

Overview & Scrutiny Committee



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Tuesday, 9 July 2019

A meeting of the **Overview & Scrutiny Committee** of North Norfolk District Council will be held in the **Council Chamber - Council Offices, Holt Road, Cromer, NR27 9EN** on **Wednesday, 17 July 2019** at **9.30 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 notify the committee clerk 24 hours in advance of the meeting and arrive at least 15 minutes before the start of the meeting. 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 516047, Email: matthew.stembrowicz@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 must 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.

Please note that Committee members will be given priority to speak during the debate of agenda items

Emma Denny
Democratic Services Manager

To: Mr T Adams, Mr H Blathwayt, Mr N Dixon, Mrs W Fredericks, Mr P Heinrich, Mr N Housden, Mr G Mancini-Boyle, Mr N Pearce, Miss L Shires, Mrs E Spagnola, Mr J Toye and Mr A Varley

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

Corporate Directors: Nick Baker and Steve Blatch
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A G E N D A

1. TO RECEIVE APOLOGIES FOR APOLOGIES FOR ABSENCE

2. SUBSTITUTES

3. PUBLIC QUESTIONS & STATEMENTS

To receive questions / statements from the public, if any

4. MINUTES

1 - 10

To approve as a correct record the minutes of the meeting of the Overview and Scrutiny Committee held on 12th June 2019.

5. 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.

6. 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.

7. PETITIONS FROM MEMBERS OF THE PUBLIC

To consider any petitions received from members of the public.

8. CONSIDERATION OF ANY MATTER REFERRED TO THE COMMITTEE BY A MEMBER

To consider any requests made by non-executive Members of the Council, and notified to the Monitoring Officer with seven clear working days' notice, to include an item on the agenda of the Overview and Scrutiny Committee.

9. RESPONSES OF THE COUNCIL OR THE CABINET TO THE COMMITTEE'S REPORTS OR RECOMMENDATIONS

To consider any responses of the Council or the Cabinet to the Committee's reports or recommendations

10. DEBT RECOVERY 2018-19

11 - 40

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

The report includes:

- 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 51634
and e-mail: Sean.Knight@north-norfolk.gov.uk

11. ENFORCEMENT UPDATE

41 - 48

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)	

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Nick Baker, Corporate Director 01263 516221
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12. OVERVIEW & SCRUTINY ANNUAL REPORT 2018/19

49 - 54

Summary: The report aims to provide Council with a better understanding of the role of the Overview & Scrutiny Committee, provide insight into the work of the Committee in the year 2018/19, and to highlight some of the key issues it has considered.

Options considered: N/a.

Conclusions: The Committee fulfilled its remit and had a very active year. There were some changes in membership during the year, including a change of Chairman. With a new Administration in place

it is likely that 2019/20 will bring fresh challenges for the Committee, including input into the development of a new corporate plan. The Committee also welcomes ten newly elected Members following the May 2019 election.

Recommendations: **1. It is recommended that Council notes the report and affirms the work of the Overview & Scrutiny Committee.**

Reasons for Recommendations: To inform Council of the work of the Overview & Scrutiny Committee in 2018/19.

Cabinet Member(s): N/a
Ward(s) affected: All

Contact Officer, telephone number and email:
Matthew Stembrowicz
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WORK PROGRAMMES

- | | | |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| 13. | THE CABINET WORK PROGRAMME | 55 - 56 |
| | To note the upcoming Cabinet Work Programme | |
| 14. | OVERVIEW & SCRUTINY WORK PROGRAMME AND UPDATE | 57 - 62 |
| | To receive an update from the Scrutiny Officer on progress made with topics on its agreed work programme, training updates and to receive any further information which Members may have requested at a previous meeting | |
| 15. | EXCLUSION OF THE PRESS AND PUBLIC | |
| | To pass the following resolution, if necessary:
"That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph _ of Part I of Schedule 12A (as amended) to the Act." | |
| 16. | TO CONSIDER ANY EXEMPT MATTERS ARISING FROM CONSIDERATION OF THE PUBLIC BUSINESS OF THE AGENDA | |

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OVERVIEW AND SCRUTINY

Minutes of a meeting of the Overview and Scrutiny Committee held on 12th June 2019 in the Council Chamber, North Norfolk District Council, Holt Road, Cromer at 9.30 am.

Members Present:

Committee: Cllr T Adams (Vice Chair)

Cllr H Blathwayt
Cllr N Pearce
Cllr A Varley
Cllr W Fredericks
Cllr J Toye

Cllr E Spagnola
Cllr P Heinrich
Cllr N Housden
Cllr G Mancini-Boyle
Cllr L Shires

Officers in

Attendance: The Democratic Services & Governance Officer (Scrutiny), the Democratic Services Manager, the Corporate Director (NB), the Head of Economic & Community Development, the Head of Finance and Asset Management, and the Policy and Performance Management Officer

Members in

Attendance: Cllr P Bütikofer, Cllr A Brown (portfolio holder for Special Projects), Cllr J Rest, Cllr A Fitch-Tillett (portfolio Holder for Coastal) and Cllr E Seward (portfolio holder for Finance)

Others in

attendance:

1. APOLOGIES

Apologies were received from Cllr N Dixon (Committee Chairman).

2. SUBSTITUTES

None.

3. PUBLIC QUESTIONS & STATEMENTS

None received.

4. MINUTES

The minutes of the Overview and Scrutiny Committee meeting held on 10th April 2019 were agreed as an accurate record and signed by the Chairman.

5. ITEMS OF URGENT BUSINESS

None.

6. DECLARATIONS OF INTEREST

None received.

7. PETITIONS FROM MEMBERS OF THE PUBLIC

None received.

8. CONSIDERATION OF ANY MATTER REFERRED TO THE COMMITTEE BY A MEMBER

None received.

9. RESPONSES OF THE COUNCIL OR THE CABINET TO THE COMMITTEE'S REPORTS OR RECOMMENDATIONS

None received.

