

Public Document Pack

COUNCIL

A meeting of Council will be held at Council Chamber, Fenland Hall, County Road, March on THURSDAY, 19 JULY 2018 at 4.00 PM and I request you to attend accordingly for transaction of the following business:

- 1 To receive apologies for absence.
- 2 Previous Minutes (Pages 1 - 10)
To confirm and sign the minutes of 17 May 2018
- 3 To receive any announcements from the Chairman of the Council and/or the Head of Paid Service.
- 4 To receive members' declaration of any interests under the Local Code of Conduct or any interest under the Code of Conduct on Planning Matters in respect of any item to be discussed at the meeting.
- 5 To receive questions from, and provide answers to, councillors in relation to matters which, in the opinion of the Chairman, accord with the provisions of Procedure Rules 8.4 and 8.6.
- 6 To receive reports from and ask questions of Cabinet members with portfolio holder responsibilities, in accordance with Procedure Rules 8.1 and 8.2. (Pages 11 - 80)
- 7 Questions from Members of the Public in accordance with Procedure Rule 9A (Pages 81 - 82)
Question from Helena Minton.
- 8 Overview and Scrutiny Annual Report (Pages 83 - 96)
To reflect what has been undertaken and achieved by the committee during 2017/18 and take a forward look at the programme of work and challenges in 2018/19.
- 9 Corporate Governance Committee Annual Report (Pages 97 - 114)
To report the commitment and effectiveness of the committee's work from April 2017- March 2018.
- 10 Housing Enforcement Policy (Pages 115 - 170)
To consider adoption of a Housing Enforcement Policy for the Council.
- 11 Corporate Enforcement Policy (Pages 171 - 200)
To consider adoption of a revised Corporate Enforcement Policy.

12 Economic Development Update (Pages 201 - 220)

To consider an update on Economic Development activity in Fenland and endorse the Cabinet decision to enter into a shared Economic Development service arrangement with the Borough Council of King's Lynn & West Norfolk (BCKLWN).

13 Appointment of Acting Monitoring Officer and Notification of Acting Deputy Monitoring Officer (Pages 221 - 222)

To approve the appointment of Amy Brown, Senior Solicitor, Peterborough City Council as the Council's Acting Monitoring Officer, with effect from 31 August 2018, to cover a period of maternity leave. To note the appointment of Anna Goodall, Head of Governance and Customer Services, as Acting Deputy Monitoring Officer for the Council, with effect from 31 August 2018 during the period in which Amy Brown is Acting Monitoring Officer.

14 Membership of Committees, Panels and Outside Bodies (Pages 223 - 234)

To consider changes in the Committees and Outside Bodies requiring political representation as a result of some changes to the political groups within the Council.

15 Constitutional Update (Pages 235 - 236)

To consider updates to the Constitution.

Fenland Hall
March



Chief Executive

Wednesday, 11 July 2018

NOTE The Council may, by resolution, as exemplified below, exclude the public from a meeting during the consideration of any item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings that, if members of the public were present, there would be disclosure to them of exempt information as defined in Section 100 I of the Local Government Act, 1972

"Resolved that under Section 100(A)(4) of the Local Government Act, 1972

the public be excluded from the meeting for Item No./Minute No. _____ on the grounds that the item involves the disclosure of exempt information as defined in Paragraph _____ of Part I of Schedule 12A of the Act"

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COUNCIL



THURSDAY, 17 MAY 2018 - 4.00 PM

PRESENT: Councillor K Mayor (Chairman), Councillor M Davis (Vice-Chairman), Councillor G Booth, Councillor M Bucknor, Councillor V Bucknor, Councillor M Buckton, Councillor R Butcher, Councillor J Clark, Councillor S Clark, Councillor M Cornwell, Councillor S Count, Councillor S Court, Councillor C Cox, Councillor J French, Councillor A Hay, Councillor S Hoy, Councillor S King, Councillor D Laws, Councillor D Mason, Councillor A Miscandlon, Councillor P Murphy, Councillor F Newell, Councillor D Oliver, Councillor K Owen, Councillor A Pugh, Councillor C Seaton, Councillor R Skoulding, Councillor W Sutton, Councillor M Tanfield, Councillor S Tierney and Councillor F Yeulett,

APOLOGIES: Councillor S Bligh, Councillor C Boden, Councillor D Connor, Councillor S Garratt, Councillor D Hodgson, Councillor M Humphrey and Councillor G Tibbs,

Officers in attendance:

1/18 TO ELECT A CHAIRMAN OF THE COUNCIL FOR THE PERIOD TO THE NEXT ANNUAL MEETING AND TO RESOLVE THAT AN ALLOWANCE OF £3,900 PLUS TRAVELLING EXPENSES TO BE PAID TO THE PERSON ELECTED.

It was proposed by Councillor Seaton, seconded by Councillor Mrs Laws and resolved that Councillor Mrs Mayor be elected as Chairman of the Council for the period to the next Annual Meeting and that she be paid an allowance of £3,900 plus travelling expenses.

The Chairman received the Chain of Office and signed the Declaration of Acceptance of Office.

Councillor Mrs Mayor thanked Members for electing her for another year.

2/18 TO ELECT A VICE-CHAIRMAN OF THE COUNCIL FOR THE PERIOD TO THE NEXT ANNUAL MEETING AND TO RESOLVE THAT AN ALLOWANCE OF £1,000 PLUS TRAVELLING EXPENSES BE PAID TO THE PERSON ELECTED.

It was proposed by Councillor Mrs Laws, seconded by Councillor Tierney and resolved that Councillor Mrs Davis be elected as Vice-Chairman of the Council for the period to the next Annual Meeting and that she be paid an allowance of £1,000 plus travelling expenses.

The Vice-Chairman made her Declaration of Acceptance of Office and addressed the Council. Councillor Mrs Davis thanked Members for nominating her and assured Members she would represent the Council to the best of her ability.

3/18 PREVIOUS MINUTES

The minutes of the meetings of 22 February 2018 were confirmed and signed, subject to the following comments:

- Councillor Mrs Bucknor confirmed she had attended the 1:00 PM meeting on 22 February 2018; however her name had been excluded from the minutes.
- Councillor Sutton queried minute C56/17 of the previous minutes. Councillor Booth clarified

that Councillor Sutton had made the statement as per the previous minutes.

4/18 **MEETINGS OF THE COUNCIL**

The suggested meeting dates for the Annual Meeting of the Council and for the ordinary meetings of the Council were proposed as follows;

1. The Annual Meeting of the Council in 2019 be held on Thursday 23 May 2019.
2. The ordinary meetings of the Council be held on;
Thursday 19 July 2018
Thursday 13 September 2018
Thursday 15 November 2018
Thursday 13 December 2019
Thursday 21 February 2019.

The suggested dates for the Annual Meeting of the Council and for the ordinary meetings of the Council were proposed by Councillor Mrs Mayor, seconded by Councillor Mrs French and AGREED by Members.

5/18 **TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL AND/OR THE HEAD OF PAID SERVICE.**

Councillor Mrs Mayor formally acknowledged and thanked the previous Vice-Chairman, Councillor Hodgson, for his support to her as Vice-Chairman for the past 12 months.

Councillor Mrs Mayor informed Members that she will be holding an Armed Forces Day presentation to recognise the significant contribution of both past and present Service Men and Women and would be presenting the Armed Forces Badge to 44 veterans. She confirmed that the Event will be held on Friday 29 June 2018 at St Mary's Church, Whittlesey and informed Members they would receive official invitations shortly.

Councillor Mrs Mayor informed Members that she will be hosting visitors from Stadt Nettetal as part of the Council's twinning partnership. The visit will take place between 5th and 9th July, with the Fenland Twinning Association Dinner Dance taking place on Saturday 7th July at Childers Sports and Social Club. She confirmed that Members would receive their official invitations in due course.

6/18 **TO RECEIVE QUESTIONS FROM, AND PROVIDE ANSWERS TO, COUNCILLORS IN RELATION TO MATTERS WHICH, IN THE OPINION OF THE CHAIRMAN, ACCORD WITH THE PROVISIONS OF PROCEDURE RULES 8.4 AND 8.6.**

Councillor Mrs Mayor stated that we had not received any questions submitted under Procedure Rule 8.6 and asked if there were any questions under Procedure Rule 8.4 from Councillor Booth and Councillor Mrs Bucknor.

Councillor Mrs Bucknor asked the Leader for an update on the Wisbech Vehicle Exchange site. She informed Members that she had sent numerous emails asking for an update but is yet to receive a response and whilst she is aware of the challenges the Council face in getting information from The Crown Estate, she needs to provide an update to members of the public that have raised concerns. Following a fire in December 2017, the Council fenced the site off due to the dangers it posed however she has received no further information since. Councillor Mrs Bucknor said that Councillor Oliver had informed her in February that the Council were discussing the site with The Crown Estate and following this, a meeting was due to take place with officers to discuss the site on the 23rd April 2018. She is yet to hear the results of this meeting and asked the Leader what the outcome was. Councillor Seaton said that whilst it is an extremely frustrating

situation, the Council have approached The Crown Estate who have not been forthcoming in releasing information and there is no further update. He added that the Council are only bound to rectify any issues on the site if there is a major safety issue. He explained that the issue is that The Crown Estate will not inform the Council if there are any charges on the site which makes a compulsory purchase not a viable option for the Council. He added that The Crown Estate will not take any action themselves as this would make them liable for future responsibility of the management of the site. He reiterated that he and officers are frustrated with the situation and whilst a meeting has recently taken place, no further information had been received from The Crown Estate. Whilst he realises this does not help Councillor Mrs Bucknor update members of the public, there is nothing more than can be done. Councillor Mrs Bucknor asked the outcome of the meeting on 23rd April. Councillor Seaton confirmed he would provide Councillor Mrs Bucknor with a written statement regarding the matter.

Councillor Booth stated the Mayor of Cambridgeshire and Peterborough Combined Authority (CPCA) has announced to undertake a review of Local Government within the County and asked the Leader to confirm how Fenland District Council will be involved in this review and what steps will be taken to assist in this process. Councillor Seaton thanked Councillor Booth for his question and made the following statement; 'In relation to the Mayor's commitment to Public Services Reform and as part of this the opportunity to review how Local Government services might be more cost-effectively delivered in the future, it is accurate to say that the work of the Mayor and CPCA is still at a relatively early stage. As I am aware an Independent Commission is being appointed to support this work. As a constituent member of the CPCA with full voting rights, Fenland District Council will have a leading role to play in shaping the future of this review and any outcomes associated with it. Furthermore, I will be making a strong representation to the Mayor and my fellow Leaders that all Councillors are fully engaged in the process. The basis of this engagement is yet to be determined by the CPCA but I will ensure all Fenland District Council Members are kept updated as and when further information becomes available'. Councillor Booth thanked Councillor Seaton for his response and stated that adding additional tiers to local government has a cost however is beneficial as it helps local taxpayers.

Councillor Booth asked the Leader to confirm if Fenland District Council sent a representative to the A47 Alliance meeting on Friday 11 May as reported in the press, where the 'Just Dual It!' campaign was launched. Councillor Seaton provided the following response; 'In relation to the A47 Alliance meeting held on Friday 11 May, I can confirm that on this occasion, Fenland District Council was not represented at the meeting. However, in view of this and due to the significant importance of the A47 to Fenland and the launch of the 'Just Dual It!' campaign, both the Chief Executive and I met with the Mayor on Tuesday to receive a full briefing of the meeting and to reinforce Fenland District Council's commitment to the campaign and A47 Alliance. To build further member and officer resilience around attending future A47 Alliance meetings, both the Chief Executive and I will be taking a more active interest in supporting these meetings.' Councillor Booth thanked Councillor Seaton for his response and said it was disappointing that Fenland District Council were not in attendance as the Council need to support the campaign.

Councillor Booth stated that it had recently been announced that the government would pledge £2.5bn of foreign investment into the Garden Town Project and asked the Leader to confirm the Council's involvement in this. Councillor Seaton explained that both he and the Mayor of CPCA had been unaware of the announcement until late last night but thought that it was good news and promised to provide further information to Members once he has it. Councillor Booth said it was disappointing that neither the Leader nor Mayor had been made aware of the news prior to it being announced by the government and stated that more work needs to be carried out in order to engage the public in this project. He raised concerns about the proposed works being carried out and the effects this could have on the residents of Wisbech and the infrastructure currently in place. Councillor Seaton agreed that the Garden Town Project and improvements to transport and infrastructure in Wisbech are all linked and whilst it will be a long process, it is good news for Wisbech.

Councillor Booth asked if the Council could review the Constitution in relation to public engagement and the timescales surrounding this. Councillor Seaton said he would provide Councillor Booth with a response at a later date.

7/18 TO RECEIVE REPORTS FROM AND ASK QUESTIONS OF CABINET MEMBERS WITH PORTFOLIO HOLDER RESPONSIBILITIES, IN ACCORDANCE WITH PROCEDURE RULES 8.1 AND 8.2.

Councillor Mrs Mayor stated that to allow full discussion on this item, she is proposing to suspend Standing Orders to enable members to make comments as well as ask questions. This was agreed.

Councillor Mrs French asked for an update on the Council's Mooring Policy. Councillor Murphy explained that amendments had been made to the policy in relation to the overstay period and charges associated with this. Councillor Owen asked if the Council had powers to remove boats outside of Council moorings. Councillor Murphy confirmed that this is the responsibility of Middle Level.

Councillor Mrs French asked if the Council had any authority or policies in place to tackle begging and busking in Fenland. Councillor Murphy said he would provide Councillor Mrs French with a response after the meeting.

Councillor Tierney updated Members on the progress of Wisbech Castle and the work being carried out by local Councillors and Volunteers. He extended an invitation to Councillor Buckton to visit the castle and explore working with Fenland District Council to promote tourism in the area. Councillor Buckton accepted the invitation and said he would be delighted to visit.

Councillor Miss Hoy endorsed the question asked by Councillor Mrs Bucknor in relation to the Wisbech Vehicle Exchange and explained that a local Councillor had also provided incorrect information in relation to this issue which had been extremely unhelpful to local residents. Councillor Seaton agreed that false information to residents should be addressed and is unhelpful.

Councillor Booth asked Councillor Oliver for an update on the issue of street drinking in Wisbech and asked what actions had been taken to tackle this since the Public Space Protection Order (PSPO) was introduced to combat this problem. Councillor Oliver made the following statement; 'The PSPO to support reducing the impact of alcohol misuse and harm in specific areas within the district came into effect on 20th October 2017. The PSPO covers Wisbech locations that have been suffering from long term alcohol misuse. This includes St Peter's Gardens, Tillery Field and The Crescent Gardens, as well as a wider covering area covering the town centre. The PSPO makes it an offence within the three specified locations to have an open container of alcohol. In the wider area, which is based in the main on the previous Wisbech Designated Public Places Order area, officers can require a person to cease drinking alcohol and surrender that alcohol. The Council has adopted an approach whereby this requirement will only be made when the alcohol consumption is, has been or is likely to, contribute towards anti-social behaviour. In line with Council policy, a period of education was adopted until Sunday 3rd December 2017. Although it was a period of education and Fixed Penalty Notices (FPN's) were not being issued it was felt appropriate to require any alcohol being consumed in breach of the Order to be surrendered. Officers engaging with street drinkers had access to multi-lingual leaflets explaining the order restrictions and powers available to deal with any breaches. They were able to signpost those engaged with to support services available through the Wisbech Alcohol Partnership. In the first five weeks of the order coming into force, officers confiscated and disposed of alcohol on 14 occasions in the three areas of St Peter's Church Garden, estimated to be around 50%. From 4th December 2017, the formal education period ended and if considered appropriate, FPNs could be issued for any breaches of the order. During the period from December 2017-April 2018 there

have been 81 FPNs issued to people found with open containers in three hotspot areas of St Peter's Gardens (45 issued), Tillery Field (11 issued) and The Crescent Gardens (25 issued). The CCTV team continue to contribute towards the project. During the period February 2018 to April 2018 they have reported 30 occurrences of street drinking of which 7 lead to positive action being taken. Of course it is very important to note that enforcement like this is not done in isolation. Through the Wisbech Alcohol Partnership a co-ordinated one team, multi-agency approach is taken to issues around alcohol and substance misuse which includes offering support packages as well as enforcement'. Councillor Booth said that based on the figures provided, action is obviously being taken however he has still heard of issues occurring in these areas. Whilst he understands that the Police cannot attend every incident he would have hoped to have seen more than 7 out of 30 incidents ending in positive action. Councillor Oliver explained that unfortunately when these incidents are observed on CCTV many of the offenders have left the area by the time the Police or enforcement officers arrive.

Councillor Booth asked Councillor Murphy how many people had subscribed the Garden Waste Service this year compared to last year. Councillor Murphy confirmed that 19,275 had subscribed to the service this year which is an increase of approximately 1,200 subscriptions compared to this time last year. Councillor Booth asked Councillor Murphy how many people had benefited from the 10% discount by registering for the Garden Waste Service by the end of March. Councillor Murphy confirmed that last this year 13,430 people had taken advantage of 10% discount compared to 6,600 last year. Councillor Booth asked Councillor Murphy the cost of the service last year and the expected cost for the next municipal year. Councillor Murphy explained that the cost last year was £729,028 and the budget forecast for this year is £742,480. Councillor Booth asked Councillor Murphy if he could confirm the set-up costs for the Garden Waste Service in 2017/18. Councillor Murphy confirmed that the initial set up cost was £68,000 which was taken out of the Management Change Fund and is being repaid.

Councillor Booth asked Councillor Mrs Laws to confirm whether Fenland District Council will change its approach to large scale developments and viability assessments following the recent High Court Case 'Parkhurst Road Limited V Secretary of State for Housing Communities and Local Government & London Borough of Islington', given the implication this judgement has on how many affordable housing units can potentially be provided across the District. Councillor Mrs Laws thanked Councillor Booth for the question and made the following statement; 'When undertaking viability assessment reviews, officers are aware of typical land values in the different parts of the local authority area. When higher than usual values are submitted by applicants, these are investigated to understand the reasons why so that challenge can be made higher values are not justified. This ensures that applicants are not overpaying for land in order to avoid providing affordable housing, as was the situation in the legal challenge tested in the High Court recently. It should be noted that land values are traditionally low in the Fenland area and so any artificially high prices would be noticeable. Competition for housing sites is not as strong as it is in development hot spots such as the South East and so there is much less of an incentive to overpay for sites, unlike the High Court Case situation. As well as officers acting for the Council looking at viability reports, officers from the County Council also review them (where the development potentially needs to provide an education contribution) and so there is a good level of diligence in place. The judgement therefore does not require any changes to the way that the Council look at viability assessments. Councillor Booth asked what weight does the Council's Planning department put on the RICS (Royal Institute of Chartered Surveyors) guidance on viability assessments, given the comments made by the Judge in this case. Councillor Mrs Laws clarified that the Council uses the financial model used by the Homes England which is promoted by the Government rather than that produced by the RICS. Councillor Booth thanked Councillor Mrs Laws for her response and stated that viability assessments are key as a lot of people are struggling to get on to the property ladder and the Council needs a robust process in place to challenge these assessments.

Councillor Mrs Bucknor raised concerns over the lack of public toilets in Wisbech as over the Bank

Holiday weekend, the toilets near St Peter's Church had been vandalised. She explained that these have now been repaired however in the interim she had requested officers and the Portfolio Holder meet with the manager of the Horsefair Shopping Centre to discuss the possibility of them re-opening the public toilets there and asked if a meeting had been arranged. Councillor Oliver confirmed that a meeting had taken place between officers and the manager of the Horsefair Shopping Centre however he has not received a report on how this went. He said he knows the issues surrounding the public toilets and understands solutions are being considered and agreed to follow this up with officers. Councillor Mrs Bucknor said this needs to be dealt with urgently as local festivals and events are scheduled to take place in the coming months and the issue needs to be resolved prior to this. Councillor Oliver confirmed that the manager of the Horsefair Shopping Centre has promised to open their public toilets on these dates.

8/18 TO CONSIDER RECOMMENDATIONS (IF ANY) FROM CABINET, THE OVERVIEW AND SCRUTINY PANEL AND COMMITTEES.

Members considered the Regulations of Investigatory Powers Act (RIPA) - Policy Update report presented by Councillor Clark. He informed Members that the Corporate Governance Committee will continue to have oversight of the use of RIPA and any further updates to the Policy will be reported to Council.

Members asked questions, made comments and received responses as follows;

- Councillor Mrs Bucknor asked for clarification regarding the cost of applying to the Magistrates Court for the use of undercover surveillance and asked if this was necessary. Councillor Clark confirmed that the policy is used infrequently so the cost is not something to raise concern. Councillor Booth clarified that the law has recently been updated and one of the updates is that all applications to use RIPA must be approved by the Magistrates Court.
- Councillor Owen asked how many times RIPA had been used by the Council. Councillor Clark confirmed it had been used twice since January 2017 to May 2018 and both of these occasions were to monitor fly-tipping offences.

Proposed by Councillor Owen, seconded by Councillor Booth and AGREED that Council approve the recommendation of Corporate Governance Committee that the Council's amended RIPA policy attached to the report in the Agenda Pack is approved.

Members considered the Flood Risk Sequential Test Informal Guidance report presented by Councillor Miscandlon. Councillor Miscandlon made the following statement; 'Government Planning Policy requires that development is directed to those locations where the risk of flooding is least. This is facilitated using what is known as the sequential test. Simply put, where proposals come forward in an area of flood risk, a search has to be undertaken to see if the development can be located elsewhere where the flooding is less. The adopted Fenland Local Plan and the more recently adopted Water Supplementary Planning Guidance reiterate and refine the national approach with the regard to the sequential test. Through the Developer and Agent Forum that the planning service runs, feedback was received that there was the need to simplify the sequential test process in terms of such matters as the extent of the area of search for alternative sites and the need to account for the fact that a significant part of the built up area of Wisbech is at flood risk but capable of accommodating new development. Working with the local developers and agents, as well as the Lead Local Flood Authority (County Council), Environment Agency and IDB's informal guidance has been produced to address many of the matters raised. It is proposed that the guidance will be a living document which will be reviewed and updated following a period of 'road testing'. It is for this reason that the guidance is being given its 'informal' status.'

Members asked questions, made comments and received responses as follows;

- Councillor Mrs Bucknor raised concerns with point 5.7 of the report regarding mapping and

asked if there are any plans to improve the current dataset. Councillor Miscandlon stated that updating the environmental maps is an on-going process that happens all the time. He confirmed that the Environment Agency is up to date with relevant information but are looking at other processes in regards to the Flood Risk Assessment for Fenland.

- Councillor Sutton agreed with Councillor Miscandlon and said the maps are updated on a continuous basis.
- Councillor Booth asked if this would alter the Local Plan in regards to taking into account local flood defences and not just the Environment Agency maps. Councillor Miscandlon explained that whilst the flood defences have been updated they only take these into account in extreme cases.

Proposed by Councillor Miscandlon, seconded by Councillor Clark and AGREED that Council receive the recommendation from the Planning Committee and approve the Flood Risk Sequential Test Informal Guidance for use in the determination of planning applications as set out in Appendix 4 of the report in the Agenda Pack.

9/18 MEMBERSHIP OF COMMITTEES, PANELS AND OUTSIDE BODIES

Members considered the Membership of Committees, Panels and Outside Bodies report presented by Councillor Seaton.

Members asked questions, made comments and received response as follows;

- Councillor Cornwell highlighted that the Conservative group member figure in 5.4 of the report is incorrect as a Member has recently resigned. He confirmed that this should be 33 members and not 34.

Proposed by Councillor Mrs Laws, seconded by Councillor Miscandlon and AGREED to adopt the schedule of appointments and political allocations set out in the appendices of the report in the Agenda Pack.

10/18 COMBINED AUTHORITY APPOINTMENTS

Members considered the Cambridgeshire and Peterborough Combined Authority - Membership and Other Appointments report presented by Councillor Seaton. He informed Members that there was an update to the report and confirmed that Councillor Oliver is now the substitute member on the Combined Authority Board. He thanked Councillor Cornwell for previously holding this position.

Members asked questions, made comments and received responses as follows;

- Councillor Booth highlighted that the report states that there are 3 Independent members and this could be misconstrued that they are all part of the same group. Councillor Mrs Mayor confirmed that the figure is noted in this way as the 3 Independent members are not part of a political party registered with the Electoral Commission.

Proposed by Councillor Tanfield, seconded by Councillor Tierney and AGREED to adopt the schedule of appointments and political allocations set out in the appendices of the report in the Agenda Pack.

11/18 TREASURY MANAGEMENT ANNUAL REPORT 2017/18

Members considered the Treasury Management Annual Report presented by Councillor Mrs Hay. She thanked Brendan Arnold, Mark Saunders and the Finance team for their hard work.

