLA recommends increasing resourcing for Definitive Map Modification Order Claims processing.

## **7. Resource Implications**

- 7.1 **Staff:** None arising from this report
- 7.2 **Property:** None arising from this report
- 7.3 **IT:** None arising from this report

## **8. Other Implications**

- 8.1 **Legal Implications:** None arising from this report  
As a local highway authority, NCC has a number of duties and responsibilities regarding Public Rights of Way which are given here:  
<https://www.gov.uk/guidance/public-rights-of-way-local-authority-responsibilities>  
These include the production of a Rights of Way Improvement Plan and the monitoring of progress towards implementing it (see 1.1)
- 8.2 **Human Rights Implications:** None arising from this report
- 8.3 **Equality Impact Assessment (EqIA) (this must be included):**  
None arising from this report
- 8.4 **Data Protection Impact Assessments (DPIA):** None arising from this report
- 8.5 **Health and Safety implications (where appropriate):** None arising from this report
- 8.6 **Sustainability implications (where appropriate):** None arising from this report
- 8.7 **Any Other Implications:** None arising from this report

## 9. Risk Implications / Assessment

9.1 None arising from this report

## 10. Recommendations

The Select Committee is asked to:

1. To consider officers' ongoing work to deliver the Norfolk Access Improvement Plan (NAIP) which is presented in Appendix 1 as the monitoring report covering the period September 2022 to September 2023.
2. To note ongoing work by the Norfolk Local Access Forum and its charity Pathmakers, to improve access to the countryside in Norfolk, as summarised by the Annual Report in Appendix 2.

## 11. Background Papers

11.1 N/A

### Officer Contact

If you have any questions about matters contained within this paper, 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.



# Norfolk Access Improvement Plan Monitoring Report

September 2022 to August 2023

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# Introduction

This report provides a summary of progress with delivery of the Norfolk Access Improvement Plan (NAIP) - a ten year plan for increasing public use and enjoyment of the county's countryside access network produced by Norfolk County Council (NCC) as highway authority for Norfolk. The **Norfolk Access Improvement Plan 2019-2029**<sup>1</sup> is available on the Norfolk County Council website. This report has been produced to provide details of progress against the plan between September 2022 and August 2023.

This report demonstrates a wide range of activities that are ongoing to deliver against the NAIP objectives and covers services and projects operated and delivered by Norfolk County Council (NCC). It is divided into the eight themes of the NAIP and each theme section is made up of three elements:



EXPERIENCE - Norfolk Art Trail, Iron Reef at Reedham Ferry

Firstly, the report provides a summary of the NAIP statement of actions, describing what the theme covers, the challenges faced and the 2029 target. The status of a statement of action objective can be:

- **Not Started** - works have yet to begin on this action
- **Started** - works have started on delivering against this action
- **Ongoing** - works continuing as part of standard Council business as usual (BAU)
- **Achieved** - objectives for the delivery period have been met

Secondly, an overview tracks progress since 2019 against overarching theme targets. Thirdly, a more comprehensive highlights section includes outputs and benefits of important projects that have been ongoing and/or completed between September 2022 and August 2023; it has been made clear which statement of actions objectives each project highlight delivers against.

The below overview shows the themes' progress against the overall 10 year target.

<sup>1</sup>[www.norfolk.gov.uk/out-and-about-in-norfolk/public-rights-of-way/norfolk-access-improvement-plan](http://www.norfolk.gov.uk/out-and-about-in-norfolk/public-rights-of-way/norfolk-access-improvement-plan)



## Snapshot of target progress and overall outputs by 2029 by theme

The below table shows current RAG (Red, Amber, Green) status of targets by theme as of September 2023 and whether NCC are on track, off track to deliver, or have already exceeded, the 2029 outputs.

Theme	Current RAG status	Exceeded/ On track / off track for 2029
<b>1. Well Managed</b>	<ul style="list-style-type: none"> <li>National Highways and Transport Network Survey Key Benchmarking indicators (KBI) <b>RED</b></li> <li>Increase volunteer involvement with PRow management <b>AMBER</b></li> </ul>	Off Track
<b>2. Well Connected</b>	<ul style="list-style-type: none"> <li>Increase the number and length of all-abilities routes connecting people and places by 10 routes and 100 kilometres <b>GREEN</b></li> </ul>	On Track
<b>3. Well Protected Environment</b>	<ul style="list-style-type: none"> <li>Reduce visitor pressure which is affecting 10 protected natural sites and 5 historic sites <b>AMBER</b></li> <li>Improve visitor experience at the same sites <b>AMBER</b></li> <li>Create and promote new opportunities for visitors to experience the natural/historic environment away from protected nature conservation sites/ outside peak visitor months <b>GREEN</b></li> <li>Reach 1,000 people to improve their understanding of the natural and historic environment that can be reached from the access network <b>GREEN</b></li> </ul>	On Track
<b>4. Well Promoted</b>	<ul style="list-style-type: none"> <li>Increase use of the network by people who do not use it and out of peak season usage <b>GREEN</b></li> </ul>	On Track
<b>5. Excellent Information Management</b>	<ul style="list-style-type: none"> <li>Keep the Definitive Map up to date and the register of claims <b>GREEN</b></li> <li>Process DMMOs <b>RED</b></li> </ul>	Off Track
<b>6. Community Led</b>	<ul style="list-style-type: none"> <li>Provide support for 20 community-based user groups (via training) in the management of the network <b>GREEN</b></li> </ul>	Exceeded

Theme	Current RAG status	Exceeded/ On track / off track for 2029
<p><b>7. Health Outcomes</b></p>	<ul style="list-style-type: none"> <li>Liaise with partners to create a baseline in 2019 to monitor activity of people in target groups <b>AMBER</b></li> <li>Increase the number of people from target groups who are active outdoors <b>GREEN</b></li> <li>Increase the number of people who say they have improved health from being active outdoors <b>GREEN</b></li> </ul>	<p>On Track</p>
<p><b>8. Valuable</b></p>	<ul style="list-style-type: none"> <li>Increase the number of visitors by 20% in a sustainable way, targeting locations and times of year to maximize the potential to local businesses. It is envisaged that this could generate an extra visitor spend of £2m. <b>GREEN</b></li> <li>Evaluation through appropriate studies <b>GREEN</b></li> </ul>	<p>On Track</p>



Bure Valley Circulars

# Theme One: Well Managed Access Network

## Description of theme:

We will manage a well-signed and maintained network of multiuse routes (Public Rights of Way and promoted Norfolk Trails and the National Trail in Norfolk) efficiently and economically, providing access to coastal, rural and urban areas, using good systems and standards.

### Challenge

The consequence of reduced public funding has meant less resource to manage the access network, with poor satisfaction rates in comparison with some other highway authorities. The challenge is to find innovative and new ways to help deliver network management, working with partners and communities.

## Target by 2029:

- Improve the Highways and Transport Network Survey Key Benchmark Indicator for Public Rights of Way KBI15 to 57 (from 54) (to match or exceed the national average)
- Improve the Highways and Transport Network Survey Key Indicator for Public Rights of Way (Aspects) KBI16 to 55 (from 51) (to match or exceed the national average)
- Improve all component Benchmark Indicators for KBI 16 to match or exceed the national average (see Appendix 8.5 of NAIP)
- Increase volunteer involvement with PRoW management (see target under 'Community-led access network')
- Improve our standing against other Highway Authorities in the National Highways and Transport network survey.

## Statement of Action Objectives (text shortened)

- 1.1 Manage signage. Status: **Ongoing**
- 1.2 Manage path surfaces. Status: **Ongoing**
- 1.3 Manage linear woodlands. Status: **Ongoing**
- 1.4 Improve Access for All. Status: **Ongoing**
- 1.5 Better landowner relationships. Status: **Ongoing**
- 1.6 Effective fault reporting. Status: **Ongoing**
- 1.7 Address access-related faults. Status: **Ongoing**
- 1.8 Maintain the Definitive Map for Norfolk. Status: **Ongoing**
- 1.9 Manage Norfolk Trails and National Trail/ Coast Path establishment. Status: **Ongoing**
- 1.10 Create new access in growth areas Status: **Ongoing**
- 1.11 Train volunteers in path maintenance Status: **Started**

## Theme One: progress with theme target (2019 to 2023)

### National Highways and Transport Network Survey Key Benchmarking indicators (KBI)

The 2022 survey (the most recent) shows that NCC matches the national average score for overall satisfaction with Rights of Way KBI 15, which was recorded at 55%. The Council falls just below the national average for KBI16 (Rights of Way, aspects) with a score of 48% satisfaction (national average is 50%). NCC falls just below the national average in all of the individual benchmark indicators under the Cycling and Walking theme (WCBI17 to WCBI23), and records slightly lower scores than it did in 2021 with the exception of overgrown footpaths and bridleways which this year was just one point off the national average<sup>2</sup>. Ease of use by those with disabilities (WCB21) remains 3 points below the national average. **Not on target.**

### Increase volunteer involvement with PRow management

Six local parish councils are now paid on a rolling yearly contract under Service Delegation Agreements (SDA) to manage cutting on the PRowS in their jurisdiction. In addition to this a small section of the Weavers Way cutting is managed by a private land trust under an adapted SDA. It has been noted that complaints about cutting requirements in one of these Parishes has reduced significantly with the SDA in place. **On target**



Before: Dereham FP34 - boardwalk



After: Dereham FP34 - boardwalk

<sup>2</sup>[www.nhtnetwork.co.uk/isolated/page/793](http://www.nhtnetwork.co.uk/isolated/page/793)

## Highlights Sept 22 – Aug 23:

### Faults on Public Rights of Way

Between 2nd August 2022 and 1st August 2023 (12 months), 3017 faults on Public Rights of Way (PROW) and Norfolk Trails were logged on the Customer Relationship Management (CRM) enquiries system. The top categories of fault for this reporting period related to overgrown vegetation (surfaces and hedges/ trees), damaged or missing signs, obstructions and crops affecting the footpath. On average over the reporting period, it took 19 days between reporting and inspection and 67 days from reporting to repair with Trails issues taking slightly longer for each with 23 days for inspection and 82 days for repair. The CRM system has been improved to provide more information leading to fewer follow up requests. Figures are reported quarterly to the NLAf and published with agenda papers. **Delivers against statement of action objectives 1.6 and 1.7.**

### PROW Staffing

3 x PROW Technicians contracts have now been extended to March 2025, one each to support the Countryside Access Officer for the three highway areas, to support the resolution of open issues. **Delivers against statement of action objectives 1.1, 1.2 and 1.7.**

### Non-reinstatement notices and obstructions

Between 1st August 2022 and 1st August 2023, 167 131A, 134 – 137 non-reinstatement notices/ emails were issued. The majority were resolved without recourse to enforcement action (which brings significant resource pressures). Over the same period, five Section 130 notices (obstructions) and 2 s56 (out of repair) notices were received by NCC. **Delivers against statement of action objective 1.2**

### Resurfacing projects:

Marriott's Way work involved:

- At Weston Longville North - a) removed metal bollards and reinstate holes; b) removed broken gate post and regrade 15m of slope to a gentle (less than 1:15) slope topped with 5 tonnes of Breendon Gravel and c) re-hang field gate on existing post
- At Swannington - 1km of surface scrape to remove mud and leaf litter and restore value to route through Mileplain plantation.
- At Great Witchingham - Access Improvements for cyclists and wheelchair users a) Heath Lane crossing made accessible chicane removed and drainage installed surfacing granite, scrape back of original surface and b) Lake House access road crossing improvements after complaint by powered wheelchair user about the slope, erosion and chicane restricting access. Slope reprofiled to 1:15 to make it accessible by wheelchair and also re-surfaced.