10. 2018/19 OUTTURN REPORT (PERIOD 12 BUDGET MONITORING REPORT)

The Portfolio Holder for Finance – Cllr E Seward introduced the Report and informed Members that it provided the final budget monitoring position for the 2018/19 financial year. It was noted that the outturn position at 31st March 2019 showed an overall underspend of £969,666. Cllr E Seward reported that £273k of this was an underspend that was in-line with forecasts. The remaining figure of approximately £700k was the result of higher business rates returns than had been expected from central government. It was noted that the surplus had been placed in the general reserve.

Questions and Discussion

Cllr T Adams referred to the Fakenham Extra Care Scheme identified on page 34, and asked for further information. The Head of Finance and Asset Management replied that the Council had provided a capital contribution to support the scheme, and suggested that he could send a link with further details.

In response to a question from Cllr G Mancini-Boyle, the Head of Finance and Asset Management informed Members that an increase in wages for handymen had been driven by demand, and explained that with greater use of the Council's public conveniences, came additional repair costs. He added that overtime was also included in the increase, with extra hours required for special events such as the Antiques Roadshow and BBC ident. Members were informed that the two events had generated approximately £11k of income for the Council, that would go some way to offset the cost of overtime payments.

Cllr N Pearce referred to the annual underspend, and asked whether something similar could be expected again in the future, despite predictions. The Head of Finance and Asset Management replied that the Council could possibly be less cautious when forecasting business rates returns, as it appeared that the tourism economy was still doing well in the district. Members were reminded however, that the fair funding review was pending, and this as well as a business's rates review, could reset the base line, which would in-turn limit the Council's additional income. As a result, the Head of Finance and Asset Management suggested that the Council ought to remain cautious, even though Brexit had to some extent delayed the funding reviews.

Cllr T Adams referred to Market revenue figures on page 31 that had not matched forecasts, and asked what had caused the variance in revenue. The Head of Finance and Asset Management explained that there was a national decline in market trade across the country, and it was possible that traders were no longer being replaced as they retired.

Cllr N Housden referred to business rates retention and backlogs that had occurred with the NHS, and asked whether the Council had a contingency in place to cope with the backlog. The Head of Finance and Asset Management replied that the Council did have a business rates reserve of £1m, but acknowledged that there was still a backlog. He added that business rates refund would be backdated, and could amount to billions of pounds nationally.

In response to a question from Cllr T Adams on a TIC overspend on capital charges, the Head of Finance and Asset Management explained that the overspend on REFCUS, which was revenue expenditure funded by capital under statute, referred to an asset which it does not own which would have been treated as capital expenditure had it been a capital asset of the authority. In this case, it had been a capital contribution of £90k to the Holt TIC. It was expected that saved revenue would return this figure within four years, suggesting that there was a good business case for the investment, and had therefore been included in the budget.

Cllr T Adams noted that there had been overspends in the homelessness budget, and asked if a larger budget would be needed in the future. The Head of Finance and Asset Management replied that the budget was difficult to predict as the service was demand led. He added that hotels had been used on occasion, and that the service needed to be managed better in the future, in order to make better use of the Council's own facilities. It was suggested that capital investment may be required in the future for new sites, though income from the benefits system would offset some of the potential cost.

The recommendations were taken en bloc proposed by Cllr T Adams and seconded by Cllr L Shires.

RESOLVED

To recommend the following to Full Council:

- 1. The provisional outturn position for the General Fund revenue account for 2018/19;**
- 2. The transfers to and from reserves as detailed within the report (and appendix C) along with the corresponding updates to the 2019/20 budget;**
- 3. Transfer the surplus of £969,666 to the General Fund Reserve (£500,000) and the Asset Management Reserve (£469,666);**
- 4. The financing of the 2018/19 capital programme as detailed within the report and at Appendix D;**
- 5. The balance on the General Reserve of £1.956 million;**
- 6. The updated capital programme for 2019/20 to 2022/23 and scheme financing as outlined within the report and detailed at Appendix E;**
- 7. The outturn position in respect of the Prudential indicators for 2018/19 as detailed in Appendix F.**

11. TREASURY MANAGEMENT ANNUAL REPORT 2018/19

The Portfolio Holder for Finance Cllr E Seward introduced the Report and informed Members that its aim was to indicate where the Council had invested, and the rates of return it had achieved.

Questions and Discussion

Cllr E Seward informed Members that the Council's current investments were approximately £35m, which was notably higher than the Council's reserves. Of this figure, approximately £20m had been put aside for capital projects. Members were informed that short term funds, such as revenue from collected council tax and benefits were invested prior to being utilised. It was suggested that capital project forecasting improvements could allow for wiser investments in the future.

Cllr E Seward informed Members that the Council was no longer borrowing for capital projects, though significant borrowing was still expected in order to fund the new Splash facility. In support of this, it was noted that whilst interest rates remained low, it was a good time to borrow.

The recommendations was proposed by Cllr P Heinrich and seconded by Cllr N Pearce.

RESOLVED

To recommend to Full Council that the Treasury Management Annual Report and Prudential Indicators for 2018/19 are approved.

12. MANAGING PERFORMANCE QUARTER 4 2018/19

The Corporate Director (NB) introduced the Report and informed Members that it reported on the key work streams of 2018/19, and illustrated the position of the Council at the year end. He added that some projects would have progressed or changed since the Report was published, and that with the performance management software due to be updated shortly, reporting procedures would change accordingly.

Questions and Discussion

Cllr N Housden asked where Members could look to find trends in the data and statistics included in the Report, and suggested for example, if there was any visible trend in the housing waiting list increasing. The Corporate Director (NB) stated that he would need to seek this information from the relevant service area manager, but added that it was hoped that the new software would allow immediate access to this information. Cllr N Housden noted that the Report showed that visitor numbers had increased last year, though not dramatically, and asked whether climate information could be used to predict visitor numbers. The Corporate Director (NB) replied that climate data could be used to an extent, as there was a correlation with warmer weather causing sports centre use to go down, whilst beach use went up. He added that climate change could be expected to bring incremental changes, with higher visitor spending in warmer weather.