Proposed by Councillor Seaton, seconded by Councillor Skoulding and AGREED that members note the report.

12/18 COMMUNITY GOVERNANCE REVIEW

Members considered the Community Governance Review - Final Recommendations report presented by Councillor Sutton. He thanked Anna Goodall and her team for their work on the report.

Proposed by Councillor Sutton, seconded by Councillor Booth and AGREED that the Council approve the final Community Governance Review recommendations;

- **Amalgamate the parish wards of Bassenhally, Elm and Delph into one parish ward entitled Bassenhally parish ward represented by 4 Town Councillors.**
- **Amalgamate St Andrews parish ward with St Mary's North parish ward and rename the resulting parish ward St Andrews and St Marys North parish ward represented by 2 Town Councillors.**
- **Change the level of local representative in Stonald parish ward to 2 Town Councillors to facilitate greater levels of electoral equality across the wider area.**

13/18 WHITTLESEY CONSERVATION AREA APPRAISAL

Members considered the Whittlesey Conservation Area Appraisal & Whittlesey Conservation Area Management Plan report presented by Councilor Mrs Laws. She thanked Katie McAndrew (Conservation Officer) and Whittlesey Town Council for their work on the report.

Members asked questions, made comments and received responses as follows;

- Councillor Sutton said that as the previous Portfolio Holder for this project, he had worked hard to move it forward and was pleased with the outcome. He reiterated the comments made by Councillor Mrs Laws and praised Katie McAndrew for her hard work.
- Councillor Booth asked if there were plans to carry out further Conservation Appraisals as certain areas, such as Parson Drove, need updating. Councillor Mrs Laws confirmed that whilst no schedule is in place, she would come back to Councillor Booth regarding this. Councillor Butcher clarified that Whittlesey Town Council had provided funds to carry the appraisal out. Councillor Booth thanked Councillor Mrs Laws and Councillor Butcher for their clarification and asked what the response of the public consultation was. Councillor Mrs Laws agreed to send the results of this to Councillor Booth after the meeting.
- Councillor Mrs Bucknor asked if there was a schedule in place to monitor the felling of trees with Tree Preservation Orders attached to them. Councillor Mrs Laws agreed to provide a written response to Councillor Mrs Bucknor after the meeting.

Proposed by Councillor Miscandlon, seconded by Councillor Sutton and AGREED to approve the Whittlesey Conservation Area Appraisal and Whittlesey Conservation Area Management Plan for adoption.

14/18 ECONOMIC DEVELOPMENT UPDATE

Councillor Mrs Mayor proposed that this item be deferred as Members require further information on the proposal.

Members AGREED to defer this item until the necessary information has been gathered and Members briefed accordingly.

15/18 CONSTITUTIONAL UPDATE Page 8

Members considered the Constitutional Amendments report presented by Councillor Seaton.

Proposed by Councillor Mrs Hay, seconded by Councillor Cornwell and AGREED to approve the following amendments;

- **Page F.13 - Part 3, Responsibility for Functions - Fenland District Council Cabinet and Portfolios**

In the first and second column of the table, the portfolio responsibilities for the Leader to be amended to include, 'Cambridgeshire and Peterborough Combined Authority'

- **Page F.41 - Part 3, Responsibility for Functions - Table 5 - Functions Delegated to All Portfolio Holders; Immediately after 'All Portfolio Holders' and prior to 'Finance Portfolio Holder', a new paragraph to be inserted to read:**

The Leader

- 1. Delegated authority to take executive decisions on behalf of the Council in relation to matters concerning the Cambridgeshire and Peterborough Combined Authority where those decisions are considered to be urgent by the Council's Chief Executive and are therefore unable to be considered by Cabinet and/or Council.**

- **Page F.16 - Part 3 , Responsibility for Functions - Table 4 - Functions Delegated to Officers**

The current wording at paragraph 7 to be amended to read: '7. In cases of urgency to have a general power, after consultation with the member holding the appropriate portfolio in Cabinet, or in the Chairman of the relevant committee as the case may be, to deal with any matter not delegated to any other officer by statute or other legislation on which the Chief Executive considers to require a decision before the next meeting of the appropriate body within the Council.

5.19 pm

Chairman

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Cabinet and Corporate Management Team

Portfolio Holder Briefing Report

June 2018

Cabinet Members



**Councillor
Chris Seaton**
Leader of the Council



**Councillor
David Mason**
Cabinet Member for
Growth



**Councillor
Mike Cornwell**
Cabinet Member for
Communities



**Councillor
Peter Murphy**
Cabinet Member for
Environment



**Councillor
David Oliver**
Cabinet Member for
Community Safety &
Heritage



**Councillor
Anne Hay**
Cabinet Member for
Finance



**Councillor
Dee Laws**
Cabinet Member for
Neighbourhood
Planning



**Councillor
Mark Buckton**
Cabinet Member for
Leisure & Young
People

BUSINESS PLAN AREA: Communities

Business Plan Priority: Support vulnerable members of our community

Business Plan Action: Support residents to maximise their income by accessing the benefits they are entitled to. Process applications for Housing Benefit and Council Tax Support quickly and accurately through our shared service (Anglia Revenues Partnership; ARP)

Business Plan Action: Support residents in managing the effects of welfare reform changes by working with partners, including Jobcentre Plus and the CAB, and helping them access Universal Credits online

Portfolio Holder: Cllr Mrs Anne Hay

Description	Target 18/19	Achieved (in-month only)	Cumulative for 18/19	Variance
Performance Measure				
Target ARP1 Days taken to process Council Tax support – new claims and changes	12 days	8.2 days	8.1 days	
Target ARP2 Days taken to process Housing Benefit – new claims and changes	12 days	7.3 days	7.4 days	
<p>Performance for May has met targets - we have implemented campaigns to prioritise work allocation to continue meeting targets whilst we manage the usual increase in workload at this time of the year. Current vacancies are also impacting – we had a number of new recruits starting in late May; we are trialling a new approach to their training to reduce the time before they can contribute and are planning a team challenge day as these have previously been successful.</p>				

BUSINESS PLAN AREA: Communities

Business Plan Priority: Support vulnerable members of our community

Business Plan Action: *Deliver the Homelessness Strategy and housing duties. Work with the Home Improvement Agency to award Disabled Facilities Grants*

Portfolio Holder: Cllr Mrs Dee Laws

Description	Target 18/19	Achieved	Cumulative for 18/19	Variance
Performance Measure				
LPI CEL1 Total number of private rented homes where positive action has been taken to address safety and cohesion issues	200	36	59	

At the end of May 2018, The Council had provided 8 positive interventions on new requests for service for Houses in Multiple Occupation (HMOs) across the district.

The Council had also investigated 25 complaints from tenants occupying privately rented accommodation in the same period. Council Officers intervened to remove Category 1 hazards (serious faults) and Category 2 hazards (less serious faults) from properties to make them safe for the residents.

The geographical spread is as follows:

	<u>HMOs inspected</u>	<u>Privately Rented Homes investigated</u>
Wisbech	11	13
March	0	4
Chatteris	0	0
Whittlesey	0	2
Villages	0	6

Private Sector Housing Enforcement (Controlling Migration Fund (CMF) project) Performance (5/3/18-31/5/18)

As the project moves forward the officers continue to identify private rented properties within Wisbech. Where defects have been reported to the owners the officers have had the opportunity to revisit those properties to establish compliance and communicate with landlords in more detail. Where landlords have failed to comply, the officers follow the council's Enforcement Policy to resolve matters formally.

The table below provides a breakdown of the officers' interventions which reflects how they have prioritised their workload with the objective of improving outcomes for Wisbech residents.

Measure	May	Cumulative
Total Number of Properties Inspected	118	573
Enforcement Actions Taken (see table below)	60	140
Information Packs Issued	37	54
Smoke Detectors brought into use	10	52
Hazards Removed	4	33

Breakdown of Enforcement Actions

Smoke Detector defect letters (Private Rented Sector)	50
Smoke Detector advisory letters (Owner Occupied)	45
Formal Inspection Appointment Letters	6
Notice requesting Information	2
Informal Letter requesting remedial repair	29
HMO declaration notices	8

The actions undertaken by the council help to ensure that residents can live safely in their private rented homes and that landlords are aware of their responsibilities.

Description	Target 18/19	Achieved	Cumulative for 18/19	Variance
Performance Measure				
LPI Number of households prevented from becoming homeless	200	15	22	

Homeless individuals and families have been assisted in a variety of ways. The Housing Options Team and Trailblazer Team have been able to keep households in their homes either by debt management or mediation. Other households have been assisted by being found alternative accommodation so that they didn't face homelessness.

Breakdown:

- Mediation = 1
- Resolve rent arrears = 1
- Private rented with deposit support = 11
- Private rented without deposit support = 5
- Housing Register Offer = 2
- Supported Accommodation = 2

The year to date preventions are on target at 22, and quarterly reviews of existing

cases can increase the historic numbers, even with recent changes in legislation.

Description	Monthly	Cumulative for 2018/19	%
Total number of Households approaching to the Housing Options Team	166	331	
Total number household receiving advice only for example not homeless but advice needed	71	177	
Total number of Personal Housing Plans created i.e. there is a risk of homelessness and an action plan has been created to hopefully prevent the homelessness taking affect.	55	106	
i. Number of formal Homeless decisions made.	0	0	
Successful outcomes in Prevention stage (household had their issue resolved within 56 days)	7 out of 11	7 out of 11	64%
ii Successful outcomes in Relief stage	2 out of 2	2 out of 2	100%

Statistic for Wales which is the good practice benchmark from government shows Prevention 62% Relief 42%

i This is where the personal housing plan has not resolved the problem leading to the need for a formal decision to be taken under the legislation. In 17/18 we made 159 decisions and experience in Wales and Southwark indicate this should be much lower under the new Act.

ii(cases that came to us too late for prevention stage i.e. households were awaiting court action to end their tenancy or they lost their last settled accommodation, which meant the Council had to provide some alternative form of accommodation whilst the household and the Council work on a personal housing plan. During the 56 day "relief period" they had their housing issue resolved).

Rough sleepers (CMF project)

The Council's Migrant Outreach Worker funded through the successful Controlling Migration Bid is currently working with 11 rough sleepers in Wisbech to find support and solutions for their situations.

One client who is rough sleeping has taken up the offer of rehabilitation and support. The individual is receiving help to overcome his alcohol addiction following the loss of his job, relationship breakdown and his home.

Trailblazer Project Update

The work of early prevention across the Fenland led Trailblazer project continues to make a valuable difference to people's lives within Cambridgeshire and Peterborough.

Since the start of the project in August 2017, there have been 611 referrals from individuals and partner agencies requesting help to prevent homeless families and individuals from becoming homeless.

The highest number of referrals relate to Fenland cases, since the start of the project there have been 264.

The Trailblazer Team are working with social and private sector landlords to prevent homelessness including through mediation, debt advice and financial advice.

A Specialist Landlord Rent Solution service is in place to support landlords in managing tenancy issues including support and advice, to avoid the need to take court action and evict tenants.

In accordance with the funding, a fast tracking (within 5 day appointment) Debt advice service is in place for 12 months with Cambs Rural CAB & Peterborough CAB to offer advice and assistance to households at risk of homelessness.

Description	Target 18/19	Achieved	Cumulative for 18/19	Variance
Performance Measure				
LPI Number of homes adapted to assist vulnerable disabled residents to remain in their home	130	1	29	

Through this scheme the Council provides adaptation works for elderly and disabled home owners and tenants to remain safe, secure and protected in their own homes. At the end of May 2018, The Council has assisted 28 households with adaptation works.

The geographical spread is as follows:

Wisbech	8
March	9
Chatteris	2

Whittlesey	2
Other villages	8

Description	Baseline	Target 18/19	No of customers who responded	No of customers satisfied	% 18/19	Variance
Disabled Facilities Grants: % of residents who felt that the work undertaken to adapt their property made their life easier (1 year on survey)	100%	90%	7	7	100	

5 households responded to the survey in May 18 for this performance measure.

7 surveys have been completed for the financial year so far culminating in satisfaction score of 100%

Portfolio Holder:

Cllr Mike Cornwell

Syrian Refugees Update

Work is progressing with a multi-agency team assembled in partnership with Whittlesey Town Council and a local faith group to welcome 2 refugee families in the Autumn. The project is funded through the national overseas aid budget and the Council has an arrangement with Peterborough City Council to manage the process on our behalf as they already have a structure for such assistance.

BUSINESS PLAN AREA: Communities

Business Plan Priority: Support vulnerable members of our community

Business Plan Action: *Work with partners to build capacity and resilience so that residents can support themselves and the community*

Portfolio Holder: Cllr Mike Cornwell

Description	Target 18/19	Achieved	Cumulative for 18/19	Variance
Performance Measure				
MPI Percentage of DWP customers who feel more confident to access work as a result of this project	75%	0	0	
<p>Working with an organisation called People and Animals the gardening group has gone from strength to strength with 15 regularly participating. We are also working closely with Clarion and Groundworks in the delivery of their green team project. The team also supported the Job Fair which was held at the Queen Mary Centre on 1st May. Six of our clients are attending the confidence building course being held at the Oasis Centre.</p> <p>No exit surveys have been completed as yet, hence whilst work is on-going, the performance measure remains at zero but will increase through the year.</p>				

BUSINESS PLAN AREA: Communities

Business Plan Priority: Support vulnerable members of our community

Business Plan Action: *Deliver the Wisbech 2020 Action Plan across the themes of Education and Skills, Health, Wellbeing and Cohesion, Infrastructure and the Built Environment, and Local Economy*

Portfolio Holder: Cllr Chris Seaton

Wisbech 2020 Update
The Wisbech 2020 Vision Steering Group continues to deliver the actions set out in the

refreshed Wisbech 2020 Vision document. These include:

- Taking part in local careers events to improve links between employers and future employees
- Designing and developing training facilities at the College of West Anglia (led by Anglian Water)
- Delivering the refreshed Community Based Literacy programme, including links to the Wisbech Reads initiative
- Delivering an annual programme of community events
- Engaging with migrant communities on health & wellbeing issues
- Tackling street drinking in Wisbech
- Upgrading Wisbech Market Place
- Delivering improvements to Wisbech High Street
- Working with local businesses to increase access to finance for growth and development and also to develop networks to increase knowledge transfer

Wisbech Access Study

The Wisbech Access Study report was endorsed by Cabinet Members on 17 May 2018. The report was produced after consultation with stakeholders and local residents to help improve the transport network in Wisbech.

Background documents and further information on the timeline for delivering this project can be found [here](#).

BUSINESS PLAN AREA: Communities

Business Plan Priority: Promote Health & Wellbeing for all

Business Plan Action: Deliver the Council's Leisure Strategy

Portfolio Holder: Cllr Mark Buckton

Description	Target 18/19	Achieved (May 2018)	Cumulative for 18/19	Variance
Performance Measure				
LPI LS1 Number of paid visits to our leisure centres	837,588	72,662 Target: 71,884	143,136	

Attendance performance continues to match expectations, with financial performance following suit.

There continues to be capacity for more users during the day and teams continue to support users, encouraging repeat visits as well as bring a buddy to have a swim or workout.

Recent improvements to the floor of the main dance studio at the George Campbell have improved the quality of the offer, reduced the levels of negative comments and supports membership retention.

Description	Target	Achieved		Variance
Performance Measure				
MPI Number of Direct Debit members	3,200	3,479		

Membership numbers remain positive with the current total being the highest level achieved since the refurbishment of the George Campbell three years ago. This reflects the offer that we now have to the public, as well as the support the New Vision teams gives to our customers.

Leisure Procurement

As planned, the Council is in the negotiation stage of the procurement process, discussing initial bids with our bidders to explore options to the bids received.

It is expected that the Council will have final offers in late July in accordance with the project plan, with a decision regarding the project to be made in August.

Active Fenland Update

Active Fenland Projects

Original Active Fenland Funding

Sport England funding ended on May 31. An assessment of success based on measurement and evaluation of the work will be submitted to Sport England in June. The project has performed well for the three years of funding and the final year's figures show both new participants and total visits exceed targets;

KPI targets Vs Actual:

Target	Actual
38,457 attendances (throughput) for Year 3	41, 928
711 new participants for year 3	715 new

Let's Get Moving

This County Council Public Health funded project builds on the Active Fenland project, developing 8 of the existing Active Fenland streams and developing 6 new project streams. The project will deliver sessions including:

- Table tennis
- Walking football
- Walking netball
- Ladies football
- Back to netball
- Buggy run
- Yoga
- Teen clubbercise (dance / exercise classes)
- Mental health walks
- Beginners running
- Santa run event
- Bunny (Easter) run event
- Bowls
- Dance

Current performance exceeds expectations with FDC expecting to reprofile targets with the Public Health team shortly.

Sport England Children and Families Fund

This project is mainly funded by Sport England and is called Active Families in Fenland, running under the Active Fenland brand. Fenland has been successful in attracting an additional £10,000 p.a. support for the project from Clarion Futures to work in Fenland's more deprived areas.

The initial project stream, Fit and Fed, has been launched during May half term in Wisbech. This stream of the project provides healthy activity for young people during school holidays, and also provides a meal to those taking part. This project recognises that children who have school meals during term time sometimes miss a meal during the holidays.

Small Grants - Sport England funding

The sports development teams have had more funding success with a grant totalling £9,987 to support 'Introduction To Hockey' and 'Walking Hockey' sessions in Wisbech, Chatteris and March. The project anticipates attracting more than 70 new participants into the sports with an aim of 90% being female.

Satellite Funding

The sports development team have successfully secured Satellite Funding from Living Sport. This funding is to provide new opportunities to get active, or for clubs to attract more people to be more physically active. This funding will allow support local clubs.

- Girls Clubbercise Club = £4,110
- Rosmini Centre UV Table Tennis Club = £5,101
- Rosmini Family Clubbercise club = £3,059

These projects continue to develop and are attracting new participants regularly.

Clarion Futures Housing Group Partnership

A strong partnership has been built with Clarion Futures. For the financial year 2017/18 the Sports Development team secured the following funding from Clarion to complete projects targeting inactive populations in Fenland:

- West End Park parkrun route improvements £5,998
- Mum's / Families work £4,037 – sessions suitable for women who can bring children along to sessions & getting ready for school sessions for children.
- Older adults work £1,819 – Supporting people in sheltered schemes to take part in a broad range of appropriate activities.

BUSINESS PLAN AREA: Communities

Business Plan Priority: Promote health and wellbeing for all

Business Plan Action: *Reduce inequality and deprivation by working collaboratively with others and deliver the Council's Health & Wellbeing Strategy to tackle our local health priorities, including mental wellbeing*

Portfolio Holder: Cllr Mike Cornwell and Cllr David Oliver

Wisbech Alcohol Project

The Wisbech Alcohol Partnership held a meeting in May with attendance from officers from Fenland District Council, Inclusion, and the Horsefair Security team.

The Local Alcohol Action Area project plan was reviewed and updated by partners.

The weekly recovery walk which includes visits to the night shelter continues to be a partnership focus to support identified persons at risk of alcohol misuse and harm.

Partnership officers also reviewed the current fixed penalty notice data received to date for breaches of the alcohol related Public Spaces Protection Orders (PSPO). Inclusion and outreach officers linked to the local night shelter took actions to discuss the breaches directly with any service users that have repeatedly breached the PSPOs.

This is to help support payment of fines and ensure individuals are fully aware of the conditions of PSPOs and the importance of not breaching these. It also allows for

support services to offer intervention and support advice for treatment and recovery.

Discarded needles

The Council, with support from wider partners and services, is responding to highlighted concerns, mainly in the Wisbech Horsefair toilets, on discarded needles which currently remain closed.

To date, meetings and discussions have been held with the Horsefair Shopping centre manager to fully understand the scope of the problem which has led to further discussions being held with the local substance misuse treatment provider (Inclusion) to develop a localised action plan.

The plan will look at the recording and sharing of sharps data to help inform partners and local services on patrolling routines, the use of targeted education and awareness campaigns both with service users and within key front facing premises, as well as looking at location design and facilities to help enhance safe disposal. The plan will also look at potential enforcement routes for persons who are identified as discarding needles incorrectly within public areas. All learning from the action plan will be used to deliver any similar work across the district.

As the toilets remain closed the Council will be writing to the landlord to explore if there is any way forward to getting the toilet facilities re-opened in light of the ongoing partnership work to tackle the discarded needle issue.

Portfolio Holder:

Cllr Peter Murphy & Cllr Mike Cornwell

Energy Conservation

The Community Energy Switch auction is now complete and EON has successfully bid to provide a competitive tariff for Fenland residents.

Those who have signed up for the scheme will receive a direct price comparison that shows how much money they can save by switching.

For those who want to take up the opportunity, IChoosr will handle the whole process.

Residents have until 3rd July 2018 to switch.

Cambridgeshire Acre offers a community oil buying scheme, Community Buying at CAS Ltd. Any resident who uses oil fired central heating or other oil user can join the scheme and benefit from twice-monthly order dates with the opportunity to make savings by buying within the community partnership.

<http://www.camsacre.org.uk/community-oil-buying-scheme.php>

BUSINESS PLAN AREA: Communities

Business Plan Priority: Work with partners to promote Fenland through culture and heritage

Business Plan Action: *Work with local stakeholders to develop a Culture Strategy for Fenland; strengthening the links between the wider Fenland communities and promoting the area to people outside the district, including supporting the development of Must Farm in Whittlesey*

Portfolio Holder: Cllr Mark Buckton

Tourism Update

Support for tourism in Fenland will continue with three strands of work;

1. Continued website updates and promotion, coupled with the planned development of an App based version for smart phones.
2. Continued support for local tourism businesses by putting them in touch with the Council's economic development team. This will support the businesses to be more resilient and open up a wider support network of likeminded companies.
3. Promotion of Fenland to local Fenland residents by working together with the Fens Magazine to develop a publication that is produced at no cost, highlights what is happening across Fenland throughout the year and is distributed mainly throughout the local District. The magazine will focus on 'a good day out' in Fenland.

Once the Celebrating Fenland strategy is in place it will also support a broader function of engaging businesses and developing opportunities across the District for intra-district tourism, as well as offering more options to attract those from outside of the District to visit Fenland.

Must Farm Update

Kings Dyke Project

A report has been jointly commissioned by FDC, Cambs County Council and Whittlesey Town Council to consider an economic and commercial appraisal of potential future uses of the Kings Dyke Nature Reserve, linked to opportunities presented by the Must Farm finds.

The appraisal considers the relevant policy contexts, comparator and competitor sites nearby, the commercial conditions under which the site operates and presents a number of options for further development to secure a future expanded use of the site. Work is now underway to set up a project to undertake further work to secure the delivery of the most favourable option.

BUSINESS PLAN AREA: Environment

Business Plan Priority: Deliver a high performing refuse, recycling and street cleansing service

Business Plan Action: *Work with partners, the community and volunteers to divert at least 50% of Cambridgeshire's household waste from landfill*

Portfolio Holder: Cllr Peter Murphy

Description	Target 18/19	Achieved April 18	Cumulative for 18/19	Variance
Performance Measure				
LPI CEL8 % of collected household waste – blue bin recycling	28%	28%	28%	

Collected Household Waste Blue Bin Recycling

	April 18
Dry Recycling (Blue Bin)	724
Residual Waste (Green Bin)	1,873
Dry Recycling % of waste	28%

Collected blue bin waste is on target and contributes positively to the recycling of household waste in the area. The 724 tonnes of dry recycling so far this year is encouraging, although there remains more work that can be done and much still that unnecessarily goes to land-fill.

The overall recycling rate for household waste in Fenland from collected waste and household waste recycling sites was 52% at the end of 2017/18 and the waste collected in Fenland supports the target to deliver more than 50% for Cambridgeshire.

Description	Target 18/19	Achieved	Cumulative for 18/19	Variance
Performance Measure				
MPI	92%	92%	92%	

% missed bins collected the next working day				
Missed Collections May (Blue and Green Bins)				
		May 18		
Missed Collections Reported		189		
Collected next working day		174		
Percentage		92%		
The total number of missed brown bin collections reported in April was 60				

BUSINESS PLAN AREA: Environment

Business Plan Priority: Deliver a high performing refuse, recycling and street cleansing service

Business Plan Action: Maximise the value of materials collected for recycling, including through Recycling Champions

Portfolio Holder: Cllr Peter Murphy

Description	Target 18/19	Achieved April 18	Cumulative for 18/19	Variance
Performance Measure				
MPI Income generated through recycling materials	£285,000	£24,993	£24,993	

Low levels of income from the recycling materials being processed by the Council's contractor, AmeyCepsa at Waterbeach, Cambridgeshire, are having an impact on the overall level of income for recycling materials. This along with the higher than usual levels of non-recyclable materials in customers' blue bins means income is reduced compared with previous years.

