Cabinet

Monday 14 September 2015

9:00am, Colman and Cavell Rooms
South Norfolk House, Long Stratton, Norfolk, NR15 2XE

If you have any special requirements in order to attend this meeting, please let us know in advance

Large print version can be made available

Contact Claire White on 01508 533669 or democracy@s-norfolk.gov.uk
Members of the Cabinet

Mr J Fuller (Chairman)
Mr J Wilby (Vice Chairman)

Portfolio Holders

Mrs Y Bendle
Mr M Edney
Mr L Hornby
Mrs K Mason Billig

Group Meetings

Conservatives – 8:00 am, Cabinet Office
Liberal Democrats – 8.30 am, Blomefield Room

This meeting may be filmed, recorded or photographed by the public; however anyone who wishes to do so must inform the chairman and ensure it is done in a non-disruptive and public manner. Please review the Council’s guidance on filming and recording meetings available in the meeting room.
Agenda

1. To report apologies for absence;

2. Any items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act, 1972. Urgent business may only be taken if, "by reason of special circumstances" (which will be recorded in the minutes), the Chairman of the meeting is of the opinion that the item should be considered as a matter of urgency;

3. To Receive Declarations of Interest from Members;  
(please see guidance – page 6)

4. To confirm the minutes of the Cabinet meeting held on 20 July 2015;  
(attached – page 7)

5. Review of Corporate Enforcement Policy now to be known as: The Compliance and Enforcement Policy  
(report attached – page 17)

(report attached – page 40)
7. **Gypsy and Traveller Local Plan Document – Preferred Options;**

On Monday 31\textsuperscript{st} August 2015 the Government amended its Planning Policy for Traveller Sites (DCLG). Whilst a full assessment of this document is still taking place, the headline change is that Gypsies and Travellers who have ceased travelling permanently will no longer be classed as “Gypsies and Travellers” for planning purposes, and so will be treated the same as a member of the “settled” community (for planning purposes).

The new policy “makes clear the need to ensure fairness in the system … reflecting the requirement that caravan sites should be made available for those who travel permanently”. Any application “by someone who does not travel will be considered in the same way as an application from the settled population – rather than being considered under policies relating to Travellers”.

The consequences of the changes to national policy are uncertain at this stage, but could be far-reaching. It appears that it could be necessary to demonstrate that \textit{(inter alia)} all Gypsies and Travellers seeking new/additional sites are currently leading a nomadic life or, if they have ceased travelling temporarily (perhaps for education or health reasons), that the reasons for this are known, and whether (and when) it is their intention to re-start travelling. It is important to carefully consider the possible implications, and to ensure South Norfolk Council’s emerging Gypsies and Travellers Local Plan document has appropriate regard to the updated Planning Policy for Traveller Sites.

Therefore, it is recommended that Cabinet defers consideration of the Gypsies and Travellers Local Plan Preferred Options document from September 2015 until such time as the full implications of the changed national policy have been assessed, and any further work undertaken to ensure consistency has been completed.

**Adam Nicholls**  
Planning Policy Manager
8. **Cabinet Core Agenda**

9. **Exclusion of the Public and Press**

To exclude the public and press from the meeting under Section 100A of the Local Government Act 1972 for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act (as amended)

10. **Property Development**

   (NOT FOR PUBLICATION by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972)
DECLARATIONS OF INTEREST AT MEETINGS

Members are asked to declare any interests they have in the meeting. Members are required to identify the nature of the interest and the agenda item to which it relates.

- In the case of other interests, the member may speak and vote on the matter.
- If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed.
- If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting.
- Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.
- In any case, members have the right to remove themselves from the meeting or the voting if they consider, in the circumstances, it is appropriate to do so.

Should Members have any concerns relating to interests they have, they are encouraged to contact the Monitoring Officer (or Deputy) or another member of the Democratic Services Team in advance of the meeting.
CABINET

Minutes of a meeting of the Cabinet of South Norfolk District Council held at South Norfolk House, Long Stratton on Monday 20 July 2015 at 9.00 am.

Members Present:

Cabinet: Councillors J Fuller (Chairman)
Y Bendle, M Edney, L Hornby, K Mason Billig and M Wilby

Non-Appointed: Councillors P Broome, D Bills, F Ellis, C Foulger and D Goldson

Officers in Attendance: The Director of Growth of Localism (T Horspole), the Director of Business Improvement (D Lorimer), the Director of Community Services (P Boyce), the Accountancy Manager (M Fernandez-Graham), the Housing and Public Health Manager (M Swann) the Development Manager (H Mellors), the Project Manager (W Salmons), the Business Improvement Manager (S Pontin), the Housing and Public Health Partnerships Officer (L Pickering) and the Property Consultant (S Bizley)

2379 CHAIRMAN’S ANNOUNCEMENTS

The Chairman reminded members that sadly, Derek Blake had passed away since the last meeting of the Cabinet. He also referred to Cllr J Mooney’s recent accident, and members conveyed their best wishes to Cllr Mooney for a speedy recovery.

The Chairman thanked all those involved in the recent South Norfolk on Show event. Despite the poor weather, hundreds of people had been in attendance.
2380 DECLARATIONS OF INTEREST

Cllr K Mason Billig declared a pecuniary interest in item 13, “Lease re-gear for Trustees of Phelan Plant Hire Retirement Benefit Scheme at Ayton Road, Wymondham.” Cllr Mason Billig left the room whilst this item was discussed.

2381 MINUTES

The minutes of the meeting held on Monday 15 June were agreed as a correct record and signed by the Chairman.

2382 PERFORMANCE, OPPORTUNITIES/RISKS AND REVENUE BUDGET POSITION REPORT FOR QUARTER 1 2015/16

The subject of the decision

Members considered the report of the Project Manager, the Accountancy Manager and the Scrutiny and Information Rights Officer, which detailed the Council’s performance against strategic measures, risk position, and the revenue budget position at the end of the first quarter for 2015/16.

The Project Manager explained that there had been no strategic measures below acceptable performance levels in the first quarter of 2015/16. BV012, the number of working days lost due to sickness absence was the only measure that had been awarded amber status for this period, and members noted that this indicator would be monitored closely. Cllr M Edney stressed that this figure was the result of genuine staff long term sickness, and on the whole, he felt that the performance of the Council in the first quarter, to have been outstanding.

The Project Manager drew attention to the performance highlights of the quarter (outlined at paragraph 5 of the report), and also the proposed changes to the measure set, detailed at paragraph 7. Cllr Y Bendle welcomed the new measures for homelessness and the Early Help Hub, and Cllr M Wilby commented on plans for a new measure regarding keeping people active, making reference to the recent Village Games. Cllr L Hornby drew attention to the excellent performance in development management, and also that of CNC, who had recently won three awards at the Local Authority Building Control Awards for the East of England.

Discussion followed with regard to the % of municipal waste recycled and composted, with Cllr K Mason Billig reporting that this was already over target at 45%. The Director of Community Services explained that the amount of residual waste collected had increased slightly over the whole of Norfolk; she believed that more education was required in order to increase recycling rates
further. The Chairman suggested that the Environment and Regulation Policy Committee could examine in more detail the targets for this indicator, looking in particular at whether a 50% rate was realistic, and if so, how it could be achieved.

Turning to risks, the Director of Business Improvement drew members’ attention to the amendments to the strategic risks, as detailed at paragraph 8.3 of the report. Referring to S1, the shortage of a 5 year land supply, the Chairman stressed the importance of explicitly detailing how this was to be mitigated.

Referring to the Revenue Position for Quarter 1, the Accountancy Manager explained that there was a positive variance of £0.3 million to the end of June, with favourable variances across all directorates. Members noted that income budgets had been increased for 2015/16, to reflect higher income levels received in 2014/15, which meant that variances were generally lower at this point compared to previous years. Particular attention was drawn to the alternative leisure facilities at Wymondham which had managed to sustain levels of income, and the income from investment properties, which had been higher than budgeted at the end of the first quarter.

