

AGENDA



For a meeting of the
COMMUNITIES POLICY DEVELOPMENT GROUP
to be held on
FRIDAY, 27 JANUARY 2017
at
2.30 PM
in
WITHAM ROOM - COUNCIL OFFICES, ST. PETER'S HILL, GRANTHAM. NG31 6PZ
Beverly Agass, Chief Executive

Group Members:	Councillor Duncan Ashwell, Councillor Ashley Baxter, Councillor Barry Dobson, Councillor Mike Exton (Vice-Chairman), Councillor Breda Griffin, Councillor Charmaine Morgan, Councillor Mrs Andrea Webster (Chairman) and Councillor Ray Wootten
Executive Member(s):	Councillor Bob Adams, Leader of the Council, Executive Member Growth Councillor Mrs Frances Cartwright, Executive Member Governance Councillor Nick Craft, Executive Member Environment Councillor Linda Wootten, Executive Member Housing
Support Officer:	Anita Eckersley Tel: 01476 40 60 80 (ext. 6517) E-mail: a.eckersley@southkesteven.gov.uk

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

1. MEMBERSHIP

The Group to be notified of any substitute members.

2. DISCLOSURE OF INTERESTS

Members are asked to disclose any interests in matters for consideration at the meeting.

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3. ACTION NOTES FROM THE MEETING HELD ON 18 NOVEMBER 2016

(Enclosure)

4. CORPORATE ENFORCEMENT POLICY

Report LDS198 of the Business Manager – Legal and Democratic Services

(Enclosure)

5. CAR PARKING STRATEGY

Report SEG35 of the Business Manager - Spatial and Economic Growth.

(Enclosure)

6. INTEGRATION SELF ASSESSMENT (INTEGRATING HEALTH AND SOCIAL CARE)

Report ENV651 of the Business Manager – Environmental Health.

(Enclosure)

7. INTEGRATED NEIGHBOURHOODS TEAM UPDATE

Report ENV652 of the Executive Manager – Environment

(Enclosure)

8. SUPPORTED HOUSING - CONSULTATION ON FUNDING PROPOSALS

Report BMH117 of the Business Manager – Housing

(Enclosure)

9. WORK PROGRAMME

- Tourism Website

(Enclosure)

MEETING OF THE COMMUNITIES POLICY DEVELOPMENT GROUP

FRIDAY, 18 NOVEMBER 2016 2.30 PM



GROUP MEMBERS PRESENT

Councillor Duncan Ashwell
Councillor Ashley Baxter
Councillor Barry Dobson
Councillor Mike Exton (Vice-Chairman)
Councillor Breda Griffin

Councillor Charmaine Morgan
Councillor Mrs Andrea Webster
(Chairman)
Councillor Hannah Westropp
Councillor Ray Wootten

EXECUTIVE MEMBER

Councillor Mrs Linda Wootten, Executive Member Housing

OFFICERS

Strategic Director Environment & Property (Tracey Blackwell)
Community Engagement & Policy Development Officer (Carol Drury)
Senior Housing Options & Advisor (Sarah Hutchison)
Strategic Lead – Programme Delivery (Lee Sirdifield)
Business Manager – Environmental Health (Anne-Marie Coulthard)
Admin Assistant, Democratic Services (Anita Eckersley)

27. MEMBERSHIP

The Chairman congratulated Councillor Mike Exton on his appointment as Vice Chairman of the Communities PDG. She also thanked Councillor Hannah Westropp for all her work and support whilst she had been Vice Chairman.

28. DISCLOSURE OF INTERESTS

No interests were disclosed.

29. ACTION NOTES FROM THE MEETING HELD ON 1 SEPTEMBER 2016

The Chairman noted that the action notes were not minutes or a verbatim record of the meeting. Members were informed that if they wished their comments to be noted they should ask for this to be done but noted the comments would not be verbatim.

The action notes from the meeting held on 1 September 2016 were noted.

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30. UPDATES FROM PREVIOUS MEETING

The Strategic Director noted that the Car Parking Strategy would be on the Communities PDG Agenda in January 2017.

The dates for the updated joint Housing Summit were in the process of being arranged and Members would be contacted in due course.

31. ELECTED MEMBER DEVELOPMENT PROGRAMME

The Community Engagement and Policy Development Officer presented report number LDS190 on the Elected Member Development Programme. The report had been presented to all three PDGs to provide a review of the Member training that had been delivered since the 2015 election to the Council. The report included details of attendance and Member's feedback.

Training for Members appointed to Development Control, Licensing and Governance and Audit Committees was mandatory. Attendance figures relating to mandatory sessions had highlighted that not all Members of the three committees had attended training during this term of office. This was probably due in part to some Members having undergone training during the previous term of office and there being no legislative requirement for them to attend training at the start of each new term of office.

Members were asked if they felt consideration should be given to whether mandatory training should be undertaken by all appointed committee members on commencement of each term of office with refresher training being undertaken on an annual basis.

Training sessions for the core training programme had been arranged for morning, afternoon and evening where possible. Appendix A contained a list of sessions that had been cancelled solely due to a lack of bookings and all related to events planned for evenings. Phase two of the training had followed the same format as phase one and was outlined in Appendix B.

Following the first year of training, Members had been invited to complete an on-line survey regarding the experience of the training offered. A paper copy of the survey had been provided for Members unable to access the survey on line. Members had been asked to provide information about the events they had attended, identify any gaps in knowledge they may have and highlight any suggestions or opportunities for further training they felt would be helpful to them. A total of 26 Members had completed the survey with an average of 16 providing responses to every question.

The Engagement PDG (now Growth PDG) had reviewed the feedback from the previous term of office which had highlighted that some Members had felt bombarded with information during the induction process that followed the election. As a result of this the training programme developed to follow the 2015

election was streamlined and a calendar of core and skills training had been provided over two phases lasting throughout 2015 and into the spring/summer of 2016. An overview of the training events offered to Members during induction and the first two phases had been provided in Appendix A.

As a result of the responses to the survey and based on the original training plan, a draft programme of events had been developed for winter/spring 2016/17. Members comments and views were being sought on the draft training and development plan at Appendix C of the report.

Members commented on the benefits gained as a result of attending the Speed Reading and Effective Speaking courses.

Councillor Baxter queried whether all training sessions were for half a day; the feasibility of being a substitute on regulatory committees if training was not available to all members and how this could restrict any opportunity for substitution and whether the new draft training programme would be provided in advance so opportunities would not be missed. He also queried why training for the three mandatory committees was not included in the programme and whether members not on the committee could attend the monthly planning training.

Members were reminded that mandatory training was provided for those Members assigned to the Development Control, Licensing and the Governance and Audit Committees but were generally open to all Members of the Council to attend. The exception to this was the monthly planning training events to which only members of Development Control Committee were currently invited. It had been noted through Growth PDG that these sessions should be opened up to all Members. These sessions, unlike generic mandatory training for Development Control Committee, were topic specific.

The three mandatory training events initially provided had to be given during a short window of opportunity from the date of appointment at the Annual Council Meeting to the first meeting of each committee. The training ensured that Members were appropriately trained and able to participate in the Committees they had been appointed to. Additional one-to-one training had also been provided for Members appointed to committees during the year. The length of time for each training session varied depending on the topic and content. The draft programme referred to the period between December 2016 and March 2017 and would be available once finalised.

Other general training opportunities within the Member development programme were also both generic and topic specific and were open to all Members. A number of non-committee Members had participated in some mandatory training sessions which meant there was a pool of potential substitutes or future committee members.

Members also commented on whether additional “meet and greet” sessions could be provided halfway through the term of office; whether there were dates for the public speaking course; whether courses on how to engage with officers and how to distinguish between a councillors role and an officers role were available and whether training on accessing the Constitution on iPad could include “How to use the Constitution” itself.

Further discussion was around the possibility of joining forces with Lincolnshire County Council (LCC) in respect of attendance at courses they ran; whether it was possible to invite people from other Councils to attend courses at SKDC if uptake for a particular course was low; the use of iPads at committees but paper copies of the agendas were still being distributed; whether certificates could be provided to help Members retain a record of their training; whether members could be trained on how to respond to resident’s queries about the constitution; engaging with managers; whether there was a possibility for members to link into training from an external source if they were unable to physically attend a course and whether training had to be retaken at SKDC if the same training had been provided by Lincolnshire County Council.

Action points:

Members to forward suggestions or requests for relevant training directly to the Community Engagement and Policy Development Officer.

32. SAFEGUARDING POLICIES & PROCEDURES 2016

The Community Engagement and Policy Development Officer presented report number LDS191 on the development of a draft combined Safeguarding Policy and associated procedures relating to children, adults and domestic abuse. The purpose of the report was to highlight the development of this combined Safeguarding Policy with Members of the Communities Policy Development Group.

Members of the PDG were being asked to note the contents of the report and its accompanying appendices and put forward comments or make recommendations based on their local knowledge of any South Kesteven specific content they felt should be included within the Policy prior to it going to the Executive Member – Governance for approval by non-key decision.

Members were reminded of the statutory duties the Council had under Section 11 of the Children Act 2004 and Sections 42 to 45 of the Care Act 2014 to protect people from harm and neglect and to co-operate with other agencies. The existing Safeguarding Children Policy had been updated annually to reflect changes in legislation and statutory guidance such as Working Together to Safeguard Children. The Council had introduced a policy that related to the safeguarding of adults in 2013. This had been updated in 2015 to reflect the introduction of the Care Act.

The combined Safeguarding Policy had been developed to reflect the Council's responsibilities in regard to the protection of adults and children. The policy reflected the legal and corporate duties of care and responsibilities the Council had in safeguarding individuals from significant harm. Procedures for referring incidents and concerns were included in the documents.

The District Council's responsibilities for safeguarding both children and adults were the same in respect of reporting incidents or concerns to the responsible authority (Lincolnshire County Council) as well as working with other agencies to ensure the welfare of children and vulnerable adults within the district. A combined policy for the safeguarding of children and adults had been drafted (appendix A) to reflect this synergy.

Three sets of procedures had been created to support the document that would help locate the relevant information should there be cause for concern about a child or vulnerable adult. Updating individual parts of the document would also be easier using this format:

- Safeguarding Children Procedures (appendix B)
- Safeguarding Adults Procedures (appendix C)
- Domestic Abuse Procedures (appendix D)

A programme of in house training to accompany the revised policy and procedures would be available for all elected Members and staff following its implementation.

Members commented on the sound knowledge and guidance provided in respect of the requirements contained within the document.

Action Point:

Members of the PDG noted that the Safeguarding Policies & Procedures 2016 would go to the Executive Member – Governance for approval by non-key decision.

33. HOUSING ALLOCATIONS POLICY

The Strategic Director Environment & Property informed the PDG that the report provided feedback on the consultation that had taken place between 31 May 2016 and 23 August 2016 and provided Members with an opportunity to comment on the draft housing allocations policy. Strong support for the proposed changes had been received generally with the exception of two issues.

The Senior Housing Options Advisor presented report BMH114 on the proposed changes to the Draft Allocations Policy. Members were informed of the range of people who had been invited to take part in the consultation such as doctors surgeries, Social Care, Housing Associations, current residents of social housing, and people on the housing register. During the three month

consultation period a good response had been received but assessing bedroom need and income levels, the two areas identified as being potentially contentious, had been less supported.

Assessing Bedroom Need: The proposal was to increase the age at which same sex siblings could share a bedroom from 16 to 21 years of age. Following analysis of specific reports that had been run this had indicated the potential to reduce the demand of four (plus) bedrooms social housing by around 30% in the Grantham area. 52% had agreed with this proposal and 41% had disagreed with 7% saying they did not know. Members were informed of the current demand for larger properties within Grantham, Bourne, and Stamford.

Members were asked for their views on the proposed increase in age.

Points discussed: that the proposed change was for same sex siblings only and not mixed sex siblings; whether people would be forced to move or could become homeless and how it would affect families where there were children from previous relationships.

Members were assured that the age increase would relate only to same sex siblings; that where appropriate, adult children would be signposted and encouraged to look for their own properties; that there was a different process for dealing with homelessness and that the demand was greater for 1 and 2 bed houses than it was for 4 bed and larger properties.

Councillor Morgan wished to have noted that her preference was for the age to be increased to 18 rather than 21 due to potential issues such as the availability of a quiet area to study.

Councillor Baxter wished to have noted that he also felt the age should be increased to 18 rather than 21 and queried whether the demand for 4 bed and larger properties should be flagged and factored into any new developments of social housing.

Further discussion took place around whether the Grounds for Possession – Unacceptable behaviour test at Appendix 3 on page 61 of the Policy was legislation; how people evicted from private housing due to them raising issues about the quality of accommodation they had been living in would be dealt with.

It was noted that the information provided under Grounds for Possession was legislation and that each request for accommodation would be considered on an individual basis using the policy. Private landlords did not have to provide a reason why a Section 21 notice had been issued. The particular issue raised by the Member would be discussed outside the meeting.

Income Levels: The current policy set the financial threshold of eligibility for social housing at £16,000 in savings, assets and or equity. Members were informed that other authorities had set the income threshold lower than £16,000

but the proposal was for the financial threshold to remain at £16,000. Single applicants who had an income in excess of £30,000 per annum and households with a joint income in excess of £50,000 per annum would either be refused access or subjected to a reduction in priority.

There had been significant support for reducing priority for income levels, but there had been some difference of opinion on the proposed income level. Overall 39% of respondents had said the income level was too high while a majority (54%) believed the levels to be about right with the remainder saying it was too low.

Members felt that the proposed new thresholds of £30,000 (single) and £50,000 (joint) were fair. Further clarification was sought on whether single parents would come under the same criterion; what consideration was given to people who came under the higher joint bracket but who may be in debt and whether they would be provided with guidance or signposted to debt advisors or CAB.

It was noted that hardship was an element taken into account when assessing all applications including those from single parents and families with complex needs. It was important to note that decisions could only be made on the information submitted and evidence provided by the applicants.

Councillor Morgan queried how management discretion was scrutinised and whether the PDG could receive a layman's brief on the transparency of the process.

It was noted that the process to go through when making decisions was outlined in the document but a more in depth briefing could be provided. Nationally, around 48% of cases considered by the Ombudsman had been found for the customer due to LAs not acting within their own policies.

A Member commented on the thorough and informative information contained in the document and had a query about what would happen should an elderly couple decide to downsize, but would not be taking their adult children with them. What would happen to the adult children?

Children would not be able to remain in a house after parents had vacated the property and the policy would not award priority to those households that wanted to downsize unless there was assurance from the applicants that the other household members had accommodation available to move to.

Recommendation:

That the Communities PDG recommends to the Executive that:

- a) The Housing Allocations Policy is approved;

- b) The age at which same sex siblings could share a bedroom is increased from 16 to 21 years of age;
- c) The financial threshold for eligibility for social housing remains at £16,000 in respect of savings, assets and or equity and that the income for single applicants is increased to £30,000 per annum but for households with a joint income in excess of £50,000 per annum would be refused access or subjected to a reduction in priority.

Action Point:

That a briefing paper outlining the process and how it would be scrutinised when applying the policy and when management discretion would be used to be presented at a future meeting of the PDG.

34. SHARING FRONT OF HOUSE SPACE

The Strategic Lead, Programme Delivery presented report SLP010 on the use of the Council's front of house areas and the principles that could be adopted to maximise opportunities to share this space with other organisations. This was a discussion document for the PDG to review the space sharing principles contained within the report and consider whether any additions or amendments would be required to enable front of house space to be shared with other organisations.

Members were provided with an overview on the new Property Asset Strategy and how it considered the way the Council used its property for both commercial and operational purposes. Whilst the Customer Access Strategy supported this it also sought to ensure that face to face provision focussed on customers who required support from similar bodies by working with partner organisations who shared customers with the council. It looked at the feasibilities of more than one partner agency working in the same environment in order to improve the face to face offer and enhance customer experience whilst reducing the ongoing cost of delivery.

In order for this to be realised, consideration would need to be given to the principles of sharing space in a front of house environment that would ensure customer needs were met, there was a safe environment for both customers and staff and would meet the aspirations of both the Property Asset Strategy and the Customer Access Strategy.

A number of themes covered in the Property Asset Strategy placed a focus on organisations working together and supporting good connections between people and services. It would be important when considering sharing front office space that potential organisations concerned had similar principles to the Council. The Council could look for opportunities to work with public sector partners through the One Public Estate initiative. An overview of the suggested seven general principles for sharing front of house space was provided in Table 1 of the report. These were:

- To have a shared customer base;
- To target face to face provision to the most vulnerable;
- To support the incorporation of digital technologies in the provision of services;
- To contribute towards the ongoing operating costs of the shared facility;
- To have aligned opening hours;
- To have similar and clearly stated customer values;
- Where feasible to support integrated service provision.

Members were asked to consider whether they felt these principles were appropriate, whether more should be added or some taken out, whether all seven should be used or a combination of them considered. The list was not exhaustive but would ensure close alignment with the Council's strategic ambitions. There were also strong linkages with the principles within the One Public Estate initiative that could ensure the Council was well placed to respond where opportunities to work with other public sector bodies arose.

The Council could choose not to share its front of house space with others but it was felt this could limit the offer available to residents and not enable the full realisation of opportunities to reduce ongoing operational costs. Other local authority sites had implemented co-location initiatives. An initial impact assessment had been completed and had highlighted the need for effective design and management of any shared face to face provision. The contents of the analysis would be used to inform any future plans.

Discussion took place around the types of public sector bodies or outside organisations that would be considered for co-location; how staffing and back office space would be affected; whether this was just a financial saving initiative and the terms of tenancy such as length or term and the governance of exiting a co-location partnership.

Councillor Baxter queried whether further consideration would be given to integrating front line services including services such as CAB at the Deepings.

Councillor Morgan queried whether meeting spaces were made available for voluntary organisations at discretionary rates.

It was noted that integrated working space and co-working with other organisations was the direction authorities were going down. In respect of the integration of services at the Deepings, detailed consideration had been given to the suggestion. However, it was not possible to include a customer service function within the library premises. The aim was to encourage a minimal customer footprint by providing a number of complimentary services under one roof which in turn could provide a financial benefit to SKDC.

There would be an impact on back office space due to other organisations also requiring meeting rooms and office space. Tenancy terms would probably be negotiated on a case by case basis but they were typically expected to be between 5 and 10 years and would be chargeable.

Members noted the seven general principles for sharing front of house space.

35. WORK PROGRAMME

Members of the PDG noted the contents of the work programme.

- Car Parking Strategy – to go to January 2017 PDG
- Tourism Website
- Wyndham Park Heritage Lottery Fund (HLF) Developments
- Review of the Housing Strategy
- Refresh HRA Business Plan
- The Work and impact of the Neighbourhoods Team

Councillor Morgan queried whether the NHS Sustainability & Transformation Plans (STPs) should be added to the work programme.

