



AGENDA

For a meeting of the
ECONOMIC DEVELOPMENT AND SCRUTINY PANEL
to be held on
TUESDAY, 31 JANUARY 2006
at
2.30 PM
in
COMMITTEE ROOM 1, COUNCIL OFFICES, ST. PETER'S HILL, GRANTHAM
Duncan Kerr, Chief Executive

Panel Members:	Councillor Kenneth Joynson, Councillor Mrs Rosemary Kaberry-Brown, Councillor John Nicholson (Chairman), Councillor Stanley Pease, Councillor Ian Selby, Councillor Mrs Judy Smith, Councillor Ian Stokes, Councillor Jeffrey Thompson (Vice-Chairman) and Councillor Mrs Azar Woods
Scrutiny Officer:	Paul Morrison 01476 406512 p.morrison@southkesteven.gov.uk
Scrutiny Support Officer:	Jo Toomey 01476 406152 j.toomey@southkesteven.gov.uk

Members of the Panel are invited to attend the above meeting to consider the items of business listed below.

- 1. COMMENTS FROM MEMBERS OF THE PUBLIC**
To receive comments or views from members of the public at the Panel's discretion.
- 2. MEMBERSHIP**
The Panel to be notified of any substitute members.
- 3. APOLOGIES**
- 4. DECLARATIONS OF INTEREST**
Members are asked to declare interests in matters for consideration at the meeting.
- 5. ACTION NOTES**
The notes of the meeting held on 22nd November 2005 are attached for information.
(Enclosure)
- 6. FEEDBACK FROM THE EXECUTIVE**

7. **SOCIAL ENTERPRISE EAST MIDLANDS**
The Panel will receive a presentation from the Chief Executive of Social Enterprise East Midlands.
8. **REVIEW OF HOUSING STRATEGY**
Report DRS25 from the Corporate Director of Regulatory Services. **(Enclosure)**
 - **Gypsies and Travellers Needs Survey** **(Enclosure)**
9. **LOCAL DEVELOPMENT FRAMEWORK**
The Panel will receive an update on the Local Development Framework. **(Enclosure)**
10. **ENFORCEMENT POLICY**
Report number ENV340 to the Economic DSP by the Head of Environmental Health and Licensing. **(Enclosure)**
11. **REPORTS FROM WORKING GROUPS**
12. **BEST VALUE PERFORMANCE INDICATORS** **(Enclosure)**
13. **WORK PROGRAMME** **(Enclosure)**
14. **ANY OTHER BUSINESS, which the Chairman, by reasons of special circumstances decides is urgent.**



MEETING OF THE ECONOMIC DEVELOPMENT AND SCRUTINY PANEL

TUESDAY, 22 NOVEMBER 2005 2.30 PM

PANEL MEMBERS PRESENT

Councillor Mrs Rosemary Kaberry-Brown
Councillor John Nicholson (Chairman)
Councillor Stan Pease
Councillor Ian Selby

Councillor Mrs Judy Smith
Councillor Ian Stokes
Councillor Jeff Thompson (Vice-Chairman)

OFFICERS

Corporate Director, Community Services
Corporate Director, Finance & Strategic
Resources
Head of Planning Policy & Economic
Regeneration
Management Accountant
PR Manager
Scrutiny Officer
Scrutiny Support Officer

Brian Thompson (LCC - Highways)

3 Members of the Public

1 Member of the Local Press

OTHER MEMBERS PRESENT

Councillor Reg Lovelock M.B.E. (*Chairman:
Resources DSP*)
Councillor Mrs. Linda Neal (*Leader of the
Council*)
Councillor Stephen O'Hare
Councillor Alan Parkin
Councillor John Smith (*Economic Portfolio
Holder*)
Councillor Gerald Taylor
Councillor Mike Taylor
Councillor Graham Wheat
Councillor Mrs. Mary Wheat
Councillor John Wilks
Councillor Mike Williams

44. COMMENTS FROM MEMBERS OF THE PUBLIC

Mr. Gilman from Stamford asked for permission to record the meeting. Using his discretion, the Chairman said that it would be inappropriate to record the meeting because Panel meetings are informal and produce action notes, rather than minutes.

The Scrutiny Officer read out the relevant paragraphs of the Council's constitution. Mr. Gilman accepted the ruling of the Chairman.

45. MEMBERSHIP

None.

46. APOLOGIES

Apologies for absence were received from Councillors Joynson and Mrs. Woods.

47. DECLARATIONS OF INTEREST

None declared.

48. ACTION NOTES

Noted.

49. FEEDBACK FROM THE EXECUTIVE

There was nothing to report.

50. TRAFFIC PROBLEMS IN GRANTHAM

The Chairman welcomed Brian Thompson from Lincolnshire County Council's Highways Department to the meeting and thanked him for his attendance on short notice.

The Vice-Chairman had requested the item because of recent problems caused by the Brook Street/Premier Court gyratory system.

Members of the public and Councillors who were not Members of the DSP were invited to ask questions. Issues considered included the number of simultaneous road works, unnecessary traffic lights controlling the left hand turn onto Brook Street and the lack of advanced warning that the left hand turn would be closed, why the diverted route (via Belton Lane, Great Gonerby), was having work done simultaneously to work affecting Brook Street and consequences of the gyratory system for Barrowby Road.

Theoretically the plans for the gyratory system allowed sufficient room for lorries to manoeuvre, in practice, space was insufficient. Lorries were being forced to cut corners where pedestrians would be waiting to cross the road. Road works for Grantham had been planned until August 2007, mainly as a consequence of development; the magnitude necessitated several sets of works occurring simultaneously. It had been hoped that these works would interact. The County Council have few powers to control work schedules of utility companies. Advanced notice should have been given about the 'no right turn' but in the future the County Council would try to ensure the use of the Grantham Journal. There were few short-term solutions for Barrowby Road but Mr. Thompson stated that the County Council would look at signposting and road markings. It was suggested that the County Council should also examine signposting for the gyratory system from the Watergate approach. A Panel Member reported that road markings had not been amended to reflect the new system.

There was concern over the number of sets of traffic lights within Grantham. Mr. Thompson stated that the County Council were embarking on a traffic study of Grantham. Money had been set aside to address anything uncovered by the study over the next three years. A problem was also reported with the Harrowby Road/St. Catherine's Road/Sandon Road area. The problem was partly caused by inappropriate car parking, particularly outside the police station on St. Catherine's Road.

Panel Members were interested in County Council powers to regulate utility companies. Notice must be given for non-emergency work; the only regulatory powers they had was suggesting an alternative time frame for works. The Highways

Department meet with utilities companies on an eighteen-month basis, consequences are limited because the majority of works are externally contracted. Discussion ensued about the suitability of running works cables along farmland. This is unpopular with companies because it would mean that they would be subject to the landowner; working on the public highway afforded greater freedom. The Traffic Management Act could mean that there would be a charge for working on public highways; Lincolnshire County Council would also be subject to charges.

Some County Council works are done overnight but work undertaken would be more expensive, there would be safety implications for workers and night work would be inappropriate in residential areas. There would be no way to suggest utilities companies should work overnight.

Members considered a planning condition that had been imposed; this requested that the developer would be required to build a bridge from Penine Way to Gonerby Hill Foot when development reached a certain capacity. If the development is under capacity, it was suggested that alternative means be found for the bridge's construction. Any construction work done, unless by the County Council for highways reasons, could be subject to significant costs from the railways.

Mr. Thompson advised that he would respond individually to any questions he had not been able to answer during the meeting.

51. CALL-IN: CAR PARKING CHARGES IN GRANTHAM AND STAMFORD

This item was accepted as urgent business following the request for call-in of Cabinet Decision CO79 made on 7th November 2005.

The Scrutiny Officer advised the Panel that a request for call-in of Cabinet Decision CO79 had been received. The call-in request form had been signed by five members of the Council but the power to actually call-in a decision rested with the DSP. Upon hearing the reasons the request had been made, the Panel would be asked to consider whether to proceed. The Panel were reminded that they had previously considered the issue of car parking charges in Grantham and Stamford at a special meeting on 2nd November 2005. The Resources DSP's Budget Working Group had also considered the issue on 26th October 2005.

Those Members who had requested call-in stated why they had done this:

- Concern over the consequences for in-town trade and that the consultation quoted in the report did not stipulate whether traders had been involved. The Cabinet decision had placed no emphasis on the potential effects for the local economy;
- While safe, secure, suitable parking spaces were deemed essential; they should be run on a non-profit basis;
- The debate on car parking charges should cover the whole of the District, including Bourne and the Deepings;
- No specific reason had been given to justify the need for increased income from car parking; previous justifications had included the cost of CCTV provision;
- The greatest percentage of increased income would come from Stamford.

Having listened to the arguments put forward, Members of the Panel agreed to accept the call-in request. Members of the public and Councillors who were not members of

the Panel were given the opportunity to make comments on this item. Points raised included the recent increase in charges for Newark and the intention to increase them further within a year. A representative from the Stamford Chamber of Trade and Commerce represented their suggestion of off-peak and peak charges according to days of the week: charges should be lower from Monday to Thursday and higher on a Friday and Saturday, inline with the demand for spaces. This could potentially increase the number of visitors and maximise the use of parking spaces.

The Economic Portfolio Holder stated that the Cabinet's decision was within the parameters of the Council's agreed policy. Within the Midterm Financial Strategy, the Council proposed to maximise its assets. The intention of the amended charging regime was to maximise the use of parking spaces. The Cabinet Members present stated that a major review of car parking across the District was being undertaken, which would lead to a District-wide review of car parking charges.

Discussion ensued as to whether an increase in charges would be borne by local residents. It was felt that generally those affected by charging would be visitors to the towns. The majority of Panel members agreed that increased charges would not put tourists off visiting towns within the District.

The Chairman of the Resources DSP's Budget Working Group supported the original recommendations. A review of charges was incumbent upon the authority as part of the Comprehensive Performance Review.

There was continued concern from some Members over the large percentage increase in charges for Stamford. It was pointed out that in many towns, charges were considerably higher, even with the proposed increase. There was also discussion on the proportion of Council Tax subsidy achieved through parking charges. It was felt that the quality of parking facility and signage thereto, were of greater consideration than charges.

The Management Accountant stated that a period of on and off-peak charging had been trialled previously. People had found it confusing and it led to an increase in the number of excess charge notices.

Panel Members emphasised the importance of a review of charges across the District on completion of the study that was being carried out. They felt that the District Council's charging policy should be amended to reflect the results of the study.

CONCLUSIONS:

1. ***That Decision CO79 should not be referred back to Cabinet and the decision is therefore implemented;***
2. ***That the findings of the District-wide car parking review should be reflected in the Council's policy.***

52. WELHAM STREET CAR PARK

The Corporate Director of Community Services updated the Panel on the progress of the Welham Street multi-storey car park project. A traffic impact study had been carried out to ascertain whether any highway adaptations would be necessary; requirements were found to be minimal. The site would have to be checked for archaeological remains, the most appropriate time for this was deemed to be after outline planning permission had been granted. The request for outline planning permission had been submitted and would be heard by members of the Development

Control Committee on Tuesday 6th December 2005. Tender specifications were being prepared and would be despatched on December 8th 2005 for return by January 9th 2006. It was hoped that sign-off and commencement would be achieved by the beginning/middle of April 2006. Christmas 2006 had been set as the target for completion.

The Panel were also advised that a tender, within budget had been received for the demolition of the former Kwik Save site and attached car park. Work would begin on-site on January 9th 2006 until 17th March 2006. The site would be demolished and then laid out flat to act as an open car park during development of Welham Street. While Welham Street multi-storey was being built, attempts would be made to sell East Street for future development in co-ordination with opening of Welham Street car park.

The Development Control Committee would consider any constraints on the aesthetics and elevation of the building; these would ensure that the construction is suitable for the area.

53. LOCAL DEVELOPMENT FRAMEWORK

The Head of Planning Policy and Economic Regeneration summarised report PLA539 to the Economic DSP, which detailed all the work being undertaken.

Statement of Community Involvement

This document would demonstrate the ways that the Council would communicate in all future Local Development Framework (LDF) matters. The final Statement of Community Involvement had been advertised and submitted to the Secretary of State, which initiated a six-week consultation period. At the close of the consultation period, the Statement would be submitted to the Planning Inspectorate, who would decide whether investigation would be necessary.

Issues and Options

The issues and options consultation would constitute the first stage in the development of core principles. A document had been published and widely circulated. Consultation ended on 11th November 2005. Results would be compiled and preferred options would be brought forward in early 2006.

Annual Monitoring Report

This document would require annual production and would become increasingly relevant after the adoption of the LDF. It was intended that the Annual Monitoring Report would be presented for a Non-Key Decision within a fortnight, as a form of validation.

Members commended the work that had been done by the Planning Department on such a large-scale project.

54. REPORTS FROM WORKING GROUPS

Public Information Pillars Working Group

The report from the PIPs Working Group had been circulated. Members were informed that the Healthy Environment DSP had endorsed its recommendations at their meeting on Tuesday 8th November 2005.

Small Business Units Working Group

Notes had been circulated from the meeting of the Small Business Units Working Group held on Friday 4th November 2005.

55. BEST VALUE PERFORMANCE INDICATORS

Noted. The Panel were advised that the 'red' figure was an estimate based on a number published annually.

56. WORK PROGRAMME

Noted. It had been suggested that the Panel should receive a presentation about Social Enterprise. A review of the outcomes of the Markets Working Group would be organised in the New Year. A copy of the Economic and Community Development Strategy was circulated at the meeting for Members' information.

57. ANY OTHER BUSINESS, WHICH THE CHAIRMAN, BY REASONS OF SPECIAL CIRCUMSTANCES DECIDES IS URGENT.

None.

58. CLOSE OF MEETING

The meeting was closed at 17:17.

REPORT TO ECONOMIC DSP

REPORT OF: CORPORATE DIRECTOR (REGULATORY SERVICES)

REPORT NO: DRS25

DATE: 31ST JANUARY 2006

TITLE:	REVIEW OF HOUSING STRATEGY
FORWARD PLAN ITEM:	YES
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	16 TH DECEMBER 2005
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	KEY DECISION

COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	HOUSING PORTFOLIO COUNCILLOR MRS FRANCES CARTWRIGHT
CORPORATE PRIORITY:	AFFORDABLE HOUSING – CATEGORY A
CRIME AND DISORDER IMPLICATIONS:	NONE
FREEDOM OF INFORMATION ACT IMPLICATIONS:	The report is available at the Council's website www.southkesteven.gov.uk under the Council's meetings.
BACKGROUND PAPERS:	HOUSING STRATEGY 2004-2007 FORDHAM'S HOUSING NEEDS STUDY REPORT – DECEMBER 2005 FORDHAM'S PRIVATE SECTOR STOCK CONDITION SURVEY REPORT DECEMBER 2005 FORDHAM'S GYPSIES AND TRAVELLERS NEED STUDY – DECEMBER 2005

1. INTRODUCTION

- 1.1 The Council's Housing Strategy is currently under review and is due to be submitted to Government Office East Midlands (GOEM) for a "fit for purpose" assessment at the end of February 2006. The review of the strategy takes account of previous GOEM feedback, the outcome of the strategic housing inspection and consultation which was undertaken during the summer and autumn of 2005.

2. RECOMMENDATION

- 2.1 The Scrutiny Panel is recommended to:-

- (a) Propose that the Cabinet adopt the draft strategy following an Equality Impact Assessment.
- (b) Recommend the inclusion of the outline "Affordable Housing Policies within the Housing Strategy" as identified at Section 7 and seek inclusion of these proposals within the supplementary planning documents.

3. DETAILS OF REPORT

- 3.1 The Council's Housing Strategy has been under review and subject to consultation. The revised Strategy has taken into account previous feedback from GOEM and also the outcome of the Strategic Housing Inspection. The strategy will be released electronically to members but may be made available in hard copy upon request.

- 3.2 In May, Fordham Research Limited were commissioned by the Council to undertake a combined Housing Needs Survey and Private Sector Stock Condition Survey. Three reports have been received from Fordham's:-

- Housing Needs Study report
- Private Sector Stock Condition Survey
- Gypsy and Travellers Study

The executive summaries of the housing needs study report is attached at Appendix A. A supplementary report on the implications of the Private Sector Stock Condition Survey and Gypsy and Travellers Study will be sent to members in advance of the DSP.

The Strategy has also had regard to existing and emerging Government Policies including:-

- Sustainable Communities: People, places and prosperity
- Homes for All Plan
- Consultation Paper on a new Planning Policy Statement 3(PPS3).

- 3.3 Housing Needs Assessment

The study was designed to assess future requirements for both affordable and market housing. The study began by following the Basic Needs Assessment model which estimated a requirement to provide an additional 646 affordable dwellings per annum if all housing needs are to be met (for the next five years). The study continued by looking at the requirements of the Housing market overall using a “balancing housing market” methodology. This again suggested a significant requirement for additional affordable housing to be provided.

- 3.4 Overall the need for additional affordable housing represents nearly double the level of estimated new dwellings in the district (460 units per annum). Fordham’s Study suggests that in light of the affordable housing requirement shown, the Council will need to maximise the availability of affordable housing from all available sources which would include new build, acquisitions, and conversions. The report also highlighted that attention should be paid to the cost to the occupant of any additional housing to make sure that it can actually meet the needs identified within the survey. Appendix B to this report contains the basic needs assessment model which brings together calculations of the backlog of existing need, newly arising need and the supply of affordable units. The overall output from these 3 analytical stages represents the estimated net affordable housing requirement across the district which shows the shortfall of 646 units per year. Further analysis of the level of need reveals a shortfall for all dwelling sizes, particularly for one and two bedroomed dwellings in all locations across the district. The implications of the findings of the report for the new affordable housing policies for South Kesteven District Council are identified later in this report.

Affordable Housing

- 3.5 In considering the needs of the district, Councils not only have to look and consider the basic housing need and requirements for affordable housing but to fully develop informed housing policies. Councils are also required to consider housing demand across all tenures, that is to consider the broader housing market and future changes to establish how far the housing market is “balanced”. Fordham’s analysis of survey data suggests that the owner occupied sector amounts to around 76.5% of the total housing and is dominated by 3 bedroomed properties. Private rented properties make up 9.8% and the sector is characterised by a larger proportion of smaller dwellings. The estimated annual turnover rate in the owner occupied sector is around 8.3% which compares to 20.8% in the private rented sector.

A balancing housing markets assessment was undertaken by Fordham’s and took into account the whole of the Local Housing Market, and considered the extent to which supply and demand are balanced across tenure and property size. This assessment has come to prominence by the work of the Audit Commission in assessing Council’s performance through the Comprehensive Performance Assessment of district authorities. The Audit Commission specification for assessing the balancing of the housing markets, sets out 3 broad questions for the assessment.

- How well does the Council understand its housing market and from its understanding has the Council developed the right proposals to help balance the housing market;
- What are the Council's actions and what outcomes has it achieved in helping to balance housing markets;
- How well does the Council monitor its progress and impact in helping to balance housing markets and how effectively does this feed into future strategy and plans.

3.6 The table below shows the results of the analysis undertaken by Fordham's in relation to balancing housing markets:-

Table 12.4 Total Shortfall or (surplus)					
Size requirement					
Tenure	1 bedroom	2 bedrooms	3 bedrooms	4+ bedrooms	TOTAL
Owner-occupation	67	269	-81	36	291
Affordable Housing	82	326	166	20	595
Private rented	(107)	(147)	(151)	(20)	(426)
TOTAL	42	448	-66	36	460

3.7 A number of conclusions can be drawn from this analysis:-

- 1) In terms of the demand for affordable housing in the district it is clear that this is ongoing. The BHM methodology suggests a significant shortfall of affordable housing of all sizes of accommodation most notably 2 and 3 bedroomed homes.
- 2) Overall the data shows a shortfall of owner occupied housing and a large surplus in the private rented sector. In terms of size requirements, the information suggests that in the owner occupied sector the main shortage is for 2 bedroomed homes where as in the private rented sector all dwelling sizes except for 4 bedroomed properties show similar levels of surplus.

3.8 Both the Housing needs model and the balancing housing markets methodology suggests that there is a requirement for additional affordable housing in the district especially for 2 and 3 bedroom properties as well as a shortfall of owner occupied housing. However it also identifies there will be a considerable surplus in the private rented sector.

Special Needs

3.9 The Housing Needs survey also took account of the special needs of households. The analysis revealed some 17.9% of all of the districts households contained special needs members. Physically disabled is the

largest category with special needs. There are 5,792 households containing a physically disabled person and a further 2,882 with a household member who is frail elderly.