**Delivers against statement of action objectives 1.2 and 1.4.**



Before: Holme dunes - Thornham



After: Holme dunes - Thornham

**Fakenham RB8** work included: a) cleared river and extensive tree work to re-establish 890m PROW width, then installing culverts and creating overspill ponds to alleviate flooding of footpath; b) levelling of the Restricted byway to reduce cross gradient of over 1:10 and the subbase of reject flint cobbles has been dressed to make the path level and firm; c) the byway has been widened out to 4m and overhanging trees removed, ponds have been created with culverts under the byway to maintain the connectivity of the Wensum and the adjacent floodplain after the improvements have raised the bank levels (additional benefit of providing nursery pools for fish fry). Funded by Capital Maintenance Fund with contributions from Fakenham Town Council. **Delivers against statement of action objectives 1.2 and 1.4.**

**Wending Way** Dereham FP19 and Dereham FP20 (between Mill Lane and Gressenhall Road) work involved: a) resurfacing of Public Right of Way footpaths; 1,230 metres length at 2800mm width with Breedon Gravel; b) removal of pedestrian kissing gate and field gate and installation of new large box kissing gate as per landowner request at Gressenhall Road entrance to path; c) permissive cycling agreed with landowners; and d) wildflower seeded, appropriate to site, along whole length. Funded as part of the Jubilee Trails Project. **Delivers against statement of action objectives 1.2, 1.4, 1.5 and 1.10.**

**Holme Dunes** – Thornham boardwalk replacement delivers on dual purpose of visitor access and wildlife protection: a) NCC worked with ecologists to protect rare Natterjack toads (European Protected Species and b) installation of passing places, benches and viewing platforms. Accessibility for wheelchair users has greatly enhanced. NCC Capital Maintenance Funded. **Delivers against statement of action objectives 1.2 and 1.4.**



Before: Bure Valley Path



After: Bure Valley Path

**Bure Valley Path** Two-thirds of the 9-mile path following the route of a heritage steam train was upgraded, making it more accessible and bringing the heritage railway alive to visitors. Work included: a) resurfacing 4,520 metres of the path, completed in Sept 2022; b) modular furniture including 3 access-friendly picnic benches; c) mile markers and new station signage and d) planting of New Zealand grass rosemary lavender, buddleia, heather, holly, trailing plants and 750 m<sup>2</sup> of wildflowers has resulted in a biodiversity net gain. **Delivers against statement of action objectives 1.1, 1.2, 1.4 and 1.5.**

**Dereham FP34 boardwalk** work included: a) the bridge which had been dislodged due to high water levels was re-installed on concrete footings and secured to the ground; b) 1.2m boardwalk has been installed including non-slip mesh and edging batten; c) The boardwalk has been aligned along the definitive line of the path to the maximum width of the footpath and d) 2 viewing points/ passing places have also been installed. **Delivers against statement of action objectives 1.2 and 1.7.**

#### **Access improvements on the Wherryman's Way: update since September 2022**

Due to a combination of complex ecology needs at Hardley Flood and rising material costs due to inflation designs are continuing to be progressed at Bramerton to keep in line with the CIL budget. Planning approval will be required and it is targeted to get the scheme into planning by the end of the financial year. NCC are keeping key stakeholders in the community regularly updated with quarterly meetings. **Delivers against statement of action objectives 1.2 and 1.5.**

### Learnings from MONUMENT (Interreg 2 Seas): Reviewing Access Audits

The Greenways Projects team is currently reviewing and enhancing the Access Audit process. To develop this, the team will be working closely with the Equality, Diversity and Inclusion team, Norfolk Trails team, National Trails team, Natural Norfolk and the Greenways Green Infrastructure team, as well as taking into consideration national guidance. The aims of this review are a) increase the number and range of people accessing the outdoors through the access network; b) using a consistent approach and we are delivering clear and consistent information; c) increase the number of accessible walks in Norfolk and be confident in how these are communicated and d) share with partner accessibility websites. **Delivers against statement of action objective 1.4**

### Coastal Path updates – Stretch 3 and 4

On 1 May 2023, the UK Government’s Department for Environment, Food and Rural Affairs (Defra UK) announced that the England Coast Path would be referred to as King Charles III England Coast Path. In Norfolk, the route will be branded as the Norfolk Coast Path on the fingers of the signposts, with a Natural England “Part of King Charles III England Coast Path” roundel on the post. This is to retain the branding of the Norfolk Coast Path that we have established over 38 years since the Peddars Way and Norfolk Coast Path opened in 1986. Proposals for Stretch 3 (Weybourne to Hunstanton) of the King Charles III England Coast Path have been published but not yet approved by the Secretary of State. NCC officers are continuing to provide Natural England with expert local advice to ensure full consultation with local interests during development of the 60km route.

Proposals for Stretch 4 (Hunstanton to Sutton Bridge) of King Charles III England Coast Path have been approved. Establishment is in progress and the route is due to be open by the end of 2023. Updates are available on the **National Trail website**<sup>3</sup>.

After completion of Kings Charles III England Coast Path, Natural England will work together with NCC to align the Norfolk Coast Path with King Charles III England Coast Path stretches where they currently don’t line up together. This is to create one definitive path which is more logical and coherent for the public and reduces future maintenance costs. **Delivers against statement of action objective 1.9.**

### EXPERIENCE (Interreg FCE)

On average, 30% of Norfolk residents require special provisions for access to tourist destinations, such as wheelchairs, mobility aids, additional hearing/visual interpretation and easy to understand signage. Most accessibility requirements were met, and visitors were able to suggest further considerations improve their experience at future events. Overall, the project activities contributed to visitor wellbeing by improving access to tourism opportunities, connections to other people and with the environment. A target of 33% of the itineraries were created to be suitable for visitors with a range of access needs. **Delivers against statement of action objective 1.4.**

<sup>3</sup>[www.nationaltrail.co.uk/en\\_GB/trails/england-coast-path-east](http://www.nationaltrail.co.uk/en_GB/trails/england-coast-path-east)



## Theme Two: Well Connected Access Network

### Description of theme:

We will develop an integrated green network of routes and paths that provides opportunities for all users, improves ecological resilience, creates opportunities to connect with green space and places of natural and cultural heritage, improves connections for work/education/recreation for residents and addresses other gaps with demonstrable need where possible, both within and outside targeted 'growth' areas.

### Challenge

Norfolk's population is predicted to grow from 898,4000 (mid 2017) to 1,002,300 by 2041 (Norfolk Insight). The challenge is to ensure that people can connect with places and green space sustainably from where they live.

### Target by 2029:

Increase the number and length of all-abilities routes connecting people and places by 10 routes and 100 kilometres by 2029.

### Statement of Action Objectives (text shortened):

- 2.1 Improve connectivity through planning Status: **Ongoing**
- 2.2 Create circular walks in growth areas Status: **Achieved**
- 2.3 Increase the number / length of multi-modal routes Status: **Ongoing**
- 2.4 Re-purpose disused railways for green access Status: **Ongoing**
- 2.5 Improve connectivity for wildlife Status: **Ongoing**
- 2.6 Encourage applications to register unrecorded paths Status: **Ongoing**
- 2.7 Retain and create new permissive access Status: **Ongoing**

## Theme Two: Progress with theme target (2019 to 2023)

21 separate sections of Norfolk Trails have been upgraded on Norfolk Trails to all abilities standard, totalling 81km in length. These include circulars and access improvements on the Weavers' Way, Wherryman's Way, Angles Way, Marriott's Way, Norfolk Coast Path and for the Breaking New Ground Brecks Project. **Good progress - on track to exceed target**

35 circular routes have been created on Norfolk Trails totalling 177.5km in length. These circulars provide improved interpretation and integration with the wider access network helping people to connect with places, heritage and nature. New circulars are on the Weavers' Way, Wherryman's Way, Kett's Country Long Distance Trail, Norfolk Coast Path and Bure Valley Path. **On target.**

### Highlights Sept 22 – Aug 23:

#### Jubilee Trails

Of the five Platinum Jubilee Waymarked routes two are offering new and improved access: The Elizabeth Way: utilisation and enhancement of a section of disused railway line between Dersingham and Ingoldisthorpe providing almost 2km of new Greenway Delivery with 1,817metres length at 2800mm width resurfaced with Breedon gravel. Work also included installation of three heritage railway gates, fencing and chicanes and wildflower seeded, appropriate to site, along whole length with replanting, with ecological enhancements programmed post construction phase for winter 2023. Funded by the Jubilee Committee. The West Acre Way: primarily using newly dedicated permissive paths across the Westacre Estate to link elements of the existing footpath network. The trail runs through a new and cutting-edge large scale environmental scheme in the extraordinary Nar Valley. An additional 'Jubilee Loop' offers a shorter route around Walton Common. Further permissive paths across the estate are under development. **Delivers against statement of action objectives 2.3, 2.4 and 2.7.**