The Decision

RESOLVED: To:

a) Note the 2015/16 performance for the first quarter and the combined efforts across the Directorates to deliver the Vision of the Council;
b) Agree to the proposed changes to the strategic measure set reported to cabinet (as outlined in paragraphs 7.1 and 7.2 of the report);
c) Note the current position, particularly the organisational capacity, with regard to risks and accepts the actions to support risk mitigation;
d) Note the revenue position and the reason for the variances on the General Fund.

The Reasons for the Decision
To ensure that process are in place to improve performance, that the management of risks is sound, and to ensure that reserves and revenue budgets are in place to meet the Council’s corporate objectives.

Other Options Considered
None
2383 CAPITAL AND TREASURY MANAGEMENT REPORT QUARTER 1 2015/16

The Subject of the Decision

Members considered the report of the Accountancy Manager, which detailed the position on the Council’s capital programme and reviewed the treasury management activity, for the first quarter of the financial year.

The Accountancy Manager outlined the salient points of his report to members.

During discussion, the Chairman queried whether parish councils could form part of the new insurance contract, however officers advised that this had already been investigated, but due to compatibility around parishes, the Council and its partners in the joint procurement exercise, had been advised against going down this route.

Cllr Y Bendle made reference to the Green Deal, explaining that since the last Cabinet meeting, extensive marketing had been carried out, and out of a budget of £335,000, less than £100,000 was left. She also drew members’ attention to an additional project called Solar Together, which was to be launched in partnership with Norwich City and Broadland Councils, sometime in September.

The Decision

RESOLVED: 1. To:
   a) Approve the request for a budget of £40,000 for the Wellbeing Walk at the Norfolk and Norwich Hospital, to be funded from CIL, as outlined in paragraph 2.3 of the report;
   b) Note the award of the contract for play area refurbishments as outlined at paragraph 2.15 of the report;
   c) delegate the decision to award a contract for insurance services to the Director of Business Development in consultation with the portfolio holder for Finance and Resources.

2. TO RECOMMEND THAT COUNCIL
   a) Approves the 2015/16 prudential indicators for the quarter;
b) Notes the treasury activity in quarter one and that it complies with the agreed strategy.

The Reasons for the Decision

To ensure that the capital programme is on target and is aligned to the Council’s priorities.
To ensure a balanced portfolio in terms of risk rates and liquidity.

Other Options Considered
None

2384 MEDIUM TERM PLAN 2016/17 TO 2019/20

The Subject of the Decision

Members considered the report of the Accountancy Manager, which presented Cabinet with a revised Medium Term Financial Plan, covering the period 2016/17 up to 2019/20.

The Accountancy Manager briefly outlined his report to members, drawing members’ attention to the key risks, on which the Plan was based. Cllr M Edney stressed that as long as these risks were managed effectively, a balanced budget could be achieved for 2016/17 and for 2017/18, however, he warned that a funding gap of £1 million was yet to be addressed for years 2018/19 and 2019/20.

During discussion, members noted in particular the future cost pressures arising from the introduction of the flat state pension in 2016/17.

The Decision

RESOLVED: To:

1. Agree the assumptions on which the plan is based, in particular:
   a) That the increase in the budget for Performance Related Pay is acceptable;
   b) That the approach to council tax support for parishes is acceptable.

2. Approve the Medium Term Plan as outlined in the report as a basis for further work, particularly
preparing the 2016/17 budget, the Corporate Plan and thematic Business Plans.

The Reasons for the Decision

To enable long term financial and business planning, identifying risks early so that they can be managed effectively.

Other Options Considered

None

DEVELOPMENT MANAGEMENT REVIEW OF CHARGING FOR PRE-APPLICATIONS

The Subject of the Decision

Members considered the report of the Development Manager, which outlined how the Council had dealt with pre-application advice, reviewed the fees schedule, and considered whether charging should be extended to all enquiry types.

The Development Manager outlined the key issues of her report to members, drawing attention to the fact that income in the first six months had exceeded expectations. Members were satisfied with the proposals, and considered that the introduction of exceptions would allow key community groups to still access the advice they needed at a reduced cost. Members also noted the proposed low fee for householder applications.

In response to a query, the Development Manager explained that implementation of the charges would not take place until 1 January 2016, to allow time to communicate the changes to residents and key partners.

Discussion followed with regard to CIL payments to parish councils, and officers confirmed that all parishes would receive an explanation of CIL payments made, detailing how they were calculated and now these monies could be spent.

The Decision

RESOLVED: To agree

1. The exemption categories and clarification notes added to the charging schedule;
2. The charging of householder applications with effect from 1 January 2016.
The Reasons for the Decision

To maximise income for the Council, whilst allowing for an improved service with respect to guaranteed response times and more detailed information

Other Options Considered

- To keep the fee schedule as set
- Not to introduce exceptions
- To continue to give free advice to householder enquiries

2386  SOUTH NORFOLK HOUSING STRATEGY 2016-19

The Subject of the Decision

Members considered the report of the Housing and Public Health Partnerships Officer, which sought Cabinet approval to issue the draft South Norfolk Housing Strategy 2016-19, for consultation.

Cllr Y Bendle explained that the Strategy had been considered by the Housing, Wellbeing and Early Intervention Policy Committee at its meeting on 25 June, and it had, after minor amendments, recommended that Cabinet, approve the draft Housing Strategy for consultation.

The Housing and Public Health Manager presented the draft Strategy, explaining the document served the Council, its residents and its key partners. Members noted the four priority outcomes on which the strategy was built and delivered, through key focus areas.

The Housing and Public Health Partnerships Officer explained that the proposed consultation process would commence on 3 August, for a twelve week period, involving key stakeholders, as detailed in the Strategy.

The Decision
RESOLVED: That the draft Housing Strategy, attached as Appendix A to the report, be issued for consultation.

The Reasons for the Decision
To build on existing services, taking advantage of opportunities and maximising outcomes for South Norfolk residents.

Other Options Considered
None

2387 CABINET TASKS AND FINISH GROUPS: TERMS OF REFERENCE

The Subject of the Decision
Members considered the report of the Communities and Democratic Services Manager, which presented Cabinet with the terms of reference of the three Task and Finish Groups, the formation of which were agreed at the Cabinet meeting back in June.

Cllr C Foulger, the Chairman of the Gypsies and Travellers Local Plan Task and Finish Group, and Cllr D Bills, the Chairman of the Leisure and Community Facilities Task and Finish Group, outlined the terms of reference, respectively.

During discussion, Cllr Fuller queried the criteria for Gypsy and Traveller site allocations, suggesting that 35 additional pitches might not be achievable. Cllr Foulger reported that the Task Group had been encouraged by the number of sites coming forward that had been deemed suitable against the approved selection criteria. With regard to the Leisure and Facilities Task Group, Cllr Bills explained that work was progressing to ensure more leisure provision east of the A140.

The Decision
RESOLVED: To agree the Task and Finish Group terms of reference, as attached at Appendix 1 of the report.

The Reasons for the Decision
To ensure that each Task Group has clear objectives and outcomes
2388 CABINET CORE AGENDA

Members noted the latest version of the Cabinet Core Agenda.

With regard to the Local Plan, the Director of Growth and Localism explained that he could not confirm when the Inspectors’ reports would be received on either the Long Stratton Area Action Pan, or the wider plan. He advised Cabinet that once an Inspector’s report was received, it would carry enormous weight, although it would not officially be adopted until after the 6 week legal challenge period. Members noted that the 6 week legal challenge period for the Norwich Northern Distributor Route (NNDR), had recently expired with no challenge.

2389 EXCLUSION OF THE PUBLIC AND PRESS

It was proposed, seconded and

RESOLVED: that under Section 100A (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 Schedule 12A of the Act (as amended).