Councillor Baxter queried whether healthy lifestyle was an area that should be considered by the PDG.

It was noted that the NHS Sustainability & Transformation Plans (STPs) would probably go to Scrutiny rather than a PDG. In respect of healthy lifestyles, scoping of the work required and how it would affect and fit within the Council's priorities would need to be undertaken initially.

Action note:

- 1) That the Work and Impact of the Neighbourhoods Team be added to the Work Programme, and**
- 2) That the Strategic Director to arrange for the initial scoping work document template to be forwarded to both Councillor Morgan and Councillor Baxter.**

36. ANY OTHER BUSINESS, WHICH THE CHAIRMAN, BY REASON OF SPECIAL CIRCUMSTANCES, DECIDES IS URGENT

Department for Communities and Local Government (DCLG) Consultation Response - Houses in Multiple Occupation and Residential Property Licensing Reforms

The Business Manager – Environmental Health referred to the Government intentions for future regulation of houses in multiple occupation (HMOs), and licensing reforms. A draft response to the consultation on the implementation of the changes had been provided for Members.

Members were informed that the intention was to raise standards in HMOs by extending the scope of mandatory HMO licensing, and introducing mandatory national minimum room sizes for rooms used as sleeping accommodation in licensed HMOs.

The Department for Communities and Local Government was consulting on the implementation of the decision, and had invited comments on the details of the proposals by asking specific questions concerning the proposed secondary legislation. Views on a number of other possible measures such as determining “fit and proper”, refuse disposal in licensed properties, and the treatment of some student accommodation were also being sought. The full consultation document was available as a background paper and a copy of the draft response to the 32 questions was provided at appendix 1.

The 8 week consultation was due to close on 13 December 2016.

A brief overview of the proposed changes was provided:

Extension of mandatory licensing: A mandatory HMO licence was currently required when a building was 3 or more storeys and occupied by 5 or more persons comprising of 2 or more households sharing some facilities. The Government’s intention was to extend the number of properties requiring a licence by removing the rule relating to the number of storeys. Flats in multiple occupation which met the same occupancy criteria but were in converted buildings or were part of a building being used for non residential purposes, such as flats in multiple occupation above shops, would also be included.

It was proposed that these changes would come into force during 2017.

National Minimum Room Size: To prevent overcrowding in family homes the current room and space standards allowed for different size rooms for sleeping babies, children and adults. The Government intention was to insert a new compulsory condition in every mandatory HMO licence to ensure that rooms would be disregarded as suitable for sleeping accommodation unless they met a statutory minimum prescribed size. The sizes would be the same as the current room size standards for adults but would not differentiate between whether the room was used by a child or an adult. The minimum sizes were:

- 6.52sq.m for one person
- 10.23sq.m for two persons

Potential Local Impacts: The minimum room size proposals would include HMOs that were already subject to mandatory licensing but could have rooms that did not meet the condition. Currently there were 25 licensed HMOs in the district, 3 of which might be impacted by the introduction of a minimum room size.

There would be an increase in the number of HMOs that would need to be licensed and subject to inspection. Landlords were not required to inform us of an HMO unless it met the current criteria for a mandatory license so information was limited. As far as the Council was aware there were 55 HMOs with shared facilities but these did not meet the current requirements for a mandatory licence. Approximately 25 of these might meet the extended licensing criteria.

Members views were sought on the responses to the questions and they were asked to forward any issues they felt should be included in the response to the Business Manager Environmental Health by 25 November 2016. Members were asked in particular to consider the following questions on the response form:

Question 12

Do you agree that there should be no difference in how children and adults are counted for the purpose of the room size condition? If not please explain why.

Question 15

Do you think that the proposal not to treat temporary visitors as occupiers is appropriate?

Question 16

Do you think that introducing minimum room sizes will impact upon persons sharing protected characteristics and if so how will it impact on them? If you think the impact is negative can you suggest how it may be mitigated?

Action Points:

- a) **That Members note the potential impacts of the changes locally, and**
- b) **That Members would forward their comments on the draft response to the Business Manager – Environmental by 25 November 2016.**

37. CLOSE OF MEETING

The meeting was closed at 16:20.

REPORT TO COMMUNITIES P.D.G.

REPORT OF: Business Manager – Legal & Democratic Services

REPORT NO: LDS198

DATE: 26 January 2017

TITLE:	Corporate Enforcement Policy	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Non-Key decision	
EXECUTIVE MEMBER: NAME AND DESIGNATION:	Councillor Frances Cartwright – Executive Member for Governance	
CONTACT OFFICER:	John Armstrong j.armstrong@southkesteven.gov.uk ; 01476406103	
INITIAL IMPACT ANALYSIS: Equality and Diversity	Carried out and Referred to in paragraph (7) below To be considered	Full impact assessment Required:
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	<ul style="list-style-type: none"> • Current track changed Corporate Endforcement Ploicy and those policies subject to change. • The new Environmental Services Enforcement Policy 	

1. RECOMMENDATION

- 1.1 That the PDG consider the draft revised Corporate Enforcement Policy ("CEP") and associated service Enforcement Policies attached as an appendix to this report and make recommendation to the Executive Member for Governance to approve the adoption of the draft policies.

2. PURPOSE OF THE REPORT

2.1 The purpose of this report is to make Members aware of the content of the revised draft Corporate Enforcement Policy and to make recommendations to the Executive Member for Governance.

3. DETAILS OF REPORT

3.1 The purpose of the CEP is to have and maintain a single over-arching policy that encompasses the key factors and principles common to all aspects of enforcement undertaken by the Council.

3.2 The intention was and remains to commit the Council to good enforcement practice and maintain a framework by which we will ensure a fair and consistent approach to the way that enforcement activities are undertaken. Fair and effective enforcement is essential to protect economic interests, public health and safety and the environment. The CEP is supported by a suite of service specific policy documents that set out in greater detail the enforcement practice in relation to particular service areas.

3.3 Individual service areas have updated their service specific policies. These have been further reviewed to ensure consistency across all services and with the CEP. All the individual service enforcement policies make reference to the CEP. This cross reference is further enforced with web links to all the relevant policies, regulations and procedures in each policy to ensure that each individual service policy will only be implemented in accordance with the principles set out in the CEP.

3.4 The service specific policies cover the areas of:

- Development Management
- Building Control
- Environmental Services
- Debt and recovery
- Waste and Recycling

3.5 Following the review of these policies and reflecting the organisational structure changes in relation to the Neighbourhood team, and changes of remit within the wider Environmental Services Team it was considered appropriate to have one service specific enforcement policy that covers Environmental Services and Waste and Recycling. This change is reflected in the attached Environmental Services Enforcement Policy.

3.6 The change control document at the head of the CEP sets out all other changes, where there are any, within both the CEP and the service specific enforcement policies.

3.7 Tracked changed versions of the policies that have been subject to change are attached along with the new Environmental Services Enforcement Policy.

4. OTHER OPTIONS CONSIDERED

4.1 A failure to have in place an up-to-date Corporate Enforcement Policy could result in some inconsistency of approach across the Council resulting in a greater likelihood of challenge to enforcement decisions.

5. RESOURCE IMPLICATIONS

The provision of the policy will be met from existing resource.

6. RISK AND MITIGATION

Risk has been considered as part of this report and any specific high risks are included in the table below:

Category Risk	Action / Controls
No high risks are considered at this stage of the policy formation	

7. ISSUES ARISING FROM IMPACT ANALYSIS

The Corporate Enforcement Policy should include a clear Equality Statement to ensure all enforcement activity is undertaken fairly and without discrimination on any grounds.

8. CRIME AND DISORDER IMPLICATIONS

The provision of a robust policy will ensure that enforcement prevents the continuation of potential criminal activity

9. COMMENTS OF FINANCIAL SERVICES

There no direct financial implications arising from this report. All enforcement policies across the Council have been reviewed to ensure there is consistency with respect to the collection and enforcement activities.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

The Legislative and Regulatory Reform Act 2006, requires that the Council has regard to the Principles of Good Regulation when exercising certain specified regulatory functions set out in the documents appended to this report.

The current review and updates it Corporate Enforcement Policy so it can demonstrate compliance with obligations imposed on it by the Regulatory Reform Act 2006, and the statutory guidance including the Regulators Compliance Code.

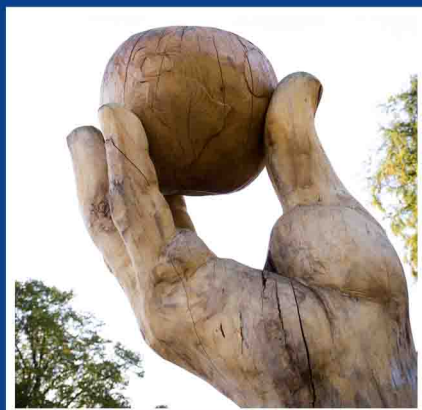
11. COMMENTS OF OTHER RELEVANT SERVICES

12. APPENDICES: The draft Corporate Enfocement Policy and service enforcement policies.



Development Management Enforcement Policy

OCTOBER 2014
November 2016



your council working for you

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INTRODUCTION

The Development Management section is responsible for the discharge of duties under the Planning Acts, including:

- Implementation of forward plans
- Regulation of use of land in the public interest
- Determination of planning applications
- Formal enforcement of breaches of planning control

Effective enforcement of planning controls is necessary to deliver high quality, sustainable development and to protect the integrity of the planning system. Ensuring that development proceeds in accordance with approved plans or permitted development rights is necessary to maintain this integrity.

An effective system of control requires strong powers of sanction against those who transgress regulatory provisions. The Town & Country Planning Act 1990 (www.legislation.gov.uk) contains extensive enforcement powers. However, enforcement action is a discretionary activity and will be invoked only where it is expedient to do so having regard to national and local policy and other material considerations and proves absolutely necessary after all other avenues have been explored. Any action considered must also be in accordance with the Council's Corporate Enforcement Policy.

<http://www.southkesteven.gov.uk/index.aspx?articleid=8678>

AIMS AND OBJECTIVES

The aim of the Council's Development Management Enforcement Policy is to ensure effective compliance with planning and other associated legislation, which itself is aimed at regulating the development and use of land in the public interest. Development should conform to the provisions of the South Kesteven Local Plan¹ and the National Planning Policy Framework (NPPF). The Council shall seek to ensure by education, promotion, monitoring, negotiation, formal action and, where expedient, necessary and appropriate, legal measures, that the quality, character and appearance of the built and natural environment is protected and enhanced.

In the exercise of its enforcement powers, the Council's objectives are to and as set out in the Council's Corporate Enforcement Policy:

¹ The Local Plan is comprised of the Core Strategy and other development plan documents (DPD) such as the emerging Grantham Area Action Plan and the district-wide Sites and Allocations Policies DPD.

- Strike an appropriate balance between the planning and development needs and the 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.
- Apply appropriate and proportionate remedies and wherever possible, without recourse to formal legal action wherever breaches of planning control do occur.
- Promote the need to protect and enhance the built and natural environment and the need to conform to regulatory controls.
- Allow acceptable development to take place.

DEVELOPMENT MANAGEMENT ENFORCEMENT POLICY

This policy document sets out the basic approach and principles to be followed by the Council in the discharge of its enforcement functions. In its preparation, account has been taken of procedural and policy advice as contained in the National Planning Policy Framework -

www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

and Planning Practice Guidance on Ensuring Effective Enforcement - <http://planningguidance.planningportal.gov.uk/blog/guidance/ensuring-effective-enforcement/>

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 Council to remedy breaches of planning control, and the steps involved in seeking to secure a satisfactory outcome to complaints lodged.

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 involved 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 this policy.

This policy shall be monitored and evaluated periodically to ensure that it is relevant and applicable to the needs of the organisation and its customers, and to ensure it is implemented in a fair and consistent manner.

BREACHES OF PLANNING CONTROL

A breach of planning control may include the following:

- Building works that do not have planning permission
- Failing to comply with any condition or limitation, such as Section 106 Agreement, subject to which planning permission has been granted.
- Unauthorised changes of use
- Unauthorised works to Listed Buildings

- Demolition work within conservation areas
- Works to a protected tree or tree in a conservation area
- Displaying adverts without consent
- Neglecting land or property to the extent that it causes harm to local amenity
- High hedge disputes
- Removal of hedgerows

In the vast majority of cases, it is not an offence to carry out development without first obtaining planning permission or other consents. Only certain works constitute an immediate offence, carrying the risk of criminal sanctions. These include:

- Works to a Listed Building
- Works to protected trees or trees within a conservation area
- Removal of most hedgerows other than those in urban areas or on or within residential curtilages
- The display of adverts

There are certain issues that the Council cannot take into account when assessing an alleged breach because they are not planning matters. These may include:

- Loss of value to property
- Competition with other business
- Trespass or boundary disputes
- Private disputes
- Breaches of a covenant
- Party Wall disputes

The list of above matters is not exhaustive. However, those mentioned are likely to be private civil matters in which the Council has no legal right of intervention.

EXPEDIENCY

The carrying out of works or development without the prior approval of the Council may be unauthorised and action may be taken against the person causing the breach and persons having an interest in the land. However, such action will only be considered when it is expedient to do so.

The expediency of enforcement action is a key concept to the application of this policy and the work of the officers in Development Management. It will not normally be expedient to take enforcement action where a breach of planning control occurs but where there is;

- (i) no significant conflict with national or local policy; or
- (ii) a reasonable prospect that planning permission might be granted, subject to conditions; or

- (iii) no significant or immediate harm to the amenity or safety of residents or to the environment or other interests of acknowledged importance.

In considering any enforcement action, the decisive issue for the Council is if the breach of control would unacceptably affect public amenity or the existing use of land and buildings meriting protection in the public interest. Enforcement action should always be commensurate with the breach of planning control to which it relates.

Council Officers will consider whether it is expedient to take formal enforcement action on a case by case basis, by considering the merits of the specific development against current planning policy and guidance, having regard to any other material planning considerations and the Council's Corporate Enforcement Policy.

REPORTING ALLEGED BREACHES OF PLANNING CONTROL

Enforcement enquiries are received in relation to suspected breaches of planning legislation. The Council finds, in over 50% of cases, that there is no breach of planning control.

The majority of enquiries received are made by members of the public where they believe planning controls are being breached.

Other planning enforcement matters may be identified by Council officers during the course of their normal operations. These matters will be treated in the same way as if they had been made by a member of the public.

The Council may also monitor conditions imposed on permissions for some large or contentious development sites to ensure that relevant conditions are discharged at the appropriate times.

Planning Obligations such as Agreements made under Section 106 of the Town and Country Planning Act 1990 will be monitored to ensure the timely payment of developer contributions and accurate allocation of funds to relevant schemes.

Enquiries about an alleged breach of planning control can be submitted to The Council in person, by telephone, letter, e-mail, fax or using the enquiry forms on our website (www.southkesteven.gov.uk).

The Council will not normally act upon anonymous enquiries other than in circumstances where there may be an immediate criminal offence, a threat to public safety or a clear, credible threat to the proper planning of the area. Any investigations into anonymous enquiries in these circumstances will be at the discretion of The Council. This is to protect against malicious and vexatious complaints.

The Council will not reveal the identity of an informant to an alleged offender. We may be asked to reveal the identity of an informant, but we will always apply the rights of the individual in accordance with The Data Protection Act 1998 and any other appropriate legislation.

Anybody who has a legitimate concern but wishes to keep their identity confidential to Council Officers may enlist the services of their local councillor to make a complaint on their behalf.

The Council also requires some contact details from a complainant so that they may be kept informed of the progress of the investigation and approached for further information should this prove necessary.

RESPONDING TO ENQUIRIES

When an enquiry is received, details of the alleged breach will be registered.

This registered information will contain full details of the allegation and the particulars of the complainant and defendant. It will also be used to keep up to date records of investigations on an ongoing basis. Throughout the course of an enforcement investigation detailed records of the complaint, and any investigations, actions and outcomes will be maintained.

The Council will provide an acknowledgement of an enquiry providing contact details of the investigating officer **within 3 working days** of the complaint being received.

The site will be inspected **within 10 working days** of the enquiry being received.

PROCEDURES FOR DEALING WITH BREACHES OF PLANNING CONTROL

If a breach of planning control is identified as a result of the initial investigations, the most appropriate course of action to achieve a satisfactory outcome will depend on the severity and seriousness of the breach.

The Planning Acts grant rights of entry onto land to authorised planning personnel, for the purposes of investigating an alleged breach of planning control. Wilful obstruction of this right of entry is an offence and we can seek a warrant may be sought authorising entry.

After the first site visit, an initial assessment will be conducted to prioritise cases. The Council will respond to enquiries according to a priority system to manage enforcement proactively according to the needs of the District and in the public interest. The priority system is based on a number of criteria that will result in cases being High, Medium or Low priority as set out in the table below.

Type of Breach	High	Medium	Low
Adverts		Unacceptable traffic / amenity issues	Acceptable, no material harm or adverse impact
Breach of Conditions	Unacceptable harm caused	Technical matter, work would be agreed	
Change of Use	Unacceptable harm caused	Harm can be resolved – use of equipment / operating hours	No material harm or adverse impact
Listed Buildings	Works fronting street/conservation area	Internal works and works not visible from main road	Acceptable, material harm or adverse impact
Operational Development	Unacceptable harm caused	Acceptable with conditions / amendments	Acceptable, no material harm or adverse impact
Trees and Hedges	TPO trees felled / works	Works to hedgerows	
Untidy Land		Adverse impact / materials	Overgrown land or vegetation.

The enquirer will be informed of the outcome of these initial investigations **within 10 working days** of the site visit. Should the investigation prove inconclusive, an update of the situation will be provided. Thereafter, the onus will be placed on the enquirer to contact the enforcement officer for updates of any ongoing investigations. If the investigation reveals that there is no breach of planning control, the case will be closed and the complainant informed of the conclusion.

In investigating any alleged breach of planning control, the Enforcement team may consult other Council departments and Agencies where it is felt they may have an interest in the allegation. Such departments may include:

- Building Control
- Environmental Health
- Housing Services
- Lincolnshire County Council (www.lincolnshire.gov.uk)
- Highway's Agency (www.highways.gov.uk)
- Environment Agency (www.environment-agency.gov.uk)

These departments/agencies may have powers to deal with the matter which may prove more effectively deal with the harm than planning controls. In such cases, the Enforcement team will liaise with these departments/agencies to agree the most suitable course of action.

Planning Permission likely to be granted**a) Medium / High Priority Cases:**

Following a full investigation of the case, where it is felt that the breach of planning control might reasonably be granted planning permission subject to conditions, the person causing the breach will be invited to submit a retrospective planning application for determination.