Recycling Champions Update

Recycling Training Workshops

Workshops have been taking place across Fenland. At the workshops there are interactive presentations, games along with discussions on what rubbish goes where, how to make a difference and how to get further involved.

Attendees pledged to help others to recycle more or were interested in becoming volunteers.

'What Goes Where' Wheel

Our 'What Goes Where' wheel has been received well by customers, with comments on how useful and easy it is to use. The wheel can be turned to see where all of the regularly recycled materials can go, including materials that should be taken to the Household Waste Recycling Centre.

Hair today, recycle tomorrow!

We are gaining interest from local small businesses to promote recycling to either clients or employees.

One local hairdresser really appreciated the new What Goes Where wheel and said "We have lots of older customers come in and they are unsure what can be recycled in their blue bin. Recycling often comes up in conversation. The wheels really help. It's nice to have something simple and easy to use to help answer their questions"

The Average You Display

The new volunteer promotional display has been touring Fenland at local events. It is working well attracting people and providing them with a deeper understanding of the amount of rubbish they personally produce, helping them understand the effect on the economy and on the environment.

Safety Zone

The second safety zone event saw 142 children from Whittlesey learn about how to safely dispose of rubbish, recycle and the effects littering can have on wildlife and the community.

Social Media

The project attracts a lot of interest online and is gaining support with a number of people making enquiries about volunteering and giving FDC a platform to assist a large audience with how to recycle.

Educational Establishments

Fenland schools have all received their Getting It Sorted Competition Pack along with information on improving their school's recycling. The Getting It Sorted recycling assembly has been delivered in 8 schools and more are booked.



BUSINESS PLAN AREA: Environment

Business Plan Priority: Deliver a high performing refuse, recycling and street cleansing service

Business Plan Action: *Deliver an effective, self-funding garden waste collection service*

Portfolio Holder: Cllr Peter Murphy

Garden Waste Service Update

Subscriptions

The subscription level at the end of May was 19,641. This is 1,000 subscriptions more than this point last year, already approaches the maximum levels for 2017 and includes 13,430 subscriptions at £36 via Direct Debit.

Subscription Stickers

19,890 stickers have been dispatched to date including 389 replacements where customers have reported them as missing, accidentally destroyed or lost. Replacements are dispatched as soon as possible and courtesy collections offered where required.

Website

The garden waste webpages remain the preferred contact choice for our customers with 15,761 customers viewing 126,167 pages to self-serve their subscription since December 2017.

Correspondence

Within the month, along with the usual levels of enquiries, 1 complaint and 3 items of correspondence have been received and responded to in-line with the 3Cs process.

Bin Collections

The garden waste crews have made 31,500 collections in May along with rejecting and tagging a further 575 bins presented without current subscription stickers. This is 2,300 fewer rejections than were recorded in May last year.

Bin Collection Day Application

More than 4,500 customers have now downloaded the free bin collection day app to help them with their bin collections.

The app shows collection days for all bins for 6 weeks and can automatically put these into the customer's calendar, including brown bins for customers who subscribe.

BUSINESS PLAN AREA: Environment

Business Plan Priority: Deliver a high performing refuse, recycling and street cleansing service

Business Plan Action: Deliver clean streets and public spaces, as set out in the national code of practice

Portfolio Holder: Cllr Peter Murphy

Description	Target 18/19	Achieved	Cumulative for 18/19	Variance
Performance Measure				
LPI CEL6 Rapid or Village Response requests actioned same or next day	90%	96%	96%	

Cleansing Rapid and Village Response May 2018

Area	Requests	Requests Met	Performance
Chatteris	5	5	100%
March	10	10	100%
Villages	23	22	96%
Whittlesey	12	11	92%
Wisbech	31	30	97%
Totals	81	78	96%

Levels of reports of cleansing, fly-tipping, dog fouling and similar issues are at slightly lower than usual levels. During May the team attended to 96% of the reported incidents on the same or next day.

Description	Target 18/19	Achieved	Cumulative for 18/19	Variance
Performance Measure				
LPI CEL7 % of inspected streets meeting our cleansing standards (including graffiti and flyposting)	93%	99%	98%	

May Cleansing Inspections

Area	Inspections carried out	Standards met	Performance
Chatteris	30	29	97%
March	30	30	100%
Whittlesey	30	30	100%
Wisbech	30	30	100%
Totals	120	119	99%

The regular inspection of the quality of cleansing in Fenland is performed by Street Scene officers on a routine basis using national scoring methodology which assesses litter, street sweeping and graffiti.

BUSINESS PLAN AREA: Environment

Business Plan Priority: Work with partners and the community on projects to improve the environment and streetscene

Business Plan Action: Support improvements to Fenland's streetscene and heritage

Portfolio Holder: Cllr David Oliver

Wisbech High Street Townscape Heritage Project

We are now in the process of appointing a contractor for cleaning and undertaking repair works to the property at the rear of 24 High St (The Gap) – this will facilitate the construction of the new structure with community space and viewing platform at the front of the site. Works in the basement will include ground and soil testing which is needed to inform our design for the foundations, as well as archaeological monitoring which has been required as a condition for planning consent.

The project team is preparing a report to Cabinet regarding the proposals for 11-12 High Street.

The grant application for the conversion of a vacant first floor space into residential units as well as replacement and repair of shopfronts over 4 units is now near approval. We are working with the owners agents to agree a funded scheme which will make a significant impact on the High Street.

The Wisbech High Street Project as part of the 2020 Vision package has been the focus a number of events held by Anglian Water’s Business in the Community team. Taleyna (Townscape Heritage Officer for the High Street Project) has welcomed visitors from the BitC team with a tour of the High Street to explain more about the project and also to assist with some filming.

The project continues to work with owners and tenants of High Street buildings to apply for grants and advise on how to secure the necessary planning permissions needed. Where some owners have been struggling with some elements of the grant application process and gathering suitable quotations the THO has been able to help and advise.

The “Big Dig” archaeological activity took place in the grounds of the Wisbech and Fenland Museum in late May/early June. The project was incredibly popular with the local community and visitors and participants of all ages joined us over the 5 days to learn about the archaeology and history of the area and to join in with excavation, finds washing and sieving. More than 100 people joined in and several more visited, bringing additional visitors and publicity for the museum. We are now planning the next activities including a conservation workshop in August, tunnel mapping and investigation and updating of the Wisbech Merchants Trail.

The project has also benefitted from fantastic positive local media coverage lately featuring in two new local magazines; “The Fens” and “Discovering Wisbech” and coverage of the Big Dig on social media and local press has been extensive.

Portfolio Holder:

Cllr David Mason

Manage the operation and maintain FDC-owned public car parks

During the month of May the following works were undertaken, or have been scheduled for FDC Car Parks:

Undertaken

1. Church Terrace Car Park, Wisbech – Footpath improvement works to central plant bedding area.
2. Church Terrace Car Park, Wisbech – Surface patching and joint/crack sealing works
3. Station Road Car Park, Whittlesey – Kerb repairs to car park entrance
4. Grosvenor Road North Car Park, Whittlesey – Footpath reinstatement works
5. City Road Car Park, March – Drainage investigation and drain cleaning works

Scheduled

1. Church Terrace Car Park, Wisbech – Shrub bed replanting (June)
2. West Street Car Park, Wisbech – Invasive plant species treatment (June)
3. City Road Car and Lorry Park, March – Trial hole investigation works for capital Car Park refurbishment works

Portfolio Holder:

Cllr Peter Murphy

Manage and maintain highway related assets and infrastructure (street furniture, bus shelters, etc)

During the month of May the following street furniture repair or replacement works were undertaken, or have been scheduled:

Undertaken

1. 17 No. Street Name Plates at various district wide locations were replaced.
2. Paint provided to the Royal British Legion Youth Group via Chatteris in Bloom for repainting of the FDC Bus Shelter on East Park Street, Chatteris

Scheduled

3. Repair works to raised planter and flood wall coping stones along Nene Parade, Wisbech following an act of vandalism.
4. Repair works to tree pit grills and surrounding block paving caused by tree root damage

Portfolio Holder:

Cllr Mrs Anne Hay

Manage and maintain district, parish and Clarion HA street lighting

16 street lighting faults were reported to the Assets and Projects Team and were attended to by FDC's street lighting contractor during the month of May.

Following completion of the street light repairs and maintenance works contract tender evaluation process, the new contract was awarded to Cable Test Ltd of Brentwood, Essex. Cable Test offered the most competitive pricing bid and excelled in terms of their quality submission. The 3 year contract is scheduled to commence on 2nd July 2018.

A new service level agreement has been developed for the maintenance,

management and energy supply for Parish street lights based on the new contract. This was sent to all 12 FDC Parish Councils at the end of May and included a Parish estimate for 2018/19. Those Parish Councils who have yet to respond have until 1st August to establish if they wish FDC to continue to manage their stock with associated costs being recharged, or if they wish to manage their own street lights from July. A Cabinet report is planned to be submitted to Cabinet on 19th July 2018 to consider the Parish Council proposals.

Street lighting improvements

The defective street light replacement works contract progressed well during the month of May with 186 of the 190 scheduled replacements being completed on behalf of FDC, the Parish Councils and Clarion Housing Association.

The four remaining street lights are awaiting UKPN intervention due to complexities associated with mains supply connectivity works and are scheduled for completion in June/July.

The street light electrical and structural testing and asset data collection survey works for all FDC and Clarion Housing street lighting assets has been progressing well with approximately one third of the works having been completed. Works are ongoing and are scheduled for completion at the end of July 2018.

Additionally works to rebrand all FDC and Clarion Housing Association street lights commenced in May. The existing street light identification plates are being replaced with new plates displaying updated and improved customer contact information to aid the fault reporting process. Works will be ongoing until the end of July.

BUSINESS PLAN AREA: Environment

Business Plan Priority: Work with partners and the community on projects to improve the environment and streetscene

Business Plan Action: Use education, guidance and Council powers to fairly enforce environmental standards and tackle issues such as flytipping, dog fouling and littering

Portfolio Holder: Cllr Peter Murphy

Description	Target 18/19	Achieved	Cumulative for 18/19	Variance
Performance Measure				
Tidy Fenland MPI Officer hours spent on active town patrol	5,000	439	899	

During May both Street Scene and Kingdom Officers have been having a visible presence within local communities. Key areas such as our open spaces and town centres have been visited regularly. The aim of these patrols was to respond to community issues such as litter and dog fouling.

Breakdown of officers time across Fenland:

March: 76hrs
 Wisbech: 219hrs
 Chatteris: 58hrs
 Whittlesey: 82hrs
 Rural: 4hrs

Fixed penalty notices served in May:

Location	Fixed Penalty Notices served
March	3 for littering 3 for parking offences * 1 Cars for Sale *
Wisbech	43 for littering 20 for alcohol PSPO
Whittlesey	1 for littering 1 Dog PSPO
Total	72

*Not included within the breakdown of payments below

Fly tipping investigations and enforcement

During May there have been 155 instances of fly tipping. The most commonly tipped items were household waste. Broken down into locations:

Chatteris 12
 March 12
 Whittlesey 5
 Wisbech 69
 Villages 57

During May, Street Scene Officers have attended 26 of the fly tipping sites and searched for evidence to try and find out who may be responsible. Any evidence found has been followed up.

Prosecutions for littering offences – Tidy Fenland

During May, 42 people have been found guilty at Peterborough Magistrates Court for littering.

Legal action has been taken where an original FPN has not been paid. The offenders each received a fine of £220 plus an additional £226.50 costs and associated charges.

A further 3 individuals paid the original fine plus costs (totalling £150) prior to the court date.

The table below shows progress with all cases so far since the Tidy Fenland enforcement pilot which has run from June 2017.

The average payment rate achieved between June 2017 and February 2018 is 67%. As a result, the service is operating on a self-funding basis.

Month	Fixed penalty Notices Served	Referred for prosecution	Withdrawn/ cancelled and not referred for prosecution	Paid	%age paid
June 17	173	29	24	120	69%
July	105	21	12	72	69%
August	330	81	27	222	67%
September	196	60	10	126	64%
October	127	17	17	93	73%
November	150	33	8	109	70%
December	140	33	10	97	69%
January 18	201	27	16	110	62%
February	185	32	15	106	62%
March	102	n/a	16	52	60%
April	116	n/a	5	58	50%
May	68	n/a	0	29	43%
Total (to February 18)	1607	306	139	1055	67%
Total (to May 18)	1893	306	160	1194	63%

Nuisance vehicles

During May, a car trader was reported as using various grass verges and the highway

to advertise cars for sale. As a result, a £100 FPN was issued for the offence of selling 2 or more vehicles on the public highway. The fine was paid and the cars have been removed.

Tidy Fenland Dog Campaign

This month streetscene officers have continued to focus on prevention and enforcement work for dog offences. Work this month has included;

- Patrols in key open spaces with Fenland. In the main, Furrowfields Chatteris, West End and Nene Parade March. The Manor Field and Sycamore Road, Whittlesey and Wisbech Park.
- Colleagues in cleansing have been supporting the campaign by ensuring reported dog fouling is removed as soon as possible.

Following feedback from a local resident about a dog walker who continues to allow their dog to foul on an open space in Whittlesey, officers have been carrying out a series of proactive patrols based on the intelligence received.

This focussed work and community involvement resulted in a dog fouling offence being witnessed and an FPN served.

Other Street Scene actions

- 35 Reports of abandoned vehicles, 3 of which all was removed by our contractor with the remaining removed by persons unknown after receiving notices.
- 38 nuisance vehicles were reported and actioned. These were mainly untaxed so have been reported to the DVLA or parking queries.
- 34 matters relating to our open spaces, mainly regarding the grass.
- Marked 33 graves.
- 16 General street scene actions, including requests for service and general enquiries.
- 7 dog fouling issues.
- 18 matters relating to cleansing and refuse across the district. Including additional requests for service, domestic waste issues and customer queries.
- 4 site visits for other service areas.
- 6 trade waste matters resolved
- 8 reports to Highways regarding issues on their land.
- 4 Reports to Circle Housing regarding issues on their land.

Description	Target 17/18	Achieved	Cumulative for 18/19	Variance
Performance Measure				
MPI Memorial inspections completed	5,000	290	382	
Memorial Inspections took place this month in Eastwood cemetery and Whittlesey				

General Cemetery. Out of these 290 inspections, 8 were identified as being unsafe and service requests have been raised to our contractors for them to be made safe.

The team schedule lower numbers of inspections in the summer to allow for other scheduled work.

Fenland's memorial inspection process has been in place for several years with a rolling programme of 5,000 memorial inspections p.a. Inspections are necessary because over time older memorials have become unsafe and require a stonemason to address issues. This is a sensitive matter, so notices are clear in all cemeteries with regards to the ongoing inspection process.

The programme follows the following steps;

- FDC's programme of inspection identifies sections within each cemetery to be inspected every year.
- A trained streetscene officer performs a 'wobble' test on each memorial.
- Should a memorial found to be unsafe, a notice is attached to them asking the memorial owner to contact a memorial mason to address the issue.
- Following a failed test, FDC also instructs our grounds maintenance contractor to secure the memorial with stakes to prevent the memorial toppling over and injuring someone.
- In the past the Council has tried to contact memorial owners, but often the owners have passed away themselves or have moved and not updated details with the Council.

Whilst memorials supported with stakes do distract from the visual amenity of a cemetery, this safety step is necessary to ensure that injuries do not occur in FDC's cemeteries.

Further information may be found on the Council's website here;

<http://fenland.gov.uk/article/9437/Memorial-Safety> including a link to the Health and Safety Executive's Burial Ground Safety information.

BUSINESS PLAN AREA: Environment

Business Plan Priority: Work with partners and the community on projects to improve the environment and street scene

Business Plan Action: Ensure well maintained open spaces by working in partnership with ISS World and supporting community groups (such as Street Pride, In Bloom and 'Friends Of')

Portfolio Holder: Cllr Peter Murphy

Description	Target 18/19	Achieved	Cumulative for 18/19	Variance
Performance Measure				
LPI CEL10 Number of Street Pride and Friends Of community environmental events supported	204	24	46	

24 events were held this month by community groups to improve the environment.

As well as regular work parties, this month saw 7 Street Pride groups across the district take part in another of Keep Britain Tidy's campaigns – Great Plastic Pick Up: Wisbech, March, Elm, Newton-in-the-Isle, Manea, Chatteris, and Waterlees all took part.

Wisbech Street Pride were joined by members of staff from the town's Tesco Extra store for their litter pick.

A community litter pick was also held in Wimblington on the same weekend to gauge whether there is enough interest to formally set a group up for the village.

The campaign aimed to encourage communities and individuals to come together to help pick up and collect as much discarded plastic as they can.

Progress against Street Pride plan:

Priority 1: 'helping groups work together / grant funding'

Priority 2: 'Support for groups by varied Council services'

Priority 3: 'Increased partnership working'

Priority 4: 'Opportunities to involve more young people'

Priority 5: 'Increasing sustainability and resilience'

This month one volunteer group's activities were recognised under step 3 – increased partnership working.

March Street Pride / In Bloom recently completed their summer planting of troughs & hanging baskets ready to go out around the town and were supported by members of staff from Amey.

Grounds Maintenance Contract Update

This month has seen challenging grass cutting conditions following the wettest March in a decade and exceptionally warm weather in April. These difficult conditions were made worse with the theft of grass cutting equipment from the grounds maintenance operator, Tivoli.

Tivoli fell behind with grass rounds due to the stolen equipment and then the growth rate of grass has compounded the situation, leading to serious issues throughout Fenland.

Tivoli has recognised the seriousness of this situation and the feedback being received across Fenland from the community and has recently taken the following actions:

- equipment has been transferred from other contracts to support the work in Fenland
- increased manpower has been hired, specifically targeting the Fenland cemeteries
- weekend working has been put in place
- annualised hours have been introduced to increase the working week during the busy summer season

The contract is carefully monitored and where appropriate, the contractor is being held to account, with FDC issuing rectification and default notices. In May 2018 FDC issued around 30 rectification and default notices. In June more than 40 notices had been issued before the middle of the month.

This level of formal contract default and rectification notices is the highest level recorded and reflects the issues that our contractor is currently facing. Each notice imposes a small financial penalty on the contractor and is a clear, formal and contractual reflection on their performance.

The Portfolio Holder and Director are meeting with the Tivoli Managing Director in June to discuss recent performance issues and what Tivoli will put in place to mitigate to the risk of such issues occurring in the future.

Wisbech Park Improvements

The Harbour Line zip wire reached the end of its useful life last year and has been out of use for several months. Following a discussion with Wisbech Town Council, the Town Council allocated Section 106 funding to the project.

Following a procurement exercise a contractor has been appointed to carry out these works. The new zip line is expected to be in place prior to the summer school holidays in a revised location away from residential housing.

West End Park Skate Facility

The skate park in West End Park, adjacent to the George Campbell Leisure Centre has been identified for replacement next year with funding of £90,000 included in this year's capital programme. This capital spend will be used to develop additional support from other funders.

Consultation is planned over the summer, with procurement in the autumn and works commencing in 2019.

Whitemill Coldham / Glassmoor and Ransonmoor updates

The bidding rounds for all 3 funds are now open with applications closing in June for Glassmoor, July for Whitemill and August for Ransonmoor. Applications to the fund need to have an environmental and educational benefit and previous examples of successful projects include LED lighting, outdoor play equipment and a log cabin.

BUSINESS PLAN AREA: Environment

Business Plan Priority: Work with partners and the community on projects to improve the environment and street scene

Business Plan Action: Work with Town Councils and the community to provide local markets, market town events, and Four Seasons events

Portfolio Holder: Cllr Peter Murphy

Four Seasons Events

Chatteris Midsummer Festival took place on Saturday 30 June and Sunday 1 July with a 'musicals' theme this year, chosen by public poll. Excellent weather drew the crowds and saw fantastic takings on the gate.

The programme included a pamper evening, variety show, magic, live music, circus acts and stalls. The party in the park on Saturday evening was described as 'the best ever'.

A record number of community groups took part in the parade, including a samba band, saxophonist, majorette troupes, and Rockingham Rappers which finished at Furrowfields. Arts Council funding made it possible this year for the group, 'Bureau of Silly Ideas', a community focussed art group, to attend the event and perform.

There were many market stalls and a wide selection of food vendors on the site selling breads, cheeses and international foods. All stall holders enjoyed the event.

Activates included an inflatable zone, amusements, archery, face painting, falconry and much more.

What do our customers say?

Description	Baseline	Target 17/18	No of customers who responded	No of customers satisfied	% 17/18	Variance
LPI CEL12 % of those asked who are satisfied with FDC's events (April, June, Sept, Dec)	90%	90%	43	43	100%	

BUSINESS PLAN AREA: Environment

Business Plan Priority: Work with partners to keep people safe in their neighbourhoods by reducing crime and anti-social behaviour and promoting social cohesion

Business Plan Action: Work with partner organisations to reduce crime, hate crime and anti-social behaviour in Fenland through the Community Safety Partnership

Portfolio Holder: Cllr David Oliver

Description	Target 18/19	Achieved	Cumulative for 18/19	Variance
Performance Measure				
MPI Number of incidents recorded by CCTV	1,500	137	236	

During May 2018 the Council was able to respond and detect 137 incidents of crime and disorder, including anti-social behaviour, making use of the Councils CCTV service across our four market towns in Fenland. This is a decrease as compared to May 2018 in which 227 incidents were reported.

All incidents have seen a good reduction as compared to 2016/17 except for drunk and street drinking which have seen a small increase.

However, when comparing street drinking from when the new PSPOs were introduced, so from October – April for both years, we have seen a massive reduction this year with 109 incidents recorded compared to 291 in 2016/17 (minus 182 incidents). This clearly shows the positive outcomes being achieved by the alcohol PSPOs which in turn is helping reduce overall incidents for CCTV leading to the current shortfall. This should be seen as a positive step forward on this long term and challenging community concern.

A breakdown of incidents by town for May:

Chatteris = 4
 March = 23
 Whittlesey = 3
 Wisbech = 107

Description	Target 18/19	Achieved	Cumulative for 18/19	Variance
Performance Measure				
MPI Number of incidents resulting in	180	11	28	

positive action				
<p>During May 2018 the Council was able to achieve 11 positive enforcement outcomes from incidents responded to or detected by use of CCTV. This is a decrease as compared to May 2017 in which 23 positive outcomes were achieved.</p> <p>These included arrests and fines for illegal drug use, theft shoplifting and alcohol related disorder.</p> <p>The reduction is largely due to mainly the incident types being recorded with many incidents only requiring words of advice or alternative resolution without the requirement of arrests or fines.</p> <p>This can be evidenced through the continual work with our night-time economy and our partnership approach with our local pubs and clubs which has helped lead to reduced alcohol related violence so in-turn the need for arrests as a result.</p> <p>Positive outcomes achieved for May:</p> <p>Arrests (CCTV led) = 4 Assisted arrests = 3 Assisted Fixed Penalty Notices = 2 Formal Cannabis warning = 2</p>				

Description	Target 18/19	Achieved	Cumulative for 18/19	Variance
Performance Measure				
MPI Number of pro-active CCTV patrols	3,000	403	784	

The CCTV team during May 2018 were able to provide 403 camera patrols covering the four market towns in Fenland.

This approach allows for the CCTV team to identify, where possible, any community issues early to ensure adequate and prompt partnership response.

Description	Target 18/19	Achieved month	Cumulative for 18/19	Variance
Performance Measure				
MPI Number of FDC ASB cases where positive action is taken	90%	100% (12)	100% (15)	

During May 2018, there were 12 new ASB cases dealt with by the community safety

team. New cases include 3 reports of ASB relating to child/youth ASB behaviour in the same residential area, Neighbour noise nuisance, ASB in public areas with indicated substance misuse, Littering/fly-tipping and vandalism.

The total ASB cases for 2018 – 2019 are 15 with community safety having a positive impact on the 12 new cases this month, whilst also providing on-going case management for the three existing cases.

Community Safety Partnership Update

The 'report anti-social behaviour' page of the external website has been revamped to ensure it is current and provides the best information available to ensure reports are directed to the most appropriate team or partner organisation.

The page provides an explanation of what is considered to be ASB and how we work in partnership to resolve the reported issues.

There is a link to the online ASB reporting form which has been updated with data protection information and seeks the informant's views on information sharing with partner organisations.

Following the introduction of online reporting by Cambridgeshire Constabulary appropriate links have been provided to allow appropriate reports of ASB or crime to be directly reported to the police.

There is also advice for those who are residents of registered social landlords on what should be reported to their housing provider.

