

# Cabinet



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Friday, 28 June 2019

A meeting of the **Cabinet** of North Norfolk District Council will be held in the Council Chamber - Council Offices, Holt Road, Cromer, NR27 9EN on **Monday, 8 July 2019 at 10.00 am.**

At the discretion of the Chairman, a short break will be taken after the meeting has been running for approximately one and a half hours

Members of the public who wish to ask a question or speak on an agenda item are requested to arrive at least 15 minutes before the start of the meeting. It will not always be possible to accommodate requests after that time. This is to allow time for the Committee Chair to rearrange the order of items on the agenda for the convenience of members of the public. Further information on the procedure for public speaking can be obtained from Democratic Services, Tel:01263 516010, Email:[emma.denny@north-norfolk.gov.uk](mailto:emma.denny@north-norfolk.gov.uk).

Anyone attending this meeting may take photographs, film or audio-record the proceedings and report on the meeting. Anyone wishing to do so should inform the Chairman. If you are a member of the public and you wish to speak on an item on the agenda, please be aware that you may be filmed or photographed.

**Emma Denny**  
**Democratic Services Manager**

**To:** Mr A Brown, Mrs S Bütikofer, Mrs A Fitch-Tillett, Ms V Gay, Mr G Hayman, Mr R Kershaw, Mr N Lloyd, Mr E Seward and Ms K Ward

All other Members of the Council for information.  
Members of the Management Team, appropriate Officers, Press and Public



**If you have any special requirements in order to attend this meeting, please let us know in advance**  
If you would like any document in large print, audio, Braille, alternative format or in a different language please contact us

**Heads of Paid Service:** Nick Baker and Steve Blatch  
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## A G E N D A

**1. TO RECEIVE APOLOGIES FOR ABSENCE**

**2. MINUTES**

1 - 6

To approve, as a correct record, the minutes of the meeting of the Cabinet held on 3<sup>rd</sup> June 2019

**3. PUBLIC QUESTIONS AND STATEMENTS**

To receive questions and statements from the public, if any.

**4. ITEMS OF URGENT BUSINESS**

To determine any other 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

**5. DECLARATIONS OF INTEREST**

Members are asked at this stage to declare any interests that they may have in any of the following items on the agenda. The Code of Conduct for Members requires that declarations include the nature of the interest and whether it is a disclosable pecuniary interest

**6. MEMBERS' QUESTIONS**

To receive oral questions from Members, if any

**7. OVERVIEW & SCRUTINY MATTERS**

To consider any matters referred to the Cabinet by the Overview & Scrutiny Committee for reconsideration by the Cabinet in accordance within the Overview and Scrutiny Procedure Rules

**8. RECOMMENDATIONS FROM WORKING PARTIES**

7 - 14

To consider the following recommendations from the meeting of Planning Policy & Built Heritage Working Party held on 15 April 2019:

1. To adopt the four Glaven Port Appraisals for statutory planning purposes and for the Appraisal documents to become material considerations in the planning process.
2. To agree the proposed boundary changes as recommended in the draft Appraisal documents and that they be published in accordance with the Planning (Listed Buildings & Conservation Areas) Act 1990.
3. To agree the proposed Local Listings as identified within the draft Appraisal documents.

## 9. DEBT RECOVERY 2018-2019

15 - 44

Summary: This is an annual report detailing the council's collection performance and debt management arrangements for 2018/19  
The report includes a:

- A summary of debts written off in each debt area showing the reasons for write-off and values.
- Collection performance for Council Tax and Non- Domestic Rates.
- Level of arrears outstanding
- Level of provision for bad and doubtful debts

Recommendations:

- 1) To approve the annual report giving details of the Council's write-offs in accordance with the Council's Debt Write-Off Policy and performance in relation to revenues collection.
- 2) To approve the updated Debt Write Off Policy (shown in Appendix 2)
- 3) To approve the updated Benefit Overpayment Policy and the use of High Court Enforcement Agents if considered necessary (shown in Appendix 4)

Cabinet member(s): Eric Seaward  
All All  
Contact Officer, telephone number, Sean Knight 01263 516347  
and e-mail: [Sean.Knight@north-norfolk.gov.uk](mailto:Sean.Knight@north-norfolk.gov.uk)

## 10. ENFORCEMENT UPDATE

45 - 52

Summary: This report provides the six monthly update for Members on a range of enforcement related issues arising from the work of the Enforcement Board and Combined Enforcement Team, both over the past six months but also an assessment of progress made since the Board's inception over 5 years ago.

The Council has a far wider range of regulatory and enforcement powers and it should be noted that this report deals only with those covered by the Enforcement Board the Combined Enforcement Team.

With the recent changes to the Member cohort, following the May election, the opportunity has been taken to give a more historical overview of enforcement issues, to help bring new Members up to date on this area of work.

Conclusions: The Enforcement Board continues to make significant progress towards its objectives of dealing with difficult and long-standing enforcement cases and bringing long term empty properties back into use, across all areas of the District, with both social and economic benefits to the community, and financial benefits to the Council.

As well as the above, the combined Enforcement Team has achieved considerable success in reducing the backlog on the planning enforcement caseload and ensuring that property level Council Tax enforcement is taken forward at the earliest opportunity.

Recommendations: **1. That Cabinet notes the continued progress of the Enforcement Board and the Combined Enforcement Team**

Reasons for Recommendations:  
1. To ensure appropriate governance of the Board's activities  
2. To show the progress of Combined Enforcement Team cases and contribution to the work of the Enforcement Board

|  |                  |
|--|------------------|
| Cabinet Members                          | Ward(s) affected |
| Cllr Karen Ward (Planning)               |                  |
| Cllr Nigel Lloyd (Environmental Health)  | All Wards        |
| Cllr Eric Seward (Revenues and Benefits) |                  |

Contact Officer, telephone number and email: Nick Baker, Corporate Director  
01263 516221  
[nick.baker@north-norfolk.gov.uk](mailto:nick.baker@north-norfolk.gov.uk)

**11. MARKET TOWNS INITIATIVE - SECOND ROUND AWARD OF FUNDING** 53 - 58

To consider the recommendations from the meeting of the Market Towns Initiative Working Group held on 3<sup>rd</sup> July 2019 (*please note that this meeting took place after the Cabinet agenda was published and therefore the report and recommendations will follow*)

**12. EXCLUSION OF PRESS AND PUBLIC**

To pass the following resolution:  
"That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following item of

business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs \_ of Part I of Schedule 12A (as amended) to the Act.”

**13. PRIVATE BUSINESS**

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## CABINET

**Minutes of the meeting of the Cabinet held on Monday 03 June 2019 at the Council Offices, Holt Road, Cromer at 10.00 am**

**Members Present:**

|                     |              |
|---------------------|--------------|
| Mrs S Bütikofer     | Mr G Hayman  |
| Mr A Brown          | Mr R Kershaw |
| Mrs A Fitch-Tillett | Mr E Seward  |
| Ms V Gay            | Ms K Ward    |

**Also attending:**

|                   |              |
|-------------------|--------------|
| Mr T Adams        | Mr N Housden |
| Mrs P Grove-Jones |              |
| Mr N Pearce       |              |

**Officers in Attendance:**

The Heads of Paid Service, the Monitoring Officer, the Head of Finance and Asset Management and the Democratic Services Manager

**Press:** Not in attendance

**1. APOLOGIES FOR ABSENCE**

None received

**2. MINUTES**

The minutes of the meeting held on 04 March 2019 were approved as a correct record and signed by the Chairman.

**3. PUBLIC QUESTIONS**

None.

**4. ITEMS OF URGENT BUSINESS**

None

**5. DECLARATIONS OF INTEREST**

None

**6. MEMBERS QUESTIONS**

None

## **7. OVERVIEW & SCRUTINY COMMITTEE MATTERS**

None

## **8. 2018/19 OUTTURN REPORT (PERIOD 12 BUDGET MONITORING REPORT)**

Cllr E Seward, Portfolio Holder for Finance, introduced this item. He said that this was a very important report as it outlined what had actually happened rather than a forecast or projection. The current surplus was £969,666 – almost £700,000 more than anticipated due to a better return on Business Rates.

Cllr Seward warned Members that the potential deficit in future years still needed to be addressed.

Members were invited to speak:

1. Cllr V Gay referred to page 9, section f and asked for more information on the various additional grants that were mentioned. The Head of Finance said that he would provide a written response.
2. Cllr G Hayman referred to page 8(2.5a) – Employee costs, specifically overtime payments. He asked for more detail on these payments and whether it was something that the Council should be seeking to reduce. The Head of Finance replied that some service areas historically used overtime to manage their fluctuating workloads. A blanket 'no overtime' policy had been tried before but had not worked. Cllr Hayman said that he was concerned that overtime was being used as a way of avoiding recruiting additional staff.
3. Cllr Hayman then referred to overspending on public conveniences (page 19, s9.2) and asked for more detail on this. The Head of Finance replied that it was due to so many visitors which led to extra water usage and additional cleansing costs. He would provide a full response in writing.
4. Cllr Hayman asked about the back scanning of files and whether the process enabled material to be digitally searchable. The Head of Finance confirmed that this was the case and said it was mainly planning files. They were thinned before scanning to ensure there was no duplication. The scanning of these documents meant that the Council could cease to use a warehouse for storage, saving a £13k in rental costs. In response to a further question from Cllr Hayman, as to whether the project was in line with digital best practice, the Head of Finance said that he would provide a written response. The Head of Paid Service (NB) said that a full procurement was undertaken and industry best practice was followed. The Head of IT and Digital Transformation would provide further information in writing.
5. Cllr P Grove-Jones asked whether the original hard copies of the scanned documents were retained. The Head of Finance confirmed that they were not. He added that some records had been donated to the archive based at Norfolk County Council. The Head of Legal, Democratic Services and Benefits added that under GDPR the Council could only keep what it had to. Anything of historic interest was offered to the county archive. Cllr Gay said that it should be noted that the archives were now full and more capacity was needed.

It was proposed by Cllr E Seward, seconded by Cllr K Ward and

### **RESOLVED**

To recommend the following to Full Council:

- a) The provisional outturn position for the General Fund revenue account for 2018/19;



- b) The transfers to and from reserves as detailed within the report (and appendix C) along with the corresponding updates to the 2019/20 budget;
- c) Transfer the surplus of £969,666 to the General Fund Reserve (£500,000) and the Asset Management Reserve (£469,666);
- d) The financing of the 2018/19 capital programme as detailed within the report and at Appendix D;
- e) The balance on the General Reserve of £1.956 million;
- f) The updated capital programme for 2019/20 to 2022/23 and scheme financing as outlined within the report and detailed at Appendix E;
- g) The outturn position in respect of the Prudential Indicators for 2018/19 as detailed in Appendix F.

**Reason for the decision:**

To approve the outturn position on the revenue and capital accounts that will be used to produce the statutory accounts for 2018/19.

**9. TREASURY MANAGEMENT ANNUAL REPORT 2018/19**

Cllr E Seward, Portfolio Holder for Finance, introduced this item. He said that the Council had no long term external debt but that there was an underlying need to borrow assumed within the current three year capital programme for the re-provision of the Splash Leisure Centre and the construction of a 3G pitch in North Walsham.

It was proposed by Cllr E Seward, seconded by Cllr V Gay and

**RESOLVED to recommend to Council**

The Treasury Management Annual Report and Prudential Indicators for 2018/19 are approved.

**Reasons for the decision:**

Approval by Council demonstrates compliance with the Codes.

**10. BACTON TO WALCOTT SANDSCAPING SCHEME**

Cllr A Fitch-Tillett, Portfolio Holder for Coast, introduced this item. She explained that the report provided an update on the progression of the sandscaping scheme. She reminded members that there was no central government funding for the protection of commercial premises and that the Bacton Gas Terminal operator had funded 60% of the scheme with the remaining 40% being financed through various sources of public funding. It had taken 5 years to get to this point and had involved a huge amount of work including a significant number of licences and planning consents. Engagement with the local community had started very early on and continues on a monthly basis.

Cllr Fitch-Tillett concluded by saying that it was anticipated that as the scheme progressed it would become a sightseeing attraction, provide improved erosion and flood protection.

Members were invited to speak:

Cllr P Grove-Jones asked for an update on the sand martins nesting sites. Cllr Fitch-Tillett replied that they were breeding well on the higher parts of the cliffs.

Cllr N Pearce asked whether consideration had been given to the Council providing consultancy work to other local authorities based on the experience gained from this project. Cllr Fitch-Tillett replied that the scheme was managed by Coastal Partnership East which involved local authorities along the Norfolk and Suffolk coast. Learning would be shared with other coastal authorities through the LGA Coastal Special Interest Group. The Leader added that she was a briefing in Westminster on coastal communities. The Coastal Manager said that there had been a lot of academic interest in the project and learning would be shared.