- 4.0 The special needs households in South Kesteven are disproportionately made up of older persons only. Special needs households have lower than an average income and are more likely than households overall to be in unsuitable housing. Special needs households in general, stated a requirement for a wide range of adaptations and improvements to the home. A shower unit, extra handrails and wheelchair access are the most commonly required. The survey also suggested considerable scope for 'care and repair' and 'staying put' schemes, with larger than average proportion of special needs households stating problems with maintaining their home. These factors will be identified within the revision of the Housing Strategy statement.

Key Workers

- 4.1 The Needs Survey also took into account the needs of key workers defined on the basis of categories of employment most notably those including public sector workers. The survey indicated an estimated 9,489 people in key worker occupations and that 4,790 households were headed by a key worker. These households are more likely to be owner occupiers. The analysis identified that 4/5ths of key worker households can afford market housing in the district. Of those that cannot afford, intermediate housing options are only affordable for 33.3%. In terms of the need for affordable housing the study suggests that around 20.6% of the net affordable housing requirement comes from key worker households.

Black and Minority Ethnic

- 4.2 In relation to black and minority ethnic households the survey revealed that 98.9% of South Kesteven's households were white. With the remaining 1.1% being BME households. The survey showed that BME households have a larger average household size than other households. Additionally, results show that BME households are less likely to be owner occupiers and more likely to be living in private rented accommodation. Finally the survey results suggest that white households are particularly likely to be made up of older people and that those households are generally more likely to contain someone with special needs.

Older Persons Households

- 4.3 Some 24.7% of households in South Kesteven contain older persons only and a further 8.2% contain a mix of both older and non-older persons. Older persons only households are largely comprised of one or two persons, providing implications for future caring patterns. Although the majority of older person only households live in the private sector it is interesting to note that a high proportion of social rented accommodation houses older people only (41.7% of all Council and 32.7% of all RSL accommodation). Older person households do not contribute significantly to the overall need for additional affordable housing but may have a significant impact on the future of social housing and the future need of sheltered housing and adaptations.

Overcrowding and Under Occupation

- 4.4 In relation to overcrowding and under occupation the results of the survey suggest that 1.6% of all households are overcrowded and 44.2% under occupy their dwelling. The owner occupied (no mortgage) sector shows the highest level of under occupation; the private and Council rented sectors are the highest overcrowding. Lone parent households and households with 2 adults with children are especially likely to be overcrowded, as are the BME households.
- 4.5 Section 8 below summarises the implications of the Housing Needs Survey for the Local Development Framework and in particular to Supplementary Planning documents. However, whilst the planning process can deliver affordable housing policies and helps meet the need for Affordable Housing through Planning obligations, Section 106 agreements and exceptions sites; a report being considered by Council this afternoon highlights how financial resource could be generated by the Council and utilised for investment in an affordable housing programme, in partnership with Registered Social Landlords, subject to a ballot of tenants agreeing to the Large Scale Voluntary Transfer of Housing.

5. COMMENTS OF DIRECTOR OF FINANCE AND STRATEGIC RESOURCES

- 5.1 No comments at this stage.

6. COMMENTS OF CORPORATE MANAGER, DEMOCRATIC AND LEGAL SERVICES (MONITORING OFFICER)

- 6.1 No comments other than to support the recommendations of the report regarding the use of the most recent survey data.

7. COMMENTS OF OTHER RELEVANT SERVICE MANAGER (PLANNING POLICY UNIT)

- 7.1 The Local Development Framework is a folder of different planning policy documents, once adopted these documents will replace the Councils Local Plan.
- 7.2 SKDC's LDF will comprise an number of different documents including two main policy documents - a Core Strategy (to guide the principles and location of development) and a Housing and Economic Development Plan Document. It will also include a number of supplementary Planning Documents (SPD) which will provide more detail on how policies will be used and interpreted through the planning application process.
- 7.3 The proposed timetable for the preparation of these documents extends to September 2007 when it is hoped the two policy documents will be formally adopted. The preparation of these documents requires two major periods of public consultation and a public examination. This timetable means that the formal adoption of new affordable housing policies within the planning context is some time off. However new policies will be drafted and an SPD prepared

early in the new year to reflect the results of the Fordham's Housing Need Survey December 2005. Public consultation on these drafts may begin as early as February 2006 with a view to including the policies within the first consultation draft of the policy documents in April / May 2006.

- 7.4 Initially the new policies and SPD will have little weight in determining planning applications, however the further they progress through the statutory process to adoption the more weight they will gain.
- 7.5 Current national policy guidance is provided in the form of Circular 6/98 (which has a threshold of 25 units or more) and Planning Policy Guidance Note 3 Housing. The recent publication of a consultation draft of Planning Policy Statement 3 (which will eventually replace PPG3) seeks to change some of the underlying principles of current national policy, in particular the consultation PPS3 redefines "affordable housing " to exclude low cost market housing, it also reduces the minimum site size threshold to 15, and allows Local Authorities to set different threshold where these can be justified. The PPS also places greater emphasis on the need to assess and ensure balanced local housing markets and on the need to balance affordable housing provision with site viability. The Council's emerging affordable housing policy will need to have regard to both the existing and emerging national policy framework.
- 7.6 It is proposed that the new affordable housing policies for SKDC will include the following key elements:
- ❑ **Inclusion of a threshold** (that is the point at which the policy will take effect) **of 15 or more units** (or an equivalent floor space of development) **within the urban areas, and of 2 plus units within the rural areas.** This is consistent with the conclusions of the Fordham's study. It also closely reflects emerging national guidance published in the consultation draft of Planning Policy Statement 3 Housing (PPS3) published December 2005.
 - ❑ **A target seeking the provision of up to 50% affordable housing units on all eligible sites.** Again this is consistent with the recommendation of the Fordham's study. It should be noted that in the context of affordable housing which is provided as part of a market housing scheme, within current legislation the Council must negotiate provision in line with it's adopted policy. Part of the negotiation process is a consideration of the economic viability of a development and consideration will need to be given to other site factors which will effect the overall cost of the development.
 - ❑ **A target for affordable housing provision on sites allocated for housing development**
 - ❑ **Guidance on the size, type, tenure and cost of affordable housing to be provided** (this would have to be included within the SPD rather than the policy, and would be evidenced by the Fordham's Study)
 - ❑ **A Rural Exceptions Policy** aimed at securing the provision of affordable housing on sites within or on the edge of settlements where market housing would not normally be acceptable.
 - ❑ **Consideration of the identification and allocation of sites or areas solely for affordable housing within the rural areas**

8. CONCLUSIONS

- 8.1 The Fordham's study on housing needs has revealed a particular need for more affordable housing within the district. The Planning Policy Unit has identified and proposed key elements for new affordable housing policies for SKDC which will be supplemented subject to a ballot of tenants on LSVT by policy of financial investment in affordable housing. Both of these aspects will be incorporated within the revision of the housing strategy currently underway subject to feedback from the Scrutiny Panel.
- 8.2 A supplementary report is being worked on at the time of writing this report in relation to the impact of Fordham's research in relation to Private Sector Stock condition and the housing needs of Gypsies and Travellers. This report will be made available to members in advance of the DSP meeting.

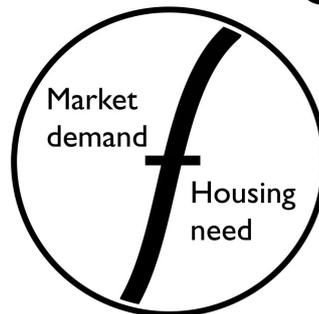
9. CONTACT OFFICER

- 9.1 Sally Marshall, Corporate Director (Regulatory Services)
Tel: 01476 406102
Email s.marshall@southkesteven.gov.uk
16th December 2005



SOUTH KESTEVEN DISTRICT COUNCIL

Housing



Study

HOUSING NEEDS STUDY REPORT

December 2005

*f*ordham
RESEARCH

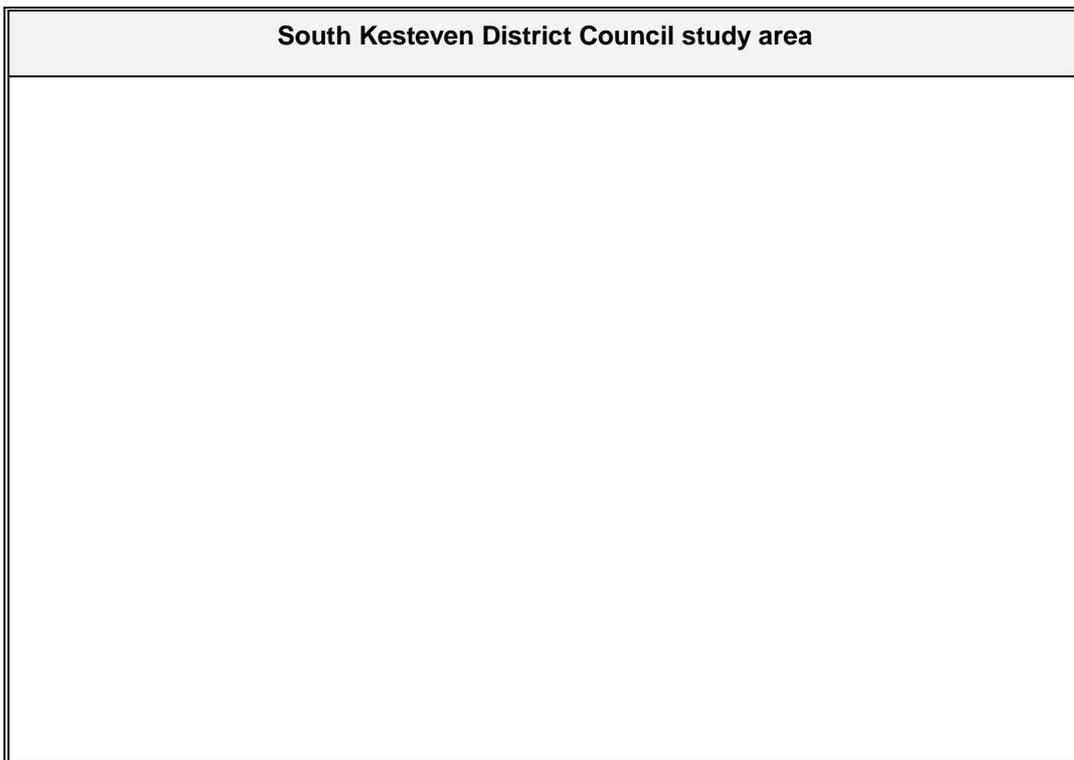
Fordham Research Ltd, 16 Woodfield Road, London, W9 2BE
T. 020 7289 3988 F. 020 7289 3309 E. info@fordhamresearch.com
www.fordhamresearch.com

Executive summary

Context of the Study

Fordham Research were commissioned to carry out a Housing Needs Assessment for South Kesteven. The study was designed to assess the future requirements for both affordable and market housing. To do this the study drew on a number of sources of information. These included:

- i) A personal interview of 594 households, and a postal survey of 4,086 households, making a total of 4,680 local households
- ii) Interviews with local estate and letting agents
- iii) Review of secondary data (including Land Registry, Census and H.I.P. data)



Survey and initial data

A major part of the study process was a personal and interview survey of local households. In total 4,680 households took part in the survey. The questionnaire covered a wide range of issues including questions about:

- Current housing circumstances
- Past moves
- Future housing intentions
- The requirements of newly forming households
- Detailed financial information

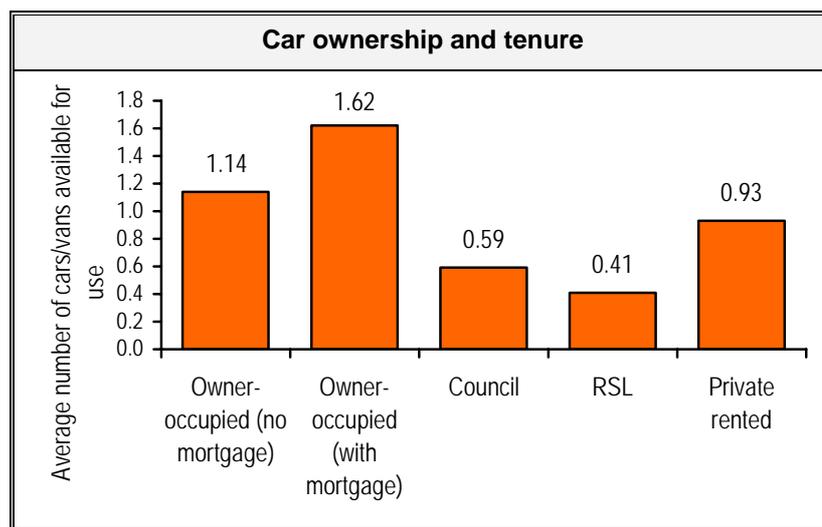
Information from the questionnaire survey was used throughout the report (along with secondary information) to make estimates about the future housing requirements across all tenures in the District.

Overall the survey estimated that around 76.5% of households are currently owner-occupiers with around 13.7% living in the social rented sector.

Number of households in each tenure group				
Tenure	Total number of households	% of households	Number of returns	% of returns
Owner-occupied (no mortgage)	16,632	30.8%	1,755	37.5%
Owner-occupied (with mortgage)	24,677	45.7%	2,005	42.8%
Council	6,359	11.8%	401	8.6%
RSL	1,033	1.9%	81	1.7%
Private rented	5,299	9.8%	438	9.4%
Total	54,000	100.0%	4,680	100.0%

The survey reported on a number of general characteristics of households in South Kesteven. The study estimated that 92.2% of all households in the District live in houses, and around a quarter of households contain at least one pensioner and also around a quarter of households contain children. The study also looked at car ownership (which is often used as an indication of wealth).

The figure below shows car ownership in the District by tenure. It is clear that there are large differences between the different tenure groups with owner-occupiers (with mortgage) having a significantly greater level of car ownership than households in the social rented sector.

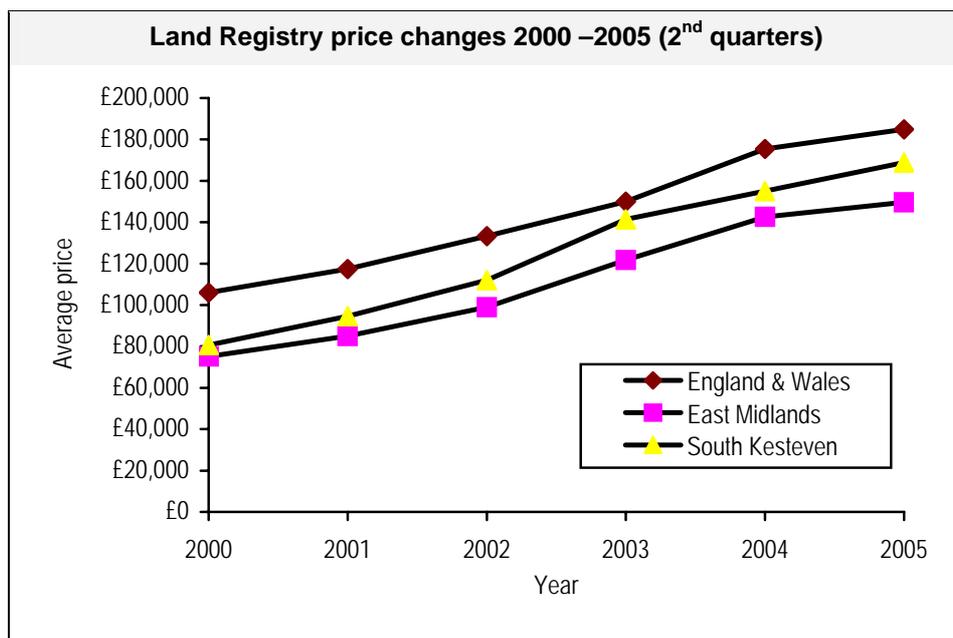


The study also looked at past trends in household movement and future expectations. The broad findings were:

- An estimated 19.7% of households in South Kesteven have moved home in the last two years, with just over half of all moves having occurred within the District
- In terms of future household moves, the survey estimates that 7,490 existing and 2,969 newly forming households need or expect to move within the next two years. In both cases a higher proportion would like to move to owner-occupation than expect to do so

Finally the survey indicated differences in housing costs between different tenures with the highest costs in the private rented and the owner occupied (with mortgage) sectors and the lowest in the social rented sector. Differences were more marked when housing benefit was removed.

One of the main sources of secondary information was the Land Registry. This data source suggested that average property prices in South Kesteven are 8.7% lower than the average for England & Wales, but 11.3% higher than the East Midlands average. However, between 2000-2005, prices in South Kesteven rose at a higher rate than observed both nationally and regionally.

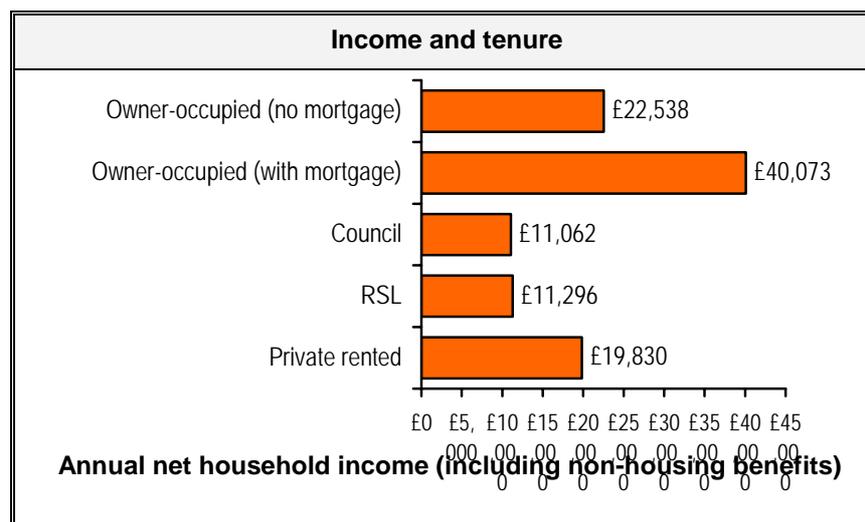


A survey of local estate and letting agents identified estimates of the minimum costs of housing to both buy and rent in the District. Overall, the survey suggested that in Grantham prices started at around £80,000 for a one bedroom flat with private rental costs starting from around £370 per month.

Minimum property prices/rent in Grantham		
Property size	Minimum price	Minimum rents
1 bedroom	£80,000	£370
2 bedrooms	£115,000	£430
3 bedrooms	£143,000	£520
4 bedrooms	£197,500	£700

The information about minimum prices and rents was used along with financial information collected in the survey to make estimates of households' ability to afford market housing (without the need for subsidy).

The survey estimated average net household income per annum (including non-housing benefits) to be £28,719. There were, however, wide variations by tenure; with households living in social rented housing having particularly low income levels.

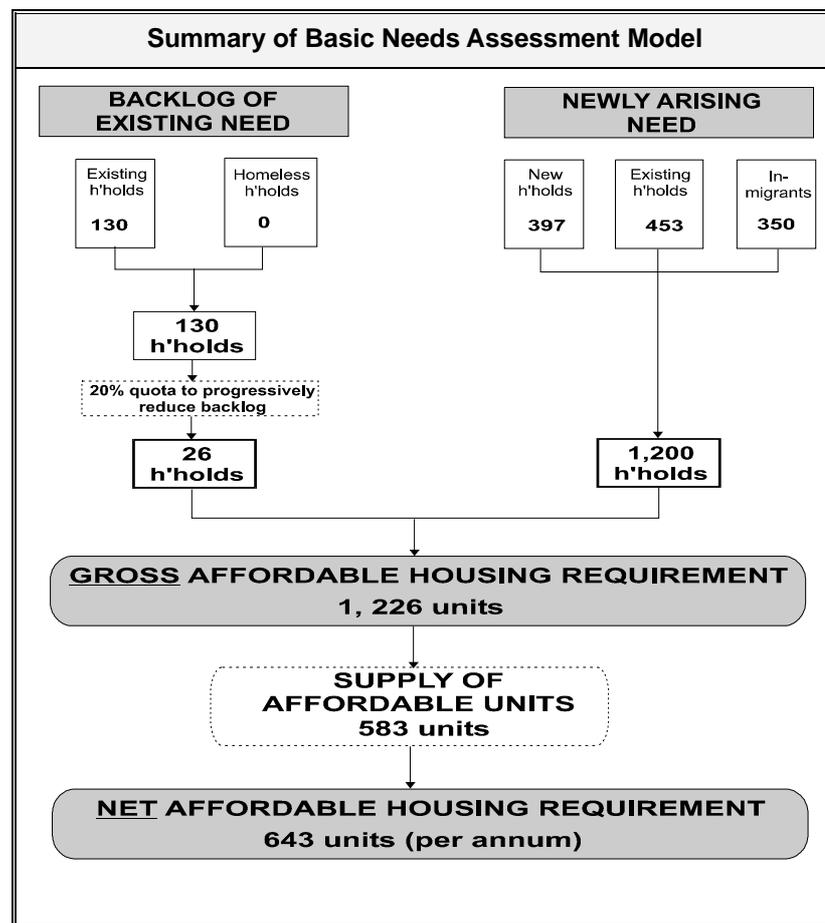


The Guide model

As part of the study, an estimate of the need for affordable housing was made based on the 'Basic Needs Assessment Model' (BNAM). The BNAM is the main method for calculating affordable housing requirements suggested in Government guidance 'Local Housing Needs Assessment: A Guide to Good Practice' (ODPM 2000).