Upon receipt of any application, it will be published in accordance with the Council's Code of Practice, and third parties invited to comment.

The application will be decided in line with the Council's normal procedures for dealing with planning applications.

If the person causing the breach fails to submit a valid planning application, the matter will be carefully assessed on the basis of national and local planning policies and against any other material considerations with a view to decide whether any further formal action is expedient. This decision will be made in line with the Council's scheme of delegated authority, which is part of the Council's Constitution.

b) Low Priority Cases:

These cases will be carefully assessed on the basis of national and local planning policies and against any other material considerations with a view to decide whether any formal action is expedient. It is usually not appropriate to invite a retrospective application or take formal enforcement action against minor or technical breaches of control which cause no material harm or adverse impact to amenity in the locality of the site.

Planning Permission unlikely to be granted

Where the works or development are unacceptable in planning terms, and unlikely to be capable of being rendered acceptable through a grant of planning permission with conditions or limitations, 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.

Whilst the person causing the breach usually has the right to submit a retrospective planning application, they will be advised that any such application would not be likely to be supported by Council officers.

The person causing such a breach will be advised that continuing to build/operate is at their own risk, subject to any future formal enforcement action and in cases of severe harm, they may be asked to cease operations immediately. They will be advised that failure to respond within a defined time period (which will reflect the nature of the breach), may result in authority being sought to take formal enforcement action.

The decision on the form and type of enforcement action will be taken in accordance with the scheme of delegated authority as set out in the Council's Constitution.

ENFORCEMENT ACTION

Where it becomes apparent that a person causing a breach of planning control is unwilling to comply, either with Officer's suggestions of a voluntary solution or with the terms of an existing permission or to cease an unauthorised use or building works, the Council will consider the initiation of formal measures to secure compliance.

The Council has a number of formal options available to assist in resolving a breach of planning control. Not all options will be suitable in each case, and any option used will be dependent on the facts on the case.

Any Formal Notice issued which appears on the Land Charges Register will be available to members of the public to view, either at the Council's Offices, or on the Council's website.

Summary of some key powers available to officers:

Requisitions for information

Officers may require certain pieces of information from owners/developers in order to issue formal notices or further an investigation. Notices to request such information may be issued in the form of:

- Planning Contravention Notice
- Notice under Section 330 of the Town and Country Planning Act 1990
- Notice under Section 16 of the Local Government (Miscellaneous Provisions Act 1976 (as amended)

It is an offence not to respond to any such notice within a prescribed timescale and offenders may be prosecuted for failure to do so.

A Planning Contravention Notice will appear on any search of the property and may affect any sale or mortgage.

Enforcement Notice

The Enforcement Notice is the main device available to the Council and sets out the nature of the alleged breach, the steps required for compliance and the timescale allowed to comply. Such a notice may be served when the Council are satisfied that there has been a breach of planning control and that it is expedient to take action.

The recipient(s) of an Enforcement Notice have a right of appeal against the notice on a number of grounds. Any appeal is determined by the Planning Inspectorate. Any appeal suspends the effect of a notice until the appeal is determined. If the recipient(s) lodge an appeal, we will communicate with all appropriate third parties and neighbours of the appeal and how they can make representations to the Planning Inspectorate.

Ultimately the failure to comply with the steps required by an effective Enforcement Notice is a criminal offence and currently attracts a maximum fine on conviction of £20,000.

Breach of Condition Notice

A Breach of Condition Notice (BCN) can be served on a developer or occupier when they do not comply with planning conditions imposed on a planning permission.

There is no right of appeal to the Secretary of State against a BCN. An appeal must be pursued through the courts

It is a criminal offence to fail to comply with a BCN within the period for compliance specified.

Listed Building Enforcement Notice

This is similar to an Enforcement Notice in terms of procedures to be followed. It may be issued where works affecting the character of a listed building are being, or have been, carried out in the absence of listed building consent.

The notice can specify steps to be taken to restore the building to its former state, to alleviate the effect of the unauthorised work, or to bring the building to the state that it would have been in had any listed building consent been fully complied with.

An appeal against a Listed Building Enforcement Notice suspends the notice until the outcome of the appeal.

Again, failure to comply with the steps of a notice is a criminal offence. It should be noted that unauthorised works to a listed building are themselves a criminal offence.

Stop Notice

A Stop Notice is served either with or after an Enforcement Notice if it is considered that continuing with unauthorised operations will cause irreparable and immediate significant harm. The scale of harm must be significant to warrant recourse to such a notice.

The Stop Notice continues to take effect even if an appeal is lodged against the Enforcement Notice.

There is no right of appeal and failure to comply with the notice is a criminal offence. There are compensation liabilities on the Council if the Enforcement Notice is quashed.

Temporary Stop Notice

This notice can be served if we consider it is necessary to restrict unauthorised activity or development immediately to safeguard the amenity of the area and prevent further irreparable harm. However, the harm caused by the unauthorised development must be severe, to warrant recourse to service of such a notice because there can be compensation awarded where the Council is found to have been unreasonable in issuing such a notice.

The Temporary Stop Notice differs from the normal Stop Notice powers as it is immediate and does not have to be accompanied by an Enforcement Notice. The notice has effect for up to 28 days while considering whether further enforcement action is necessary.

There is no right of appeal to the Secretary of State but a judicial review can challenge the validity and propriety of the decision.

Injunction

The Council can apply to the County Court or High Court for an injunction to cease an actual or imminent breach of planning control.

Clear and robust evidence of the potential significant harm arising from the actual or imminent use must be provided when seeking an injunction for an imminent breach. An injunction will normally need to demonstrate harm to a key policy consideration.

Injunctions may be considered as a supplement to other statutory powers, particularly where an immediate response is required.

Failure to comply with an injunction can lead to an unlimited fine and/or imprisonment.

Section 215 Notice

This notice can be served on the owner and occupier of the land if the Council considers that harm to the amenity of part of its administrative area is adversely affected by the condition of the land.

The notice specifies steps to remedy the condition of the land but it cannot take effect until 28 days after it is issued.

Then the notice must give a compliance period for when the works specified in the notice should be complied with.

Prosecution

Action to prosecute offenders may be taken where it is in the public interest to do so and other powers cannot resolve the matter more effectively. Examples of where this course of action may be considered are when:

- a notice is not complied with in the given timescales
- irreparable damage is caused to a listed building or protected tree
- there are repeated breaches of advertisement regulations or fly-posting

All investigations into alleged breaches of legislation where prosecution is to be considered will follow best professional practice as set out in the Council's overarching policy. Investigations must also follow the requirements of the Police and Criminal Evidence Act (PACE) 1984, Criminal Procedure and Investigations Act (CPIA) 1996, the Regulation of Investigatory Powers Act (RIPA) 2000 and the Human Rights Act 1998.

Formal Caution

The Local Planning Authority may consider Formal Cautions as an alternative to prosecution. Examples of where they may be appropriate are:

- To deal quickly and simply with less serious offences;
- To divert less serious cases away from the court process;
- To deter repeat offences.

Before a Caution is administered the officer will ensure:

- There is evidence of the offender's guilt sufficient to sustain a prosecution;
- The offender admits the offence;
- The offender understands the nature of the Formal Caution and agrees to be cautioned for the offence.

Default Powers

In the event of a defendant not complying with the terms of a formal notice, the Council has 'default' powers to enter land and carry out the necessary works.

The Council may also 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.

OTHER POWERS

The Council has various other powers at its disposal to deal with breaches of planning control that are not covered by the provisions of the notices or actions detailed above. Some of these powers are detailed below.

Unauthorised Advertisements

The display of advertisements is controlled under The Town and Country Planning (Control of Advertisements) Regulations 2007.

Advertising rules are complex and seek to control amongst other things: the height, size and illumination of the advertisements. However, the content of an advert that does have consent (either granted by the Council, or with Deemed Consent under the Advertisement Regulations) is not something that Planning Controls can be used to take action over.

It is an offence to display an advertisement without the consent required and it is open to the Council to pursue prosecution in the Magistrates Court for an offence under the Advertisement Regulations. The maximum fine on conviction for the display of unauthorised advertisements is currently £2,500 with additional fines on conviction for continuing offences.

Where advertisements are displayed on the highway or walls and other enclosures bounding the highway, the Council can take direct action. Normally, a minimum of two days is given to remove an unauthorised advertisement or it will be removed and destroyed.

Fly-posting

Fly-posting is the display of any advertisement or other promotional material without permission, on buildings, posts, poles, litter bins and elsewhere in public places.

Fly-posting without a permit is illegal under the Highways Act 1980, the Town and Country Planning Act 1990, the Anti-Social Behaviour Act 2003 and the Clean Neighbourhoods and Environment Act 2005.

Offenders may be pursued under the provisions for unauthorised advertising in The Town and Country Planning (Control of Advertisements) Regulations 2007 (Please see **Advertisements** above), or referred to other agencies.

Officers will maintain a database of Fly-Posting incidences that are reported. Warnings, highlighting the relevant legislation, will be sent to the person/persons responsible for the display of the advert and further action escalated against repeat offenders as appropriate. Repeat offenders may be issued with a Formal Caution or prosecuted under the Advertisement Regulations 2007.

Works to Protected Trees

Under the Town and Country Planning legislation the local planning authority may protect important trees in the district by making Tree Preservation Orders.

Any unauthorised works to such protected trees is a criminal offence. Trees in Conservation Areas are also afforded a degree of protection under the planning legislation. Unauthorised work to and/or removal of trees in a Conservation Area also constitutes a criminal offence.

The Council has powers to prosecute offenders and/or require replacement trees to be provided. In circumstances where it is a first offence, the Council may offer the defendant a caution and ask for a contribution towards their costs instead of a formal prosecution. If there is a repeat offence, the caution will be presented to the courts in any subsequent prosecution.

Removal of Hedgerows

Certain hedgerows, usually those outside of built up areas and not forming residential boundaries are afforded protection under the Hedgerow Regulations (1997).

Removal of protected hedgerows without consent is an offence. The Council has powers to prosecute offenders and/or require replacement hedges to be provided.

Monitoring of Planning Obligations

Planning Agreements provided under Section 106 of the Town and Country Planning Act 1990 are agreements made between the Local Planning Authority and a developer. Unilateral undertakings are made by the developer. Both aim to make proposed development acceptable and accord with planning policies. Such obligations may restrict development or use of land, may require certain operations to be carried out, or may require payments to be made to the Authority.

The Council monitors these planning obligations to ensure that operations are carried out and payments made in accordance with the terms of each agreement.

Requirements to comply with planning obligations run with the land so if the terms of an obligation are not complied with, enforcement action may be taken against persons acquiring an interest in the land.

Should there be a breach of a formal obligation there are three methods of enforcement open to the Council. The Council may:

- Apply to the County Court or High Court for an Injunction. The Council must prepare a high level of evidence to convince a judge that an injunction is necessary. Failure to comply with an injunction can lead to an unlimited fine and/or imprisonment.
- Enter the land to complete works and may recover costs where certain operations or works have not been carried out, but must give at least 21 days notice of our intention.
- Place a charge on the land in order to assist the Council in proceedings to recover costs incurred.

High Hedge Disputes

The Council has powers under Part 8 of the Anti-social Behaviour Act 2003 to deal with complaints about high hedges. The legislation enables the owner or occupier of a domestic property affected by a high hedge to make a complaint to the Council provided that:

- the hedge concerned is a line of two or more predominantly evergreen or semi-evergreen trees or shrubs
- the hedge is 2 metres or more high
- the hedge is forming a barrier to light or access to their home or garden
- attempts have been made to amicably resolve the problem with the owner of the hedge.

The Council's role is not to mediate or negotiate between the complainant and the hedge owner, but to adjudicate on whether the hedge is adversely affecting the complainant's reasonable enjoyment of his property.

If the circumstances justify it, the Council will issue a remedial notice to the hedge owner setting out what the hedge owner must do to remedy the problem. The notice may specify future work on the hedge to ensure that it is maintained at a reasonable height.

The Act allows for an appeal to the Secretary of State against the issue or withdrawal of a remedial notice.

The Council will charge a non-returnable fee of £360 for this service, payable on submission of a complaint.

CONTACTS AND FURTHER INFORMATION

Planning Enforcement Team

South Kesteven District Council
Development Management
St Peters Hill
Grantham
Lincolnshire
NG31 6PZ

Phone: 01476 406080

Fax No: 01476 406000

E-mail: planningenforcement@southkesteven.gov.uk

Website: www.southkesteven.gov.uk

Department for Communities and Local Government

(The Government Department with overall responsibility for planning)

Eland House
Bressenden Place
London, SW1E 5DU
www.dclg.gov.uk

National Planning Aid Unit (Royal Town Planning Institute)

Unit 419, The Custard Factory,
Gibb Street,
Birmingham
B9 4AA
www.planningaid.rtpi.org.uk

Planning Inspectorate

Room 301 Kite Wing,
Temple Quay House,
2 The Square,
Temple Quay,
Bristol, BS1 6PN.
www.planning-inspectorate.gov.uk/pins/index.htm

Planning Portal (www.planningportal.gov.uk)

The Government's online planning resource where you can learn about the planning system and research the latest government policy.

National Guidelines (www.legislation.gov.uk)

- The Town & Country Planning Act 1990
- The Town and Country Planning (General Permitted Development ~~Order~~) ([England](#)) ~~Order 2015~~1995 (As Amended)
- The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990
- The Town and Country Planning (Control of Advertisements) Regulations 2007
- The Enforcement Concordat published by the Cabinet Office 1998
- The Regulators' Code of Compliance published by the Department for Business Enterprise and Regulatory Reform 2008
- The Regulation of Investigatory Powers Act 2000
- The Anti Social Behaviour Act 2003
- [Anti-social Behaviour, Crime and Policing Act 2014](#)
- Police and Criminal Evidence Act 1984
- Criminal Procedure and Investigations Act 1996
- The Human Rights Act 1998
- The Hedgerow Regulations 1997
- National Planning Policy Framework 2012
- National Planning [Practice](#) Guidance ~~2014~~

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Environmental Services Enforcement Policy

This document explains what you can expect of the Council's Environmental Services in respect of our approach to dealing with non-compliance. It must be read in conjunction with the Council's Corporate Enforcement Policy which sets out our commitment to the Principles of Good Enforcement and the Regulators' Code.

<http://www.southkesteven.gov.uk/index.aspx?articleid=8678>

1.0 Regulated Areas

Environmental Services make a fundamental contribution to the maintenance and improvement of public health, wellbeing and quality of life within South Kesteven. The services within the scope of this policy include:

Environmental Protection	Environmental Crime
Health and Safety at Work	Private Sector Housing
Public Health	Infectious Diseases
Smoke Free	Food Safety
Noise and Nuisance	Antisocial Behaviour

2.0 General Principles

- 2.1 This policy guides all officers involved in investigation, enforcement action and recommending or deciding upon the commencement of legal proceedings within the scope of Environmental Services.
- 2.2 We will have regard to the Regulators' Code and in particular we will:
- Carry out our activities in a way that supports those we regulate to comply and grow
 - Provide simple and straightforward ways to engage with those who we regulate and to hear their views
 - Base our regulatory activities on risk
 - Share information about compliance and risk
 - Provide clear information, guidance and advice to those we regulate to help them meet their responsibilities
 - Ensure our approach to regulatory compliance is transparent
- 2.3 Whilst the general principles outlined in this policy will apply in all cases, each case will be considered on its own merits before a decision is reached. Where we decide that a provision in the Regulators' Code is either not relevant or is outweighed by another provision, this will be properly reasoned, based on material evidence and documented.

3.0 Inspections and Visits

- 3.1 Inspections or visits will not take place without a reason. They may be undertaken in response to a complaint; in accordance with risk based programmes; in accordance with statutory requirements or on receipt of relevant intelligence.
- 3.2 Where complaints are being investigated, notice of inspections / visits will not normally be given unless we are required to do so by legislation.
- 3.3 In accordance with the Food Standards Agency Food Law Code of Practice most food hygiene inspections will be carried out unannounced during normal hours of operation of the business. In some circumstances, however, appointments to undertake an inspection have to be made.
- 3.4 On occasion, if admission has been refused, premises are unoccupied or prior warning of entry is likely to defeat the purpose of the entry, we may apply to a Justice of the Peace for a Warrant to enter premises, by force if necessary.

4.0 Liaison with other Enforcement Agencies and Regulatory Bodies

- 4.1 Where appropriate, enforcement activities within Environmental Services will be co-ordinated with other regulatory bodies and enforcement bodies to maximise effectiveness
- 4.2 Environmental Services will share intelligence relating to wider regulatory matters with other regulatory bodies and enforcement agencies, including (but not limited to):
 - a) Government Agencies (e.g. Health and Safety Executive, Environment Agency, UK Visas and Immigration, HM Revenue and Customs, Public Health England, DVLA etc)
 - b) Police Forces
 - c) Fire Authorities
 - d) Statutory undertakers
 - e) Other Local Authorities
- 4.3 The Primary Authority Scheme was established by the Regulatory Enforcement and Sanctions Act 2008 (as amended). Officers will liaise with Primary Authorities when applicable e.g. before taking enforcement action. We will comply with the requirements of this Act when we are considering taking enforcement action against any business or organisation that has a primary authority, and will have regard to any guidance issued by the Secretary of State in relation to Primary Authority.

- 4.4 Where there has been a work-related death at a premise where the local authority is the enforcing authority, we will work with other regulators involved in the investigation to consider any health and safety offences as effectively and efficiently as possible. This will be undertaken in accordance with the Work-related Deaths Protocol for the Police, Crown Prosecution Service, Local Authorities, and the Health and Safety Executive.
- 4.5 We will have regard to the Health and Safety Executive Enforcement Management Model (EMM) and associated guidance when considering enforcement decisions relating to health and Safety at Work.
- 4.6 Where there are shared enforcement responsibilities, for example in relation to flytipping offences where both local authorities and the Environment Agency may take enforcement action, we will have regard to any agreed procedures or protocols which exist with other enforcement agencies.

5.0 Enforcement Options

- 5.1 We recognise that most individuals and businesses wish to comply with the law, and we will seek to assist them in doing so without imposing unnecessary regulatory burdens. However, where it becomes necessary to take enforcement action we will do so. The level of action varies from no action to court proceedings.
- 5.2 The full range of enforcement options is detailed in the Council's Corporate Enforcement Policy.
- 5.3 Decisions about any prosecution proceedings will involve consultation between the Investigating Officer; Team Leader; Business Manager and Legal Services.

6.0 Power to Charge for Enforcement

- 6.1 Where legislation allows, we will make reasonable charges as we consider appropriate as a means of recovering expenses associated with the service of enforcement notices e.g. under Section 49 of the Housing Act 2004. Charges will be published in accordance with the Council's Fees and Charges scheme.