Cllr T Adams referred to long term empty homes data identified on page 97, and asked for further information. The Corporate Director (NB) stated that the data covered a wide range of properties, and that the key aim was for the homes to be empty for as short a time as possible. He stated that there were lots of reasons for the homes remaining empty, such as those in probate, some with anti-social behaviour issues and some held for family, but the ultimate goal remained to reduce the number of empty properties. The Corporate Director (NB) informed Members that an enforcement board update would come to the Committee in July, at which point penalties, such as 200% council tax charges for homes that remained empty for three years or more could be discussed in more detail. It was suggested that the number of LTE homes increasing from 137 to 151 was a normal level of growth, and whilst the Council had a good handle on empty properties in the district, it had to keep up the pressure. Cllr G Mancini-Boyle asked about the accuracy of the information, to which the Corporate Director (NB) replied that it was not perfect, but was considered accurate enough to be reported to central government and was monitored

continuously. Cllr J Toye asked what percentage of homes in the district were empty, to which the Corporate Director (NB) replied that of the approximate 54k properties in the district, less than 1% were considered to be empty, which put the district in a good position when compared to the national average of 1.5%.

Cllr T Adams referred to planning targets identified on page 109, and noted that targets had been exceeded. He then asked if these numbers could be expected to continue to rise. The Corporate Director (NB) replied that the Council had a good turnaround time on planning applications, which had gone from 70% to 90% on target, thanks to a business process review and digital transformation. Despite the increase, the Corporate Director (NB) stated that it was unlikely that the Council would reach 100%, though suggested that he did not expect the current figure to slip. Cllr N Pearce stated that the Planning Department were an excellent team that maintained good working relationships between Members and Officers with a minimum of fuss, which he suggested had led to its success, without further room for improvement.

Cllr N Housden referred to Broadband provision, and asked if figures for internet speed across the district were available. He then asked if the Council had any leverage on Openreach as the connectivity provider. The Corporate Director (NB) replied that NNDC did not have any significant leverage on Openreach, and added that Norfolk County Council ran the Better Broadband for Norfolk Scheme, which Members were able to hold to account, with the caveat that NNDC was hostage to NCC's implementation process. The Corporate Director (NB) stated that it remained a Member decision to lobby NCC further to implement the BB4N scheme across North Norfolk faster. Cllr E Seward stated that the County Councillor responsible for digital communications was Cllr T FitzPatrick, and encouraged Members to contact him in order to pursue further information. He added that NNDC had set aside a £1m contribution to help BB4N bring high speed internet to rural areas across the district, and hoped it would be requested shortly. Cllr E Seward suggested that BT's monopoly on the high speed cable infrastructure needed to be loosened, and informed Members that the question had been raised by MPs. Cllr N Housden asked if any leverage could be applied to encourage NCC to roll-out the scheme faster in North Norfolk, to which the Corporate Director (NB) replied that encouragement to date had not sped up the process. In reference to poor internet speeds, Cllr P Bütikofer stated that it would cost £35k to install high speed cable to his home address, and that 13 properties in close proximity to his home had speeds of just 0.3mb/s, with 7 businesses in the area that also relied on this connection. Cllr G Mancini-Boyle asked for details on what NNDC would be paying £1m for in relation to the BB4N scheme. The Corporate Director (NB) replied that this would bring enhanced delivery of high speed broadband cable to rural areas of North Norfolk. The Head of Economic and Community Development informed Members that NNDC had already lobbied NCC on the issue, and they had been generally responsive. He added that the issue was not about prioritisation, but with the speed of delivery, and that Broadband speed figures could be sought from NCC if required. The BB4ER (Better Broadband for East Ruston) scheme was discussed, and it was suggested that information could be passed on to Members if requested.

In response to a question from Cllr T Adams, the Corporate Director (NB) stated that fixed penalty notices were used for less serious waste crimes, whereas prosecution was sought for more serious crimes such as fly tipping. He added that several methods were used to catch offenders, such as covert CCTV, which had been relatively successful to date. The Corporate Director (NB) stated that fly tipping prosecutions were well advertised to inform the public of the severity of the crime. He then informed Members that fixed penalty notices and the number of fly tipping incidents could be reported at the request of Members.

Cllr N Housden referred to paint disposal amnesty, and asked who set the time limits on these periods. The Corporate Director (NB) replied that these services were run by NCC,

and noted that there had been some conflict between NNDC and NCC on the delivery of waste services, but this had only had a minor impact. Cllr H Blathwayt asked if there was any correlation between the recent introduction of DIY waste charges and fly tipping. The Corporate Director (NB) stated that he had expected that this would be the case, but a rise in fly tipping across North Norfolk was yet to be seen. Cllr T Adams stated that the issue was regularly raised at NCC, and was still a matter of frustration. Cllr G Mancini-Boyle asked what NNDC had done to educate the public on this issue, to which the Corporate Director (NB) replied that there was a waste education programme in place, run via the NEWS joint waste partnership. He added that businesses were also educated on how to dispose of their waste properly, with trade waste arrangements in place.

Cllr N Housden asked when the procurement of the new waste contract would take place, and whether this would be seen by Members. The Corporate Director (NB) stated that it would be added to the O&S Work Programme, to be reviewed by the Committee at the appropriate time, as it was felt that procurement boards alone did not provide the best governance arrangements for the project. Members were informed that NNDC had entered into an agreement with KLWNBC and Breckland District Council, in order to procure a joint waste contract that would lower costs. It was noted that, should NNDC maintain its current arrangements, costs would increase. The new joint contract, set to go live in April 2020, would provide an economy of scale, with the other Councils joining once their current contracts expired. The Corporate Director (NB) stated that tenders had been received, and the Council was now at the negotiating stage. With regards to food waste, it was reported that KLWNBC already provided this service, but had considered bringing it to an end, as the cost was approximately £250k per year.

Cllr N Pearce referred to the roll-out of Universal Credit, and asked whether any problems had been foreseen. The Head of Finance and Asset Management replied that he had been keeping an eye on any issues, and noted that NNDC would be one of the last authorities to introduce the scheme, meaning that many of the issues would hopefully be resolved by the time it was introduced. He added that some claims would take longer to process, but he was happy to learn from neighbouring authorities. It was suggested that tolerance levels could be introduced that would limit the administrative impact for the public and the Council.