It was proposed by Cllr A Fitch-Tillett, seconded by Cllr K Ward and

**RESOLVED to**

- a) Note the progress of the Landscaping Scheme.
- b) Reaffirm the new Council's commitment to the delivery of the project.

**Reasons for the decision:**

To ensure that members of the new Council administration have an understanding of this significant coastal management project being led by the District Council.

**11. BIG SOCIETY FUND GRANTS PANEL – REVIEW OF TERMS OF REFERENCE**

Cllr V Gay, introduced this item. She explained that it was proposed that the terms of reference for the Big Society Fund Grants Panel were changed to allow the members on the Panel to make decisions regarding the outcome of funding applications. The Leader added that there would be a further review of the Panel in the coming months.

**RESOLVED to**

Approve the revised terms of reference for the Big Society Fund Grants Panel.

**Reason for the decision:**

To enable the Panel to make decisions regarding the outcome of funding applications.

**12. EXCLUSION OF PRESS AND PUBLIC**

That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following item of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 3 of Part I of Schedule 12A (as amended) to the Act.

**13. PRIVATE BUSINESS**

None

The meeting ended at 10.25 am.

Chairman

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# Agenda Item 8

Agenda Item No \_\_\_\_\_

## THE GLAVEN PORTS CONSERVATION AREA APPRAISALS & MANAGEMENT PLANS 2019

Summary:

This report seeks approval to adopt the draft Blakeney, Cley, Morston and Wiveton Conservation Area Appraisals along with the associated Management Proposals contained therein.

Recommendations:

1. That Working Party recommend to Cabinet to adopt the four Glaven Port Appraisals for statutory planning purposes and for the Appraisal documents to become material considerations in the planning process.
2. That Working Party recommend to Cabinet to agree the proposed boundary changes as recommended in the draft Appraisal documents and that they be published in accordance with the Planning (Listed Buildings & Conservation Areas) Act 1990.
3. That Working Party recommend to Cabinet to agree the proposed Local Listings as identified within the draft Appraisal documents.

|   |                  |
|---|------------------|
| Cabinet Members(s)  | Ward(s) Affected |
| All Members   | All Wards        |
| Contact Officer(s), telephone number and email:<br>Paul Rhymes, Conservation & Design Officer, 01263 516367 |                  |

## **1. Introduction**

- 1.1 At its meeting on 23 July 2018, Working Party approved the Draft Glaven Ports Conservation Area Appraisals (CAA's) for public consultation purposes. A six week period of consultation was undertaken from 10 September to 22 October 2018. As part of this consultation process, an open meeting was held at the Blakeney Village Hall on 5 October 2018. As a result of the representations received from members of the public, interested bodies and statutory consultees; the four CAA's have been amended and plans updated.
- 1.2 As resolved at the aforementioned meeting, the CAA's now come back to Working Party for consideration and final adoption by Cabinet.

## **2. Statutory Background**

- 2.1 Conservation Areas are designated under the provisions of Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990. A Conservation Area is defined as 'an area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'.
- 2.2 Section 71 of the same Act requires local planning authorities to formulate and publish proposals for the preservation and enhancement of these Conservation Areas. Section 72 also specifies that, in making a decision on an application for development within a Conservation Area, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 2.3 The appraisal documents now being considered conform to current Historic England guidance (Conservation Area Designation, Appraisal and Management 2016). Additional government guidance regarding the management of historic buildings and Conservation Areas is set out within the National Planning Policy Framework (2012).The District's adopted Local Development Framework (LDF) provides the local planning policy context.

## **3. What is a Conservation Area Appraisal?**

- 3.1 To assist in the preservation and enhancement of Conservation Areas and their settings, all Local Planning Authorities are required to review their Conservation Areas from 'time to time'. The preparation of Conservation Area Appraisals and Management Proposals is a key element in this process. They play a central role in the Council's efforts to safeguard the environment, which is one of the stated priorities of the Council in its Corporate Plan: 2015-2019.
- 3.2 Having a fully adopted Conservation Area Appraisal and Management Plan offers a number of potential benefits including: -
  - **As a tool to demonstrate the area's special interest.**  
This is particularly important when considering development proposals and as part of any appeal process or site allocation.

- **As a method of community engagement**  
As part of the adoption process a period of consultation is held including a public meeting which enables active community engagement, encourages dialogue and most importantly buy-in from residents for the management of the area.
- **As educational and explanatory tool**  
Appraisals acts as an educational tool informing users of the historic, social and architectural importance of the area. They help to explain to property owners, local business and inhabitants the reasons behind the designation
- **As a method of understanding character**  
Appraisals offer greater understanding and articulation of an areas character which will help the LPA form robust policies and planning decisions.
- **As a material consideration**  
Once adopted, appraisals become a material consideration to the Secretary of State, including where urgent works are proposed to preserve unlisted buildings in a conservation area.
- **As a management tool**  
The creation of management plans as part of the appraisal process can lead to important enhancements such as regeneration schemes but also smaller scale initiatives such as the addition of buildings onto the 'North Norfolk Local List'.
- **As a process of boundary review**  
Most of the Districts CA's haven't been reviewed since the 1970's therefore the boundaries are often no longer relevant or are in need of some alteration to ensure they reflect what's on the ground.

#### **4. Public Consultation**

- 4.1 A six week period of public consultation was undertaken from 10 September – 22 October 2018 and included:
- Exhibitions at Blakeney, Cley, Morston and Wiveton parish churches.
  - An open meeting held at Blakeney Village Hall, attended by 35 members of the public.
  - Leaflets distributed at various locations within the villages.
  - The CAA documents and associated material made available on the Councils website.
  - Press release to various media outlets.
  - Council own social media campaign.
- 4.2 A total of 50 consultation responses were received from members of the public, parish councils and statutory consultees. These representations are summarised alongside the relevant LPA response and actions in **Appendix 1**.

4.3 All four documents have been reviewed and updated to take on board the comments received. This has included amendments to all CA boundaries, additional notes on dark skies and light pollution, changes to local listings as well as photographic content.

## 5. Management Proposals Overview

### 5.1 Blakeney – Boundary Review

5.1.2 The east boundary of the Conservation Area has been updated to more readily reflect the plot boundaries and include the listed windmill just east of the current boundary. The War Memorial on the south side of New Road has been included within the CA as one of the key historic structures on the road along with the associated alms-houses which make a contribution to the character and appearance of the area. The area of marshland to north of the Quay is covered by natural environment designations such as the SSSI and has no built heritage value. The boundary has been redrawn to cover the car park and boat mooring area on the east side of the channel, the duckpond, plus the section of the embankment adjacent, but to exclude the marsh area to the east of the embankment. The area proposed for removal from the CA can still be considered under the setting of the heritage asset and therefore still carries weight for the purposes of the NPPF.

### 5.2 Blakeney – Local Listings

5.2.1 Eight structures within the Blakeney CA are proposed for local listing including:

- Methodist Church, High Street
- Walls flanking Little Lane
- Blakeney Hotel
- St Nicholas' Church Hall
- Quay View, No. 9 The Quay (south granary)
- North Granary
- Wall and gateway to Whitefriar's on east side of Back Lane
- 1 Wiveton Road

### 5.3 Cley – Boundary Review

5.3.1 The boundary to the east of the CA runs through the middle of the car park. The car park was not deemed of sufficient merit to be included in the Conservation Area and therefore it was decided to exclude it in its entirety. Similarly, the children's play area and sports area behind the village hall was excluded. The areas proposed for removal from the CA can still be considered under the setting of the heritage asset and therefore still carries weight for the purposes of the NPPF. The area of river valley west of the village is also covered by the Glaven Valley Conservation Area. Given it's primary characteristic is its relationship to the River Glaven and course it follows to the sea, it was concluded that the overlap of the two Conservation Areas was unnecessary and that by removing the river valley area from the Cley-next-the-Sea Conservation Area the focus of that Conservation Area would be the core built heritage of the village.



## 5.4 Cley - Local Listings

### 5.4.1 Thirty-six structures within the Cley CA are proposed for local listing including:

- Umgeni, Coast Road
- Rushmere, Coast Road
- Watchers Cottage, Coast Road
- Old Schoolhouse, The Fairstead
- Holly Cottage, The Fairstead
- Little Cottage, The Fairstead
- The Lodge, The Fairstead
- The Fairstead and Fairstead Cottage
- Zetland House, High Street
- The Harnser, High Street
- Lark House, High Street
- Crabpot Books, High Street
- Warehouse behind Crabpot Books, High Street
- Worthington House, High Street
- The George, High Street
- Bank Cottages, High Street
- Old Chapel, High Street
- The Old Town Hall House, High Street
- Hambleton, High Street
- Wrights Yard Cottage, High Street
- Carlton House, Anchorage, High Street
- Lime Kiln Cottage, Holt Road
- Lime Kiln Barn, Holt Road
- Loke Cottage, Holt Road
- Ingleside, Holt Road
- Hunters, Holt Road
- Picnic Fayre, Holt Road
- Northcote (New Road)
- Salt Marsh Cottage, Town Yard
- Middle Knoll and Little Knoll, Church Lane
- Church Knoll, Church Lane
- The Green, Church Lane
- Three Swallows, Cley Green
- Glaven House, Cley Green
- Newgate Cottage, Cley Green
- Green Shutters, Holt Road

## 5.5 Morston – Boundary Review

5.5.1 The portion of land to the south of Morston Hall Farm has been included within the CA in order to conform with property boundaries, as well as to incorporate the section of flint and brick wall at the eastern edge of this area, which continues south from the churchyard wall. The small area to west of The Boathouse has been included in the CA again to conform to the property boundary and to incorporate the stretch of wall adjacent to Morston Chase which, though

modern, is a faithful continuation of the wall stretching to the east to China Row that plays an important part of defining the streetscape here.

## 5.6 Morston - Local Listings

5.4.1 Seven structures within the Morston CA are proposed for local listing including:

- Church Cottage, The Street
- Church Farm House, The Street
- Church Barn, The Street
- Hall Farm Cottage and Wild Goose Cottage, The Street
- 23-25 The Street
- Coastguard Cottages, Quay Lane
- Morston Hall, Binham Lane

## 5.7 Wiveton – Boundary Review

5.7.1 The scheduled bridge has been included in the Conservation Area as one of only three designated heritage assets in the village. The area of the river valley that is covered by the Glaven Valley Conservation Area has been excluded from the Wiveton Conservation Area. This area is more characteristic of the River Glaven and the course it follows to the sea and the river valley on the edge of Wiveton contributes to this. It was therefore concluded that the overlap of the two Conservation Areas was unnecessary and that by removing the river valley area from the Wiveton Conservation Area boundary, the focus of that Conservation Area would be the built heritage of the village. In response to consultation comments and also to rationalise the boundary between the Wiveton Conservation Area and the Glaven Valley Conservation Area, it was decided that the area used as a car park and the new cemetery were more in keeping with the character of Wiveton village. The Conservation Area boundary has therefore been amended to include the car park and the cemetery.

## 5.8 Wiveton – Local Listings

5.8.1 Twenty-two structures within the Wiveton CA are proposed for local listing including:

- 8 and 9 Hall Lane
- Hall Lane House
- Wiveton Barn, Letherpool Lane
- Wiveton Barn House, Letherpool Lane
- Glaven Cottage, The Street
- The Parish Room, The Street
- Glaven Lodge, The Street
- Welcome Cottage, The Street
- Sycamore Cottage, The Street
- Church Cottage, The Street

- Church Farm House, The Street
- Church Farm Barn, The Street
- K6 Kiosk, The Street
- Church Barn, Chapel Lane
- Primrose Farm, Chapel Lane
- Double House, Chapel Lane
- White House, Chapel Lane
- Myrtle Cottage, Chapel Lane
- Rose Cottage, Chapel Lane
- Stonebridge House, Bridgefoot Lane
- Old Rectory, Bridgefoot Lane
- Wiveton Bell, The Green

## **6. Procedural Matters and Next Steps**

- 6.1 Once adopted, the CAA's will be published on the Councils website and the relevant statutory advertisement undertaken. The documents will then become material considerations in the planning process and can be referred to and referenced as part of the development management process.

## **7. Budgetary Implications**

- 7.1 There are no further budgetary implications to consider at this stage.