7.0 Fixed Penalty Notices

- 7.1 Fixed penalty Notices (FPN) may be issued by authorised officers for certain offences, giving the offender the opportunity to discharge liability by payment of a specified amount within a specified time period.
- 7.2 Where the council has discretion to set the amount of the fixed penalty this will be detailed in the Council's Fees and Charges scheme, otherwise the fixed penalty amount will be as determined in relevant legislation. Where a fixed penalty amount is reduced for early payment this will also be detailed in the Council's Fees and Charges scheme.
- 7.3 If a FPN remains unpaid after the expiry of the specified payment period the case will be referred to be considered for prosecution.

- 7.4 FPNs will only be issued where there is sufficient evidence to prosecute. Normally, offences resulting in an FPN will be witnessed directly by the officer. However, we may consider it appropriate to issue an FPN to an offender based on other direct evidence or reliable witness testimony. FPNs may be issued either “on the spot” or by post.
- 7.5 Officers will have regard to the Department for Environment Food & Rural Affairs (DEFRA) guidance “Fixed penalty notices: issuing and enforcement by councils”
<https://www.gov.uk/guidance/fixed-penalty-notices-issuing-and-enforcement-by-councils>
- 7.6 Payment of FPNs by instalments will not be accepted.

8.0 Monitoring and Review

- 8.1 This policy will be reviewed in line with the Council’s Corporate Enforcement Policy.

South Kesteven District Council

Corporate Enforcement Policy

Document Location

This document will be held on the internal ICT server.

Revision History

Date of this revision: 30th November 2016

Date of Next revision: November 2020

Revision date	Previous revision date	Summary of Changes	Changes marked
	March 2016	Original document created	
30.11.2016	March 2014	<ul style="list-style-type: none">• Overarching Corporate Enforcement Policy <p>Paragraph 1.2.2 (ii) insert updated link for the Regulatory Compliance Code</p> <p>Paragraph 1.2.9 deleted as repeated at paragraph 1.2.2</p> <p>Paragraph 1.12.5 inserted updated link to Home Office Guidance (Circular 30/2005)</p> <p>Paragraphs 1.12.7 & 1.1.3.1 Change title of officer from Head of Service to Executive Manager to reflect organisational structure changes</p> <p>Paragraph 1.15.1 insert link to the Council fair Collection & Debt recover Policy.</p> <p>Paragraph 1.17.4 insert link to the Council's Gambling Act 2014 – Statement of Principles & Statement of Licensing Policy</p> <p>Paragraph 1.8.1 Insert link to Lincolnshire Anti Social Behaviour Partnership Strategy</p> <p>Paragraph 8.2 remove reference to anti-social behaviour and insert Neighbourhoods to reflect organisational structure changes</p> <p>Paragraph 9.3 Change to the monitoring and review to link with changes in law and organisational changes with a substantive review changed from annually to four yearly.</p>	

		<ul style="list-style-type: none"> • Development Management Enforcement Policy <p>Changes under the heading National Guidelines at page 18 to reflect changes and the introduction of new legislation:</p> <ul style="list-style-type: none"> • Amend at the 2nd bullet point The Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) from the Town and Country Planning (General Permitted Development) Order 1995 • Insert at the 9th bullet point Anti-social Behaviour, Crime and Policing Act 2014 • Environmental Services Enforcement Policy <p>This has been re-written to reflect the organisational change.</p>	

Approvals

This document requires the following approvals.

Name	Title	Date of Issue	Version
Councillor Paul Carpenter	Portfolio Holder for Governance and Communication	10 th March 2014	V1
Councillor Francis Cartwright	Executive Member for Governance		V2

Distribution

This document has been distributed to:

Name	Title	Date of Issue	Version
	Business Managers		
	Executive Managers		
	Strategic Directors		
	Chief Executive		
	Executive		
	Communities PDG		

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1.1 Commitment to Principles of Good Enforcement

1.1.1 This policy covers the enforcement activities across all of the Council's Regulatory Services and sets out what regulated businesses and individuals can expect from the Council in terms of regulation. The policy is targeted only at cases where action is needed, and is based on the guiding principles of consistency, transparency, proportionality, accountability. Its purpose is to secure compliance with the law whilst minimising the burden on individuals, businesses and the Council itself. The policy will not affect the discretion of the Council to take legal proceedings where it is considered to be in the public interest. Enforcement actions will be carried out in compliance with the relevant legislation. This includes ensuring that, in compliance with the Public Sector Equality Duty, no individual will be discriminated against on the grounds of age, race, religion or belief, gender, sexual orientation, pregnancy and maternity, marriage and civil partnership.

1.1.2 We recognise that most individuals and businesses want to comply with the law and we will, therefore, take care to help them meet their legal obligations. Where a breach is so severe that an immediate response is required, or the circumstances of the case require it, the Council can decide to depart from all or some of the principles set out in this policy. Where such a decision is made, it will be properly reasoned, based on material evidence and documented appropriately.

1.1.3 We believe that prevention is better than cure, so our role involves working with businesses, especially small and medium sized, to help them keep to the law. We also believe in taking the same approach when dealing with people who live in and visit the district.

1.2 Enforcement Options

1.2.1 We recognise the importance of achieving and maintaining consistency in our approach to enforcement. We also recognise that in many cases the decision to enforce is discretionary and that any enforcement action taken must be

proportionate to the risks posed, and to the seriousness of any breach of the law.

1.2.2 All enforcement activities, including investigations and formal actions, will be conducted in accordance with:

- i. the statutory powers of the officer dealing with the matter;
- ii. all other relevant legislation including the Enforcement Concordat - <http://webarchive.nationalarchives.gov.uk/+/http://www.berr.gov.uk/files/file10150.pdf>

Regulators'	Compliance	Code	-
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https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf	http://www.bis.gov.uk/files/file45019.pdf	Health and Safety Executive (HAS) www.hse.gov.uk , the Food Standards Agency (FSA) www.food.gov.uk , Police and Criminal Evidence Act 1984, the Criminal Procedure and Investigations Act 1996, the Human Rights Act 1998, the Regulation of Investigatory Powers Act 2000 and the Criminal Justice and Police Act 2001 www.legislation.gov.uk ;	
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- iii. any formal procedures and codes of practice made under the above legislation, in so far as they relate to our enforcement powers and responsibilities.

1.2.3 'Enforcement' includes any action taken by officers aimed at ensuring that individuals or businesses comply with the law. The term is not limited to formal enforcement action (such as prosecution or issue of notices) but does include the inspection of premises for the purpose of checking compliance with regulations and the provision of advice to aid compliance.

1.2.4 Officers will be properly trained in how to take enforcement action and systems are in place to ensure that they keep their skills and knowledge up to date. If we do any work outside normal office hours, the principles of this policy will still apply.

1.2.5 We will generally take a staged approach to enforcement providing individuals and businesses with the opportunity to discuss and remedy problems before we take action. However, we may however, deviate from this staged approach if immediate action is required or previous warnings have been ignored.

1.2.6 Suspected offenders may be offered the opportunity to give an explanation of the circumstances surrounding the commission of any alleged offence. Also provided for by the legislation, suspected offenders will also be given the

chance to put forward any statutory defences, including any “due diligence” precautions that may have been taken to prevent such an incident occurring. Officers will record this explanation at a formal interview, which will take the form of a question and answer discussion. This interview will be conducted under the rules of the Police and Criminal Evidence Act 1984 (PACE) and will be written down or recorded as appropriate. Suspected offenders will be invited to seek legal advice prior to such an interview, and given the opportunity to be accompanied by a legal representative at the interview itself.

1.2.7 Prior to considering action, as far as the law allows, we will take account of the circumstances of the case and the attitude of those subject to regulation. We will take particular care to work with small businesses and with voluntary and community organisations, so that they can meet their legal obligations without unnecessary expense wherever possible.

1.2.8 Where we consider that formal action is necessary each case will be considered on its own merits subject to the general over-riding principles that apply to the way each case must be approached. These principles are set out in this document and in the Regulators’ Compliance Code.

~~1.2.9 For more information about the Regulators’ Compliance Code www.bis.gov.uk and the Enforcement Concordat visit: www.berr.gov.uk~~

1.2.9 When deciding whether a caution or a prosecution is the appropriate course of action, we will take in to account (among other factors) the Code for Crown Prosecutors.

1.2.10 In assessing what enforcement action is necessary and proportionate, consideration will be given to:

- * The seriousness of compliance failure;
- * The business’s past performance and its current practice;
- * The risks being controlled;
- * Legal, official or professional guidance received from third parties.

1.2.11 Having considered the enforcement criteria the options available to us include:

- i. No action.
- ii. Informal action and advice.
- iii. Fixed Penalty Notices.
- iv. Formal notice.

Comment [j1]: Comment duplication with 1.2.2

- v. Forfeiture proceedings.
- vi. Administrative penalties.
- vii. Seizure of goods/equipment.
- viii. Injunctive actions.
- ix. Refusal/revocation of a licence.
- x. Simple caution.
- xi. Prosecution.
- xii. Demand for Payment
- xiii. Work in default (We may take any action needed and recharge the costs to the offender)
- xiv. Prohibition/Stop Notices and Injunctions
- xv. Proceeds of Crime applications.

1.3. No Action

- 1.3.1 In certain circumstances, contraventions of the law may not warrant any action. This may be because the cost of compliance to the offender outweighs the detrimental impact of the contravention, or the cost of the required enforcement action to the Council outweighs the detrimental impact of the contravention on the community.

1.4. Informal Action and Advice

- 1.4.1 For minor breaches of the law we may give verbal or written advice. In such cases we will clearly identify any contraventions of the law and give advice on how to put them right. This advice will include a timeframe for compliance.
- 1.4.2 We will also advise offenders of any relevant 'good practice'. Where good practice advice is issued we will make clear what needs to be done to remedy any breach of law and what is advice only.
- 1.4.3 We will make offenders aware that failure to comply with any information, action or advice given could result in an escalation of enforcement action.
- 1.4.4 We may take informal action when;
- * the act or omission is not serious enough to warrant formal action;
 - * from the individual's or businesses past history we can reasonably expect that informal action will achieve compliance;

- * we have high confidence in an individual or business proprietor;
- * the consequences of non-compliance will not pose a significant risk to public health, public safety or the environment.

1.5. Forfeiture Proceedings

- 1.5.1 This procedure may be used in conjunction with seizure and/or prosecution. This course of action should be used where there is a need to dispose of goods in order to prevent them re-entering the market place or to avoid a further problem. In appropriate circumstances, we will make an application for forfeiture to the Magistrates Courts.

1.6. Administrative Penalties

- 1.6.1 Administrative penalties may be used where an allegation of Housing/Council Tax Benefit fraud has been investigated and officers are satisfied that an offence has been committed. When considering whether this is an appropriate course of action (as opposed to prosecution), the officer will take in to account the severity of the offence and the other factors of the case.
- 1.6.2 If the offender does not accept the offer of an administrative penalty, or it is refused after its initial acceptance, the case will generally be prepared for prosecution. In all cases the Council will pursue full repayment of any benefit which has been unlawfully received by the offender, and which remains recoverable.

1.7. Seizure

- 1.7.1 Certain legislation enables authorised officers to seize goods, equipment or documents for example unsafe food, sound equipment or any items that may be required as evidence for possible future court proceedings. An appropriate receipt will be given for any goods taken.

1.8. Injunctive Actions

- 1.8.1 Injunctive action may be used where offenders are repeatedly found guilty of similar offences or where it is considered the most appropriate course of enforcement i.e. to deal with dangerous circumstances, significant consumer detriment or serious anti social behaviour problems.

1.9. Fixed Penalty Notices

1.9.1 Where legislation permits an offence to be dealt with by way of a Fixed Penalty Notice (FPN), we may choose to administer an FPN on a first occasion, without issuing a warning.

1.10. Penalty Charge Notices

1.10.1 Penalty Charge Notices (PCN) are prescribed by certain legislation as a method of enforcement by which the offender pays an amount of money to the enforcer in recognition of the breach. Once issued the PCN takes the form of a civil debt and failure to pay the PCN will result in the offender being pursued in the County Court for non-payment. A PCN does not create a criminal record and we may choose to issue a PCN without first issuing a warning.

1.11. Formal Notice

1.11.1 Certain legislation allows notices to be served requiring offenders to take specific actions or cease certain activities. Notices may require activities to cease immediately if they relate to health, safety, environmental damage or nuisance. In other circumstances, the time permitted to remedy the breach will be reasonable and will take into account the seriousness of the contravention and the implications of the non-compliance.

1.11.2 All notices issued will include details of any applicable appeals procedures.

1.12. Simple Caution

1.12.1 Where appropriate, a caution may be issued as an alternative to prosecution.

1.12.2 A caution will be issued to:

- * deal quickly and simply with less serious offences
- * divert less serious offences away from the courts
- * reduce the chance of repeat offences

1.12.3 For a Simple Caution to be issued a number of criteria must be satisfied:

- i. Sufficient evidence must be available to prove the case.
- ii The offender must admit the offence.
- iii It must be in the public interest to use a Simple Caution.

- iv The offender must be 18 years or over.
- v The offender should not have received a simple caution for a similar offence within the last 2 years.

1.12.4 A simple caution will not be considered in the case of a second or subsequent offence.

1.12.5 For details on the Home Office Guidance (Circular 30/2005) visit:

<http://webarchive.nationalarchives.gov.uk/20130125102358/http://www.homeoffice.gov.uk/about-us/corporate-publications-strategy/home-office-circulars/circulars-2005/030-2005>

<http://www.homeoffice.gov.uk>

Comment [j2]: Revised

1.12.6 If the offender commits a further offence, the caution may influence our decision to prosecute. If during the time the caution is in force the offender pleads guilty to, or is found guilty of, committing another offence anywhere in England and Wales, the caution may be cited in court, and this may influence the sentence that the court imposes.

1.12.7 Simple Cautions are administered and issued by the relevant Executive Manager Head of Service

1.13. Prosecution

1.13.1 We recognise that the decision to prosecute is significant and could have far reaching consequences for the suspected offender. In all cases, the final decision rests with the Executive Manager Corporate, Head Responsible for Legal and Democratic Services, is responsible for making the final decision when deciding about whether to prosecute after consultation with the relevant Executive Manager Head of Service and/or Strategic Director

1.13.2 The criteria for the issue of proceedings are;

- i. the alleged offence involves a deliberate breach of the law with the result that public health, safety or well being is, or has been, put at risk, or there has been irreversible damage;
- ii there has been a reckless disregard for the environment;
- iii where someone has died as a result of the law being broken;
- iv where someone has failed to pay a Fixed Penalty Notice;
- v where officers have been intentionally obstructed while carrying out their duties;

- vi the alleged offence involves deception which may or may not result in a loss or potential loss of public funds;
- vii a serious potential risk has been identified which the suspected offender has not rectified despite having been given a reasonable opportunity to comply with the law;
- viii the alleged offence involves a failure to comply in full, or in part, with the requirements of a statutory notice;
- ix there is a history of similar offences;
- x the alleged offence is considered to be anti-social behaviour or causes public alarm, and it is desirable to reassure the public and deter other potential offenders;
- xi a prosecution is in the public interest, there is realistic prospect of conviction and sufficient evidence to support proceedings.

1.13.3 We will consider all material evidence and information before deciding upon a prosecution in order to make a consistent, fair and objective decision.

1.14 Work in Default

1.14.1 In place or as well as prosecutions we have certain powers to carry out work in default (we may carry out any action necessary and recharge the costs to the offender). We will only use these powers after a notice to carry out work has ended. We will claim back all our charges either through the courts or as a land charge on the property

1.15 Demand for Payment

1.15.1 The Council's Fair Collection and Debt Recovery Policy <http://www.southkesteven.gov.uk/CHttpHandler.ashx?id=14633&p=0> -sets out a method of collecting money owed to the Council in a fair and efficient manner. The Council will ensure early contact is made to minimise large debts accumulating and ensure the debtor does not suffer from unnecessary hardship

1.16. Prohibition/ Stop Notices and Injunctions

1.16.1 Where an offender is required to take immediate action, it may be necessary for a statutory notice to be served. These include Prohibition Notices, Planning Enforcement Notices, Closing Orders, Stop Notices or Injunctions, and can be issued in one or more of the following circumstances;

- i. there is an imminent risk of injury to health or safety;
- ii. there is serious hazard to residential premises;
- iii. there is an imminent risk of serious environmental pollution;
- iv. the consequences of not taking immediate and decisive action, to protect the public, would be unacceptable;
- v. where an unauthorised development is unacceptable and is causing serious harm to public amenity near to the site, or where there has been breach of a condition notice;
- vi. where unauthorised development is unacceptable, and continuing work is or may cause irreversible damage, and remedial action is not a satisfactory option;
- vii. the guidance criteria on when prohibition may be appropriate are met;
- viii. we have no confidence in the integrity of an unprompted offer by a proprietor to close premises voluntarily, or stop using any equipment, process or treatment associated with the imminent risk;
- ix. a proprietor is unwilling to confirm in writing his/her unprompted offer of a voluntary prohibition;
- x. where it would be the most effective remedy available.

1.16.2 We will make offenders aware of any right of appeal they may have against any action we have taken. The act of serving a prohibition/stop notice or injunction does not prevent us from deciding to prosecute depending on the seriousness of the circumstances that led to the serving of that notice.

1.17 Licensing and Registration – Breaking Conditions

1.17.1 We issue Licences and approval for a variety of activities such as hackney carriages, caravan sits, food premises, selling alcohol and providing entertainment, horse riding, animal boarding kennels and catteries, houses in multiple occupation etc. we will usually specific conditions which control how facilities at the premises are managed and provided.

1.17.2 If there has been a relatively minor incident where licence conditions have been broken and the duty holder is willing to take the necessary action to have things right, we will usually give a verbal or written warning first. If there are serious failures to meet the licence conditions or if the informal approach failed to make the necessary improvements we will present a formal report to the relevant Council Committee or panel and make representations as to whether or not a licence will be granted, renewed or withdrawn. The duty holder will be entitled to make a statement to support their case.

1.17.3 If there is a serious incident where licensing or registration conditions have been broken, we will consider it in line with the conditions relating to prosecutions and if appropriate, start legal proceedings. In some cases, we may need to suspend a licence or approval until the relevant Committee or panel can consider the matter.

1.17.4 There are a number of separate Policies relating to Licensing, for example, Gambling Act 2014 Statement of Principles, Statement of Licensing Policy <http://www.southkesteven.gov.uk/index.aspx?articleid=8552>

etc.