Updated links for online reporting have also been provided for reports of issues associated with dogs, litter, noise and abandoned vehicles etc.

It is intended that the changes will assist the customer to identify the most appropriate route through which to report their concerns which in turn will ensure they receive an effective and efficient service.

<http://www.fenland.gov.uk/antisocialbehaviour>

Street Drinking Update, including Public Space Protection Orders

The Wisbech Alcohol Partnership continues to meet monthly to review and check progress of the associated action plan and to review current profiles for local service

support.

The second outreach recovery worker post which was successfully recruited to during April will commence from the 11th June and will support the ongoing outreach activity with our street drinking community.

The four active Public Spaces Protection Orders that cover the Wisbech town centre area continues to be actively supported by the Council and its supporting enforcement partners.

The CCTV team responded to 40 reports of Street Drinking with 1 leading to positive action being taken by enforcement officers as a result and others being provided with words of advice by Police.

There have been 22 fixed penalty notices (FPN) issued during May 2018 for breach of PSPOs relating to alcohol restrictions. These have included 10 Fixed Penalty Notices within St Peter's Gardens, 9 FPNs within Tillery Field and 1 FPN within the Crescent Gardens, Wisbech.

For more information on the PSPOs visit: www.fenland.gov.uk/pspo

BUSINESS PLAN AREA: Environment

Business Plan Priority: Work with partners to keep people safe in their neighbourhoods by reducing crime and anti-social behaviour and promoting social cohesion

Business Plan Action: Support the Fenland Diverse Communities Forum to deliver the Fenland-wide Community Cohesion Action Plan and projects resourced by the Controlling Migration Fund

Portfolio Holder: Cllr Mike Cornwell

Fenland Diverse Communities Forum

Inclusion Recovery Service (Street Drinking Outreach Service – CMF project)

It was apparent that Wisbech suffers from unacceptable high levels of alcohol related crime and disorder linked to off sales to street drinkers. Wisbech alone had 556 incidents in the first six months of 2016 which was 253 more incidents than the rest of Fenland taken together. This was an increase of 59% compared to 2014 data.

This related to the very high levels of inward migration has helped “fuel” cohesion issues within the town, and helped to assist in the area receiving Controlling Migration

Funding (a total of £135,120 received for Wisbech over 2 years) to address street drinking.

A summary of what has been achieved so far:

- People recruited covering Polish/ Latvian/ Lithuanian communities;
- Street drinking outreach now well embedded and growing;
- Partnership working in place across alcohol treatment/ lifestyle services
- Keys materials translated
- Key employers being targeted;
- Social media pages being worked up that will interface into broader EU social media infrastructure;
- Clients already in treatment getting improved offer to their needs;
- Plans in place to recruit public health champions to target host community;

Case study:

A staff member of a supported housing project asked if the outreach worker could have a chat with Mr x as he was smoking cannabis and would like to stop it due to his COPD (Chronic Obstructive Pulmonary Disease).

Mr X was open to talk about his usage and what happened to result in him being homeless. During this conversation it became clear that he needed to speak to the mental health team to stabilise this. He said that he is diagnosed with personality disorder and has been self- medicating with cannabis for 10 years.

He stated if he stops smoking his mental health will be negatively affected and if he doesn't his COPD will get worse.

Unfortunately, during the conversation it became clear that he did not recognise that he was addicted to cannabis and or see that he needed help to end this addiction.

A member of staff at the supported housing project was asked whether they would make a referral to the mental health team and they confirmed that they'd do this. After a further discussion Mr X agreed that he'd like this to happen.

He also agreed that he'd like more advice and information so that he can access inclusion services; he was encouraged to attend ongoing sessions and attended the first with the Outreach Worker.

He is now attending these sessions, and stated that without the earlier support that he would not have attended any as he did not recognise that he needed this type of help.

Index of Controlling Migration bids (CMF)

Project	Start Date	End Date
Fenland - Migrant Outreach Service (rough sleeping)	September 2017	August 2019
Community Cohesion through Sport & Physical Activity	April 2018	March 2020
Street Drinking Outreach Workers	October 2017	September 2019
Information Pack & Social Media (Jt Project with P'boro)	October 2017	September 2019
Migrant Worker Statistical data project – looking to post BREXIT	April 2018	March 2020
Fenland Bi- Lingual Advisor & Basic EAL Project	April 2018	March 2020
Fenland - Grow It etc.	October 2017	September 2019
Fenland – Emergency Night Shelter	November 2017	October 2019
Fenland – Modern Day Slavery	November 2017	October 2019
Fenland - Parallel Lives (Roma)	October 2017	September 2019
Fenland - PRS housing enforcement	March 2018	February 2020

BUSINESS PLAN AREA: Economy

Business Plan Priority: Attract new businesses, jobs and opportunities, whilst supporting our existing businesses in Fenland

Business Plan Action: Working with our partners, local businesses, the Local Enterprise Partnership (LEP) and the Combined Authority, we will raise the business profile of Fenland to attract inward investment and establish new business opportunities

Portfolio Holder: Cllr David Mason

Description	Target 18/19	Achieved	Cumulative for 18/19	Variance
Performance Measure				
MPI BE5 Number of inward investment enquiries handled	8	4	4	

Officers attended the Wisbech Jobs Fair organised by Anglian Water. Discussions held with Nestle Purina regarding issues with recruitment.

Work continues with a food and drink manufacturer based in Wisbech looking to expand the existing operation.

Two inward investment enquiries being handled in association with the Combined Authority and Department for International Trade.

One a Taiwanese frozen food manufacturer looking to establish in the UK operation, with part of a recently vacated site in Chatteris being put forward.

The second a Hong Kong vitamin company looking to establish a sales office. South Fens Business Centre was put forward for this enquiry, linking to the expertise in the Food and Drink sector with ALS based in Chatteris.

Business Engagement & Inward Investment

Fenland for Business website - www.fenlandforbusiness.co.uk
Engagement volume has decreased for May – perhaps due to bank holidays – but quality has improved as users are spending longer on the website and viewing more pages. The most popular pages indicate visitors were trying to find out more about the region and Fenland for



Business team than normal, as opposed to seeking business support.

As normal, audience acquisition largely came from online searches (54%); however, there was a spike in the proportion of visitors coming directly to the website meaning they know the website address (22%). Referral visits, so those who have clicked a link to the Fenland for Business website on another site made up 13% of visits and social media attracted 10% of visits.

The most popular pages were:

- Home Page
- News and Events
- Support for businesses – starting a business - finance
- Invest in Fenland – the fenland economy
- About Fenland for Business

	May result	May-April change	April result	April – March change	March result	March – February change
Sessions	117	-12%	133	-38%	216	38%
Users	107	-9%	117	-29%	167	44%
Page views	291	+27%	230	-39%	380	9%
Pages/Session	2.11	+0.38	1.73	-0.03	1.76	-0.48
Average session duration	00:01:25	+00:00:11	00:01:14	+00:00:06	00:01:08	-00:01:09
Bounce rate	59.42%	-10.5	69.92%	+3.7%	66.2%	+16.57%
New sessions	86.3%		85.4%		83.3%	(150 users)
Returning visitor	13.7%		14.6%		16.7%	(30 users)

Marketing and Communications

May saw the launch of the annual Fenland for Business Survey. On top of a press release being produced, A5 cards were produced for staff to take with them on visits, at events, as well as for use at reception areas across relevant FDC sites. Other key intermediaries and partners across the county were also sent links directly to survey as well as promotional activity being shared on social media with support from the main Fenland District Council account. The deadline for responses has been extended so a more representative sample size can be secured.

Description	Target 18/19	Achieved	Cumulative for 18/19	Variance
Performance Measure				
MPI BE6 Number of social media followers (Fenland business engagement and profile enhancement)	790 (Total 17/18 726)	736	737	

- **89 profile visits** – Visitors to the '@fenlandbusiness' page.
- **16 tweets** – Original content material published from the '@fenlandbusiness'

account.

- **12 mentions** - when someone else uses '@fenlandbusiness' in their tweet, for example, to show that they've attended an event we've organised, to share the work of Fenland for Business, or even to make us aware of upcoming events or initiatives. This is a good indicator of engagement and awareness of the account by other organisations. As we had an event this month we had a particularly high number of mentions
- **6,767 tweet impressions** - this is the potential number of people that may have seen a '@fenlandbusiness' tweet in their news feed. This is a mix of the people that follow Fenland for Business and the followers of any accounts that interacted with a tweet from Fenland for Business by retweeting, commenting on, or liking a tweet as this activity will be shared with them.

Description	Target 18/19 (annual)	Achieved	Cumulative for 18/19	Variance (profile)
Performance Measure				
MPI BE7 Number of delegates attending FDC's business support events	150	3	25	0

Events

Promotion is underway for the next event taking place at Chatteris focusing on changes to pensions and taxes with 'Making Tax Digital'. A press release and supporting collateral will be produced as normal.

The planned energy efficiency event in Wisbech was restructured following low initial demand. Instead, those who registered to attend were invited to partake in a 1:2:1 meeting with [BEECP](#) so they can benefit from their expertise in securing energy and cost savings for their businesses.

Description	Target 18/19	Achieved	Cumulative for 18/19	Variance
Performance Measure				
MPI BE8 Number of businesses referred to Economic Development from Business Ambassadors network	12	4	4	

The Business & Economy Team have made 2 referrals to the Planning Team following meetings with a local business, the requests were for support and advice on planning issues.

The Business & Economy Team have made 2 referrals Environmental Health following meetings with a local business. One request was for support and advice on appropriate noise levels and conducting a noise survey for the business, to ensure

they are within protocol. The second was around registering a catering trailer business.

The frequency of enquiries, travelling both to and from the Business Ambassadors network is improving and feedback following customer contacts and referrals is helping to demonstrate the benefit of this internal network.

Market Town Masterplans Update (to be known as 'Growing Fenland')

The Cambridgeshire and Peterborough Combined Authority (CPCA) wants every one of its market towns (11 of them, 4 of which are in Fenland) to be a vibrant and thriving place in its own right, with its own distinct identity and set of ambitions for the future.

It is essential to the wider area that the Market Towns provide support and linkages to the core City centres of Cambridge and Peterborough to create a sustainable, equal and inclusive Cambridgeshire.

The CPCA has committed to working across the county to make this a reality by developing, for each market town, a prospectus for growth (which, in Fenland is being branded as the 'Growing Fenland' prospectus).

In Fenland the project will focus on the Market Towns of Chatteris, March and Whittlesey, noting that Wisbech has the already well established Wisbech 2020 project.

The CPCA wants to ensure that these are interconnected in an overall plan for the region's future prosperity. To ensure that there is sufficient capacity and expertise to undertake the study, the CPCA have committed £150,000 (£50,000 per Market Town) to appoint experts to coordinate undertake research & analysis and develop a prospectus for each Town.

Each prospectus will result in:

- A shared ambition for the future of that Market Town, which authorities, businesses and communities can unite behind;
- Which focusses collective resources against the same priorities, and crucially;
- Which unlocks new investment from the CPCA and other agencies

In May the Growing Fenland Project Team met for the first time. Around the table there was representation from the Combined Authority, Senior FDC Officers and a range of FDC Officers from a variety of Council Teams, in future a representative from Cambridgeshire County Council will also sit on the project group.

The project Team met to discuss initial principles, the appointment of the proposed timetable for development of the Prospectus' and the compositions of the three Market Town Stakeholder Groups.

Engagement with the relevant Town Councils along with community and business representatives is built into the process.

BUSINESS PLAN AREA: Economy

Business Plan Priority: Attract new businesses, jobs and opportunities, whilst supporting our existing businesses in Fenland

Business Plan Action: *Facilitate local business support to encourage business growth, improve job diversity and skills. Explore funding streams which support jobs and economic growth*

Portfolio Holder: Cllr David Mason

Partnership Engagement & Funding Activity

Officers attended a meeting with a local March-based business that have been operating in Fenland for 25 years and are looking to expand facilities to meet a higher demand in work and the winning of new business contracts. The business is looking for a 30% to 60% growth over the next year.

Following the meeting officers contacted the relevant teams within the Council to help support the business in its plans for growth. The business also showed an interest in improving energy efficiency; Officers informed them of grants available and shared this information with them.

Officers attended a meeting with an expanding Wisbech-based business; the business has recently acquired a neighbouring business. The business has a number of enquiries that they would welcome support from FDC, these included planning (for changes to site), developing Apprenticeships within the business, grants. Following the meeting officers contacted the relevant teams within the Council to help support the business in its plans for growth.

Description	Target 18/19	Achieved	Cumulative for 18/19	Variance
Performance Measure				
MPI BE9 Number of successful grant applications introduced by FDC	8	0	0	

Six FDC officers across a range of services within the Council attended 'Grant Bid Training'. The training went through the grant writing process, providing staff with an insight into writing successful funding applications and the processes that funding bodies look for when receiving applications. The training provides staff with a deeper understanding of bid writing to help FDC/Businesses/Third Party apply for grants. The training will improve existing and future bid submissions, providing useful tips and

advice to hone submissions and hopefully improve success rates.

Workforce Development, Employment, Skills and Apprenticeships

We offer a range of NVQ qualifications out to our workforce already, and are currently developing a wider apprenticeship offer to enable a minimum of 9 apprentice posts being offered by the Council. We already have an HR apprentice, will be commencing a further 4 apprenticeships within the next month, and are seeing to establish new Apprentice posts.

We also offer work experience and longer term work placements to enable young people to develop valuable work skills.

Work Experience Placements & Work Opportunities Programme

The Council has an established work experience programme working with local schools to provide placements for young people. This is a rolling annual programme, and will commence again very shortly. We have also provided longer-term placements, working with Job Centre Plus and other agencies.

We work with local education providers to provide a work experience placement programme in the summer months across a range of Council teams. HR, Customer Services, Environmental Health, Planning and Conservation, ICT, with further offers currently being explored from our Housing and CCTV teams.

Work with partners to deliver a programme of supported skills development across the district

We have been working with the Skills Service and local education providers to help provide opportunities for young people and to help build their 'fit for work skills, such as interview skills workshops, careers presentations and employability skills

Explore and expand opportunities for the Council to work in partnership with local education providers to promote employment opportunities for the local community, and raise the aspirations for people to improve their employment / life prospects

We are currently developing a wider apprenticeship offer to enable a minimum of 9 apprentice posts being offered by the Council, and have approached local businesses to offer support where possible.

We have recently undertaken a tender exercise and have selected a local preferred apprenticeship provider to deliver a framework of new apprenticeships available to all.

BUSINESS PLAN AREA: Economy

Business Plan Priority: Attract new businesses, jobs and opportunities whilst supporting our existing businesses in Fenland

Business Plan Action: *Promote and develop our business premises at South Fens, The Boathouse and our light industrial estates to encourage investment, job creation and skills diversification*

Portfolio Holder: Cllr David Mason

Description	Target 18/19	Achieved	Cumulative for 18/19	Variance
Performance Measure				
LPI BE1 % occupancy of the business premises estate	90%	91.1%	N/A	

Boathouse Business Centre:

All vacant offices remain under offer, with Heads of Terms being issued to prospective tenants.

South Fens Business Centre:

Office U19 has been let and the lease commenced in May.

An existing tenant has agreed to move to a larger office suite within the business centre and legal services have been instructed to prepare documents.

Occupancy has improved at South Fens Business Centre this month, marking an upswing in enquiries and activity.

South Fens Enterprise Park:

Currently remains 100% occupied although one tenant is leaving as the business is being liquidated. We have an interested party who has agreed Heads of Terms although a completion date will be dependent on the current tenant clearing out his unit in conjunction with any requirements of the liquidators.

Light Industrial units

The current position for the estates is:

Prospect Way, Chatteris - Fully let

Longhill Road, March - Fully let

New Drove, Wisbech - Fully Let.

Venture Court Wisbech - Fully Let

Boleness Road, Wisbech

- o Fully Let. One unit was vacated 31st May and a new tenant took occupation under a temporary tenancy the following day, with lease completion to follow.
- o Another double sized unit will be becoming available when tenant reinstatement works are complete. These works have been delayed but the unit is likely to become available in the next 4 to 6 weeks and is being marketed in the meantime.
- o Accommodation moves at Fenland Hall are likely to free up a unit currently used by FDC so that this can be let at market rent.

Marketing & Promotion:

The Business Premises Team continue to review marketing options for the entire letting estate, including South Fens, to ensure that we maximise opportunities to increase occupancy.

Whilst particular focus is on increasing the levels of occupancy at South Fens Business Centre, these activities will extend to include the Boathouse Business Centre and South Fens Enterprise Park, if and when appropriate.

Summary

Current floor space occupied 7,897m² out of a total available 8,654 m².

South Fens Business Centre	61%
South Fens Enterprise Park	100%
Boathouse Business Centre	89%
Light Industrial Units	97%

Overall Business Premises Estate occupancy is currently just exceeding target at 91%

BUSINESS PLAN AREA: Economy

Business Plan Priority: Attract new businesses and jobs and support existing businesses in Fenland

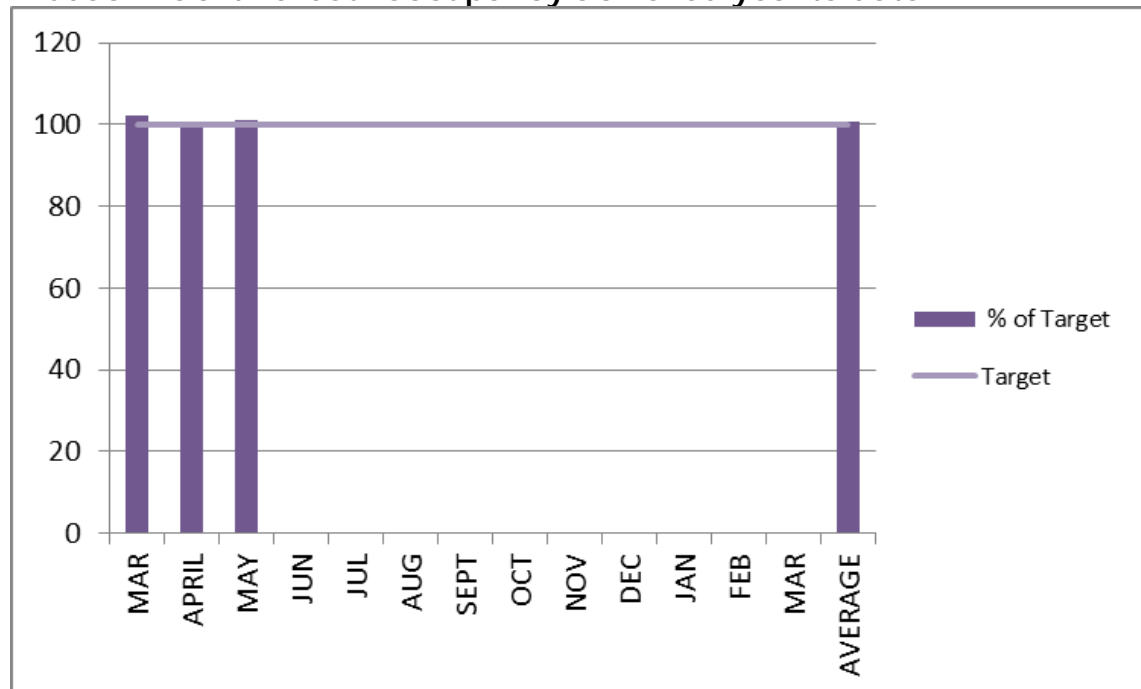
Business Plan Action: Deliver a proactive and effective Marine Service to meet our statutory obligations and promote business opportunities for the River Nene environment

Portfolio Holder: Cllr David Mason

Description	Target 18/19	Achieved	Cumulative for 18/19	Variance
Performance Measure				
LPI MS1 Number of berth holders / occupancy of berths at Wisbech Yacht Harbour	90% (of 86 berths)	87 Berths	100%	

Three visitors called at Wisbech in May, Full time berth numbers remained above target with three vessels leaving and three new full time berth holders joining the Yacht Harbour.

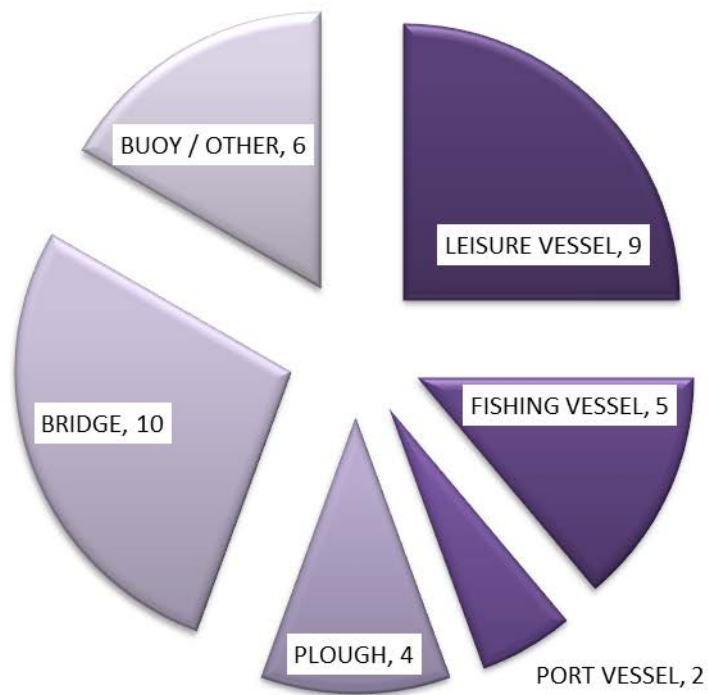
Wisbech Yacht Harbour occupancy achieved year to date.



Description	Target 18/19	Achieved	Cumulative for 18/19	Variance
Performance Measure				
LPI MS2 Number of boat lift operations at Wisbech Port	353	36	80	

The boatyard continued to be very busy through May for boatlifts with 9 leisure vessels; A further two of the ports craft were lifted out for routine maintenance. And there was 9 Fishing vessels lifted from Wells and Kings Lynn to use the yard.

MAY



Description	Target 18/19	Achieved	Cumulative for 18/19	Variance
Performance Measure				
Gross Tonnage to Ports	423,000	37,117GT	83,849 GT against a projection of 68,470GT 122%	

Port Sutton Bridge

Imports to Sutton bridge were above target for the monthly forecast with a total of

24,717 GT of cargo (114% from target); this consisted of Steel, Grain, Salt, Fish Meal, Beans, Furnace bottom ash. The total number of vessels to call at Sutton Bridge was 12.

Port of Wisbech

Imports to Port of Wisbech were above also on the monthly forecast target with imports at 12,400 GT of cargo (114% from target) handled by the port that consisted of in Timber, Bricks. The total number of vessels to call at Wisbech was 8. May was the second month to remain above target for cargo import.

BUSINESS PLAN AREA: Economy

Business Plan Priority: Promote and enable housing growth, economic growth and regeneration across Fenland

Business Plan Action: Enable appropriate growth, development and infrastructure through the delivery of a proactive and effective Planning Service and Local Plan

Portfolio Holder: Cllr Mrs Dee Laws

Description	Target 18/19	Achieved	Cumulative for 18/19	Variance
Performance Measure				
LPI EC2 % of major planning applications determined in 13 weeks (or within extension of time)	75%	100%	100%	
2 major applications were determined and these were both decided within target timescales.				

Description	Target 18/19	Achieved	Cumulative for 18/19	Variance
Performance Measure				
LPI EC3 % of minor planning applications determined in 8 weeks or within extension of time)	80%	90%	92%	
38 out of 42 decisions were made within target timescales and those were not were refusals and so the applicant had no interest in agreeing to an extension of time.				

Description	Target 18/19	Achieved	Cumulative for 18/19	Variance
Performance Measure				
LPI EC4 (% of other planning applications determined in 8 weeks or within extension of time)	90%	100%	100%	
All 34 applications determined in the month were decided within the target timescale.				

Affordable Homes

Families are settling into their new homes as the keys to much-needed affordable new houses in Tydd St Giles are handed over.

The £2 million development in Broad Drove East was officially opened in May, with all 12 homes to rent being allocated to people with a local connection to the village.

The two and three-bedroom homes have been built by Clarion Housing Group in partnership with Fenland District Council and developer Burmor Construction.

Designed by Chatteris architecture firm The Design Partnership, each home comes with its own back garden, shed, double parking bay and spacious kitchen diner.

Councillor Dee Laws attended the opening event.