2390 LEASE RE-GEAR FOR TRUSTEES OF PHELAN PLANT HIRE RETIREMENT BENEFIT SCHEME AT AYTON ROAD, WYMONDHAM

The Subject of the Decision

Members considered the exempt report of the Property Consultant, which sought Cabinet consent to surrender a ground lease, and re-grant a new modern lease, for tenants at a property on Ayton Road Industrial Estate, Wymondham.
The Decision

RESOLVED: To approve the proposed surrender and re-grant on the terms outlined in the report, and to authorise officers to proceed to conclude the lease formalities without further reference to Cabinet.

The Reasons for the Decision

To improve the security of the tenant’s investment plans, whilst increasing the rental income and improving the capital value of the asset for the Council

Other Options Considered

- Do nothing
- Sell the freehold

(The meeting concluded at 10.35 am)

Chairman
AGENDA ITEM: 5

Review of Corporate Enforcement Policy now to be known as:
The Compliance and Enforcement Policy

Report of the Head of Environmental Services and the Project Manager
Cabinet Members: Cllr. L. Hornby
  Regulation and Public Safety Portfolio Holder
  Cllr. K. Mason Billig
  Environment and Recycling Portfolio holder

CONTACT
Tim Durell 01508 533711
tdurell@s-norfolk.gov.uk
1. Introduction

1.1 The Council undertakes a wide range of activities which involve the application of the law to seek and achieve regulatory and other beneficial outcomes on behalf of the community. For a number of years we have been required to have a formal policy to guide, inform and support us with our work and ensure those who come into contact with our services are supported appropriately and dealt with positively, fairly, transparently and proportionately given the expectations of the law and society.

1.2 The purpose of this report is to seek agreement from Cabinet to the draft Compliance and Enforcement Policy 2015 and thereafter to adopt it as a policy of the Council.

2. Background.

2.1 Our current Enforcement Policy was adopted by the Council in 2011. Since then, there has have been changes in national guidance on the approach that all regulators should take with regard to their regulatory and enforcement activities. We have therefore developed a new policy to comply with the Department for Business Innovation and Skills Regulators’ Code April 2014. https://www.gov.uk/government/publications/regulators-code

2.1 The Code sets out Government expectations that regulators will design their compliance and enforcement policies in a manner that best suits the needs of businesses and others that they regulate. The Code seeks to promote proportionate, consistent and targeted activity through the development of effective dialogue and understanding between regulators and those they regulate. Hence, the approach of our proposed Policy
3 Current Position / Findings

3.1 The draft Policy (Appendix 1) has been developed with corporate input from officers, Members, consultees and the Council’s legal advisors. In terms of consultation this has included all Directorates, Police, Fire Service, Norfolk Trading Standards, Norfolk County Council, Environment Agency, Norfolk Chamber of Commerce and the community (via an online consultation). The draft policy was also considered by the Environment and Regulation Policy committee on the 20 August 2015 and was considered to be acceptable.

3.2 In terms of response to the consultation, a number of helpful comments arose from the Police and Trading Standards and these have been incorporated. In the former case the comments related to Ministry of Justice guidance that is mentioned in the draft policy and in the latter in terms of the processes to update, monitor and ongoing consultation with those affected by policies as the national agenda evolves. It is assumed that where no comment has been received there are no issues with the draft Policy.

3.3 The draft Policy accords with the national direction from central Government on the approach that all local authorities should take to applying the law. There is an explicit expectation that regulators should “carry out their activities in a way that supports those they regulate to comply and grow”. This approach is fully in line with the Council’s corporate vision, priorities and commitment to supporting growth and enhancing communities.

3.4 The Policy is now in four parts. The first part is a general statement of our approach to how we work with businesses and others to encourage and support their work, what they can expect from us and how we go about securing compliance and the application of the law. Attached to this are three appendices:

Appendix 1 – our overarching approach to compliance and enforcement – this section deals with the principles of how we encourage compliance with the law, the sanctions and options available to us when we have no choice but to take action.
Appendix 2 – this section details our approach to dealing with compliance and enforcement in relation to regulatory activities which include food and health and safety, licensing, waste enforcement, environmental protection and private sector housing. Note – the policy does not include the Revenues and Benefits service as this is already covered by national approaches.

Appendix 3 – this section deals with the specific approach to compliance in relation to development management

3.5 An explanation is given of the full range of enforcement options that are available for use by the Council, but as importantly, the opportunity has taken to explicitly state that there are circumstances when the Council feels that it is inappropriate to take action. Such cases would be:

- Where the cost of securing compliance or the cost of enforcement action is disproportionate to the impact of the contravention.
- Where the offender is in some way highly vulnerable and/or suffering from serious ill health.

3.6 The Policy is intended to be a practical document that is clearly understandable by our customers, actively used by officers to enable a fair and consistent approach to compliance.

3.7 The Policy and the Council’s Constitution are now consistent with regard instructions given by the Council to our legal advisors to institute, defend or participate in legal proceedings on behalf of the Council. This should reduce the risk of a successful challenge being made in court about a decision to take formal action.

3.8 In summary, the Council has at its disposal a wide of range of legal tools available to secure compliance and a great deal of discretion about how they can be used to protect our residents, visitors, businesses, the environment and the interests of the

South Norfolk COUNCIL
Council. The new draft Policy will ensure proportionate, accountable, consistent, transparent and risk based application of the law which will be of benefit to the community.

4 Proposals
4.1 It is important that the Council has an up to date Policy because the Government has stated that it will monitor policies and in particular will challenge regulators where there is evidence that policies are not in line with the Regulators’ Code. It is proposed that we:

- Continue to monitor national guidance and update the Policy when necessary to accommodate changes arising from the guidance or the law.
- Review the Policy every 3 years or as necessary.

5 Risks and Implications arising

5.1 Financial – clearly the application of the policy has financial implications but these are built into the business planning of the Council.

5.2 Legal - If the Council does not have a Policy that implements the Regulators Code, it could be subject to legal challenge when attempting to apply the law in the form of legal action.

5.3 Environmental – appropriate enforcement is a necessary activity to protect the environment and communities of South Norfolk.

5.4 Equalities – the draft Policy advocates a reasonable and consistent approach to enforcement that is fair to everyone with the emphasis being on securing compliance with any enforcement taken in accordance with the policy.
5.5 Crime Reduction – appropriate enforcement is a necessary Council activity to deter criminality and deal with anti-social behaviour; in doing so we are satisfied that the policy addresses our requirement to consider the potential impact on crime and disorder.

6 Other Options

6.1 No alternative options have been identified which would secure compliance with the Regulators’ Code.

7 Recommendation

7.1 It is recommended that Cabinet considers the appended draft Compliance and Enforcement Policy 2015 and agrees that it can be adopted as the policy of the Council.
Compliance and Enforcement Policy

2015

General statement of our approach

The Council’s vision

The Council plays a key role as a provider of services, enabler and by providing leadership within and beyond the South Norfolk community. Our vision in this role is:

‘To retain and improve the quality of life in South Norfolk, for now and future generations, to make it one of the best places to live and work in the country’

As part of this vision our corporate priorities are:

• enhancing the quality of life and the environment we live in
• supporting communities to realise their potential
• promoting a thriving local economy
• driving services through being businesslike, efficient and customer aware

Our responsibilities

We are tasked with applying the law in a variety of ways and circumstances. Our aim is, as far as possible, to work positively with businesses, individuals and organisations to seek compliance with the law. However to be effective as a leader, shaper and protector of the local community, there will be occasions when it is necessary for us to take appropriate action to deal with matters of non-compliance. This expectation has been placed on us by Government along with that to publish a policy about how we approach compliance and enforcement.