1.18 Anti Social Behaviour

1.18.1 We will only consider taking action against those who commit anti social behaviour in line with the [Lincolnshire Anti Social Behaviour Partnership Strategy](http://www.southkesteven.gov.uk/index.aspx?articleid=8355) <http://www.southkesteven.gov.uk/index.aspx?articleid=8355>

~~Anti Social Behaviour Enforcement Policy and Tenancy Services Anti Social Behaviour Strategy.~~

2. Officers Powers of entry and obstruction

2.1 Enforcement officers have a wide variety of duties and have to act as investigators. This is supported by strong powers of entry, seizure and inspection contained in various statutes. If individuals or businesses obstruct officers or refuse to provide information, they could be subject to criminal

sanctions. Officers use these powers at their discretion with the support of the Council who will uphold them.

- 2.2 Officers will use their powers of entry only when necessary, but usually to carry out an inspection of premises or in the process of an investigation. The Council will always support officers who act in good faith. This includes prosecuting those individuals who obstruct or assault officers during investigations or inspections.
- 2.3 If the legislation allows, officers may examine premises and articles, remove articles, label samples, request information, issue enforcement notices and may in some instances be accompanied by other persons. In appropriate cases a warrant from a Magistrate may be obtained to obtain entry to premises.
- 2.4 An officer must be able to explain the legal basis for any action and justify all separate actions used.

3. Appointment of Officers and Identification

- 3.1 All officers are trained and authorised to act under relevant legislation enforced or administered by the service in which they are employed. Their authorisation will follow the scheme of delegations procedure adopted by the Council.
- 3.2 All officers are issued with an identification card bearing their photograph. This identification must also be produced on request

4. Liaison With Other Regulatory Bodies and Enforcement Agencies

- 4.1 Where appropriate, enforcement activities within all regulatory services will be coordinated with other regulatory bodies and enforcement agencies to maximise the effectiveness of any enforcement.
- 4.2 Where an enforcement matter affects a wide geographical area beyond the boundaries of the district, or involves enforcement by one or more other local authorities or organisations, the relevant authorities and organisations will be informed as soon as possible and all enforcement activity coordinated with them.

4.3 Regulatory Services will share information relating to wider regulatory matters with other regulatory bodies and enforcement agencies. Examples include:

- i Government Agencies;*
- ii. Health and Safety Executive*
- iii Police Forces;*
- iv. Fire Authorities;*
- v. Statutory undertakers;*
- vi. Other Local Authorities.*

4.4 Confidentiality, data protection and information sharing are covered in detail in separate Council policies and all information shared will be in accordance with the principles of data protection and freedom of information legislation.

5. Openness and Transparency

- 5.1 We will provide information and any advice on the legislation we enforce in plain language and will be open and transparent in our actions.
- 5.2 We believe that it is in the interests of everyone, including ourselves, to get things 'right first time'. As a result we ensure that our enforcement role involves us actively working with all those subject to regulation, especially small and medium sized businesses, to advise on and assist with compliance.
- 5.3 We will provide a courteous and efficient service. Our staff will identify themselves by name and carry proof of their identity. We will provide a contact point and telephone number for further dealings with us and we will encourage businesses and others to seek advice or information from us.
- 5.4 All requests for service, including applications for approval of establishments, licences, registrations, etc, will be dealt with efficiently and promptly. We will ensure that, wherever practicable, our enforcement services are effectively co-ordinated to minimise unnecessary overlaps and time delays.

6. Complaints About Our Service

- 6.1 We will provide well-publicised, effective and timely complaints procedures, which are easily accessible to businesses, the public, employees and consumer groups. In cases where disputes cannot be resolved, any right of complaint or appeal will be explained, with details of the process and the likely time-scales involved.

7. Publication

- 7.1 Following adoption of this policy it will be made available to all interested parties, including businesses and consumers. It will be published on the Council's website and will be made available in printed form.

8. Responsibilities

- 8.1 Each manager of a regulatory service covered by this Policy will be responsible for its effective implementation throughout the enforcement activities of their team. Each officer within these teams will be responsible for applying it in relation to any enforcement activity covered by this policy.
- 8.2 The following services will apply this Policy and principals to their individual Service policy
1. Environmental Health and Private Sector Housing
 2. Neighbourhoods
 3. Development Management Planning
 4. Building Control
 5. Waste and Recycling Services
 6. Finance
 7. Tenancy Services

9. Review

- 9.1 This Policy has been drawn up with full regard to the requirements of the Enforcement Concordat - <http://webarchive.nationalarchives.gov.uk/+/http://www.berr.gov.uk/files/file10150.pdf>), Regulators' Compliance Code - <http://www.bis.gov.uk/files/file45019.pdf> https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf, statutory obligations, national standards and codes of practice and benchmarked against best practice elsewhere.
- 9.2 We recognise the potential burdens on business and individuals who have to comply with regulation and we will promote more efficient approaches to regulatory inspection and enforcement without compromising regulatory

standards or outcomes. We will endeavour to form partnerships with local businesses, and will consult them about the contents of this policy and any significant changes that may arise from time to time.

- 9.3 We will make arrangements to monitor and review this Policy and make organisation structure and legislative changes as and when required ~~on an annual and do a substantive review on a four yearly basis basis~~ to ensure that it is used fairly and consistently.

REPORT TO COMMUNITIES PDG

REPORT OF: Business Manager - Spatial and Economic Growth

REPORT NO: SEG35

DATE: 27 January 2017

TITLE:	Car Parking Strategy Review	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Policy framework proposal	
EXECUTIVE MEMBER: NAME AND DESIGNATION:	Councillor Bob Adams Executive Member Growth	
CONTACT OFFICER:	Roger Ranson Business Manager – Spatial and Economic Growth r.ranson@southkesteven.gov.uk ext 6438	
INITIAL IMPACT ANALYSIS: Equality and Diversity	Carried out and Referred to in paragraph (7) below	Full impact assessment Required: TBC
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	SKDC's Car Parking Strategy 2012-17 Working Group Discussion Papers	

1. RECOMMENDATIONS

- 1.1 Communities PDG are asked to consider the revised draft South Kesteven Car Parking Strategy before a final draft version is presented to Executive for approval at their meeting on 6th February 2017.

2. PURPOSE OF THE REPORT

- 2.1 To present Communities PDG with a draft updated car parking strategy for their consideration following a thorough joint officer and Member Working Group review of the existing management and provision of publically available parking in South Kesteven.

3. DETAILS OF REPORT

- 3.1 The objective of this review has been to undertake an assessment of the current management and provision of publically available parking within South Kesteven. This was considered necessary in order that the Council's approach can be readily adapted in order to meet current and anticipated future demands.
- 3.2 A Joint Member car park working group was established in order to take forward this review and the Working Group was supported by relevant officers from Spatial & Economic Growth and Venues & Facilities Management.
- 3.3 At the outset of this process the scope for the review was agreed with the working group as follows:
- To review and appropriately update the South Kesteven Car Park Strategy 2012 – 2017;
 - Specifically:
 - Does the existing strategy still align with the current and emerging Council corporate priorities?
 - Is the strategy still in-line with current local and national policy?
 - To review the current management regime for Council owned car parks including: enforcement, quality, safety, charging, operating times and payment methods?
 - How can the council best utilise its car parking assets (in respect of both current and potential future provision) in order to support and stimulate our local economies?
 - Should strategy be entirely consistent across the district or applied differentially dependent upon applicable local circumstances?
- 3.4 It was also agreed to consider the wider local 'parking picture', but it was acknowledged this Council has no direct control over:
- The provision, management and charging for privately owned car parks;

- The provision management and charging for car parks owned by other public bodies e.g. schools, colleges and hospitals;
 - The availability and regime for privately owned and operated car parking spaces;
 - The management and enforcement of on-street car parking.
- 3.5 There have been five 'themed' working group sessions that have appropriately considered the following topics:
- A review of current best practice, an appreciation of the SKDC strategy and its relationship to national policy.
 - Charging mechanisms including current provision, alternative payment methods and local comparison charging.
 - Operational regimes with regard to enforcement, quality and safety, operating times and parking for disabled users.
 - Potential asset and development options for car parks across the district.
 - Consideration of draft strategy.
- 3.6 Following discussions at these themed sessions and the arising recommendations an updated draft car parking strategy has been produced for consideration.
- 3.7 The revised draft strategy provides a succinct overview with regard to all of these issues and looks to establish an appropriately flexible local policy framework so that the Council can readily look to react and adapt to changing demands and local circumstances.

4. RESOURCE IMPLICATIONS

- 4.1 The review looks to take forward the operation of our car parks within current budgets - but it also seeks to anticipate situations whereby we may want in the future to consider other asset management options.

5. CRIME AND DISORDER IMPLICATIONS

- 5.1 Public safety within car parks is a very important issue and this review looks to address that specific issue.

6. COMMENTS OF FINANCIAL SERVICES

- 6.1 There are no specific recommendations arising from the report with respect to charging or any investment into the car parking service. Should any changes be considered then these will require a thorough financial appraisal before incorporation into the medium term financial planning.

7. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

- 7.1 If any amendments to the Council's current Civil Enforcement Off Street Parking Order are required as a consequence of the Car Parking Strategy Review, or for any other reason, the Council must act in accordance with the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996 and carry out all necessary statutory consultation.

8. COMMENTS OF OTHER RELEVANT SERVICES

- 8.1 This updated strategy will allow the Council to appropriately support its spatial and economic growth aspirations whilst also allowing for the continued effective operation of our car parks.

9. APPENDICES:

- 9.1 Draft South Kesteven Car Parking Strategy



your council working for you

South Kesteven car parking strategy



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Foreword

The provision and good management of public car parking can be a very proactive and positive mechanism to support and underpin the day-to-day activities and economic vibrancy of our communities. Well used public car parks are positive local economic assets but underutilised, poorer performing car parks are a wasted community resource.

Therefore South Kesteven District Council (SKDC) will look to provide and manage its car parks, across all of our market towns and larger villages in ways that will contribute to the economic, environmental and social vitality of all of those communities. However public car parking needs to be appropriately managed to effectively control demand, ensure the ready turn-over of available spaces and to be able to respond to differing local circumstances.

The application of public car parking charges needs to encourage appropriate levels of usage and ensure the effective turnover of available spaces whilst providing suitable access for users. Users of public car parks expect parking charges to be proportionate and the income to fund both the general day-to-day running costs of the parking service and future maintenance and investment.

If public car parks are not serving their intended purpose then, in light of the current commercial imperatives, SKDC will need to consider suitable alternative uses.

SKDC's current car parking strategy has been very effective in terms of striking the balance between viability and the appropriate provision

of enough dedicated spaces to help meet the diverse needs of South Kesteven's communities. Accordingly the intention underpinning this update has been to refine SKDC's currently adopted approach in light of both known and emerging local issues.

The demand for town centre parking provision can, and will, fluctuate in the short and medium term as South Kesteven continues to grow, both in terms of its population and its economic footprint. There is also an opportunity to plan for the longer term alongside forecast growth in housing and jobs in and around South Kesteven. This is particularly the case for the further enhancement of Grantham as a key sub-regional destination.

In addition to the planned growth of the whole area, there are major distinct development opportunities emerging in Grantham and Stamford, and to a lesser extent in Bourne and the Deepings. SKDC's policy position is that such new developments should look to enhance the vitality and viability of each of the towns and other communities in our district and, because of the predominantly rural character of South Kesteven, the provision of appropriate associated car parking is an important factor that needs to be considered as part of the planning and development process.

This updated strategy is SKDC's current perspective on this important local issue. It is acknowledged, however, that this strategy is a living document that needs to be kept under review not least because of the implications of the major growth and development opportunities that are emerging in and around our towns.

Policy context

National Planning Policy Framework

There is an extensive range of national, regional and local policy that is relevant to the provision and management of public car parking, initiatives promoting the vitality and viability of town centres, and schemes aimed at assisting residents and businesses and those seeking to minimise the impact on the environment.

The National Planning Policy Framework sets out the following express guidance when considering the strategic planning issues in relation to provision of public car parking. Section 1 expressly encourages local authorities to build strong, competitive economies; section 2 then goes on to set out policy in relation to ensuring the vitality of town centres; and section 3 outlines the need to support a prosperous rural economy. Section 4 promotes sustainable transport with paragraph 40 stating that; “Local authorities should seek to improve the quality of parking in town centres so that it is convenient, safe and secure, including appropriate provision for motorcycles. They should set appropriate parking charges that do not undermine the vitality of town centres. Parking enforcement should be proportionate.”

Paragraph 41 goes on to state that local planning authorities should identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice.

SKDC Local Plan and Economic Development Strategy

As well as that national policy, appropriate reference should also be made to SKDC’s local policy statements and in particular the emerging new Local Plan and the updated Economic Development Strategy when considering any proposals for the reuse of car parks to support

new economic activity or development and indeed also in relation to schemes that look to promote the creation of new car parks.

SKDC priorities

Open For Business – SKDC will provide opportunities for growth by facilitating the development of a wide range of homes that people need and encouraging businesses to locate and expand in South Kesteven.

Commercially Focused – SKDC will end its reliance on annual government grants and make it easier for people to do business with the council.

In line with these corporate priorities SKDC will look to positively utilise both its existing assets and its local policies in order to support the development and vibrancy of our local economies. It will also look to take forward specific initiatives that support the delivery of these key corporate priorities.

Strategy objectives

The core objectives of the South Kesteven Car Park Strategy are:

1. Ensure South Kesteven has an appropriate supply of public parking in the right locations across the district.
2. Ensure SKDC’s public car parks are attractive, safe and accessible for all users by having appropriate charging and management regimes in place.
3. Ensure SKDC’s public car parks are assets that support the economic vitality and vibrancy of South Kesteven’s town centres.

Objective 1: Ensure South Kesteven has an appropriate supply of public parking in the right locations across South Kesteven

The need for public car parks

The availability of reasonably priced and readily accessible public car parking is an important factor in determining commercial viability and how people, in predominantly rural areas like South Kesteven, may choose to travel. Potential parking availability can also influence the vitality and viability of our town centres and the attractiveness of residential areas. In some places on-street parking can also act as an effective traffic calming

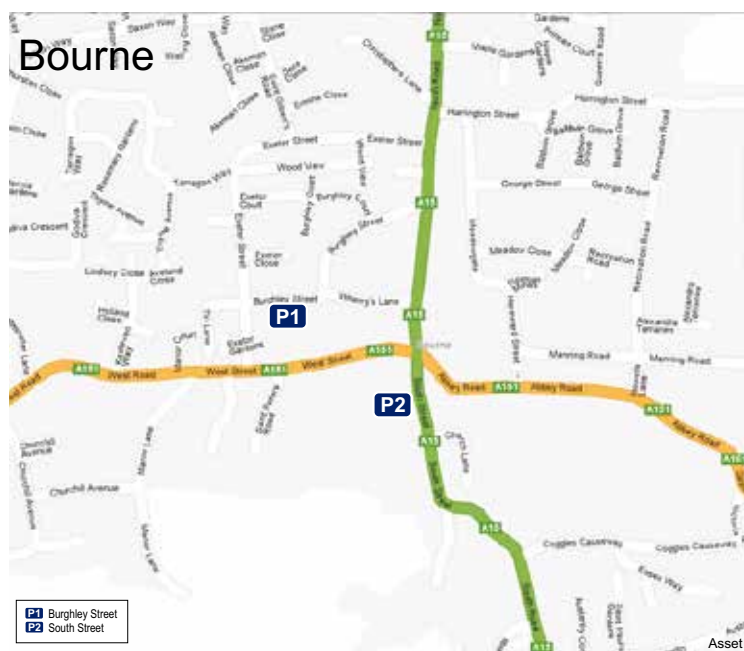
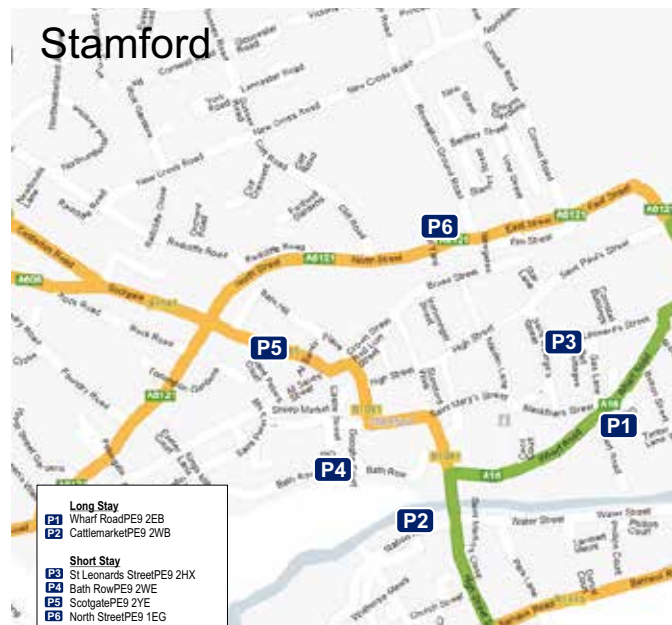
measure, whilst in others it can be perceived as being a problem for residents and/or businesses.

Therefore it is recognised that there is an essential balance to be struck between providing and necessarily restricting car parking. This strategy must therefore be read alongside the emerging new Local Plan for South Kesteven and the updated Economic Development Strategy in order to provide the full picture on how a balance has to be, and can be, struck between the intertwined environmental, economic and social factors.

Car ownership is still predicted to continue to grow nationally and locally. SKDC's overall response therefore needs to be flexible enough in order to be able to respond to demands for parking and at the same time seek to appropriately influence car usage.



Current provision of public car parks in South Kesteven



In general it is considered that there is normally sufficient capacity for all types of car parking in town centres. However there are some defined acknowledged operational and local pressures as follows:

In Stamford, on market and festival days, there are very high levels of general usage and as such normally little spare capacity available both on and off-street.

Some of our short stay car parks are more popular with users than others (e.g. Greenwood's Row, Grantham and St Leonard's Street, Stamford) and users will tend to wait for spaces in these car parks rather than seek out or use other short or long stay alternatives.

Despite there normally being capacity in long stay off-street car parks in Stamford there is still pressure for on-street parking both in the town centre and on adjacent streets.

Parking types

There are three broad categories of current car parking provision in South Kesteven:

On-street – this is car parking within the adopted public highway boundary which is managed and regulated by Lincolnshire County Council (acting as the local highway authority). Enforcement of on-street parking regulations had historically been carried out by Lincolnshire Police but following the introduction of civil parking enforcement (CPE) in December 2012 this has also been the responsibility of the county council.

Public off-street – these are car parking areas accessible to all users as provided by the local authority and which are open for use, within prescribed times and other limitations, by the general public. Typically car park users are charged according to their location and length of their stay.