### **Recommendations:**

- 1. That Working Party recommend to Cabinet to adopt the four Glaven Port Appraisals for statutory planning purposes and for the Appraisal documents to become material considerations in the planning process.**
- 2. That Working Party recommend to Cabinet to agree the proposed boundary changes as recommended in the draft Appraisal documents and that they be published in accordance with the Planning (Listed Buildings & Conservation Areas) Act 1990.**
- 3. That Working Party recommend to Cabinet to agree the proposed Local Listings as identified within the draft Appraisal documents.**

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## Debt Recovery 2018-19

Summary: This is an annual report detailing the council's collection performance and debt management arrangements for 2018/19  
The report includes a:

- A summary of debts written off in each debt area showing the reasons for write-off and values.
- Collection performance for Council Tax and Non- Domestic Rates.
- Level of arrears outstanding
- Level of provision for bad and doubtful debts

Recommendations:

- 1) To approve the annual report giving details of the Council's write-offs in accordance with the Council's Debt Write-Off Policy and performance in relation to revenues collection.
- 2) To approve the updated Debt Write Off Policy (shown in Appendix 2)
- 3) To approve the updated Benefit Overpayment Policy and the use of High Court Enforcement Agents if considered necessary (shown in Appendix 4)

Cabinet member(s): Eric Seaward  
All All  
Contact Officer, telephone number, Sean Knight 01263 516347  
and e-mail: [Sean.Knight@north-norfolk.gov.uk](mailto:Sean.Knight@north-norfolk.gov.uk)

### 1 Introduction

- 1.1. The Corporate Debt Management annual report is one of the performance management measures to provide members with outturn figures for 2018/19 for the following:
- A summary of debts written off in each debt area showing the reasons for write off and values.
  - Collection performance for Council Tax and Non - Domestic Rates (NNDR).
  - Level of arrears outstanding
  - Level of provision for bad and doubtful debts

### 2. Background

- 2.1. Writing off bad debts is a necessary function of any organisation collecting money. The Council is committed to ensuring that debt write offs are kept to a minimum by taking all reasonable steps to collect monies due. There will be situations where the debt recovery process fails to recover some or all of the debt and will need to be considered for write off. The Council views such cases very much as exceptions and this report identify those debts.

### 3. Performance

3.1. Below are a summary of the Council's three main income streams and the level of debt associated with each, for the last four financial years.

Table 1

| Income Area | Year/Date | Total Arrears at 31 <sup>st</sup> March All Years (after write offs)* (£) | Current Years Arrears Included (after write – offs)** (£) | % of Current Arrears v Net Debit | Provision for Bad/Doubtful Debt for all years (£) |
|-------------|-----------|---|---|----------------------------------|---|
| Council Tax | 2015/16   | 2,069,261   | 836,404   | 1.42%                            | 762,413   |
|             | 2016/17   | 1,998,329*  | 844,646**   | 1.36%                            | 733,817   |
|             | 2017/18   | 2,289,564   | 942,469   | 1.43%                            | 755,756   |
|             | 2018/19   | 2,297,629*  | 997,954**   | 1.40%                            | 778,470   |

| Income Area | Year/Date | Total Arrears at 31 <sup>st</sup> March All Years (after write offs)* (£) | Current Years Arrears Included (after write – offs)** (£) | % of Current Arrears v Net Debit | Provision for Bad/Doubtful Debt for all years (£) |
|-------------|-----------|---|---|----------------------------------|---|
| NNDR        | 2015/16   | 343,855   | 153,179   | 0.62%                            | 200,746   |
|             | 2016/17   | 331,206*  | 134,548   | 0.52%                            | 189,593   |
|             | 2017/18   | 387,822   | 129,877**   | 0.51%                            | 228,797   |
|             | 2018/19   | 323,870*  | 192,064**   | 0.71%                            | 195,124   |

3.2. \*This is the cumulative arrears (excludes costs) for all years including 2018/19.

3.3. \*\* This is the arrears figure as at 31/3/2019. Collection of the 2018/19 debt is ongoing and £194,938 council tax and £150,774 NNDR has been collected since 11 June 2019 against the previous 2018/19 year's arrears.

3.4. The table below shows the level of sundry debt outstanding at the year-end including the element of that debt which is attributable to housing benefit overpayments being collected by invoicing customers.

Table 2

| Income Area   | Year    | Total Arrears at 31 <sup>st</sup> March All Years (after write offs) (£) | Net Debit Raised End of Year (£) | % outstanding against debit at year end (£) | Provision for Bad/Debt for all years (£) |
|---------------|---------|--|----------------------------------|---|--|
| Sundry Income | 2015/16 | 1,282,697  | 6,356,269                        | 20.18%                                      | 609,130                                  |

|   |         |           |           |        |         |
|---|---------|-----------|-----------|--------|---------|
| (including Housing Benefit Overpayments). | 2016/17 | 1,540,486 | 6,328,603 | 24.34% | 710,210 |
|   | 2017/18 | 1,710,721 | 6,918,600 | 24.72% | 794,015 |
|   | 2018/19 | 1,330,004 | 5,579,524 | 23.84% | 762,096 |

3.5. The table below shows the breakdown of 2018/19 level of sundry debt including the residual housing benefit overpayments in finance and the level of housing benefit overpayments in revenues outstanding at the year end and being collected by invoicing customers.

Table 3

| Income Area   | Year    | Total Arrears at 31st March All Years (after write offs) (£) | Net Debit Raised End of Year (£) | % outstanding against debit at year end (£) | Provision for Bad/Debt for all years (£) |
|---|---------|--|----------------------------------|---|--|
| Sundry Income (including residual Housing Benefit Overpayments in Finance). | 2018/19 | *444,936   | 5,160,336                        | 8.62%                                       | 129,930                                  |
| Housing Benefit Overpayments in Revenues.                                   | 2018/19 | **885,068  | 419,188                          | 211%  | 632,166                                  |

3.6. \*The above figure includes 21 invoices over £5,000 totaling £258,296.72 and 6 of these invoices total £69 550 are residue housing benefit overpayments.

3.7. \*\* The above figure includes 12 invoices over £10,000 totaling £171,726 and 23 invoices over £5,000 totaling £165,379. There are invoices being repaid by Attachment to Benefit, Direct Earnings Attachment, Enforcement Agent or being collected through the County Court.

3.8. The Provision for Bad/Debt for Sundry Income for all years is £762,096 which includes £732,409 for housing benefit overpayments. £632,166 is the level of housing benefit overpayments in revenues and £100,243 residual housing benefit overpayments in finance.

Table 4

| Income Area | Year/Date | Net Collectable Debit (£) | Number of Accounts (£) | Average Amount per Account (after adjustments) (£) | Total of all Years Arrears (£) |
|-------------|-----------|---------------------------|------------------------|--|--------------------------------|
| Council Tax | 2015/16   | 59,066,218                | 53,737                 | 1,099  | 2,069,261                      |
|             | 2016/17   | 61,902,431                | 54,172                 | 1,143  | 1,998,329                      |
|             | 2017/18   | 65,861,821                | 54,530                 | 1,208  | 2,289,564                      |
|             | 2018/19   | 71,201,165                | 54,938                 | 1,296  | 2,297,629                      |
| NNDR        | 2015/16   | 24,854,602                | 6,631                  | 3,748  | 342,572                        |
|             | 2016/7    | 26,115,380                | 6,865                  | 3,804  | 331,206                        |
|             | 2017/18   | 25,544,969                | 7,174                  | 3,561  | 387,822                        |
|             | 2018/19   | 27,210,079                | 7,334                  | 3,710  | 323,870                        |

|               |         |           |       |       |           |
|---------------|---------|-----------|-------|-------|-----------|
| Sundry Income | 2015/16 | 6356,268  | 5,723 | 1,111 | 1,282,285 |
|               | 2016/17 | 6,328,732 | 5,833 | 1,085 | 1,540,486 |
|               | 2017/18 | 6,918,600 | 5,433 | 1,273 | 1,710,721 |
|               | 2018/19 | 5,579,524 | 6,093 | 1,870 | 1,329,966 |

Table 5

| Income Area | 2015/16 | 2016/17 | 2017/18 | 2018/19 | Target 2018/19 |
|-------------|---------|---------|---------|---------|----------------|
| Council Tax | 98.6%   | 98.7%   | 98.74%  | 98.72%  | 98.4%          |
| NNDR        | 99.3%   | 99.36%  | 99.40   | 99.15%  | 99.1%          |

3.9. There have been a number of changes over the past few years that have impacted on council tax charges. From April 2013 support for council tax was localised. The Government reduced the level of funding that it had previously provided to cover the cost of the support (council tax benefit). All those of working age who had previously been on 100% benefit had to pay a minimum of 8.5%. In addition some people on benefits were also affected by other welfare reform changes – e.g. under occupation of properties in the social sector, the benefit cap and Universal Credit, putting additional pressure on incomes. In addition to the welfare changes there were a number of technical changes to council tax. These included an increase in the charge for empty properties, a reduction in the second homes discounts and those properties undergoing structural repair and alteration. These changes impacted on the level of council tax to be collected and the ability of some residents to pay. The target for council tax collection continues to be challenging given the above.

3.10 There are no longer national indicators for the collection of Council Tax and Non-Domestic (Business) Rates. The performance indicator (PI) is retained as a local PI, and continues to be monitored monthly. An important part of debt management is to ensure that bills are sent out accurately and timely and that council tax and business rate payers are aware of any appropriate discounts, exemptions, reliefs and benefit entitlement they may be entitled to. Information is sent with the annual bills and is shown on our web site with service information being provided on these. The ongoing promotion of Direct Debit also forms an important part of debt management where 74% of council tax payers are paying by direct debit and 37% of NNDR customers pay by direct debit.

3.11 The Government has made the Small Business Rate Relief (SBRR) scheme more generous from 1 April 2017. Small businesses with a Rateable Value below £12,001 are now entitled to receive 100% relief (increase funded by Government). Small businesses with a Rateable Value between £12,000 and £15,001 may now be entitled to receive a percentage reduction in their rates bill. There has been a number of new relief schemes to help small businesses with Non-Domestic Rates over the past few years.

#### 4. Write-Offs

4.1. The table below shows in summary the amounts of debts that have been written off over the last four years.



Table 6

| <b>Income Area</b>   | <b>2015/16 (£)</b> | <b>2016/17 (£)</b> | <b>2017/18 (£)</b> | <b>2018/19 (£)</b> |
|--|--------------------|--------------------|--------------------|--------------------|
| Council Tax  | 179,556            | 123,931            | 116,965            | 141,522            |
| NNDR   | 48,142             | 48,950             | 47,404             | 135,839            |
| Sundry Income (includes residual Housing Benefit write-offs) | 162,794            | 16,113             | 17,038             | 11,380             |
| Housing Benefit  | 79,207             | 56,121             | 42,160             | 37,070             |

4.2. The table below details the category of debts that have been written off over the year 2018/19 (includes costs) for all years.

Table 7

| <b>Category</b>   | <b>Council Tax(£)</b> | <b>NNDR(£)</b> | <b>Sundry Income(£)</b> |
|---|-----------------------|----------------|-------------------------|
| Unable to collect Uneconomic/ bailiff unable to collect             | 84                    | 9              | 7,194                   |
| Debtor deceased   | 18,841                | 0              | 10,652                  |
| Debtor absconded  | 36,635                | 2,010          | 5,945                   |
| Debtor in bankruptcy Or liquidation or other Insolvency proceedings | 65,663                | 60,114         | 17,917                  |
| Debt cannot be proved (conflict of evidence)                        | 13,627                | 1,990          | -5                      |
| Ill health & no means   | 292                   | 35,678         | 0                       |
| Undue hardship  | 1,165                 | 4,841          | 104                     |
| Debt remitted by the Court  | 0                     | 0              | 0                       |
| Irrecoverable   | 5,215                 | 31,197         | 6,452                   |
| Detained/Prison   | 0                     | 0              | 192                     |
| Other   | 0                     | 0              | 0                       |
| Totals  | 141,522               | 83,839         | 48,450                  |

4.3 The level of Council Tax debts, Non-Domestic (Business) Rates debts and Sundry Income invoices written off has reduced since last year. The debts that have been written off are principally debts from insolvency, debtor deceased and people absconding. Whilst every effort is made to trace debtors there is a number of debtors that cannot be traced and the debt has to be written off.

## **5. Implications and Risks**

5.1. The information gained from this report will help improve monitoring and our ability to consider the risks in a more accurate way.

## **6. Financial Implications and Risks**

6.1. The Council is already required to make provision for bad and doubtful debts. The additional information gained from this report will help improve monitoring and our ability to consider the appropriateness of the provisions in a more accurate way.

## **7. Sustainability**

7.1 This report does not raise any issues relating to Sustainability.

## **8. Equality & Diversity**

8.1 The Debt Management & Recovery Policy takes account of the impact that getting into debt can have on people and their families, so it also encourages people to pay, and aims to provide reasonable facilities and assistance for them to do so.

8.2. Before writing off debt, the Council will satisfy itself that all reasonable steps have been taken to collect it and that no further recovery action is possible or practicable. It will take into account the age, size and types of debt, together with any other factors that it feels are relevant to the individual case. All write-offs are dealt with in the same fair and consistent way in line with equality and diversity issues.