Policy purpose

Given what we have said above, we have drawn up this policy to help our customers understand how we will approach situations involving the use of the law, in what circumstances and how we will go about it with the appropriate checks and balances. Our approach is always to try and work with our customers rather than against them but on occasions we will have no alternative but to apply the law to secure outcomes expected by society.

The purpose of this Compliance and Enforcement Policy is to describe principles, priorities and the options available to the Council to secure compliance, whilst minimising the burden on individuals and businesses.

We believe in firm but fair action to secure compliance with the law. In terms of the law that we have to apply, we are committed to the principles of ‘better regulation’ as prescribed by
Government and aim to achieve this by actions that are: proportionate, accountable, consistent, transparent and targeted.

In terms of statutory powers and duties we will seek to protect residents, visitors, workers, consumers, businesses, the Council’s financial position and the environment of the area.

We will co-ordinate compliance and enforcement actions internally and will endeavour, where appropriate, to co-ordinate with other enforcement agencies and partner organisations. We have in place procedures for complaints and appeals to fulfil the Council’s equalities objectives, human rights legislation and to meet other statutory requirements as necessary.

**Working with you, working for you**

We recognise that it is important that our customers understand how we will work with them and apply the law given our powers, duties and this policy.

We endeavour to carry out all our activities in a way that supports our customers to comply and benefit by:

- Ensuring that information, guidance and advice is available to help you meet legal expectations
- Carrying out our activities to check compliance in a targeted and fair way
- Dealing proportionately with breaches of the law as set out in this policy including taking action when necessary – in accordance with, as appropriate, the Regulators code.

Our staff will:

- Be courteous and polite
- Always identify themselves by name and provide you with contact details
- Seek to gain an understanding of your needs
- Agree timescales, expectations and preferred methods of communication with you
- Ensure you are kept informed of progress on any outstanding issues
- Do our best to coordinate with others both within and outside the Council by providing information, guidance and advice

**Helping you to get it right**

We want to work with you to help you to meet your needs and it is important to us that you feel able to come to us for advice when you need it. We won’t take action just because you tell us that you have a problem.

Where you need advice that is tailored to your needs and particular circumstances we will:

- Discuss with you what is required to help you meet your legal obligations
- Provide clear easily understood advice that supports compliance and that can be relied on
- Distinguish what is required by the law and what is suggested good practice
- Ensure that any verbal advice you receive is confirmed in writing if requested
- Acknowledge good practice and compliance
- Publish on our website any fees and charges and explain them. For more information go to [www.south-norfolk.gov.uk](http://www.south-norfolk.gov.uk)
Our visits and checks

We monitor and support compliance in a number of different ways including through inspections, sampling visits, advisory visits and complaint investigations. These visits will always be based on an assessment of risk – we won’t visit without a reason. We will give you notice that we intend to visit unless we have specific reason to believe that an unannounced visit is more appropriate.

When we visit you our officers will:

- Explain the reason and purpose of the visit
- Carry their identification card at all times, and present it on request when visiting your premises
- Exercise discretion in front of your customers and staff
- Have regard to your approach to compliance, and use this information to inform future interactions with you
- Provide information, guidance and advice to support you in meeting your statutory obligations, if required
- Provide a written record of the visit if so requested or where it is deemed appropriate to do so.

Responding to problems and non-compliance

As far as possible we will seek and work with you to achieve positive compliance with the law. Where we identify failure to meet legal obligations, we will respond proportionately, taking account of the circumstances, in line with our Enforcement Policy (see Appendices 1, 2 and 3). We deal proportionately with breaches of the law as set out in our Enforcement Policy, including taking firm enforcement action when necessary.

Where we require you to take action to remedy any failings we will:

- Explain the nature of the non-compliance
- Discuss what is required to achieve compliance, taking into account your circumstances
- Clearly explain any advice, actions required or decisions that we have taken
- Provide in writing a timely explanation of how to appeal against any advice provided, actions required or decisions taken, including any statutory rights to appeal
- Explain what will happen next
- Keep in touch with you as and when necessary, until the matter has been resolved with the least practicable delay

Requests for our services

We clearly explain the services that we offer, including details of any fees and charges that apply. For more information go to www.south-norfolk.gov.uk

In responding to written requests for our services, including requests for advice and complaints about breaches of the law, we will:

- Acknowledge your request within 10 working days.
- If a full response cannot be provided within this time scale, an acknowledgement will be sent to inform you when you can expect a substantive response
- Seek to fully understand the nature of your request
- Explain what we may or may not be able to do, so that you know what to expect
- Keep you informed of progress throughout our involvement
• Inform you of the outcome as appropriate

You can contact us by emailing reception@s-norfolk.gov.uk

Developing our services with you
We will seek to work with you in the most appropriate way to meet your individual needs. We can make information available in different formats, and have access to translation and interpretation services.

If you contact us we will ask you for your name and contact details to enable us to keep in touch with you as the matter progresses. We treat all contact with the service in confidence unless you have given us permission to share your details with others as part of the matter we are dealing with on your behalf or there is an operational reason why we need to do so. We will respond to anonymous complaints and enquiries where we judge it appropriate to do so.

Personal data will be managed in accordance with the Council’s Data Protection Policy. For more information go to www.south-norfolk.gov.uk

Our Team
We have a dedicated team of officers who have the appropriate qualifications, skills and experience to deliver the services provided. We have arrangements in place to ensure the ongoing professional competency of all officers.

Working with others
We work closely across the Council and our aim is to provide a streamlined service to you.

We are part of a much wider regulatory system and this enables us to deliver a more joined up and consistent service. This includes sharing information and data on compliance and risk where the law allows, to help target regulatory resources.

Our officers are familiar with the work of our partners and can signpost you to the advice and guidance you need.

Having your say - Complaints and appeals
Where we take legal action or enforcement action, there is often a statutory right to appeal and/or have your say. We will always tell you about this at the appropriate time. We are always willing to discuss with you the reasons why we have acted in a particular way, or asked you to act in a particular way. Should complaints arise about our service, or about the conduct of our officers, we have an established Corporate Complaints Policy.

Details of the procedure can be found at www.south-norfolk.gov.uk. Alternatively telephone 01508 533633 or Email feedback@s-norfolk.gov.uk. We are always keen to discuss any concerns at any point irrespective of the fact we have a policy.

Having your say - Feedback
We value input from you to help us ensure our service is meeting your needs. We would like to hear from you whether your experience of us has been good or suggestions for improvement. This helps us to ensure we keep doing the right things and make changes where we need to.
You can provide feedback in the following ways:

Telephone: 01508 533633
Email: feedback@s-norfolk.gov.uk
Web: www.south-norfolk.gov.uk
By post: South Norfolk Council, South Norfolk House, Swan Lane, Long Stratton, Norfolk NR15 2XE
Or in person: at South Norfolk House Monday to Friday between 08:15 and 17:00 hours
Any feedback that we receive will be acknowledged

In terms of our approach to compliance and enforcement much is prescribed in legislation, guidance and codes of practice. This is set out in the following appendices

Appendix 1 – our overarching approach to compliance and enforcement – this section deals with the principles of how we encourage compliance with the law, the sanctions and options available to us when we have no choice but to take action.

Appendix 2 – this section details our approach to dealing with compliance and enforcement in relation to regulatory activities which include food and health and safety, licensing, waste enforcement, environmental protection and private sector housing

Appendix 3 – this section deals with the specific approach to compliance in relation to development management

This policy supersedes all earlier enforcement policies from [insert date].
Appendix 1 – Our overarching approach to compliance and enforcement

1. Our commitment

1.1 South Norfolk Council is committed to avoiding, where possible, unnecessary legal and regulatory burdens, and to assessing whether similar social, environmental and economic outcomes could be achieved by less burdensome means. The Council therefore fully supports the approach to good enforcement practice advocated in the Department for Business Innovation and Skills Regulators’ Code April 2014 and the Local Government Association publication “Open for business” November 2013.