Private off-street – this is parking that is privately owned and for private use by shoppers, residents, employers and retailers.

Objective 2: Ensure SKDC's public car parks are attractive, safe and accessible for all users by having appropriate charging and management regimes in place

Management of public car parks

The management of off-street parking in South Kesteven falls into two broad service delivery categories. Firstly these are the operational measures required to support the enforcement of off-street parking (i.e. the public 'face' of the service) and secondly, in relation to the associated back office management systems which assists the enforcement function as well as the day-to-day management of issues regarding the users of the service. These include the issuing of season tickets and residents' permit applications as well as other customer queries.

From December 2012 the enforcement function of South Kesteven's off-street car parks has been carried out by contractors, APCOA, under a jointly procured four year contract with Lincolnshire County Council. Off-Street penalty charge notice (PCN) processing has been carried out by a service level agreement with Nottinghamshire County Council again under a four year agreement procured through LCC. The current management contract is in place until 31 October 2016. This has largely been viewed as a success in terms of its effectiveness and it has also

generated an increase in related revenue over the contracted period. Options for renewal are currently being considered and include extending the existing contract and an associated review of current partnership arrangements.

Managing car park ticket machines (in terms of cash collection, planned and reactive maintenance) as well as monitoring the status of machines also falls within the remit of the day-to-day management function. In addition SKDC allocates resources to the physical maintenance of car parks, again both on a planned and reactive basis.

Typically SKDC has set our parking charges at levels which positively encourage targeted short-stay parking (e.g. for shoppers) and look to discourage inappropriate long-stay parking (e.g. that for workers and commuters in those vital town centre locations).

Therefore SKDC considers that it should in general be promoting future growth and redevelopment options that look to locate the majority of short-stay parking spaces predominantly within the centres of our market towns and seek to locate our long-stay spaces at the edges of our town centres in order to actively promote and encourage practical 'park and walk' options for workers and commuters.

The primary reasons for facilitating and encouraging short-stay parking are because:

- Public car parking spaces need to be readily available to stimulate and continue to support the vitality and viability of our town centres
- The managed turnover of all our available parking spaces allows more users to be practically accommodated per space provided

Quality and safety

The quality and safety of off-street car parks is often a key consideration for car park users. This consideration often falls into two basic categories – the quality, convenience and safety of the car park and the quality, safety and convenience of the route from the car park to the town centre.

SKDC will identify and keep under review a programme of physical improvements for its car parks and their environs. This is proposed to be done in consultation with the various town centre stakeholders in all locations e.g. business clubs and or Chamber of Commerce, LCC, Lincolnshire Police and via feedback from car park users.

There is an on-going need for maintaining car park surfacing, lining, and signing. In some places security and vandalism are a problem so there is a need to consider the on-going effective management of these issues.

Off-street car park payment methods

Currently SKDC provides coin only operated Pay and Display ticket machines in car parks it owns or operates. The equipment is now somewhat dated and the following issues have been considered as part of any replacement strategy:

- The age of machines and the cost of maintaining them



- The appropriateness of Pay and Display for promoting town centre use (i.e. the user has to anticipate the length of stay before buying a ticket)
- The amount of non-payment of tariffs either due to users 'taking a chance' or not having the correct change
- The amount of transferring of tickets between users
- The potential for users to pay for actual use rather than over-payment due to machines not issuing change
- Potential for cashless payment – in line with credit card or 'chip and pin' transactions either at the machine or via telephone
- The security of machines and cash handling issues
- The lack of data from machines on usage, management or faults
- The resources required to ensure compliance with car park tariffs and car park regulations as well as 'back office' management

Previous exploratory work has established that a pay-on-foot system would be cost prohibitive and also difficult to establish on some sites. Another potential alternative could be the introduction of automatic number plate recognition (ANPR) cameras. However the potentially high cost of implementing these compared to the potential marginal efficiency gains makes them unviable at the present time.

There is already a method of cashless car parking universally available in the SKDC managed car parks in Grantham and Stamford. This 'Phone and Pay' service enables motorists to pay for parking via their mobile phone. This system is user friendly in that it sends users a text to remind them when their parking is due to expire and allows an extension of the pre-purchased car parking time if required without having to return to the car park. The system can be accessed by the following methods:

- Phone call – automated system

- SMS/text message
- App – apple and android
- Online

The introduction of the pay-by-mobile phone system has grown in popularity since its inception, with notable month-on-month increases demonstrated through income figures. However, it is felt that a further targeted marketing campaign could further increase the usage and related revenue from this payment method.

SKDC will also consider opportunities for providing other services to customers in its car parks. In some cases services may be provided by third parties and in all cases consideration will be given to the appropriateness of the service provided as well as the implications for use of the car park and town centre generally.

Services could include:

- Advertising on tickets, ticket machines or elsewhere
- Promotion or marketing initiatives
- Other events associated with town centre promotion or activities
- Other appropriate commercial activities

Parking charges in public car parks in South Kesteven

Recommended parking charges in SKDC operated public car parks will be set for each location taking account of the current applicable social, environmental and economic factors.

The actual parking charges will be set by SKDC following consultation with the public and other stakeholders.

SKDC also offers the option of purchasing appropriate permits and season tickets for many of its car parks, the terms and conditions of which are to be kept under review.

Currently on-street parking within town centres is free of charge, as is off-street parking after 6pm and on Sundays. On-street parking in 'core' shopping streets as well as more peripheral areas provides a significant additional parking resource and is especially important for disabled motorists as well as for servicing and loading. To encourage accessibility, Blue Badge holder's currently benefit from two hours free car parking.

SKDC may also promote targeted localised parking initiatives which support economic growth and vitality within South Kesteven.

Objective 3: Ensure SKDC's public car parks are assets that support the economic vitality of our town centres

Promotion of town centre retail

Short-stay parking will be prioritised on sites within an acceptable walking distance of our shopping and commercial centres in order to ensure adequate local accessibility to those key economic and community facilities.

Longer-stay parking will be prioritised on sites slightly further away from our defined shopping and commercial centres in order to meet those differing demands. Such locations need to be readily accessible to our key destinations in order to encourage users to park and walk.

The four towns of Grantham, Stamford, Bourne and The Deepings are recognised as being discernibly different in terms of their localised demands for public car parking, and much of that demand can be linked to and reflected in the different retail, employment and servicing offers available in each of those towns.

Asset and development options

Grantham

Consideration could be given to the possible inclusion of additional car parking on the potential Greyfriars edge of town centre development/redevelopment site, providing the site or overall development is made largely accessible from Sankt Augustine Way. This initiative would potentially help to intercept local traffic before it seeks to access further into the heart of the town centre.

There may also be an opportunity to explore enhanced car parking provision as part of any redevelopment of land within and around the wider station area. Additional capacity around the station could both support its continued growth as a key sub-regional transport hub and be linked to potential new residential and other developments in this highly sustainable location.

There is potential to consider introducing additional dedicated short stay shopper car parking and encourage positive development on other land at and along Wharf Road by appropriately rationalising the use of the existing bus station and, to ensure that local buses can still operate effectively, by introducing more dedicated 'stop and drop' points throughout the town.

Watergate car park is important in that it currently offers public car parking to the north of the town centre and in conjunction with the increasing usage of St Wulfram's Church as a community facility and destination. However it also potentially presents an opportunity to repair the street scene on a key gateway into the town through very sympathetic and sensitive infill development. Any such redevelopment proposals will need to strike a careful balance between enhancing the character of the area and continuing to meet defined operational needs.

The impact of losing the St Catherine's Road car park as part of the wider St Peter's Hill development will need to be fully understood and appreciated as those proposals come to fruition. The current operating times of the Welham Street car park will need to be reviewed and expanded upon in order to ensure they are still appropriate in terms of this strategic enhancement to the evening and night time offer within Grantham.

Stamford

All short stay car parks operate at close to capacity between 10:00am and 5:00pm. However there is generally some capacity at Cattle Market (section adjacent to footpath link across the Meadows) and Wharf Road car parks on most days apart from on Fridays (market day). However, there is limited availability of on-street parking opportunities due to the historic nature of the town layout.

The Cattle Market has some further use and/or development possibilities due to the potential to utilise, subject overcoming potential covenant issues, part or all of the redundant land which adjoins the car park.

Bourne

At present there is little turnover of spaces in any of the publically owned and operated car parks as no parking orders or charging regimes exists (to encourage the effective turn-over of spaces). SKDC should therefore recognise that we may need to review the need for the introduction of some form of parking orders in order to limit the duration of stay initially with a view to possibly introducing charges at a future date.

Other car parks

SKDC has a number of other small car parks including those at Halfleet, Market Deeping and Billingborough. There are also car parks that serve parks, open spaces and sports facilities. These car parks whilst not of the same strategic importance as town centre sites will be kept under review in terms of their function, condition and suitability.



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REPORT TO COMMUNITIES P.D.G.

REPORT OF: Business Manager (Environmental Health)

REPORT NO: ENV651

DATE: 27 January 2017

TITLE:	Integration Self Assessment (Integrating Health and Social Care)	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	N/A	
EXECUTIVE MEMBER: NAME AND DESIGNATION:	Cllr Nick Craft – Environment	
CONTACT OFFICER:	Anne-Marie Coulthard Business Manager (Environmental Health)	
INITIAL IMPACT ANALYSIS: Equality and Diversity	Carried out and Referred to in paragraph (7) below N/A	Full impact assessment Required: N/A
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS		

1. RECOMMENDATIONS

- 1.1 That the Communities PDG together with the Executive Member for Environment identify three priority areas for improvement to be fed back to Lincolnshire County Council Public Health by 31 January 2017.

2. PURPOSE OF THE REPORT

- 2.1 To report on the Integration Self Assessment exercise and to ask Members to identify the top three priority areas where additional work by the Lincolnshire Health and Wellbeing Board might help accelerate the integration of commissioning or provision of services.

3. DETAILS OF REPORT

- 3.1 The primary aim of integrating health and social care is to shift the focus towards improving public health and meeting the holistic needs of individuals, drawing together all services across a place for greatest benefit, and investing in services which maximise wellbeing throughout life.
- 3.2 It is the Government's ambition that health and social care will be integrated by 2020, with local areas "graduating" from the Better Care Fund (BCF) (the BCF is a single pooled budget between the NHS and Local Government intended to encourage closer working arrangements centred on wellbeing as the focus of health and care services). Areas will graduate upon demonstrating that they have moved beyond requirements for more ambitious and transformative models of integration. Graduation Pilots are being offered, with only a small number (up to 10) expected to be selected for 2017/18. A report on behalf of the Executive Director Adult Care and Community Wellbeing to the Lincolnshire County Council Executive on 4 January 2017 recommended that the Executive approve the submission of a Lincolnshire Application for pilot graduation status. The criteria for selection are reported as likely to include:
- Commitment of the Health and Wellbeing Board
 - Strong local leadership, with an agreed vision for health and social care integration by 2020, and clear links to wider health and local government strategies
 - CCGs involved are not currently subject to legal directions on finance or performance
 - There is a clear commitment to continue to maintain social care spending and the level of NHS commissioned out-of-hospital services at levels above the minimum required through the BCF, through the pooling of budgets or similarly robust financial arrangements.
- 3.3 The Health and Wellbeing Board asked key partners and stakeholders to complete a self assessment questionnaire to explore Lincolnshire's readiness across the key characteristics needed for successful integration and to help identify areas for improvement.

Anonymised results from the 11 responses were discussed in a workshop style session of the informal Health and Wellbeing Board on 8 November 2016. The summary of findings and feedback from the session were reported to the Health and Wellbeing Board on 6 December 2016 by the Interim Director of Public Health (extract from this report is at appendix 1). The findings and feedback are summarised as:

1. Relationships, partnership working and accountability have moved forward in Lincolnshire, but for integration to progress further stakeholders need commitment to greater openness, honesty and trust
 2. As a group of organisations there needs to be shared understanding and vision on how resources can be used in the most effective way
 3. We need to learn from best practice
 4. There needs to be a greater focus on delivery, placing the individual at the centre rather than the organisation
 5. Language and terminology need to be kept simple so that stakeholders understand the message and know where they fit within the health and care system
 6. The term 'health and care system' needs defining
 7. The relationship between key drivers such as the Better Care Fund (BCF), Sustainability and Transformation Plan (STP) and Lincolnshire Health and Care (LHAC) needs to be communicated so stakeholders understand which part of the system they are addressing
 8. Better communication and sharing of information was highlighted for improvement
 9. Simplified governance arrangements allowing specific powers to be delegated by governing bodies to the System Executive Team (SET) and the Health and Wellbeing Board (HWB) could address barriers limiting the ability of local system leaders to make binding decisions
 10. As a 'system', Lincolnshire should be speaking with 'one voice' and seeking additional freedoms and flexibilities.
- 3.4 The self assessment exercise has highlighted a number of areas where wider partners and stakeholders feel improvements need to be made. As a partner organisation, the Health and Wellbeing Board has now asked that in order to support the development of an Improvement Plan the Council identifies its top three priority areas where some additional work by the Board might help accelerate integration of commissioning or provision of services.
- 3.5 The eight areas for ranking are as follows:
1. Shared Commitment
 2. Shared leadership
 3. Shared accountability
 4. Getting it done
 5. Shared vision
 6. Shared decision making
 7. Shared systems – models
 8. Shared systems – enablers

4. OTHER OPTIONS CONSIDERED

- 4.1 The Council is not required to provide a response and could choose not to do so.

5. RESOURCE IMPLICATIONS

- 5.1 None

6. RISK AND MITIGATION

Risk has been considered as part of this report and any specific high risks are included in the table below:

Category Risk	Action / Controls
N/A	

7. ISSUES ARISING FROM IMPACT ANALYSIS

- 7.1 N/A

8. CRIME AND DISORDER IMPLICATIONS

- 8.1 N/A

9. COMMENTS OF FINANCIAL SERVICES

- 9.1 There are no direct financial consequences arising from this report.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

- 10.1 The Care Act 2014 amended the NHS Act 2006 to provide the legislative basis for the Better Care Fund. It allows for the establishment of the Better Care Fund by providing a mechanism to make the sharing of NHS funding with local authorities mandatory.

11. COMMENTS OF OTHER RELEVANT SERVICES

- 11.1 N/A

12. APPENDICES:

- 12.1 Appendix 1 - Integration Self Assessment-Findings

Feedback from the informal Health and Wellbeing Board held 8 November 2016

25 people attended the workshop and were placed across four tables. Each table were provided with a copy of the full results from the questionnaire (shown in Appendix A) and were asked to discuss two sections from Module A and two from Module B. The information from the session has been collated and is summarised below.

Module A – Do we have the essentials for the integration journey in Lincolnshire?

This module explores the essential elements that need to be in place for integration.. It explores whether or not the system has a shared culture, trust between individual organisations, and a shared commitment and agreement to redesigning the health and social care landscape together. The module also looks at whether there is a genuine sense of shared leadership across the system, with a clear understanding of where joint and individual accountability sits, and whether the system has the right governance and leadership to achieve its integration ambitions.

Shared Commitment in Lincolnshire

- Need for genuine commitment, across all organisations, to work differently so there is greater emphasis on individual/patient and less focus on the organisation.
- Need for shared understanding and knowledge of organisational drivers and opportunities.
- Agree shared objectives across the health and care system that includes all stakeholders.
- Agree that personal, social and community responsibility must be a fundamental principle behind delivering 'integration/graduation'.

Shared Leadership in Lincolnshire

- Perspectives vary, so there needs to be greater awareness, openness and engagement in agreeing the 'right' solution.
- When agreeing priorities, identify all stakeholders that might impact on that and involve them early in discussions on delivery – this needs to include Housing.
- Who needs to be involved – have we got the right people around the table and are they being involved in the right way at the right time.
- Need to build trust – with partners, stakeholders and the public.
- Need to be open and honest by adopting a genuine partnership approach which avoids blame
- Keep it simple – don't make the 'system' too big.
- Work with all relevant organisations to develop clear pathways and criteria – we also need to learn from what is working well and share best practice.

Shared Accountability in Lincolnshire

- What do we mean by the 'health and care system' – there is currently no shared understanding on what this term means nor how all stakeholders are involved.
- Need to develop a shared message so that 'Lincolnshire' can collectively lobby for flexibilities on national policy.
- Seek single accountability upwards to NHS England (NHSE) & NHS Improvement (NHSI) so all Trusts and CGGs in Lincolnshire report progress once and to one place.

- Need to focus on delivery – locally developed and agreed action plans which are measurable and monitored to demonstrate improvements.

Getting it done in Lincolnshire

- Greater focus on delivery
- Need for a shared common language which avoids clinical jargon.
- Join together Disabilities Facilities Grants with small aids and adaptations work.
- More joined up commissioning and joint working to ensure resources are used more effectively across the system.
- System wide health literacy programme to support personal and social responsibility.
- Need for better shared communication – both to staff and the public.

Module B – How ready for delivering integration is Lincolnshire's health and care system?

Having taken a broad overview in Module A of the commitment to deliver integration, this module focuses on the practical working arrangements that are required to ensure that the shared commitment is translated into successful delivery.

Our Shared Vision

- Need a clear understanding on how future resources will be allocated – Lincolnshire needs to be creative.
- Not all partners understand their role or how they fit into the health and care system therefore need to ensure there are opportunities for joint discussions, e.g. informal health and wellbeing board meetings, where wider partners can engage.

Shared Decision Making

- Legislation as well as local governance limits the ability of local system leaders to make binding decisions (e.g. a decisions by the SET will still require sign off by the all Trust and CCG boards as well as NHSE & NHSI). A memorandum of understanding and specific delegated powers from trust boards and the Executive to both the Health and Wellbeing Board and the SET would simply decision making.

Shared Systems – models

- Neighbourhood teams are the agreed care delivery model that is being rolled out across Lincolnshire. More needs to be done to celebrate the success of neighbour teams including better communication and awareness of what is happening in localities and more sharing of what is working well.

Shared Systems - enablers

- Need to stop duplicating roles and resources – need a new way of working which makes it easier to share resources and staff.
- Workforce – need a shared vision/approach on how across the system we are going to address some of the workforce gaps.
- Links need to be made with the growth agenda to ensure a holistic approach which ensures the right key infrastructure is in place to attract key workers in the county.
- More joined up approach to the One Estate Programme and the co-location of services/teams.
- Implementation of the Care Portal will make it easier to share information/data across the health and care system.

Lincolnshire Health and Wellbeing Board

Integration Self Assessment - Findings

Module A – Do we have the essentials for the integration journey in Lincolnshire?

This module explores the essential elements that need to be in place for integration ambitions to be achieved. It explores whether or not the system has a shared culture, trust between individual organisations, and a shared commitment and agreement to redesigning the health and social care landscape together.