8.3 While you can be sent to prison for up to 3 months if the court decides you don't have a good reason to not pay your Council Tax and you refuse to do so it is not the Council's policy to take such action where there is an inability to pay and there is a range of support which the Council offers in order to avoid this.

## **9. Section 17 Crime and Disorder considerations**

9.1 This report does not raise any issues relating to Crime and Disorder considerations.

## **CORPORATE DEBT MANAGEMENT AND RECOVERY POLICY**

### **INTRODUCTION**

Effective debt management is crucial to the success of any organisation. It is essential that this authority has clear policies and strategies to help prevent debt in the first instance and then manage the recovery of debt where prevention has failed. If the Council is to achieve its aim of first class resource management, then it must seek to recover all debts due and sustain collection rates. It also has a key role in the prevention of debt, and in providing advice and assistance to clients where there is genuine hardship.

This policy has therefore been designed to address these concerns. Its implementation aims to deliver measurable service improvement and adherence to recognised good practice. Members need to be confident that debt is being managed within the parameters set by this document.

The following policies have been prepared within this framework:

Debt Write -Off policy as shown in Appendix 2.

### **POLICY AIMS**

The key aims of this policy are as follows:

- ◆ To identify debtors as early as possible, and consider fully the debtors circumstances and ability to pay, and so distinguish from the outset between the debtor who won't pay, and the debtor who genuinely can't pay.
- ◆ To work with the client to clear the debt as soon as possible. To ensure a professional, consistent and timely approach to recovery action across all of the Council's functions.
- ◆ To cost effectively pursue all debts owed to the Council, seeking to maintain and improve on the levels of income collected by the authority.
- ◆ To promote a co-ordinated approach towards sharing debtor information and managing multiple debts owed to the Council. To actively work alongside approved advice agencies to seek early identification of clients who are failing to meet multiple debt liabilities.
- ◆ To only write debt off once all avenues have been exhausted for the recovery of debt. This is in accordance with the Council's write-off policy.
- ◆ To treat individuals consistently and fairly regardless of age, sex, gender, disability, ethnicity, race or sexual orientation, and to ensure that individual's rights under General Data Protection Regulations (GDPR) and Human Rights legislation are protected.

## **SUPPORTING THE COUNCIL'S CORPORATE PRIORITIES**

This Policy supports the Council's drive towards continuous improvement whilst recognising equality and diversity issues. It is reflective of the values and standards adopted by this Council within the Corporate Plan and contribute towards the following priorities:

**First Class Resource Management** – To manage the Council's resources efficiently and effectively and to make sensible choices in setting priority led service budgets which do not burden council tax payers with unnecessary or unjustifiable costs.

**Better Access to Council Services** – To improve customer service through all access channels, and to move towards a fully integrated front office with multi-agency enquiry-handling capacity.

The Policy also supports the wider aim of improving service provision through partnership working by seeking to maximise the benefits of external debt advisory agencies.

## **DEBTS COVERED BY THIS POLICY**

The main section involved in debt recovery is Finance.

The debts involved are primarily:

- Council Tax
- National Non Domestic Rates
- Overpaid Housing Benefit
- Sundry Income

The policy will apply to all sections of the Council and focus on collecting the charge set rather than how the charge is arrived at. Ability to pay is a paramount concern when considering debt recovery. For Council Tax a discretionary scheme (Council Tax Support) is provided on application, which is designed to offset the effects of low income on ability to pay.

Charging policy, statutory or discretionary will never completely remove the problems of people and families on low incomes. The approach to recovery must therefore be sensitive to individual circumstances and take into account multiple debts owed to ensure that arrangements are manageable. The primary aim remains the recovery of debt and improved data sharing will support this aim.

## **THE LEGAL AND POLICY FRAMEWORK FOR RECOVERY**

The Council has a legal duty to ensure cost-effective billing, collection and recovery of all sums due to the Council. This policy is in addition to existing legislation and will provide a framework for procedures to be developed and improved.

This debt recovery policy is concerned primarily with the recovery of debts prior to legal action being taken, but the principles should still be applied wherever appropriate even if litigation has commenced.

### **Local Taxation**

Council Tax recovery procedures are laid down by statute in The Council Tax (Administration and Enforcement) Regulations 1992 and subsequent amendments.

National Non-Domestic Rates recovery procedures are laid down by statute in The Local Government Finance Act 1988 and subsequent regulations and amendments.

The Council appoints Enforcement Agents to recover local taxation arrears in accordance with an enforcement protocol. Changes to legislation came in from April 2014 under The Taking Control of Goods (Fees) Regulations 2014 nationally standardising fees and charges and an enforcement protocol for bailiffs. Since this date, bailiffs became known as Enforcement Agents. The changes to the legislation are to ensure that the rates and charges added by the Enforcement Agents are transparent and nationally set making it easier for debtors to understand the consequences of non-compliance and the powers available to Enforcement Agents. The Enforcement Agent Code of Practice & Enforcement Agent Instructions with the statutory fees recoverable is shown in Appendix 3.

### **Housing Benefits**

Housing Benefit overpayments are reclaimed in accordance with Regulations 98-105 of The Housing Benefit (General) Regulations 1987 (as amended) And Sections 105 & 106 of the Welfare Reform Act 2012 and Social Security Overpayment and Recovery) Regulations 2013. The Benefit Overpayment Policy sets out the basis under which these debts are recovered and is shown in Appendix 4.

### **Miscellaneous Income**

Sundry Debt arrears are collected within a well-established framework, but written guidelines are required. On certain debts, interest may be charged for late payment. The debtor will be made aware of any additional costs in advance so that they have the opportunity to avoid this wherever possible. Customers will also be made aware of legal fees and costs that will be incurred for non-payment.

## **THE POLICY**

- Full names, contact address and a phone number will be established wherever possible prior to service provision or invoicing/billing.
- All Council bills and invoices will be raised as soon as practicable on a daily basis and will include clear, relevant and full information as to:
  - What the bill is for;
  - When payment is due;
  - How to pay;
  - How to contact us if there is a query in relation to the bill or in relation to making payment.
- All letters and reminders will:
  - Be written in plain English;
  - Explain fully what has been agreed and the consequences of non-payment;
  - Include appropriate contact details.
- Debtors will be encouraged to make prompt contact if they disagree with a bill or have difficulty in making payment on time. Contact can be made by:
  - Website
  - Email
  - Telephone
  - Letter
  - In person at the Council Offices.

- Problems and bill discrepancies raised will be resolved as quickly as possible to prevent unnecessary delays in payment and incorrect debits.
- All debtors seeking help due to financial difficulties will:
  - Be given the opportunity to have their ability to pay assessed by the relevant collection unit;
  - Be invited to provide details of their means by listing their income and expenditure. (Evidence to confirm the accuracy of the means statement will be requested if necessary);
  - Be invited to use the money and debt advice services available from the Citizens Advice Bureau (CAB);
  - Be asked if they have other debts owing to the Council that they also wish to be considered;
  - Be given access to the Council's interpreter service if required.
- If legal proceedings have already commenced, consideration will be given to whether the debt can firstly be attached to earnings or benefits, the priority of the debts owed and the level of repayments currently being made.
- If a specific recovery action has already commenced e.g. attachment of earnings or the debt has been passed to an Enforcement Agency, the action taken will usually continue. However, any arrears not included in the action will be considered in line with existing arrangements and this policy.
- If it is found that the debtor has the ability to pay, but refuses to pay, then recovery action will continue promptly within the existing arrangements for the type of debt.
- If it is found that the debtor is suffering severe hardship or has difficulty managing their own affairs, the following will be considered:
  - Can we reduce the debt? Are they entitled to take up relevant benefits, discounts, exemptions, reliefs or any other reductions to minimise the potential for debt accrual?
  - Does the debtor owe money to other Council services? If so the debtor will be advised that, with their consent, all their Council debts may be taken into consideration when deciding on an arrangement. The advantage to the debtor in making a common arrangement is that they may save time and costs. However, it is for the debtor to decide if this is an option they want to pursue.
- If a debtor takes up the offer to deal with all Council debts collectively, the various services will communicate the debtor's details confidentially between themselves and will endeavour to take a holistic approach to collection without prejudice to their own service. An officer will be identified as a single point of contact for the debtor and will act as a liaison between services.
- Where there is no continuous liability a special long-term arrangement may be made according to the ability to pay and the existing recovery provisions such as an attachment of earnings.
- Where liability is continuous e.g. Council Tax, NNDR any arrangement made will normally require payments over and above the on-going monthly liability. Future instalments must be paid when due as a condition of the arrangement.

Longer term arrangements for older arrears will be strictly monitored and reviewed. If there is no improvement by the review date and if the amount payable cannot be reduced (by awarding Council Tax Support or other reliefs, discounts, exemptions etc.), the Council will reserve the right to continue with legal action, and in the case of Local Taxation, obtain a Liability Order from the Magistrates' Court. This is to protect the Council's interests and prevent the debt from becoming statute barred and irrecoverable. Nevertheless regular contact with the debtor will be made and part payments will be accepted to reduce the overall debt. Furthermore it is not in the debtor's best interest to have a long term arrangement when liability is continuous, since the level of debt will increase as time goes by and the debtor's situation deteriorate rather than improve.

- If a debtor is receiving Income Support or Job Seekers Allowance, this will usually limit the ability to pay to no more than the amount that can be paid directly to creditors by the Department of Work and Pensions (DWP). Where appropriate, a separate agreement will be made for additional debts and Liability Orders depending on the individual's circumstances.
- Debtors given time to pay will be advised to contact the Council immediately should they experience a change of circumstances affecting their ability to pay. This is to discuss the options available to prevent recovery action and additional costs.

If a debtor fails to co-operate by:

- Refusing to provide details of their means, and/or
- Not consenting to multiple debts being dealt with together, and/or
- Failing to pay a special arrangement on time without contact, then recovery action will be taken promptly in the normal way.

#### **LIMITATIONS ON DEBT RECOVERY**

All Enforcement Agents appointed will work to an agreed Enforcement Agent Code of Practice & Enforcement Agent Instructions as shown in Appendix 3.

#### **PROCEDURES AND TRAINING**

This policy will be made available to all staff dealing with income collection and recovery. This will be reinforced with training and management supervision of all staff involved in collecting debt.

#### **MONITORING**

Each section will be responsible for ensuring that this policy is adhered to and effective. Management information will be required for each debt stream on a monthly basis to be co-ordinated by the Revenues Section in a format to be agreed.

Revised June  
2019

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## DEBT WRITE OFF POLICY

1. This forms part of the Council's Corporate Debt Management and Recovery policy (Appendix 2).
2. The Council is committed to ensuring that debt write offs are kept to a minimum by taking all reasonable steps to collect monies due. There will be situations where the debt recovery process fails to recover some or all of the debt and will need to be considered for write off. The Council views such cases very much as exceptions and this document provides the framework within which procedures must be documented and followed.
3. The Debt Management and Recovery policy takes account of the impact that getting into debt can have on people and their families, so it also encourages people to pay, and aims to provide all reasonable facilities and assistance for them to do so. Before writing off debt, the Council will satisfy itself that all reasonable steps have been taken to collect it and that no further recovery action is possible or practicable. It will take into account the age, size and types of debt, together with any other factors that it feels are relevant to the individual case.
4. The Council will only consider write off in the following circumstances:

| Category   | Requirement  | Action               |
|--|--|----------------------|
| De-minimus / Uneconomic to collect   | Debts less than £25.00 would not be cost effective to pursue.<br>Sundry Income Debts of £100 plus which have been returned from tracing agents and where legal costs will exceed the debt. | Submit for Write Off |
| Debtor deceased – No Estate  | Insufficient funds in estate to discharge debt.  | Submit for Write Off |
| Debtor absconded / Unable to Trace / Detained or Imprisonment *                                    | All attempts to trace debtor have failed. Including tracing agent for debts over £25.00. Including long-term imprisonment (12 months) or more.   | Submit for Write Off |
| Debtor in bankruptcy or liquidation or other insolvency proceedings including Debt Relief Orders** | A claim against the debtor has been lodged with the administrators. No dividend is to be paid or the balance after the dividend is submitted.  | Submit for Write Off |
| Debt cannot be proved (conflict of evidence)   | An explanation should be given as to why recovery cannot be made.  | Submit for Write Off |
| Ill Health & no means  | Written evidence of one of the following criteria:<br>1. Terminal illness and limited means<br>2. Where payment would cause further ill health<br>3. Old age and frailty and no financial  | Submit for Write Off |

## Appendix 2

|  |   |                      |
|--|---|----------------------|
|  | assistance<br>4. Severely mentally impaired and no financial assistance<br>5. Long term hospitalisation or residential care and no means to pay   |                      |
| Undue hardship and debt remaining following negotiated settlement. | Where the debtor can provide written evidence of genuine financial difficulty, showing evidence of inability to pay even small instalments, or that such payment will cause undue hardship. | Submit for Write Off |
| Debt remitted by the Court   | Action in the Magistrates Court has resulted in the Magistrates remitting the debt, leaving the Council with no alternative but to write off the amount.                                    | Submit for Write Off |
| Irrecoverable / Out of Jurisdiction***                             | The debtor has moved out of legal jurisdiction or the debt has been returned nulla bona and all other recovery avenues have failed.   | Submit for Write Off |

*\* If a debtor's whereabouts become known after the write-off has been approved, then the debt should be written back on.*

*\*\* If a dividend is subsequently paid, then the debt should be written back on.*

*\*\*\* If the debtor subsequently moves back into legal jurisdiction, then the debt should be written back on.*

5. Debts will normally only be considered for write off where the account is "closed" (i.e. no recurring debt). Only in exceptional circumstances will amounts on "live" (i.e. ongoing accruing debt) accounts be considered for write off. Such cases must demonstrate that further recovery action will not achieve collection of the debt.
6. The Head of Finance will be accountable to Cabinet Committee for the effective management of debt write offs and will ensure that appropriate performance management arrangements are introduced across all Council service and debt areas.
7. Decisions on the write off of individual debts will be taken in accordance with the Council's Scheme of Delegation. They must also comply with all relevant statutory requirements and those of the Head of Finance or designated representative(s).
8. Cabinet Committee will receive an annual report from the Head of Finance summarising performance on debt write offs during the previous year.
9. Each Service Head will be responsible for the initial recovery of debt within their service. Where the debt is collected through Sundry Income the Head of Finance will be responsible. Once recovery action is required this must be passed to the recovery section who will then take ownership of the debt.
10. The Heads of Service will be responsible for the regular review of debts and will consider the need for write off of individual debts within their jurisdiction, monthly.