Before: Jubilee Trails - The Elizabeth Way



After: Jubilee Trails - The Elizabeth Way

### Transport Connectivity Corridor

This survey season (Apr-Sept) the Transport Connectivity Corridor project has surveyed over 150 roadside verges and plans to put forward at least 94 new potential Roadside Nature Reserves (RNRs) to a panel of experts for approval (approx. a third of our overall goal to triple the number of RNRs in Norfolk). In addition to this, the Transport Connectivity Corridor project has successfully completed invasive species and scrub management as well as approximately 7,330m<sup>2</sup> of wildflower planning on two verges in North Norfolk - funded by the Greater Resilient Coasts Funding Partnership. Missing or severely damaged RNR Posts in North Norfolk were also replaced using this funding. **Delivers against statement of action objective 2.5.**

### Bure Valley Path Circulars

The location of the five circular walks are: Brampton, Buxton, Little Hautbois, Coltishall and Belaugh. Greenways Projects team are activating these circulars that were created and waymarked out by EXPERIENCE (Interreg FCE) and Greater Norwich Growth Board CIL funding. They will engage with local stakeholders and research local themes in order to create an exciting interpretation for both Norfolk residents and visitors to enjoy. Communications and marketing will promote the Bure Valley Path and its circulars, including digital information about the walks. Funded by Greater Norwich Growth Board CIL. **Delivers against statement of action objective 2.2.**

### Local Cycling and Walking Infrastructure Plans (LCWIP) update

The Countywide LCWIP builds on plans already created for King's Lynn, Greater Norwich and Great Yarmouth and NCC and district councils have been working together to identify potential active travel network improvements which will enable enhanced levels of active travel within 20 towns and market towns across the county. Proposals include improving existing countywide cycling routes and walking trails as well as feasibility studies to create new cycling and walking routes. A period of public engagement on the LCWIP ran from 18 May 2023 for 6 weeks. NCC are at stage 5 (prioritising improvements) of the LCWIP planning process and from this, strategic routes for improvements will be identified. **Delivers against statement of action objectives 2.1 and 2.3.**

### Definitive Map

The Countryside and Rights of Way Act 2000 introduced a provisional cut-off date of 1st January 2026 for the recording of historic rights of way not recorded on the Definitive Map. After this date, any historic rights of way not recorded on the definitive map would, with certain exceptions be extinguished. Subsequently, measures to simplify administration associated with Rights of Way procedures were included in the Deregulation Act 2015. Although Defra announced in February 2022 that it had abolished the 2026 cut-off date this decision was subsequently reversed and the cut-off date will be implemented, although extended to 1st January 2031. See also Theme 5. **Delivers against statement of action objective 2.6.**

## Theme Three: Well Protected Environment

### Description of theme:

We will protect the biodiversity and archaeology of the access network, improve understanding of Norfolk's landscape, archaeology and the natural and historic built environment that can be accessed from the network and manage the impact of visitors on protected sites.

### Challenge

Population growth and increased visitor numbers to Norfolk's landscapes could have a detrimental impact on special habitats and species. The challenge is to minimise this threat by managing access to the most sensitive sites and promoting it where and when it will have least impact, but not direct people totally away from sensitive sites.

### Target by 2029:

- Reduce visitor pressure which is affecting 10 protected natural sites and 5 historic sites which can be reached from the access network by 2029.
- Improve visitor experience at the same sites through well-designed access infrastructure (e.g. path improvements) and signage.
- Create and promote 5 new opportunities for visitors to experience the natural and historic environment away from protected nature conservation sites or outside peak visitor months by 2029.
- Reach 1,000 people to improve their understanding of the natural and historic environment that can be reached from the access network.

### Statement of Action Objectives (text shortened):

- 3.1 Protect the historic environment Status: **Ongoing**
- 3.2 Protect the natural environment Status: **Ongoing**
- 3.3 Develop opportunities for sustainable transport Status: **Ongoing**
- 3.4 Improve integration with public transport Status: **Ongoing**
- 3.5 Protect and enhance biodiversity Status: **Ongoing**
- 3.6 Improve resilience of tree features Status: **Ongoing**
- 3.7 Develop shared goals for access in the Broads Status: **Started**
- 3.8 Increase understanding of the natural and historic environment Status: **Ongoing**

## Theme Three: Progress with theme target (2019 to 2023)

Visitor pressure reduced at 7 sites protected for nature conservation through interventions on Trails and PRoW to prevent straying off the path and improve visitor interpretation, including: Holkham path improvements, Paston Way signage, Holme, Brancaster, Holkham and Horsey route signposting and coastal action plans through ENDURE and Redwell Marsh SSSI signage and footpath improvements. **Good progress- on track to meet target**

8 new experiences created through the EXPERIENCE project to enable visitors to enjoy the natural and historic environment away from protected sites outside peak visitor months, including new cycling provision on the Bure Valley Path, an observatory at Hunstanton and new artwork installations on 4 Norfolk sites. **Achieved.**

### Highlights Sept 22 – Aug 23:

#### Brancaster boardwalk

Currently in design and seeking planning permission and formal consents for replacing the boardwalk along Brancaster FP5 and upgrading the surface leading up to the boardwalk both ends. Designed with accessibility, installation that will not disturb nature and longevity in mind, using POLYwalk. The boardwalk is part of the Norfolk Coast Path and is a popular well used section of the coast path enjoyed by locals and visitors to the area and therefore NCC are prioritising this in the programme to be delivered as soon as possible once consents and permissions are approved. The boardwalk will remain closed until it is made safe for public use. A public engagement event was held in April in Brancaster to provide the community with update and works streams involved to get the project into delivery phase, further information is available on the National Trail Website. This project is funding through a mixture of funding, including Capital Maintenance Fund and Natural England funding. **Delivers against statements of action objective 3.2.**



Thornham Jubilee Meadows FiLP project



### Farming in Protected Landscapes (FiPL)

Thornham Jubilee Meadow Project (£14,000 contribution): enhancement of a 7ha former arable/ grass field, to create an accessible wildflower meadow, with 2.8ha of new species rich wildflower grassland, long grass margins for wildlife, hedgerow enhancements including 200m of new planting, and restoration of a total of 400m of hedgerow. The project supports a safe off-road path parallel to the A149 coast road, linking the village of Thornham and public transport to the Drove Orchards retail area and the connecting path for the Peddars Way & Norfolk Coast Path National Trail. There is also a 1km circular path maintained around the meadow itself for year-round recreation and enjoyment of visitors. **Delivers against statement of action objectives 3.4 and 3.5.**

### Recreational Avoidance Mitigation Strategy (RAMS) update

From April 2023 a RAMS tariff is a payment of £210.84 per net new residential and tourism accommodation dwelling and is index linked (tourist accommodation is on a ratio of a six bed-space to one dwelling of the tariff and student accommodation on a ratio of 2.5:1). Payments are being collected across all local planning authorities in Norfolk. The tariff applies to all net new residential and tourism-related growth. It will allow councils to fund a package of measures to manage and reduce the impact of people making extra visits to Special Areas of Conservation (SACs) in the county – for example, the Wash, the Broads and the Norfolk coast. **Delivers against statement of action objective 3.5.**

### Wash and North Norfolk Marine Partnership (WNNMP) update

Footprint Ecology were commissioned to conduct Limits of Acceptable Change (LAC) report and following a period of feedback and revisions (Sep-Nov 2022) the final report was published in Dec 2022. The aspirational zoning maps (with 6 zone types identified) and corresponding management recommendations represent the main outputs and could provide a basis for the strategic management of access around the coast. However, it is important to note that the LAC process requires continued monitoring and adaptive management in response to monitoring data. Pending funding, we will continue the LAC work by commissioning Footprint Ecology to deliver a series of follow-on workshops, to discuss a) assignment and application of monitoring standards b) assignment and application of management recommendations c) boundary/buffer extension(s) and d) additional data requirements. Wild Ken Hill are willing to be a case-study for the LAC work. **Delivers against statement of action objectives 3.2, 3.5 and 3.8.**

### Local Nature Recovery Strategy

Local Nature Recovery Strategies (LNRS) are a new mandatory system of spatial strategies which will establish priorities and map opportunities for nature recovery and deliver wider environmental benefits. Confirmation of Norfolk County Council (NCC) as the responsible authority for the preparation of Norfolk's LNRS was confirmed in May 2023. Improving public access to nature where it is possible to do so, without compromising biodiversity or wildlife habitats, is an important co-benefit. Read more about the **Local Nature Recovery Strategy**<sup>4</sup> on the NCC website. **Delivers against statement of action objectives 3.2, 3.5 and 3.8.**

<sup>4</sup> [www.norfolk.gov.uk/news/2023/07/norfolk-and-suffolk-councils-given-authority-and-funding-to-help-natures-recovery](http://www.norfolk.gov.uk/news/2023/07/norfolk-and-suffolk-councils-given-authority-and-funding-to-help-natures-recovery)

### NCC Climate Strategy

Adopted by Norfolk County Council's Cabinet in May 2023, it sets out how the council will work not only to reduce its own carbon emissions, but to drive down emissions across the county, protect the unique environment of Norfolk, and to seize the opportunities the move to a green economy represents, securing investment and growth for Norfolk. Regards local access it has the strategic aim: "to improve connectivity between rural areas and services in urban centres, with a focus on active travel and public transport." **Delivers against statements of action objectives 3.2, 3.3 and 3.5.**

### Defra Air Quality Grant – E-cargo Bikes for Business

Following successful funding award from Defra, NCC are progressing with procurement of an e-cargo bike library. The service will operate within the Norwich Air Quality management Area and provide zero emission cargo transportation free of charge to businesses that operate in this area. NCC are working towards issuing a tender shortly and aiming to be in a position to award the contract by September 2023. **Delivers against statements of action objectives 3.3 and 3.4.**

### Jubilee Trails

One of the five Platinum Jubilee waymarked trails, The Eastern Maritime Way, is a 12-mile dedicated cycling route, linking Great Yarmouth to Lowestoft by starting and finishing at train stations. **Delivers against statements of action objectives 3.3 and 3.4.**



*E-Cargo bike in Norwich*

## Theme Four: Well Promoted Access Network

### Description of theme:

We will promote Norfolk's access network, the outstanding countryside and heritage that can be reached from it, and the benefits of outdoor activity, developing a communications plan to reach key user groups (visitors, walkers, cyclists, horse-riders, motorised vehicle users, disabled users and new users).