Cllr N Housden asked if any update was available regarding the IT issues that took place at the time of the meeting. The Corporate Director (NB) informed Members that during routine maintenance, a reboot of the system had caused an issue with the servers. It was explained that engineers had been working overnight to fix the issue, and it was hoped that this would be resolved by the afternoon. The Corporate Director (NB) informed Members that customer service calls were being diverted, and that manual operations would continue until the issue was resolved.

Cllr H Blathwayt proposed that the Scrutiny Officer write to NCC to seek an update on when BB4N at NCC would request the £1m held in NNDC reserves to implement the scheme across North Norfolk. The proposal was seconded by Cllr N Housden.

RESOLVED

- 1. That the Committee notes the Report and endorses the actions being taken by management in areas of concern.**
- 2. That the Scrutiny Officer write to the relevant officer(s) at Norfolk County Council to determine when the £1m held in NNDC reserves will be spent on the roll-out of the BB4N scheme in North Norfolk.**

13. SHERINGHAM PRIMARY SCHOOL PARKING TASK & FINISH GROUP – INTERIM REPORT

Cllr T Adams introduced the Report and informed Members that the Task and Finish Group had been formed as a result of a CCfA prior to the election. The Group were yet to make any recommendations, but had considered several options which were included in the Report. It was noted that many of the issues identified were functions of Norfolk County Council.

Questions and Discussion

The Democratic Services and Governance Officer (Scrutiny) provided further information on the work of the Task and Finish Group, and explained the limitations of NNDC's ability to implement any recommendations, as it did not administer the necessary services.

Cllr N Pearce stated that he accepted that both highways and schools were not the jurisdiction of the District Council, but stated that the issues continued to persist, and therefore asked if the schools could be contacted to implement any recommendations. Cllr N Housden stated that he saw no benefit in continuing the Task and Finish Group, but asked if it would be possible to implement a 'bike walk scoot' style scheme via NCC. Cllr P Heinrich stated that there was no benefit in continuing the Task and Finish Group, and suggested that it would be difficult to encourage children to cycle on their own. He added that he had helped to promote a walking bus approach in Portsmouth.

Cllr W Fredericks stated that working parents would have significant time pressures, and therefore walking children to school may be difficult. She then asked whether work to introduce such a scheme could be outsourced to Broadland District Council. The Democratic Services and Governance Officer (Scrutiny) explained that BDC had in fact outsourced some of the implementation of the bike walk scoot scheme to NCC.

Cllr G Mancini-Boyle suggested that car sharing was another opportunity that could be considered.

Cllr L Shires stated that she had been a school governor for six years, and had dealt with similar issues in the past, at which point a park and stride scheme had been implemented, though success was limited by a lack of viable pathways. Cllr T Adams suggested that pathways shouldn't be such an issue at Sheringham Primary School, as it was located in a housing estate.

Cllr W Fredericks asked if any grants were available to help fund similar schemes, to which the Head of Economic and Community Development suggested that it was possible that the Big Society Fund might be possible, otherwise the community transport fund could be considered. Cllr T Adams asked whether the BSF was open to educational institutions, to which the Head of Economic and Community Development replied that this was not strictly the case, but it was possible that funding could be provided to a community organisation, though it would need to be properly constituted.

In reference to alternate parking arrangements for parents at the nearby community centre, the Democratic Services and Governance Officer (Scrutiny) stated that Sheringham TC had originally rejected the Group's proposal to allow parking on the community centre car park. He then suggested that the Town Council could be asked to reconsider the request if it was presented alongside a full scheme to encourage walking.

In reference to Traffic Regulation Orders outlined in the Interim Report as a potential option, Cllr T Adams suggested that these would be difficult to implement, and noted that

he had previously been involved in a scheme in which a high number of tickets issued had been to local residents.

In response to a question from Cllr L Shires, it was confirmed that Sheringham Primary School was not an academy, and should therefore be encouraged to discuss the issues with NCC as the relevant authority. Cllr L Shires suggested that recommendations to implement a scheme could be made directly to NCC. The Democratic Services and Governance Officer (Scrutiny) confirmed that BDC had paid for elements of their bike walk scoot scheme to be implemented by the NCC Road Safety Team. Cllr N Housden asked what percentage of the issues faced at Sheringham Primary School and the surrounding area were the responsibility of NNDC, to which the Democratic Services and Governance Officer (Scrutiny) replied that both educational services and highways were the responsibility of NCC. Cllr P Heinrich said he was shocked that the school had not done more to attempt to address the issue, and stated that NCC must be asked to engage with the school to improve circumstances.

Cllr W Fredericks proposed either that £5000 of funding be recommended to implement a bike walk scoot style scheme in North Norfolk, or otherwise encourage schools to apply to the community transport fund to implement such a scheme. The Head of Economic and Community Development stated that whilst the cost of implementing such a scheme in North Norfolk was unknown, it would not be wise to make any funding recommendations without clarification. Cllr L Shires proposed a recommendation to ask NCC to implement a bike walk scoot style scheme without a funding recommendation, until financial requirements were known. The Proposal was seconded by Cllr P Heinrich.

RESOLVED

That the Scrutiny Officer write to the Norfolk County Council Road Safety Team to request that a walk/bike to school scheme be implemented at Sheringham Primary School and across North Norfolk where necessary.

14. MARKET TOWNS INITIATIVE – NEW MEMBER BREIFING

The Head of Economic and Community Development introduced the Report and informed Members that the Market Town Initiative scheme had given the district's four inland market towns the opportunity to bid for £100k each, in order to make improvements to help reinvigorate the towns and highstreets.

Questions and Discussion

The Head of Economic and Community Development informed Members that following the first round of grant awards, approximately £130k remained to be awarded in the second round to each town respective of first round awards. He added that the original deadline for second round applications had been in February, however due to delays in seeking necessary information on bids, followed by the local and European elections, applicants were granted a two week period to make adjustments and resubmit bids, prior to the Working Group meeting to judge applications in July.

It was noted that a key aspect of the scheme was to encourage collaboration in the town between community organisations, which had worked well in North Walsham, but had not been as successful in other towns. Cllr T Adams asked how many applications had been received in the second round, to which the Democratic Services and Governance Officer (Scrutiny) confirmed that five applications had been received from across the four towns.