## Appendix 2

11. Negotiated settlements generally result in the need for a write off. Any negotiation of a settlement at court will be the responsibility of the Court Officer, as such situations cannot be planned and we need to respond immediately. Any other negotiated settlement will require approval according to the Scheme of Delegation i.e. the write off amount is the sum being remitted through negotiation.
12. Prior to write off being proposed, the debt will be reviewed to ensure that no Further recovery action is possible or practicable.
13. Following the appropriate investigation, those debts still considered irrecoverable will be proposed for write off. The following information needs to be provided for each debt to the officer who authorises the write offs:
  - Debtors name
  - Debtors address
  - Description of debt
  - Period of debt and / or date of invoice
  - Amount to be written off
  - Reason for write offSupporting documentation must be retained and available that shows:
  - Evidence to support write off
  - Recovery history
  - Details of tracing and enquiries carried outIn considering a debt for write-off the following conditions will apply:
  - Each case will be considered on its merits
  - Each request will be supported by relevant documentation
  - Each case will receive authorisation from the appropriate authorised officer
14. Appropriate records of all authorised write offs will be maintained and reviewed periodically against live caseload. This will enable any trends to be identified and will support the review of the Policy every 12 months.
15. Authorisation levels are reflected in the Scheme of Delegation within the following parameter.

|  |               |
|--|---------------|
| Section Manager / Team Leader  | up to £2,000  |
| Head of Service / Revenues Manager   | up to £10,000 |
| Section 151 Officer or Deputy Section 151 Officer                            | up to £20,000 |
| Head of Finance or Chief Executive in consultation with the Portfolio Member | over £20,000  |
16. The Head of Service will record all write-off decisions, and provide a summary to the Head of Finance. This will be available for further Scrutiny, for Audit purposes and for reporting to Cabinet.
17. The Head of Corporate Finance will submit an annual report to Cabinet identifying the following:
  - A summary of debts written off in each debt area showing reason for write-off, values and number of cases.
  - Collection performance for each service area
  - Level of arrears outstanding
  - Level of provision for bad and doubtful debts

Reviewed June 2019

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**Enforcement Agent Code of Practice**

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Any Enforcement Agent engaged by this Council shall adhere strictly to the provisions contained in the appropriate legislation relevant to taking control of goods and any other instructions laid down by this Council as may be in force at the relevant time.

The Enforcement Agent will not raise or charge any costs or fees in excess of the costs and fees allowed under the regulations in force as shown in the table below:-

Schedule of Enforcement Fees (other than under a High Court Writ)

| Fee Stage              | Fixed Fee | Percentage fee (regulation 7): percentage of sum to be recovered exceeding £1500 |
|------------------------|-----------|--|
| Compliance Stage       | £75.00    | 0%   |
| Enforcement Stage      | £235.00   | 7.5%   |
| Sale or disposal stage | £110.00   | 7.5%   |

The above figures are not including VAT.

The Enforcement Agent shall not represent himself as an employee or representative of the Council, unless directly employed by the Council.

- The Enforcement Agent shall not follow any irregular practices with regard to taking control of goods or attempting to take control of goods, or in the execution of warrants and shall not cause nuisance or trespass in the execution of his duties.
- The Enforcement Agent may conduct his business out of normal office hours, (8:30 - 5:00 ) but shall at all times consider the reasonableness of the time and the debtor's personal and business movements.

- The Enforcement Agent shall not discriminate against or in favour of a debtor on the grounds of ethnic origin, sex, religion, status, race, colour, creed or disability.
- No removal of goods is to be undertaken without prior authorisation, preferably in writing, by the Client, against the long term sick, the disabled (either mental or physical) those in hospital, those recently bereaved, those on Income Support, or those where in the opinion of the attending Enforcement Agent to do so would cause the Council unwarranted publicity.
- All Enforcement Agents are required to be Certificated Enforcement Agents of the County Court and either corporate or individual members of CIVEA or working towards it and shall not have, nor permit any of his personnel to have, any criminal convictions or disqualification including those under the Rehabilitation of Offenders Act 1974 and shall sign a declaration to that effect.
- Debtors are to be given a minimum 14 days notice before enforcement visits commence.
- The Enforcement Agent shall indemnify the Council against any and all actions arising from any act or omission not occasioned by the Council and those where the Enforcement Agent was aware that there was an act or omission prior to the action taking place.
- Cases where the taking control of and removal of “Tools of the Trade” over the statutory £1350 limit is being sought shall be referred on a case by case basis to the Revenues Team Leaders/Revenues Manager. No such removal shall take place without this referral having been made.
- Whilst permitted in legislation, visits are not to be made on Sundays.

Revised June 2019

- **Enforcement Agent Instructions**




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## 1. General

1.1 It is the Council's policy to be firm yet fair when dealing with our taxpayers.

1.2 Although the Council's preferred method of recovery is Attachment of Earnings or Benefits the Council's Policy is that the most appropriate method shall be used from information available to recover the sums due.

1.3 No method of recovery shall be used which is either not in the Council's best interests or which may bring the Council into disrepute. At all times an attempt should be made to minimise the detrimental effect on the family of the taxpayer whilst ensuring the debt is paid. Special care shall be taken when dealing with vulnerable groups i.e. the elderly, the long term sick, the disabled (either mental or physical) those in hospital, those recently bereaved, or those on Income Support/Job Seekers Allowance Income Based.

1.4 If there is a genuine inability to pay and the debt is small the Enforcement Agent should pass the information and circumstances to the office so that an informed decision as to the appropriate action can be made.

## **2. ENFORCEMENT AGENT WORKING PRACTICES.**

2.1 The Contractor shall not sub-contract the provision of the service or any parts thereof to any person.

2.2 Work shall be issued to the Enforcement Agent electronically.

2.3 The Enforcement Agent shall conduct his/her affairs in accordance with statutory requirements and comply with the [North Norfolk District Councils Code of Conduct for Enforcement Agents](#), Enforcement Agent Guidelines, Enforcement Agents Code of Practice, and any Nationally approved Code of Practice.

2.4 All visits shall be carried out in accordance with legislation.

2.5 The Enforcement Agent shall commence processing all cases issued to him within 3 days of instruction unless otherwise agreed by the Council.

2.7 The Enforcement Agent shall, on each visit to a debtors premises, present his identification without being requested to do so once it has been confirmed that he is speaking to the debtor.

2.8 The Enforcement Agent shall thoroughly and accurately complete the appropriate visiting documentation provided to him by his employer.

2.11 The Enforcement Agent shall seek completion of signed controlled goods agreements where required.

2.12 The Enforcement Agent shall have regard to the Council's [Special Arrangement Policy](#) when considering entering into Controlled goods agreements with the debtor.

2.13 Goods taken into control shall be detailed on the appropriate Enforcement Agency documentation. In the case of electrical goods, serial numbers shall be listed on the inventory.

2.14 In exceptional circumstances, i.e. where the Council or the Enforcement Agent is aware of a debtors imminent intention to move away or another Enforcement Agents' imminent involvement in one of our cases, the normal process will be by-passed and immediate action to take control of/remove goods to secure the Councils' position shall take place.

2.17 The Enforcement Agent shall provide sufficient and accurate evidence, including a nulla bona certificate, in cases where required.

2.18 The Enforcement Agent shall obtain authorisation from Sean Knight, Carl Copping or Trudi Grant prior to the removal of goods taken control of.

2.19 The Enforcement Agent shall attend Court to act as witness if so required.

2.20 The Enforcement Agent shall immediately inform Sean Knight, Carl Copping or Trudi Grant of any cases of physical or verbal abuse or where any action could lead to an official complaint or legal challenge being directed at the Council.

2.21 The Enforcement Agent shall be notified by the Council within five working days of the posting to an individual's account of payments received or amendments made which alter the balance of any Liability Order currently being processed by him/her.



## COUNCIL'S SPECIAL ARRANGEMENT POLICY

- When making special payment arrangements the Enforcement Agent shall endeavour to ensure the arrangement ends within the same financial year, or does not exceed a period of 12 months, having sought approval from a member of the Revenues Team.
- Debtors can be offered the option of weekly or fortnightly instalments instead of monthly.
- If the debtor requests that the instalment profile is extended over a year end or twelve month period written or verbal authorisation shall be sought from a member of the Revenues Team
- Remember when making these arrangements to notify the Debtor that the new year's instalments will need to be paid when due.
- All arrangements shall be made subject to the debtor signing a controlled goods agreement.
- Any failure by the debtor to maintain the special arrangement shall result in further recovery action being taken.

Revised June 2019

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## **BENEFIT OVERPAYMENT POLICY**

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### **BENEFIT OVERPAYMENTS POLICY**

#### **1.0 COUNCIL RESPONSIBILITIES**

1.1 The Council recognizes that overpayments of benefit do occur. In order to reduce the loss to public funds the Council ensures that firm but fair action must be applied in the administration of overpayments. Positive action in the recovery of overpayments has a deterrent effect. However, in the overpayments process and that of recovering any overpayment of benefit the Council has the responsibility to:

- a) Act in accordance with Primary Legislation (being that of an Act of Parliament, Order or other Statutory Requirement);
- b) Comply with the requirements of Secondary Legislation (being that of the Housing Benefit Regulations, Claims and Payment Regulations, Decision Making and Appeals Regulations etc);
- c) Comply with any changes to the above stated Primary or Secondary Legislation;
- d) Identify the overpayment promptly;
- e) Stop the overpayment continuing;
- f) Classify the overpayment correctly;

- g) Determine if the overpayment is recoverable;
- h) If recoverable:  
Determine from whom recovery should be sought, and  
Determine the most appropriate method of recovery;
- i) Notify claimants and other affected persons of any decision in accordance with the regulations;
- j) Ensure implementation of effective financial control during the overpayments process.
- k) Pursue debt by the most effective recovery method.

## **2.0 BEST PRACTICE**

- 2.1 This policy reflects best practice in the procedure for dealing with and the recovery of overpaid housing benefit.
- 2.2 The policy should be flexible in its approach to recovery of overpayments. Each case will be considered on its own merits. The Council recognises that a policy, which, for example, requires recovery in all cases or where recovery is always made from specific categories of claimants, is unlawful.
- 2.3 This policy has regard for the rights of individuals and obligations of the Council under the provisions of the Human Rights Act 1998.

## **3.0 APPLICATION OF THE POLICY**

- 3.1 The policy should be applied to all cases where an overpayment of benefit may occur and all identified recoverable overpayments; that is any amount of housing benefit which has been paid, but to which there is no entitlement whether on initial decision or on a subsequent revised or superseded decision. In most cases overpayments can arise in consequence of:
  - a) Payments being made in advance;
  - b) Late disclosures of changes in circumstances;
  - c) Errors made by the claimant in completing the application form or subsequent review form;
  - d) Claimant fraud;
  - e) Official errors made by the Council or other Statutory Benefits Departments; Overpayments in the case of e) above are only recoverable if the claimant or person from whom recovery is sought could reasonably have been aware that the overpayment was occurring at the time when the overpayment occurred.