### Challenge

The access network is well used by dedicated access groups across the high season summer months. However, there are large sections of the population who do not use the network. Furthermore, the network has capacity for greater use outside the summer season. The challenge is to increase use of the network by people who do not use it and out of peak season usage.

### Target by 2029:

- Increase use of the network by people who currently do not use it and at times outside the summer months by 20% by 2029 (from 2010 baseline), targeting areas able to sustain an increase in footfall (no detrimental environmental impact).
- Promoting sustainable travel to the network.
- Baseline and monitoring measured through a combination of people counter data and targeted surveys.

### Statement of Action Objectives (text shortened):

- 4.1 Develop a communications plan Status: **Ongoing**
- 4.2 Develop / maintain website Status: **Ongoing**
- 4.3 Develop printed and pdf leaflets Status: **Ongoing**
- 4.4 Develop good media relationships Status: **Ongoing**
- 4.5 Develop / maintain social media Status: **Ongoing**
- 4.6 Develop interpretative panels and organise events Status: **Ongoing**
- 4.7 Develop a photo and video library Status: **Ongoing**
- 4.8 Develop apps and audio visual projects Status: **Achieved**
- 4.9 Encourage schools' use of the access network Status: **Achieved**
- 4.10 Promote the Great Walking Trails Status: **Started**
- 4.11 Promote access to a range of audiences Status: **Ongoing**
- 4.12 Develop 'etiquette' for multi-use routes Status: **Ongoing**



## Theme Four: Progress with theme target (2019 to 2023)

The information of the Norfolk Trails is kept up to date on the Norfolk County Council website as well as additional information on outdoor recreation provided on the BeNorfolk, Everymove and Travel Norfolk Website. Information is also provided to users through social media and press releases. The Experience project has provided a lot of information through surveys and feedback on events which is been used by the wider Environment Service to improve future projects as well as lessons learnt on accessibility from the Monument Project. With the launch of the Travel Norfolk Website this has improved the ability to provide up to date public transport information to link into the Trails network. **Good progress on track to meeting targets**

### Highlights Sept 22 – Aug 23:

#### Jubilee trails

The idea of the Jubilee Trails was considered to be hugely positive as it combined many of the elements that have been identified as important in the Jubilee celebrations, including accessibility to the natural world, encouraging exercise and outdoor experience, potential education and well-being benefits and a strong environmental message. The trails officially launched at an event at Gressenhall Museum on 11th May 2023. NCC are supporting the 12month phase 2 of the project to collect user feedback, improve accessibility and enhance interpretation. **Delivers against statement of action objectives 4.2 and 4.11.**



*Jubilee Trails - launch event*



Pathmakers - Walk Norfolk

### Pathmakers: Walk Norfolk

Created in October 2022 the festival is the first access-friendly walking festival to have taken place in Norfolk and run through the new Pathmakers website. Welcoming all abilities, including people who may not regularly get out-and-about or have challenges that restrict their mobility - 6 out of the 7 target groups originally identified in the project work plan were successfully reached. The 2022 festival was a resounding success :26 guided and 31 self-guided walks across the county, a mix of paid for and free events, the themed walks included Norfolk’s first-ever disabled friendly foraging walk. There was a total of 11 access-friendly walks out of 30 total self-guided walks.

Lynn News, BBC Radio Norfolk and Future Radio all gave coverage to Walk Norfolk 2022. There were a number of articles and media interviews conducted to discuss and promote Walk Norfolk 2022. A few of the participants who came to events mentioned that they had heard about the festival via the radio interviews, so they did have an impact. Just Village magazine, Village People magazine and North Norfolk magazine all printed articles on the walking festival (together they have a combined circulation of more than 100,000 copies each month) and there were participants at events that mentioned they had come across the festival from these articles. Facebook ads and organic posts on targeted local groups and pages resulted in two walks in particular that went from 0 bookings to being fully booked due to these posts.

**Delivers against statement of action objectives 4.1, 4.2, 4.4, 4.5 and 4.11**



Pathmakers - Walk Norfolk

### Norfolk Trails Website (visits and downloads)

The Norfolk Trails webpages on the Norfolk county council website has had over 320,000 views from over 100,000 users. This has resulted in over 11,000 downloads of PDFs of information about the walking and cycling routes. **Delivers against statement of action objectives 4.6 and 4.3.**

### EXPERIENCE (Interreg FCE)

Press coverage - several articles highlighting new and underused trails that engage with the deep history and culture along Norfolk's coastline in the popular Norfolk Coast Guardian publication which is distributed at tourist offices and venues around Norfolk. "Be Norfolk - choose your own Norfolk adventure" Be Norfolk is a new website, inspiring visitors to take a fresh look at Norfolk and uncover immersive, off-the-beaten path adventures unique to them. drawing them away from tourism hotspots, On Be Norfolk you'll find experiences which focus on taste, touch, sound and smell alongside clearly marked activities which we think wheelchair users will enjoy. A feature of the Be Norfolk website is that it allows users to filter activities by cost, improving accessibility to tourism products for all budgets and can be **viewed here**<sup>5</sup>. **Delivers against statement of action objectives 4.1, 4.2, 4.4, 4.7, 4.10 and 4.11.**



### EXPERIENCE (Interreg FCE) and MONUMENT (Interreg 2 Seas) joint funded

'Every Move' activity finder is a new platform that promotes accessible health and wellbeing opportunities by connecting people with nature. One of the best things about living in Norfolk is the access to natural beauty all around us from ancient woodlands to stunning beaches. For residents and visitors, the Every Move platform provides information about walking routes, cycling loops and exercise opportunities in green spaces all around the county. People can find somewhere new to explore and learn a bit about what they will find there before setting off, this can be viewed on the **EveryMove website**<sup>6</sup>. **Delivers against statement of action objectives 4.2 and 4.11.**

<sup>5</sup> [www.benorfolk.co.uk](http://www.benorfolk.co.uk)

<sup>6</sup> [www.everymove.uk](http://www.everymove.uk)

## Theme Five: An Access Network Underpinned by Excellent Information Management

### Description of theme:

We will maintain paper, GIS, and web-based versions of definitive and interactive maps and other access network information and integrate datasets spatially to identify opportunities where PRoW/Trails can deliver gains for the economy, health and communities.

### Challenge

Managing accurate spatial information and data about the access network is a legal duty. The challenge is to manage updates and make available and use digital versions of spatial data (GIS) to make links between access and other relevant information (such as health, economy and growth) to create, share and use 'opportunity' maps (to identify opportunities that will deliver a number of benefits), essential for strategies and planning. See also healthy access network and valuable access network themes.

### Target by 2029:

- Keep the Definitive Map up to date and the register of claims concerning the 2026 deadline
- Process DMMOs.

### Statement of Action Objectives (text shortened):

- 5.1 Maintain the Definitive Map Status: **Ongoing**
- 5.2 Maintain interactive maps Status: **Ongoing**
- 5.3 Use spatial mapping to seek opportunities to improve green infrastructure Status: **Ongoing**
- 5.4 Use spatial mapping to link access and other data Status: **Ongoing**
- 5.5 Develop Google Streetmap for Norfolk Trails Status: **Achieved**
- 5.6 Share counter data Status: **Ongoing**

## Theme Five: Progress with theme target (2019 to 2023)

The Definitive Map managed by the Legal Orders and Registers Team at Norfolk County Council is up to date and the register of Definitive Map Modification Order claims (DMMOs) is up to date. **On target.**

There is a backlog in processing claims for paths not recorded on the Definitive Map based on documentary evidence, owing to the extensive and complex process involved and low level of resourcing available to the team. **Not on target.**

### Highlights Sept 22 – Aug 23:

#### Definitive Map Modification Orders (DMMO)

NCC Legal Orders Team registers DMMO applications and ensures the NCC online registers are up to date. NCC has a significant backlog of claims to process. The NCC team continues to do everything in its power to progress each case received, but faces a significant increase in workload, still without access to further resources. There are currently (August 2023) 203 registered claims awaiting processing, which when determined, may significantly increase the length of public footpath network in Norfolk. The NLA's Public Rights of Way subgroup has examined the claims, and the effects they would have if upheld, as follows: varying particulars (widths, gates etc): 13; upgrading footpaths: 28; upgrading bridleways: 6; adding footpaths: 41; adding bridleways: 6, adding restricted byways: 83; adding byways open to all traffic: 17, unclear or not stated: 9. Paper and digital records relating to modification applications, dedication agreements and public path orders are all up to date. **Delivers against statement of action objective 5.1**

#### Counter Data

Due to covid lockdowns it impacted the maintenance regime on the existing data counters. NCC are currently reviewing suppliers, locations and data collection and should be able to provide an update in the next monitoring report. **Delivers against statement of action objective 5.6**