In response to a question from Cllr J Toye on monitoring, the Democratic Services and Governance Officer (Scrutiny) confirmed that a formal request for a progress report would be sent to successful round one applicants in the coming weeks, and that these would be presented to the Committee once received. In addition, an MTI process review was placed on the O&S Work Programme to be reviewed at the appropriate time once the scheme was nearing completion. The Head of Economic and Community Development added that applicants had been given specific funding condition agreements that had to be signed and returned prior to funds being granted.

Cllr N Housden referred to the Fakenham Facelift scheme and asked whether it was appropriate to fund improvements to independent businesses. The Head of Economic and Community Development replied that this issue was discussed by the MTI Working Group, who deemed that the scheme was justified on the basis that it made necessary improvements to the public realm, that would encourage increased footfall and spending in the proposed location.

Cllr P Heinrich asked how the success of the scheme would be measured, to which the Democratic Services and Governance Officer (Scrutiny) replied that the relative success of each project would be determined by its adherence to the purpose of the fund, and the benefits that had been brought to each town as a result.

RESOLVED

To note the work of the Market Towns Initiative Working Group to date.

15. THE CABINET WORK PROGRAMME

The Democratic Services and Governance Officer (Scrutiny) informed Members that the Cabinet Work Programme contained statutory items and would be updated with additional items once the Corporate Plan had been finalised.

16. OVERVIEW AND SCRUTINY WORK PROGRAMME AND UPDATE

The Democratic Services and Governance Officer (Scrutiny) informed Members that an annual Work Programme of statutory items had been included in the agenda for Members to review, and that a session to set the Programme with additional items would take place after the July meeting.

The meeting ended at 12.23pm

Chairman

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Agenda Item

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

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 st 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 st 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 st 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

Income Area	2015/16 (£)	2016/17 (£)	2017/18 (£)	2018/19 (£)
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

Category	Council Tax(£)	NNDR(£)	Sundry Income(£)
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	135,839	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.

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. 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: 1. Terminal illness and limited means 2. Where payment would cause further ill health 3. Old age and frailty and no financial	Submit for Write Off

Appendix 2

	assistance 4. Severely mentally impaired and no financial assistance 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

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.

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- **Enforcement Agent Instructions**



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.

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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 1st 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 12th 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 (regulation 7): percentage of sum to be recovered 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

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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 Cllr Karen Ward (Planning) Cllr Nigel Lloyd (Environmental Health) Cllr Eric Seward (Revenues and Benefits)	Ward(s) affected All Wards
Contact Officer, telephone number and email: Nick Baker, Corporate Director 01263 516221 nick.baker@north-norfolk.gov.uk	

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 ~~Enforcement~~ 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.

OVERVIEW & SCRUTINY ANNUAL REPORT 2018/19

Summary: The report aims to provide Council with a better understanding of the role of the Overview & Scrutiny Committee, provide insight into the work of the Committee in the year 2018/19, and to highlight some of the key issues it has considered.

Options considered: N/a.

Conclusions: The Committee fulfilled its remit and had a very active year. There were some changes in membership during the year, including a change of Chairman. With a new Administration in place it is likely that 2019/20 will bring fresh challenges for the Committee, including input into the development of a new corporate plan. The Committee also welcomes ten newly elected Members following the May 2019 election.

Recommendations: **1. It is recommended that Council notes the report and affirms the work of the Overview & Scrutiny Committee.**

Reasons for Recommendations: To inform Council of the work of the Overview & Scrutiny Committee in 2018/19.

Cabinet Member(s): N/a
Ward(s) affected: All

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Email: Matthew.Stembrowicz@north-norfolk.gov.uk Tel: 01263 516047

1. Introduction – Purpose of the Committee

1.1 The Overview and Scrutiny Committee is the Council's watchdog, ensuring that the Cabinet is held to account and is carrying out the Council's aims, as well as getting the best value for money as a result of its decisions. Originating from the Local Government Act of 2000, Scrutiny Committees not only keep an eye on the Council, but can also review the work of other bodies such as the Police, our utility providers and the voluntary sector.

1.2 As outlined within the Council's Constitution, the Committee's terms of reference are as follows:

- To scrutinise and review decisions or other actions taken with respect to non-executive functions.
- To make reports or recommendations to the Full Council or to the Cabinet about one or more particular issue(s), service(s) or matter(s), which affects North Norfolk and its residents. Reports or recommendations may be carried out on whatever issue, service or

matter the Scrutiny Committee thinks fit and may be carried out on any subject if the Full Council or the Cabinet requests it to do so.

- To carry out best value reviews.
- To act as the Council's Crime and Disorder Committee.
- To produce an annual report to Council on the work of the Committee over the year.
- To ensure effective scrutiny of the treasury management strategy and policies.

1.3 The remit of the Overview and Scrutiny Committee also includes undertaking policy review and development, monitoring performance management, promoting community well-being and improving the quality of life in the District. Scrutiny is Member-led and independent of political party arrangements. At North Norfolk District Council, the Overview and Scrutiny Committee is chaired by a member of the opposition. Scrutiny should always be viewed as a function which belongs to and benefits the whole council.

2. Committee Background

2.1 Subsequent to minor changes following a change in the political control of the Council, the Overview & Scrutiny Committee comprised the following Members:

Chairman – Cllr S Hester	Cllr N Pearce
Cllr A Claussen-Reynolds	Cllr N Smith
Cllr B Smith	Cllr P Bütikofer
Cllr B Hannah	Cllr P Grove-Jones
Cllr J English	Cllr R Reynolds
Cllr M Knowles	Cllr V Gay

2.2 Who participates in Scrutiny:

- The Chairman and Vice Chairman of the Overview and Scrutiny Committee take a pro-active role throughout the process, attending pre-agenda meetings and steering and scoping the direction of questioning and investigation.
- Overview and Scrutiny Committee Members – Scrutiny is different from other committees in that it calls for Members with investigative and creative minds who are prepared to “do their homework” out of the Council Chamber and think outside of the usual committee framework, tailoring the method of review to suit the topic.
- Cabinet Portfolio Members are invited to attend meetings of the Committee to present and answer questions on Reports relevant to their portfolio. The aim is that the Portfolio Member should have an opportunity to contribute to any issues relating to their portfolio.
- All non-Executive Members of the Council are also invited to attend, in order to ask questions or suggest potential topics for scrutiny.
- Officers are involved in a number of ways – those directly involved in supporting the scrutiny process and those who are called to compile Reports for the Committee.
- Invitees and Witnesses can be called not just from within the Council, but from partners and utilities providers.
- The public are welcome to attend meetings of the Committee with a provision that allows members of the public the ability to submit questions

up to 24 hours in advance of meetings, in order to highlight areas of concern that they would like to see addressed by the Committee.