The BNAM sets out 18 stages of analysis to produce an estimate of the annual requirement for additional affordable housing. The model can be summarised as three main analytical stages with a fourth stage producing the final requirement figure. The stages are:

- Backlog of existing need
- Newly arising need
- Supply of affordable units
- Overall affordable housing requirement



Overall, using the BNAM it was estimated that there is currently a shortfall of affordable housing in the South Kesteven District Council of around 646 units per annum. The data suggested that this shortfall is most acute for smaller (one and two bedroom) properties. Additionally, data suggests shortfalls across the District, though most notably in Grantham.

The analysis suggests that any target of affordable housing is justified (in terms of the needs) and that site size thresholds below the current Circular 6/98 level of 25 dwellings should be considered. Further analysis suggests that around half of this need could theoretically be met by 'intermediate' housing, available at outgoings between social rents and the minimum cost of (second hand) market housing.

Affordable Housing Policy Targets

The recommendation from the Lincolnshire County Council Deposit Draft Structure Plan (2004) is that local plans should provide policies on affordable housing provision which are supported by an up-to-date housing needs assessment and set achievable targets.

The following two points are the key recommendations from the South Kesteven Local Plan (1995):

- *Policy H8*- that affordable housing may be permitted where other housing would not be, namely on small sites adjacent to other housing
- *Policy H9*- when developing large sites, and where there is a demonstrable need for affordable housing, the council will seek to negotiate with developers for the inclusion of an element of affordable housing, and a reasonable mix of housing types.

In neither of these plans do they set a site threshold. However, a small site is defined in the South Kesteven Local Plan as up to 10 dwellings.

The ODPM Guide to Housing Needs Surveys has its own proposals on how targets should be calculated (contained within Table 8.1 of the Guide). It is therefore worth pursuing the suggested ODPM method to show the expected result. The table below shows an estimate of the likely suggested percentage target from following the ODPM method.

Table 10.5 Calculation of affordable housing target: following ODPM methodology	
Element	Dwellings (per annum)
Affordable housing requirement	646
Minus affordable supply from non S106 sites (estd.)*	-2
Equals	644
Projected building rate (estimated)**	460
Minus affordable supply from non S106 sites (estd.)*	-2
Minus sites below threshold (assumed)	-0
Equals	458
Therefore Target is	644/458
Equals	140%

Notes: * HSSA data

** Information on projected building rate from Lincolnshire Draft Deposit Structure Plan

Given the results of this table it is clear that at the general level, any target would be justified. In our view there is no real point in varying the target from site to site or from locality to locality; the target is only likely to be varied downwards as a result of this practice.

Custom and practice is in fact the only guide to choosing a target, assuming that there is a substantial housing need. Clearly that is the case in South Kesteven District. The evidence suggests that for example a target of 50% is justified. Such targets have been used by a number of local planning authorities. There have been no justifiable problems with financial viability as a consequence, though this site specific matter may require investigation in some cases (e.g. severely damaged brownfield sites).

We would advise the use of a District-wide percentage target. This is the most easily understood form of target. It applies to allocated and windfall sites where viability permits. It is almost impossible to justify any variation of targets, since the Council's housing needs problem is one for the Local Planning Authority and the Local Housing Authority as a whole. The question of how and where to meet the housing needs problem is a strategic one for the Council. On the evidence, a 50% target is justified, and therefore recommended.

Broader Housing Market & Future Changes

In addition to concentrating on the need for affordable housing in isolation the study looked at housing requirements in the private sector market. The analysis began by looking at the differences between three broad housing sectors (owner-occupation, private rented and social rented). The survey data revealed large differences between the three main tenure groups in terms of stock profile (size of accommodation), turnover and receipt of housing benefit (or income support towards mortgage interest payments in the case of owner-occupiers).

Profile and turnover of stock and housing benefit claims by tenure			
Tenure	% of properties with less than three bedrooms	Annual turnover of stock (% of households)	% claiming housing benefit (income support for owners)
Owner-occupied	20.0%	8.3%	1.3%
Private rented	56.6%	20.8%	16.2%
Social rented	59.5%	9.8%	75.2%
All Households	29.0%	13.0%	30.9%

In terms of estimating market requirements a 'Balancing Housing Markets' (BHM) assessment was undertaken looking at the whole local housing market, considering the extent to which supply and demand are 'balanced' across tenure and property size. The notion has been brought into prominence by the work of the Audit Commission in assessing councils' performance (Comprehensive Performance Assessment (CPA) of district authorities).

The BHM differs from the BNAM in that it looks at households' future aspirations and affordability - the BNAM is mainly a trend-based analysis. The table below shows the overall results of the BHM analysis.

Total shortfall or (surplus)					
Tenure	Size requirement				TOTAL
	1 bedroom	2 bedrooms	3 bedrooms	4+ bedrooms	
Owner-occupation	76	335	44	134	588
Affordable housing	94	347	178	22	640
Private rented	(-106)	(-134)	(-141)	(-14)	(-396)
Total	64	547	80	142	833

A number of conclusions can be drawn from this analysis:

- i) In terms of the demand for affordable housing in the District it is clear that this is on-going. The BHM methodology suggests a significant shortfall of affordable housing of all sizes of accommodation, most notably two and three bedroom homes
- ii) Overall, the data also shows a shortfall of owner-occupied housing and a large surplus in the private rented sector. In terms of size requirements, the information suggests that in the owner-occupied sector the main shortage is for two bedroom homes; whereas in the private rented sector all dwelling sizes except four bedroom properties show similar levels of surplus.

Therefore both the BHM and BNAM analyses suggest that there will be a shortage of affordable housing in the future.

The Needs of Particular groups

The study moved on from a consideration of future needs for additional housing to look at the needs of particular groups. The survey concentrated on the characteristics and requirements of households with disabilities (special needs households), key workers, Black and Minority Ethnic households and overcrowded households.

Supporting people

Information from the survey on special needs groups can be of assistance to authorities drawing up their detailed Supporting People Strategies. Some 17.9% of all the District's households (9,648) contain special needs members. 'Physically disabled' is the largest category with special needs.

Special needs categories			
Category	Number of households	% of all households	% of special needs households
Frail elderly	2,882	5.3%	29.9%
Physical disability	5,792	10.7%	60.0%
Learning disability	915	1.7%	9.5%
Mental health problem	1,215	2.3%	12.6%
Vulnerable young people & children leaving care	0	0.0%	0.0%
Severe sensory disability	423	0.8%	4.4%
Other	1,210	2.2%	12.5%

Special needs households in South Kesteven are disproportionately made up of older persons only. Special needs households have lower than average incomes and are more likely than households overall to be in unsuitable housing.

Special needs households in general stated a requirement for a wide range of adaptations and improvements to the home. The most commonly-sought improvements needed were:

- Shower unit (1,643 households – 17.0% of all special needs households)
- Extra handrails inside home (1,245 households – 12.9% of all special needs households)
- Wheelchair access (874 households- 9.1% of special needs households)

The survey also suggested considerable scope for ‘care & repair’ and ‘staying put’ schemes, with a larger than average proportion of special needs households stating problems with maintaining their homes.

Key worker households

The term intermediate housing is often used with reference to specific groups of households such as key workers. The survey therefore analysed such households (the definition being based on categories of employment and notably including public sector workers). Analysis of survey data indicates that there are an estimated 9,489 people in key worker occupations and 4,790 households are headed by a key worker. These households are more likely to be owner-occupiers, and are more likely to contain two adults.

Key worker categories		
Category	Number of persons	% of key workers
Health care	3,906	41.2%
Education	4,022	42.4%
Police officers	297	3.1%
Prison and probation services	393	4.1%
Social services	765	8.1%
Fire service	105	1.1%
Total	9,489	100.0%

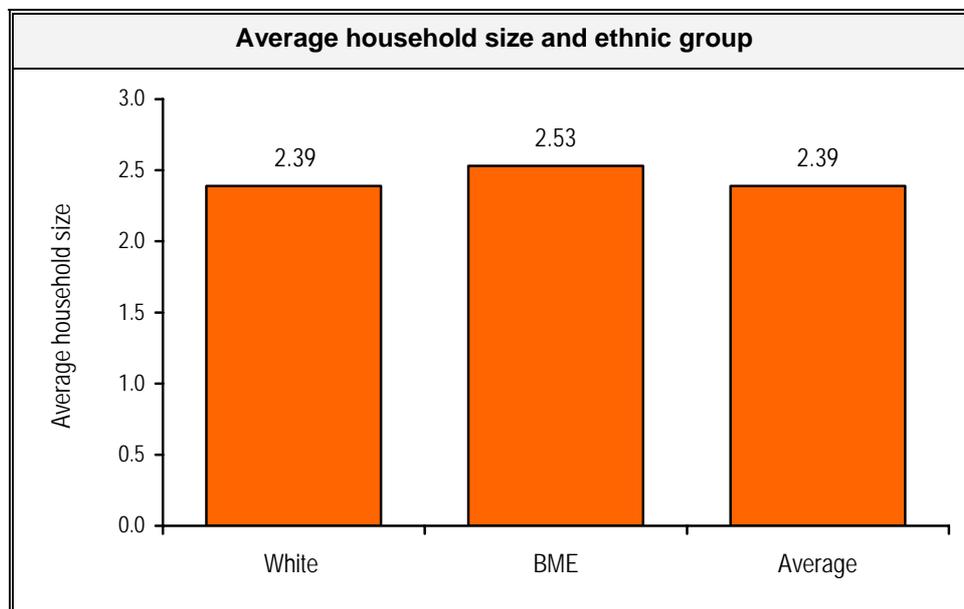
The main findings from further analysis of these groups of households can be summarised as follows:

- Key worker households are more likely to have moved in the last two years than non-key workers and are less likely to have moved from elsewhere in South Kesteven than non-key workers
- Key worker households are less likely to want to move within the District, and but are more likely to want to buy their own home
- Key worker households have slightly higher incomes to non-key worker households (in employment)
- Four-fifths of key worker households can afford market housing in the District. Of those that can't afford, intermediate housing options are only affordable for 33.3%. Looking only at those key worker households who need or are likely to move in the next two years we find a worse affordability situation and a higher proportion able to afford intermediate housing
- In terms of the need for affordable housing the study suggests that around 20.6% of the net affordable housing requirement comes from key worker households.

Black and Minority Ethnic households

The survey revealed that 98.9% of South Kesteven households were White, with the remaining 1.1% being BME households.

The survey showed that BME households have a larger average household size than other households. Additionally, results show that BME households are less likely to be owner-occupiers and more likely to be living in private rented accommodation.



Finally, the survey results suggest that White households are particularly likely to be made up of older people and that these households are generally more likely to contain someone with a special need.

Older person households

Some 24.7% of households in South Kesteven contain older persons only, and a further 8.2% contain a mix of both older and non-older persons. Older person only households are largely comprised of one or two persons, providing implications for future caring patterns. Although the majority of older person only households live in the private sector, a high proportion of social rented accommodation houses older people only (41.7% of all Council and 32.7% of all RSL accommodation).

Overcrowding and under-occupation

This brief chapter looked at overcrowding and under-occupation. The results suggest that 1.6% of all households are overcrowded and 44.2% under-occupy their dwelling. The owner-occupied (no mortgage) sector shows the highest levels of under-occupation; the private and Council rented sectors the highest overcrowding. Households with low incomes, lone parent households and 2 adults with children are especially likely to suffer from over-crowding, as are BME households.

Overcrowding and under-occupation					
Number of bedrooms required	Number of bedrooms in home				TOTAL
	1	2	3	4+	
1 bedroom	2,956	134	32	0	3,122
2 bedrooms	10,019	2,254	240	26	12,539
3 bedrooms	13,666	7,860	3,460	382	25,368
4+ bedrooms	4,733	4,746	3,047	445	12,971
Total	31,374	14,994	6,779	853	54,000

KEY: Overcrowded households Under-occupied households

Note: The bottom two cells of the 4+ bedroom column contain some households that are either overcrowded or under-occupied – for example they may require three bedrooms but live in a five bedroom property or may require five bedroom property but currently be occupying four bedroom property.

Conclusions

The housing needs study of the South Kesteven District Council provides a detailed analysis of housing requirement issues across the whole housing market in the District. The study began by following the Basic Needs Assessment Model, which estimated a requirement to provide an additional 646 affordable dwellings per annum if all housing needs are to be met (for the next five years).

The study continued by looking at requirements in the housing market overall using a 'Balancing Housing Markets' methodology. This again suggested a significant requirement for additional affordable housing to be provided.

Overall, the need for additional affordable housing represents nearly double the level of estimated new dwellings in the District (460 units per annum). It would be sensible to suggest that in the light of the affordable housing requirement shown, the Council will need to maximise the availability of affordable housing from all available sources (including new-build, acquisitions, conversions etc). Attention should also be paid to the cost (to occupants) of any additional housing to make sure that it can actually meet the needs identified in the survey.

REPORT TO COMMUNITY DSP

REPORT OF: CORPORATE DIRECTOR (REGULATORY SERVICES)

REPORT NO. DRS25b

DATE: 5th January 2006

TITLE:	Supplementary Report to Agenda Item 8 Review of Housing Strategy - Gypsy and Travellers Needs Survey
FORWARD PLAN ITEM:	Yes
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	16 th December 2005
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	KEY DECISION

COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	Cllr. Mrs. Frances Cartwright
CORPORATE PRIORITY:	Affordable Housing – Category A
CRIME AND DISORDER IMPLICATIONS:	None
FREEDOM OF INFORMATION ACT IMPLICATIONS:	The report is available at the Council's website www.southkesteven.gov.uk under the Council's meetings
BACKGROUND PAPERS:	As detailed on the main report

1. INTRODUCTION

The main report on the Review of Housing Strategy refers to survey work undertaken by Fordham Research Ltd. This report deals with the Gypsy and Traveller Study. A copy of the Executive Summary of the report is attached at Appendix A.

2. RECOMMENDATIONS

The Scrutiny Panel is recommended to recommend the inclusion of the outline policy proposals within the Housing Strategy as identified in Section 4 and seek inclusion of proposals for gypsies and travellers within the Local Development Framework.

3. DETAILS OF REPORT

Research undertaken by Fordhams was to carry out a study of gypsies and travellers housing needs for South Kesteven. The Housing Act 2004 requires local authorities to include gypsies and travellers in their local housing needs assessment. The study considered five priority aims.

- i) To consider the accommodation needs of gypsies and travellers.
- ii) To obtain a wider understanding of issues facing gypsies and travellers.
- iii) To examine the use of official sites and problems encountered.
- iv) To understand the issues posed by unauthorised sites.
- v) Examine the strategic implications of the research findings.

Research Findings

The report has highlighted that in the light of the recent guidance from the ODPM more needs to be done to identify how the needs of gypsies and travellers might be met and the report recommends that a joined up strategic approach should be taken within the district. As part of this consideration it is suggested that working jointly with neighbouring authorities as a combined approach to meeting housing need is likely to be more successful given that gypsy and traveller issues are rarely confined to a particular area.

Within South Kesteven the gypsy and traveller population is relatively small when compared to neighbouring areas, although it has seen a 60% growth in the past two years. South Kesteven figures also point to a rise in unauthorised encampments.

Stakeholder Consultation

The stakeholders consulted have identified the following issues:

- More sites are needed although no overall consensus about the type of sites that need to be delivered.

- Assistance to be provided to gypsies and travellers wanting to buy their own land.
- A case for a fulltime liaison officer within the county to understand the needs of gypsies and travellers, including the relations with the settled community, and their ability to travel and maintain a traditional lifestyle whilst accessing services such as health and education.

Site Capacity

Fordham's research identified evidence that the capacity of authorised sites could be increased to provide alternative accommodation to the few groups currently on unauthorised sites, the report suggests up to twenty authorised pitches will be needed to provide permanent accommodation for these families. The report also suggested the need to increase authorised transit pitches by five to meet the lifestyle requirements of South Kesteven gypsies who currently use unauthorised sites en route to another area.

Fordhams indicate that based on the survey samples the number of gypsy and traveller households can be expected to increase by 6% over the next five years and therefore site capacity should be capable of meeting the predicted additional requirements.

4. CONCLUSIONS AND POLICY IMPLICATIONS

The overall finding of the research is that whilst South Kesteven does not have a large gypsy and traveller population in relation to other districts in the East Midlands region, its numbers are increasing and its unauthorised sites appear to be increasing more than neighbouring areas. Whilst many of the unauthorised sites would prefer to be in permanent authorised accommodation and the capacity of these sites would need increasing there is also demand for temporary transit accommodation within South Kesteven which is not currently being met. The research recommended more effective monitoring of the size of the gypsy and traveller population and their requirements to help ensure needs are met in the future and that tensions within the settled community are minimised.

The recommendations put forward by Fordhams are as follows:

- i) Councils should consult with the inhabitants of the unauthorised encampment on the Meres Leisure Centre car park, given that it is the only significantly sized unauthorised site within the district, in respect of the inhabitants needs and how they may best be accommodated, either by increasing capacity at existing authorised permanent or transit sites or by establishing a new site on land with planning permission.
- ii) The capacity of authorised transit sites be increased by five pitches and that subject to the availability of land this should be separate from the existing site provision.

- iii) The site capacity on all Council sites be reviewed every three / five years to take account of the relatively young age at which new households form in gypsy and traveller communities and the preference of the young families to live on their own pitch on the same site as their wider family.
- iv) The Council should consider establishing a named contact in the Housing Solutions unit, who is able to assist a group of first time householders with daily tasks, for example paying rent and utility bills.
- v) Consider the provision of onsite adult literacy schemes to gypsies and travellers, together with providing information on Council services in different media, including audio, visual and diagrammatic.
- vi) South Kesteven Council to co-ordinate with other Lincolnshire districts to establish a countywide gypsy liaison officer responsible for liaising with gypsies and traveller groups, to provide a bridge between gypsy and travellers and settled community, local council, police and service providers. Whilst the post would improve service take-up and provide advice on buying land and obtaining planning permission, the post could also play a crucial role in diffusing tensions for the wider community.
- vii) The Council to consider identifying a post in either Housing or Planning units to take or co-ordinate responsibility for monitoring gypsy and traveller sites.

9. CONTACT OFFICER

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South Kesteven District Council

Gypsy and Traveller Housing Needs Survey

DRAFT REPORT

November 2005

*f*ordham
RESEARCH

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www.fordhamresearch.com

Executive summary

Context of the Study

In June 2005 Fordham Research was commissioned to carry out a study of Gypsies and Travellers' housing needs for South Kesteven. The study was designed to assess the housing situation of Gypsies and Travellers in the District, estimate the extent of housing need and also make recommendations for extending assistance. This in the context of the Housing Act 2004 which requires local authorities to include Gypsy and Travellers in their local housing needs assessments.