The module also looks at whether there is a genuine sense of shared leadership across the system, with a clear understanding of where joint and individual accountability sits, and whether the system has the right governance and leadership to achieve its integration ambitions.

Lines of Enquiry:

- **A1 – Shared Commitment in Lincolnshire**
- **A2 – Shared Leadership in Lincolnshire**
- **A3 – Shared Accountability in Lincolnshire**
- **A4 – Getting it done in Lincolnshire**

A1 - Shared Commitment in Lincolnshire

Strengths – the majority of responses ‘agreed’ or ‘strongly agreed’

There is a shared understanding on the objectives of integration and prevention

There is a shared purpose and vision of how to improve health and wellbeing

System leaders understand the benefits and challenges of integration

Areas for Improvement – the majority of responses were neutral or ‘disagreed / strongly disagreed’

System leaders have taken responsibility for their contribution to improving health and wellbeing

There is a shared and demonstrable commitment to a preventive approach which focuses on promoting health and wellbeing for all citizens

Local system leaders have gained commitment from all stakeholders to make the changes required for transformation

The services and local system is designed around individuals and the outcomes important to them

A2 - Shared Leadership in Lincolnshire

Strengths – the majority of responses ‘agreed’ or ‘strongly agreed’

Partners have honest conversations about the challenges facing the whole system and its component parts

Areas for Improvement – the majority of responses were neutral or ‘disagreed / strongly disagreed’

System leaders have the right relationship, shared values and behaviours to work together for the public good

Partners are able to reach shared solutions

There is a willingness to put the needs of the public before the needs of individual organisations

There is trust between system leaders and organisations

A3 - Shared Accountability in Lincolnshire

Strengths – the majority of responses ‘agreed’ or ‘strongly agreed’

The health and care system have arrangements in place to hold organisations to account for delivery

There is clear governance in place for accounting to partners on progress

The system shares data

Areas for Improvement – the majority of responses were neutral or ‘disagreed / strongly disagreed’

Roles and responsibilities are clearly set out in terms of reference and they match the decision making authority

There are clear links to each other’s organisations statutory decision making responsibilities

There is open communication

The right information is provided to the right people to enable them to carry out their roles and responsibilities

There are agreed key metrics and benefits

A4 - Getting it done in Lincolnshire

Areas for Improvement – the majority of responses were neutral or ‘disagreed / strongly disagreed’

There is capability and capacity to deliver integration

Given the scale of integration needed, we have the appropriate arrangements and transactional skills in place to deliver across the whole health and care system

Appropriate governance arrangements are in place to make binding decisions at the required pace

Appropriate agreed processes are in place to support local changes which will meet the tests of law for public bodies

Local system leaders have agreed a change model for the whole of the health and care system

There is strong programme management in place to align resources and tasks

Module B – How ready for delivering integration is Lincolnshire's health and care system?

Having taken a broad overview in Module A of the commitment to deliver integration, this module focuses on the practical working arrangements that are required to ensure that the shared commitment is translated into successful delivery.

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Key lines of enquiry:

- **B1 – Our Shared Vision**
- **B2 – Shared Decision Making**
- **B3 – Shared Systems – models**
- **B4 – Shared Systems - enablers**

B1 - Our Shared Vision

Strengths – the majority of responses ‘agreed’ or ‘strongly agreed’

Partners have a clear understanding of where there are gaps in capacity and resources

The local case of change reflects the national challenges facing health and care

There is a clear evidence base assessment informing the future demands for services

Areas for Improvement – the majority of responses were neutral or ‘disagreed / strongly disagreed’

Partners have a clear picture of future resources

B2 - Shared Decision Making in Lincolnshire

Strengths – the majority of responses ‘agreed’ or ‘strongly agreed’

System leaders are engaging with communities and stakeholders to secure their engagement in ‘what’, ‘why’ and ‘how’ change needs to happen

Areas for Improvement – the majority of responses were neutral or ‘disagreed / strongly disagreed’

The right stakeholders are involved to make binding decisions

All relevant partners – local authorities, CCGs, NHS England, providers, community & voluntary sector leaders – are engaged and committed to playing their part

Partners have agreed the governance for local system wide working

Services are being developed in conjunction with communities, service providers and the people that use them

Lincolnshire has the right decision making footprint agreed for planning and delivering the integration improvement needed

B3 - Shared Systems - models

Areas for Improvement – the majority of responses were neutral or ‘disagreed / strongly disagreed’

Partners have critically assessed and agreed which modern care delivery models would best improve health and wellbeing outcomes

Partners have appraised and agreed which organisational models best support Lincolnshire’s modern care delivery model

Partners have appraised and agreed how financial resources will be deployed to best effect

B4 - Shared Systems - Enablers

Strengths – the majority of responses ‘agreed’ or ‘strongly agreed’

Workforce needs are being considered across the whole system to ensure the supply, adequate training and development of multidisciplinary approaches

Areas for Improvement – the majority of responses were neutral or ‘disagreed / strongly disagreed’

Information and technology, at an individual and population level, is shared between relevant agencies and individuals

Access and efficiencies are being maximised across the public estate

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Integration Self Assessment

Communities PDG

27 January 2017



Your council working for you

Integrated Health and Social Care

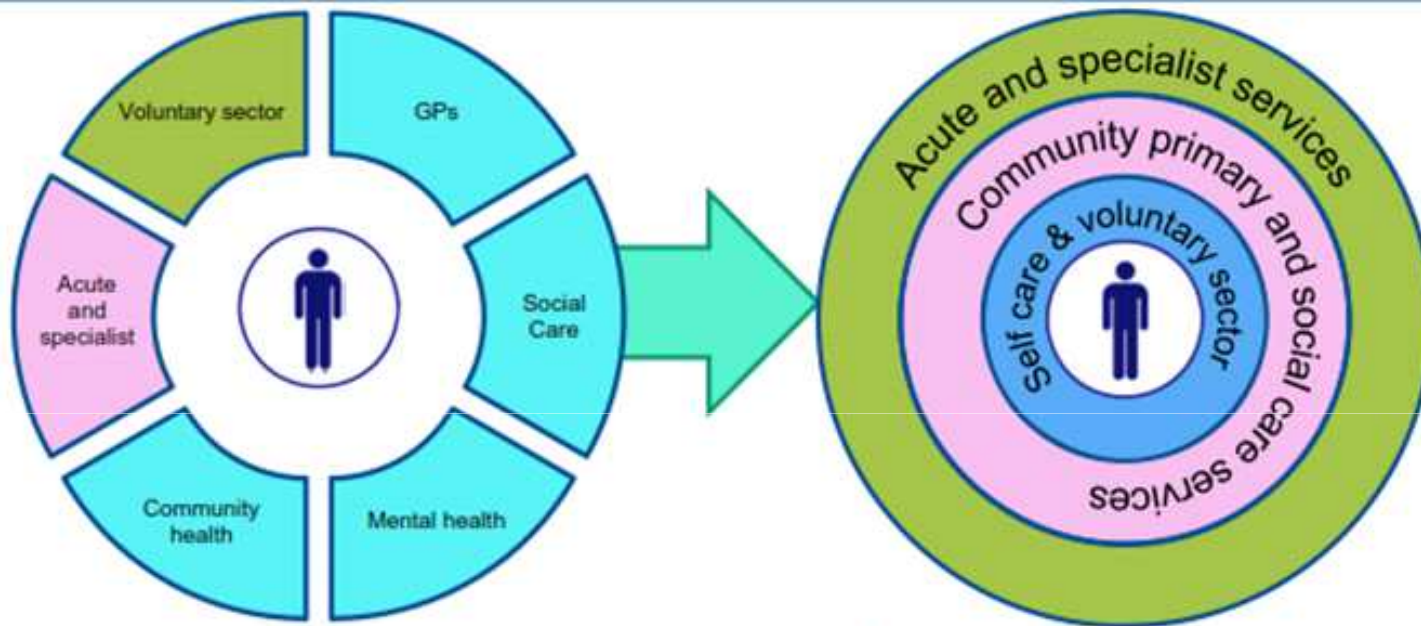
Why?

- “Shift the focus of health and care services to improving public health and meeting the holistic needs of individuals. Drawing together all services across a ‘place’ for greatest benefit, and investing in services which maximise wellbeing throughout life”
- Requirement that all local areas integrate health and care services by 2020



What will it look like?

Co-ordinating health and social care services around the individual, so that it feels like one service.



From...

"I have to tell my story multiple times to different people"

"I'm left waiting for services whilst commissioners argue over who pays"

"I don't get a say in my treatment"

"When I'm discharged from a service, I'm not sure where to go next"

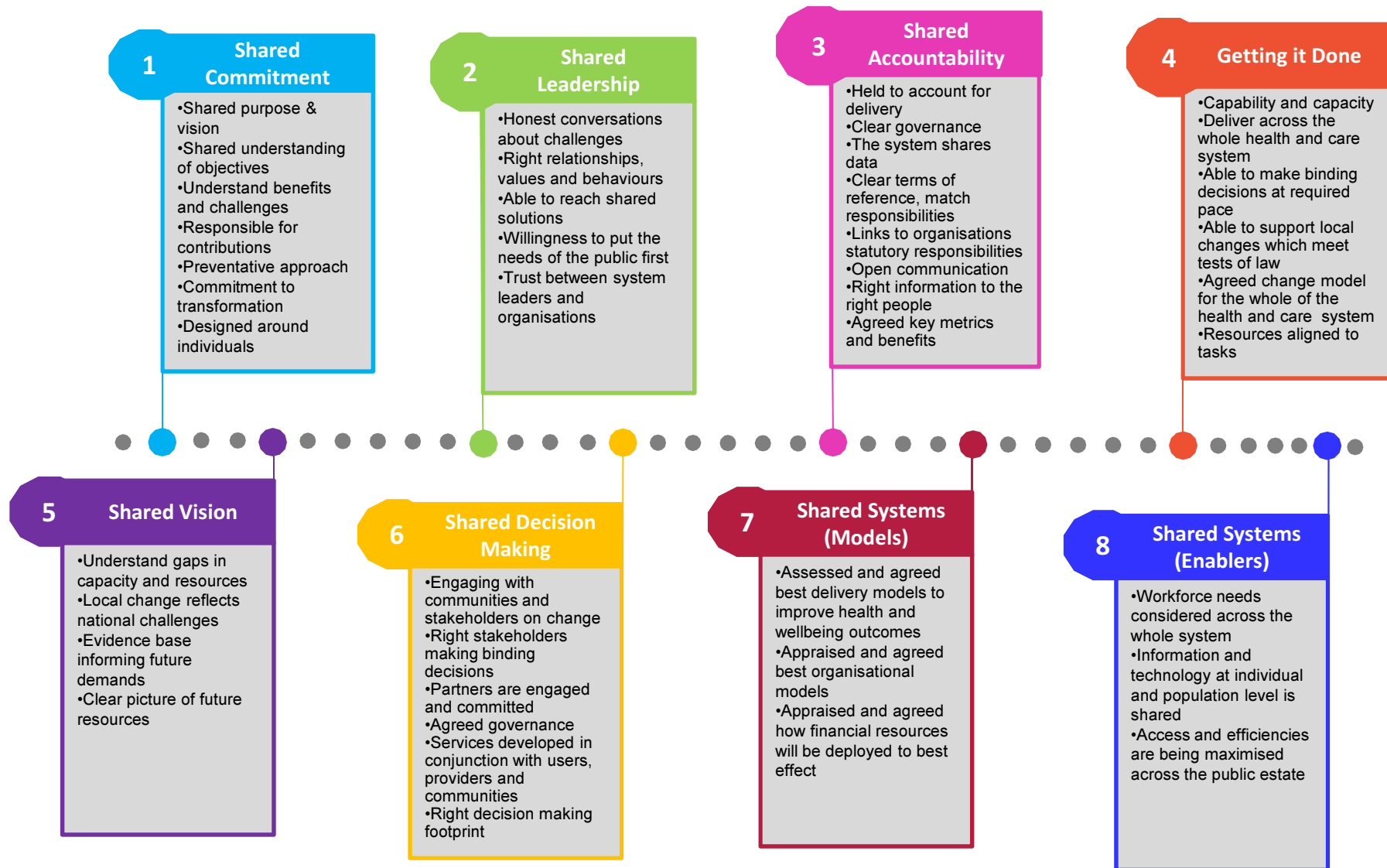
...To

"I completed an integrated care plan, setting out who will provide care and support to me and when"

"I receive more care in or near to my home, and haven't been to hospital for ages"

"I feel fully supported to manage my own conditions and live independently"

Essential Elements to Deliver Integration



Opportunities for Improvement

1

Shared Commitment in Lincolnshire

- Greater emphasis on individuals, less focus on organisations
- Shared objectives that include all stakeholders
- Shared understanding and knowledge of organisational drivers

2

Shared Leadership in Lincolnshire

- Greater awareness, openness and engagement in agreeing solutions
- Genuine partnership which is open, honest and avoids blame
- Learn from what is working well and share best practice

3

Shared Accountability in Lincolnshire

- Locally developed action plans are measurable and monitored
- Single accountability so all CCGs, Trusts etc report once as a collective
- Shared messages for Lincolnshire to aid collective lobbying

4

Getting it done in Lincolnshire

- Shared common language which avoids clinical jargon
- Joined up commissioning and joint working to make better use of resources
- Greater focus on delivery

5

Shared Vision in Lincolnshire

- Clear understanding on how future resources will be allocated
- Partners understand how they fit into the health and care system
- Greater opportunities for discussion / engagement with wider partners

6

Shared Decision making in Lincolnshire

- A MoU and specific delegated powers from Trust and CCG Boards and the Executive to both the Health and Wellbeing Board and the System Executive Team could simplify decision making

7

Shared Systems (models) in Lincolnshire

- Neighbourhood teams are the agreed care delivery model, but there is a need for better communication and awareness within localities

8

Shared Systems (enablers) in Lincolnshire

- More joined up approach to the One Estate Programme and co-location of services
- Implementation of the Care Portal to share data across the health care system
- Stop duplicating roles and resources, making it easier to share these

REPORT TO COMMUNITIES PDG

REPORT OF: Mark Jones – Business Manager Neighbourhoods

REPORT NO: ENV652

DATE: 27th January 2017

TITLE:	Integrated Neighbourhoods Team Update	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	N/A	
EXECUTIVE MEMBER:	Cllr Nick Craft- Executive Member Environment	
CONTACT OFFICER:	Mark Jones Tel- 01476 40 60 80 E- Mail- m.jones@southkesteven.gov.uk	
INITIAL IMPACT ANALYSIS: Equality and Diversity	Referred to in paragraph 4 below- not required	Full impact assessment Required: No
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	None	

1. RECOMMENDATIONS

This report contains feedback for Members on the implementation of the Neighbourhoods Team.

2. PURPOSE OF THE REPORT

To update Members on the recently formed Neighbourhoods Team, the reasons for the changes and the progress made to date.

3. DETAILS OF REPORT

The Council provides a wide range of services to the communities of South Kesteven. The delivery of these services requires individually trained members of staff who are often managed in different teams. These services have to be provided across a large geographical area with 4 main areas of population and a large rural hinterland covering some 365 square miles.

The challenge was to look at how we could merge the delivery of some of these services, creating efficiencies and improvements to customer service. An appraisal of the range of services being delivered to our neighbourhoods was carried out. This resulted in the creation of an integrated neighbourhoods team delivering community safety and environmental crime services.

Based on the success of the first phase it is envisaged that further services and activities could be added into the team, building on this new model of delivery. This new way of working has required flexibility from staff, significant levels of training and development of a new mobile IT support platform.

A presentation (slides attached) will be made at the meeting to explain in more detail what was in place previously, what the overall aims of the changes were and the actions undertaken to deliver this new way of working.

4. ISSUES ARISING FROM IMPACT ANALYSIS

No changes to the service specification that the customer receives.

5. CRIME AND DISORDER IMPLICATIONS

This new way of working, whilst removing the dedicated community safety team, has increased resilience and officer knowledge through this multi-skilling of a larger team.

6. COMMENTS OF FINANCIAL SERVICES

Financial Services has worked with the service area to appraise the Neighbourhoods Project and can confirm that a saving of £20,000 has been forecast due to the changes made.

7. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

The Council's Corporate Enforcement Policy has been amended to reflect the organisational structure changes, identified in the report, to ensure the framework that underpins the approach to the way in which the Council carry's out its enforcement activities remains fair and consistent.

8. Presentation attached

Communities PDG Neighbourhoods Initiative

Mark Jones- Business Manager- Neighbourhoods



Your council working for you

Why- Reality

- Priorities
- Customer
- Reducing resources
- Create efficiencies
- Emotive



Where did we want to be?

- Focusing where we can make a difference
- Accurate reporting
- See the whole picture
- Comprehensive response
- Making a difference



Our response- What we did

- Selected/Grouped Workstreams
- Created a team
- Skills/experience
- Developed links
- Access routes
- Mobile working

Whats next?

- Assisting other services
- Building knowledge
- Eyes and ears
- Patch based
- Days of action

Questions?



Your council working for you

REPORT TO COMMUNITIES P.D.G.

REPORT OF: Business Manager Housing

REPORT NO: BMH 117

DATE: 27 January 2017

TITLE:	Government consultation on the approach to funding Supported Housing	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Policy Direction	
EXECUTIVE MEMBER: NAME AND DESIGNATION:	Councillor Linda Wootten Executive Member for Housing	
CONTACT OFFICER:	Lisa Barker, Business Manager Housing l.barker@southkesteven.gov.uk Tel: 01476 40 60 80 (Extn: 6251)	
INITIAL IMPACT ANALYSIS: Equality and Diversity	Referred to in paragraph (7) below	Full impact assessment Required: To be determined following the results of the consultation
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	Funding for Supported Housing – Consultation, Department for Communities and Local Government and Department for Work and Pensions https://www.gov.uk/Government/consultations/funding-for-supported-housing	

1. RECOMMENDATIONS

That members note the content of this report and consider the issues that are raised in the consultation questions to assist in the preparation of a response to Government.

2. PURPOSE OF THE REPORT

To advise members of the current consultation with respect to proposals for future funding of Supported Housing and to receive direction in relation to our response.

3. DETAILS OF REPORT

3.1 Background

Government is currently consulting on a new funding framework for Supported Housing.

The term Supported Housing encompasses a wide range of accommodation forms, generally providing a specialist environment for people who, for example, are homeless or who have mental ill health or are fleeing domestic violence. Housing for older people including Sheltered Housing also falls within the definition of Supported Housing.