3. Committee Role and Responsibilities

- 3.1 Scrutiny of Decisions made by Cabinet “Call-ins” - The Overview and Scrutiny Committee can “call in” a decision which has been made by the Cabinet but not yet implemented. This enables the Committee to consider if the decision is appropriate, and it may recommend that the Cabinet reconsiders the decision.
- 3.2 Comment on Budget Proposals/Budget Monitoring - Draft Budget reports, budget monitoring and the Medium Term Financial Strategy are all cyclical items on the Overview & Scrutiny Committee’s Work Programme.
- 3.3 Pre–Scrutiny - This enables greater co-ordination between the Cabinet and Scrutiny work programmes, ensuring Overview and Scrutiny Committee input into key agenda items, thus reducing the likelihood of Call–ins.
 - Commenting on and providing input into Corporate Priorities.
 - Contributing to the development of Draft Policies.
 - Looking at key agenda items before they go to Cabinet.
- 3.4 Performance Monitoring - This is a quarterly item for the Committee that acts as a useful tool for highlighting service areas and issues that may require further investigation. They are equally important for showing areas of the Council’s work which are going particularly well.
- 3.5 Presentations - The Committee may request presentations from external bodies on items of interest. These are usually followed by a Q&A session to gain further insight into the chosen subject.
- 3.6 Reviews - The Committee may choose to look at a topic in depth and over a period of time. This could be undertaken by the whole Committee as a rapid review or by a Task and Finish Group over a set period of time, usually lasting six months.
- 3.7 Petitions - The Committee considers petitions received from members of the public which can be submitted electronically or by hard copy.

4. Work of the Committee 2018/19

- 4.1 2018/19 was a busy year for the Committee with two Task & Finish Group reviews, two Working Groups, a rapid review of the local plan, multiple presentations ranging from organisations such as the Norfolk Constabulary to the NHS Norfolk & Suffolk Foundation Trust, and a call in of a Cabinet decision on Egmore Enterprise Zone. Please see below for further details of the work of the Committee in 2018/19:
 - Beach Huts and Chalets Task & Finish Group: Early in the municipal year, the Committee resolved to establish a Task & Finish Group in order to undertake a six month review into the Council’s Beach Huts and Chalets. The Review culminated in a range of recommendations that were subsequently approved by Cabinet, including a new pricing

structure, an online bookings system, improvement of maintenance procedures and service improvements for key collection/drop-off.

- Market Town Initiative Working Group: The MTI Working Group was established through Overview & Scrutiny as it was determined that a Scrutiny sub-committee would provide the most suitable apparatus to judge and monitor applications to the fund. The £400k fund aimed to reinvigorate North Norfolk's four inland Market Towns of Fakenham, Holt, North Walsham, and Stalham with £100k available to each town. The Working Group made funding recommendations of £274,162.97 in the 2018/19 municipal year.
- Asset Management Working Group: The Committee resolved to establish an Asset Management Working Group as a scrutiny sub-committee, in order to undertake reviews of the Council's potential and existing asset commercialisation projects. During 2018/19 the AMWG reviewed the business case for the Egmore Enterprise Zone and made a range of recommendations to Cabinet on the project.
- Call-in: The committee expressed concerns about some aspects of Cabinet's decision regarding the Egmore Enterprise Zone. Members resolved to issue a call-in of the decision at the September meeting of Cabinet. The Call-in recommendations were subsequently rejected by Cabinet.
- Sheringham Primary School Parking Task & Finish Group: As a result of a Councillor Call for Action from the local Member, the Committee resolved to establish a Task & Finish Group to review traffic and parking concerns raised by residents in the vicinity of Sheringham Primary School. The Group was limited to an initial three month time-limit leading up to the Local Elections held in May 2019. Prior to the election the Group met on five occasions in which time it resolved to co-opt two members of the public as representatives of the School and residents. A range of potential options were considered, and an Interim Report was produced to hand over its findings the new Overview & Scrutiny Committee post-election.
- Rapid Review of the Local Plan: When setting the Work Programme, the Committee resolved to undertake a pre-scrutiny Rapid review of the Draft Local Plan prior to its initial publication for consultation. The review took place over a full day and resulted in several recommendations on housing, the environment and resourcing of the Planning Policy Team, which were all in-turn accepted by Cabinet.
- Crime and Disorder: The Committee requested a presentation on online scams by the Police and Crime Commissioner for Norfolk in conjunction with the Superintendent for the district. The presentation led to a thorough Q&A with several service improvement suggestions put forward by Members, thus fulfilling the role of the Council's crime and disorder Committee.
- Budget Scrutiny/Monitoring & Financial Strategy: Throughout the year, the Committee reviewed Budget Monitoring, Treasury Management Strategy, Capital Strategy, Investment Strategy, and Medium Term

Financial Strategy Reports in line with its responsibility to provide financial oversight for the Council. In addition to an ongoing programme of finance training, Budget Scrutiny Training was arranged to align with the publishing of the draft budget in December 2018, which allowed Committee Members a chance to review the budget simultaneously.

- Performance Management: The Committee received quarterly Reports on the performance of the Council, which it used to identifying specific areas of success or concern. Tourism figures were routinely discussed as a key economic concern for the district that resulted in the Committee receiving a briefing on Tourism in the district.
- Review of Public Convenience Strategy/Opening Times: The Public Convenience Strategy and Opening Hours were taken to the Committee as separate items with Scrutiny approving recommendations to Cabinet to fund service improvements such a renovations and extended opening hours.
- Briefings: During 2018/19 the Committee requested several briefings in order to provide insight and updates on topics including the NHS Norfolk & Suffolk Adult Mental Health Strategy, staff recruitment at NNDC, leisure & locality services offered by NNDC, NNDC corporate branding, and the Better Broadband for Norfolk service run by Norfolk County Council.