2. Our commitment to the Principles of Good compliance and regulatory practice

2.1. The Council is committed to avoiding imposing unnecessary regulatory burdens, and to be assessing whether similar social, environmental and economic outcomes could be achieved by less burdensome means. Underlying the policy are the principles of good regulation set out in the Legislative and Regulatory Reform Act 2006, etc.

2.2. We will exercise our activities in a way that, as far as possible, we work with you and ensure we are:

- **Proportionate** – our activities will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence.

- **Accountable** – our activities will be open to scrutiny, with clear and accessible polices and complaints procedure. To achieve this:
  - Policies are published on the Council’s web site
  - Complaints about our service or action can be made in person, writing, electronically at any time by accessing the Councils web site: - [www.south-norfolk.gov.uk](http://www.south-norfolk.gov.uk) or by telephone on 01508 533633.

- **Consistent** - enforcement will be done in a consistent and fair way. Our advice to those we regulate will be robust and reliable and we will respect advice provided by others. Where circumstances are similar we will endeavour to act in similar ways to other local authorities.

- **Transparent** – we will ensure that those we regulate are able to understand what is expected of them and what they can expect from us in return.

- **Targeted** – we will focus our resources on higher risk enterprises and activities, reflecting local need and national priorities.

3. Our approach

3.1. The type of action taken by the Council to deal with non-compliance will depend on the nature of the case and the legislation that is appropriate to it. However, the guiding principles of this Policy apply to all Directorates and authorised officers.

3.2. Our Policy commits us to:

- Protecting residents, visitors, workers, consumers, businesses, the Council’s financial position and the environment of the area
- Equitable and consistent enforcement actions
- Fostering an environment which encourages economic growth
Helping businesses and others to understand and meet their legal obligations by reassuring them that they can approach the Council for the guidance they need

Reducing unnecessary burdens on businesses and individuals

Responding proportionately to the seriousness of regulatory breaches

Taking firm action, including legal action where appropriate, against those who fail to pay local taxes and charges, persistently flout the law or act negligently or irresponsibly

3.3. The Council recognises that most people and businesses want to comply with the law and it is our commitment that we shall help and encourage them to do this, but when it is necessary to consider taking action to secure compliance, appropriate regard will be given to:

- The seriousness of the matter;
- The vulnerability of the individuals concerned;
- Compliance history which may include records, relevant data, earned recognition and evidence of relevant external verification;
- Confidence in achieving compliance;
- Consequences of non-compliance;
- Likely effectiveness of the various enforcement options;
- The urgency with which corrective action is necessary;
- Whether there is a deliberate or flagrant breach of the law;
- Non-payment of local taxes and charges.
- All relevant national guidance.

3.4. The criteria are not exclusive and those which apply will depend on the particular circumstances of each case. This does not mean that all factors must support enforcement action before it can proceed.

3.5. By delivering these commitments, we believe we shall help to maintain a fair and safe living and trading environment to promote the local economy and social cohesion.

4. Legal proceedings

4.1. The Practice Director, nplaw, is authorised to institute, defend or participate in any legal proceedings where instructed by the Council in any case where such action is necessary to give effect to decisions of the Council or in any case where the Practice Director considers that such action is necessary to protect the Council’s interests.

4.2. There are certain specific exceptions to this principle. For instance, officers authorised under the Health and Safety at Work etc. Act 1974 have the authority to take a decision to commence legal proceedings for offences committed under that Act or under any subordinate legislation. However they must:

- Apply the principles of the Health and Safety Executive (HSE) Enforcement Management Model to guide their decision on prosecution.
- Seek the approval of the Director regarding any expenditure involved.

5. Considering the views of those affected by “offences”

5.1. Officers undertake enforcement on behalf of the public at large and not just in the interests of a particular individual or group. The consequences for those affected
by the offence are taken into consideration as part of the public interest test when deciding whether or not the Council should take enforcement action. Those people directly affected by the offence will be informed about any enforcement decision that concerns them.

6. Complaints and Appeals

6.1. Enforcement action can sometimes raise complaints, objections and appeals. If any person is unhappy with the action taken, or information or advice given they will be given the opportunity of discussing the matter with the relevant officer. This is without prejudice to any formal appeals mechanism or to the Council’s complaints procedure. Complaints can be made by telephone, in person, writing or electronically at any time by accessing the Council’s website: - www.south-norfolk.gov.uk

6.2. Most formal statutory enforcement actions including planning and licensing, have legal rights of appeal to an inspector, a court or tribunal etc. An explanation of the rights of appeal will be given in writing when any formal action is taken.

7. Delegation of Authority

7.1. The Council’s scheme of delegation specifies the levels of authority given to officers.

7.2. Enforcement officers will be formally authorised by the Council or by the Service Director to exercise specified powers under relevant statutes. The level of authorisation for each officer will be determined by their qualifications, experience and competence having regard to any relevant national guidelines. Authorisation will be in writing and in a form which can be shown on request.

8. Legislation, guidance and codes that influenced the preparation of this Policy

8.1. Regulators Code

South Norfolk Council has had regard to the Regulators Code in the preparation of this policy. In certain circumstances we may conclude that a provision in the Code is either not relevant or is outweighed by another provision. We will ensure that any decision to depart from the Code will be properly reasoned, based on material evidence and documented.


South Norfolk Council is a public authority for the purposes of the Human Rights Act 1998. We therefore apply the principles of the European Convention for the Protection of Human Rights and Public Freedoms. This Policy and all associated enforcement decisions take account of the provisions of the Act. In particular, due regard is had to the right to a fair trial and the right to respect for private and family life, home and correspondence.

8.3. Data Protection Act 1998

Where there is a need to share enforcement information with other agencies, we will follow the provisions of the Data Protection Act 1998.

8.4. The Code for Crown Prosecutors
When deciding whether to prosecute, the Council has regard to the provisions of the Code for Crown Prosecutors as issued by the Director of Public Prosecutions.

8.5. Regulatory Enforcement and Sanctions Act 2008

The Regulatory Enforcement and Sanctions Act 2008 as amended established the Primary Authority Scheme. We will comply with the requirements of the Act when considering taking enforcement action against any business or organisation that has a primary authority, and will have regard to guidance issued by the Secretary of State in relation to Primary Authority.

9. Explanation of compliance and enforcement powers available to the Council

9.1. No action

In some situations it will be inappropriate to take formal action. For example:

- Where the cost of securing compliance or the cost of enforcement action is disproportionate to the impact of the contravention.
- Where the offender is in some way highly vulnerable and/or suffering from serious ill health.

9.2. Compliance advice, Guidance and Support

Where it is appropriate, the Council uses advice, guidance and support as a first response to dealing with matters of non-compliance. In responding to non-compliance that we have identified, we shall clearly explain what the non-compliant item or activity is, the advice being given, actions required or decisions taken, and the reasons for these.

9.3. Written Warning

Advice is sometimes provided in the form of a warning letter to assist individuals and businesses in rectifying breaches as quickly and efficiently as possible without the need for further enforcement action. A warning letter will set out what should be done to rectify the breach and to prevent re-occurrence. Written warnings are used in the circumstances where there is evidence of a contravention or offence, but in the particular circumstances of the infringement and having regard to the Policy; a written warning is in the officer’s opinion a proportionate response.

9.4. Voluntary Undertakings

The Council may accept voluntary undertakings that breaches will be rectified or recurrences prevented but will take any failure to honour a voluntary undertaking very seriously and enforcement action is likely to result.

9.5. Statutory (Legal) Notices

In respect of many breaches the Council has powers to issue statutory notices. Some such notices include: ‘Stop Notices’, ‘Prohibition Notices’, ‘Emergency Prohibition Notices’, and ‘Improvement Notices’. Such notices are legally binding. Failure to comply with an extant statutory notice can be a criminal offence and may lead to prosecution and/or, where appropriate, the carrying out of work in default.

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 will be provided to the recipient.