‘Supported housing is any housing scheme where housing is provided alongside care, support or supervision to help people live as independently as possible in the community. It covers a range of different housing types, including hostels, refuges, supported living complexes, extra care schemes and sheltered housing. Supported housing can provide long term support for years for some vulnerable groups such as older people and disabled people or very short term immediate emergency help for when people are in times of crisis, such as use of hostels and refuges’.

Supported housing plays a crucial role in supporting hundreds of thousands of the most vulnerable people. Government have suggested that up to 716,000 people were using supported housing across Great Britain at any given point in time at the end of 2015.

Funding for supported housing is complex and comes from a variety of sources however, Housing Benefit plays a significant role. It meets eligible housing-related costs, including core rent and eligible service charges (which can include for example, the cost of repairs, renewing communal furnishing and fittings and some intensive housing management costs). The consultation document estimates that the annualised Housing Benefit expenditure for supported housing across Great Britain as at December 2015 is £4.12 billion which represents around 17 percent of the total expenditure on Housing Benefit. The majority of supported housing expenditure from Housing Benefit is for older people, at an estimated £2.4 billion, with an estimated £1.7 billion spent on working-age provision.

Recent Government legislation and announcements had cast doubt over the sustainability of Supported Housing. This included:

- Welfare Reform and Work Act: Provides for all social and affordable rents to be reduced by 1% per year between 2016 and 2019. Although Supported Housing was exempt from the rent decrease it nevertheless cast doubt over the long term sustainability of some schemes.

- The Government is proposing to cap Housing Benefit to the level of the Local Housing Allowance from 2018. If this was applied to Supported Housing schemes, where rents and service charges are notoriously high, it would remove the entitlement of residents to full housing benefit and render some schemes unviable.
- Universal Credit is based on the premise that housing benefit will cover only the core housing costs with additional funding being available for housing support. Announcements in respect of how this would be achieved had not been made. Furthermore, Universal credit is typically paid on a monthly basis which creates challenges for short term accommodation such as homeless hostels and refuges.

On 15th September 2015, Government made an important ministerial statement, committing to a review of the funding for supported housing. It is proposed that the new system will be implemented from 1 April 2019, and the Local Housing Allowance (LHA) cap will not apply to Supported Housing until then. From 2019, it is proposed to introduce the LHA cap to Supported Housing and Sheltered Housing although some accommodation forms such as some refuges will be exempt. The 1% rent reduction required will apply to Sheltered Housing between 2017 and 2019. The key elements of the statement were:

- Core housing costs (rent and service charges) will continue to be funded through housing benefit or universal credit up to the level of the applicable Local Housing Allowance rate with a top up from the local authority (top tier).
- To enable the top up to happen there will be a transfer of funds from DWP to DCLG who will then allocate funds to local authorities based on a mechanism yet to be determined. Government have committed to ensure that the devolved administrators receive a level of funding in 2019/20 equivalent to that which would otherwise have been available through the welfare system.
- The top up will be ring fenced and it will only be available to pay for Supported Housing costs.
- The shared accommodation rate will not apply to people under the age of 35 living in the supported housing sector, the one bedroomed rate will apply instead.
- Government believes that a different system needs to be worked out for short term and transitional services and it will consult on this.

The consultation has said that this approach will give County Councils an 'enhanced role' in commissioning Supported Housing in their area and allow them a more 'coherent' approach to commissioning for needs across housing, health, and social care. It is said that 'better local knowledge will help drive transparency, quality and value for money from providers in their area.

In addition to the consultation Government intend to have a number of task groups to consider the key design components of the model and to consider options for short term accommodation. They are intending to work with local authorities and other partners to determine how funding should be distributed amongst local authorities.

3.2 The consultation

The consultation seeks views on the design of the Government's new housing costs funding model for supported housing, as well as views on how funding for emergency and short term placements should work. The consultation period closes on 13th February. It covers the following areas:

1. Devolved top-up funding to local authorities in England; and
2. Funding for emergency and short term supported

It considers people of working age and those on state pensions.

Government has stated that it sees the consultation as the start of a longer term process to consider wider strategic goals such as responding to growing future demand for support to maintain people's independence as well as looking for opportunities for service transformation, for example, to strengthen links across public service commissioning, including health, housing, social care and criminal justice. Government are also keen to explore with the private, social and public sector the potential for alternative finance and delivery models for increasing supported housing supply through the use of social investments. They have stated that they will set out any conclusions on these broader considerations in the Green Paper next spring.

Government assert that there are two clear reasons for seeking to reform the funding of supported housing. The roll out of Universal Credit for working age people is one but they state there is also a need to more fundamentally consider how supported housing across the whole sector should be planned for, commissioned and delivered and how to manage growing demand within a tighter public spending climate:

- **Universal Credit** – a new funding mechanism is required to work in conjunction with Universal Credit. Universal Credit will meet core housing costs, up to the level of the relevant LHA rate, and therefore the question arises about the most effective way to deal with additional costs in excess of this. Universal Credit is paid monthly directly to claimants. Universal Credit is currently available in every Jobcentre in Great Britain for single jobseekers. Full rollout of Universal Credit will be complete in 2022. Housing costs for those of pension age will also continue to be met through the welfare system. For those in supported housing, welfare payments up to the level of the LHA rate will be supplemented where necessary by the local top-up fund from April 2019.

- **A local focus on outcomes, oversight and cost control** – Government state that the current system for funding the housing costs of supported housing is not well designed to ensure effective oversight of quality or control of spending to ensure value for money.

Government are seeking views on how best to provide support for short term stays alongside the monthly assessment and payment in Universal Credit. Challenges include ensuring we remain responsive to housing needs at the start of someone's Universal Credit claim while entitlement is determined and first payments are made.

3.3 The implications for South Kesteven

There are three ways that Government proposals impacts on the council. These are: Sheltered housing; Temporary accommodation; and, partner provision of temporary accommodation and supported housing in the district including domestic abuse services which are county wide.

Sheltered Housing:

The Council has a supply of around 1,000 sheltered properties. The rent reduction will apply between 2017 and 2019. This means that the income potential from rents will reduce by £81K over the period.

Any future rent rises will be constrained by LHA levels if the accommodation is to be affordable to those reliant upon housing benefit to cover their housing costs.

We have assessed whether the Councils supply of Sheltered Housing will be affected by housing benefit being capped to LHA levels. This has confirmed that no sheltered housing properties will be affected as they are below the LHA rates.

Temporary accommodation:

The Council has a modest supply of temporary accommodation which it deploys in pursuit of its homeless duties.

There are often additional costs associated with short term temporary accommodation including additional repairs and relet costs. Furthermore, there are particular challenges with Universal Credit, which is typically paid monthly, for very short term accommodation, including hostels and refuges. The Government also recognises that different funding models for the short term accommodation types may also be applicable to Temporary Accommodation provided by local authorities in discharging their homelessness duties. No funding decisions have yet been made and therefore the current uncertainty remains.

As stated above, the rent reduction will apply between 2017 and 2019. This will have only a minor impact on future rent levels.

Partner agencies:

There is a considerable amount of partner stock in the district and across the county (RSL and VCS sector) which the proposals will affect. It will be important to ensure services are maintained to avoid closure and the responsibility of their clients, who would be rendered homeless, falling to the council.

Top tier authorities are well accustomed to commissioning however there does need to be some agreed and clear commissioning framework to enable the views and priorities of district councils to be properly considered. The current arrangements for working with the county on the commissioning and management of support housing could be more robust and better developed.

There remain ongoing risks for providers who move from housing benefit a 'guaranteed' funding mechanism to one which is reliant on the county as the enabler and funder of services.

Across all schemes, there are concerns regarding the future development of supported housing schemes given their reliance on revenue funding through the benefits system and county council commissioning processes.

3.4 Consultation questions

There are 12 questions posed in the document.

Q1.The local top-up will be devolved to local authorities. Who should hold the funding; and, in two tier areas, should the upper tier authority hold the funding?

Q2.How should the funding model be designed to maximise the opportunities for local agencies to collaborate, encourage planning and commissioning across service boundaries, and ensure that different local commissioning bodies can have fair access to funding?

Q3.How can we ensure that local allocation of funding by local authorities matches local need for supported housing across all client groups?

Q4.Do you think other funding protections for vulnerable groups, beyond the ring-fence, are needed to provide fair access to funding for all client groups, including those without existing statutory duties (including for example the case for any new statutory duties or any other sort of statutory provision)?

Q5.What expectations should there be for local roles and responsibilities? What planning, commissioning and partnership and monitoring arrangements might be necessary, both nationally and locally?

Q6.For local authority respondents, what administrative impact and specific tasks might this new role involve for your local authority?

Q7. We welcome your views on what features the new model should include to provide greater oversight and assurance to tax payers that supported housing services are providing value for money, are of good quality and are delivering outcomes for individual tenants?

Q8. We are interested in your views on how to strike a balance between local flexibility and provider/developer certainty and simplicity. What features should the funding model have to provide greater certainty to providers and in particular, developers of new supply?

Q9. Should there be a national statement of expectations or national commissioning framework within which local areas tailor their funding? How should this work with existing commissioning arrangements, for example across health and social care, and how would we ensure it was followed?

Q10. The Government wants a smooth transition to the new funding arrangement on 1 April 2019. What transitional arrangements might be helpful in supporting the transition to the new regime?

Q11. Do you have any other views about how the local top-up model can be designed to ensure it works for tenants, commissioners, providers and developers?

Q12. We welcome your views on how emergency and short term accommodation should be defined and how funding should be provided outside Universal Credit. How should funding be provided for tenants in these situations?

Members might wish to consider a response that proposed the funding is devolved to local housing authorities to work collaboratively with top tier councils to commission and procure services. Local planning and commissioning arrangements could be strengthened through this type of arrangement. Members might consider that Health and Wellbeing boards are best placed to have oversight of the process and ensure that the matter remains a strategic imperative.

3. OTHER OPTIONS CONSIDERED

Consideration was made of not providing a response however the Council would lose the opportunity to make its voice heard to Government.

5. RESOURCE IMPLICATIONS

5.1 The potential resources implications are detailed within the body of the report.

6. RISK AND MITIGATION

Risk has been considered as part of this report and any specific high risks are included in the table below:

Category Risk	Action / Controls

7. ISSUES ARISING FROM IMPACT ANALYSIS

A full equality impact analysis will not be undertaken at this stage however, Supported housing provides vital support to some of our country's most vulnerable people. It helps many people to lead independent lives or turn their lives around and is a vital service for a country that works for all. It is also an investment which brings savings to other parts of the public sector, such as health and social care and underpins a range of policy objectives across Government including:

- Supporting vulnerable people: such as frail, older people and disabled people, people with mental health problems, and vulnerable ex-service veterans;
- Tackling homelessness: preventing homelessness in the first place and helping people recover and move on from homelessness;

Providing refuge: through crisis and follow-on accommodation and support services for those fleeing domestic abuse;

- Tackling poverty and disadvantage: such as helping people with learning disabilities or vulnerable young people, including care leavers', transition to independent living;
- Recovery: such as support and treatment for those with drug and or alcohol problems or helping ex-offenders to integrate back into the community; and
- Improving public health and supporting the health and care system: by helping older people or people with disabilities to lead healthy and independent lives keeping them out of acute health settings and residential care or smoothing their discharge from hospital.

8. CRIME AND DISORDER IMPLICATIONS

N/A

9. COMMENTS OF FINANCIAL SERVICES

- 9.1 There are potential financial impacts of the outcomes of the consultation and these should be considered when considering the Councils response.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

- 10.1 If following the consultation process any actions are taken then equality analysis will need to be completed to determine how they will impact on our residents.

11. APPENDICES:

Appendix A - Consultation questions

Funding for Supported Housing – Consultation – Department for Communities and Local Government and Department for Work and Pensions

Consultation: key issues (Government extract) and questions

Local authorities will administer the local top-up, and in two tier areas, there is a case for the upper-tier local authority to hold the funding as they tend to be responsible for commissioning the bulk of supported housing services.

Different types of supported housing provision and services are commissioned by different bodies locally, such as Clinical Commissioning Groups and district housing authorities. It will be important to ensure that funding streams are better aligned so they can deliver their respective commissioning objectives.

Q1. The local top-up will be devolved to local authorities. Who should hold the funding; and, in two tier areas, should the upper tier authority hold the funding?

Q2. How should the funding model be designed to maximise the opportunities for local agencies to collaborate, encourage planning and commissioning across service boundaries, and ensure that different local commissioning bodies can have fair access to funding?

We will ring-fence the top-up fund to ensure it continues to support vulnerable people. We propose that the ring-fence should be set to cover expenditure on a general definition of supported housing provision, rather than there being separate ring-fenced pots for different client groups.

However, some stakeholders have raised concerns that certain vulnerable groups could be overlooked, or particular groups could be prioritised for funding at the expense of others. We are keen to understand what, if any, statutory provision could be made to provide reassurance, including what potential role additional statutory duties for local authorities in England could play, particularly in terms of protecting provision for specific vulnerable groups within the context of the overall ring-fence.

Q3. How can we ensure that local allocation of funding by local authorities matches local need for supported housing across all client groups?

Q4. Do you think other funding protections for vulnerable groups, beyond the ring-fence, are needed to provide fair access to funding for all client groups, including those without existing statutory duties (including for example the case for any new statutory duties or any other sort of statutory provision)?

The new model will give local authorities in England an enhanced role in commissioning supported housing in their areas. In addition, local partnerships could combine this funding with existing care, support and supervision funding to commission services. This could be helpful in encouraging local authorities to consider all supported housing funding in the round. It should incentivise efficiencies and join up existing care and support funding, helping with health and social care integration across the life course.

We will consider what level of new burdens funding would be appropriate to enable local authorities to fulfil their new role.

Q5. What expectations should there be for local roles and responsibilities? What planning, commissioning and partnership and monitoring arrangements might be necessary, both nationally and locally?

Q6. For local authority respondents, what administrative impact and specific tasks might this new role involve for your local authority?

Supported housing is of vital importance to vulnerable people and we want to continue to work with providers to ensure that services are as good as they can be. We want to build on the work of excellent providers to drive all quality and value for money up to the level of the best. These reforms, giving local areas greater control and strategic oversight, represent the first step towards that goal, whilst giving the sector the necessary certainty over the total amount of funding available nationally. We also want quality and a focus on individual outcomes to play a greater role in how we fund the sector.

Q7. We welcome your views on what features the new model should include to provide greater oversight and assurance to tax payers that supported housing services are providing value for money, are of good quality and are delivering outcomes for individual tenants?

Providers have told us that within a localised funding model they would prefer a degree of standardisation with regards to the administration of a local top-up as well as the underpinning framework for reaching a funding decision – for example, via a national statement of expectations or a national commissioning framework. This is particularly important for larger providers who operate across many different local areas and would welcome a degree of standardisation and consistency. However, it is important to balance this against the need to preserve flexibility for local areas to design the delivery of the top-up in their area in a way which best meets the needs and circumstances of supporting vulnerable people in their areas.

Q8. We are interested in your views on how to strike a balance between local flexibility and provider/developer certainty and simplicity. What features should the funding model have to provide greater certainty to providers and in particular, developers of new supply?

Q9. Should there be a national statement of expectations or national commissioning framework within which local areas tailor their funding? How should this work with existing commissioning arrangements, for example across health and social care, and how would we ensure it was followed?

Q10. The Government wants a smooth transition to the new funding arrangement on 1 April 2019. What transitional arrangements might be helpful in supporting the transition to the new regime?

Q11. Do you have any other views about how the local top-up model can be designed to ensure it works for tenants, commissioners, providers and developers?

While we are confident that the local top up model will meet the needs of the majority of the sector, we recognise some particular challenges, such as the monthly payment of Universal Credit, may remain for very short term accommodation, including hostels and

refuges. We will work with the sector to develop further options to ensure that providers of shorter term accommodation continue to receive appropriate funding for their important work. Whilst the mechanism or mechanisms (if more than one model is necessary) may be different, funding for this type of accommodation will benefit from the same protection as supported housing in general.

Q12. We welcome your views on how emergency and short term accommodation should be defined and how funding should be provided outside Universal Credit. How should funding be provided for tenants in these situations?

Suggestions for PDGs Work Plan – DRAFT 2016/17

Communities PDG			
PDG	Subject	Detail	Outcome sought
Communities	Wyndham Park Heritage Lottery Fund (HLF) Developments	July – March Update on HLF funding decision. If approved potential for new developments in Wyndham Park	
Communities	Car Parking Strategy January 2017	Review of the current applications of the South Kesteven Car Park Strategy 2012 – 2017	To consider if the strategy needs to be amended in light of updated national and local issues.
Communities	The Work of the Neighbourhoods Team January 2017	For the PDG to be provided with an overview of the work being undertaken by the New Neighbourhoods Team	
Communities	Integration Self Assessment (Integrating Health and Social Care) January 2017		
Communities PDG – Joint Working Opportunities			
Communities	Tourism Website (This item will now be a workshop with the Growth PDG on 9 th February)	Development of a website to promote tourism within the district	To align this initiative with our new Economic Development Strategy.
Communities, Growth and Resources PDGs	Review of the Housing Strategy	To review progress on key strategic housing issues within the district and update to take into account: - the emerging local plan, - government policy changes on support for affordable housing, starter homes and specialist housing	Revised Housing Strategy for the District to - encourage housing delivery in the right places at the right time and most appropriately meeting the needs of the local population - Improvements to private rented

Communities PDG

PDG	Subject	Detail	Outcome sought
		<ul style="list-style-type: none"> - changes to the planning system - Developer and RSL strategies - Private rented sector housing issues - Opportunities and changes to resourcing mechanisms via the One Public Estate Programme and the Devolution Deal for Greater Lincolnshire 	<ul style="list-style-type: none"> - sector standards - Appropriate provision of specialist housing to meet the needs of older people and those with vulnerabilities - Availability of appropriate housing related support services
Communities /Resources (Joint working group?)	Refresh HRA Business Plan	<p>Following the Government's budget policy announcements last year and the emerging legislative changes arising from the Housing and Planning Bill it is necessary to revisit the commitments made within the HRA Business Plan approved in 2014.</p> <p>The cumulative effect of the Government's rent policy changes and the as yet unknown impact of other legislative changes has substantially reduced the Council's short term financial resources , borrowing capacity and ability to meet its repayment of £25 million due in 2019/20. Consideration needs to given to a number of factors:</p> <ul style="list-style-type: none"> - ambitions for housing development , - Repairs and maintenance standards and service offers - Opportunities to reduce running costs and improve efficiency through service transformation <p>Given the significance of the potential changes it is anticipated that extensive consultation and engagement with service users will form part of this review process.</p>	<p>Revised housing management, repairs and improvement service offer to tenants of Council owned social housing.</p> <p>Redefined investment priorities</p> <p>Revised borrowing strategy</p>