5. Conclusions

- 5.1 2018/19 was a very active year for the Committee with unexpected issues arising in addition to the Committee's agreed Work Programme, including a call-in of a major commercial investment proposal from Cabinet and a Councillor Call for Action. Significant challenges also arose from unexpected changes in the political administration of the Council, and subsequent changes in the leadership of the Committee. Importantly, despite these challenges the Committee continued to exceed its obligations and provide valuable input and oversight to the Council.
- 5.2 The Scrutiny Officer that entered the role at the start of the 2018/19 municipal year has settled comfortably into the role, and now seeks to enhance both the effectiveness and profile of the Committee amongst Councillors, Officers, and across the district.
- 5.3 Challenges remain for the year ahead, with major changes to the political makeup of the Council following the May 2019 Local Elections, which has resulted in a significant change to the membership of the Committee. This has resulted in only one former Member of Scrutiny being appointed to the Committee. Whilst this may limit continuity, it could provide an opportunity for the Committee to take a fresh approach, focusing on high level strategic projects as commercialisation comes to the forefront. Furthermore, the corporate priorities of the Council may undergo significant changes, which will require considerable input from the Committee, both in the context of pre and post scrutiny reviews.
- 5.4 With predicted future budget deficits of approximately £2m, the Committee will be required to play an important role in identifying the Council's appetite for

commercialisation, monitoring the Council's budget, and continuing to review the viability of the Council's existing and future assets.

- 5.5 In Summary, the Overview & Scrutiny Committee played an important role for the Council in the 2018/19 municipal year, and its importance will continue to develop in the coming year.

North Norfolk District Council
Cabinet Work Programme
For the Period 01 July to 30 September 2019



Decision Maker(s)	Meeting Date	Subject & Summary	Cabinet Member(s)	Lead Officer	Status / additional comments
July					
Cabinet	08 Jul 2019	Enforcement Board Update	Karen Ward, Nigel Lloyd & Eric Seward	Nick Baker Corporate Director 01263 516221	
Scrutiny	17 Jul 2019				
Cabinet	08 Jul 2019	Debt Management Annual Report	Eric Seward	Duncan Ellis Head of Finance & Assets 01263 516330	
Scrutiny	17 Jul 2019				
Council	24 Jul 2019				
Cabinet	08 Jul 2019	Cromer Tennis Hub	Virginia Gay	Emma Duncan Head of Legal 01263 516045	Exempt information
Cabinet	08 Jul 2019	MTI 2nd round – award of funding		Rob Young Head of Economic Growth & Communities 01263 516162	
August 2019					
Scrutiny	17 Jul 2019	Egmere Business Zone	Greg Hayman Richard Kershaw	Renata Garfoot	Exempt information 
Cabinet	(date tbc)				



Key Decision – a decision which is likely to incur expenditure or savings of £100,000 or more, or affect two or more wards. (NNDC Constitution, p9 s12.2b)

* Schedule 12A of the Local Government Act 1972 (As amended by the Local Authorities (Access to Information) (Exempt Information) (England) Order 2006)

North Norfolk District Council
Cabinet Work Programme
For the Period 01 July to 30 September 2019

September 2019					
Cabinet	09 Sep 2019	Budget Monitoring P4	Eric Seward	Duncan Ellis Head of Finance & Assets 01263 516330	
Scrutiny	18 Sep 2019				
Cabinet	09 Sep 2019	Performance Management Q1	Eric Seward	Helen Thomas Policy & Performance Management Officer 01263 516214	
Scrutiny	18 Sep 2019				
Cabinet	09 Sep 2019	Medium Term Financial Strategy	Eric Seward	Duncan Ellis Head of Finance & Assets 01263 516330	
Scrutiny	18 Sep 2019				
Council	25 Sep 2019				
Cabinet	09 Sep 2019	Award of Waste Contract	Nigel Lloyd	Steve Hems Head of Environmental Health	Possible council decision – tbc 
Scrutiny	18 Sep 2019				
Council	25 Sep 2019				
Cabinet	09 Sep 2019	New Road, North Walsham – options	Greg Hayman	Emma Duncan Head of Legal, DS and Benefits 01263 516045	



Key Decision – a decision which is likely to incur expenditure or savings of £100,000 or more, or affect two or more wards. (NNDC Constitution, p9 s12.2b)

* Schedule 12A of the Local Government Act 1972 (As amended by the Local Authorities (Access to Information) (Exempt Information) (England) Order 2006)

OVERVIEW AND SCRUTINY COMMITTEE – ANNUAL WORK PROGRAMME 2019/20

Meeting	Topic	Lead Officer / Member	Objectives & desired outcomes	Time cycle
June 2019				
Scrutiny	Sheringham Primary School Parking Interim Report	Matt Stembrowicz	To seek approval for the Task & Finish Group to continue	
Cabinet Scrutiny Council	Out-turn report	Eric Seward Duncan Ellis	To make any recommendations to Council	Annual
Cabinet Scrutiny Council	Treasury Management Annual Report	Eric Seward Duncan Ellis	To make recommendations to Council	Annual
Cabinet Scrutiny	Performance Management Q4	Sarah Bütikofer Helen Thomas	To monitor the performance of the Council and make any necessary recommendations to Cabinet	Quarterly
Scrutiny	Market Towns Initiative Working Group Update	Matt Stembrowicz	To update the Committee on the progress of the Task and Finish group	
July				
Cabinet Scrutiny Council	Debt Management Annual Report	Eric Seward Sean Knight	To review the Report and make any necessary recommendations to Council	Annual
Scrutiny Council	Overview & Scrutiny Committee Annual Report 2018/19	Matt Stembrowicz	Committee to approve and recommend to Council	Annual
Cabinet Scrutiny	Enforcement Board Update	Nick Baker Nigel Lloyd	To receive an update on the work of the Enforcement Board	Quarterly