Broad Concept Plans Update

- East Wisbech BCP adopted by the District Council and Kings Lynn & West Norfolk Council in May 2018. An outline application is going to be prepared for submission in c 10 months time.
- South East Chatteris, the Section 106 is expected to be signed in June 2018 so that the planning permission can be issued.
- Wenny Road Chatteris – an outline planning application is expected in the Autumn 2018
- East March, MJS Construction progressing with background work for a BCP and outline application submission Winter 2018

BUSINESS PLAN AREA: Economy

Business Plan Priority: Promote and enable housing growth, economic growth and regeneration across Fenland

Business Plan Action: *Use the Council's assets to support and deliver sustainable economic and residential growth across the district, including the delivery of mixed use development at the Nene Waterfront*

Portfolio Holder: Cllr David Mason

Surplus Asset Disposal Programme

The remaining site which has Cabinet approval for sale has legal title issues that need to be resolved before it can go to auction. Legal team now have paperwork ready to submit to Land Registry.

A list of surplus sites and a revised disposal programme has been developed to support the Property Investment & Development Strategy (PIDS). The programme has identified opportunities for sites to be offered for 'Self Build' development and due diligence work is now in hand. A separate work stream includes a potential list of low value sites to be sold by auction and key/strategic higher value sites, subject to Cabinet approval at 14th June 2018 Cabinet.

The disposal of larger key/strategic sites will provide a significant contribution towards providing sites for residential or commercial/industrial development across the District.

It is hoped that the disposal of the lower value sites will reduce the incidences of anti-social behaviour and in turn, reduce the cost and burden to the public purse, whilst also creating a capital receipt for the Council.

Nene Waterfront Development

The development of the Lot 3 site is nearing completion. The 5 remaining plots are about to be inspected to confirm 'wind and watertight' stage has been reached. Sales of the completed units are keeping pace with completion, creating a steady supply of new, good quality homes for first time buyers and those already on the housing ladder.

Wisbech Port Estate Review

Over the course of 2017/18 Officers have been seeking to rationalise and regularise occupancy at the Port, driving further value from the Council's port-related assets.

Officers have continued to work with the stevedoring company and the structural engineers to ensure that additional business demands and a potential new contract can be accommodated by the existing quay structure.

Officers have submitted heads of terms for discussion and subject to agreement; this will allow the creation of a new lease and Port Operating Agreement.

Sutton Bridge Marina

The marina at Sutton Bridge, known as Cross Keys Marina is now almost fully occupied. FDC Officers are currently in the process of agreeing the terms of the Operating Agreement and Lease. There has been a change of personnel at LCC, but officers have met with LCC and both parties are in agreement that the original spirit of partnership working is the main driver which needs to be reflected in the documentation. It is anticipated that the agreement will be signed later than planned but should be completed by Autumn 2018.

BUSINESS PLAN AREA:

Economy

Business Plan Priority:

Promote and lobby for infrastructure improvements across Fenland

Business Plan Action:

Promote sustainable transport (infrastructure and community) initiatives within Fenland, including rail, road and community transport, to improve links to employment

Portfolio Holder:

Cllr David Oliver

Rail Development Strategy

Manea & Whittlesea Station Enhancements

The Rail Development Strategy includes substantial plans to upgrade our local railway

stations. Some latest plans detailing proposals developed by Network Rail have recently been made available for public and stakeholder comments. The public consultation for the Manea platform lengthening options and for Whittlesea Station platform lengthening and bridge options concluded on 30 May 2018. 97 people responded to the public consultation. The results and feedback are currently being assessed.

The website link below contains the consultation materials.

<http://www.fenland.gov.uk/article/13310/Manea-and-Whittlesea-Railway-Station-Enhancements--Platform-Lengthening-Public-Consultation>

Cross Country Railway Franchise Competition

FDC is working in partnership with Cambridgeshire County Council and the Hereward Community Rail Partnership in preparation for the Department for Transport long term Cross Country Franchise Competition. The competition is expected to commence in June 2018 and is an important opportunity for us to try and secure earlier and later railway services from our local stations to Peterborough, Cambridge and Stansted Airport.

Business case and evidence base work is being commissioned to support our lobbying of DfT and the future bidders for this franchise. We are also in discussion with the other local authorities along the Birmingham New Street to Stansted Airport Line along with MPs, Business forums and the Combined Authority to facilitate a joined up lobbying campaign. Recent local and national evidence shows that partnership working and evidence based proposals are essential to secure improvements through any railway franchise competition.

Description	Target 18/19	Achieved	Cumulative for 18/19	Variance
Performance Measure				
Number of journeys made by dial a ride services (please note that figures for railway and car scheme use are reported annually)	Maintain 14/15 level (14,308 journeys)	1,744	3,284	

Since April 2008, FDC has provided a Concessionary Fares scheme for community transport services. This means that any Fenland resident who has a Cambridgeshire bus pass and is a member of the local Community Transport organisation, can travel free of charge on the Dial a Ride Service.

- **What is Dial a Ride?**

Dial-a-Ride (DAR) services provide door to door transport for those people who do not have access to a car, where there is no public transport, or where they cannot access public transport. These services in Fenland are operated by Fenland Association for Community Transport (FACT). To use these services customers must be

members of FACT. Membership is subject to meeting the eligibility criteria for Dial a Ride services.

- **FACT Membership**

To use FACT services you have to be a member. DAR is not available to the general public. To become a FACT member you pay a 12 month subscription fee of £10 and you must meet one or more of the following criteria:

- have no access to your own car during the day
- There is no public transport available
- Public transport is limited and does not meet your needs, e.g. a hospital appointment
- You have difficulty using public transport due to disability or frailty

FACT currently has around 1,431 members in Fenland District (31 December 2017).

BUSINESS PLAN AREA: Economy

Business Plan Priority: Promote and lobby for infrastructure improvements across Fenland

Business Plan Action: *Engage with partners on the feasibility and delivery of major infrastructure projects across Fenland, including road (Wisbech and March Access Studies, A47 and King's Dyke improvements) and rail (Rail Strategy, improvements to railway stations and the March to Wisbech rail link)*

Portfolio Holder: Cllr David Oliver

Support strategic transportation objectives

A47

The Combined Authority has received a report on options for upgrading the A47 from the A16 junction outside Peterborough to Walton Highway near Wisbech, (please refer to link [here](#) – pages 82-95).

Wisbech Access Strategy

During May 2018 FDC Cabinet, Wisbech Town Council and the Cambridgeshire County Council Economy and Environment Committee recommended that the short term package for the Wisbech Access Strategy goes forward to the Business Board/Cambridgeshire and Peterborough Combined Authority for full approval and to release the funding for the schemes.

The recommended short term measures are an amended package of proposals,

following the public consultation on the Wisbech Access Strategy which concluded in late 2017. Further details can be found below from the website links below.

Wisbech Access Strategy Press Release

<http://www.fenland.gov.uk/article/13373/Public-consultation-helps-shape-Wisbech-transport-schemes>

Wisbech Access Strategy – FDC Cabinet Paper

<http://www.fenland.gov.uk/aksfenland/images/att7045.pdf>

BUSINESS PLAN AREA: Quality Organisation

Business Plan Priority: Transformation & Efficiency

Business Plan Action: *Engage with the Combined Authority's Public Service Reform agenda*

Portfolio Holder: Cllr Chris Seaton

Combined Authority Update

Plans to attract £2.5 billion of investment for Wisbech and Ely Projects

The Mayor of Cambridgeshire & Peterborough has welcomed the announcement by International Trade Secretary Dr Liam Fox to attract more than £2.5 billion of investment into the local area.

Mayor James Palmer said "This initiative from the Department for International Trade which is aiming to showcase the opportunities we have in Cambridgeshire and Peterborough for global investment is to be greatly welcomed.

"Both the Wisbech Garden Town and the CAMRO data campus are clearly schemes that will require significant investment. Like the International Trade Secretary, I believe we need to be ambitious and bold when it comes to promoting ourselves, but as Mayor I'm also keenly aware that we need to put better infrastructure in place to attract that vital investment.

"The interim report of the Cambridgeshire and Peterborough Independent Economic Review (CPIER) highlighted that the economic performance of the Combined Authority area as a whole was stronger than Government figures have suggested. So it's great to see that the Department for International Trade putting particular focus on schemes in Cambridgeshire and Peterborough."

Interim Cambridgeshire and Peterborough Independent Economic Review

The Cambridgeshire & Peterborough Combined Authority has welcomed the findings

of an interim report published by the [Cambridgeshire & Peterborough Independent Economic Commission](#) (CPIEC). Please [click here](#) to download the full report.

The Commission, chaired by Dame Kate Barker, was set up in January to bring together prominent experts in the fields of business, academia and economics to undertake a major review of the Cambridgeshire and Peterborough economy.

Cllr Chris Seaton, Cllr David Mason and Cllr Oliver welcomed members of the Cambridgeshire and Peterborough Independent Economic Review (CPIER) team to Wisbech on Friday 15 June. The team joined senior staff at the Thomas Clarkson Academy to discuss their recent Ofsted inspection and to learn more about improvements which have been made at the school. The CPIER team then met with local businesses at The Boathouse before hearing more about the Wisbech Garden Town proposals.

Draft Statement of Accounts

The Combined Authority Draft Statement of Accounts have now been published. Please [click here](#) for further information.

BUSINESS PLAN AREA: Quality Organisation

Business Plan Priority: Consultation and Engagement

Business Plan Action: *Appropriately consult with residents about Council services and proposals, as outlined in our Consultation Strategy. Use feedback to improve service delivery*

Portfolio Holder: Cllr Mark Buckton

Consultations Update

Consultations that have taken place during May;

- East Wisbech Broad Concept Plan – 12 April to 3 May
- Manea and Whittlesea Railway Station Enhancements – 16 April to 30 May

Current Consultation;

- Corporate Enforcement Policy – 23 April to 17 June
- Housing Enforcement Policy – 23 April to 17 June
- Wisbech Tesco Bus: Service 68 – 1 June to 15 June

Community Governance Review Whittlesey

A Community Governance Review of Whittlesey was initiated following a request from the Town Council. The Terms of Reference were published in December 2017 which outlined the scope of the review and commenced the first round of public consultation. The review considered:

- The internal parish warding arrangements in Whittlesey
- The naming of the resulting parish wards in Whittlesey
- The number of parish councillors to represent Whittlesey parish in the future

The comments and proposals put forward in the consultation informed the draft proposals for the future parish ward boundaries for Whittlesey. The draft proposals were agreed by Council in February 2018 which subsequently initiated the second round of public consultation. The second round of consultation concluded in April and all consultation comments from both the initial and second stage were considered when formulating the final recommendations.

All consultation comments arising from the second round of public consultation were supportive of the proposals. A number of suggestions were made regarding potential parish warding arrangements during the initial round of consultation however we were not able to accommodate these proposals as they would have resulted in parish wards straddling County electoral division boundaries, which the Local Government Boundary Commission for England (LGBCE) advises against as they feel this splits communities.

As a result the final review recommendations were as follows:

- Amalgamate the parish wards of Bassenhally, Elm and Delph into one parish ward entitled Bassenhally parish ward represented by 4 Town Councillors.
- Amalgamate St Andrews parish ward with St Mary's North parish ward and rename the resulting parish ward St Marys North and St Andrews parish ward represented by 2 Town Councillors.
- Change the level of local representation in Stonald parish ward to two to facilitate greater levels of electoral equality across the wider area

We are required to seek agreement from the Local Government Boundary Commission for England (LGBCE) to make any changes to parish warding arrangements owing to the previous electoral review conducted by the Commission in 2014. The LGBCE have been clear that our deadline for submitting proposed changes for their consideration is summer 2018, in order for the changes to take effect in May 2019. The LGBCE are not committing themselves to any particular course of action but they will commit to considering our recommendations for changes to parish electoral boundaries.

3Cs Update (1 April 2017 – 30 March 2018)

3Cs category	Measure	1 April 17 – 30 Mar 18	1 April 16 – 30 Mar 17	% Change + / -
Compliments	Total number received (over given period)	168	136	+24%
Comments	Total number received (over given period)	51	116	-56%
Correspondence	Total number received (over given period)	252	348	-28%
Complaints	Total number received (over given period)	400	361	+11%
Total contact (over given period)		871	961	-9%
Ombudsman	Total number received	9* (1 upheld, Planning; maladministrati on, no injustice. No further action)	17 (0 upheld)	

*We will get official confirmation from the LGO of the cases they've investigated at the end of July 2018.

The Ombudsman concluded the Council was at fault because in a report to the Planning Committee, the report did not fully assess the impact of reserved matters proposals on the complainant's amenity. However, committee members were aware of this issue in making their decision. Committee members had made a site visit, they had before them the plans and other supporting information; and they had received a presentation from the complainant. It was not the case, therefore, that they made their decision on the basis of wrong or inadequate information. They simply did not agree that the impact on the amenity of the complainant and other neighbouring residents would be significant enough to justify refusal or amendment of the detailed scheme; so the fault made no difference to the outcome of the planning application.

The Ombudsman concluded the complainant did not suffer significant injustice.

The Ombudsman must consider whether there was 'fault' in the way the decision was reached. Any fault is referred to as maladministration.

BUSINESS PLAN AREA: Quality Organisation

Business Plan Priority: Excellent Customer Service

Business Plan Action: *Provide good service at our Fenland @ your service shops and Community Hubs, in line with Customer Service Excellence standards*

Portfolio Holder: Cllr Mrs Anne Hay

Description	Target 18/19	Achieved	Cumulative for 18/19	Variance
Performance Measure				
Fenland target ARP3 % Council Tax collected	97.3%		20.40%	-0.04%
Fenland target ARP5 Net Council Tax Receipts payable to the Collection Fund	£52,879,158		£10,434,276	£210,665

COUNCIL TAX

In year collection is currently on target.
Collection fund is also now comfortably above target

During May 2018 the following recovery documents have been issued
Reminders 2190 with a value of £228,428.51
Final Notices 2277 with a value of £1,803,276.25
Summonses 17 with a value of £99,856.11

Currently there are 1810 (last month 1773) processes outstanding for Fenland this is an increase of 37 since last month which is good to see that the increased has slowed already when we are just getting through the first recovery runs of the year. (Total for ARP 11753)

Description	Target 18/19	Achieved	Cumulative for 18/19	Variance
Performance Measure				
Fenland target ARP4 % NNDR collected	98.3%		20.93%	1.89%
Fenland target ARP6 Net NNDR Receipts payable to the Collection Fund	£25,604,958		£5,068,192	£108,039

BUSINESS RATES

In year collection is significantly above target.
Collection fund is now comfortably above collection target

One of our most experienced team members left this month, recruitment for his replacement will start in June.

During May the following recovery documents have been issued
Reminder notices - 73 with a value of £120,738.73
Final notices - 95 with a value of £746,257.47
Summonses - 209 with a value of £62312.35

There are currently 99 (147 last month) processes outstanding currently which is a significant achievement considering that this month was the first major court run for the year which results in increased contact from the public. (1234 ARP total).

Description	Target 18/19	Achieved	Cumulative for 18/19	Variance
Performance Measure				
Target CS1 % of contact centre calls answered within 20 seconds	22.5% profile target for May	34%	24.5%	
Target CS2 % of contact centre calls handled	52.5% Profiled target for May	77.8%	68.7%	

Following a tough start to the year arising from high call volumes, the Contact Centre staff have significantly increased performance to ensure we are meeting the performance target in handling calls from our customers.

Description	Target 18/19	Achieved	Cumulative for 18/19	Variance
Performance Measure				
Target CS3 % customer queries resolved at first point of contact	85%	93.9	93.6%	
Excellent performance showing that we answer as many queries as possible at the first point of contact with customers, saving them unnecessary time in having to come back to us again.				

Achieve CSE re-accreditation for the whole Council
We were reassessed for CSE at the end of May. The Assessor gave us very positive feedback on the day and their report has now been submitted for assurance before we hear the result, which is expected shortly.

BUSINESS PLAN AREA: Quality Organisation

Business Plan Priority: Excellent Customer Service

Business Plan Action: *Help residents become digitally enabled and able to self-serve opportunities (as outlined in our Channel Shift Strategy) to allow us to provide more support for vulnerable customers and complex queries*

Portfolio Holder: Cllr David Oliver & Cllr Mrs Anne Hay

Channel Shift
<p>Channel Shift 12 Month review;</p> <ul style="list-style-type: none"> Residents are increasingly choosing to access Council services through our website, which had 582,488 hits last year. Customers have more options to self-serve with over 50 online forms available. We continue to promote Council news and services on our Social Media channels. They are significantly increasing in popularity, with a 65% increase of followers on Facebook (to 1,644) and 6% on Twitter (to 8,100) in a year.

- Our social media accounts are a useful platform to signpost residents to partner services and local community events, and we continue to grow

Description	Target 18/19	Achieved	Cumulative for 18/19	Variance
Performance Measure				
LPI PC1 Number of visits to the FDC website	611,000	53,908	111,552	

News Survey & Social Media Update

The number of news stories added to the FDC website and distributed as press releases to local media in May = 13

Main articles included;

- Survey to measure Fenland's economic health
- Public consultation helps shape Wisbech transport schemes
- Children put safety first at workshops
- Fenland's housing supply restored
- Two weeks left to share your views on railway improvement plans
- Big Dig to provide hands on history in Wisbech
- Project to keep kids fit and fed in school holidays
- New local affordable homes for local people

Social Media Update

Monthly update on FDC social media sites;

The number of social media updates added to the FDC Facebook and twitter accounts in May;

Facebook = 80

Twitter = 120

We currently have 1,791 likes on Facebook and 8,114 followers on twitter.

FDC Twitter	Tweets	Tweet Impressions	Profile visits	Mentions	New followers	Total no of Followers
	120	89.5K	1,861	168	17	8,114

FDC Facebook	Posts	Reach	Post Engagements	Page Likes	Total Page Likes
	80	20,231	3,456	42	1,791

We continue to post 'snippets' of information about council services, performance and 'did you know' facts on our social media sites.

BUSINESS PLAN AREA: Quality Organisation

Business Plan Priority: Equalities

Business Plan Action: *Meet our Public Sector Equality duty by delivering the requirements of the 2010 Equality Act and 1998 Human Rights Act through our core service delivery. Publish an Annual Equality Report to demonstrate how we do this*

Portfolio Holder: Cllr Mike Cornwell

Meet Equality Act Requirements

Equality Act Update

Gypsy Traveller Information/ Celebration Event

The Rosmini Centre in Wisbech with support from Fenland District Council secured funding from Heritage Lottery for £ 45,000 and with that have undertaken research to identify and record the positive influence of the Roma, Gypsy and Traveller communities have had on the district. 2 organisations One Voice4 Travellers and the Volunteer Centre were asked to do some specific work.

To begin the research people from the Volunteer Centre Fenland, visited Museums, and spoke with a number of people that are or have been involved with members of the communities, and recruited volunteers, training them to research and

interview members of the Gypsy and Traveller communities to develop the project. During the research some very interesting artefacts were found including an exceptional display at March & District Museum that celebrates horses and agriculture, which have traditionally been the life-blood of the fens and of the Gypsy and Traveller communities for many years. March & District Museum is in the heart of the town centre and offers a fascinating insight into the community's social history through a variety of exciting displays and collections, along with audio points and interactive elements to help guide you through the history of the town.

Other exhibitions have been arranged for Museum Square, and other places across Fenland.

Discussions are ongoing to continue this work with schools within the district.

BUSINESS PLAN AREA: **Quality Organisation**

Business Plan Priority: **Asset Management and Commercialisation**

Business Plan Action: ***Ensure our asset base is suitable, sustainable and maximises service and income benefits***

Portfolio Holder: **Cllr David Mason**

Corporate Asset Management Plan Update

The Asset Management Plan 2017-20 sets out the 9 Strategic Asset Management Priorities of the Council and the accompanying Action Plan creates a framework for Officers to manage, allocate resources and monitor timescales to ensure timely delivery of the Actions and improve the Council's asset management approach.

Due to the size and nature of the work linked to the Asset Management Plan there will be periodic updates on specific projects from the action plan.

BUSINESS PLAN AREA: Quality Organisation

Business Plan Priority: Asset Management and Commercialisation

Business Plan Action: *Work jointly with public, private and third sector partners to maximise value*

Portfolio Holder: Cllr David Mason

Corporate Accommodation Review

The Accommodation Review has progressed to the stage of office relocations which began at the end of May and will continue until the beginning of August.

The relocation process has been carefully planned to enable Teams and Officers to move and minor alterations to be made to accommodate the needs of services moving into their new offices.

The net result of the relocations will enable the ground floor 'West wing' of Fenland Hall to be entirely vacated and provide the opportunity to market the available space, which it is anticipated will create further revenue income for the Council.

Part of the assessment of the vacant space includes assessing the likely occupiers and developing options, if a single occupier cannot be secured.

BUSINESS PLAN AREA: Quality Organisation

Business Plan Priority: Asset Management and Commercialisation

Business Plan Action: *Develop and deliver a commercial investment strategy*

Portfolio Holder: Cllr David Mason

Property Investment & Development Strategy (PIDS)

The Property Investment & Development Strategy (PIDS) is aimed at seeking greater returns from the different use of existing FDC property assets. This could include seeking to dispose of surplus assets to reinvest the capital receipts into investment opportunities, or like the Accommodation Review, ensuring better utilisation of assets to create capacity to generate additional revenue streams.

As projects are identified and develop they will be reported upon here.

BUSINESS PLAN AREA: Quality Organisation

Business Plan Priority: Workforce Development

Business Plan Action: *Maintain an effective workforce with the right skills to deliver the Council priorities*

Portfolio Holder: Cllr Mrs Anne Hay

Learning & Development

The Council remains committed to the learning and development of its workforce, and has a very robust and responsive learning and development framework in place to ensure that staff's learning needs are met.

The IIP Assessor recognised this:

"Learning and development activities are ongoing and there is still a learning culture despite the reduced training budget. People are being more creative in terms of finding cost-effective methods which meet their development needs. The organisation is to be congratulated that this continues to be a strength."

We have provided a wide range of learning and development interventions for our workforce over the past year, such as 121 coaching, management development, PACE training, investigation skills, health and safety, managing sickness, NVOs, funded training, mental health in the workplace, resilience training and so on. We are currently collating organisational learning needs for delivery this financial year.

In the last 12 months we have delivered a wide range of training, such as: Managing Conflict Training, Mental Health Awareness and Mental First Aid Training, PACE training, Mediation training, Pre-retirement training, Prevent Training, Coaching skills, Licensing, Leadership and Safeguarding Children.

In addition to this we have provided a buoyant e-learning programme and 121 coaching.

BUSINESS PLAN AREA: Quality Organisation

Business Plan Priority: Workforce Development

Business Plan Action: *Support and empower staff to make effective decisions within a pleasant working environment*

Portfolio Holder: Cllr Mrs Anne Hay

Health Champion Programme

We have a team of trained Health Champions in place.

The programme aims to support employers across the county to improve the health and wellbeing of their employees, increase productivity and reduce sickness absence.

The Champions have developed a 12 month programme of events designed to promote a healthy workforce.

Mental Health Training

We now have an in-house Mental Health First Aid Instructor who is currently rolling out Mental Health First Aid Training across the Council. We also have a comprehensive suite of training to support this area, such as Personal Resilience and Mental Health Awareness. In addition to this we provide 121 coaching a support to employees where required.

People Management Strategy Review Update

The Council's People and Development Strategy is aligned to the Council's Business Plan and focuses on outputs for 2017 - 2020. It has been developed in recognition of the need for our people to continue to work effectively with a range of Partners. It continues to be reviewed and improved on an annual basis. It is a live document that will be refreshed and updated as the Council evolves and faces new and emerging challenges.

This strategy informs and responds to the Workforce Development Plans (WfDP)

created by our Service Managers as part of the Service Planning process to support the delivery of the Council's Business Plan. We review our WfDPs each year as part of the annual service planning cycle to take account of the changing needs of the organisation and the community it serves.

BUSINESS PLAN AREA: Quality Organisation

Business Plan Priority: Enforcement

Business Plan Action: *Use a fair and proportionate approach to improve living, working and environmental standards*

Portfolio Holder: Cllr Mrs Dee Laws

Planning Enforcement Update

In May 18 requests for service were received (39 received in the year to date). In May 22 cases were closed (41 in the year to date) for the following reasons:

- 4 cases where the owner / occupier voluntarily remedied the breach
- 7 cases where retro planning permission was granted
- 8 cases where no breach of planning control was found to have taken place
- 1 case where the matter is being dealt with by another service area within the Council
- 1 case where action was not justified as the unauthorised development (flag poles) would get planning permission if applied for.