The study has five priority aims:

1. Consider the accommodation needs of Gypsy and Travellers
2. Obtain a wider understanding of issues facing Gypsies and Travellers
3. Examine the use of official sites and the problems encountered
4. Understand the issues posed by unauthorised sites
5. Examine the strategic implications of the research findings

To achieve these aims the study drew on a number of data sources including:

1. **Review of secondary information**, including government policy and existing research on Gypsies and Travellers, the Caravan Count figures and regional housing strategies
2. **Stakeholder consultation** with local and national organisations involved with Gypsy and Traveller affairs
3. **Authorised and unauthorised site survey** to examine the housing needs of Gypsies and Travellers

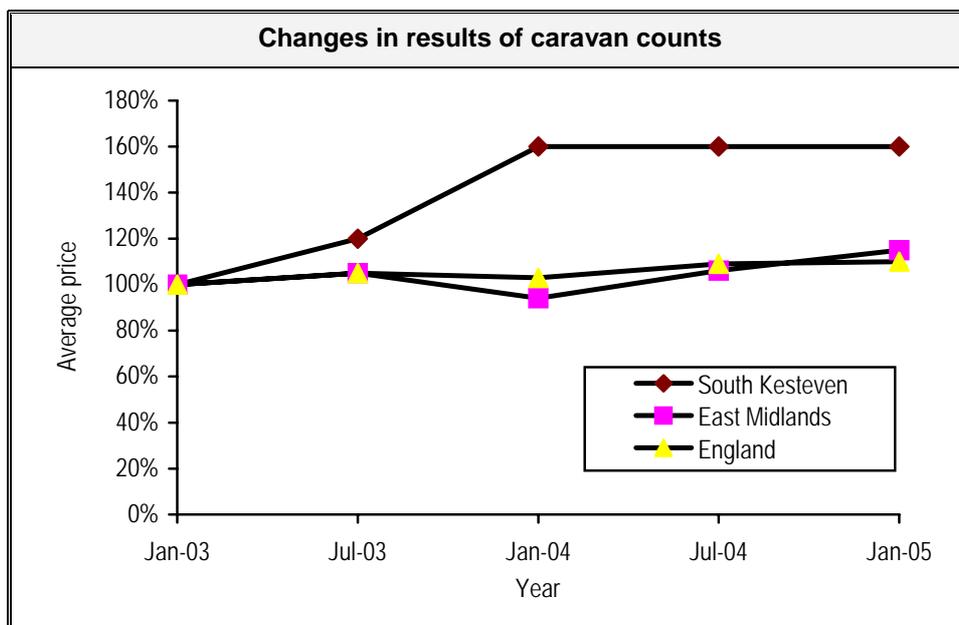
Review of secondary information

It is recognised that there are insufficient numbers of pitches on authorised Gypsy and Traveller sites to accommodate all those who would like a permanent place to stop. As well as the Housing Act 2004, local also need to have regard of their statutory duties, including those in respect of homelessness under Part VI of the Housing Act 1996 and to their obligations under the Race Relations (Amendments) Act 2000. However the effectiveness of existing legislation has been limited by the extent of its requirements and

a general failure to implement it. As a result local authorities have often failed to deliver adequate sites for Gypsies and Travellers.

In the East Midlands region, consideration has been given to how the needs of Gypsies and Travellers might be met. However in the light of recent guidance from the ODPM there remains room for improvement. At the district level more needs to be done to develop a joined up strategic approach to the issue. Evidence suggests that at present the approach of South Kesteven District Council is not as well defined or developed as neighbouring areas. As part of this consideration should be given to working jointly with neighbouring authorities as a combined approach to meeting housing need is likely to be more successful given that Gypsy and Traveller issues are rarely confined to a particular area.

The main source of data on population numbers is the ODPM Gypsy Caravan Count. In both the East Midlands and Lincolnshire there is a growing Gypsy and Traveller population, although it is smaller compared to regional and county neighbours. Similarly within South Kesteven, the Gypsy and Traveller population is relatively small when compared to neighbouring areas although it has seen a 60% growth in the past two years. South Kesteven Council figures also point to a rise in unauthorised encampments, perhaps indicating there is need to increase the level of authorised provisions for Gypsies and Travellers.



Stakeholder consultation

Stakeholders reported that the main issues facing Gypsies and Travellers relates to the shortage of accommodation appropriate facilities on sites. All respondents agreed that more sites are needed although there was no overall consensus about the type of sites that need to be delivered. More assistance also needs to be provided to Gypsies and Travellers wanting to buy their own land.

Other issues that pose problems for Gypsy and Traveller communities include relations with the settled community, their ability to travel and maintain a traditional lifestyle and accessing services such as health and education. While there is a need to improve awareness of these issues among the settled community, Gypsies and Travellers need to be encouraged to engage more in society, particularly with regards to accessing services. To help with this it was argued that there is a case for creating a full time Liaison Officer role in the County.

Site survey

Thirteen interviews were conducted with Gypsy and Travellers at six sites, covering authorised and unauthorised, permanent and transit sites. Residents were assessed for housing need using indicators of overcrowding, concealed housing, new household formation and housing intentions. Overall South Kesteven's Gypsy and Traveller population do not present much unmet housing need and were generally settled in their accommodation.

There is however evidence that the capacity of authorised sites could be increased to provide alternative accommodation to the few groups currently on unauthorised sites. Up to twenty authorised pitches will be needed to provide permanent accommodation for these families.

There is also a need to increase the authorised transit pitches by five to meet the lifestyle requirements of South Kesteven gypsies who currently use unauthorised sites on route to another area. Although there is a preference for staying on unauthorised sites among their residents due to the convenience and independence, providing authorised transit sites with suitable facilities may outweigh these advantages.

Based on the survey sample the number of Gypsy and Traveller households can be expected to increase by 6% over the next five years. Site capacity should be capable of meeting the predicted additional household requirements.

As well as housing requirements, the survey findings also point to a low take-up of services and facilities among Gypsy and Travellers, although awareness of most Council services was fairly high. Most respondents felt it was difficult to find employment in South Kesteven, however the lack of work was not felt to affect either their own or their children's ability to maintain a travelling lifestyle.

Conclusions

The overall finding of our research is that while South Kesteven does not have a large Gypsy and Traveller population in relation to other districts in the East Midlands region, its numbers are increasing and its unauthorised sites appear to be increasing more than in neighbouring areas. Many in unauthorised sites would prefer to be in a permanent authorised accommodation and the capacity of these sites should be increased. However there is also a demand for temporary transit accommodation in South Kesteven which is not currently being met. Effectively monitoring the size of the Gypsy and Traveller population and their requirements will help ensure that their needs are met in the future and that tensions with the settled community are minimised.

Recommendations

- Site capacity

The main issue regarding Gypsy and Traveller in South Kesteven is the significantly sized unauthorised site at the Meres Leisure Centre car park. The interviews with residents at the site suggest that a move to permanent authorised accommodation would be desirable, however we recommend the Council consults all the inhabitants on how their needs can best be accommodated, either by increasing capacity at existing sites or by establishing a new site.

Based on our survey findings, we also recommend the capacity of authorised transit sites to be increased by five pitches. If land is available, this should be separate from existing site provision, given the preference of Gypsy and Travellers for maintaining independence from other groups.

We also recommend site capacity on all Council sites should be reviewed every three to five years, to take into account the relatively young age at which new households forms in Gypsy and Traveller communities

- Access and service provision

Many Gypsies and Travellers in ordinary housing are often isolated and in need of assistance, especially when they first move in with tasks of everyday living. We recommend the Council should consider establishing a named contact person in the housing department, able to assist this group of first time householders/

Poor literacy levels are also barriers to accessing health and education services among all Gypsy and Traveller groups. Provide onsite adult literacy schemes to Gypsy and Travellers should be considered, as should providing information on Council services in different media, including audio-visual and diagrammatic.

Gypsy liaison officers can prove a useful bridge between Gypsy and Travellers and the settled community, local council, police and service providers. Currently no dedicated position exists in Lincolnshire. We recommend South Kesteven Council co-ordinate with other Lincolnshire districts to establish a single countywide figure responsible for liaising with Gypsy and Traveller groups.

- Recording and monitoring processes

Our research has also found that South Kesteven Council could improve its record-keeping and monitoring of the Gypsy and Traveller population in the District. Our final recommendation is for the Council to consider identifying a position in either the Housing or Planning departments to take or coordinate responsibility for monitoring Gypsy and Traveller sites.

REPORT TO Economic D.S.P.

REPORT OF: Head of Planning Policy and Economic Development

REPORT NO. PLA554

DATE: 31st January 2006

TITLE:	Progress towards the Local Development Framework (LDF) for South Kesteven
FORWARD PLAN ITEM:	Yes
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Key Decision

COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	Cllr Smith Economic Development
CORPORATE PRIORITY:	A - Town Centres B – Planning, conservation, affordable housing
CRIME AND DISORDER IMPLICATIONS:	minor
FREEDOM OF INFORMATION ACT IMPLICATIONS:	All LDF documents are published on the Council's web site when published, and are made available for public inspection at the District Council's offices and the local libraries in the district.
BACKGROUND PAPERS:	Planning and Compulsory purchase Act 2004, PPS12, Lincolnshire Structure Plan (Adopted and Deposit Draft) Regional Planning Guidance Planning and Compulsory Purchase Act 2004 Letter from GOEM 11 th April 2005 Letter from PINs 13 th April 2005 Cabinet reports and minutes dated 24 th November 2004, 7 th February 2005, 4 th April 2005, 9 th May 2005, 6 th June 2005, 5 th September 2005 and 10 th October 2005

1. INTRODUCTION

Report PLA539 considered by the DSP at their last meeting (22nd November) set out the timetable and progress to date in the preparation of the new Local Development Framework (LDF) which will eventually replace the South Kesteven Local Plan 1995.

This report provides a brief update on progress made since November 2005.

2. PROGRESS TO DATE

Statement of Community Involvement

The final version of the SCI was submitted to the Secretary of State on 14th November 2005. Submission coincided with a six week public consultation period, during which formal representations should have been submitted. Any representations made at this stage should be related to one of nine tests of soundness (which have been prescribed by the ODPM and the Planning Inspectorate) and will be considered by the Planning Inspectorate through a public examination process.

During the consultation period (which was extended to 6th January 2006 to allow for delays and time lost over the Christmas period) six formal representations were submitted. These primarily relate to the development control procedure section of the SCI. In addition a number of informal comments were also made these mostly concern the inclusion of contact groups in the Appendix of the SCI. The formal representations will be forwarded to the Planning Inspectorate and an Inspector will be appointed to consider them.

Core principle of Development and Location Strategy and the Housing and Economic Development DPD

Public consultation on the Issues and Options for both documents closed on 14th November 2006. A total of 178 response forms and letters have been received about the Issues and Options. These are being considered at the moment and a summary of responses will be reported to Cabinet in March. Work has begun on preparing new policies and identifying site allocations for inclusion in both documents. It is anticipated that these policies and sites will be included in the "preferred options" version of the two DPD's which should be published for six weeks consultation in May 2006.

Annual Monitoring Report

The Annual Monitoring Report (AMR) was prepared in December 2005 and submitted to the Government Office for the East Midlands before Christmas. Submission of the Annual Monitoring Report before the end of December means that the Council has met an important national target and will receive planning delivery grant accordingly. The AMR is available for public consideration and is published on the Council's web site. The AMR sets out monitoring data relating to development rates in the district, it also considers progress made in the preparation of the LDF.

The conclusions of the AMR reveal that the timetable included in the Local Development Scheme (LDS) has slipped by between two and four months. As a result the LDS will need to be updated and revised. The new timetable will be presented to Cabinet in March 2006.

3. CONTACT OFFICER

Rachel Armstrong
Planning Policy Team Leader

REPORT TO ECONOMIC DSP

REPORT OF: Head of Environmental Health and Licensing

REPORT NO. ENV 340

DATE: January 2006

TITLE:	SKDC Enforcement Policy
FORWARD PLAN ITEM:	Yes
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	December 2005
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Key Decision

COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	Cabinet
CORPORATE PRIORITY:	Links to all priorities
CRIME AND DISORDER IMPLICATIONS:	Yes
FREEDOM OF INFORMATION ACT IMPLICATIONS:	Medium
BACKGROUND PAPERS:	Enforcement Concordat

1. INTRODUCTION OR SUMMARY

The Council undertakes a range of legal enforcement activities. In order that these can be coordinated and carried out in a fair and consistent way a policy on enforcement is necessary. The formulation of a policy will require consultation and then adoption by the Council.

2. RECOMMENDATIONS

1. The Economic DSP considers the draft policy and makes any recommendations for change.

3. DETAILS OF REPORT

The Council has responsibility for enforcing a range of legislation. Enforcement is carried out by all regulatory services and by many other areas of the Council, including Crime and Disorder, Cleansing and Housing. Enforcement action to secure monies owed to the Council is also undertaken. Historically each service involved with taking legal action has had its own arrangements and protocols to achieve this and has carried out enforcement in a variety of ways. The main consistency being the use, in nearly all cases, of the Councils legal service.

Members of the public and business owners are entitled to understand what type of legal action could be taken against them and when this may be taken. The principals of this are contained within the enforcement concordat, which this Council has signed. The enforcement concordat includes measures to promote fairness but it does not contain detail regarding how and when enforcement will be undertaken, nor does it include arrangements to ensure consistency across the Council.

A draft enforcement policy has been produced following liaison with section heads (please see appendix). This includes an introduction, which encompasses the requirements of the enforcement concordat, general principals of enforcement that refer to all enforcement, followed by service specific arrangements for each of their areas of responsibility. In many cases the service specific policy includes guidance from a relevant national body (for example the HSE or the FSA) or from a government department.

It is felt that by adopting a Council wide enforcement policy, that clarity, consistency and transparency in enforcement will be improved.

It will be necessary to consult stakeholders in the formulation of the completed document and the policy will need to be in compliance with Plain English standards

4. OTHER OPTIONS CONSIDERED AND ASSESSED

Continue with current arrangements

5. COMMENTS OF DIRECTOR OF FINANCE AND STRATEGIC RESOURCES

6. COMMENTS OF CORPORATE MANAGER, DEMOCRATIC AND LEGAL SERVICES (MONITORING OFFICER)

7. COMMENTS OF OTHER RELEVANT SERVICE MANAGER

The following service managers have been consulted in the formulation of this draft:

1. (former) Head of housing
2. Housing improvement program support officer
3. Head of planning
4. Building control services manager
5. Contracts manager
6. Revenues manager
7. Community safety manager

8. CONCLUSIONS

In order to improve consistency in enforcement a draft policy on enforcement has been produced. A process of consultation is necessary and the policy will require to be adopted by the Council

9. CONTACT OFFICER

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ENFORCEMENT POLICIES

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4. Planning Enforcement Policy
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7. Fair Rent and Debt Recovery Policy
8. Anti-Social Behaviour Enforcement Policy

Section 1 General Enforcement Policy

1.1 PRINCIPLES WE FOLLOW

In most cases our Officers will act in an informal way when dealing with those who have duties under the law. Officers may offer information, advice, support, and keep relevant parties informed of the current situation, either face to face, in writing or over the telephone. However, Officers may also use formal action to secure compliance with legal requirements or the remedying of defects or statutory nuisance. Formal action is described later.

If enforcement action is necessary, it will be appropriate and will depend on the seriousness of the breach of the law. Decisions will take into account the principles of good enforcement set out in the Enforcement Concordat, which this Council has signed. These principles are:

Standards

We will consult businesses and other interested parties on the development of clear standards, which set out levels of service and performance that residents of, businesses within, and visitors to the district, can expect to receive. Each year we will publish details of our performance against these standards.

Openness

We will provide information and advice in plain language on the rules that we apply. Where necessary and if possible, translations will be provided. We will disseminate it as widely as possible. We will be open about how we work, including any charges we set. On such matters as charges, we will consult businesses, other organisations, the voluntary sector, and residents of, and visitors to, the district.

Helpfulness

We believe that prevention is better than cure and that our role therefore involves actively working with business, especially small and medium sized business, to advise on and help with compliance with the law. We also believe in taking the same approach in our dealings with residents of, and visitors to, the district.

We will provide a courteous and efficient service. Our staff will identify themselves by name. We will provide a contact point and telephone number for future dealings with us. We will encourage all those who have dealings with us to ask us for advice and information.

We will deal efficiently and promptly with applications for approvals etc. Wherever possible we will ensure that our services are effectively organised to avoid unnecessary overlaps and time delays.

Complaints about our service

Regulators are accountable to the public for their actions. This means that enforcing authorities must have policies and standards against which they can be judged, and an effective and easily accessible mechanism for dealing with comments and handling complaints.

We will provide well-publicised, effective and timely complaint procedures that are easily accessible to all who have dealings with us.

If disputes cannot be resolved we will explain the right of complaint or appeal, giving details of the process and timescales involved.

Proportionality

We will make compliance as straightforward as possible by ensuring that any action we require is proportionate to the risks. As far as the law allows, we will take account of the circumstances of the case and the attitude of the individual concerned.

We will take particular care to work with small businesses, community and voluntary groups and individual residents so that they can meet their legal obligations without heavy cost where practicable.

Consistency

We will carry out our duties in a fair, equitable and consistent manner.

Inspectors are expected to exercise judgement in individual cases but we will have arrangements in place to promote consistency, including effective liaison with other authorities and enforcement bodies through schemes such as those operated by the Local Authorities Coordinators of Regulatory Services (LACORS).

Charging

In certain cases such as The Housing Acts, the authority can charge for the service of a notice. The person receiving the notice is liable to pay the charge.

1.2 SHARED ENFORCEMENT RESPONSIBILITIES

The majority of enforcement functions will be the responsibility of our own Officers, but there may be occasions where there is a shared enforcement role, or we may need to transfer the case details to another enforcement body for their further action.

1.3 SCOPE OF THIS DOCUMENT

This document applies to all our areas of responsibility.

1.4 ENFORCEMENT ACTION

Enforcement action may take the following forms:

- Advice
- Verbal warning
- Written warning
- Service of statutory notice
- Demand for payment
- Work in default
- Formal caution
- Prosecution
- Fixed penalty tickets
- Amendment or Revocation of a licence

Enforcement visits will be made at appropriate times in accordance with the nature of the business. If possible 24 hours notice will be given for entry to domestic premises where this does not prejudice the purpose of the inspection.

1.5 FAIRNESS AND PREVENTION OF DISCRIMINATION

We recognise our responsibilities under the provisions of the Human Rights Act 1998 and equalities laws and will not discriminate against individuals or organisations. Our investigations will be carried out following recognised and lawful procedures, particularly those contained within the Regulation of Investigatory Powers Act 2000 (RIPA) or the Police and Criminal Evidence Act 1984 (PACE).

Officers will be properly trained in their enforcement functions and systems are in place to ensure that these competencies are maintained.

Where work is undertaken outside of normal office hours the principles of this policy will still be observed.

1.6 PROCEDURES

Advice from an officer will be put clearly and simply and will be confirmed in writing on request, explaining why any remedial work is necessary and over what time-scale, making sure that any legal requirements are clearly distinguished from best practice advice.

Before formal enforcement action is taken, officers will provide an opportunity to discuss the circumstances of the case and, if possible, resolve points of difference.

Where immediate action is considered necessary (for example, in the interests of health and safety or environmental protection, or to prevent evidence being destroyed), an explanation of why such action was required will be given at the time and confirmed in writing within 10 working days. Where there are rights of appeal against formal action, advice on the legal mechanism will be clearly set out in writing at the time the action is taken (wherever possible, this advice will be issued with the enforcement notice).

1.7 DECIDING WHETHER TO RECOMMEND PROSECUTION

Most of the laws and regulations we administer allow us to prosecute in the criminal courts. In some cases there may be no alternative to this. We will also have regard to the Councils declared priority areas such as street scene or antisocial behaviour. It is more likely that enforcement action will be taken to deal with a breach of the law if it falls within these categories. In deciding whether to recommend a prosecution, we follow the guidance set out in the Code of Practice published by the Crown Prosecution Service (under section 10 of the Prosecution of Offences Act 1985). Our aim is to ensure the correct approach and apply the criteria in a uniform and consistent way.

We therefore consider:

- Is there a risk or danger to public or personal safety?
- Is fraud, gross negligence or an otherwise guilty intention involved?
- Is there failure to follow our advice concerning legal requirements?
- Are there persistent breaches following our warnings?
- Is there significant (potential or actual) economic advantage?

Additionally, we must pay due regard to guidance and advice from Government departments, advisory bodies, local authority associations and professional/technical bodies.

Advice and verbal warnings

Whether authorised officers give advice or verbal warnings is at their own discretion. Advice or verbal warnings may be given when they consider that an infringement is not serious enough to require a written warning, formal caution or prosecution.

Officers will take the following action in the case of a verbal warning:

- Details of the warning will be noted by the officer and:
- A file note made on the database for the individual/business concerned.

If officers consider that a matter is serious enough to prepare a full report recommending further action, they will discuss the matter with their line manager at the earliest opportunity and in any case within 10 working days.

Written warnings

A written warning is a letter from an officer which:

- Alleges that an offence has been committed by the recipient of the letter;
- States that no action is to be taken by the authority; and
- States that if a future report is received alleging an offence, legal proceedings could result.

The written warning will also state what must be done to put right the alleged offence.

Formal Cautions

Officers may give a formal caution instead of prosecution. The aim of a formal caution is to:

- Deal quickly and simply with less serious offenders;
- Divert them from unnecessary appearance in the criminal courts; and/or
- Reduce the chances of their re-offending.

A formal caution will normally be given by the Head of the particular service or in his absence, by a nominated deputy.

The cautioning officer will normally give the caution in person. Only in exceptional circumstances will a caution be given by post. At the time of administering a caution the offender will be advised that the caution will remain on record for a period of 3 years and can be cited by the Council if further and subsequent enforcement action is taken against the offender

If an offender refuses to accept or sign and return a formal caution within 14 days, we will consider taking legal proceedings.