Meeting	Topic	Lead Officer / Member	Objectives & desired outcomes	Time cycle
September				
Cabinet Scrutiny	Budget Monitoring P4	Eric Seward Duncan Ellis	To review the budget monitoring position	
Cabinet Scrutiny	Performance Management Q1	Sarah Bütikofer Helen Thomas	To monitor the performance of the Council and make any necessary recommendations to Cabinet	Quarterly
Cabinet Scrutiny Council	Medium Term Financial Strategy	Eric Seward Duncan Ellis		Annual – in advance of the Budget setting process for 2020/21
October				
November				
Cabinet Scrutiny	Budget Monitoring P6	Eric Seward Duncan Ellis	To review the budget monitoring position	
December				
Cabinet Scrutiny	Performance Management Q2	Sarah Bütikofer Helen Thomas	To monitor the performance of the Council and make any necessary recommendations to Cabinet	Quarterly
Cabinet Scrutiny Council	Treasury Management Half-Yearly Report	Eric Seward Duncan Ellis		
January 2020				
Cabinet Scrutiny Council	2019/20 Base Budget and Projections for 2021/22 to 2022/23	Eric Seward Duncan Ellis		

Meeting	Topic	Lead Officer / Member	Objectives & desired outcomes	Time cycle
February				
Cabinet Scrutiny Council	Treasury Strategy 2019/20	Eric Seward Lucy Hume		Annual
Cabinet Scrutiny Council	Capital Strategy	Eric Seward Lucy Hume		Annual
Cabinet Scrutiny Council	Investment Strategy	Eric Seward Lucy Hume		Annual
March				
Cabinet Scrutiny	Performance Management Q3	Eric Seward Helen Thomas	To monitor the performance of the Council and make any necessary recommendations to Cabinet	Quarterly
Cabinet Scrutiny	Budget Monitoring P10	Eric Seward Duncan Ellis	To review the budget monitoring position	
April				
Cabinet Scrutiny Council	Annual Action Plan	Sarah Bütikofer Helen Thomas		

Meeting	Topic	Lead Officer / Member	Objectives & desired outcomes	Time cycle
TBC				
Scrutiny	Meadow House Itteringham - Review	Emma Duncan John Rest	To review the performance of the investment and consider the Council's future commercialisation strategy	Requested by Committee
Scrutiny	Anglian Water Briefing		To invite a representative of Anglian Water to provide a briefing charge increases and network improvements	Pre-Council briefing TBC
Scrutiny	Recycling Rapid Review	Nigel Lloyd Steve Hems Scott Martin	To carry-out a high level review into the recycling services of NNDC	TBC
Scrutiny	Waste Contract Briefing/Update	Nigel Lloyd Scott Martin	To provide an update on the current waste contract/service	Cyclical - Six monthly
Scrutiny	Market Towns Initiative – process review	Matt Stembrowicz Emma Denny David McGrath	To review the process of the MTI fund	TBC
Scrutiny	Mental Health Update – Return Visit	Sonia Shuter	To invite NHS representatives for a return visit to consider progress made with implementation of adult mental health strategy	TBC
Scrutiny	Crime and Disorder Briefing	PCC Lorne Green Supt Chris Harvey	To receive a briefing on crime and disorder in the district and act as the Council's crime and disorder Committee	Annual
Cabinet Scrutiny	Enforcement Board Update	Nick Baker		Quarterly (O&S Committee Cabinet Recommendation)

**Overview & Scrutiny 12 June 2018
Outcomes & Action List**

ACTION BY
(Additional comments in italics) **PROGRESS / COMPLETION**

ITEM 10: 2018/19 OUTTURN REPORT (PERIOD 12 BUDGET MONITORING REPORT)

RESOLVED:

To recommend to Full Council

1. The provisional outturn position for the General Fund revenue account for 2018/19;
2. The transfers to and from reserves as detailed within the report (and appendix C) along with the corresponding updates to the 2019/20 budget;
3. Transfer the surplus of £969,666 to the General Fund Reserve (£500,000) and the Asset Management Reserve (£469,666);
4. The financing of the 2018/19 capital programme as detailed within the report and at Appendix D;
5. The balance on the General Reserve of £1.956 million;
6. The updated capital programme for 2019/20 to 2022/23 and scheme financing as outlined within the report and detailed at Appendix E;
7. The outturn position in respect of the Prudential indicators for 2018/19 as detailed in Appendix F.

Council

Full Council June 2019

<p><u>ITEM 11: TREASURY MANAGEMENT ANNUAL REPORT 2018/19</u></p> <p>RESOLVED:</p> <p>To recommend to Full Council that the Treasury Management Annual Report and Prudential Indicators for 2018/19 are approved.</p>	<p>Council</p>	<p>Full Council June 2019</p>
<p><u>ITEM 12: MANAGING PERFORMANCE Q1 2018 - 2019</u></p> <p>RESOLVED:</p> <ol style="list-style-type: none"> 1. That the Committee notes the Report and endorses the actions being taken by management in areas of concern. 2. That the Scrutiny Officer write to the relevant officer(s) at Norfolk County Council to determine when the £1m held in NNDC reserves will be spent on the roll-out of the BB4N scheme in North Norfolk. 	<p>O&S Committee</p> <p>Democratic Services & Governance Officer (Scrutiny)</p>	<p>June 2019 Meeting</p> <p>July 2019</p>
<p><u>ITEM 13: SHERINGHAM PRIMARY SCHOOL PARKING TASK & FINISH GROUP – INTERIM REPORT</u></p> <p>RESOLVED:</p> <p>That the Scrutiny Officer write to the Norfolk County Council Road Safety Team to request that a walk/bike to school scheme be implemented at Sheringham Primary School and across North Norfolk where necessary.</p>	<p>Democratic Services & Governance Officer (Scrutiny)</p>	<p>July 2019</p>
<p><u>ITEM 14: MARKET TOWNS INITIATIVE – NEW MEMBER BREIFING</u></p> <p>RESOLVED:</p> <p>To note the work of the Market Towns Initiative Working Group to date.</p>	<p>O&S Committee</p>	<p>June 2019 Meeting</p>