BUSINESS PLAN AREA: Quality Organisation

Business Plan Priority: Health & Safety

Business Plan Action: *Ensure the safety and wellbeing of the Council's workforce, partners and wider community*

Portfolio Holder: Cllr Mrs Anne Hay

Workforce Wellbeing Strategy & Health Surveillance Programme Update

We offer a wide range of support to our employees to help promote and encourage their good health and wellbeing, such as:

- A dedicated Occupational Health Advice and guidance support service

available for all colleagues;

- A comprehensive programme of health surveillance for groups of employees who work in certain service areas (e.g. refuse drivers, leisure centre staff, port staff, CCTV staff etc.)
- We provide a health care plan for all employees (at nil cost to the Council) to enable financial support to access to access a wide range of health care specialists and interventions (e.g. chiropractic services, dental treatment, acupuncture, reflexology, chiropody etc.)
- A range of Family Friendly People Policies
- We also have a team of qualified Health Champions drawn from across the Council who are promoting quarterly health promotion events.

The current Workplace Wellbeing Strategy is currently under review to ensure that it provides the most appropriate support for the organisation.

Agenda Item No.7

QUESTIONS FROM MEMBERS OF THE PUBLIC IN ACCORDANCE WITH PROCEDURE RULE 9A.


Question from Helena Minton

My question to Councillor Chris Seaton (Leader of the Council)

'I would like to ask what Fenland District Council is doing to further the 'Growing Fenland – Chatteris' Plan as part of the Market Towns Masterplan for Growth Project?'

I am asking this question as a resident of Chatteris and keen to see the investment of the available funds made for the benefit of the community.

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Agenda Item No:	8	
Committee:	Council	
Date:	19 July 2018	
Report Title:	Overview and Scrutiny Annual Report	

1 Purpose / Summary

The Overview and Scrutiny Annual Report reflects what has been undertaken and achieved by the Overview and Scrutiny Committee during 2017/18 and takes a forward look at the programme of work and challenges for the Overview and Scrutiny in 2018/2019.

2 Key issues

The Local Government Act 2000 sets out the requirements of a modernised democratic structure for local authorities. The Act includes the establishment of an Overview and Scrutiny Panel or Committee.

Article 6 (3.4) of the Council's Constitution sets out the Overview and Scrutiny Panel's terms of reference. There is a stated requirement for the work and working methods of the Overview and Scrutiny Committee to be reported annually to the Council.

3 Recommendations

That full Council acknowledges the broad scope of work undertaken by the Overview and Scrutiny Panel during 2017/18.

Wards Affected	All
Forward Plan Reference	-
Portfolio Holder(s)	Councillor Chris Boden - Chairman - Overview and Scrutiny Councillor Michael Humphrey Vice Chairman - Overview and Scrutiny
Report Originator(s)	Councillor Chris Boden - Chairman - Overview and Scrutiny Councillor Michael Humphrey Vice Chairman - Overview and Scrutiny

Contact Officer(s)	Carol Pilson – Corporate Director 01354 622360 cpilson@fenland.gov.uk Anna Goodall – Head of Legal and Governance 01354 622357 agoodall@fenland.gov.uk
Background Paper(s)	Overview and Scrutiny reports, Agendas and Minutes 2017/18

OVERVIEW AND SCRUTINY

ANNUAL REPORT 2017-2018

1 CHAIRMAN'S FOREWORD

It gives me great pleasure to present to you the annual report in relation to the Overview and Scrutiny Committee. The report focuses on the work undertaken by the committee during the past twelve months as well as providing a forward look to 2018/19.

These continue to be exciting times for Fenland as well as Cambridgeshire and Peterborough as a whole following the implementation of the Combined Authority and elected Mayor. Public services need to be flexible in order to adapt to change which continues to affect the sector at a significant pace. Efficiency also continues to be the focus at the forefront of everyone's minds to ensure the Council can deliver quality services to our residents in conjunction with our partners, which are both cost effective and sustainable. The need for strong purposeful and effective Overview and Scrutiny has never been more important. Fenland District Council Overview and Scrutiny Committee is committed to adding value to the decision making process whilst holding our decision makers to account. We remain resolute in our objective to achieve tangible benefits as a direct result of Overview and Scrutiny. As such the Committee, which itself has been subject to a number of membership changes remains motivated and ambitious in supporting the District Council to deliver the very best outcomes for local residents.

2017/18 has seen the delivery of a comprehensive work programme for the Overview and Scrutiny Committee with all members of the panel, both past and present, taking an active and enthusiastic role in the Overview and Scrutiny process. All committee members have contributed to the work plan of the panel ensuring a diverse range of subjects have been considered and explored. The Committee are keen to consider important matters which are relevant to the whole district and as such the Committee are considering options to maximise public engagement in the Overview and Scrutiny process.

I would like to take this opportunity to thank all Members and officers for their ongoing support and co-operation with the Overview and Scrutiny function this year. I would like to express particular thanks to Councillor Fred Yeulett the previous Chairman for his significant contribution to the past success of the committee. I would also like to thank the many representatives of partner organisations that have taken the time to contribute so positively to our work.

Councillor Chris Boden

Chairman of Overview and Scrutiny

2 THE OVERVIEW AND SCRUTINY COMMITTEE 2017-2018

Councillor Chris Boden - Chairman

Councillor Michael Humphrey - Vice Chairman

Councillor Gavin Booth

Councillor Sam Clark

Councillor Steve Count

Councillor David Hodgson

Councillor Mrs Kay Mayor

Councillor Kit Owen

3 INTRODUCTION

What is Overview and Scrutiny?

- 3.1 The Local Government Act 2000 requires Councils to have a committee with the power to review or scrutinise decisions or actions affecting the authority's area or residents. Scrutiny is an essential part of ensuring that local government remains effective and accountable. Scrutiny ensures that executives are held accountable for their decisions, that their decision-making process is clear and accessible to the public and that there are opportunities for the public and their representatives to influence and improve Council policies.
- 3.2 The power to scrutinise was further expanded by the Police and Justice Act 2006, which provided powers to scrutinise the work of Crime and Disorder Reduction Partnerships, known locally as the Safer Fenland Partnership.

The Local Government and Public Involvement in Health Act 2007 provides more powers to local government to scrutinise other partner organisations. It also brings in other provisions that affect how scrutiny committees work, including powers over the creation of joint committees.

- 3.3 More recently, The Localism Act 2011 consolidated the wide range of scrutiny legislation into a single place, largely unamended from previous legislation. This aims to increase local accountability and transparency of public services as well as enhancing the involvement of local service users

Main responsibilities of Overview and Scrutiny

- 3.4 The role of Overview and Scrutiny has five broad functions:
- Holding the Council's Executive and its statutory partners to account in the public interest. This enables more transparent and effective decision making.
 - Supporting the development of effective policies and initiatives which have a beneficial impact on the community through policy overview and development.
 - Contributing to continuous improvement in the delivery of the Council's corporate priorities.

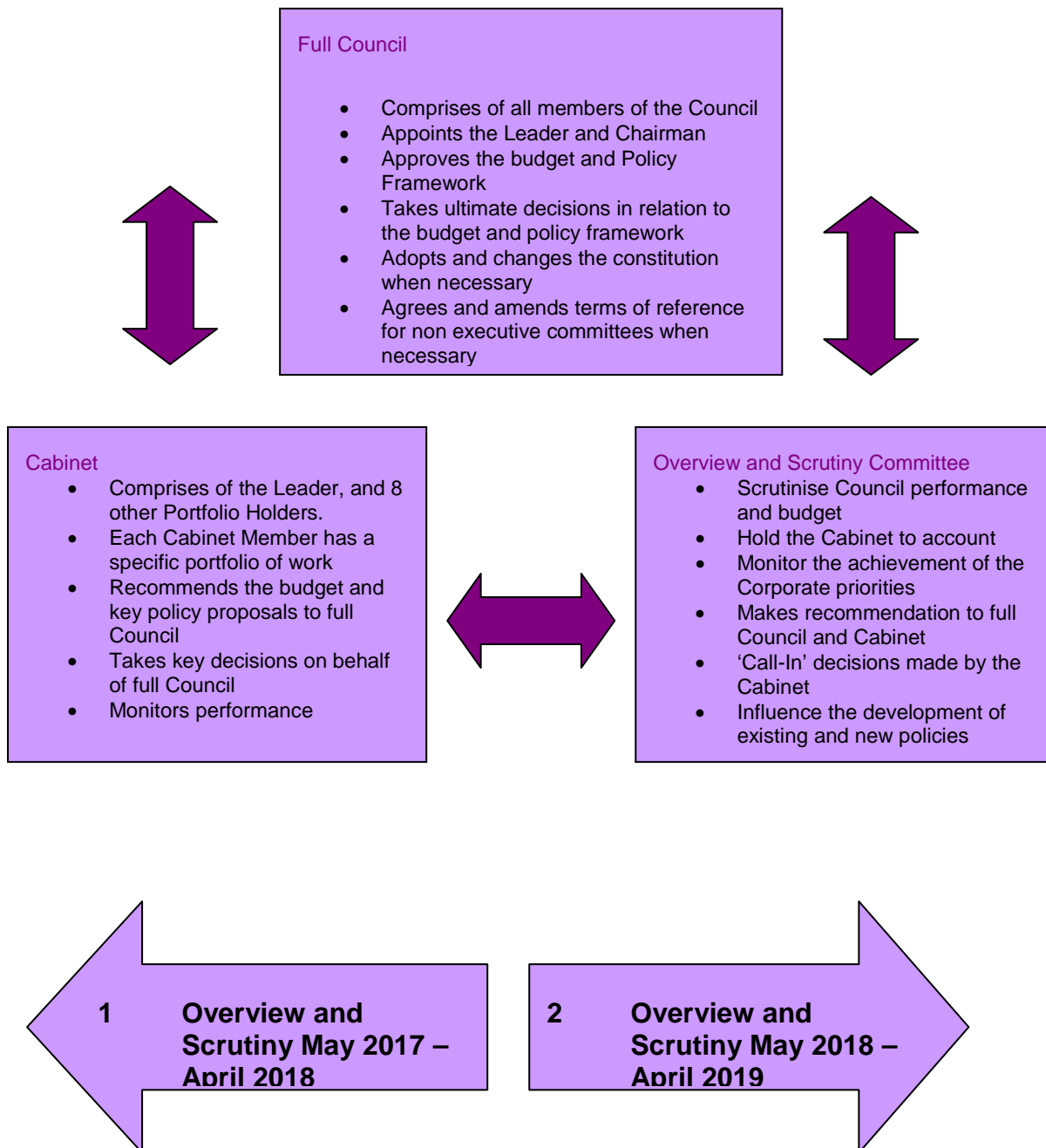
- Having a positive impact on the work and outcomes of external agencies and providers of public services.
- Aiding Councillors in engaging with their communities and undertaking the role of community representatives and leaders.

Overview	Scrutiny
Advising on the development of policies.	Ensuring that the Council's policies have been effectively implemented by the Cabinet.
Recommending how the Council's corporate priorities can be delivered.	Helping to monitor and drive improvements within the Council's corporate priorities.
Bringing a wider perspective to problem solving.	Holding decision makers to account
Examining broader issues affecting local communities.	Ensuring all service providers within a local community are providing 'value for money'

Appointing Members onto Overview and Scrutiny

- 3.5 During 2017-2018 it was the responsibility of the full Council to appoint an Overview and Scrutiny Panel at their annual meeting in May. The Overview and Scrutiny Committee consisted of eleven members drawn from the political groups in the same proportion as they are represented on the Council as a whole.

4 Relationship between Overview and Scrutiny, Cabinet and Full Council



5 A BACKWARD LOOK TO 2017 - 2018

What the Overview and Scrutiny Panel achieved in 2017/2018

External advisors/partners

- 5.1 The panel looked at an array of different topic areas; most could be dealt with by drawing on the knowledge and expertise of Fenland District Council Councillors and Officers. However, sometimes there is a need to call in external advisors to help the panel with their knowledge and to provide a different vantage point.
- 5.2 As will be explained later, a greater emphasis has been placed on Local Authority scrutiny, of and with partner agencies. Fenland's Overview and Scrutiny Committee is already undertaking this partnership working in a positive spirit, demonstrating its forward thinking. The table below highlights the external partners the Overview and Scrutiny Committee have already engaged with, when undertaking the scrutiny function during 2017/ 18:

Agenda item	External Advisor/Partner	Organisation
The Greater Cambridgeshire Greater Peterborough Local Enterprise Partnership	Mark Reeve Karl Gardiner	The Greater Cambridgeshire Greater Peterborough Local Enterprise Partnership
Concerns with New Heating Contract for Clarion Housing	Marek Witco Richard Ward David Chisnall Shane Greaves Richard Brown	Clarion Housing Association Morgan Sindall Morgan Sindall
Safer Fenland partnership (SFP): Annual Scrutiny	Ian Lombardo Police Inspector	Cambridgeshire Constabulary
Wisbech 2020 Vision Update	Ross Ingham	Ingham Pinnock Associates
Fenlands Health and Wellbeing Strategy	Val Thomas	Consultant in Public Health

- 5.3 As well as working with individual partners, the panel have also scrutinised other elements of partnership working through each of the respective corporate priority areas. The panel will build on this further in 2018/2019.

Recommendations resulting from the Overview and Scrutiny in 2017/2018

- 5.4 In order that the work of Overview and Scrutiny is increasingly transparent and that any resulting recommendations are monitored, the panel are articulating recommendations and monitoring their success in relation to their endorsement and adoption by the final decision makers.

5.5 The table below highlights the key recommendations resulting from Overview and Scrutiny during 2017/2018.

Meeting Date	Key Recommendation	Progress
17/05/2017	Members of the Overview and Scrutiny Panel recommend that Officers from FDC and the LEP should work more closely to identify sources of funding to enable FDC to match bids to the available funding pots to increase funding opportunities in the area.	As of 01/04/18 The Greater Cambridgeshire Greater Peterborough Local Enterprise Partnership ceased to operate and a new Local Enterprise Partnership (LEP) known as the Business Board has been created. A shadow Board led by the Deputy Mayor of the Combined Authority is now in place and will manage the transition towards a fully formed board later this year.
17/05/2017	Members are keen for the LEP to share the outcome of unsuccessful bids to help FDC develop a more robust approach to bids moving forward	See progress note as above
17/05/2017	Members are keen for the LEP to share successful bids to enable FDC to learn lessons and share best practice in order to maximise funding opportunities in our area.	As above
17/05/2017	Members have requested that the LEP liaises with Cambs Acre and Agri Tech Businesses to enable greater transparency and accessibility to FDC's intelligence about businesses in our area.	As above

05/06/2017	The Paperless Review confirmed that £11,816 savings had been achieved as a result of no longer printing committee reports. Members recommended that the successes of the review be publicised.	A press article in relation to the Paperless Review was published in the local press in July 2017.
04/09/2017	Members recommended that Town and Parish Councils are specifically captured within the Consultation strategy as they are an intrinsic aspect of successful consultation	Town and Parish Councils are proactively notified in relation to any consultation activities undertaken by the District Council in order that they can proactively participate.
04/09/2017	Members recommended that the District Council share press releases with Town and Parish Councils to enable them to be shared on the parish website thus reaching more residents	As of September 2017 all press releases are now shared proactively with all the Parish and Town Councils
15/01/2018	Members recommended that the Business Plan contains more contextual information to facilitate more transparency regarding outcomes/ achievements	The Chief Executive has met with Officers regarding the formulation of next years' business plan to ensure Members have greater visibility regarding achievements and outcomes. Processes have been amended accordingly
02/05/2018	Members recommended that the Key Performance Indicators (KPI's) relating to the work of teams involved in the Economy Priority should be reviewed	The Portfolio Holder for Economy agreed to review the Economy KPI's and to keep the Overview and Scrutiny Committee updated accordingly.

How the work of Overview and Scrutiny is linked to the Council's corporate priorities

- 5.6 Fenland District Council's Business Plan is the vision for the future of Fenland clearly setting out a series of priorities that will be the focus of the organisation for the next twelve month period. To ensure these priorities are correct, deliver on targets and achieve outcomes, the Overview and Scrutiny work programme reflects the Council's priorities to ensure robust scrutiny can be delivered.

5.7 The table below illustrates how agenda items link in with Fenland’s priorities:

C – Communities

Env – Environment

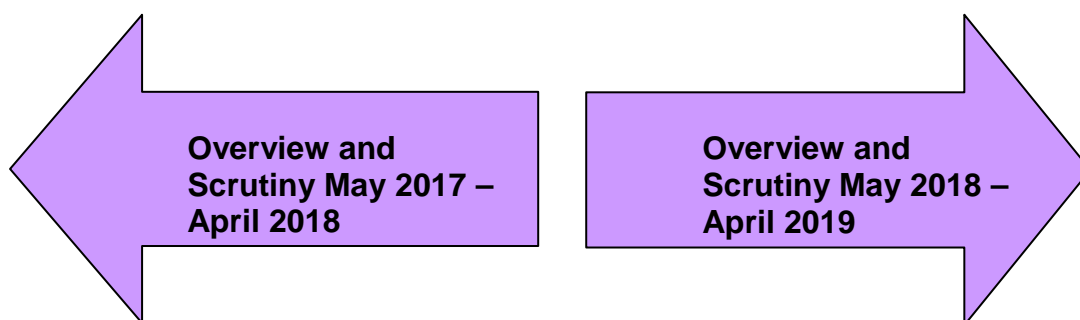
E – Economy

QO – Quality Organisation

Topic/Issue	C	Env	E	QO
Progress against corporate priority: Environment				
Progress against corporate priority: Economy				
Progress against corporate priority: Communities				
Fenland Community Safety Partnership (FSP) /Crime Disorder and Reduction partnership				
Greater Cambridgeshire Greater Peterborough Local Enterprise Partnership				
Paperless Review				
Wisbech 2020 Vision Update				
Fenland Health and Wellbeing Strategy				
Health and Wellbeing Update				
Draft Consultation Strategy				
Annual meeting with the Leader, Deputy Leader and Chief Executive				
Review of Garden Waste Scheme				
Draft Business Plan and Budget				
Council Tax Support Scheme				
Fees and Charges				
Review of Anglia Revenues Partnership				
Draft Medium Term Financial Strategy				
Environmental Enforcement – Pilot with Kingdom				
Concerns with New Heating Contract With Clarion Housing				

6 Overview and Scrutiny Call – In

- 6.1 The Overview and Scrutiny Committees have the opportunity to scrutinise Executive decisions that have been made, but not implemented through the ‘call-in’ mechanism.
- 6.2 In accordance with the Council’s constitution, decisions of the Executive or a Portfolio Holder decision are published within 3 working days. There is then a further 5 working day period prior to the implementation of the decision in which Members are able to call in the decision. If the necessary number of Members, either the Chairman or Vice Chairman of any panel, or any 3 members of the Overview and Scrutiny Committee or any 10 Members of the Council, ask for a decision to be called in for scrutiny, the Overview and Scrutiny Committee has to meet within 15 working days to consider the issue. Whilst this process takes its course, the decision taking process is suspended. If no call-in occurs, the decision is adopted.
- 6.3 If, having considered the decision, the Committee remains concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or, in exceptional circumstances, refer the matter to full Council. If referred back, the decision maker shall then reconsider the matter within a further 10 working days and amend the decision or not, before adopting a final decision. If however the Committee decides not to refer the matter back, no further action is taken and the decision can take effect.
- 6.4 The call-in procedure does not apply where the decision being made by the Executive is deemed to be urgent i.e. where any delay likely to be caused by the call-in process would seriously prejudice the Council’s or the public’s interests. This should be clearly stated in the record of the decision.
- 6.5 Because of the nature of the call-in procedure, it is generally recognised as a mechanism of last resort. Indeed Government guidance states that it would clearly be detrimental to efficient decision making if every individual decision of the Executive were called in for overview and scrutiny as a matter of course.
- 6.6 The call-in procedure is therefore utilised when other means of influencing decision making have failed. Fenland District Council did not utilise the call in procedure during 2017/18. The fact that the Call In procedure was not utilised during the municipal year is reflective of a reduction in Call-In's nationally.



7 A FORWARD LOOK TO 2018/2019

- 7.1 The profile of scrutiny is changing nationally and as a result much is expected of us in response to the Localism agenda. This could include community involvement, scrutiny of and with partners, scrutiny of crime and disorder issues, supporting the scrutiny of health services as well as supporting the scrutiny of the newly formed Combined Authority.

Overview and Scrutiny amending its role

- 7.2 The Overview and Scrutiny Committee remains committed to achieving value for money and ensuring the Council is efficient and cost effective in the delivery of its corporate priorities. The Overview and Scrutiny Committee are also keen to focus on areas where they are able to add the greatest value being forward focused therefore making recommendations to Cabinet whilst also having a positive impact on the future direction and future focus of the Council and its policies.

Fenland's Priorities

- 7.3 In Fenland's Business Plan 2018-2019 the Council's corporate priorities are:

Communities

Economy

Environment

Quality Organisation

- 7.4 It is important that the work of Overview and Scrutiny complements these priorities to ensure services are being delivered to highest quality and any scrutiny work adds value.

- 7.5 Fenland is also extending its influence on decision makers and scrutiny more widely, we have two District Council representatives on the Overview and Scrutiny Committee for the Combined Authority. The role of the Committee is to hold the Mayor and associated Portfolio Holders to account for decisions which affect the whole Combined Authority area, namely Cambridgeshire and Peterborough. In addition the Fenland Portfolio Holder for Communities also represents Fenland on the Cambridgeshire County Council Adults Scrutiny Committee.

What the Overview and Scrutiny Panel will achieve in 2018-2019

Strategic Priorities

- 7.6 We will aim to raise the profile of the Council's Overview and Scrutiny work by better communicating our successes. The Overview and Scrutiny Panel will continue to articulate recommendations associated with the work plan and monitor how effectively the recommendations have been received and endorsed by the associated decision making bodies.

Work Programme

- 7.7 The Overview and Scrutiny work programme is a detailed programme that indicates the topics that the Overview and Scrutiny Committee will scrutinise. The work programme will be developed early in the new Council year setting out what the key areas of focus will be. Topics already identified for inclusion include:

Crime Disorder and Reduction Partnership
Local Health Partnership update
Review of Anglia Revenues Partnership
Planning shared service review
Council Tax Scheme
Draft Business Plan and Budget
Progress of Corporate Priorities: Economy, Environment, Communities and Quality Organisation
Comprehensive Spending Review

In addition to the topics already identified for inclusion in the Overview and Scrutiny work programme the Committee are keen to engage with the public regarding matters which are of importance and which Fenland residents feel should be subject to Overview and scrutiny. As such the Chairman has commissioned a report to be presented to the committee regarding the options to maximise public engagement, which will help to inform the agreed approach. The report is scheduled to be considered by the Committee during its July meeting.

8 CONTACTS

- 8.1 Work of the Overview and Scrutiny Committee is enhanced by the involvement of Fenland residents, service users, our partners and local businesses as they bring an alternative perspective whilst also providing external challenge. If, therefore, you would like further details about any of the work mentioned in this report, or on how residents and partner organisations can contribute to the work of Overview and Scrutiny within Fenland we would very much welcome your input, please contact:

Councillor Chris Boden - Chairman Overview and Scrutiny
cboden@fenland.gov.uk

Councillor Michael Humphrey - Vice Chairman Overview and Scrutiny
mhumphrey@fenland.gov.uk

Izzi Hurst - Member Services Officer
ihurst@fenland.gov.uk

Anna Goodall - Head of Governance and Legal Services
agoodall@fenland.gov.uk

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Agenda Item No:	9	
Committee:	Council	
Date:	19 July 2018	
Report Title:	Corporate Governance Committee Annual Report	

1 Purpose / Summary

To report to Full Council the commitment and effectiveness of the Corporate Governance Committee's work from April 2017 to March 2018.


2 Key issues

- The Corporate Governance Committee considered its Annual Report at its meeting on 19th June 2018.
- For the first time, the Committee has completed a review of its effectiveness using a checklist compiled by CIPFA which was a recommendation made by the recent external assessment of Internal Audit.
- The Committee commends the report to Council.

3 Recommendations

- For Council to agree the Corporate Governance Committee Annual Report for 2017/18.

Wards Affected	All
Forward Plan Reference	N/A
Portfolio Holder(s)	Councillor John Clark, Chairman of Corporate Governance Committee
Report Originator(s)	Carol Pilson – Corporate Director & Monitoring Officer Kathy Woodward – Shared Internal Audit Manager
Contact Officer(s)	Carol Pilson – Corporate Director & Monitoring Officer Kathy Woodward – Shared Internal Audit Manager Peter Carpenter - Corporate Director and S151 Officer
Background Paper(s)	

Agenda Item No:	12	
Committee:	CORPORATE GOVERNANCE	
Date:	19 JUNE 2018	
Report Title:	CORPORATE GOVERNANCE COMMITTEE ANNUAL REPORT	

1 Purpose / Summary

To report to Full Council the commitment and effectiveness of the Corporate Governance Committee's work from April 2017 to March 2018.