Some notices issued in respect of premises may be affixed to the premises and/or registered as local land charges.

9.6. Financial penalties

For some offences, the Council has powers to issue a Fixed Penalty Notice (FPN). A FPN is not a criminal fine and does not appear on an individual’s criminal record. If a FPN is paid then no further enforcement action will be taken, but if it is not paid, the Council may commence legal proceedings or take other enforcement action.

In circumstances where consideration is being given to the issue a FPN to a person of age 17 years or less, officers will be guided by DEFRA guidance, as detailed in “Issuing Fixed Penalty Notices to Juveniles” and to any subsequent guidance from a government department.

9.7. Penalty Charge Notices

Most parking offences in the UK are now enforced as a civil matter by the use of Penalty Charge Notices (PCNs). A PCN is a penalty for a contravention of a parking restriction, but it doesn’t result in a criminal record nor does it place points on a driving licence. If unpaid, a PCN will be treated as a civil debt.

9.8. Injunctive Actions, Enforcement Orders etc.

In some circumstances the Council may seek a direction from the court (in the form of an order or an injunction) that a breach is rectified and/or prevented from recurring. The court may also direct that specified activities be suspended until the breach has been rectified and/or safeguards have been put in place to prevent future breaches.

The Council is required to seek enforcement orders after issuing some enforcement notices, providing the court with an opportunity to confirm the restrictions imposed by the notice. Otherwise, the Council will usually only seek a court order if it has serious concerns about compliance with voluntary undertakings or a notice.

9.9. Simple Caution

The Council has the power to issue simple cautions as an alternative to prosecution for some less serious offences where a person admits to the offence and consents to the simple caution. Where a simple caution is offered and declined, the Council is likely to consider prosecution.

A simple caution will appear on the criminal record of a person and it is likely to influence how the Council and others deal with any similar breach in the future. It may also be cited in court if the person is subsequently prosecuted for a similar offence. Simple cautions will be used in accordance with Ministry of Justice guidance: Simple Cautions for Adult Offenders April 2015 and other relevant guidance.
9.10. Prosecution

The Council may prosecute in respect of serious or recurrent breaches, or where other enforcement actions, such as voluntary undertakings or statutory notices have failed to secure compliance. When deciding whether to prosecute due regard will be given to the provisions of The Code for Crown Prosecutors as issued by the Director of Public Prosecutions. The Code sets out two tests that must be satisfied:

- The evidential test.
  When deciding whether there is enough evidence to prosecute, the Council will consider what evidence can be used in court, if it reliable and enough to be satisfied that there is a realistic prospect of conviction.

- The public interest test
  When deciding if it is in the public interest for a case to be brought to court, the Council will balance the factors for and against prosecution carefully and fairly, considering each case on its merits and will have regard to, amongst other matters, the following criteria:
  - Was there a deliberate, reckless, negligent or persistent breach of legal; obligations which were likely to cause material loss or harm to others?
  - Were written warnings or formal notices deliberately or persistently ignored?
  - Was the health and safety or wellbeing of people, animals or the environment put at risk or endangered?
  - Was an attempt made to make financial gain at the expense of others?

If there are significant financial or policy implications regarding prosecution, the Director will consult the Chief Executive and the relevant portfolio holder.

In each prosecution case the Council will normally apply for an order that the Defendant pays the Council’s costs (or a contribution towards them) in respect of the investigation of the case and the costs in bringing the case to court.

9.11. Refusal/Suspension/Revocation of Licences

The Council issues a number of licences and has a role to play in ensuring that appropriate standards are met in relation to licences issued by other agencies. Most licences include conditions which require the licence holder to take steps to ensure that, for example, a business is properly run. Breach of these conditions may lead to a review of the licence which may result in its revocation or amendment.

When considering future licence applications, the Council may take previous breaches and enforcement action into account.

9.12. Forfeiture Proceedings

These proceedings may be used in conjunction with seizure and/or prosecution where there is a need to dispose of goods in order to prevent them re-entering the marketplace or being used to commit further offences. Application for the forfeiture will be made to a criminal court.

9.13. Seizure of Goods or Equipment
Where it is permitted by legislation an appropriately authorised officer may exercise powers of detention and/or seizure certain goods of equipment, for example sound equipment which has caused a noise nuisance. Seizure powers must be used strictly in accordance with the prescribed procedures detailed in legislation and statutory guidance.

9.14. Works in Default
Under certain statutory notices the Council may carry out specified works itself and recover the cost from an offender if an offender fails to comply with a statutory notice within the specified time scale.

9.15. Proceeds of Crime Applications
In appropriate cases an application under the Proceeds of Crime Act 2002 may be made to the Court to restrain and/or confiscate the assets of an offender.

9.16. Injunctions and other Civil Actions
Where offenders are repeatedly convicted of similar offences or where prosecution is not an adequate remedy the Council may consider making an application to the courts for an injunction to prevent further offences being committed.
Appendix 2 – Regulatory Services

This section details our approach to dealing with compliance and enforcement in relation to regulatory activities which include food and health and safety, licensing, waste enforcement, environmental protection and private sector housing. It should be read as part of the overall compliance and enforcement policy and all parts are complementary.

1. Introduction

This document explains what you can expect of Regulatory Services in South Norfolk. Whether you are run a business, are an employee or a member of the public, we are committed to providing you with an efficient, courteous and helpful service and this section tells you how we aim to do that. We are committed to good enforcement practice.

2. How we deliver our services

We make a fundamental contribution to the maintenance and improvement of public health, quality of life and wellbeing. Our aims are to:

- Protect the public, businesses and the environment from harm
- Support the local economy to grow and prosper

We determine our activities by assessing the needs of local people and our business community, and considering the risks that require addressing. In this way we ensure our resources are targeted appropriately, in the light of these local needs and of national priorities.

We are committed to being transparent in our activities and to carrying them out in a way that supports those we regulate to comply and grow:

Details of our current business plan is available at - www.south-norfolk.gov.uk

3. What is this policy for?

The Council has wide ranging duties and powers to make plans, take decisions, set standards, regulate activities and collect revenues and charges. Whilst most of these activities are conducted without the need for enforcement action there will be occasions when the Council will have to take action for non-compliance with a legal requirement. This Policy explains the Council’s approach to dealing with non–compliance to:

- those affected by the Council’s enforcement activities; and
- Authorised officers of the Council

4. Areas we regulate

We deliver services in a number of areas:

This aspect of the policy relates to the following areas of enforcement responsibility:

<table>
<thead>
<tr>
<th>Environmental Protection and ASB</th>
<th>Public Health</th>
<th>Food Safety</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health and Safety</td>
<td>Licensing</td>
<td>Private Sector Housing and Building Control</td>
</tr>
</tbody>
</table>
5. Explanation of our approach to dealing with non-compliance – our commitment

We will:

- Consider breaches of the law on the merits of each situation and will apply good regulatory practice given this policy overall.
- Clearly explain the non-compliance and any advice being given, actions required or decisions taken, with reasons for these.
- Provide an opportunity for dialogue in relation to advice given, actions required or decisions taken in relation to non-compliance.
- Communicate openly, honestly and transparently with your business or as a 'regulated' person or organisation.
- Where appropriate we will work closely with other agencies to secure the best outcome in terms of regulatory fairness.
- Manage enforcement in relation to our own establishments and activities, to ensure that decisions are free from any conflict of interest.
- Be fair and objective in any enforcement activities (link to corporate equality and diversity policy).
- Ensure that any publicity or public statements are fair and objective and consider their impact and the public interest.

6. Explanation of our approach to taking action depending on the particular circumstances and the approach of the business, or regulated person to dealing with the breach.

We will:

- Deal firmly with those that deliberately or persistently fail to comply.
- Provide advice as requested on non-compliance without directly triggering enforcement action, where there is a willingness to resolve the non-compliance.