Fixed penalty tickets

Some Acts empower us to offer the chance to pay a fixed penalty instead of prosecution. These are generally for anti-social behaviour or environmental issues such as litter dropping or dog fouling. Where this option is offered then time will be given to allow payment, or alternatively for the individual concerned to take advice or make representations.

1.8 AUTHORISATION

All Council officers are required to be authorised to exercise statutory functions on behalf of the Council. Officers will carry a card with them that

can be produced on request to confirm their authority to carry out inspections, investigations and to enter premises. Full details of how officers are authorised are contained within the Councils constitution.

1.9 PRINCIPLES OF ENFORCEMENT

The enforcement of all law should be informed by the principles of proportionality in applying the law and securing compliance, consistency of approach, targeting of enforcement action and transparency about how the regulator operates and what those regulated may expect.

Proportionality

- (a) Proportionality means relating enforcement action to the risks. Those whom the law protects and those on whom it places duties (duty holders) expect that the action taken by officers to achieve compliance should be proportionate to any risks to health, safety or the environment and to the seriousness of any breach.
- (b) Some duties are specific and mandatory - others require action so far as practicable. In general, the concept of proportionality is built into the regulatory system through the principle of "so far as is reasonably practicable". Deciding what is reasonably practicable to control risks involves the exercise of judgement by duty holders and discretion by enforcers. When duty holders and enforcers, cannot reach agreement, final determination on what is reasonably practicable in particular circumstances is made by the court.
- (c) When the law requires that risks should be controlled, the principle of "so far as is reasonably practicable" will always be taken into account. In considering protective measures taken by duty holders, we will always take account of cost as well as the degree of risk. It is legitimately expected that relevant good practice and guidance will be followed. Where relevant good practice in particular cases is not clearly established, legislation requires duty holders to assess the significance of the risks (both their extent and likelihood) to determine what action needs to be taken. Some irreducible risks may be so serious that they cannot be permitted, irrespective of the economic consequences. At the other extreme, some risks may be so trivial that it is not worth the expenditure to reduce them. In general, risk-reducing measures would be weighed against the associated costs and benefits.

Consistency

- (a) Consistency of approach does not mean uniformity. It means taking a similar approach in similar circumstances to achieve similar ends.
- (b) Duty holders managing similar risks expect consistency from Council officers in the advice tendered, the use of enforcement notices,

approvals and other remedies, decisions on whether to prosecute and in the response to accidents or incidents.

- (c) It is recognised that in practice consistency is not a simple matter. Enforcing officers are faced with many variables: the level of hazard, the attitude and competence of management, the accident, complaint or incident. History and past record also vary between companies and proprietors, which may otherwise appear similar. The decision on enforcement action is a matter of judgement and discretion must be exercised fairly. Arrangements are in place to promote consistency in the exercise of discretion, including effective liaison with other enforcing authorities. In addition, all officers will have regard to statutory Codes of Practice and guidance.

Targeting

- (a) Targeting means making sure that inspection or enforcement action is targeted, primarily on those whose activities give rise to the most serious risks or where the hazards are least well controlled; and that action is focused on the duty holders who are responsible for the risk and who are best placed to control it - whether owners, employers, manufacturers, suppliers, or others.
- (b) We have systems for prioritising visits according to the risks posed by a duty holder's operations. These take account of hazards and the nature and extent of risks. Management competence is important, because a relatively low hazard site that is poorly managed can entail greater risk to its workforce or the public than a higher hazard site where risk-control measures are in place. There are, however, high hazard sites, which will receive regular visits so that we can be sure that remote risks continue to be effectively managed.
- (c) When formal enforcement action is necessary, the person or persons responsible for creating a risk should be accountable for it. The duty holder may be the owner of the premises, a supplier, the designer or client rather than the proprietor of the business. Where several duty holders share a responsibility, we will take action against those who can be regarded as primarily in breach.

Transparency

- (a) Transparency means helping duty holders to understand what is expected of them and what they should expect from us. It also means making clear to duty holders not only what they have to do but, where this is relevant, what they do not have to do. That means distinguishing between statutory requirements and advice or guidance about what is desirable but not compulsory.
- (b) Duty holders need to know what to expect when an enforcing officer calls and what rights of complaint are open to them. South Kesteven District

Council's approach is set out in publications, "Customer Service Standards" and "The Council's Complaints Procedure".

Appropriateness means applying such enforcement measures to a breach as are relevant and necessary to remedy the breach that has occurred. It also means only taking formal actions when the circumstances of the case dictate that intervention is appropriate in the public interest. Remedial actions should be relevant, directly related to the breach that has occurred, and appropriate in all respects. Actions should directly address the breach, and overcome the harm that has arisen from the breach.

1.10 PRACTICAL APPLICATION OF THE POLICY

The following gives an outline of the practical application of enforcement powers and the type of action that will normally be taken according to the circumstances that typically occur. Where it is appropriate for action to be taken by other departments of the authority, they will be informed of the situation.

Minor Breaches of Legislation

Where relatively minor breaches of legislation occur and there is a willingness of the duty holder to undertake the necessary remedial measures, an oral or written warning will normally be given in the first instance.

All reports or letters following any inspection, visit or monitoring activity will clearly state the breaches of legislation identified and the remedial measures required. Where recommendations are made which relate to good practice or advice, then these will be clearly distinguished from any legal requirements. Clear guidance, information or advice will also be given positively to encourage compliance.

Serious Breaches of Legislation

Council officers have powers to serve a range of legally binding enforcement notices upon duty holders in breach of legislation, in order to prohibit activities or effect necessary improvements. These notices are usually served where serious breaches of legislation have been identified or where there are serious risks to health, safety or the environment. Officers are authorised to serve various notices by virtue of their qualifications, training and competence.

The use of formal enforcement notices will normally be restricted to circumstances where:-

- (a) There are serious breaches of legislation.
- (b) There are potential or serious risks to health, safety or the environment.
- (c) We have a 'statutory duty' to serve a notice.

(d) An informal approach has proved unsuccessful.

Whenever practicable, and except in cases of immediate risks to health, safety or the environment, prior warning of the intention to serve an enforcement notice or to undertake enforcement action will be given to the duty holder. The warning will include a suitable period to deal with the matters or discuss the circumstances of the case, prior to the commencement of formal action. However, warnings will not be issued where a fixed penalty scheme exists, eg dog fouling offences.

Licensing and Registration - Breaches of Conditions

The Council issues licences and approvals for a variety of activities such as hackney carriages, caravan sites, food premises, the sale of alcohol and provision of entertainment, horse riding, animal boarding establishments and Houses in Multiple Occupation etc. Licences are usually issued subject to specific conditions, which control the management and provision of appropriate facilities at such premises.

Where relatively minor breaches of licence conditions occur and there is a willingness of the duty holder to undertake the necessary remedial measures, a verbal or written warning will usually be given in the first instance. Where there are serious failures to comply with the licence conditions, or where the informal approach has failed to effect the necessary improvements, a formal report will be submitted to the relevant Council Committee and recommendations made as to whether or not a licence will be granted, renewed or revoked. The duty holder will be entitled to make representations in support of their case.

Where serious breaches of licensing or registration requirements occur, they will be considered in accordance with the criteria relating to prosecutions and, if appropriate, legal proceedings will be instigated. In some cases, the suspension of a licence or approval may be necessary until the matter can be considered by the relevant Committee.

Prosecutions

Consideration of formal action will only be undertaken after reference to Legal Services' Prosecution Manual and consultation with the Solicitor to the Council (or duly authorised representative).

There are certain circumstances in which it will be appropriate for prosecutions to be recommended following breaches of legislation. Examples of situations which would warrant recommendation of prosecution are:-

- (a) Where death was a result of a breach of the legislation.
- (b) Where there is a blatant disregard for the law, especially where there is an economic advantage to do so (ie if it is profitable to flout the law);

- (c) Failure to comply with an enforcement notice;
- (d) Where there is a reckless disregard for the law, which could affect the safety or well-being of an individual or endanger the environment;
- (e) Where there have been repeated breaches of legal requirements and management is neither willing nor structured to remedy the situation;
- (f) Where there has been a serious accident or a case of ill health arising from a substantial legal contravention;
- (g) Where a contravention has caused serious public concern,
- (h) Failure to pay a fixed penalty notice.
- (i) Where false information has been supplied wilfully.
- (j) Officers have been intentionally obstructed in the lawful course of their duties.

Before deciding whether or not to recommend prosecution, a number of factors will be taken into account including:-

- (a) The seriousness of the offence;
- (b) Previous history of the duty holder concerned;
- (c) The willingness of the duty holder to prevent a recurrence of the problem;
- (d) The likelihood of the duty holder being able to establish a due diligence defence;
- (e) The probable public benefit of a prosecution and importance of the case - eg whether it might establish a legal precedent, or whether the case would be in the public interest;
- (f) The issue of an enforcement notice or other action, such as issuing a formal caution in accordance with Home Office Circular 18/1994, would be more appropriate;
- (g) Any explanation offered by the affected person, organisation or business;
- (h) Any views, concerns or comments of any other interested parties, eg businesses, employees and the public or a home enforcement policy.
- (i) That there is sufficient evidence to provide a realistic prospect of prosecution.

Unless there are exceptional circumstances, legal proceedings will be recommended, following the failure to comply with any enforcement notice.

In addition to the above, prosecutions will only be considered when the circumstances fall within the guidelines produced by the Attorney General, such as the Code for Crown Prosecutors.

Where prosecutions are instigated they will be brought promptly.

Prosecution of Individuals

Subject to the above, we may identify and prosecute or recommend prosecution of individuals, including company directors and managers, if it is considered that a conviction is warranted and can be secured.

Works in Default

In place of, or in addition to prosecutions, certain powers exist to carry out work in default. These powers will only be exercised following the expiry of a Notice to undertake works. All charges incurred will be recovered either through the courts or as a land charge on property.

PUBLIC REGISTER

Any notices served under the above legislation will be placed on the Council's public register, if they relate to matters of public concern

APPEALS

There is usually a statutory right of appeal against the requirement of an enforcement notice or action contained in the relevant legislation. Such appeals are usually made to Magistrate's Court. Where health and safety legislation matters are concerned, it would be an Industrial Tribunal and in the case of a Housing Act Notice, the County Court. Individuals, small organisations or businesses may be reluctant to spend a considerable amount of time, effort and money preparing and submitting an appeal against enforcement action. South Kesteven District Council therefore provides an informal appeal mechanism whereby the individual circumstances of the case can be taken into account and considered prior to enforcement action being commenced. Where necessary, access will be made available to a service providing translation facilities.

Informal Appeal

If you do not agree with action taken by the enforcement officer, you should first contact the Manager of the Officer's Section to see if the problem can be resolved informally. If the disagreement remains after that, you should contact the Head of the Service. Should your disagreement continue, a South Kesteven District Council Complaint Procedure Booklet is available which explains further action.

Statutory Rights of Appeal

Where enforcement notices are served, detailed information will be provided to the person concerned regarding their statutory rights of appeal. The information will include, where appropriate, the necessary forms and help with completion to enable an appeal to be made.

1.11 CONSULTATION, REVIEW AND PUBLICATION

We will endeavour to form partnerships with local business organisations and will consult them regarding the contents of this policy and any significant changes that may arise from time to time.

Arrangements will be made for the Enforcement Policy to be monitored and reviewed and reported as necessary, and at least annually, so as to ensure that it is used in a fair and consistent manner. The Policy will also be published and arrangements made for it to be brought to the attention of individuals, organisations and businesses in a 'user-friendly' format.

Signed

Corporate Director (Regulatory Services)

Date

Section 2 Environmental Health & Licensing Enforcement Policy

2.1 INTRODUCTION

Environmental Health & Licensing has responsibility for enforcing a wide range of legislation that may affect individuals, organisations or businesses residing, visiting or operating within the district. Enforcement action is taken by the following Sections:-

Environment Section
Commercial Section

Depending upon the particular circumstances, Environmental Health and Licensing may use a variety of means, including education, advice, guidance, warning letters and legal notices (including "minded-to" and "Fixed Penalty" notices) to ensure that individuals, organisations or businesses meet their legal responsibilities. Where there are serious breaches of legislation or risks to health, safety or the environment, activities may be prohibited, licences revoked, formal cautions issued, legal notices served, works done in default and prosecutions instigated.

Much modern legislation is goal setting - setting out what must be achieved, but not how it must be done. Guidance on how to achieve the goals is often set out in Codes of Practice and there is also a wide variety of advisory material describing good practice. Neither Codes nor guidance material are in terms which necessarily fit every case. In considering whether good practice has been adopted, officers will take relevant Codes and guidance into account, using sensible judgement about the extent of the risks and the effort that has been applied to counter them.

Sometimes the law is prescriptive - spelling out in detail what must be done. For example, contact with live wires must be avoided or failure to clean up after a dog has fouled in a prescribed area. Prescriptive law limits the discretion of the duty holder and the enforcer. This document is intended to provide members of the public, organisations and businesses with information and guidance about the practical application of the enforcement policy operated by Environmental Health and Licensing. Whilst the document aims to provide the reader with a clear understanding of the policy due to the individual nature of many of the circumstances, it cannot be considered either exhaustive or complete. The document also incorporates and adopts the principles set out in the LACORS Guidance on Food Safety Enforcement Policies. A Booklet entitled "Environmental Health and Licensing and Your Business", is available which reflects the principles of the Government's "Code for Enforcement Agencies". This publication gives information on specific complaints and services dealt with by Environmental Health and Licensing and the processes followed. The publication describes a complaints procedure in the case of administrative decisions and appeals to a court or an industrial tribunal in the case of statutory notices.

2.2 COMPLAINTS OF INJURY INVESTIGATIONS

In selecting which complaints or reports of injury or occupational ill health to investigate and in deciding the level of resources to be used, we will take account of the following factors:

- The severity and scale of potential or actual harm
- The seriousness of any potential breach of the law
- Knowledge of the duty holder's past health and safety performance
- The enforcement priorities
- The practicality of achieving results

The wider relevance of the event, including serious public concern

2.3 LEAD/HOME AUTHORITY PARTNERSHIP SCHEMES

The Lead Authority Partnership Scheme and Home Authority Arrangement promote consistency of enforcement among businesses with multiple outlets in different local authority areas. The Lead Authority process involves a local authority forming a partnership with a company. The local authority then carries out a Safety Management Review (SMR) of the company, produces a report of its findings and, where necessary, the company produces an action plan in response. The Lead Authority then enters into a long-term liaison arrangement where it acts as a focal point for liaison with other local authorities on health and safety issues affecting the company. The full list of registered partnerships is held by the Local Authority Unit of the HSE.

We will discuss with the appropriate Lead/Home Authority any shortcomings in participating companies' centrally agreed policies or procedures. If we are considering formal enforcement action, ie notices or prosecution, against an outlet of a participating company we will, except in the case of immediate action, discuss the matter with the Lead/Home Authority before taking action. Where immediate action has been necessary we will advise the Lead/Home Authority as soon as reasonably practicable.

2.4 SHARED ENFORCEMENT RESPONSIBILITY

In circumstances where enforcement responsibility is shared between enforcement agencies, for example in relation to waste offences (where both local Councils and the Environment Agency can take enforcement action), Environmental Health and Licensing will have regard to procedures agreed with other enforcement agencies, particularly where memoranda of understanding exist.

In some cases, enforcement powers will rest with another agency, for example the Health and Safety Executive. In these situations, Environmental Health and Licensing will act to ensure that the case is transferred to the enforcing agency promptly and in accordance with any agreed procedures.

The following list is not exhaustive but will include most possible alternatives.

- Any animal health matters are to be passed to the Trading Standards Animal Welfare Service at Lincolnshire County Council. It may also be necessary to involve the RSPCA.
- The Lincolnshire Fire & Rescue Service may need to be involved in matters involving Houses in Multiple Occupation and Licensing.
- Lincolnshire County Council Trading Standards may need to get involved where there are safety concerns over appliances or furniture provided by a landlord in a privately rented house or flat.
- Local pollution incidents may fall to the Environment Agency for enforcement, but this may require detailed liaison between the two authorities to determine responsibility.
- Incidents involving Travellers may require involvement by the Lincolnshire County Council Liaison Officer.
- Infectious disease incidents, or mental health matters requiring s.47 action under the National Assistance Act 1948 will involve liaison with the Consultant in Communicable Disease control at the Health Protection Agency.
- In the event of a food complaint involving another Local Authority or Home Authority they should be consulted fairly early during the investigative process. Their contact details may be found in a Directory of Environmental Health Departments.
- Any food matters that should be dealt with by Trading Standards will be passed to them.
- Any matters involving meat inspection services, licensed or unlicensed, may require the involvement of the State Veterinary Service.
- Any Health and Safety at Work incidents on premises not enforced by us will be passed to the Health & Safety Executive at Nottingham.

2.5 DEATH AT WORK (HEALTH AND SAFETY AT WORK ETC ACT 1974)

Where there has been a breach of the law leading to a work-related death, we will need to consider whether the circumstances of the case might justify a charge of manslaughter. Liaison may take place with the Police, the Coroner and the Crown Prosecution Service (CPS), and if evidence is found to suggest manslaughter, action will be taken by the Police or, where appropriate, the CPS. If the Police or the CPS decide not to pursue a manslaughter case, we may still prosecute or recommend prosecution of a health and safety case if that is appropriate

Section 3 Private Sector Housing Enforcement Policy

1 INTRODUCTION

Housing Services is an important part of South Kesteven District Council and has responsibility for enforcing a wide range of legislation relating to the private housing sector.

Private sector housing amounts to over 46,000 homes, of which 6,400 are privately rented including 281 Houses in Multiple Occupation.

Depending upon the particular circumstances, Housing Services may use a variety of means, including education, advice, guidance, warning letters and legal notices (including: demand for payment, closure of premises, demolition, management orders and notices prohibiting overcrowding) to ensure that individuals, organisations or businesses meet their legal responsibilities. Where there are serious breaches of legislation or risks to health, safety or the environment, activities may be prohibited, licences revoked, formal cautions issued, legal notices served, works carried out in default and prosecutions instigated.

Much modern legislation is goal setting - setting out what must be achieved, but not how it must be done. Guidance on how to achieve the goals is often set out in Codes of Practice and there is also a wide variety of advisory material describing good practice. Neither Codes nor guidance material are in terms which necessarily fit every case. In considering whether good practice has been adopted, officers will take relevant Codes and guidance into account, using sensible judgement about the extent of the risks and the effort that has been applied to counter them. More is said about these matters below.

Sometimes the law is prescriptive - spelling out in detail what must be done. For example, contact with live wires must be avoided or failure to clean up after a dog has fouled in a prescribed area. Prescriptive law limits the discretion of the duty holder and the enforcer. This document is intended to provide members of the public, organisations and businesses with information and guidance about the practical application of the enforcement policy operated by Housing Services. Whilst the document aims to provide the reader with a clear understanding of the policy due to the individual nature of many of the circumstances, it cannot be considered either exhaustive or complete.

2 WORKS IN DEFAULT

In place of, or in addition to prosecutions, certain powers exist for Housing Services to carry out work in default. These powers will only be exercised following the expiry of a Notice to undertake works. All charges incurred by Housing Services will be recovered either through the courts or as a land charge on property.

3 SHARED ENFORCEMENT RESPONSIBILITY

In some cases, enforcement powers will rest with another agency, for example the Health and Safety Executive. In these situations, Housing Services will act to ensure that the case is transferred to the enforcing agency promptly and in accordance with any agreed procedures.

4 APPEALS

There is usually a statutory right of appeal against the requirement of an enforcement notice or action contained in the relevant legislation. Such appeals are usually made to Magistrate's Court; in the case of a Housing Act Notice, the County Court. Individuals, small organisations or businesses may be reluctant to spend a considerable amount of time, effort and money preparing and submitting an appeal against enforcement action. South Kesteven District Council therefore provides an informal appeal mechanism whereby the individual circumstances of the case can be taken into account and considered prior to enforcement action being commenced. Where necessary, access will be made available to a service providing translation facilities.

4.1 Statutory Rights of Appeal

Where enforcement notices are served, detailed information will be provided to the person concerned regarding their statutory rights of appeal. The information will include, where appropriate, the necessary forms and help with completion to enable an appeal to be made.

Section 4 Planning Enforcement Policy

INTRODUCTION

1. Development Control Services is the section of the District Council responsible for the discharge of duties under the Planning Acts. These duties include the determination of applications submitted for consideration and by more formal enforcement control.
2. The enforcement of planning control is an essential feature of the overall planning system.
3. An effective system of control requires strong powers of sanction against persons who transgress regulatory provisions. The Town and Country Planning Acts contain such extensive enforcement powers, and the District Council will not hesitate to resort to such powers where circumstances demand firm action.