2 Key issues

2.1 A good Corporate Governance framework helps the Council to deliver its Corporate Priorities.

The role of the Corporate Governance Committee includes:

- providing independent assurance of the adequacy of the risk management framework and the control environment, plus
- independently scrutinising the Authority's financial and non-financial performance, and overseeing the financial reporting process.

2.2 The Committee has taken action to ensure that its members are adequately informed on key themes of the Governance Framework via regular reports including:

- Governance;
- Internal control;
- Risk management;
- Anti-fraud & corruption;
- Accounts and policies;
- Treasury management;

2.3 Reports from the External Auditors affirmed continued maintenance of high financial management and control standards. The Annual Audit letter explained that in all significant respects the Council made proper arrangements to secure economy, efficiency and effectiveness in its use of resources and an unqualified value for money conclusion was given. The Committee supported a press release to reflect this achievement.

2.4 The Committee has been fundamental in the review and maintenance of the Council's Governance Framework.

2.5 In addition to the report attached the Internal Audit Manager has completed a review of the committee's effectiveness using a checklist compiled by CIPFA. This was a recommendation made by the recent external assessment and endorsed by Corporate Governance Committee in February 2018. The completed checklist is attached as Appendix A

3 Recommendations

It is recommended that Committee agree the Corporate Governance Committee Annual Report for 2017/18 to be forwarded to Full Council.

Wards Affected	All
Forward Plan Ref	Not applicable
Portfolio Holder(s)	Cllr John Clark - Chairman of Corporate Governance Committee
Report Originator(s)	Brendan Arnold – Corporate Director & Chief Finance Officer Carol Pilson – Corporate Director & Monitoring Officer Kathy Woodward – Shared Internal Audit Manager
Contact Officer(s)	Brendan Arnold – Corporate Director & Chief Finance Officer Carol Pilson – Corporate Director & Monitoring Officer Kathy Woodward– Shared Internal Audit Manager Mark Saunders - Chief Accountant Anna Goodall – Head of Governance & Legal Services Geoff Kent – Head of Customer Services
Background Paper(s)	Corporate Governance Committee minutes

Appendix: Annual report

Report of the Corporate Governance Committee

April 2017 - March 2018



1 What is corporate governance?

- 1.1 Corporate Governance in Fenland District Council is an essential part of the Council's standards for transparent and informed management and decision-making. It provides assurance of the adequacy of the risk management framework and the control environment, independent scrutiny of the Authority's financial and non-financial performance and to oversee the financial reporting process.

2 Responsibilities of the Committee

- 2.1 The Corporate Governance Committee rules listed in Part 2 (rule 10), of Fenland District Council's Constitution, illustrates their role within their terms of reference:
- a) Consider the effectiveness of the Authority's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements.
 - b) Seek assurance that action is being taken on risk related issues identified by auditors and inspectors.
 - c) Be satisfied that the Authority's assurance statements, including the Statement on Internal Control, properly reflect the risk environment and actions required to improve it.
 - d) Approve internal audit's strategy, plan and monitor performance.
 - e) Review summary internal audit reports and the main issues arising and seek assurance that action has been taken where necessary.
 - f) Receive the annual report of the Internal Audit Manager providing an opinion on the level of internal control.
 - g) Consider the reports of external audit and inspection agencies.
 - h) Ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.
 - i) Review the financial statements, external auditor's opinion and reports to Members, and monitor management action in response to issues raised by external audit.

3 Members commitment to corporate governance in 2017/18

- 3.1 Meetings included development briefings, and items of topical interest, to maintain knowledge and awareness of the Council's Governance Framework. Examples were:
- the role of Corporate Governance, Officers and the annual work plan;
 - interpretation of Annual Financial Statements;
 - monitoring and proactive management of anti-fraud & corruption;
 - the role of internal audit in Local Government. This included a request for increased monitoring of internal audit activities. A quarterly update report on audits completed is now provided which includes the number of and theme of recommendations;
 - risk management;
 - reports from external audit; and
 - Cyber security updates

4 Work programme and outcomes

4.1 The Committee considered the matters in the table below as part of its work programme.

Programme	Outcome
Annual Governance Statement 2016/17	<p>The Authority has a statutory duty to publish a statement as to the level of effectiveness its governance and internal control framework.</p> <p>The Corporate Governance Committee was able to consider the sources of assurance and approve the content of the Statement prior to its publication with the Financial Accounts.</p> <p>The statement included an action plan which was reviewed during the year to ensure that governance and control framework weaknesses were addressed.</p> <p>This has helped the Council to proactively identify and manage governance and control risks that could affect Corporate Priorities. Examples include changes in legislation, finance and Government policy.</p>
Accounting Policies	<p>The Committee considered the accounting policies for use in producing the 2016/17 accounts. This helped ensure that the Council demonstrated compliance with the International Financial Reporting Standards (IFRS).</p> <p>The Committee endorsed the approach proposed to meet the revised Accounts and Audit regulations 2015. This included managing a condensed timetable for preparation, approval and publication of financial performance information in preparation for the imposed earlier statutory deadline.</p>
Statement of Accounts	<p>The Committee were able to approve the Council's Statement of Accounts for 2016/17, assisting the Council in achieving its publication deadline.</p>
Internal Audit work programme	<p>The Corporate Governance Committee received reports, from the Internal Audit Manager, for review of the:</p> <ul style="list-style-type: none"> • Charter, • Risk based annual plan and strategy, • Performance Outturn 2016/17, • Internal Audit Manager's opinion on the overall adequacy and effectiveness of the Council's control environment, and • Progress updates on delivery of the annual plan <p>These reports demonstrate that the Council has arrangements in place to comply with the Accounts and Audit Regulations, to maintain an adequate and effective internal audit and system of Internal Control.</p>

Programme	Outcome
<p>Review of effectiveness of Internal Audit and the External Assessment of the Internal Audit function</p>	<p>The Committee received assurances from the Corporate Director & Chief Finance Officer, following a review of Internal Audit effectiveness for 2016/17.</p> <p>This confirmed that the Internal Audit Team is effective and follows professional quality standards such as the CIPFA “Local Government Application Note” for "Public Sector Internal Audit Standards" and the CIPFA “Statement on the role of the Head of Internal Audit”.</p> <p>In addition to this an external assessment of the Internal Audit function was completed during 2017/18 and the committee received assurance that the function 'generally conforms' to all of the standards.</p>
<p>Risk Management Framework</p>	<p>The Committee received regular updates on the Corporate Risk Register, discussed emerging risks, and completed an annual review of the Risk Management Strategy.</p> <p>This provided assurance that significant risks are identified and managed for the Council.</p> <p>In addition, Members requested an additional seminar on risk management which led to a number of recommendations and changes to the risk register which have been implemented.</p>
<p>Anti-fraud and corruption</p>	<p>The Committee received reports from the Council's Internal Audit Manager. This included a review of the Council's Anti-fraud and corruption policy, against best practice guidance from CIPFA and the Cabinet Office.</p> <p>This provided assurance that there is a strategic approach to proactively managing the risks of fraud and corruption.</p>
<p>Treasury Management</p>	<p>The Committee received reports throughout the year on the Treasury Management Strategy and financial performance.</p> <p>This provided assurance that the Council's assets are managed in accordance with the CIPFA Code of Practice on Treasury Management.</p>
<p>Regulation of Investigatory Powers Act</p>	<p>The Committee received a report that allowed it to review the Council's use of the Regulations of Investigatory Powers Act 2000 (RIPA), and understand its use as part of the Protection of Freedoms Act 2012. The Committee also reviewed the RIPA Policy following an inspection by the Investigatory Powers Commissioners Office (IPCO).</p>

Programme	Outcome
<p>External Audit Assurance</p>	<p>The Committee received reports from the Audit Commission's appointed auditor, Ernst and Young. These included:</p> <ul style="list-style-type: none"> • Annual work plan; • Annual grant certification report; • Annual report to those charged with governance (ISA 260) summarising the work of the external audits completed; • Annual Audit and Inspection letter <p>The reports affirmed continued maintenance of high financial management and control standards.</p> <p>The Annual Audit letter explained that in all significant respects the Council made proper arrangements to secure economy, efficiency and effectiveness in its use of resources and an unqualified value for money conclusion was given.</p> <p>The Committee also received updates on the future arrangements for appointing the Council's External Auditors</p>

Fenland District Council
Corporate Governance Committee Self-Assessment Exercise

For the year 2017-18

No	Issue	Y	P	N	Evidence/ Comment	Action Required
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1. ESTABLISHMENT, OPERATION AND DUTIES**Role and Remit**

1.1	Does the corporate governance committee have written Terms of Reference?	Y			The Terms of Reference are included at Rule 10 in the Council Constitution. These were approved in 2012.	
1.2	Do the Terms of Reference cover the core functions of an corporate governance committee as identified in the CIPFA guidance?	Y				
1.3	Are the Terms of Reference approved by the council and reviewed periodically?	Y			The next review is due in May 2019.	
1.4	Can the corporate governance committee access other committees and full council as necessary?	Y			All Members attend Full Council and can attend any other Committee meeting.	
1.5	Does the authority's Annual Governance Statement include a description of the corporate governance committee's establishment and activities?	Y			Section 4 'Review of Effectiveness' includes a description of the Corporate Governance Committee's function.	
1.6	Does the corporate governance committee periodically assess its own effectiveness?	Y			An annual review is carried out using this checklist.	

Membership, Induction and Training

1.9	Has the membership of the corporate governance committee been formally agreed and a quorum set?	Y			Formally appointed by Council. Quorum set through Council Procedure Rules at part 4 of the Constitution	
1.10	Is the chair independent of the executive function?	Y				
1.11	Has the corporate governance committee chair previous knowledge of, or received appropriate training on, financial and risk management, accounting concepts and standards, and the regulatory regime?	Y			The Chairman has attended all training offered to the Committee, which included Financial training. The current Committee Chairman is a past Finance Portfolio Holder.	

No	Issue	Y	P	N	Evidence/ Comment	Action Required
1.12	Are new corporate governance committee members provided with appropriate induction?	Y			Training is offered to all Members by Member Services on a topic by topic basis. CGC Members receive appropriate training carried out prior to the start of a meeting to maximise participation on relevant topics.	
1.13	Have all member's skills and experiences been assessed and training given for identified gaps?		P		An analysis of skills and experiences is not carried out. However, a training programme has been designed to cover all previously identified training needs and Members can request specific training if necessary.	
1.14	Has each member declared his or her business interests?	Y			Records of interests are kept by Member Services. A standing item of each agenda requires Members to declare any relevant interests.	
1.15	Are members sufficiently independent of other key committees of the council?	Y				
Meetings						
1.16	Does the committee meet regularly?	Y			5 meetings were held in 2017-18. The programme for 2018-19 includes 5 planned meetings.	
1.17	Do the Terms of Reference set out the frequency of meetings?	Y			Maximum of 6 per year.	
1.18	Does the corporate governance committee calendar meet the authority's business needs, governance needs and the financial calendar?	Y			A calendar of meetings is published for each year and dates are co-ordinated with Cabinet and specific key events.	
1.19	Are members attending meetings on a regular basis and if not, is appropriate action taken?	Y			A record of attendance is kept by Member Services. Any persistent non-attendance is brought to the attention of the relevant party leader.	
1.20	Are members free and open without political influences being displayed?	Y				
1.21	Does the authority's s151 officer or deputy attend all meetings?	Y			All meetings were attended by the Corporate Director of Finance (S151 Officer).	
1.22	Does the corporate governance committee have the benefit of attendance of appropriate officers at its meetings?	Y			Relevant officers attend to present the reports and answer questions.	

No	Issue	Y	P	N	Evidence/ Comment	Action Required
1.23	Are decisions reached promptly?	Y			A decision is made at the end of each item on the agenda.	

2. INTERNAL CONTROL

2.1	Does the corporate governance committee consider the findings of the annual review of effectiveness of the system of internal control (as required by the Accounts and Audit Regulations) including the review of the effectiveness of the system of internal audit?	Y			Audit Manager's Annual Report for 2016-17 was presented on 13 July 2017, which included an assessment of the effectiveness of Internal Audit. This is completed on an annual basis.	
2.2	Does the corporate governance committee have responsibility for review and approval of the Annual Governance Statement and does it consider it separately from the accounts?	Y			AGS presented 13 July 2017 as a separate report from the Statement of Accounts 2016-17. This is completed on an annual basis.	
2.3	Does the corporate governance committee consider how meaningful the Annual Governance Statement is?	Y			Yes, the Committee receive a 6 monthly update on actions in the AGS to ensure appropriate oversight	
2.4	Does the corporate governance committee satisfy itself that the system of internal control has operated effectively throughout the reporting period?	Y			Various reports are presented to the Committee throughout the year relating to internal audit, external audit, finance, fraud, corporate governance and risk which provides the opportunity for the Committee to satisfy itself. Feedback on these reports is incorporated to provide greater levels of assurance.	
2.5	Has the corporate governance committee considered how it integrates with other committees that may have responsibility for risk management?	Y			CGC have responsibility for the strategic framework for risk management. Risk is considered as a part of committee reports on a project by project basis.	
2.6	Is the corporate governance committee made aware of the role of risk management in the preparation of the internal audit plan?	Y			The report setting the Internal Audit Plan each year contains an explanation of the consideration of risk management in the planning process.	
2.7	Does the corporate governance committee review the authority's strategic risk register at least annually?	Y			Update reports were presented quarterly throughout 2017/18.	
2.8	Does the corporate governance committee monitor how the authority assesses risk?	Y			Included in the progress reports. Updates to the Risk Management Policy and Strategy are reviewed and approved by the Corporate Governance committee.	

No	Issue	Y	P	N	Evidence/ Comment	Action Required
2.9	Do the corporate governance committee's Terms of Reference include oversight of the risk management processes?	Y			Constitution Rule 10 refers.	
2.10	Does the corporate governance committee take a role in overseeing anti-fraud and whistleblowing arrangements?	Y			Constitution Rule 10 refers. This is completed on an annual basis.	

3. FINANCIAL REPORTING & REGULATORY MATTERS

3.1	Is the corporate governance committee's role in the consideration and/or approval of the annual accounts clearly defined?	Y			Constitution Rule 10 refers. The timetable of meetings includes provision for meetings in May and July to consider the Statement of Accounts. A training session is included ahead of the May meeting.	
Page 108	Does the corporate governance committee consider specifically: <ul style="list-style-type: none"> ▪ The suitability of accounting policies and treatments ▪ Major judgements made ▪ Large write-offs ▪ Changes in accounting treatment ▪ The reasonableness of accounting estimates ▪ The narrative aspects of reporting? 	Y			The Members of the Corporate Governance Committee receive a detailed briefing on all aspects of the Annual Statement of Accounts and the Committee receives the draft Statement for debate at the time the Statement is signed off for the Annual Audit to commence. Further, the Committee approves the Annual Governance Statement at the same time in the Committee cycle.	
3.3	Is a corporate governance committee meeting scheduled to receive the external auditor's report to those charged with governance including a discussion of proposed adjustments to the accounts and other issues arising from the audit?	Y			Meeting in July every year.	
3.4	Does the corporate governance committee review management's letter of representation?	Y			Management responses are included in the covering report to the external auditors report. The responses are also discussed at the meeting.	
3.5	Does the corporate governance committee annually review the accounting policies of the authority?	Y			Included in the Statement of Accounts report.	

No	Issue	Y	P	N	Evidence/ Comment	Action Required
3.6	Does the corporate governance committee gain an understanding of management's procedures for preparing the authority's annual accounts?	Y			The Corporate Director of Finance (s151 Officer) and Chief Accountant attended the relevant meetings to present the report and answer questions relating to the preparation of accounts. Training on the Closedown of Accounts is also provided immediately prior to the meeting.	
3.7	Does the corporate governance committee have a mechanism to keep it aware of topical legal and regulatory issues, for example by receiving circulars and through training?	Y			'Members Bulletin' is circulated to all Members, which contains general updates and circulars when they occur. For issues specifically relevant to the Committee, a report is presented or covered under the standing item – Items of Topical Interest on the CGC agenda.	

4. INTERNAL AUDIT

Page 109	Does the corporate governance committee approve annually, and in detail, the internal audit strategic and annual plans including consideration of whether the scope of internal audit work addresses the authority's significant risks?	Y			The Internal Audit Strategic Plan is presented in March each year for approval. Details of how the plan is compiled are included in the covering report. For the year 2017-18 the Plan was presented on 19 th March 2018.	
	4.2 Does internal audit have an appropriate reporting line to the corporate governance committee?	Y			The Internal Audit Manager attends every Corporate Governance Committee as well as pre-meetings with the Chairman and Vice-Chairman. The Internal Audit Manager is available should the Committee wish to raise any matters with her.	
	4.3 Does the corporate governance committee receive periodic reports from the internal audit service including an annual report from the Audit Manager?	Y			The Committee receives quarterly reports on progress against the Audit Plan, and the Audit Manager presents the Annual Report in June.	
	4.4 Are follow-up audits by Internal Audit monitored by the corporate governance committee and does the committee consider the adequacy of implementation of recommendations?	Y			Corporate Governance Committee receive and monitor recommendations associated with audit reports and receive assurance from the Internal Audit Manager as to the effectiveness of the implementation of recommendations.	
	4.5 Does the corporate governance committee hold periodic private discussions with the Audit Manager?	Y			The facility is available if required. No meetings were required during 2017/18.	

No	Issue	Y	P	N	Evidence/ Comment	Action Required
4.6	Is there appropriate co-operation between the internal and external auditors?		P		Ernst and Young adopt a substantive audit approach and perform their own tests. However, if required there would always be appropriate co-operation.	
4.7	Does the corporate governance committee review the adequacy of internal audit staffing and other resources?	Y			Included in the Audit Plan report and Charter.	
4.8	Has the corporate governance committee evaluated whether its internal audit service complies with Public Sector Internal Audit Standards (PSIAS)?	Y			An external quality assessment was completed in Nov 2017 by the Chartered Institute of Public Finance and Accountancy and the resulting report was presented to the Committee in December 2017. In intervening years an internal self-assessment is completed and made available to Members of the Corporate Governance committee.	
4.9	Are internal audit performance measures monitored by the corporate governance committee?	Y			Recommendations are monitored in the progress reports.	
Page 110	Has the corporate governance committee considered the information it wishes to receive from internal audit?	Y			In 2016/17, Members requested more frequent progress reports in relation to internal audit therefore the Committee now receives a quarterly performance report as to progress against achieving the audit plan and any recommendations arising from it.	

5. EXTERNAL AUDIT

5.1	Do the external auditors present and discuss their audit plans and strategy with the corporate governance committee (recognising the statutory duties of external audit)?	Y			Ernst Young attend meetings to present their reports and answer questions.	
5.2	Does the corporate governance committee hold periodic private discussions with the external auditor?	Y			The facility is available if required. No meetings were required during 2017/18.	
5.3	Does the corporate governance committee review the external auditor's annual report to those charged with governance?	Y			Report is presented at the meeting in July.	
5.4	Does the corporate governance committee ensure that officers are monitoring action taken to implement external audit recommendations?	Y			Recommendations are taken into account when preparing the Internal Audit Strategic Plan.	

No	Issue	Y	P	N	Evidence/ Comment	Action Required
5.5	Are reports on the work of external audit and other inspection agencies presented to the committee, including the annual audit inspection letter?	Y			Report to those charged with governance (ISA260) – 27 September 2017 Annual Audit Letter – 4 December 2017 Audit Plan 2017/18 – 19 March 2018 Certification of Claims and Returns Annual Report 2016/17 – 7 February 2018.	
5.6	Does the corporate governance committee assess the performance of external audit?	Y			Considered as reports are presented.	

6. ADMINISTRATION

Agenda Administration

6.1	Does the corporate governance committee have a delegated secretary from Committee/Member Services?	Y			Izzi Hurst, Member Services.	
Page 6 141	Are agenda papers circulated in advance of meetings to allow adequate preparation by corporate governance committee members?	Y			A timetable is set for the year detailing meeting dates and deadlines for reports to be submitted which meet statutory deadlines	
	Are outline agendas planned one year ahead to cover issues on a cyclical basis?	Y			Included in the timetable for the year and the Annual Plan.	
6.4	Are inputs for Any Other Business formally requested in advance from committee members, relevant officers, internal and external audit?		P		'Items of Topical Interest' is an agenda item.	.

Papers

6.5	Do reports to the corporate governance committee communicate relevant information at the right frequency, time, and in a format that is effective?	Y			The timetable is designed to ensure the timing and frequency of routine reports is appropriate. Ad hoc reports are presented as they arise and also in line with Cabinet requirements if necessary. Members feedback to officers regarding the effectiveness of the information presented and this is incorporated in to future drafts.	
6.6	Does the corporate governance committee issue guidelines and/or a proforma concerning the format and content of the papers to be presented?			N	The format is a corporate template.	

No	Issue	Y	P	N	Evidence/ Comment	Action Required
Actions Arising						
6.7	Are minutes prepared and circulated promptly to the appropriate people?	Y			Draft minutes are produced within a week of the meeting and published to the Council's website.	
6.8	Do action points indicate who is to perform what and by when?	Y			If action is required then this is detailed in the minutes and will be followed up at the next meeting.	

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Agenda Item No:	10	
Committee:	Council	
Date:	19th July	
Report Title:	Housing Enforcement Policy	

Cover sheet:

1 Purpose / Summary

- To consider adoption of a Housing Enforcement Policy for the Council

2 Key issues

- A member Task & Finish group met in 2017/18 to look at issues affecting the private rented sector.
- The findings from that task group and improvement action plan were approved by Cabinet on the 22nd March 2018.
- The task group felt it was important to set out, through a clear policy, the approach the Council will take to enforcement in order to improve the management and condition of the housing stock.
- The policy sets out a balanced approach to enforcement, following the principles set out in the Council's overarching Corporate Enforcement Policy. We mainly work informally and collaboratively with business and the community to ensure standards. We will only take a direct enforcement approach when there are either significant or immediate risks found or where we are not confident that informal approaches are working.
- The policy aims to ensure that only those landlords who fail to maintain reasonable standards or respond to the Council's regulatory approaches are penalised.
- The Housing Enforcement policy will apply district wide.
- Key features of the policy are:
 - The setting out of the Council's approach to using legislative powers relating to the management and condition of housing stock.
 - Provisions for recovering costs relating to enforcement and regulatory advice wherever possible. This includes introducing charging for non-statutory housing inspections and enforcement costs where a notice needs to be served.

- The introduction of monetary and civil penalties in relation to carbon monoxide regulations and contravening certain offences under the Housing Act 2004.
- The use of Rent Repayment Orders where Landlords have committed certain Housing offences.
- The draft policy was consulted on between 23rd April 2018 and 17th June 2018.
- A survey monkey questionnaire was drafted to capture feedback and wide promotion was undertaken.
- Along with that the policy was taken to Overview & Scrutiny on the 30th May to enable the committee to inform the policy development.
- As a result of that the proposed policy has been changed. The proposed changes are set out in Appendix A to the report as tracked changes.
- A community impact assessment for the policy is set out in Appendix B

3 Recommendations

It is recommended that Full Council:

- Adopt the Council Housing Enforcement Policy set out in Appendix A.

Wards Affected	All
Forward Plan Reference	
Portfolio Holder(s)	Councillor Dee Laws
Report Originator(s)	Dan Horn - Head of Housing & Community Support
Contact Officer(s)	Dan Horn as above Sarah Gove - Housing & Communities Manager Richard Cassidy - Corporate Director
Background Paper(s)	Cabinet 22nd March 2018 - Report of the Private Sector Housing Task and Finish Group. Cabinet 19th April 2018 - Draft policy endorsed to go to consultation

4 Background

- 4.1 A member task and finish group was formed in 2017/18 to explore issues within the private rented sector. This was following a proposal to consider a selective licensing scheme for Wisbech. The member task and finish group considered the findings along with new powers from government to help tackle issues within the private rented sector.