#### LCWIP - mapping

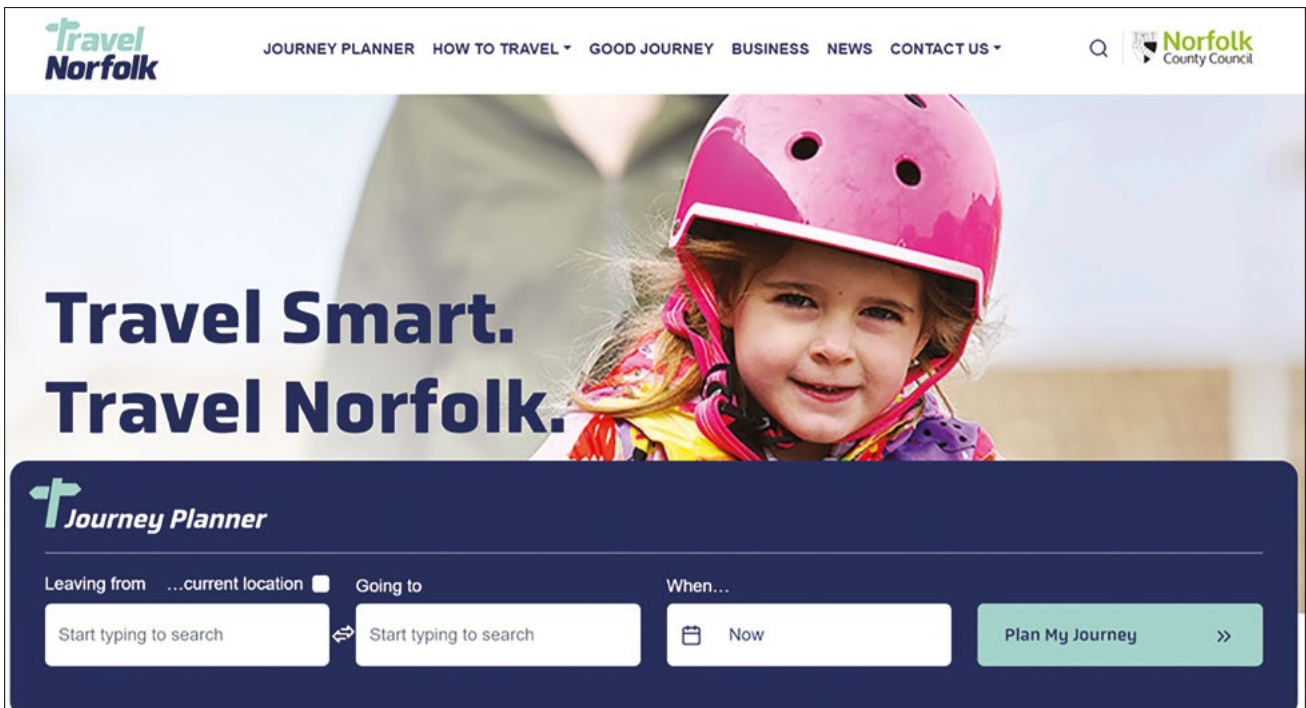
In May 2022 a cycling and walking survey was conducted to understand Norfolk residents' perceptions and concerns about walking and cycling within the county. In addition, the mapping functionality with the Norfolk County Council public engagement platform was utilised to allow people to draw the routes that they would like to walk and / or cycle. 1,650 residents completed the survey which enabled the Active Travel team to create cycling and walking route heat maps. These maps helped to inform some of the wider connectivity schemes which are included in the emerging Countywide Local Cycling and Walking Infrastructure Plan. **Delivers against statement of action objective 5.3**

**Greater Norwich Green Infrastructure**

The GI Strategy is currently in development; it aims to create a network of green spaces in the Greater Norwich area which delivers on the needs of residents and on nature conservation priorities. By using a bespoke approach to map access, using ANGSt data overlaid with multi-modal transport network, and the most robust information to date, it will ensure that a replicable approach for the whole of Norfolk is created. It will identify areas of deficiency and guarantee the protection of sites that are of special conservation importance by: a) improving residents experiences, through additional provision and improvements of access, creating inclusive green spaces; b) improving nature connectivity through the identification and creation of green corridors and areas of particular importance for biodiversity; c) sharing the information and utilising spatial information to engage and communicate with stakeholders to deliver on our people and nature priorities. Will be published in 2024. **Delivers against statement of action objective 5.4**

**Travel Norfolk**

This new **Travel Norfolk website**<sup>7</sup> allows users to plan multi-modal journeys for work and leisure. Norfolk Trails, National Trails and Norfolk Walks are included in the interactive map. This website was launched in June with a public engagement campaign to start in September. **Delivers against statement of action objective 5.2**



Travel Norfolk website

<sup>7</sup> www.travelnorfolk.co.uk

## Theme Six: A Community Led Access Network

### Description of theme:

We will increase the involvement of communities in the development of and care for their local access network, working with parish councils, volunteers and other community organisations.

### Challenge

As public funding reduces, the role of communities in helping to manage their local access becomes more important. The challenge is to support and co-ordinate the large number of people willing to help from user groups and community groups.

### Target by 2029:

Provide support for 20 community-based user groups (via training) in the management of the network by 2029

### Statement of Action Objectives (text shortened):

- 6.1 Support the NLA Status: **Ongoing**
- 6.2 Support user groups manage PRow Status: **Ongoing**
- 6.3 Engage communities in projects that improve / manage access Status: **Ongoing**
- 6.4 Attract funding for local projects Status: **Ongoing**
- 6.5 Work with large scale projects on community access Status: **Started**
- 6.6 Support the development of Pathmakers Status: **Ongoing**

## Theme Six: Progress with theme target (2019 to 2023)

NCC with the Norfolk LAF organised 3 in-person parish paths events in 2019 and 2020 to improve local knowledge of Public Rights of Way. 113 parishes and 226 people attended the events. Further online webinars and consultations have increased community engagement through engagement with the Norfolk Association of Local Councils (NALC). A Parish Paths information pack was created and distributed in 2022.

**Target exceeded- will continue to exceed with engagement**

Highlights Sept 22 – Aug 23:

### Natural Norfolk: Greater Norwich Green Infrastructure Consultation

NCC are working with the Greater Norwich Growth Board (GNGB) to better understand residents' current behaviours and their current and future needs for Green Infrastructure and access to greenspaces in their local catchment areas. No reports or surveys have been published yet.

**Delivers against statement of action objective 6.3.**

### EXPERIENCE (Interreg FCE): Norfolk Residents Survey

Until EXPERIENCE there was no information about how residents viewed the impacts of tourism on their local area. Issuing the Norfolk Residents Survey every summer and winter 2020 -22 has been a unique opportunity to capture valuable insights regarding the impacts of tourism on health and well-being (particularly during COVID-19) and on residents' sense of local pride and community. In the long term, support from residents is crucial for the success of experiential tourism development and endurance as it can influence strategies and plans set by local authorities as well as support funding bids. A total sample size of 4,383 complete responses were collected. Questions included asking residents to rate the popularity of several local attractions; across the six surveys Norfolk's coast and beaches was consistently voted as the top attraction (over half) and when prompted to name any additional attractions in their local area, the Norfolk Broads was consistently the most popular answer. Visiting the countryside, Norfolk's wildlife, walking, and cycling were amongst the most popular things to do in Norfolk. There is very high regard amongst residents for Norfolk's natural assets and recognition of their popular appeal for visitors. Threats to the environment stemming from increased visitor volume e.g., increased litter, road congestion and its associated pollution, are their biggest concern. Norfolk residents strongly believe they live in a beautiful area and the over half feel that their local area is tranquil, peaceful, and calm. While residents strongly agree that tourism preserves historic buildings and monuments, they do not feel as much is done to protect and enhance the natural environment. **Delivers against statement of action objective 6.3.**



### NLAF meetings

Quarterly meetings continue; they were held at County Hall in October 2022, January 2023 and April 2023, and off-site at Worstead in July 2023 when the NLAF also viewed the Norfolk Art Trail installation at Honing Station on the Weavers' Way. The Forum continues to receive regular updates from NCC officers, including detailed reporting on countryside access arrangements which includes an analysis of the volume of faults and queries logged on the Customer Relationship Management (CRM) database concerning Public Rights of Way. The Forum is also updated on work undertaken by Norfolk Trails and the Countryside Access Officers and provided with a summary of key walking and cycling projects by the NCC Member Champion for sustainable transport. The NLAF's Public Rights of Way subgroup met regularly during the reporting period, one month prior to NLAF meetings. The NLAF responded to a significant number of consultations, and wrote to Defra and Natural England about their views on funding permissive access through ELMS. **Delivers against statement of action objectives 6.1.**

### Local Cycling and Walking Infrastructure Plan (LCWIP) – Public Consultation

As part of the engagement, NCC held seven in-person events during May to help promote the online survey where all feedback will be directed and recorded (photos below of the event stands at some of the events). NCC also delivered a NALC webinar 01/06/23. In-person engagement took place at the Royal Norfolk Show on 28 and 29 June. The engagement and online survey ran from 18 May to 13 July 2023. NCC will then review all feedback and produce an updated Countywide LCWIP which will be taken to cabinet. **Delivers against statement of action objectives 6.4 and 6.5.**



Norfolk Rural Access Review (Sustrans)

**Outdoors for Everyone**

Applying the learnings from the MONUMENT project  
Information for businesses, community groups and parishes

MONUMENT Norfolk County Council European Union Interreg 2 Seas Mers Zeeën MONUMENT

NALC webinars

### Norfolk Rural Access Review (Sustrans)

One of the key aims of this work was to determine what measures stakeholders believe would encourage active travel or make it easier in rural contexts. The engagement element of the project has sought the views of a wide range of stakeholders, through a variety of means, to ensure that key stakeholders in rural Norfolk have had the opportunity to share insights and expertise to inform the development of the network. Total engagements (not unique): 938 through a combination of bespoke website, survey, three events and stakeholder discussions. From analysis of the comments and talking to people at engagement events, all this data seems to suggest that it is the presence of vehicles that make people less inclined to travel and while an off-road path is highly rated, a traffic free route is what people express a preference for. Further engagement should look to engage directly with schools to get the perspective of younger people along with more direct engagement to talk to older people. Supports the LCWIP. **Delivers against statement of action objectives 6.4 and 6.5.**

### Pathmakers feedback from Walk Norfolk 2022

A complete management information system (MIS) was created to support Walk Norfolk 2022 that is in place for future years of the festival, made up of Microsoft OneDrive, Ticket tailor, the new Pathmakers website, and the Pathmakers social media accounts. 23% of participants completed feedback forms with roughly 80% very interested in future events, 80%+ very satisfied, 0% unsatisfied and 80% very likely to share future events with their friends. People most enjoyed gaining new knowledge, the social aspect of the event, and that it was inclusive for all. Based on the feedback received from the feedback forms and verbal feedback whilst out on the walks people are most interested in foraging walks, history and heritage walks, nature walks, art walks and forest bathing walks. The walks which were requested for next year were more art walks, history walks, beach walks, nature walks and foraging walks. **Delivers against statement of action objectives 6.3 and 6.6.**

### NALC Webinars

05/10/23 Greenways to Greenspaces session included: an overview of the NAIP, resources and information about PROW and Norfolk Trails, Parish Paths Information Pack, recently completed projects and upcoming maintenance, how Pathmakers delivers against the NAIP, Pathmakers Walking Festival and MONUMENT recent events.