## **4.0 IDENTIFICATION OF OVERPAYMENTS**

- 4.1 The Council will endeavour to act on any information received in relation to a claimant's change of circumstances within service target of having sufficient information to identify an actual or potential overpayment which has occurred or may be occurring.
- 4.2 Such action should, in the first instance, include suspending further ongoing payments of incorrect benefit.
- 4.3 The Council will endeavour to identify any changes of circumstances, resulting in an overpayment by:

- a) Identifying communications from the DWP notifying of Income Support or Income based Jobseekers Allowance having stopped.
- b) Identifying communications from fraud sections requiring action;
- c) Identifying incoming post that indicates a change of circumstances.
- d) Identifying internal post from area and other NNDC offices which indicates a change of circumstances

## **5.0 DECISIONS ON RECOVERABILITY**

- 5.1 In all cases where an overpayment of benefit has arisen NNDC will have regard for legislative procedures in deciding whether an overpayment is recoverable?
- 5.2 In doing so the Council will consider whether an official error caused or contributed to the overpayment.
- 5.3 The Council will have regard for legislative requirements in deciding to recover any overpayment or part thereof, which was caused by official error, or to which an official error materially contributed.

## **6.0 CLASSIFICATION OF OVERPAYMENTS**

- 6.1 All overpayments, whether recoverable or not, must be classified by an officer of the Council who is appropriately trained to sufficient standards that will allow for the correct application of the law in this decision making process.
- 6.2 Officers responsible for the classification of an overpayment must record the classification and reasons for it on file.

## **7.0 WHO SHOULD THE OVERPAYMENT BE RECOVERED FROM?**

- 7.1 Before recover action is undertaken, in each case consideration should be awarded to the relevant facts of the individual case. This may mean that further specific information will need to be obtained from affected parties prior to a decision being made. Recovery should be made from the most appropriate person who may be:
  - a) The claimant, or
  - b) The person to whom the payment was made, or
  - c) The person who misrepresented the material fact or failed to disclose the Fact or
  - d) The partner of the claimant. However regulations provide that this can only be the case where the partner was living as a member of the claimant's family at the time of the overpayment and at the time of the decision being made in respect of recovery.
- 7.2 Recovery of fraudulent overpayments should, in the first instance, be sought to be made from the person who misrepresented or failed to disclose material facts giving rise to the overpayment.

## 8.0 METHOD OF RECOVERY

8.1 Appropriate means of recovery should be considered in all cases under **Regulation 102 of the Housing Benefit Regulations 2006**. Recovery action should be taken by one of the following methods:-

- a) **Ongoing housing benefit deductions;** - The Regulation prescribes the maximum weekly deduction that can be made to recover an overpayment from ongoing entitlement. There are prescribed rates of deduction depending on whether the overpayment has arisen as a result of fraud or not. These rates may be up-rated annually by the Department for Work and Pensions on the 1<sup>st</sup> April.
- b) **Deductions from other DWP benefits** – Where there is no ongoing entitlement to Housing Benefit recovery can be sought from an attachment of other DWP welfare benefits through the Payment Deduction Programme. This is the electronic method of requesting an attachment of benefit.
- c) **Deductions from housing benefit payments made by other local authorities;** – If a debtor has moved to another Council area and is in receipt of Housing Benefit there, a letter can be sent to the Authority requesting that they make deductions from the claimants ongoing benefit entitlement at the suitable rate. The Housing Benefit overpayment would be passed to a Sundry Debtor to create an account in order for payments to be credited to NNDC.
- d) **Invoices** – An invoice will be raised for overpayments which cannot be recovered from ongoing Housing Benefit. Invoices will be raised for overpayments of £25 or more. The first principle will be to seek payment in full. Where a claimant can show that this is unaffordable, then instalments will be negotiated, by officers in accordance with the Corporate Debt Policy and Department for Works and Pensions best practice guidance.
- e) **Direct Earnings Attachment** – The Welfare Reform Act 2012 allows NNDC to ask employers to make deductions from the employees pay. Where a debt is at invoice stage, the debtor will be sent a reminder. Where the debt remains outstanding, the debt can be recovered directly from the debtor's earnings.
- f) **Collection of Overpayments from Landlords** – Where the claimant is no longer entitled to Housing Benefit, the overpayment will be sought from the landlord where they have failed to report a material change which they would have reasonably expected to realise had occurred. The overpayment will be invoiced. Where the landlord fails to settle the account the overpayment will be recovered directly from future Housing Benefit payments for other current tenants. The current tenants are protected and the deduction counts as their rent payment. This is referred to as Blameless Tenant recovery.
- g) **Debt Collection Agencies** – where an invoice has been raised and the payment has not been received the debt can be passed to a debt collection agency to collect.
- h) **Court action** - where an invoice has been raised and a reminder issued and non-payment of the debt continues the debt can be passed to legal services for action in the County Court via a County Court Judgement. A Claim Letter will be sent to the debtor first as a pre-warning that County Court action will take place. This gives the debtor a further opportunity to dispute the debt, or advise the authority that they are seeking financial assistance.
- i) **Recovery action (Post County Court Judgement)** – the HB overpayment is registered as a judgement of the court. Unpaid debts can be recovered by a number of enforcement methods – warrant of execution, attachment of earnings, third party debt order, charging order, bankruptcy or High Court Enforcement (see 8.2 below).

The Council will determine the most appropriate option for recovery of the debt.

Recovery action will commence after taking into consideration the claimants eligibility to underlying entitlement or a new claim pending. This will allow for the claimant to provide further information or make any reapplication for housing benefit, thereby reducing any overpayment, in addition to allowing time for the affected persons to register any appeal rights that they may wish to enact, and or to reach a mutually acceptable arrangement for the recovery of the overpayment.

- 8.2 From 12<sup>th</sup> April 2018, we now have access to a new recovery tool called the Housing Benefit Debt Service (HBDS). This is administered by the DWP and allows us to retrieve debtor's employment, self-employment, private pension information and address details directly from the HMRC.

Following the introduction of HBDS, we anticipate more debts being recovered via a Direct Earnings Attachment. Where these recovery options do fail and we are unable to engage with the debtor and once a County Court Judgement has been obtained, we are able to consider use of High Court Enforcement. This is where a Writ of Execution (a cost to NNDC of £66 if not successful) will be obtained from the High Court authorising a High Court Enforcement Officer to recover the amount owed by the debtor or take sufficient goods to be sold at auction to raise what is owed. The Enforcement Agent will not raise or charge any costs or fees in excess of the costs and fees allowed under the regulations in force as shown in the table below:-

Schedule of Enforcement Fees (other than under a High Court Writ)

| Fee Stage                | Fixed Fee | Percentage fee<br>(regulation 7):<br>percentage of<br>sum to be<br>recovered<br>exceeding £1000 |
|--------------------------|-----------|---|
| Compliance Stage         | £75.00    | 0%  |
| First enforcement Stage  | £190.00   | 7.5%  |
| Second enforcement Stage | £495.00   | 0%  |
| Sale or disposal stage   | £525.00   | 7.5%  |

The above figures are not including VAT.

- 8.3 In respect of ongoing housing benefit deductions, the standard rates should be applied as per the amounts laid down by Regulations, unless having regard to the health and/or financial circumstances and/or housing risk or need of the person from whom recovery is sought a lesser sum is deemed appropriate. Regulations provide that in all cases a minimum of 50p per week housing benefit must remain in payment.
- 8.4 Where recovery is sought from a bankrupt, recovery should be sought via ongoing benefit entitlement or from other prescribed benefits before considering any court action.

8.5 Where the case involves the death of a claimant, the deceased's representative or executor should be approached to seek recovery from the estate. However, the overpayment should not be recovered from ongoing benefit deductions from the surviving spouse.

8.6 'Excess Council Tax Benefit/Support ' will be added back onto the Council Tax account and collected in accordance with the Council Tax recovery Regulations.

## **9.0 PERIOD OF OVERPAYMENT CALCULATION**

9.1 The period over which the overpayment is calculated should be from the start date of the overpayment.

## **10.0 CALCULATION OF OVERPAYMENTS**

10.1 Where an overpayment is identified the Council will invite claimants to provide sufficient information to establish any underlying benefit entitlement.

10.2 The Council will endeavour to carry out the calculation of the overpayment within 14 days of its receipt of any written notice of change and any further information that is reasonably required for the correct administration of the overpayments procedure as is required by regulations.

## **11.0 MAXIMUM AMOUNT**

11.1 The full amount of the overpayment should be recovered, unless after having regard to the health and or financial circumstances and/or housing risk or need of the person from whom recovery is sought, a lesser amount would be more appropriate.

## **12.0 MAXIMUM PERIOD OF RECOVERY**

12.1 In all cases the overpayment should be recovered as quickly as possible. However, the maximum period over which the debtor should be allowed to repay the overpayment is that of six years.

12.2 The maximum period of six years may be exceeded if the method of recovery is deductions from ongoing benefit entitlement of other DWP benefits, having regard to the maximum deductions allowed by the regulations.

## **13.0 DECISION NOTICES**

13.1 All decision notices must be dated and issued to all the "affected persons" as prescribed by regulations within 14 days of the Council having reached that decision.

13.2 All decision notices must fully comply with the requirements of legislation, including the reasons for the decision, the right to request a statement of reasons and time limits for doing so, the affected person's right of revision/appeal and time limit for doing so.

13.3 Copies of the actual decision notice must be retained on file for a period of not less than 13 months in order that they may be retrieved and produced in the event of a future review/appeal/complaint or civil proceedings.



## **14.0 RECOVERY OF OVERPAYMENT DEBT**

14.1 The Council will seek to recover all recoverable overpayments of benefit in its statutory duty to reduce any loss to public funds. In doing so the Council will have regard for:

- a) The period of time that the debt may take to be recovered;
- b) The effect of recovery on the affected person from whom recovery is sought;
- c) The ability to repay of the affected person from whom recovery is sought.

14.2 All methods of recovery may be considered at any time, having regard for the circumstances of any individual case.

14.3 The Council may reconsider the methods used to recover overpayments at the end of each financial year for effectiveness and efficiency.

## **15.0 Policy Performance**

15.1 From April 2005 there are three performance measures that Councils have to report quarterly on to the Department of Works & Pensions in relation to overpayments:-

- The amount of HB overpayments recovered during the period as a percentage of the total amount of HB overpayments identified during the period.
- The amount of overpayments recovered during the period as a percentage of the total amount of HB overpayment debt outstanding at the start of the period plus amount of HB overpayments identified during the period.
- The amount of overpayments written off during the period as a percentage of the total amounts of HB overpayment debt outstanding at the start of the period plus amount of overpayments identified during the period

Revised June 2019

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## ENFORCEMENT UPDATE

**Summary:** This report provides the six monthly update for Members on a range of enforcement related issues arising from the work of the Enforcement Board and Combined Enforcement Team, both over the past six months but also an assessment of progress made since the Board's inception over 5 years ago.

The Council has a far wider range of regulatory and enforcement powers and it should be noted that this report deals only with those covered by the Enforcement Board the Combined Enforcement Team.

With the recent changes to the Member cohort, following the May election, the opportunity has been taken to give a more historical overview of enforcement issues, to help bring new Members up to date on this area of work.

**Conclusions:** The Enforcement Board continues to make significant progress towards its objectives of dealing with difficult and long-standing enforcement cases and bringing long term empty properties back into use, across all areas of the District, with both social and economic benefits to the community, and financial benefits to the Council.

As well as the above, the combined Enforcement Team has achieved considerable success in reducing the backlog on the planning enforcement caseload and ensuring that property level Council Tax enforcement is taken forward at the earliest opportunity.