AIMS AND OBJECTIVES

6. The aim of the Council's Enforcement Policy is to ensure, when circumstances dictate, effective compliance with planning and associated legislation, which is itself aimed at regulating the development and use of land in the public interest. Development should conform to the provisions of the South Kesteven Local Plan. The District Council shall seek to ensure by education, promotion, monitoring, negotiation and, where necessary and appropriate, legal measures, that the quality, character and appearance of the built and natural environment is protected and enhanced.
7. In the exercise of its enforcement powers, the District Council's objectives are:
 - a) To strike an appropriate balance between the planning and development needs and demands of the population, and the need through regulatory control, to protect and enhance the environment, and regulate the development and use of land in the public interest.
 - b) Wherever breaches of control occur, to apply appropriate and proportionate remedies, wherever possible without recourse to formal legal action.
 - c) To promote the need to protect and enhance the built and natural environment, and the need to conform to regulatory controls.

- d) To allow acceptable development to take place.

DEVELOPMENT CONTROL SERVICES ENFORCEMENT POLICY

8. This policy document sets out the basic approach and principles to be followed by the authority in the discharge of its enforcement functions. In its preparation, account has been taken of procedural and policy advice as contained in Department of the Environment Circulars and Planning Policy Guidance Notes, and the Department of the Environment, Transport and the Regions document 'Enforcing Planning Control: Good Practice Guide for local planning authorities'.
9. This policy is intended to provide clear guidance to users of the planning system; members of the public, local businesses, elected members and service providers, about enforcement controls. It explains the powers available to the District Council to remedy breaches of planning control, and the steps involved in seeking to secure a satisfactory outcome to complaints lodged.
10. Allied to the policy, and observing the key principles of the policy, working procedures have been developed relating to the most frequently occurring areas of enforcement activity. By the nature of the work activity however, these procedures cannot cover every eventuality. In the absence of a defined procedure, the Council will discharge its enforcement activities in accordance with the general principles of the policy.

PLANNING CONTROL

19. Breaches of planning legislation occur for a number of reasons. Sometimes it is deliberate and pre-meditated. On most occasions it is inadvertent and unintentional, and occurs through a misunderstanding of planning legislation and regulations.
20. In some cases, whilst a breach has occurred, the resultant works may be acceptable or capable of being made acceptable with some form of modification. In other cases the works or development in question may be totally unacceptable. In each individual case, the District Council will make an individual judgement of the significance of the breach, and determine a course of action necessary to secure a satisfactory outcome in planning terms which is in the public interest.
21. The carrying out of works or development without the prior approval of the District Council may result in legal action against the person causing the breach and persons having an interest in the land involved, and/or prosecution.

ENFORCEMENT COMPLAINTS

22. Enforcement Complaints are complaints received relating to suspected breaches of planning legislation, including development carried out without prior approval, and works contrary to an approval granted or condition imposed. They are distinguishable from complaints relating to the conduct of the Planning Services section in the discharge of its functions, which are covered by the Council's Complaints Procedure.
23. All Enforcement complaints received by Planning Services are investigated, regardless of source. Often complaints made to the District Council arise from non-planning disputes. The District Council's investigations will relate solely to planning issues. It is not the Council's role to intercede or act as arbiters in non-planning disputes. Nevertheless, where planning breaches appear to be involved investigation will take place.
24. In some cases, complaints will be generated as a result of pro-active investigations and ongoing monitoring by Planning and Building Control Services staff. Such non-conformances will be investigated in the same manner as externally generated complaints, and in accordance with the key objectives of this policy.
25. Complaints may be made to the Development Control Services section either in person, by telephone or in writing. Full details of the complaint will be sought, together with details of the location of the site or premises, and where known, the name of the person causing the alleged breach.
26. Personal details of the complaint will be requested in order that they may be kept informed of the progress of the investigation, and approached for further information should this prove necessary. Details of a complainant will remain confidential and are not disclosed to the person who is believed to have caused the breach. Complaints made anonymously will be investigated.
27. Complainants will however be made aware that if an enforcement complaint results in the submission of a retrospective planning application, any comments made specifically on that application will be available for inspection as a public document, and as such may be viewed by the person causing the breach.

RESPONDING TO COMPLAINTS

28. When a complaint is received, and it is ascertained that it does, or potentially could relate to a planning matter details of the alleged breach will be registered in the Planning Services Enforcement Register. The register will contain full details of the complaint alleged and particulars of the complainant and defendant. Throughout the course of an enforcement investigation detailed records of the complaint, and any investigations, actions and outcomes will be maintained.

30. Enforcement Complaints will be acknowledged within 3 working days of the complaint being received. The letter will:-
- Identify the Case Officer and his contact telephone number.
 - Identify a target response date to the initial complaint (this will normally be within 10 working days of receipt of the complaint).
 - Include an explanatory leaflet outlining the Council's Enforcement Policy.
 - Advise on confidentiality.
30. Matters alleged by a complainant will be fully investigated and a site inspection carried out. Council officers will seek to establish, on the basis of their own investigations, whether a breach has occurred.
31. Where insufficient information can be established from a site visit along, the Case Officer will make further enquiries, and respond to the complainant within the target response date, or, as may be necessary a revised response date, which will be notified to the complainant.
32. Where it becomes apparent that a breach of planning control has not occurred, the complainant will be so informed, and given an explanation as to why this is considered to be the case.
33. In the investigation of suspected breaches of control, the Planning Services shall prioritise such investigations on the basis of an assessment of the anticipated severity of the alleged breaches, and the harm which may be arising there from.
34. A 'case prioritisation' model is suggested in the DETR document Enforcing Planning Control: Good Practice Guide for Local Planning Authorities, published in July 1997. This suggests a possible order of priorities for action might be:
- i Any unauthorised development, which causes immediate and irremediable harm in the locality.
 - ii Unauthorised demolition or partial demolition of a building, which it is essential to retain.
 - iii Breach of a condition, which results in serious harm to amenity in the neighbourhood.
 - iv Unauthorised development in a National Park, AONB or Conservation Area
 - v Any unauthorised development where the time limit for enforcement action will expire within the next six months.
35. The relative priority to be assigned to each case will be considered on the individual merits of the case, based upon a considered assessment of the severity of the breach, and the harm that is arising therefrom. Regard will be paid to the model referred to above. Particular priority will be given to matters which give rise to adverse irremediable effects upon local amenity, compromise the character, appearance & integrity of protected buildings or

structures, and matter which are giving rise to conditions detrimental to public safety (controllable under the Planning Acts).

BREACHES OF CONTROL

36. If a breach of planning control is found as a result of investigating a complaint, the severity and seriousness of the breach will determine the most appropriate course of action to achieve a satisfactory outcome.

(a) Where the breach of control that has occurred is likely to be acceptable.

37. Where the breach of control is generally acceptable in planning terms, or could be made so by means of some form of modification, the person causing the breach, will be invited to submit a retrospective planning application for determination. They will be advised of the practical difficulties which may arise were they not to do so. A fixed time period will be set for the submission of any application. This will normally be between 7 days and 21 days, dependent upon the nature of the breach and the issues concerned.

38. Upon receipt of any application, the application will be publicised in accordance with the Council's Code of Practice, and third parties invited to comment. If adverse representations are received relating to the application, the application will be considered and determined by the Council's Development Control Committee.

39. If the person causing the breach fails to submit a valid application within the specified time period, the matter will be presented to the Council's Development Control Committee for members to consider whether enforcement action or prosecution proceedings should be instituted. In so doing, regard shall be given to Government policy as contained in PPG18 (December 1991), which states that enforcement action should not be used solely to 'regularise' development which is acceptable on its planning merits but for which planning permission has not been sought.

40. Where a breach of control has occurred which is in principle likely to be acceptable, subject to the imposition of certain controls or conditions, a planning application will be sought. Where such an application is not forthcoming, and the development is considered unacceptable without proper controls, authority will be sought to initiate enforcement action to secure appropriate remedies.

(b) Where a breach of control has occurred that is unacceptable in planning terms, and unlikely to be capable of being rendered acceptable.

41. Where the works of development are unacceptable in planning terms, and unlikely to be capable of being rendered acceptable, the person causing the breach will be advised of the unacceptability of the works carried out and advised to cease operations, and to restore the buildings or land to their pre-

existing state, or to a state consistent with any approval issued by the Council. Whilst the person causing the breach will be advised they are at liberty to submit a retrospective planning application, they will also be advised that any such application would not be likely to be supported by Council officers.

42. The person causing the breach will be advised to cease operations immediately, and to restore the buildings or land to its pre-existing state, or to a state consistent with any approval issued by the Council. They will be advised that failure to respond within the defined time period (which will reflect the nature of the breach), will result in authority being sought for enforcement proceedings.

ENFORCEMENT ACTION

43. Where it becomes apparent that a person causing a breach of control is unwilling to comply, either with planning controls or with the terms of a consent granted, the District Council will consider the initiation of measures to secure compliance. Planning Policy Guidance Note 18 advises the need for enforcement action will particularly arise where the following are satisfied:-
 - 43.1 Where the breach took place in full knowledge that prior approval was required.
 - 43.2 Where the person responsible will not submit an application to regularise the development (despite being given the opportunity to do so).
 - 43.3 Where the breach is causing serious harm to public amenity in the neighbourhood of the site.
44. The first action will normally be to obtain further information from the person causing the breach, about who owns the land in question, and other people who have an interest in the land. This information is obtained by serving a **Requisition for Information Notice** upon the person(s) concerned. This requires information to be provided within a defined time period. Failure to provide the required information is an offence and may result in Court proceedings.
45. In some cases the District Council may require further information as to the activities which are taking place on a site, to ascertain whether a breach is occurring, or to determine the precise nature of the breach. The District Council may obtain such information by the service of a **Planning Contravention Notice**. This notice will either require the provision of certain information, or require persons to attend the Council Offices at a given date and time to furnish the information required. It is an offence not to comply with the terms of a notice.
46. Following receipt of ownership information, and Committee authorisation the District Council can serve an **Enforcement Notice**.

47. An Enforcement Notice will be served upon all persons known to have an interest in the land (this might for example include a mortgage lender). The Notice will:
- Identify the breach of planning control that has occurred.
 - Identify the steps that are required to be taken to remedy the breach of control.
 - Identify the time period within which the steps must be undertaken.
 - Identify the planning reasons for the service of this notice.
48. It is an offence not to comply with an enforcement notice. Failure to comply will be likely to result in legal proceedings. The courts have the power to impose substantial fines or custodial sentences.
49. Once served, Notice takes several weeks (and not less than 28 days) before it comes into effect. In that time period, any person served with a notice, may appeal against the notice to the Secretary of State. The appeal may be lodged on the basis that the Notice is procedurally or technically invalid. At the same time the defendant may, subject (in most cases) to the payment of the relevant application fees, contest that permission ought to be granted for the breach that has been alleged to have occurred.
50. The Notice will effectively be suspended pending the determination of the enforcement notice appeal. The appeal will be decided either by an independent Inspector appointed by the Secretary of State, or by the Secretary of State himself. The Secretary of State or the Inspector, as the case may be, has the power to uphold the appeal, or to dismiss it. In either case there are powers to vary the terms of the notice drafted by the District Council.
51. It is not uncommon during the enforcement process, for defendants to either submit a planning application for the development concerned, or to appeal against an earlier refusal of planning permission. Usually these represent a genuine attempt to overcome the concerns of the District Council. In a few cases such tactics are intended merely to delay the due progress of the enforcement proceedings. Whilst the District Council will normally suspend actions pending the determination of an application or the outcome of the planning application appeal, each case will be looked at on its individual merits and a decision to suspend action will be made in the light of the particular circumstances and history of the case, and the stage reached in any proceedings. It will also be subject to the provision of legal advice by the Solicitor to the Council.

STOP NOTICES AND INJUNCTIONS

52. In cases where the nature of a breach warrants immediate intervention, the District Council will consider the service of a Stop Notice. This imposes a ban on activities until the enforcement notice takes effect. Injunctions will also be considered as a supplement to other statutory powers, particularly in cases

where an immediate response is required. The issue of an injunction or stop notice will only be authorised on receipt of advice from the Solicitor to the Council or his/her nominated representative.

DEFAULT POWERS

53. In the event of a defendant not complying with the terms of an enforcement notice, the District Council has 'default' powers to enter land and carry out the necessary works, and to recover their reasonable expenses from the then owner of the enforcement notice land. Expenses incurred become a legal charge on the land until such time as the expenses are recovered. This charge is binding on successive owners of the notice land.
54. The District Council shall consider the use of default powers as an alternative or supplement to prosecution proceedings in the event of non-compliance, and where the circumstances of the case warrant positive intervention to remedy ongoing adverse environmental or amenity effects, or giving rise to conditions prejudicial to public safety (controllable under the Planning Acts).

ENFORCEMENT ACTION AND THE BUSINESS SECTOR

55. In cases involving unauthorised works affecting businesses and employment uses, particular regard will be paid to the effect of any enforcement measures (financial and otherwise) upon the business concerned. Where circumstances dictate that a particular activity must cease, discussions will normally be held with the business to determine ways in which impact of the unauthorised activity upon the local area may be minimised, together with discussions on the possible relocation of the business to another site. If relocation is necessary, any enforcement proceedings will have regard to an agreed timetable for relocation, which will minimise disruption to the business and avoid, if possible, any permanent loss of employment as a result of the relocation.

ENFORCEMENT ACTION AND PRIVATE HOUSEHOLDERS

56. In consideration of enforcement action against private householders, particular regard will be paid to the extent to which the householder was professionally advised, and the relationship of the unauthorised works to any 'permitted development' rights which may apply. The Council would not normally take enforcement action to remedy only a slight variation in excess of what would have been permitted by virtue of General Permitted Development Order provisions.

ADVERTISEMENTS

57. The regulatory provisions relating to advertisements differ markedly from those for other planning controls. Most fundamentally, there is no provision in the advertisement regulations for the service of enforcement notices. Advertisement offences are normally remedied by prosecution proceedings. A number of specific working procedures have been developed for advertisement matters which follow the general aims and objectives of this policy.

INTERVIEWING UNDER CAUTION

58. In certain circumstances, where it appears that works carried out may constitute an offence (for example, unauthorised works to a listed building), investigating officers may wish to obtain evidence from a defendant for use in future court proceedings. In such circumstances, the provisions of the Police and Criminal Evidence Act will be observed. Defendants will be cautioned and offered access to legal representation during any interview. Regard will be had to the advice contained in the Legal Services 'investigators and Enforcement Officer's Prosecution Manual as to the conduct of interviewing under caution.

ACCESS TO LAND TO INVESTIGATE COMPLAINTS

59. The Planning Acts confer rights of entry onto land to duly authorised planning personnel, for the purposes of investigating an alleged breach of planning control. Wilful obstruction of this right of entry is an offence. In the event of access being denied, the District Council, where necessary, shall seek a warrant from magistrates authorising entry, and pursue prosecution proceedings.

MONITORING OF NEW DEVELOPMENT

60. Operating procedures exist for the monitoring and checking of new developments by Building Control Services, in respect of sites supervised by themselves, and for the supply of information relating to building commencements and completions on Council supervised and Approved Inspector supervised sites (including NHBC sites).
61. The monitoring and control of ongoing developments is an important aspect of development and enforcement control, and the District Council shall, within the reasonable limits of its available resources, monitor authorised development activity to ensure compliance with approved details. Monitoring

activity shall take place alongside other enforcement monitoring activities, and prioritised accordingly. In this particular context, priority shall be given to:-

- (i) sites, which by reason of their nature, character, location, or site history are considered to be sensitive
- (ii) sites not subject to control/supervision by Building Control Services.

FURTHER INFORMATION

62. Further information on the Council's Enforcement Policy is available from the Development Control Services Manager, or from the Planning Enforcement Officer.

OTHER REFERENCE DOCUMENTS

63. - Planning Policy Guidance Note 18: Enforcing Planning Control (1991)
- Circular 10/97: Enforcing Planning Control: Legislative Provisions and Procedural requirements.
- Enforcing Planning Control: Good Practice Guide for Local Planning Authorities (July 1997) (DoETR)
- Planning Charter Standards

Section 5 Building Control Enforcement Policy

Title: **ENFORCEMENT:** Works contravening the Building Regulations

Issue: August 2005

Purpose: To describe the process of enforcement where contravention's of the Building Regulations are discovered.

Scope: All Building Regulation applications (Full Plans and Building Notices) submitted to this authority.

References: Building Act: Sections 35 & 36
Building Regulations 2000

PROCEDURE

1. Ascertain the nature and extent of the work and determine whether or not the works contravene the Building Regulations. This may be for construction works that do not show compliance with the regulations or for commencement prior to an application being made or non-submission of notices.
2. Advise the owner and the builder of any works in contravention. This may be done verbally.
3. With the applicant and any other party concerned, outline the works required to be carried out to ensure compliance.
4. Agree a time scale for the works to be completed, usually within 14days of the offending work being discovered.

It is the Building Control officer's responsibility to check the offending works when notified of compliance by means of a site visit, or to ensure an application has been made within the 7day period. The use of the Building Control Officers diary will act as a reminder on the appropriate time scales for each type of offence.

5. If the offending works have not been rectified within the 14 days, an L024 will be sent to the owner and builder as applicable within 5 working days.

6. Where the contravention concerns the non-submission of notices or an application, the subsequent procedures should be followed. If no application has been received within 7 days an L018 will be sent to the owner and if known an L019 to the builder.
7. In respect of construction work which does not comply with the regulations, if within 21 days of the letter no response has been received a follow up letter will be sent L093 to the applicant.

For non-submission of an application an L094 should be sent and it should be referred to the Building Control Services Manager who will send a requisition for information, as allowed for under section 16 of the Miscellaneous Provisions Act.

8. The Building Control Officer will submit a report to the Building Control Services Manager, within 5 days, outlining the events and extent of the contravention and detailing all visits made to the site and all correspondence sent. This should be in a typed format.
9. Subject to agreement by the Building Control Services Manager, a request to proceed with legal proceedings (MM11) memo will be sent to the Cabinet Portfolio holder with responsibility for Building Regulations and the Solicitor to the Council.
10. The Building Control Officer is to make a further visit to site to ascertain if the required works have been carried out to a satisfactory standard. Report the findings to the Building Control Services Manager. This must be carried out within 7 days
11. A memo (MM09) is to be sent to the Solicitor to the Council by the Building Control Services Manager, to allow enforcement proceedings to commence.
12. Where deemed necessary by the Council, the Building Control Officer will give evidence in court on behalf of the Council.
13. Throughout the procedure the Building Control Officer will keep an accurate record of the proceedings on the work progress sheet (AM 05) as this may form part of the Council's evidence in any legal actions. The Building Control Officer may deem it appropriate to also keep a photographic record of the case.

Stuart Vickers
Building Control Services Manager
August 2005

Section 6 Waste & Contract Services Enforcement Policy

1 INTRODUCTION

The Waste and Contract Services Section of South Kesteven District Council has the responsibility of enforcing a wide range of legislation that may affect individuals, organizations or businesses whom are residing, visiting or operating within the district of South Kesteven

2 LEGISLATION

A large amount of the legislation that the department uses sets out what must be achieved. These laws do not include how it must be done. The guidance for the use of enforcement relating to these laws are often set out in Codes of Practice. There is also a wealth of advisory material describing good practice, which is an invaluable aide to the enforcement.

All material with regard to the procedures and relevant codes are there to aid individuals. The sensible judgment and initiative of the individual will also be used to judge the situation.

There are areas of the law, which are used, where the law is prescriptive, giving exact details of what must be done. Prescriptive laws limit the discretion of the duty holder and the enforcer.

3 PURPOSE OF THIS POLICY

This policy is intended to provide members of the public, individuals, organizations and businesses with information and guidance about the practical application of the enforcement policy operated by Waste and Contract Services. Whilst the document aims to provide the reader with a clear understanding of the policy due to the individual and unique nature of many of the circumstances, it cannot be considered either exhaustive or complete.

4 PRACTICAL APPLICATION OF THE POLICY

The following gives an outline of the practical application of enforcement powers and the type of action that will normally be taken according to the

circumstances of that occurrence. The procedure and protocol for each area must be consulted as to the specific action.

Where it is appropriate for action to be taken by other departments of the authority, they will be informed of the situation.

When an officer finds a contravention of the law they will have to choose the most appropriate method of achieving compliance with the law from the range of possible actions available.

When an Officer finds a contravention of the law they will endeavor to discuss fully with a responsible person any compliance failures or difficulties and will give full consideration to their views before deciding on the most appropriate course of action. Officers will warn those involved of the steps needed to put things right, unless more formal enforcement action is the most appropriate way of dealing with the matter.

All communications will be clear and in plain English, translated where appropriate and will distinguish between advice and legal requirements.