03/03/23 Outdoor for Everyone session included: benefits to accessing outdoors, inequalities in accessing outdoors, NCC multi-departmental approach, insight and learnings from MONUMENT, Active Norfolk vision and approach, Pathmakers Walk Norfolk 2023.

01/06/23 LCWIP session included: an overview of the of the Countywide Local Cycling and Walking Infrastructure Plan (LCWIP). The presentation covered the purpose of the LCWIP and explained how indicative walking, wheeling and cycling routes had been identified. The presentation also gave an explanation of the plans and information that are included in the engagement. In the webinar explained outlined how to respond, the timeline and next steps. **Delivers against statement of actions objective 6.3 (and 4.11).**

## Creating Experiences Together

### ASK – Always Seeking Knowledge

Get to know your community:

- Where would you like to go?
- Who would you like to go with?
- How will you get there?
- What would you like to do?
- What might be tricky?
- Why did you visit?
- What would help?
- How can we improve?



Bottom Up Approach



NALC webinars

# Theme Seven: An Access Network That Supports and Delivers Health Outcomes

## Description of theme:

We will improve the health and wellbeing of residents and visitors through initiatives which promote and demonstrate the benefits of physical activity to those not currently using the access network or who would benefit from additional physical activity as identified in the Norfolk Public Health Strategy.

### Challenge

In Norfolk, unhealthy lifestyles and obesity are estimated to contribute to 23,000 hospital admissions per year. We also face the challenges of an ageing population as there will be more elderly people in Norfolk in the future. If levels of ill health remain the same in the population, this will increase demand on health and social care services. The challenge is to increase numbers of people using the access network to benefit their health and to make improvements to make access easier

## Target by 2029:

- Liaise with partners to create a baseline in 2019 to monitor activity of people in target groups.
- Increase the number of people from target groups who are active outdoors (e.g. walking and cycling) by 2029 (from 2019 baseline) through funded projects such as SAIL and Pushing Ahead.
- Increase the number of people who say they have improved health from being active outdoors (e.g. walking and cycling) by 2029 (from 2019 baseline) through externally funded projects such as SAIL and Pushing Ahead

## Statement of Action Objectives (text shortened):

- 7.1 Evaluate the health value of the access network Status: **Ongoing**
- 7.2 Increase the use of the access network for health Status: **Ongoing**
- 7.3 Develop active travel Status: **Ongoing**
- 7.4 Develop routes for health and to reduce carbon Status: **Ongoing**

## Theme Seven: Progress with theme target (2019 to 2023)

Previous reports have demonstrated significant increases in footfall on Norfolk Trails, with significant health benefits accrued, The Monument project and Experience project has provided detailed feedback on access to the natural environment having health benefits **On Target**

### Highlights Sept 22 – Aug 23:

#### **MONUMENT (Interreg 2 Seas)**

The MOre NUrturing and More Empowerment Nested in Technology (MONUMENT) Project was devised to support informal carers of people living with dementia by offering structured professional support and developing and testing technological solutions with carers. The project was funded by the European Union via the European Regional Development Fund's Interreg 2 Seas Programme, with match-funding provided by NCC. A wide range of outdoor and indoor peer-support activities were provided by Norfolk's pilot project; some were more adventurous such as sailing, canoeing and bushcraft and others involved short walks in nature and guided walks around parts of Norwich. This imaginative mix of events catered for a range of interests and needs. Although aimed primarily at carers, many people living with dementia also attended and enjoyed the events. Through supported leisure activities, informal activities eg clubs and training there was a total of 579 engagements with carers, people living with dementia and professionals. In partnership with the NCC Assistive Technology team, carer-friendly technological solutions trialed: a) GPS Footprint tracker which includes as SOS button; b) tramper vehicles (multi terrain trike) for use at Gressenhall to help promote independence and outdoor activity. In addition, advice on accessibility with carers in mind was made to the Active Norfolk Every Move Activity Finder website. **Delivers against statement of action objective 7.2**



*One of guided outdoor activity events held by the MONUMENT (Interreg 2 Seas) project team at Strumpshaw Fen*



*Using mobility scooters at Greenhall as part of MONUMENT (Interreg 2 seas) organised outdoor event*



New trampers at Gressenhall provided by MONUMENT (Interreg 2 Seas)

### LCWIP – design principles

An LCWIP supports the Government’s ambition for 50% of all journeys in towns and cities to be walked or cycled by 2030. To help more people choose walking or cycling we want to create a modern, well connected transport network in Norfolk that gives people more alternatives to travelling by car. Networks need to be safe, comfortable, direct, more accessible, coherent, attractive and better connected - design principles are taken from the Department of Transport “Cycle Infrastructure Design” guidelines (Local Transport Note 1/20). Each proposed network consists of priority routes which could connect people with places of employment, training, education, central services, public transport and greenspaces, both now and in the future. An LCWIP enables priority active travel network improvements to be identified and prioritised and supports applications for government funding to help develop and deliver new schemes. **Delivers against statement of action objectives 7.3 and 7.4**

### Cycle hubs

EXPERIENCE project partners NCC and Cycling UK worked together to develop 6 Cycle Hubs across Norfolk, involving 32 accredited cycle friendly places. The Cycle Hubs combine quality, varied cycle routes with Cycle Friendly Places to eat, relax and sleep. These destinations will provide everything a cyclist needs during their trip, and so will boost visitor numbers, increase length of stay, and increase spend in local businesses. The cycling hubs align with NCC strategic priorities of increasing active travel and improving the Green Infrastructure Network across the county. The pilot Cycle Hub in Hoveton/Wroxham is only 8 miles from Norwich and 20 miles from both Cromer and Great Yarmouth, well situated for arrival by bike or train, which promotes a sustainable travel option. **Delivers against statement of action objectives 7.3 and 7.4**

### Travel Norfolk brand update/engagement

**Travel Norfolk website**<sup>8</sup> allows residents and tourists to plan their journeys in real time and is designed to make using multiple modes of transport easier and quicker. Maps also contain places of interest and facilities, including information from The British Toilet Map. The health, wellbeing, environmental and financial benefits of active travel are communicated. Norfolk is the first Good Journey County; Good Journey is an independent organisation operating across the UK which encourages sustainable travel options by giving people incentives, such as discounts or free cups of coffee, if they visit participating attractions and get there by bike, on foot or using public transport. As part of this scheme, 25 attractions across Norfolk offering discounts for car-free visitors and there are 8 car-free adventures, to take you off the beaten track by train, bus, bike and foot. Soft launched in June and public launch in September. **Delivers against statement of action objectives 7.2 and 7.3.**



*Pilot scheme Travel Hub in Kings Lynn*

<sup>8</sup> [www.travelnorfolk.co.uk](http://www.travelnorfolk.co.uk)

## Theme Eight: A Valuable Access Network

### Description of theme:

We will maximise the economic benefits to Norfolk that are generated through the access network by working with businesses, tourism agencies and Destination Management Organisations (DMOs)

### Challenge:

The Access network is of increasing value to the visitor economy with the environment and walking key attractions and reasons for people coming to Norfolk. However, currently, most visitors come for a day or less and their visitor spend is limited. The challenge is to work with businesses, tourism agencies and local government to maximise visitor spend, ensuring that local businesses are well informed about the potential of the access network. This target must be considered in conjunction with Theme 3 (a well protected access network) to ensure that increased visitor footfall is managed sustainably.

### Target by 2029:

- Increase the number of visitors by 20% in a sustainable way, targeting locations and times of year to maximize the potential to local businesses. It is envisaged that this could generate an extra visitor spend of £2m.
- Evaluation through appropriate studies, e.g. Monitor of Engagement with the Natural Environment (MENE)

### Statement of Action Objectives (text shortened):

- 8.1 Develop links between business and Norfolk Trails Status: **Ongoing**
- 8.2 Increase numbers of visitors using Norfolk Trails by 20% by 2029 Status: **Ongoing**
- 8.3 Improve understanding of access network users Status: **Ongoing**
- 8.4 Develop visit itineraries Status: **Ongoing**
- 8.5 Work with the Broads Authority on boat moorings on PRoW Status: **Not Started**



## Theme Eight: Progress with theme target (2019 to 2023)

The EXPERIENCE (Interreg FCE) project has delivered 4 new artworks on the Norfolk Art Trail route which will encourage visitors at all times of year, not just the summer months. Norfolk Trails website offers many themed itineraries and estimates that just under 500,000 trips were taken on Norfolk Trails over the year. **On target**

### Highlights Sept 22 – Aug 23:

#### EXPERIENCE (Interreg FCE)

A single actor working alone will not attract off-season visitors, therefore developing a cross-sector network in Norfolk was essential to increase confidence to operate between October to March. NCC created a database of cross-sector organisations across Norfolk to establish a network which was a key innovative aspect of the EXPERIENCE project, uniting traditional tourism stakeholders (Destination Management Organisations, larger/established tourism businesses, local authorities) and “less traditional” tourism actors (wood carver, yoga teacher, glassmaker, artists, etc.), that have authentic local appeal. We now have a network database of 2,400 stakeholders and actors which are active and relevant for experiential tourism development. This database did not exist before and has been fundamental step for stakeholder engagement and project legacy.



EXPERIENCE - Norfolk Art Trail, Flock at Diss Mere



Business training event run by EXPERIENCE (Interreg FCE)

NCC engaged hundreds of local traditional and atypical actors and provided them with tailored training and support to develop tourism products aimed at the growing experiential and sustainable travel markets. Uniting actors into networks inspired the creation of over 100 off-season, experiential themed itineraries, formed from over 350 regional activities. Autumn and winter events supported by EXPERIENCE attracted over 174k visits, generating an estimated £12.1 million in local spend.