7. The factors that influence our response to breaches of the rules:

We will:

- Ensure there is a proportionate approach based on relevant factors such as business size and capacity.
- Liaise and ensure we meet the requirements of the Primary Authority scheme in responses to breaches.
- Check that matters of non-compliances which were dealt with by providing advice or guidance have been rectified in a proportionate and pragmatic way.
- Consider the appropriate enforcement route with other agencies where circumstances are such that breaches may be referred to them.

8. Our approach to complaints of non-compliance

We will determine whether individual complaints require investigation based on the evidence and taking into account the public interest.
9. Conduct of investigations

Investigations will be carried out with regard to relevant legislation some of which are listed below and in accordance with any associated guidance or codes of practice, in so far as they relate to the Council:

- the Police and Criminal Evidence Act 1984
- the Criminal Procedure and Investigations Act 1996
- the Criminal Justice and Police Act 2001
- the Human Rights Act 1998

These Acts and associated guidance control how evidence is collected and used and give a range of protections to citizens and potential defendants.

Our authorised officers will also comply with the requirements of the particular legislation under which they are acting, and with any associated guidance or codes of practice. Officers will conduct investigations in accordance with good regulatory practice.

We are committed to keeping alleged offenders and those affected by potential breached of the law informed of the progress of investigations.

10. Decisions on enforcement action

Decision to take enforcement action will be guided by the recommended principles set out in the Macrory Review report Regulatory Justice: Making Sanctions Effective 2006. Such action will:

- Aim to change the behaviour of the offender;
- Aim to eliminate any financial gain or benefit from non-compliance;
- Be responsive and consider what is appropriate for the particular offender and regulatory issue, which can include punishment and the public stigma that should be associated with a criminal conviction;
- Be proportionate to the nature of the offence and the harm caused;
- Aim to restore the harm caused by regulatory non-compliance, where appropriate; and;
- Aim to deter future non-compliance

We will consider risk at the decision making stage when we look at the circumstances of the situation.

In relation to health and safety compliance we will use the HSE’s Enforcement Management Model.

We will consult with other organisations, where appropriate before taking action, and in particular given the statutory requirement under Primary Authority to notify proposed enforcement action.

We will monitor and review decisions taken on enforcement action as part of the review of this policy.

11. How decisions are communicated to those affected

We will provide a timely explanation as a matter of course in writing of any rights to representation or rights to appeal, and practical information on the process involved to all parties subject to enforcement action.
Appendix 3 – Development Management

Development Management Enforcement within South Norfolk Council is undertaken in accordance with this Policy.

Enforcement action is a discretionary power and will be proportionate to the matter considered. We will have regard to the expediency of taking enforcement action in each case, and exercise discretion accordingly. This means that the Council and its officers may resolve matters formally, informally, or decide not to take action even if a breach of planning control exists.

We will investigate matters which include but are not limited to the following:

- Unauthorised building and engineering operations;
- Unauthorised use of land and buildings;
- Breaches of planning control, planning conditions and obligations;
- Unauthorised works to Listed Buildings and protected trees or hedges;
- Unauthorised advertisements;
- Allegations of untidy land;
- Compliance with planning conditions by selective monitoring;
- Inconsistencies between Building Control commencements and planning approvals.

We do not generally investigate:

- Anonymous complaints unless deemed appropriate;
- Neighbour disputes not involving unauthorised development;
- Boundary disputes and encroachment;
- Land ownership disputes;
- Enforcement of deeds or covenants;
- Breaches of leases/tenancies;
- Public Highway offences;
- Complaints about High Hedges (refer to Norfolk County Council).

Development Management Enforcement Priorities

- Unauthorised development causing or threatening significant harm to public health and safety.
- Cases where there is ongoing or immediate threat of irreversible harm to amenity or the environment.
- Harm to areas protected by statutory designations such as SSSIs; Conservation Areas; Archaeological sites.
- Harm to listed buildings and their setting.
- Harm to trees and hedges, especially where protected by Preservation Orders or Regulations.
- Unauthorised development likely to harm protected species or habitats.
- Monitoring of major developments.

Our approach

In the first instance we always seek to work with those seeking planning approval by early engagement and the support of compliance.

We attempt to resolve matters informally in the first instance and want to work with developers as early as possible in the planning stage to support them in securing compliance. Formal action will only be taken where there is demonstrable harm being
caused to matters of public interest. This can include the service of notices, direct action, prosecution and/or the use of injunctions.

Formal action will not be taken against minor, infrequent, or trivial breaches of planning control where there is no significant harm caused and no aggravating factors. Planning legislation allows development to be regularised by application for retrospective planning permission and this is a course of action that will be encouraged where appropriate.

Work will be organized with those cases identified as Enforcement Priorities in this policy statement looked at first.

We will subsequently advise the complainant if the investigation results in receipt of a planning application, service of a notice or closure of the case.

Complainants or developers who are dissatisfied with the enforcement service provided by the Council will be directed to the Council’s complaints procedure unless their concern is more appropriately dealt with under the statutory right of appeal available to those in receipt of formal notices.
Leisure Passport Review and Proposals for future delivery

Report of the Head of Leisure Services
Cabinet Member: Cllr Martin Wilby, Stronger Communities

CONTACT
Steve Goddard, 01508 533961
sgoddard@s-norfolk.gov.uk
1. Introduction

1.1. The Council has operated a concessionary scheme for users of its Leisure Centres, for a number of years. This is to encourage individuals to participate in exercise and sport. The scheme has not been reviewed for a number of years and with the investments currently being made in the service from the building refurbishments through to staffing it is timely to review this scheme to ensure that it delivers the priorities of the Council in supporting those who need help the most while delivering a value for money service for all.

1.2. The provision of leisure centres is not a statutory service which the Council has to deliver and is currently subsidised by the Council Tax payers of South Norfolk Council. It is therefore essential that any concessionary scheme is fair and transparent.
2. Background

2.1. For a number of years the Council has offered a Leisure Passport that gives reduced price admission, 40% of the full fee, to our leisure facilities for people who are:
   - In receipt of income-based Job Seekers Allowance.
   - In receipt of income support
   - In receipt of working tax credit (not child tax credit)
   - In receipt of Council Tax Credit
   - Dependents and partners of anyone who qualifies for the above.

2.2. The Leisure Passport also gives reduced admission to any individual in the following categories regardless of whether or not they qualify for any of the benefits in 2.1 above:
   - Fostered children
   - Over-60s
   - Those registered disabled
   - Sixth formers
   - Students in full time education
3. Current Position / Findings

3.1. The Leisure Passport scheme, which is designed to make it easier for those most in need of assistance to be able to access our leisure facilities, has grown to become a vehicle for cheap access for residents of neighbouring authorities as it is not restricted to South Norfolk District residents only. No other local authority offers a discount scheme which isn’t restricted to residents within that local authority. The breakdown below provides the split between residents of South Norfolk District who hold leisure passports and leisure passport holders who reside outside of the district.

<table>
<thead>
<tr>
<th>Information correct at 05/08/2015</th>
<th>Total Passports within Date</th>
<th>Number Qualifying under category 11 (over 60 years of age)</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Norfolk Residents</td>
<td>2194</td>
<td>1405</td>
</tr>
<tr>
<td>Out of Area</td>
<td>590 (c 21%)</td>
<td>399</td>
</tr>
<tr>
<td>Total Passports in Circulation</td>
<td>2784</td>
<td>1804</td>
</tr>
</tbody>
</table>

3.2. There is currently a £3 administration fee charged for the production of a Leisure Passport for South Norfolk residents and £5 for non-residents. Those aged over the age of 60 are issued with a five year Leisure Passport, whilst all others are valid for 12 months from the date of issue.

3.3. The current scheme is extremely difficult to police as people’s circumstances change i.e. if somebody qualified for a Leisure Passport on the grounds of being in receipt of JSA, but subsequently found work.