When applying this Policy Officers must be fair, independent and objective. They must not let any personal views about ethnic or national origin, religious beliefs, political views or the sexual orientation of the alleged offender influence their decisions. Officers must not be affected by improper or undue pressure from any source.

5 ENFORCEMENT OPTIONS

The decision to use formal enforcement action will be dependent upon the seriousness of the breach.

The following options, in increasing order of seriousness are violable when infringements or criminal offences are detected:

(a) No Action

In exceptional circumstances, contraventions may not warrant any action. A decision to take no action must be recorded in writing and must take into account the exact offence.

No action can be taken where the cost of compliance to the offender outweighs the detrimental impact of the offence, or the cost of the required enforcement action to the Council outweighs the detrimental impact of the offence.

A decision of no action may also be taken where formal enforcement is inappropriate in the circumstances.

(b) Formal Caution

A formal caution can be considered at the discretion of the Head of Waste and Contract Services. The criteria for prosecution must be met, but the circumstances surrounding the infringement are such that a more lenient approach to prosecuting is appropriate. A formal caution can only be considered for adults (namely persons aged 18 years and above)

Any formal caution must follow the criteria as laid down in Home Office Guidelines. It should also be explained that the Council reserves the right to cite the caution for a period of up to 3 years after it was given if a further breach occurs and the Council takes enforcement action against the offender.

If a decision to offer a formal caution is rejected by the alleged offender, then the file shall be forwarded to the Head of Legal and Democratic Services with recommendation to prosecute.

(c) Fixed Penalty

A fixed penalty notice can be issued when all the prosecution criteria are met. It is an alternative to commencing proceedings in Court and offers an offender the opportunity to discharge their legal liability by the payment of a fine.

If a decision to offer a fixed penalty in lieu of prosecution is rejected by the alleged offender, or an alleged offender fails to pay the fixed penalty within the time limit, then the file shall be forwarded to the Head of Legal and Democratic Services with a recommendation to prosecute.

(d) Prosecutions

Consideration of formal caution will only be undertaken after reference to Legal Services' Prosecution Manual and consultation to Head of Legal and Democratic Services.

There are certain circumstances in which it will be appropriate for prosecutions to be recommended following breaches of legislation. Examples of situations which would warrant recommendation of prosecution:

- (i) Where there is a blatant disregard for the law, especially where there is an economic advantage to do so (i.e. If it is profitable to break the law)
- (ii) Where there is a reckless disregard for the law which could affect the safety or well being of an individual or endanger the environment.
- (iii) Where there have been repeated breaches of legal requirements.
- (iv) Failure to pay a fixed penalty notice.

Before deciding whether or not to recommend prosecution, a number of factors will be taken into account including:

- (i) the seriousness of the offence
- (ii) previous history of the duty holder
- (iii) the probable public benefit of a prosecution and importance of the case- whether it might establish a legal precedent or whether the case would be in the public interest.
- (iv) Any explanation offered by the affected person, organization or business
- (v) That there is sufficient evidence to provide a realistic prospect of prosecution.

Section 7 Fair Collection and Debt Recovery Policy

INTRODUCTION

As part of a growing partnership approach to anti-poverty initiatives, South Kesteven District Council has agreed that there is the need to work on developing a collection and debt recovery policy that is fair to everyone, especially people on low incomes.

This handbook provides a summary of the policy. It is intended to:

- Help staff work within the policy,
- Help advice workers understand it so they can advise people about it and let us know if we don't keep to it,
- Help contractors who work for the Council on debt recovery and other activities to follow the aims of the policy.

OUR POLICY AIMS TO

- Take positive action to prevent debts from occurring in the first place – for example by making the most of people's incomes and offering different payment methods
- Take positive enforcement action against deliberate non payers or those who delay payment unnecessarily
- Make sure we make early contact to avoid debts increasing
- Encourage our customers to make early contact with us to avoid debts building up
- Make sure that where people have fallen or are likely to fall into debt, we work with them and their representatives to try to set reasonable payment levels that they can maintain
- Make sure that all parts of the Council work towards adopting a co-ordinated approach to billing, concessions, benefits and multiple debts
- Make sure we consider our customers other debts and liabilities when making arrangements for recovering the money they owe.

MAKING OUR POLICY EFFECTIVE

We know that for our policy to work, we must:

- Send clear and accurate bills quickly,
- Respond to changes in our customers' circumstances as soon as we are told about them,
- Deliver fast and accurate benefit entitlements,
- Stick to the time scales we give people for processing non-payment.

THE BENEFITS OF OUR FAIR COLLECTION AND DEBT RECOVERY POLICY

We believe that our policy will:

- Help people who are in debt to make payment agreements that are realistic and appropriate to their circumstances,
- Make sure that when we have to process non-payment, the action we take is both appropriate for the individual and likely to be effective,
- Mean that by being seen as easy to talk to, people will be more likely to make contact with us when they first face difficulties,
- Help reduce the burden of debt for people on low incomes,
- Enable people who experience change, even after an arrangement has been made, to vary their payments in line with those changes,
- Help identify and recognise people who may try to abuse the policy, such as people who refuse to pay or who delay payment without a real reason,

STATEMENT OF PRINCIPLES FOR OUR FAIR COLLECTION AND DEBT RECOVERY POLICY

Here at South Kesteven District Council, we:

- Believe that people have a responsibility to pay what they owe,
- Actively encourage contact at every stage of the collection and recovery process,
- Aim to help people make the most of their income,
- Provide clear, accurate and speedy bills and information about liabilities,
- Acknowledge the need to provide a service that is effective but sensitive to peoples' needs,

- Acknowledge our responsibility to collect money effectively.

WHEN PEOPLE GET INTO DEBT, WE WILL:

- Make sure that payment arrangements reflect our customers' ability to pay as well as the amount they owe
- Not take the next step in the recovery procedure if agreements are being met,
- Acknowledge and respect a persons' obligations to his or her dependants and recognise the need for a person to maintain a reasonable standard of living,
- Expect Priority Debts (see Annex 1) to be given precedence over other money owed,
- Acknowledge the role of the recognised advice agencies and treat offers made on behalf of their clients in good faith.

OUR DUTY TO COLLECT & RECOVER

South Kesteven District Council has a duty to all Council tax and business ratepayers to ensure cost effective billing, collection, and recovery of all money due to the Council. We also have a responsibility to all our tenants to collect rent as efficiently as possible, and take early action against those who do not pay.

In trying to meet these aims, we recognise that people do not pay their debts for a variety of reasons:

- Some people, because of living in or on the margins of poverty, will find it hard to pay. We will try to help these people to minimise the impact of debt upon them.
- Some people may be able to pay but do not do so because of an oversight or personal difficulties not because of a deliberate decision to avoid or delay payment. The Council will try to help such people by encouraging them to contact us to discuss their difficulties.
- Some people may deliberately set out to delay or not make payments. In these cases all methods of enforcement may be used to make them pay the money they owe.

The need to get in touch is central to our policy. When a person contacts us, their circumstances will be used to agree a reasonable payment arrangement. This will minimise our need to take recovery action and help prevent hardship for the individual. If people do not make contact or maintain their payments, recovery action will continue.

THE COUNCIL WILL:

- Make sure that publicity is available in a variety of formats about benefits, claim forms and information about where to get independent advice,
- Promote maximum take-up of housing and Council tax benefits and ensure that bills and liabilities are taken into account when we ask you to pay,
- Notify people of the availability of Council tax discounts, rate relief, reductions for people with disabilities, exemptions and second adult rebate,
- Inform people of the general availability of income-related benefits,
- Make sure staff who deal with the public are aware of this policy and where professional/independent advice may be found,
- Help to complete a benefit application for all Council tenants who may be eligible when the tenancy agreement is signed.

For business (non-domestic) rates, the Council will make all payers aware, via its billing leaflet, of the availability of charitable rate relief, rural rate relief and Small Business Rate Relief. Each application is determined on its individual merit and in accordance with existing legislation and national guidance. Application forms are available from the Council.

For housing benefit overpayments, the Council will consider in each case, whether recovery should be sought and, if so, determine a level of payment appropriate to the person's financial circumstances.

OTHER COUNCIL DEBTS

Other Council debts are due on demand, but where an account is ongoing e.g. commercial rent, payments can be made by monthly instalments by standing order.

Customers must ensure that payments reach us by the due date.

To try to prevent debts, we want people to contact us as soon as they have difficulty paying. Many people are unaware of their rights and responsibilities, and of the availability of a variety of payment arrangements. If people contact us early we will be able to discuss the situation and prepare a payment plan. This will help people to manage their debts.

When people contact us we will:

- Check whether they should be paying less or nothing at all,
- Check whether all benefits, discounts, reliefs, exemptions and rebates are being claimed,
- Advise on the most appropriate payment methods,

- If appropriate, advise them to contact an independent advice agency.

COUNCIL TAX RECOVERY PROCESS

Where payments due have not been made, the Council will take the following action:

1. A **Reminder Notice** will be issued if a Council Tax instalment is missed. The Notice requires the instalment to be paid within 7 days to bring the account up to date.
2. If the Reminder Notice is not paid, the right to pay by instalments is lost for the financial year in question and the total remaining balance (displayed on the Reminder Notice) becomes due and payable and must be paid within a further 7 days.

If the Reminder Notice is paid, the Taxpayer can continue to pay by instalments.

3. If another instalment is not paid the same process takes place.
4. However, if an instalment is missed for the third time, the Taxpayer automatically loses the right to pay by instalments for the financial year in question and a **Final Reminder Notice** is issued for the total remaining balance.
5. If a Taxpayer has lost the right to pay by instalments and not paid the total remaining balance within 7 days, **Complaint** is made to the Magistrates Court that the Taxpayer has defaulted in payment of the Council Tax. The Court Costs, which are charged to the taxpayer, currently £30.00 (summons) & £10 (Liability Order).
6. A **Summons** is then sent to the Taxpayer requiring full payment before the date of the Court Hearing. If a Taxpayer disputes the Summons they, in the first instance, should contact The Revenues Collection & Enforcement Section to discuss and hopefully resolve the matter. If the Taxpayer is still aggrieved then they must attend the Magistrates Court on the day of the Court Hearing and appear before the Magistrates informing them why they have not paid and their dispute. A Taxpayers ability to pay will not be considered by the Magistrates at this time.
7. The Council's application at the Court Hearing is for a **Liability Order** to be issued in respect of each unpaid Summons.

This action will not affect the Taxpayers credit rating as the case is heard in a Magistrates Court and not the County Court.

A Liability Order gives the Council further recovery powers, which include:

- an Attachment of Earnings Order
- an Attachment of Benefit Order (Income Support / Job Seekers Allowance)
- Distress

- Insolvency & Bankruptcy
- Charging Orders

The Council may implement an Attachment of Earnings/Benefit Order at anytime after the issue of a Liability Order.

8. A **Liability Order Notice** (7 day notice) is sent to the Taxpayer and a copy of 'Schedule 5 – Charges Connected with Distress' informing the Taxpayer that full payment is required within 14 days of the date of the letter. If full payment cannot be made by the Taxpayer they are advised that a payment arrangement will be considered. If no contact is made, the Taxpayer is informed that the Council's Bailiffs will call at their premises to remove their goods.
9. Where there is no response to the Notice, the Liability Order will be passed to the Council's Bailiffs.
10. The Bailiffs will visit the Taxpayer's address a minimum of twice in order to secure payment. The first visit will incur a cost of £22.50 and subsequent visits £16.50, which must also be paid by the taxpayer. If no contact is made a Committal Warning letter is issued. If the Taxpayer still does not make contact, the Liability Order in question is endorsed by the Bailiff and the next step is Committal action against the Taxpayer.
11. A **Pre-Committal Notice** is sent to the Taxpayer informing them that the Council is in the process of issuing a Committal Summons to them if full payment is not received the day before the Summons is due to be issued.
12. If full payment is not received, the Committal Summons, after being endorsed by the Magistrates Court incurring a further £10.00 costs that will be added to the debt, is issued to the Taxpayer (together with appropriate Guidance Notes). Full payment must be made or the Taxpayer must attend the Magistrates Court as the Council's application at the Hearing is for the Taxpayer's committal to prison.

During the Council Tax recovery process the Council, where possible, will take into account a Taxpayers personal circumstances and ability to pay. Also, payment arrangements (including Voluntary deductions from wages) are always made with Taxpayers where possible. Staff can also use their discretion by amending payment arrangements and inputting recovery 'suspended' so queries can be resolved.

NATIONAL NON DOMESTIC RATES

An identical recovery process for this applies up to and including the acquisition of a Liability Order. However an Attachment of Earnings Order or an Attachment of Benefit Order cannot be implemented in respect of this debt. Also, Committal action can only be taken against an individual and not, for example, a Limited Company.

COUNCIL HOUSING RENT RECOVERY PROCEDURE

Where payment due has not been made, the Collection & Enforcement Section will take the following action:

1. A reminder letter will be sent after 3 weeks of non-payment of rent. This will include details of who to contact, the need for payment to be made and outline the consequences of failing to pay.
2. If there is no response to this letter, two weeks later a Notice Seeking Possession (NSP) will be sent. The consequences of any failure to maintain the agreement will be made clear. Where the tenant has difficulty paying, they will be referred to the Revenues Collection & Enforcement Section for relevant advice on claiming benefits, etc.
3. If there is no response to the NSP, a home visit will be made. If no response a 7 day letter will be sent, warning that Court proceedings will commence unless the balance is paid in full or a suitable arrangement made.
4. If there is no contact from the tenant within 14 days, or if the payment arrangements are not kept up, Court action will be pursued.
5. The Legal Section will be notified to send a request for a possession summons to the court with the particulars of the claim.
6. The court will send a copy of the summons to the tenant with a form "Reply to a possession summons" and a court date.
7. At the court hearing, an order will be made either for:
 - ❖ Possession forthwith, or after 14 days, 28 days or after 56 days.
 - ❖ Possession suspended on fixed payments
 - ❖ Withdrawal if paid.

CAR PARK FINES

Where payment due has not been made, the Collection & Enforcement Section will take the following action:

- If the fine remains unpaid a reminder letter will be sent after 2/3 weeks of non-payment of the excess charge notice.
- If there is no response to this letter, four weeks later the fine is passed to the Legal Section for further action. A summons is issued to the registered keeper to attend the Magistrates Court. If proven guilty the Magistrates will recover the fine.

RECOVERY OF OTHER COUNCIL DEBTS

Where payments are due for other Council debts (e.g. Sundry Debtors/ Overpayments), the following action will generally be taken:

- An invoice will be issued stating the amount owed and methods of repayment.
- If no payment is made within 14 days, a reminder notice will be issued which requires the account to be paid up to date within 10 days.
- If no payment is received, a final reminder will be issued warning the debtor of the need to pay and warning that legal action may follow
- If the debt remains unpaid after 7 days a further letter is sent to the debtor informing them of possible legal action.
- A 'Court warning notice' informing of possible County Court action will follow after a further 7 days and an internal memo is sent to the relevant Section.
- The debt will be either passed to our Legal Section for their attention or passed to external debtor collectors.
- During any stage of this process, arrangements for payments can be made which will result in proceedings being adjourned.
- Payment will then be enforced using the most appropriate means. This may be one of the following:
 - ❖ attachment of earnings
 - ❖ warrant of execution
 - ❖ charging order
 - ❖ garnishee order

MAKING ARRANGEMENTS FOR PEOPLE IN ARREARS

Our staff will:

- make every reasonable effort to contact people at an early stage in the recovery process
- expect priority debts (see Annex 1) to be given precedence over other debts.

When a person makes contact a realistic agreement for payment will be made.

If there is any doubt as to whether the agreement is realistic (either because it appears to be too high or too low), staff will help the individual to complete an income and expenditure form.

It is important to remind the person to contact the Council if they anticipate problems in meeting any instalment due date. They will be advised not to wait until they have received a written response to their offer of payment, but to start to make the payments which they have offered.

PAYMENT DATES

- The payment date should take into account:
 - * the date the person receives income
 - * the method and frequency of agreed payments

ARRANGEMENTS MADE BY ADVICE AGENCIES

- Where an arrangement is proposed by a recognised advice agency, an Income and Expenditure form will normally be provided. Their offers received will be treated in good faith, subject to approval.
- Where a person appears to have complex benefit or money advice problems, staff will refer them to an appropriate agency.

OBTAINING DETAILS

- Staff should try to get as much detail as possible of a person's circumstances to enable us to make the best assessment of their ability to pay.
- If a person refuses to divulge any information, this should not be used as a reason for refusing to make an arrangement. However, they will be advised that this could lead to a higher rate of payment being required than if their circumstances were fully assessed.

DOCUMENTARY EVIDENCE

- In some cases it will be necessary to request documentary evidence to confirm particular details when arriving at a payment arrangement. People will not, however, be asked for documentary evidence unless it is absolutely necessary.
- Where it is necessary, the person will be told of the particular items that require confirming and be given a specified reasonable time limit within which they are required to provide the documents.
- If it is easier for the person, arrangements will be made for the documents to be confirmed either by the Council or a recognised advice agency.
- The person will be advised that if the evidence is not produced within the agreed time-scale, the offer of payment may be rejected and further action could be taken.

MONITORING PAYMENT ARRANGEMENTS

- All payment arrangements will be closely monitored.

- Further recovery action may be taken in respect of late or missed payments.
- The responsibility for making sure that payment reaches the account by the due date remains with the debtor.
- The person will be reminded that the date on which instalments are to be paid is the final date on which money should reach the account. This means that people must allow sufficient time for the payment to reach the Council by the due date

WHEN PAYMENT ARRANGEMENTS ARE NOT MAINTAINED

- It is important to ensure that where arrangements have not been maintained, prompt action is taken by the person to try and bring the arrangement back up to date. If the person's circumstances have changed, they will be encouraged to contact us to alter the agreement.
- When a person defaults on an arrangement, we will send a written notice advising them of the need to take action. This will provide the person with the opportunity to bring the arrangement up to date or advise the Council of a change of circumstances.
- Although the Council will ideally require the original agreement to be brought up to date within a short time scale, if there has been a significant change in circumstances it will be possible to negotiate a new arrangement.

MAINTAINING CURRENT INSTALMENTS

When negotiating arrangements for payment, staff will ensure that current instalments/rent are being maintained, i.e. the arrangement will be in addition to and conditional on, the current Council tax, weekly rent, business rates, or other Council debt being paid. For Council Tax, current instalments will be the yearly Council Tax divided by 52 in the case of weekly instalments or 12 in the case of monthly instalments. This arrangement is available only on hardship grounds and is subject to completion of an income/expenditure form.

TO CONTINUE TO DEVELOP THE STRATEGY WE WILL:

- continue to build on the trust that has developed between the advice agencies and the Council
- forge stronger links with the Department for Works & Pensions, and Job Centre Plus, particularly in areas of Income Support Direct Deductions and notification of changes in benefits.
- continue to review all leaflets being forwarded by the Council in respect of debt collection and benefits
- look at better targeting of information, particularly in relation to benefits
- consider recommendations that could be made to national Government to amend appropriate legislation

DEFINITIONS

Throughout the document several words or phrases have been used that may have different meanings to different people. This section provides the Councils accepted definitions of some of those terms.

1. Poverty

The Council uses a relative definition of poverty, which is “the enforced lack of the resources needed to participate in society”

2. Minimum accepted standard of living

The means-tested benefits level is a simple and measurable indicator of how much someone needs to live on. However, it is generally accepted that this level is insufficient for a decent standard of living and it does not take account of individual circumstances. The Council therefore uses this level as a minimum whilst allowing a degree of flexibility for special costs or expenses that individuals or families may face.

3. Priority Debts

Priority debts are those debts that can result in loss of essential service, lose your home or imprisonment

Housing	Utilities	Other
Council Tax	Electricity	Business Rates
Mortgage	Gas	CSA deductions
Rent	Telephone	Court Fines
	Water	Hire Purchase for essential goods
		Income Tax
		Maintenance Arrears
		Secured Loan
		VAT

SECTION 8

Anti-Social Behaviour Enforcement Policy

INTRODUCTION

South Kesteven District Council is committed to the reduction and prevention of Anti-Social Behaviour within the District. The South Kesteven Crime and Disorder Reduction Partnership have set a target to reduce the level of crime by 15% over 3 years. This policy seeks to enhance the Authority's commitment to the reduction of anti-social behaviour, and sets out the framework and procedures to support this target. Anti-Social Behaviour is defined within the Crime and Disorder Act 1998 and this definition has been adopted by South Kesteven District Council.

“Any person acting in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself”.