**Recommendations:** **1. That Cabinet notes the continued progress of the Enforcement Board and the Combined Enforcement Team**

**Reasons for Recommendations:**

1. To ensure appropriate governance of the Board's activities
2. To show the progress of Combined Enforcement Team cases and contribution to the work of the Enforcement Board

|  |                                   |
|--|-----------------------------------|
| Cabinet Members<br>Cllr Karen Ward (Planning)<br>Cllr Nigel Lloyd (Environmental Health)<br>Cllr Eric Seward (Revenues and Benefits)   | Ward(s) affected<br><br>All Wards |
| Contact Officer, telephone number and email: Nick Baker, Corporate Director 01263 516221<br><a href="mailto:nick.baker@north-norfolk.gov.uk">nick.baker@north-norfolk.gov.uk</a> |                                   |

## **ENFORCEMENT BOARD UPDATE**

### **1. Introduction**

- 1.1. The Enforcement Board was set up in 2013 to tackle difficult, often longstanding enforcement issues, mainly related to property. At the time, there was an additional focus on Long Term Empty (LTE) homes due to the financial issues arising from the New Homes Bonus and, although the financial impact has reduced over time, the social impact of bringing LTEs back into use remains.
- 1.2. From the lessons learned with cases considered by the Board, the formation of the Combined Enforcement Team (CET) arose, which brought together property level Revenues (Council Tax) and LTE inspections and Planning Enforcement. This is covered in more detail, later in the report.
- 1.3. The Board works best where the issues under consideration are likely to benefit from cross service working due to their complex nature and the senior management level attendees from Environmental Health, Planning, Revenues and Legal Services enable the best course of action to be brought to bear on the issues at hand and to be implemented quickly and effectively. That said, due to the complexity of some cases, the resolution may take a very long time to achieve.
- 1.4. Dealing with difficult cases in this way has also encouraged more innovative approaches to the use of the Council's legislative powers. Whilst this may sometimes give rise to additional risk, much work has been done to ensure enhanced governance, with significant support from officers in both legal and finance teams.
- 1.5. Whilst Members do not sit at meetings of the Enforcement Board, because of legal sensitivities around enforcement decisions; where decisions have a wider implication and or risk, senior managers and or relevant members are involved in the decision making process. Other decisions are taken under officer delegated powers, with expenditure from the Enforcement Reserve authorised at Corporate Director/s151 Officer level.
- 1.6. A six monthly update on the work of the Board and wider enforcement activity is provided to Cabinet, and all Members are kept informed of progress on the individual cases being dealt with by the Board, through a confidential case update report stored on the Members' area of the Intranet. These are listed by ward to make access easier for Members.
- 1.7. The Combined Enforcement Team (CET) was set up in 2016 to address both a large backlog of Planning Enforcement cases, and also to take on property level investigation work on Council Tax cases, including much of the Long Term Empty property work referred to above.
- 1.8. This has given a significant reduction in the Planning Enforcement backlog and also a much faster response to new cases. The CET plays a key role in Revenues and LTE's, and also the work of the Board, at the intelligence gathering stage, along with its officers applying the initial pressure on owners to press forward with sale, development or renovation plans to allow early re-occupation. It also ensures that neglected properties are subject to low-level enforcement action to improve the appearance and condition of long-term problem properties, before they become bad enough to be referred to the Board.

### **2. Case Progress update**

- 2.1. Normally, this section the report gives an update on some specific enforcement cases being handled by the Board. Whilst some cases are covered below, the full details of all cases can be found in the confidential updates on the Members' Intranet area.

- 2.2. The Board continues to meet fortnightly to ensure good progress is maintained across the full range of cases under consideration. Currently, the caseload of the Board is 32 ongoing matters across all areas of the district.
- 2.3. Since the last report, a number of long standing cases have been progressed or completed and key cases of note are highlighted below:
- 2.4. Action by the Board has brought about a change in ownership of 55 and 56 Beeston Common which have been out of banding for many years, and have now been the subject of re-development which is near completion.
- 2.5. The Board also took action to ensure a number of long-term empty properties in Northrepps within a family trust were brought back into use under new ownership. Again, work is ongoing and nearing completion.
- 2.6. In another case, essential maintenance continues to safeguard a vulnerable resident living in a substantial residence in Cromer which was historically dilapidated and causing concern to neighbouring properties. Under the guidance of the Board, Adult Social Services are working to allow the resident to continue to live safely in their long-term family home.
- 2.7. The renovation works at 33 Oak Street, Fakenham, which had been empty for over ten years, are now complete and the property is sold, subject to contract.
- 2.8. The new owner of Sutton Mill is continuing to make progress in restoring this Grade 2 listed building and works are being closely monitored by officers to ensure that these are sympathetic to the original features and design; also that the works are not causing nuisance to neighbouring residents.
- 2.9. Following enforcement action, which was upheld by the Planning Inspectorate, progress is being made in the relocation of the businesses as required to depart the Beeches Farm, Tunstead site. The owners and lessees are receiving support and advice from both Planning and the Economic Growth Teams on appropriate further use of the site.
- 2.10. Removal of tyres from the massive tyre dump at Tattersett continues, albeit, extremely slowly. Given that the site owner has missed previous, staged deadlines for compliance, imposed by the Council's Planning Enforcement Notice, and upheld by the Planning Inspector, officers are now pressing the owner to increase the rate of removal of the tyres to prevent escalation of enforcement action including potential prosecution.
- 2.11. Planning Enforcement Notices have now been served on the archery/rifle shooting site at High Kelling, which has been operating without the required Planning Approval since 2016 and which has been the subject of complaints.
- 2.12. The Council has completed the purchase of two properties in Sculthorpe which have been empty for over 20 years. One property has already been retained by the Council for Community Housing, while the other, needing significant renovation, is being considered for temporary accommodation for homeless clients which will hopefully reduce the Council's reliance on expensive Bed and Breakfast options.
- 2.13. The board is applying pressure to the owners of the former Pineheath Nursing home in High Kelling, who illegally sought to rent out care bungalows to private residential tenants. The site is now dormant but the Board continue to explore options to bring the site back to an acceptable use.
- 2.14. One of the longest running cases has been the old Shannoeks Hotel site in Sheringham. The Council has maintained pressure on the owners to now

demolish and built out their proposed development and as this work has stalled for some months, a review of the case is ongoing to further consider the Council's options around potential compulsory purchase.

- 2.15. Of the remaining properties on the Board's agenda, all are progressing; many with major renovation works required to bring them back into habitable condition.

### 3. Long Term Empty Homes (LTEs) Update

- 3.1. In terms of LTEs, there remains a number of good reasons to act. It is essential that we enable occupation of as much of the District's housing stock as possible, thereby maximising housing provision.

A number of LTEs become the target of anti-social behaviour and the Board has had a number of successes in acting to prevent this and bring homes back into use.

In addition, many LTEs attract New Homes Bonus to the Council when brought back into use, although this is decreasing over time.

The percentage of LTE's in our housing stock remains lower than the national average with less than 1% (around 450 properties) in this category at any time. Given the many reasons for properties becoming and/or remaining empty, and the length of time taken for owners to complete issues such as complex probate cases, it is unlikely that the numbers of LTE's will drop below 400 and much of our effort is therefore targeted at preventing these numbers from increasing.

- 3.2. The current challenge with empty homes is to ensure that information held within the Council Tax database is accurate. Owners do not always inform the Council as soon as a property becomes empty, or when they move into a previously LTE property.

This means that the Council may not be collecting what is due in terms of Council Tax and may also be missing out on New Homes Bonus income if the statistical numbers of LTE properties are not kept up to date.

Previous reports have highlighted a major effort by officers to prioritise and process LTE data and to compare this on site with actual occupancy or vacancy of the property. A number of anomalies were found to exist and officers have worked to improve digital processes and accuracy of data. This resulted in a significant reduction in the number of reported long term empty properties and this specific project will now be completed annually.

- 3.3. In addition, a wider piece of work regarding data matching across the Council will be undertaken as part of the Digital Transformation Programme. This will be rolled out as wider digital investment enables better sharing of the Council's larger data sets as the Programme moves forward.

- 3.4. As well as the data centred tools for dealing with LTEs, the Council is able to bring a number of options forward to incentivise owners to bring them back into use as early as possible. The Council Tax system allows for both discounts (for instance, where major renovation makes properties inhabitable), and levy payments. In the case of levy payments, where a house has been unoccupied for over two years the Council Tax rises by 50% and after three years by another 50%.

In addition, there are schemes available to enable financial assistance for those who are renovating LTE's where there is a genuine need for such help. Potentially, such a grant scheme will be the subject of a future report.

#### **4. Combined Enforcement Team Update**

- 4.1. As noted above, the Combined Enforcement Team was set up to bring consistency of approach and efficiencies in the way the Council deals with Empty Homes, Council Tax Completions and Planning Enforcement, as these are mainly property level inspection based cases.
- 4.2. Empty Homes work is important to maximise New Homes Bonus but the introduction of new build properties and larger developments into Council Tax banding also helps to maximise the collection of Council Tax. The team carry out regular inspections of known developments to ensure properties are brought into banding at the earliest opportunity.
- 4.3. The work of the Combined Enforcement Team underpins much of the work of the Enforcement Board, both in terms of finding new cases to be worked on but also in moving forward many of the current caseload.
- 4.4. The team work with Council tax colleagues to ensure owners of long-term empty properties receive chasing letters promoting the need to for all types of accommodation. The team actively target properties where owners have failed to respond to these letters, specifically trying to identify properties most likely to have a damaging effect on neighbourhoods and communities. These properties ensure a regular throughput of properties for the Enforcement Board.
- 4.5. The team's planning enforcement caseload currently stands at 301, but when set up on 1st April 2016 the caseload was 733, many of which had been open for several years. The team have closed over a thousand cases in total in the three years it has existed. Since the last report, 109 new cases have been opened and 96 cases have been closed.
- 4.6. Whilst much of the progress made in these cases is via informal means, eight new Enforcement notices have been served in 2019 to date.
- 4.7. The team continue to deal with some very challenging cases. Since the last report the CET have successfully resolved a difficult case of major excavation works in East Runton, which, it was initially believed may lead to structural instability of a number of homes around its periphery. After pressure from the team, and the service of a Planning Enforcement Notice, excavations were safely filled back in without detriment to the surrounding properties.

#### **5. Future Working**

- 5.1. Central to the work of the Enforcement Board and the CET, is the range of enforcement options open to the Council and the use of these in an appropriate and proportionate manner.

The vast majority of cases reported to the Council can be resolved by informal means, often by just a discussion between the appropriate officer and the property owner. There may be wider, informal actions which can be achieved, and contact, especially with owners of LTE's, is also used to explain potential options available to the owner and also providing an underlying threat of enforcement if appropriate action is not taken.

However, where this initial resolution cannot be achieved, normally the next stage will be a notice issued under the most relevant legislation. One of the lessons learned has been to initiate formal proceedings such as a notice at the earliest possible date after informal resolution fails. Once the requirements of a notice are not complied with, various options are then normally available, including undertaking works in default, and prosecution.

Depending on the legislation, the costs of works in default can be recovered from the owner by direct means including placing a charge on the property or in some cases, an enforced sale of the property.

Compulsory Purchase options will continue to be explored but can only be considered as a last resort. Within the compulsory purchase regime, the first stage following evaluation of the property, is a voluntary offer by the Council to buy the property at its current market value. If this fails, the Council can then apply for a compulsory purchase order. It is important, however, to stress that compulsory purchase, if defended, is a long process with significant capital costs to the Council and in such cases, it is likely that the Enforcement Board will request Full Council to provide an appropriate budget for action,

- 5.2. The business processes for information gathering relating to long-term empty properties are to be reviewed. This should further improve the availability of real time information on long-term empty properties and make it easier to identify and target specific problem properties.
- 5.3. Targeted inspection exercises, carried out en-masse, if repeated annually, will produce significant savings for Council budgets while providing the opportunity to maximise income from New Homes Bonus and Council Tax for LTEs returned to use or brought into banding.

## **6. Performance Management**

- 6.1. Members continue to be kept informed of enforcement board cases being taken forward in their wards and Group Leaders are also being kept informed of all cases. This continues to be well received.
- 6.2. Where appropriate, Town and Parish Councils are also kept informed of progress and where there is an obvious legal risk or implication, the relevant Portfolio holder is also informed, as well as the local member and CLT.
- 6.3. The Overview and Scrutiny Committee also consider the Enforcement Board update report to provide additional oversight. As a result of this, the list of current cases was improved for Members' access and future updates to Overview and Scrutiny will be considered as part of the work planning meeting of that committee.

## **7. Financial Implications and Risks**

- 7.1. The work of the Enforcement Board is partly driven by the need to maximise revenue from both Council Tax and, for Long Term Empty Properties, the New Homes Bonus scheme. Significant contributions have already been made by bringing properties back into use and/or back into Council Tax banding, in the four years the Board has been working
- 7.2. As has been stated above, a number of these properties give rise to local blight and therefore an expectation from local communities on the Council to resolve the issues, with accompanying reputational risk if we do not act.
- 7.3. It is however, also important that we act sensitively in some cases, and that we adhere to our own Enforcement Policies in terms of proportionality of approach.
- 7.4. There is also a reputational risk involved, if we lose legal action. Whilst this can be mitigated by good process and evidence gathering etc, we are seeking to be innovative in our use of legal powers and we may not always win the case at hand.
- 7.5. The use of the Council's powers in different ways will almost certainly cause some complaint from those who have not previously seen direct action from the



Council in respect of the issues concerned. It is therefore essential that we ensure both the technical and legal processes used are sound and that, in terms of our reputation, our rationale for action is clearly understood.

- 7.6. There is, in some cases, a risk of not being able to recover costs; for both officer and legal costs, and where works in default are undertaken. However, these risks are being mitigated, through good intelligence and evidence gathering and ensuring that the correct legal processes are followed during any action taken.