Across Norfolk, overnight visitor spending increased by 10% from 2020 to 2022 and by 2021, the region regained two thirds of its pre-pandemic visitor numbers, moreover with increased visitor spending. EXPERIENCE has contributed to faster economic recovery in Norfolk, compared with similar areas not running the pilot project, and defines a novel, sustainable framework for growth from the tourism sector. **Delivers against statement of action objective 8.1.**

**Be Norfolk Website** The marketing output of EXPERIENCE involved creating new website Be Norfolk, inspiring visitors to take a fresh look at Norfolk and uncover immersive, off-the-beaten path adventures unique to them. The 104 itineraries encourage visitors to “choose your own Norfolk adventure”; the site and the activities have been made as accessible and inclusive as possible. We took a bottom-up approach to developing this content, working with small businesses, artists, storytellers, residents, artisans, and adventurers to uncover local stories and produce and hidden natural and cultural assets. More information can be found on the **Be Norfolk website**<sup>9</sup>. **Delivers against statement of action objectives 8.1 and 8.4**

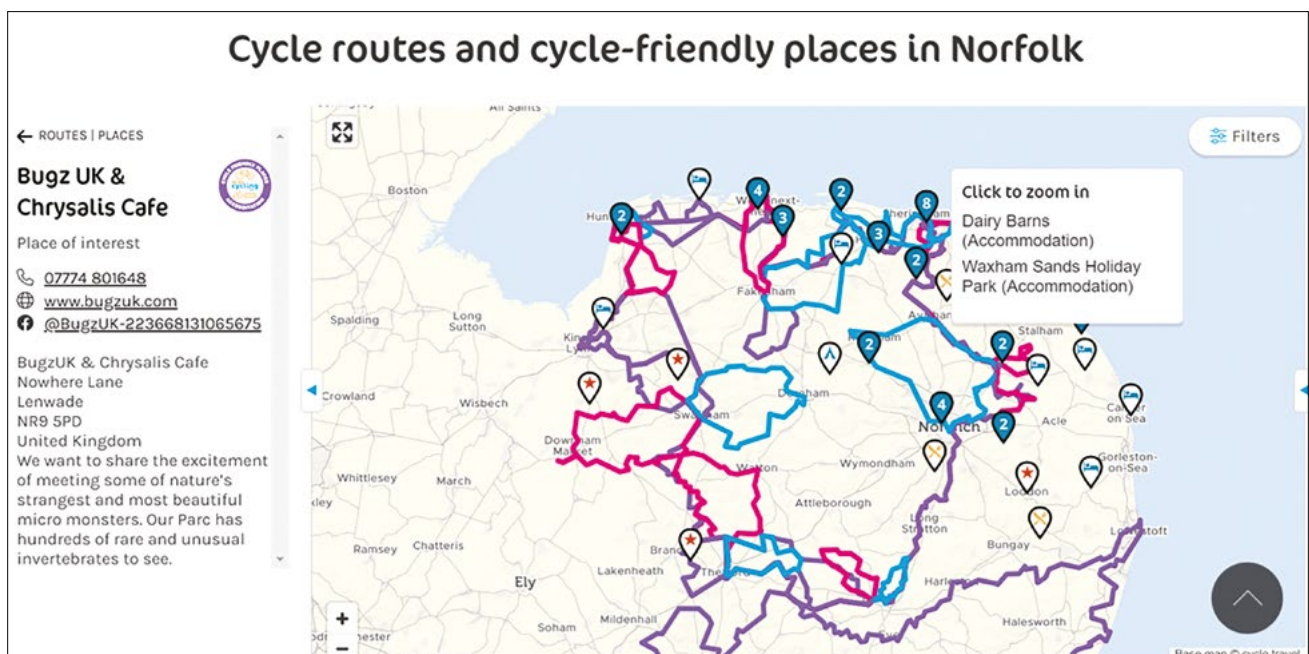
<sup>9</sup> [www.benorfolk.co.uk/beinspired](http://www.benorfolk.co.uk/beinspired)

**Bure Valley Path (BVP)** between Aylsham and Wroxham & Hoveton was a key delivery milestone for Norfolk, defining the path as a Gateway to The Broads and welcoming visitors to the largest protected wetland in the UK. Placemaking infrastructure included the installation of heritage gates, gateway arches, new station signs and bespoke mile markers. BVP Business Impact Survey III showed that 75% of businesses feel that the upgrade to the BVP will positively affect their business. **Delivers against statement of action objective 8.1 and 8.2.**

**Norfolk Way Art Trail.** Commissioned a series of site -specific, multi-sensory, publicly accessible, permanent outdoor artworks to create a new contemporary art trail to span across Norfolk's existing network of long-distance walking trails. Four artworks are now installed – more information can be found on the **Norfolk Way Art Trail website**<sup>10</sup>. **Delivers against statement of action objective 8.2**

### Cycle Friendly Places

Through the one-to-one support from the Interreg EXPERIENCE project, 32 Norfolk businesses secured Cycling Friendly accreditation from Cycling UK free of charge. This accreditation provides some free cycling equipment, including a pump, tools, a puncture repair kit and a first aid kit. In addition, there is free publicity via Cycling UK's 71,000+ membership base and their Cycle Magazine with a readership of 86,000. **Delivers against statement of action objectives 8.1, 8.2 and 8.3.**



EXPERIENCE - Cycle Friendly Places

<sup>10</sup> www.norfolkwayarttrail.co.uk



The Rebellion Way route

### Rebellion Way

Cycling UK, as one of the EXPERIENCE (Interreg FCE) key partners developed the 232 mile (373km) circular cycle route around Norfolk, “Exploring the stories, ancient sites, stunning vistas and thriving wildlife of this unique area enriches every mile” - inspired by Boudicca and Kett’s rebellion. NCC offered advice and support on developing the route with local knowledge and insight and stakeholder support. The launch event took place on Thursday 13 October 2022 at The Maids Head Hotel in Norwich with an optional short bike ride to showcase the route, speakers, plus networking and refreshments to discuss the new route around Norfolk. The event highlighted the positive impact of cycling on local business and launch Cycling UK’s brilliant new route. The route is broken into five sections and encourages multiple overnight stays and cycle tourists to the county - a Department for Transport study (Rajé, F. & Saffrey, A. The Value of Cycling) found that cycle tourists spend around 9% more per trip than the average visitor, with the average cycling spend being £81 per trip. Touring cyclists are limited in how much they can carry, so they shop locally and frequently. **Delivers against statement of action objective 8.4.**



## **Norfolk Local Access Forum (NLAF) and Pathmakers Annual Report April 2022 to April 2023**

The Norfolk Local Access Forum (NLAF) [www.norfolk.gov.uk/nlaf](http://www.norfolk.gov.uk/nlaf) provides an important role in Norfolk to champion the role and importance of access to the countryside with local authorities and at a community level. This report covers work undertaken by the Forum's 22 volunteers during 2022 - 2023, who contributed many hours on work to improve countryside access in the county.

### **Introduction**

It is a requirement (under the Local Access Forum (England) Regulations 2002) for Local Access Forums to submit an Annual Report to the appointing highway authority and then to Natural England.

Local Access Forums are important, independent advisory bodies, not part of local government, which play a role in local decision making relating to a range of social, economic and environmental issues.

The Norfolk Local Access Forum (NLAF) operates in Norfolk: the appointing body is Norfolk County Council (NCC).

The NLAF has set up an independent charity – Pathmakers Charitable Incorporated Organisation (charity number 1161475) which has a legal identity and can make direct improvements to access (or seek funding for access improvements). The NLAF appoints 5 trustees to the Pathmakers board of up to 10 trustees and the chair of the NLAF is an ex-officio trustee.

Whilst interconnected and sharing the common aim of improving countryside access in Norfolk, the two organisations have different structures and operation.

This report is a summary of NLAF and Pathmakers' activities during 2022 - 2023

### **Administration for the NLAF**

The Norfolk Local Access Forum is an independent body with its own logo, letterhead, email address and page on the Norfolk County Council website [www.norfolk.gov.uk/nlaf](http://www.norfolk.gov.uk/nlaf). It is currently administered by NCC along the lines of a formal NCC Committee, with agendas and reports published on the Council's CMIS system

[https://norfolkcc.cmis.uk.com/norfolkcc/Committees/tabid/62/ctl/ViewCMIS\\_CommitteeDetails/mid/381/id/42/Default.aspx](https://norfolkcc.cmis.uk.com/norfolkcc/Committees/tabid/62/ctl/ViewCMIS_CommitteeDetails/mid/381/id/42/Default.aspx).

The Forum is supported by staff from Environment Team and Democratic Services. Costs include secretariat, hire of meeting rooms (currently minimal), site visits and member expenses, recruitment of new members, production of annual report.

### **Summary of activities**

Membership

- The Forum meets 4 times each year, with meetings held at County Hall in April, July, October in 2022 and January 2023. An offsite visit was arranged during the July meeting. There is an active membership of up to 22 volunteer members who are appointed for a 3-year term, plus three Norfolk County Councillors.
- The Forum receives regular updates from NCC on Countryside Access Arrangements, detailing the work of the three Countryside Access Officers within Highways Team, and updates from Norfolk Trails team within Environment Team. Other regular updates from NCC to the Forum cover: Major Infrastructure Projects and Planning; and a report from the NCC Member Champion (Walking and Cycling) on walking and cycling projects.
- Forum members bring regular reports to the meeting covering: the NLAFF's subgroups' work over the period since the last meeting; Pathmakers activities; forward meetings plan. Any further agenda items are agreed at the agenda-setting meeting held one month before NLAFF meetings.
- Over the course of the year reported, presentations were received on:
  - Protected Landscapes, and Farming in Protected Landscapes (FiPL)
  - Greater Norwich Green Infrastructure Strategy and Access
  - Operation Randall (rural crime: Norfolk constabulary)
  - Onshore windfarm cabling (Sep and Dep)
- NLAFF activities over the reporting period:
  - NLAFF responded to a pre-planning application public consultation regarding the Norwich Western Link with 13 points submitted on views relating to impact on access, and other intrusions which would impact negatively.
  - The Forum refreshed the Terms of Reference for the subgroups
  - A special meeting was held to discuss NCC progress and resourcing for Definitive Map Modification Orders (DMMOs)
  - The PROW subgroup highlighted ongoing concerns with lack of funding for public access in emerging government programmes such as ELMS and asked members to write to their MPs (a template was drawn up to help with that)
  - The NLAFF expressed concern to NCC about the increasing backlog of reported issues affecting Public Rights of Way and the need for more resource to address this. It also asked for NCC to increase support for the DMMO team to ensure that rights of way are not lost because of a lack of allocated resource
  - Please see below for more detail on consultations responded to by the NLAFF.