AIM

In 1998 the Crime and Disorder Act was introduced, under the 1998 Act, the Council has a legal duty to consider the crime and disorder implications of all its policies and practices. The view South Kesteven District Council is taking; is that the legislation should cover all areas and activities that impact on residents and communities of South Kesteven. Section 17 of the 1998 Act requires that consideration of crime and disorder issues are integrated into all functions and corporate thinking. This part of the Act seeks to identify corporate responses to crime and disorder by stating that:

“Without any prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area”

The requirement of Section 17 is to make sure Community Safety is considered throughout South Kesteven District Council as a whole when carrying out its activities and functions, there is a further reference with this section entitled partnership working. Section 17 is one of the most comprehensive and fundamental sections of the 1998 Act, and dictates the way in which authorities need to plan, implement and monitor work on crime and disorder issues in the future. Section 218A of the Housing Act 1996 inserted by Section 12 Anti-Social Behaviour Act 2003 requires landlords that are local housing authorities to prepare and publish policies and procedures in relation to Anti-Social Behaviour by 30 December 2004. The Council approved the Housing Services Anti-Social Behaviour Policy and procedure on 9th December 2004.

This policy and procedure extends beyond the scope of the Landlord function and include other enforcement polices within the South Kesteven District Council's

statutory functions and framework. Anti-Social Behaviour statements, policies and procedures should support the priorities of South Kesteven District Council; its Corporate aims and objectives.

SCOPE OF THE ANTI-SOCIAL BEHAVIOUR AND ENFORCEMENT POLICY

The Anti-Social Behaviour and Enforcement Policy and Procedures seek to provide guidance to officers responsible for Anti-Social Behaviour and Enforcement of any nature. It informs and explains to employees, the public and businesses how the Council will enforce this legislation. In addition this policy supports and enhances the Enforcement Polices already in place covering the following service areas; Housing, Community Safety, Cleansing (Contracts), Food, Licensing, Health and Safety, Environmental Protection, Planning, and Building Control.

Who is affected by the Policy?

“Everyone who lives in, works in or visits South Kesteven”.

IMPLEMENTATION ACCOUNTABILITY AND RESPONSIBILITY

Corporately the accountability for the strategic overview rests with the partners within the South Kesteven Crime and Disorder Reduction Partnership.

Heads of Service will be responsible for making sure this policy is implemented, communicated to staff and that appropriate training is made available. Accountability and responsibility for operational issues rests with the Heads of Service and delegated officers.

Authority to serve Formal Notices will only be given to those officers that are suitably qualified. All authorised officers must have received appropriate training and must have suitable relevant experience to demonstrate competence through an understanding of legislation and enforcement powers.

Any recommendations to prosecute will be referred by the enforcing officer to the Manager, who will seek legal advice. In all cases where there is a likelihood of a prosecution; approval will be sought from the Heads of Service or delegated officer with the appropriate delegated authority for the specific service area. The Heads of Service will need to have due regard for the nature of the offence and where appropriate, link their decisions to other relevant service units, where there may be an overlap in enforcement action and where other legal remedies can be considered.

South Kesteven District Council will work to make sure that enforcement decisions are consistent, well balanced, fair and related to common standards both locally and nationally.

PARTNERSHIP WORKING

Anti-social behaviour has to be tackled in partnership and the various functions of South Kesteven District Council can contribute to tackling anti-social behaviour through prevention, early intervention, rehabilitation and enforcement.

South Kesteven as a district authority has responsibility for tackling anti-social behaviour and in line with Section 17 of the Crime and Disorder Act (1998) there is a requirement on Housing, Environmental Health, Cleansing, Planning and Building Control functions of South Kesteven District Council to consider the crime and disorder implications and how they can contribute to tackling anti-social behaviour in their policies and procedures.

Section 17 of the Crime and Disorder Act (1998) requires that consideration of crime and disorder issues are integrated into all Council functions and corporate thinking. In line with this requirement in the following service areas; Housing, Community Safety, Cleansing, Environmental Health, Planning, and Building Control should include in their service plans a statement in relation to tackling Anti-Social Behaviour.

SUMMARY OF THE LEGISLATION

Anti-Social Behaviour Act 2004

The purpose of the Act is to provide the tools for practitioners and agencies to effectively tackle anti-social behaviour. The Act is comprised of eight parts, which build upon existing legislation to clarify, streamline and re-enforce the powers that are available to practitioners.

Crime and Disorder Act 1998

The purpose of this Act is to tackle crime and disorder and help create safer communities. The Act gives the lead responsibility for Crime and Disorder to the Police and Local Authorities. The 1998 Act provides additional powers for agencies to use when carrying out their work to reduce crime, namely:

- Section 115 which allows for the sharing of information for the purposes of preventing crime and disorder without contravening the Data Protection Act 1998
- The establishment of local partnerships between Police, Local Authorities and others to help fight crime
- Section 17 places a duty upon local authorities to consider the community safety within their district for any function that it may undertake. This section dictates the way in which authorities need to plan, implement and monitor work on crime and disorder issues.
- Section 1 introduced the Anti-Social Behaviour Order, which aims to prevent serious and persistent anti-social behaviour.

Police Reform Act 2002

The purpose of this Act is to make provisions about the supervision, administration functions and conduct of Police Forces, Police Officers and other persons serving with or carrying out functions in relation to the Police.

In relation to Anti-Social Behaviour the Police Reform Act 2002 strengthened the arrangements in the Crime and Disorder Act 1998 for anti-social behaviour orders:

- Extending the use of Anti-Social Behaviour Orders to the British Transport Police and Registered Social Landlords
- Extending the area over which an Anti-Social Behaviour Order can be made within the United Kingdom
- The provision of imposing an Anti-Social Behaviour Order in addition to a sentence on conviction for a criminal offence involving Anti-Social Behaviour
- Section 59 of the Police Reform Act 2002 introduced Police powers to deal with the anti-social use of motor vehicles on public roads and off road.

LOCAL GOVERNMENT ACT 2000

Puts a duty on Local Authorities to promote economic, social and environmental wellbeing in its area

Housing Act 1985 and the Housing Act 1996

The purpose of these Acts gave measures to local housing authorities to enforce the terms and conditions of tenancy where there are breaches which may be considered to be nuisance and or annoyance and where the local housing authority may wish to seek possession.

PROTECTION FROM EVICTION ACT 1997

The Act covers racial harassment and is defined as the use of words or behaviour, which would put the victim in fear of violence.

HUMAN RIGHTS ACT 1998

The Act gives statutory effect to the European Convention on Human Rights, key rights include:

- Freedom of expression
- Right to life
- Prohibition of torture
- Prohibition of discrimination
- Right to freedom of thought and religion
- Right to respect for private and family life

South Kesteven District Council will ensure it is doing all it can within its powers to enable quiet enjoyment by people of their homes and to ensure that it is not breaching the human rights of anyone it may take action against for anti-social behaviour.

CHILDREN ACT 1989

This Act places a duty on authorities to co-operate with each other in the protection of children. In particular information on one authority's actions must be shared with others if it would help them carry out their functions.

DISABILITY DISCRIMINATION ACT 1995

This Act made it unlawful for a local authority to discriminate against a disabled person by evicting them. The Council has to ensure that a person's anti-social behaviour is not a direct consequence of their disability.

RACE RELATIONS ACT 1976 AND THE RACE RELATIONS (AMENDMENT) ACT 2000

This places a statutory duty on Public Authorities to eliminate unlawful discrimination, promote equality of opportunity, and promote good race relations. Race equality issues must be considered in all of its policies.

Examples of ASB

Listed below are some of the types of anti-social behaviour that the Authority considers to be unacceptable. This is not a complete list:

- Noise nuisance
- Intimidation and harassment
- Fouling of public areas
- Dumping rubbish
- Vandalism and graffiti
- Aggressive and threatening language and behaviour
- Abandoned vehicles
- Actual violence against people and property
- Hate behaviour targeting people or members of identified groups because of their perceived background or their gender race, religious beliefs, disability, sexual orientation or other perceived difference
- Using public or private housing accommodation to sell drugs and for other unlawful activities
- Domestic violence

PRINCIPLE OF ENFORCEMENT

The overriding principle of Enforcement and that which has been adopted by South Kesteven District Council is contained within the Office of the Deputy Prime Minister's Enforcement concordat. Any enforcement action that is taken has to be in the best interests of the public and the four principles of enforcement are:

- **Proportionality:** the degree of enforcement action taken should be proportional to the risk involved.
- **Consistency:** officers should take a similar approach in similar circumstances to achieve similar outcomes.
- **Transparency:** making sure that our role is clear to businesses, employees and customers and that any advice given or action taken by enforcement officers is understood.
- **Targeting:** inspection priorities are aimed at highest risk areas and we identify those responsible for controlling those risks.

The Council will be guided by codes of practice issued under the various pieces of legislation. Any departure from these policies must be exceptional, capable of justification and approved by the appropriate Corporate Director, unless there is a significant risk in delaying a decision.

The Community Safety Team, Housing Services, Environmental Health Services, Cleansing Services, Planning and Building Control; may use a variety of means such as education, advice and guidance, warning letters and or legal notices to ensure that individuals and or groups are made aware of their actions, and responsibilities and what the outcomes may be.

Depending upon the individual circumstances; the following actions may be taken:

- No action necessary.
- Mediation and arbitration.
- Informal action – written or verbal advice.
- Issuing formal notices.
- Use of formal cautions.
- Seizure of equipment.
- Direct action.
- Prosecution.

ENFORCEMENT OPTIONS SPECIFIC TO THE ANTI-SOCIAL BEHAVIOUR ACT

The options available for the enforcement of Anti-Social Behaviour are contained primarily within, Housing Act 1996, Crime and Disorder Act 1998, Anti-Social Behaviour Act 2003. Where there are serious cases of Anti-Social Behaviour the following remedies can be applied:

Acceptable Behaviour Contracts (ABC)

ABC's are voluntary written agreements between a person, the authority and the Police. Under the ABC a person agrees not to be involved with certain specified anti-social acts and agrees to a range of undertakings. The contract is not a legally binding document and usually lasts for about six months.

Anti-Social Behaviour Orders (ASBO)

ASBOs under section 1 of the Crime and Disorder Act 1998 are legally defined court orders designed to prevent persistent anti-social behaviour. ASBOs have effect for a period of not less than two years and if breached a prison sentence of between six months to five years depending upon the severity of the breach can be imposed along with a fine.

Post Conviction Anti-Social Behaviour Orders (ASBO)

A person that is convicted of a relevant offence in the Criminal Courts, can under Section 1c of the Crime and Disorder Act 1998, as amended by Section 64 of the Police Reform Act 2002, make an order that is equivalent to an Anti-Social Behaviour Order, prohibiting the defendant from doing anything that may be specified in that order.

INJUNCTION AND EXCLUSIONS ORDERS

Injunctions and exclusions orders under sections 153a, 153b, 156c or 153d of the Housing Act 1996. Injunctions were introduced to prevent anti-social behaviour, unlawful use of premises and breaches of tenancy agreements. In order for injunctions to be appropriate there has to be some blame on behalf of the perpetrator. The injunction order can force the perpetrator to do something and or forbid a further breach of the tenancy. The length of the order is left to the discretion of the Judge. However, it is unlikely that the order will not exceed 12 months and will only take effect once personally served upon the perpetrator. Injunctions can also be obtained under section 222 of the Local Government Act 1972.

DEMOTED TENANCIES

Where a tenant or resident of or visitor to the dwelling is guilty of anti-social behaviour, the local housing authority will be able to apply for an order for the demotion of the tenancy. In relation to secure tenancies the tenancies will become demoted tenancies.

POSSESSION ORDERS

Possession can be sought under Ground Two of Schedule 2 to the Housing Act 1985, (as substituted by Section 144 of the Housing Act 1996) Ground 2 – The tenant or a person residing in or visiting the dwelling house:

- a) has been guilty of conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality, or
- b) has been convicted of:
 - (i) using the dwelling house or allowing it to be used for immoral or illegal purposes, or
 - (ii) an arrestable offence committed in, or in the locality of, the dwelling-house

Any other legal action which could be taken with the support of the Police or Local Authority for example Environmental Protection Act 1990 action or criminal prosecution.

Other Tools

There are a range of services and enforcement tools that are available to South Kesteven District Council to deal with and to address anti-social behaviour and this depends on the specific nature of the complaint, but these can include the following:

COMMUNITY SAFETY MANAGER

The Community Safety Manager will assist the Council in discharging its functions under the Crime and Disorder Act 1998 and will be responsible for the co-ordination of activities of the South Kesteven District Council Crime and Disorder Partnership, and will take action to address the objectives of the Crime and disorder Strategy and comply with Anti-Social Behaviour Legislation. The Community Safety Team Manager will manage the Community Safety Team.

THE COMMUNITY SAFETY TEAM

The Community Safety Team aims to reduce anti-social behaviour by:

1. Having due regard in carrying out its function for the agreed procedures set out in the Lincolnshire County Partnerships Protocol on Anti-Social Behaviour Orders and Acceptable Behaviour Contracts and by;
2. Working in partnership with a number of key agencies such as the Police, PCT, Probation, Drug Action Teams, Youth Offending Teams, the County Council's education, and social services, Registered Social Landlords, Victim support, Women's Aid and, both other statutory and voluntary agencies.

The Community Safety Team will provide training and support to staff and other external bodies on issues around Anti-Social Behaviour. The role of the team is to:

- introduce and implement diversion and prevention strategies
- review jointly with the police individual cases of anti-social behaviour and take the appropriate enforcement measures
- develop and implement anti-social behaviour policies and procedures
- strengthen community partnerships

REPORTING ANTI-SOCIAL BEHAVIOUR

An individual who is experiencing Anti-Social Behaviour should report it directly to the authority or agency that would normally deal with that particular issue, for example: "disorder in the street" to the police, "fly tipping" to the Council, issues on mixed tenure housing estates to the Council's Housing Services. The Community Safety Team will take direct referrals only in exceptional circumstances.

HOUSING SERVICES ON MIXED TENURE ESTATES

Housing services will include direct contact with a member of the Housing Service Estate Management Team. The Estates Management Team Manager has the overall responsibility for co-ordinating the Estate Management Services and enforcing the terms and conditions of the tenancy. The Estates Management Team will be the first point of contact and will make an initial assessment, as to the severity of the problem and the appropriate course of action.

CLEANSING

Cleansing (Contract Services) deal directly with the following:

- Litter
- Abandoned vehicles
- Rubbish
- Graffiti
- Fly tipping

ENVIRONMENTAL HEALTH

Environmental Health Service deals directly with the following:

- Noise nuisance
- Graffiti
- Bonfires

Planning Enforcement

Planning Enforcement will deal with the following enforcement issues:

- Unauthorised physical development
- Unauthorised changes of use
- Unauthorised works to protected trees
- Unauthorised works to listed buildings
- High hedges
- Breaches of planning conditions
- Fly-posting and unauthorised advertising
- Untidy sites

Referral to other Enforcement Agencies

Where the enforcement action is outside of the local authority's remit the following agencies may be contacted.

- Police, criminal activities and anti-social behaviour that is not covered by South Kesteven District Council
- Education
- Registered Social Landlords

Referral to Support or Advice Agencies

- Victim Support
- Mediation
- Community Development Projects and Youth Workers
- Social Services
- Drug and Alcohol Action Teams
- Independent Legal Advice
- Citizens Advice Bureau
- Domestic Violence Services

Data Protection and Confidentiality

Under the Crime and Disorder Act 1998 section 115, personal data or information may be disclosed to the police, probation service or health authority, where it is necessary or expedient for the purposes of obtaining an ASBO. The information must however still be processed in accordance with the data protection principles under the Data Protection Act 1998 and the common law e.g. defamation, duty of confidence.

Training and Support for Staff

South Kesteven District Council recognises that its staff must be trained in tackling anti-social behaviour. Heads of Service will be responsible for ensuring that all front line staff involved should receive training in best practice, legal solutions, evidence gathering, and attendance at Court, and dealing with racial incidents. Training needs are identified through annual appraisal interviews.

South Kesteven District Council recognises that staff dealing with complaints of anti-social behaviour may well face threats of or actual abuse, both physical and verbal. As such, all staff should received training in how to deal with violence and difficult situations. Effective lone working procedures should be in place together with risk assessments for all front-line staff.

South Kesteven District Council will take appropriate legal action such as seeking injunctions, anti-social behaviour orders, possession proceedings against any individuals who threaten, abuse or harm it's staff. It will also support criminal prosecutions where necessary.

Lincolnshire County Partnership Protocol on ASBO and ABC

The Lincolnshire County Partnership Protocol on Anti-social Behaviour Orders and Acceptable Behaviour Contracts it set out the protocol for what this policy seeks to archive; that is to protect the community from anti-social behaviour by effectively stopping and then preventing it. The protocol is attached at appendix A.

Monitoring and Data Collection by the Community Safety Team

Details of the data that will be record by the Community Safety Team and the agreed Performance Indicators for South Kesteven District Council for the period 2005 to 2006 are shown at Appendix B.

Economic DSP - Performance Monitoring 2005/06

Those indicators with a number in the PI column are from the Government's Best Value Performance Indicators suite used by many Councils. The remaining indicators are local to SKDC and may be relatively simple measures/indicators only. The reader is asked therefore to exercise an element of caution when interpreting any data attached to them.

Key: C=cumulative; A=average; N=number; %=percentage; CA=cumulative average; Q=quarterly; blank=monthly

PI	SKDC Priority Area and PI Description	IND Type	Reporting	2004/05 SKDC Outturn	2003/04 Upper Quartile	2005/06 SKDC Target	April	May	June	July	August	Sept	October	November	Are We Improving Yr on Yr?	2006/07 SKDC Targets	2007/08 SKDC Targets
	TOWN CENTRE DEVELOPMENT Priority A																
Local	Score against checklist to make Grantham a performing SRC	%	Q			60%			57.64%			64%			N/A	65%	70%
Local	No. of new retail units in town centres	%	Q			4			2			2			N/A	4	4
Local	No. of vacant retail units as a % on NDR list	%	Q			9%			8.6%			9%			N/A	8.5%	8%
	BUSINESS DEVELOPMENT Priority B																
Local	No. of VAT registered businesses in district	N	Q			4400			4390*			4385*			N/A	4425	4500
	PLANNING & CONSERVATION Priority B																
109a	Planning major applications determined within 13 weeks	CA		63.16%	63.58%	65%	75%	80.95%	79.31%	69.70%	69.23%	70%	68.63%	69%	Y	70%	70%
109b	Planning minor applications determined within 8 weeks	CA		74.88%	71%	75%	74.63%	77.19%	77.03%	76.30%	77.37%	79%	77.51%	77.81%	Y	76%	80%
109c	Planning other applications determined within 8 weeks	CA		84.14%	86%	85%	80%	83.41%	83.91%	84.95%	85.77%	87%	86.38%	86.43%	Y	86%	87%

**DEVELOPMENT AND SCRUTINY PANELS (DSPs)
WORK PROGRAMME 2005/6**

INTRODUCTION

This Work Programme is partly derived from the Cabinet's Forward Plan, but also contains items that have been brought forward by the DSPs themselves. Such items are in italics.

Where the item has appeared on the Forward Plan, the anticipated date of the key decision is listed in the second column. The third column shows the last available date that the full DSP can consider this item before the key decision is due to be taken (unless a special meeting is called). This does NOT necessarily mean that the item will appear on the DSP agenda, this will only happen if this is requested by the Chairman or members of the DSP. There will also be instances where there is no DSP meeting before a decision is due to be taken; in these cases the next meeting date after the decision date is shown.

As Cabinet meets monthly and the DSPs meet bi-monthly it is not possible within the current timetable of meetings for the DSPs to consider every single Cabinet or Cabinet Member decision. Scrutiny members are therefore encouraged to read this Work Programme and bring forward items for consideration where they think that an item should be considered by the DSP.

ECONOMIC DSP	<u>DATE OF KEY DECISION (IF APPROPRIATE)</u>	<u>DSP MEETING</u>
<u>ISSUES FOR CONSIDERATION</u>		
<i>Small Business Units</i>	N/A	<i>Working Group appointed, programme of site visits underway</i>
<i>Grantham Canal Basin</i>	N/A	<i>Working Group appointed</i>
<i>Grantham Rail Link</i>	N/A	<i>Working Group appointed</i>
<i>Markets</i>	N/A	<i>Review due early 2006</i>

**DEVELOPMENT AND SCRUTINY PANELS (DSPs)
WORK PROGRAMME 2005/6**

<i>Social Enterprise</i>	<i>N/a</i>	<i>Identified as an issue for consideration early 2006</i>
Local Development Framework		
Approve Final Urban Capacity Study	05.12.05	31.01.06
Approval of preferred options	Not before March 2006	21.03.06
SKDC enforcement policy – a generic enforcement policy for regulatory services	February 2006	31.01.06
New/Interim affordable Housing policy	Not before January 2006	31.01.06
Welham Street Grantham – whether to accept tender for project	Not before February 2006	31.01.06