In addition, where necessary, valuation advice is taken to ensure that there is enough value in a site against which to provide proceeds of an enforced sale if necessary to recover costs.

It should be noted that all expenditure allocated to the Enforcement Board Reserve is approved by both the s151 Officer and a Head of Paid Service.

- 7.7. The Enforcement Board Reserve covers the costs of dealing with these cases and in general, most of the costs concerned are recovered. However, formal action takes place in a number of cases, where some costs are simply not recoverable.

- 7.8. There has been the need for significant additional legal input to the cases and although much of the cost is recovered, this has been underwritten by the Reserve.

## **8. Sustainability**

The only sustainability implications directly resulting from this report are around better use of existing housing stock and other buildings, as opposed to new build and therefore the potential use of green field sites.

## **9. Equality and Diversity**

There are no equality and diversity implications directly resulting from the recommendations or options considered in this report.

## **10. Section 17 Crime and Disorder considerations**

Some of the work being undertaken by the Board has a direct link to criminal activity, around deliberate Council Tax avoidance. In addition, a number of empty properties have been associated with anti-social behaviour, which of course will be removed when properties are brought back into use.

## **11. Conclusions**

The Enforcement Board continues to make significant progress towards its objectives of dealing with difficult and long-standing enforcement cases and bringing long term empty properties back into use, across all areas of the District, with both social and economic benefits to the community, and financial benefits to the Council.

As well as the above, the combined Enforcement Team has achieved considerable success in reducing the backlog on the planning enforcement caseload and ensuring that property level Council Tax enforcement is taken forward at the earliest opportunity.

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## MARKET TOWNS INITIATIVE – ROUND TWO FUNDING REPORT

**Summary:** This report seeks Cabinet approval of the recommendations made by the Market Towns Initiative Working Group, in order to award grant funding to successful applicants from North Norfolk's four inland market towns for the second round of funding.

**Options considered:** All applications and funding options have been considered.

**Conclusions:** On the recommendation of the Market Towns Initiative Working Group, Cabinet approved funding of £274,162.97 of the available £400,000 be awarded to North Norfolk's four inland market towns in the first round of the scheme. This left a total of £125,837.03 remaining and so a second application round was held, with the residual sum for each town available for eligible organisations to bid for. The MTI Working Group considered the second round applications and as a consequence has recommended that £103,747.36 be awarded, leaving £22,089.67 remaining. The applications are summarised in this report.

**Recommendations:**

- (1)** That Cabinet approve the MTI Working Group's recommendations to award £103,747.36 of funding to applications outlined in the report.
- (2)** That Cabinet request the Overview & Scrutiny Committee to continue to monitor the outputs and outcomes of any/all applications that receive funding.
- (3)** That Cabinet gives consideration as to the future use of any residual funds (either unallocated or unspent).
- (4)** Delegated authority be given to The Head of Economic and Community Development to agree suitable conditions in respect of the approved applications, issue grant decision letters accordingly, and make any necessary funding adjustments in accordance with the delegated authority policy.

**Cabinet Member(s):** Cllr Richard Kershaw  
**Ward(s) affected:** Lancaster North, Lancaster South, Holt, North Walsham East, North Walsham West, North Walsham Market Cross & Stalham

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## **1. Background**

- 1.1 This report seeks Cabinet approval of the recommendations made by the Overview & Scrutiny – Market Towns Initiative Working Group in order to award funding to suitable applications from eligible organisations in North Norfolk’s four inland market towns for the second round of MTI funding.
- 1.2 The MTI fund was established to assist with regeneration of the four inland market towns in the District; the Coastal resort towns having been able to access external grants much more readily and have been the focus of key investment projects. The MTI prospectus set out the expectations of how the initiative will help our inland market towns to thrive. It seeks projects that will bring about improvements in these towns that will help raise their profile as better places to work, live and visit.
- 1.3 Members will be aware that during the budget discussions (and subsequent approval at Council) funding was allocated to the Market Town Initiative, bringing a total budget allocation of £400,000, allowing for £100,000 to be allocated to each market town.
- 1.4 North Norfolk covers a wide geographic area and market towns can be found throughout this landscape, acting as important service centres to wider populations in what is still today, a very rural part of the county. The nature of the towns varies, but all of North Norfolk’s market towns still retain a historic (retail) core, and are to varying degrees supported by their local catchment and visitors.
- 1.5 The towns of Cromer, Sheringham and Wells due to their coastal location attract more tourism than our more rurally located towns of North Walsham, Stalham, Holt and Fakenham. Furthermore, the District Council has recently committed significant additional expenditure to ensure that the town infrastructure meets the needs of residents and visitors alike, together with investment in sporting and recreational facilities.
- 1.6 In common with many market towns in the UK, North Norfolk’s four inland market towns are experiencing a number of challenges, including competition from major retail destinations and out-of-town shopping centres, increased online retailing, the closure of key services and a decline in market activity. Whilst each market town has its own unique character, the challenges facing them remain the same.
- 1.7 The focus of the Market Towns Initiative is to help our rural town centres adjust to those changing use patterns by engaging with local communities to improve and develop their towns centres to encourage business, promote economic development, improve the visitor experience and to increase footfall.
- 1.8 Increasing the vibrancy of our market towns impacts positively on the rural areas surrounding them, by supporting our local producers and giving our residents an opportunity to shop, live, work and socialise locally.

## **2. Market Town Initiative Framework Summary**

- 2.1 The Council has allocated £400,000 to the Market Towns Initiative, with each market town allocated an outline budget of up to £100,000 to spend on locally owned and managed projects within the MTI scheme, intended to revitalise and enhance the town centres.
- 2.2 The intention of the project is to build capacity and capability in the towns to select, manage and deliver projects so that in future years the towns have the skills to access external funding, manage, and deliver projects themselves. Consequently, the model proposed identified small scale proven projects that have been successfully used to support town centres to deliver economic resilience, regeneration and footfall elsewhere, whilst also respecting that each of the market towns has different needs.
- 2.3 Successful projects would be expected to match the following characteristics:
- Contributes either to footfall, regeneration or economic growth
  - Proven track record i.e. successful elsewhere
  - No large overhead costs or complex delivery mechanisms
  - Positive environmental or aesthetic improvements

Further details on the suitability of projects can be found in the MTI prospectus available at the below address:

<https://www.north-norfolk.gov.uk/media/4377/market-towns-initiative-prospectus.pdf>

- 2.4 As well as their potential for improvement, the projects have in part been selected for their “off the shelf” ability to be implemented quickly and not require any additional or ongoing resources in order to be sustainably delivered, and if necessary any ongoing costs will be covered by the applicant.
- 2.5 The groups delivering the projects were given appropriate guidance via Officers at NNDC, but have also been asked to engage and seek advice from their communities directly. This was done via engagement with businesses and business groups, including the Chambers of Trade and Commerce, Community Interest Companies, Community Organisations, Charities and the respective Town Councils. Engagement and consultation with the community was therefore an essential ingredient of a project success.
- 2.6 To further develop the MTI and provide balanced consideration of project bids, Cabinet referred the Market Town Initiative to a politically-balanced Working Party of the Overview and Scrutiny Committee.

## **3. Second Round Applications**

- 3.1 Applications were made using the application form available at the following link: <https://www.north-norfolk.gov.uk/media/4378/mti-application-form.pdf>.
- 3.2 Applications were submitted via both post and email with a deadline for receiving applications set at Friday 16<sup>th</sup> November 2018 for the first round, and Tuesday February 12<sup>th</sup> for the second round. Due to necessary requests for further information from applicants coinciding with local and European

elections, judgement of the second round applications was postponed until after the elections were complete.

3.3 A total of five applications were received from across the four market towns in the second round, requesting a total of £111,657.36 from the available £125,837.03 remaining. A breakdown of this total request can be seen in the table below:

| Town                 | Total Award Round 1 (£) | Total Remaining Net (£) | Total Request Round 2 (£) |
|----------------------|-------------------------|-------------------------|---------------------------|
| <b>Fakenham</b>      | £60,416.67              | £39,583.33              | £35,949.85                |
| <b>Holt</b>          | £50,724.00              | £49,276.00              | £50,760.00                |
| <b>North Walsham</b> | £99,575.00              | £425.00                 | £425.00                   |
| <b>Stalham</b>       | £63,447.30              | £36,552.70              | £24,522.51                |
| <b>Totals</b>        | £274,162.97             | <b>£125,837.03</b>      | <b>£111,657.36</b>        |

3.4 Details of the second round applications received are listed below, including the associated funding recommendations to Cabinet from the working party.

### Fakenham

- Active Fakenham

**AGREED TO RECOMMEND** funding of £27,544.85 to coordinate, resource and market a large number of events in the town and promote the town itself.

- Fakenham Town Council

**AGREED TO RECOMMEND** funding of £8405.00 to fund the landscaping and improvement of Fakenham Library triangle.

### Holt

- Holt Town Council

**AGREED TO RECOMMEND** funding of £49,000 to fund town centre amenity space improvements in Fish Hill/Star Plain and an interactive town map for use at the TIC.

### North Walsham

- Regenerate North Walsham/North Walsham Town Council

**AGREE TO RECOMMEND** funding of £425 for additional signage to visitor attractions.

### Stalham

- Stalham Town Council/Stalham Area Business Forum

**AGREED TO RECOMMEND** funding of £18,372.51 for town centre events, planning and installation costs of improved signage, disability access improvements, sensory backpacks, grounds maintenance equipment,

firehouse museum improvements, including educational materials and a website.

## **TOTALS**

In summary, the MTI Working Group recommends a total of £103,747.36 of funding to be awarded across the four towns for the second round of funding. This would leave a total of £22,089.67 of funding remaining from the original £400,000 available.

### **4. Scheme details: Delivery**

- 4.1 Upon receiving Cabinet approval, successful and unsuccessful applicants will be notified of the outcome of their application through a decision notice.
- 4.2 Funding conditions letters will then be sent to successful applicants outlining all necessary conditions of accepting the grant including conditions specific to each application. Once these are signed and returned funding is then processed.
- 4.3 Ongoing consultation and engagement with the local community, including specific engagement with local business, local elected members, heritage and regeneration groups remains vital to the successful delivery of the town centre schemes.

### **5. Scheme detail: Governance**

- 5.1 In order to be considered eligible applicants were required to provide evidence of both their governing documents or constitution, alongside evidence of their accounts and audit information where applicable.
- 5.2 Officers assess each bid to ensure that the appropriate governance and accounting safeguards listed above are in place in respect of any funding agreements. Where not yet available, these checks will be included as part of the grant funding conditions and monitored as part of the ongoing dialogue with successful applicants.

### **6. Engagement and Monitoring**

- 6.1 Listening and engaging with our communities in the towns is a key factor in ensuring that the success of the MTI and that the projects are delivered successfully.
- 6.2 The Overview and Scrutiny Committee was best deemed to be placed to establish, implement, oversee and monitor the scheme. Similarly, it is expected the Overview and Scrutiny Committee would act as a means of reporting on the feedback, outputs and the outcomes of project delivery.
- 6.3 Cabinet will need to determine the use of any unspent funds, either those yet to be allocated or those that remain unspent by project applicants. The options might include:
  - 6.3.1 Retain the funds in the general reserve

- 6.3.2 Operate another round of applications for those towns with unspent allocations
- 6.3.3 Allocate the funds to the Big Society Fund (perhaps ring-fencing them for use in the respective towns to which they were originally allocated).

## **7. Conclusion**

- 7.1. The Market Towns Initiative represents a good opportunity for the Council to support its inland market towns during a period of change and encourage greater use of highstreets and towns across the district. The administration of the fund has seen some excellent projects come forward and by the end of the second round the vast majority of the funding will have been allocated.

## **8. Implications and Risks**

Reputational risk to the Council would result were the funds not to be awarded fairly or correctly or were successful applicants not to spend them in accordance with the agreed terms. The operation of the scheme has followed the guidelines and procedures agreed in the prospectus and careful consideration has been given to the terms and conditions of any grant offer. Grants will be carefully monitored and feedback will be reported to Overview & Scrutiny Committee and Cabinet.

## **9. Financial Implications and Risks**

The funding for the project has already been allocated within the budget for 2018/19. Financial information has been sought from applicants in order to ensure that the financial risk to the Council is as limited as possible, and so that funds can be returned if not used within the guidelines of the Market Towns Initiative.

## **10. Sustainability**

There are no sustainability implications associated with the award of grants in this second round of the scheme.

## **11. Equality and Diversity**

The Equality and Diversity policies of applicants relevant governing bodies has been sought where applicable in order to ensure compliance with NNDC policy.

## **12. Section 17 Crime and Disorder considerations**

No impacts upon matters relating to crime and disorder are believed to arise from the applications for which funding is recommended.