#### NLAFF Meetings

- 4 public NLAFF meetings :

- 27<sup>th</sup> April 2022
- 6<sup>th</sup> July 2022
- 5<sup>th</sup> October 2022
- 25<sup>th</sup> January 2023

NLAF Meeting minutes are available here:

[https://norfolkcc.cmis.uk.com/norfolkcc/Committees/tabid/62/ctl/ViewCMIS\\_CommitteeDetails/mid/381/id/42/Default.aspx](https://norfolkcc.cmis.uk.com/norfolkcc/Committees/tabid/62/ctl/ViewCMIS_CommitteeDetails/mid/381/id/42/Default.aspx)

### Subgroup meetings

- NAIP s/g 10<sup>th</sup> March 2022; 21<sup>st</sup> September 2022
- PRow s/g 4<sup>th</sup> April 2022, June 23<sup>rd</sup> 2022, September 12<sup>th</sup> 2022, December 12<sup>th</sup> 2022
- Vision and Ideas s/g did not meet during the reporting period as the chair of the group has left the NLAF;

Regional/ other local LAF meetings attended by members of the Norfolk LAF: 7<sup>th</sup> July 2022 and 19<sup>th</sup> January 2023.

### Pathmakers

- Pathmakers (the Forum's charitable arm) [www.pathmakers.org](http://www.pathmakers.org) ran a successful Walking and Cycling Festival during October 2022 with funding from NCC and the HLF and a project officer appointed. Trustees mentored two third year students at UEA through a long-standing arrangement where students complete a consultancy on access-related issues. The Pathmakers website was refreshed, and an administrator appointed to manage the trust's ongoing grant applications and funds obtained.
- Pathmakers continues to run monthly walks which are well supported
- During the reporting period covered in this report, Pathmakers made an application for a grant to run a walking festival for 2023 and 2024 and started preliminary work for the 2023 festival.

### Consultations and letters

- Between April 2022 and April 2023, the NLAF responded to a variety of consultations and queries. The NLAF:
  - Gave support to the NCC position to refuse a minerals extraction planning application at East Winch which would effectively extinguish a footpath.
  - Requested that the Forestry Commission published information regarding access closures on its public website as well as sharing them with the Forum.
  - Responded to a query from a member of the public regarding signage on UCRs (the NLAF cited NAIP recommendations regarding waymarking).



- Provided detailed advice for NCC regarding improvements for walking, cycling and horse-riding at the A47 Longwater junction at Costessey, making recommendations for horse riders and consideration of signage.
- Raised issues with the NCC CRM reporting system.
- Responded to a request from the MOD regarding a review of MOD Open Access Land, although no comments were deemed necessary.
- Responded to a NE request regarding access restrictions at Dersingham Bog NNR due to nesting birds and restriction at Holme Bird Observatory with no objections.
- Requested that NCC increased its staff complement to better handle DMMO applications.
- Responded to FC felling licence access restrictions at Gunton Park, and Hockwold Heath with no comments.
- Raised concerns of the impact (noise, dust, odours, visual intrusion, light pollution) on walkers on the Peddars Way from the proposed carbon capture and aggregate manufacturing facility at Larkshall Mill, Wretham.
- Responded to a consultation on the Local Transport Plan 4, Implementation Plan, re-iterating advice previously offered that had not been reflected in the subsequent version.
- Responded to the NCC consultation on the Norfolk Minerals and Waste Local Plan, recommending that NCC ring-fences funding to upgrade and enhance footpaths, bridleways and cycleways wherever possible following minerals extraction.
- Invited NLAF members to write to their MPs regarding the lack of public access in emerging government programmes such as ELMS.
- Invited NLAF members to respond to NCC's Norfolk Bus Improvement Plan consultation.
- Made a representation to the application for development consent by Equinor for Sheringham and Dudgeon Extension Projects recommending there was: funding for communities affected by onshore cabling; restoration and improvements to all rights of way affected, including upgrades to their status where possible; and requesting that disruption and closures of PROW are minimised and well notified beforehand, with extra consideration given to popular routes.
- Commented on planned development at Long Stratton, to highlight the need for greater connectivity of the countryside access network once the planned road is developed.

#### Norfolk Access Improvement Plan

- With NCC, reviewed progress with the Norfolk Access Improvement Plan (NAIP) – Norfolk's Rights of Way Improvement Plan.

## **Looking ahead**

### **Priorities**

- Monitor implementation of the NAIP by NCC and other organisations that can help with delivery.
- Support NCC with building on the Parish Paths seminars to encourage engagement with paths at a local level.
- Continue to demonstrate to NCC the value of the Public Rights of Way network to the Norfolk economy and people's health and wellbeing with a view to pressing for greater investment in the network.
- Actively monitor the legislation and processes of registering unrecorded rights of way (2026) with the aim of enabling the maximum number of applications.
- Press for including permissive access within the Environmental Land Management System (ELMs).
- Raise the profile of the NLAf with other LAFs (especially those in the East), other organisations and the general public.
- Support Pathmakers.

### **Volunteer time contribution**

A very conservative estimate of volunteer time spent on NLAf activities (just accounting for those who attended NLAf meetings, agenda-setting meetings, and the PROW subgroup meetings) comes to over 250 hours, with an estimated value of over £5,000 (£20 per hour – HLF value for skilled volunteers). The actual figures are likely much higher.

### **Chair's statement**

It has been an honour to continue to serve as Chair of the forum and to have the support given by my Vice-Chair and the staff and officers of the Council. Our members provide a cross section of outdoor interests, which provides the forum with well-balanced views and ideas.

Our unique charity Pathmakers goes from strength to strength, with the successful Walk Norfolk 2022, and HLF funding to hold this for the next two years. Besides this it also has monthly guided walks which are popular and well supported.

### **Appointing authority's statement**

Many thanks to all the volunteers of the NLAf for all the time and effort they have put in again this year to improve public access to the countryside and quality of life for local people. The Chair and Vice Chair especially, have put in tremendous efforts to the Forum's work – thank you.

The Forum has responded to many consultations to advise on public access; continues to monitor resourcing for path maintenance and handling of DMMO claims and has been incredibly supportive of work to progress the Norfolk Access Improvement Plan (NAIP). NCC is grateful for these insights and the Forum's

help with the NAIP. The Council looks forward to working in collaboration with the Forum over the coming year on initiatives to deliver social and economic benefit from Norfolk's countryside access network wherever possible and making the very best of resources available.

# Infrastructure and Development Select Committee

Item No: 11

**Report Title: Forward Work Programme**

**Date of Meeting: 15 November 2023**

**Responsible Cabinet Member: N/A**

**Responsible Director: Grahame Bygrave** (Interim Executive Director of Community & Environmental Services)

## Executive Summary

This report sets out the Forward Work Programme for the Select Committee, to enable the Select Committee to review and shape it.

## Action Required

The Select Committee is asked to:

1. Review and agree the Forward Work Programme for the Select Committee, as set out in Appendix A.

## 1. Background and Purpose

- 1.1 This report sets out the Forward Work Programme for the Select Committee to enable the Committee to review and shape it.

## 2. Proposal

### 2.1 Forward Work Programme

The current Forward Work Programme for the Select Committee is set out in Appendix A, for the Committee to use to shape future meeting agendas and items for consideration.

### 2.2 Member Task and Finish Groups

The Select Committee previously agree that, to help ensure a manageable workload, there will be no more than two Member Task and Finish Groups

established by this Committee operating at any one time. There is currently one active Group – the Task and Finish Group look at the subject ‘Providing Highways and Transport Development Management Advice to Local Planning Authority’s in Norfolk’.

### **3. Impact of the Proposal**

- 3.1 This report enables the Select Committee to shape agendas for future meetings so that it can include items which the Committee considers the most important to consider.

### **4. Evidence and Reasons for Decision**

- 4.1 As above.

### **5. Alternative Options**

- 5.1 The Committee can amend and shape the work programme.

### **6. Financial Implications**

- 6.1 None.

### **7. Resource Implications**

- 7.1 **Staff:** None.
- 7.2 **Property:** None.
- 7.3 **IT:** None.

### **8. Other Implications**

- 8.1 **Legal Implications:** None.
- 8.2 **Human Rights Implications:** None.
- 8.3 **Equality Impact Assessment (EqIA):** N/A
- 8.4 **Data Protection Impact Assessments (DPIA):** N/A
- 8.7 **Any Other Implications:** None.

### **9. Action Required**

The Select Committee is asked to:

1. Review and agree the Forward Work Programme for the Select Committee, as set out in Appendix A.

## 10. Background Papers

11.1 None.

### Officer Contact

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

**Officer name:** Sarah Rhoden  
**Telephone no.:** 01603 222867  
**Email:** sarah.rhoden@norfolk.gov.uk



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## Forward Work Programme – Infrastructure and Development Select Committee

Draft agendas for the next three meetings.

Report title	Reason for report
<b>17 January 2024 meeting</b>	
Adult Learning Annual Plan	To review the annual plan for the Adult Learning Service.
Climate Action Plans Tranche 2	To review the action plans.
Waste Services Review	To review performance.
Pollinator Action Plan	To provide an update for the Committee prior to consideration for adoption at Cabinet. The Norfolk Pollinator Action Plan will include a set of actions for NCC to adopt to safeguard pollinators on NCC landholdings and actions that will inspire others to do more for pollinators across Norfolk.
Creating Community Spaces: Norfolk's Library, Learning and Community Hubs	To provide an update on the Kings Lynn Multi User Community Hub and the Great Yarmouth Library and Learning Centre projects
Biodiversity Net Gain	To provide an update for the committee.
Highways Capital Programme 2023/24/25 and Transport Asset Management Plan	To review the highways capital programme and Transport Asset Management Plan (TAMP) for the coming year.
School Streets trial	An update on the outcomes/findings of the school streets trial.
Local Nature Recovery Strategy	To provide an update for Committee on work to develop the LNRS for Norfolk, for which NCC has been appointed responsible authority.
Forward Work Programme	To review and shape the Select Committee's forward work programme.
<b>13 March 2024 meeting</b>	
Trading Standards Service Plan	To review the proposed Service Plan for the following year.
Forward Work Programme	To review and shape the Select Committee's forward work programme.
<b>May 2024 meeting (date TBA)</b>	
Forward Work Programme	To review and shape the Select Committee's forward work programme.