3.4. There are also examples where the passport to leisure discount has been applied to an already discounted price the most prolific example of this relates to Membership Fees where the standard Membership Fee is £27 a month, but individuals who hold a corporate membership pay a reduced fee of £21 & some P2L holders £20.10)
3.5. The Leisure and Community Facilities Working Group has been consulted on the proposals at their meeting held on 21 July 2015 and are supportive of the proposals proposed in this report.

4. Proposals

4.1 It is proposed that the following changes are made to the criteria for qualifying for a Leisure Passport scheme.

4.1.1 Eligibility for a Leisure Passport will be restricted to South Norfolk residents only. Those living outside of South Norfolk will no longer be eligible. This will bring us in line with all of our neighbouring authorities and competitors that do not offer discounts to those that do not reside within their respective districts. Current holders of the passport who are not resident in South Norfolk will be given notification that the scheme is changing and the Council will honour the passport for a further twelve months or until it expires which ever happens first.

4.1.2 An increase in the qualifying age for Leisure Passports to align with the state pension age, currently 65 for males and females, an increase of five years from the current 60. Those aged between 60 and 64 that currently have a five year Leisure Passport will be given a 12 month notice period, at the end of which their Leisure Passport will no longer be valid. If they meet any of the qualifying criteria at the end of that 12 month period, they will be required to reapply for a new Leisure Passport.

4.1.3 Eligibility for a Leisure Passport will be offered to those under 18 years of age and those in full time education.

4.1.4 The qualifying criteria have been strengthened to ensure that only those that are in greatest need are eligible for a Leisure Passport, which will include means testing for some. A more robust checking system will be implemented to ensure that individuals remain eligible for a Leisure Passport once it has been issued, e.g. random checks of those on JSA, for example cross checks with revenues & benefits.
Recent proof of being in receipt of one of the following benefits will be needed with the application form.

- Job Seekers Allowance (Income-based)
- Income Support
- Employment and Support Allowance (income related)
- Disability Living Allowance
- Personal Independence Payments
- Working Tax Credit
- Pension Credit
- Housing Benefit (which we can get access cross check)
- Council Tax Support

Also, individuals who are in receipt of a Carer’s Allowance will be able to apply but will only be able to use it when they accompany the person being cared for.

Dependent children and the partner of anyone who meets the above criteria can apply for a Passport to Leisure

4.2 A new discount of 50% off casual prices will be applied to Leisure Passport holders, Leisure Passport holders will not be eligible for discounted prices on leisure centre membership options. This is an increase from the current 40% discount offered reflecting the Council’s desire to help those who are in the greatest need. A new £5 administration fee will be introduced.

4.3 It is proposed that the pricing changes to the scheme come into force from the full re-opening of Wymondham Leisure Centre along with all pricing changes & the administration/criteria changes immediately following SNC official approval.

4.4 Before the changes come into effect, it is also proposed that the scheme is relaunched and renamed to reflect the significant changes. This will be carried out in partnership between the Leisure and Marketing/Communications departments.
5. Risks and Implications arising

5.1 Financial – it is expected that there will be a reduction in the administration income that is generated from the provision of out-of-district Leisure Passports, although there will be a corresponding saving in staffing costs associated with no longer having to administer these. There is a risk that those people that have currently live outside the district and have Leisure Passports decide not to use our facilities, which may mean a reduction in income. These risks must be set against a context of making our leisure centres more financially sustainable in the long term. It is intended that these changes will ensure that only those that are genuinely disadvantaged have discounted access to our facilities and that those that are able to pay full price, do so.

5.2 Reputational – it is possible that the some of the changes, especially the move to the qualifying age of 65 and the withdrawal of eligibility of those that do not reside within South Norfolk, may have a reputational impact on South Norfolk Council and attract adverse coverage in the press, for example. The proposed changes must be carefully managed from a public relations point of view to ensure that the positive message regarding protecting access to our facilities for those that are in greatest need is not lost.

6. Other Options

6.1. Do nothing – we could continue to offer the scheme in its current form, offering the same level of discount to the same eligible groups, but this option is not likely to result in the greatest benefit for the Council, with income streams not maximised to their potential.

6.2. Consider removal of Leisure Passport scheme – this option is not preferred as it will mean that access to our leisure facilities may become out of reach for some of our residents and the opportunity for them to lead active and healthy lives is compromised.
7. Recommendation

7.1. Cabinet to agree to implement the proposals for changes to the Leisure Passport scheme as outlined at paragraphs 4.1 to 4.4.
<table>
<thead>
<tr>
<th>Decisions: Key, Policy, Operational</th>
<th>Key Decision/Item</th>
<th>Lead Officer</th>
<th>Cabinet Member</th>
</tr>
</thead>
<tbody>
<tr>
<td>COUNCIL 13 JULY</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>14 Sept</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>O</td>
<td>Gypsy and Traveller Local Plan Document – Preferred Options</td>
<td>A Nicholls</td>
<td>J Fuller</td>
</tr>
<tr>
<td>P</td>
<td>Enforcement Policy</td>
<td>B Wade</td>
<td>L Hornby</td>
</tr>
<tr>
<td>O</td>
<td>Passport to Leisure</td>
<td>S Goddard</td>
<td>M Wilby</td>
</tr>
<tr>
<td>O</td>
<td>Property Development (Exempt Report)</td>
<td>R Garfoot</td>
<td>M Edney</td>
</tr>
<tr>
<td><strong>COUNCIL 21 SEPT</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>2 Nov</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>O</td>
<td>Performance Risk and Revenue Outturn Report Quarter 2</td>
<td>M Fernandez-Graham/ W Salmons/ E Goddard</td>
<td>M Edney</td>
</tr>
<tr>
<td>O</td>
<td>Capital Outturn Report for Quarter 2</td>
<td>M Fernandez-Graham</td>
<td>M Edney</td>
</tr>
<tr>
<td>O</td>
<td>Treasury Mgt Report Quarter 2</td>
<td>M Fernandez-Graham</td>
<td>M Edney</td>
</tr>
<tr>
<td>O</td>
<td>IT Strategy</td>
<td>M Sage</td>
<td>M Edney</td>
</tr>
<tr>
<td>P</td>
<td>Statement of Licensing Policy</td>
<td>A Cox</td>
<td>L Hornby</td>
</tr>
<tr>
<td>P</td>
<td>Statement of Gambling Policy</td>
<td>A Cox</td>
<td>L Hornby</td>
</tr>
<tr>
<td>O</td>
<td>Environment Policy</td>
<td>B Wade</td>
<td>K Mason Billig</td>
</tr>
<tr>
<td><strong>7 Dec</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>O</td>
<td>Proposals for A11 Growth Corridor</td>
<td>N Cunningham</td>
<td>J Fuller</td>
</tr>
<tr>
<td>O</td>
<td>Economic Strategy</td>
<td>J Munson</td>
<td>J Fuller</td>
</tr>
<tr>
<td>O</td>
<td>Food Enterprise Zone</td>
<td>J Munson</td>
<td>J Fuller</td>
</tr>
<tr>
<td>O</td>
<td>Leisure Pricing</td>
<td>S Goddard</td>
<td>M Wilby</td>
</tr>
<tr>
<td>O</td>
<td>Corporate Plan 2016</td>
<td>S Dinneen</td>
<td>J Fuller</td>
</tr>
<tr>
<td>K</td>
<td>Housing Strategy</td>
<td>L Pickering</td>
<td>Y Bendle</td>
</tr>
</tbody>
</table>

Key decisions are those which result in income, expenditure or savings with a gross full year effect of £100,000 or 10% of the Council’s net portfolio budget whichever is the greater which has not been included in the relevant portfolio budget, or are significant (e.g. in environmental, physical, social or economic) in terms of its effect on the communities living or working in an area comprising two or more electoral divisions in the area of the local authority.