5 Considerations

- 5.1 The Council has been successful in bidding for additional enforcement resource under the Controlling Migration Fund. This bid has enabled two Private Sector Housing Officers to begin conducting street by street property inspections in Wisbech town properties, identifying and tackling faults and failings in private rented homes.
- 5.2 In order to provide a transparent and consistent approach to enforcement, a Housing Enforcement Policy has been drafted which sets out the Council's approach to using relevant legislative powers and follows the principles of good regulation detailed in the Council's overarching Corporate Enforcement Policy. It is intended that the Housing Enforcement Policy will apply district wide, although the main regulatory focus is currently within Wisbech.
- 5.3 The Housing Enforcement Policy incorporates a number of new powers that allow Local Authorities to recover the costs of regulation and enforcement from those Landlords who do not maintain acceptable property or management standards. This helps ensure that those landlords who do comply with the law and the wider Council Tax payer do not have to meet all the costs of Housing regulation.
- 5.4 One particular power, introduced by the Housing & Planning Act 2016, are Civil Penalties which allow Local Authorities to issue penalties of up to £30,000 as an alternative to prosecution for certain specified offences.
- 5.5 There is no prescribed model by which the civil penalty structure can be set, therefore officers have looked at various schemes that have been approved by other Local Authorities and felt an approach developed by Amber Valley Council represented the most structured and easily understandable methodology. The Amber Valley scheme is based upon the existing criminal fine structure already used within the judicial system for related housing offences. This ensures that the Civil Penalty is based upon similar culpability and harm factors which are used to set out the relative seriousness of existing criminal sanctions.
- 5.6 Civil Penalties are subject to an internal appeal; this is a process whereby the owner / agent can make representations which will then be considered by a senior officer. The recipient of the civil penalty then also an opportunity to subsequently refer the matter to the First Tier Tribunal (Property Section) which is part of HM Courts & Tribunals Service.
- 5.7 Other key features of the Housing Enforcement Policy include:
- The introduction of monetary penalties for breaches of the Smoke & Carbon Monoxide Regulations 2015, which concerns the provision and maintenance of smoke and carbon monoxide alarms in rented premises.

- Making a charge for notices and recovering expenses for re-inspection of premises along with charging for non-statutory housing inspections.
- Applying for Rent Repayment Orders where the landlord has been convicted of a relevant housing offence and it is considered in the public interest to apply for an order.

5.8 It should be noted that the Government has proposed that it will be extending the mandatory licensing of Houses in Multiple Occupation scheme, to be less than the 3 storey threshold that currently exists. This legislation comes into effect from October 2018. The implementation will include setting a licensing fee based on full cost recovery in accordance with guidance that will be issued (Guidance was released 20th June and is being assessed).

6 Consultation

- 6.1 The Council consulted on the policy with stakeholders between 23 April 2018 and 17 June 2018.
- 6.2 A survey monkey questionnaire was developed to capture feedback.
- 6.3 A letter was sent to 216 known landlords
- 6.4 Officers have been promoting the policy consultation in their day to day engagement with landlords, agents and tenants
- 6.5 Notification of the consultation to National Landlords Association and the Association of Residential Lettings Agents (ARLA) was given
- 6.6 There was a media release along with promotion through our social media platforms.
- 6.7 The policy was promoted for feedback at a landlord event in June 2018

7 Consultation feedback

- 7.1 9 responses to the survey were received. Please see Appendix B.
- 7.2 There was support for the approach the Council proposes to take with the policy.
- 7.3 The table below lists the following comments that were received.

Comment	Response
If you do not communicate to the property owner, it could be that the owner is unaware of a situation so by not communicating it, it would actually be very poor of the local authority.	Agreed
Enforcement officers believe they are above everyone else, they must be clear to people when they are going to take legal action.	All enforcement code is undertaken in accordance with the Corporate Enforcement Policy on the basis of Prevention

	Intervention and Enforcement
<p>Don't make it any more difficult for landlords. Policies, red tape, Licenses, bureaucracy make it more difficult. This leads to shortage of housing, higher rents, overcrowding. Here's a challenge for you: My Policy on Policies... Policies to be written on one side of A4 paper, minimum font 10 point. If more than one page, only the first page will be read, others will be discarded.</p>	<p>The policy essentially collates the powers and duties that the Council has responsibility for in relation to house condition enforcement. It was felt important by the Member Working Task Group that for openness, transparency and awareness the Council should do this.</p>
<p>In the case of owner occupiers, what would happen in the case of a spiteful neighbour causing trouble? This could put undue stress on the owner thinking that there may be more serious implications than there actually are.</p>	<p>The approach to evidence gathering would bring out this issue if it was happening.</p>
<p>16.2 Housing act Notice £240. 4 hours of an officers time at 60 per hour seems expensive ...surely this is an administrative matter once a problem has been found by an officer.</p>	<p>The hourly rate includes salary and associated corporate support costs.</p>
<p>17.1 Private Sector Housing Team will charge for inspections that are non-statutory. Why are they concerning themselves with non-statutory matters.</p>	<p>The team do receive requests for support from Landlords and Agents to assist them in meeting their duties. Just like with a pre-planning application it is felt a charge for this service should be made.</p>
<p>Paragraph - 26.2 (draft number) Re – the exceptions to the expectation that tenants will contact the landlord before contacting FDC – where a tenant is old and frail or otherwise vulnerable or where there are pre-school children in the household. Why? It seems terribly unfair in a day where nearly everyone has a telephone of access to a pad or pen to right a letter ...this is rather against the old and frail if they can</p>	<p>Agreed. Now para 28.2 and these 2 bullet points have been deleted and other bullet points amended to explain further.</p>

contact FDC they can contact their landlord... same with young parents , more likely to have a computer / phone etc.	
If you bring in Selective Licensing it will push the rogue landlords into the villages and March	Selective Licensing is not currently an option under consideration.

7.4 Other feedback received during the consultation included:

- A process chart for Civil Penalties to ensure openness and transparency to landlords that may become subject to a civil penalty process. This has been added as an Appendix to the policy.
- Cambridgeshire County Council (CCC) has the delegated authority to enforce private rented properties that do not have an Energy Performance Certificate. However they recognise District Council has more contact with these properties through our core regulatory work and are therefore far better placed to use these enforcement powers. CCC now have member approval to delegate this power to a district council the district council able to retain any fines recovered under fixed penalty notices. Therefore the Council propose to train our regulatory officers to undertake this function accordingly and reflect in the policy.
- An additional enforcement power to fine landlords who do not register with one of the 3 national redress schemes (to place the deposit):
 - Local authorities can impose a fine of up to £5,000 where a lettings agent or property manager who should have joined a scheme has not done so.
 - The authority must give written notice of their intention to impose a penalty setting out the reasons and the amount of the penalty. The lettings agent or property manager will have 28 days to make written representations or objections to the authority, starting from the day after the date the notice of intent was sent.
 - At the end of the 28 day period the enforcement authority must decide, having taken into account any representations received, whether to impose the fine and, if so, must issue a final notice to the lettings agent or property manager giving at least 28 days for payment to be made

7.5 Overview and scrutiny considered the draft policy on the 30th May. The committee were also made aware of the proposed additions set out in para 7.4. The table below sets out some points made.

Comment	Response
Reference Council's Prevention	Corporate Enforcement Policy

Intervention and Enforcement in Policy	referenced in para 1.2 and now expanded to include reference to this
An index and table of contents	This will be placed in the published website version
Amber Valley experience of using Civil Penalties	The policy has been in place since September and 1 notice has been served since then. That notice was complied with therefore no Civil Penalties has been issued.
Vulnerable tenants and Pre School Children should not be criteria in para 26.2	Agreed. Now para 28.2 and these 2 bullet points have been deleted and other bullet points amended to explain further.
Putting all communication in writing seems outdated	The Council needs to ensure that there is a comprehensive evidence audit trail to ensure it meets required standards. This is in accordance with Corporate Enforcement Policy and it is a legal requirement in the Landlord and Tenant Act 1985 (section 11)
Paragraph 19.5 – Can the Council impose the fine of £5,000 or should it go to Magistrates Court	We could go to the magistrates court but the Council has the power to deal with it internally. The fine would therefore remain with the Council and not go to the Courts.
Balance needed between imposing fines on landlords and ensuring the issues are rectified	Agreed...and the fine structure within the policy ensures this is the desired outcome e.g the costs of a smoke detector is less than the fine for not having one.
How the hourly rate was calculated	The hourly rate includes salary and associated corporate support costs.
Why are Registered Providers (RP) not covered by the policy	They are included in the policy as set out in Section 24. The section has been strengthened to emphasise the council will use powers against RP if felt deemed necessary.
Para 22.4 relating to registered providers improvement work programmes – would the same be offered to Private Landlords with large portfolios	Yes the same would be considered by Officers on a case by case basis for Private Landlords and para 2.5 has been amended to reflect this.

7.6 The proposed amendments reflecting the changes proposed as set out paragraphs 7.1 - 7.5 are marked as track changes in the policy as an Appendix A to the report.

8 Financial Impact

- 8.1 The policy sets out the current powers and duties Councils' have for regulating house condition and management.
- 8.2 There are no additional financial impacts from what was set out in the budget.
- 8.3 The policy does set out charging for advice previously given by the Council for nothing
- 8.4 The Policy also places a structure for how the Council will utilise new powers that if a landlord is prosecuted can see the penalty charges being retained by the Council rather than the Courts.
- 8.5 Extending HMO licensing will be subject to a new fee setting process on the basis of full cost recovery.
- 8.6 No assessment can be made to the likelihood of additional income from any of these new potential income sources.

9 Community Impact

- 9.1 A Community Impact Assessment is set out in Appendix B to this report.

Appendix A: Housing Enforcement Policy



1 Introduction

- 1.1 The aim of this policy is to allow the consistent and fair enforcement of housing legislation to raise standards in the private housing sector.
- 1.2 The policy is based around the Regulators' Code which this Authority has adopted. The general principles of good enforcement, which are set out in the council's Corporate Enforcement Policy including Prevention Intervention and ~~are~~ Enforcement are to be adhered to by the council in its housing enforcement activities and when carrying out enforcement we will have regard to all legal requirements which may apply to our actions.
- 1.3 All enforcement decisions and actions will be made having due regard to the provisions of equal rights and anti-discrimination legislation. Local Authorities have extensive powers to intervene where they consider housing conditions are unacceptable. The options are mostly contained in the Housing Act 1985, the Housing Grants, Construction and Regeneration Act 1996 and the Housing Act 2004. These interventions include:
 - enforcement activity (e.g. serving notices on owners to defer action, repair, demolish or prohibit the use of dwellings);
 - slum clearance;
 - compulsory purchase order (e.g. for empty homes);
 - renewal areas;
 - works in default;
 - disabled facilities grants; and
 - private sector renewal grants.
- 1.4 Enforcement of housing standards is an integral part of meeting the council's statutory duties in relation to Private Sector Housing. This policy applies to Housing Associations (Registered Providers) as well as private sector landlords.
- 1.5 This policy sets out to ensure the Council undertakes its housing enforcement role in a consistent, practical, open and transparent manner. When an officer is dealing with a property which is below acceptable standards, this housing enforcement policy will be followed.
- 1.6 The policy takes into account the Code of Practice for Crown Prosecutors.
- 1.7 This policy sets out the current regulatory legislation that the Council has at its disposal to use. It may be other legislation or regulation will come into operation before this policy is updated and the Council reserves the right to do so if the legislation allows.
- 1.8 The fees and charges laid out in the policy will be reviewed on an annual basis as part of the fees and charges setting Council process.

2 What to expect from the Private Sector Housing Team

2.1 Landlords

- 2.2 We will advise you of the legislation and help you understand how you can comply with it.
- 2.3 We will advise you as to what action you need to take to comply with the legislation and ask you to respond with your proposal of how you intend to comply within a reasonable

timescale. Where a landlord demonstrates there is a planned improvement programme Officers will give consideration to this.

- 2.4 If we are satisfied with your proposal we will work with you to comply within agreed timescales.
- 2.5 If we are not satisfied with your proposal or how the work is progressing we will initiate formal action by either the service of a notice, carrying out works in default and/or prosecution; either via the criminal or civil route.
- 2.6 In making the decision to prosecute we will have regard to how serious the offence is, the benefit of prosecution and whether some other action would be better.
- 2.7 A charge will be made for the service of a notice.

2.8 Tenants:

- 2.9 We will expect you to advise your landlord, in writing, of the issues within your property before contacting us.
- 2.10 We will advise you as to what action we can take and advise you of the expected timescales.
- 2.11 We will expect you to cooperate with the landlord to get the works carried out and to advise us of any action taken by the landlord.
- 2.12 Engagement with the Private Sector Housing team is to ensure house condition improvement only and is not intended to increase priority on the housing register

2.13 Owners

- 2.14 We will expect owners to maintain the properties they live in.
- 2.15 Enforcement action will be considered if there is a serious risk to a person's health and/or the property is causing a statutory nuisance to neighbouring properties.
- 2.16 Where there are safeguarding concerns, or where it is considered enforcement is not appropriate, the council will consider alternative interventions.

2.17 Owners of Empty Homes

- 2.18 We will work with owners of empty homes to bring empty homes back into use. Incentives may be available to owners to make their empty homes available to the council in discharging their statutory Homelessness duties.
- 2.19 Where properties remain empty for a period of 2 years or more, Enforcement action (Compulsory Purchase Order, Empty Dwelling Management Order, and Enforced Sale) will be considered if an owner does not cooperate and the empty property has an impact on the neighbourhood.

3 Legislation

- 3.1 The Housing Act 2004, ("the Act"), together with Regulations made under it, prescribes the Housing Health and Safety Rating System as the means by which Local Authorities assess housing conditions and decide on action to deal with poor housing.
- 3.2 It is a risk assessment system of the likely effect of housing conditions on the health of occupiers. 29 potential hazards are assessed and scored for their severity.
- 3.3 The scores for each hazard are ranked in Bands. Hazards falling into Bands A to C are more serious, and are classed as Category 1. Less serious hazards fall into Bands D to J, and are classed a Category 2. The council must take appropriate action in respect of a Category 1 hazard, and may do so in relation to Category 2 hazards.

- 3.4 A 'Category 1 hazard' arises when a hazard reaches a score of 1000 or more under the Housing Health and Safety Rating System. A 'Category 2 hazard' arises when a hazard reaches a score of 999 or less under the Housing Health and Safety Rating System.
- 3.5 The score is based on the risk to the potential occupant who is most vulnerable to that hazard. However, in determining what action to take, the council will not only take account of the score, but also whether the council has a duty or discretion to act, the views of occupiers, the risk to the current and likely future occupiers and visitors and the presence of other significant hazards in the property.
- 3.6 The Housing and Planning Act 2016 confers additional enforcement powers as described in this Policy.

4 Statutory Action

- 4.1 The Housing Act 2004 is the principal Act covering statutory action. If a Category 1 hazard is identified, the council has a duty to require the owner to remedy the defect. The council has discretionary powers to deal with Category 2 hazards and the most appropriate course of action will be decided on a case-by-case basis. Where an improvement notice is served, the council will require sufficient works to abate the hazard for five years.
- 4.2 It is for the council to determine the most appropriate course of action in relation to the hazard in all circumstances. Consideration is to be given to all relevant factors of the case, to published guidance from central government & professional organisations and to the views of owners and tenants, before formal action is taken.
- 4.3 There are a number of different notices available to the council which requires a person, business or organisation to comply with specific requirements relating to Category 1 and 2 hazards:

5 Hazard Awareness Notice

- 5.1 Hazard Awareness Notice relating to Category 1 Hazards; section 28
- 5.2 Hazard Awareness Notice relating to Category 2 Hazards; section 29
- 5.3 This is used where a hazard has been identified but it is not necessarily serious enough to take more formal action. It is a way of drawing attention to the need for remedial action. This notice should not be used if the situation is considered serious enough for follow up inspections to be made. This notice is not registered as a land charge and has no appeal procedure.

6 Improvement Notice

- 6.1 Improvement Notices relating to Category 1 Hazards; section 11
- 6.2 Improvement Notices relating to Category 2 Hazards; section 12
- 6.3 An improvement notice will provide the most appropriate action for most Category 1 hazards where reasonable remedial works can be carried out to reduce the hazard sufficiently.

7 Prohibition Order

- 7.1 Prohibition Orders relating to Category 1 Hazards; section 20
- 7.2 Prohibition Orders relating to Category 2 Hazards; section 21
- 7.3 A prohibition order may be appropriate where conditions present a risk but remedial action is unreasonable or impractical e.g. where there is inadequate natural light to a room or no protected means of escape in case of fire. The order may prohibit the use of part or all of a premises for some or all purposes. It may also be used to limit the number of persons occupying the dwelling or prohibit the use of the dwelling by specific groups. In an HMO it can be used to prohibit the use of specified dwelling units.

8 Suspended Notices & Suspended Prohibition Orders

- 8.1 Suspension of Improvement Notice; section 14
- 8.2 Suspension of Prohibition Order; section 23
- 8.3 These may be suspended where enforcement action can safely be postponed until a specified event or time. This can be a period of time or a change in occupancy. Current occupation and wishes may be taken into account. These may also be used where there is programmed maintenance. The suspensions must be reviewed at least every 12 months. The advantage of suspending a notice is that there is a record of the Local Housing Authority's involvement and the situation must then be reviewed. It is also recorded as a land charge.

9 Emergency Remedial Action, Section 40

- 9.1 When the council is satisfied that a Category 1 hazard exists on any residential premises and is further satisfied that the hazard involves an imminent risk of serious harm to the health and safety of any occupiers or visitors and no Management Order is in force under Chapter 1 or 2 of Part 4 of the Act. Emergency Remedial Action may be taken by the Authority in respect of one or more Category 1 hazards on the same premises or in the same building containing one or more flats. The action will be whatever remedial action the council considers necessary to remove an imminent risk of serious harm.
- 9.2 This is likely where the council considers it is immediately necessary to remove the imminent risk of serious harm, there is no confidence in the integrity of any offer made by the owner to immediately address the hazard, and the imminent risk of serious harm can be adequately addressed through remedial action to negate the need to use an Emergency Prohibition Order. If this action is taken, a notice will be served within 7 days of taking the Emergency Remedial Action, detailing the premises, the hazard, the deficiency, the nature of the remedial action, the date action taken, and the rights of appeal.

10 Emergency Prohibition Orders, s.43

- 10.1 When the council is satisfied that a Category 1 hazard exists on any residential premises and is further satisfied that the hazard involves an imminent risk of serious harm to the health and safety of any occupiers of those or any other residential premises and no Management Order is in force under Chapter 1 or 2 of Part 4 of the Act, action may be taken by the Authority in respect of one or more Category 1 hazards on the same premises or in the same building containing one or more flats. The order specifies prohibition(s) on the use of part or all of the premises with immediate effect.

10.2 This is likely where the imminent risk of serious harm cannot be adequately addressed through the use of emergency remedial action for whatever reason. Where this action is taken the council will, if necessary, take all reasonable steps to help the occupants find other accommodation when the tenants are not able to make their own arrangements.

11 Demolition Order, S.46 (Housing act 2004), Part 9 (Housing Act 1985)

11.1 When the council is satisfied that a Category 1 hazard exists in a dwelling or HMO which is not a flat, and a Management Order is not in force, or in the case of a building containing one or more flats where the council is satisfied that a Category 1 hazard exists in one or more of the flats contained in the building or in any common parts of the building, and the circumstances of the case are circumstances specified or described in an Order made by the Secretary of State. At the time of writing this policy, no such order has been made.

12 Clearance Areas, s.47 (Housing Act 2004), Part 9 (Housing Act 1985)

12.1 This may be declared when the council is satisfied that each of the residential buildings in the area contains a Category 1 hazard and that the other buildings (if any) in the area are dangerous or harmful to the health or safety of the inhabitants of the area, or when the council is satisfied that the residential buildings in an area are dangerous or harmful to the health or safety of the inhabitants of the area as a result of their bad arrangement or the narrowness or bad arrangement of the street and that the other buildings (if any) in the area are dangerous or harmful to the health or safety of the inhabitants of the area.

13 Statement of Reasons

13.1 All Notices and Orders will have a Statement of Reason attached to them as appropriate. The Statement should include why one type of enforcement was taken over another. A copy of the Statement must accompany the Notice or Order. Before formal enforcement action is taken regarding a fire hazard in a House of Multiple Occupation, the council will consult with the Fire Authority regarding works required to abate the hazard.

14 Rights of appeal

14.1 There is a right of appeal against most notices, orders or decisions made by the council. Where there is an appeal, the appropriate authority may confirm, quash, vary or suspend any notice, order or decision.

15 Vacated Premises

15.1 In cases where properties are subject to a statutory notice and the property is subsequently vacated, all Notices or Orders will be reviewed to consider whether the notices or orders may be varied, suspended or revoked. The council will seek to deter

landlords from undertaking retaliatory eviction and will not consider that removal of a tenant achieves compliance with any Notice served, except in overcrowding situations where it was a specific requirement of the notice.

16 Charging for Notices and Recovery of Costs

- 16.1 Local Authorities can make a charge as a means of recovering expenses incurred in:
- serving an Improvement Notice,
 - making a Prohibition Order,
 - serving a Hazard Awareness Notice,
 - taking Emergency Remedial Action,
 - making an Emergency Prohibition Order
 - or making a Demolition Order under the Housing Act 2004.
- 16.2 These costs are in relation to re-inspection of premises, the subsequent consideration of action to be taken and the service of Notices etc. No maximum charge has been set by a Government in England. In Fenland the standard charge for a Housing Act Notice will be £240 for each Notice or Order made. This charge has been calculated using an officer's hourly rate of £60. The hourly rate includes salary and associated corporate support costs.
- 16.3 In accordance with Sections 49 and 50 of the Housing Act 2004, the council will exercise the right to charge and recover the reasonable expenses incurred in taking enforcement action when serving the following notices:
- an improvement notice;
 - a hazard awareness notice;
 - a prohibition order;
 - a suspended improvement notice or suspended prohibition order;
 - emergency remedial action notices;
 - making an emergency prohibition order; and
 - making a demolition order
- 16.4 Costs will only be waived in exceptional circumstances such as deficiencies caused by tenant neglect and owner occupied premises and only at the discretion of the Council
- 16.5 From the time the notice charge is issued to the landlord for payment a legal charge will be registered against the property which is a local land charge. The charge will remain on the property until the sum is repaid in full.
- 16.6 When enforcement costs exceed £500 (as a result of multiple notices having been served), the council will normally exercise its rights and remedies under the Law of Property Act 1925 (c.20) which includes by deed having powers of sale and lease, or accepting surrenders of leases and of appointing a receiver to recover costs.
- 16.7 When enforcement costs do not exceed £500, the council will seek to recover enforcement costs through the small claims court and will use court remedies such as the use of the court bailiff to recover enforcement costs.
- 16.8 The council will make a charge to cover the cost of carrying out a review of Suspended Improvement Notices or Suspended Prohibition Orders, and for serving a copy of the

council's decision on a review and that charge will also be registered as a charge against the property.

- 16.9 All enforcement costs incurred and recovered will be based upon the activities listed within section 49 of the Housing Act 2004, and will be charged at an hourly rate. The hourly rate will be based on the actual cost incurred to the council of performing the chargeable activity.
- 16.10 Works in Default of a Statutory Notice
- 16.11 The council will consider undertaking Works in Default of a statutory notice, either with or without agreement, subject to the following conditions:
- 16.12 The person responsible for undertaking the works has not complied with the enforcement notice to which the works relate; and
- 16.13 Works in default powers are provided by the specific legislation being used in relation to the case; and
- 16.14 The council will register a charge against the premises for the costs incurred in undertaking the works.
- 16.15 In the majority of cases the council will seek to recover the costs incurred in undertaking works.

17 Non-Statutory Inspection Charges

- 17.1 The Private Sector Housing team will charge for inspections that are non-statutory. These include inspections relating to fitness of dwellings for the purposes of immigration requests and requests for advice from stakeholders in relation to duties under the Housing Act 2004. The cost for this service will be charged at £60 per hour and part of in line with officers' hourly rate. The hourly rate includes salary and associated corporate support costs.

18 Right to Rent Legislation

- 18.1 Under the Right to Rent, introduced in the Immigration Act 2014, private landlords, including those who sub-let or take in lodgers, must check the right of prospective tenants to be in the country to avoid being issued with a penalty of up to £3000 per tenant. Enforcement rests with the Home Office.

19 Energy Efficiency Standards

The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007

- 19.1 Cambridgeshire County Council (CCC) has ratified their decision to delegate their enforcement powers of this legislation to all local district authorities within Cambridgeshire as local Private Sector Housing Officers are better placed to engage with landlords and to assess such breaches more effectively. This means if on engagement with a landlord or agent it is determined there is no Energy Performance Certificate (EPC) then the Council can serve a fixed penalty notice. CCC has confirmed that FDC can keep any income from the fixed penalty notice.

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18.419.2 Once the delegated powers have been formally transferred, Fenland District Council's Private Sector Housing team will adopt the formal assessment and procedures as set out in Appendix 1

19.3 The fine structure and guidance of legislation for landlords is set out in the guidance link below.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/671018/A_guide_to_energy_performance_certificates_for_the_marketing_sale_and_let_of_dwellings.pdf

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Minimum Efficiency Standards for Domestic Premises (Regulations 2015)

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19.4 The above legislation came into force in April 2016; however it has subsequently been amended and since April 2018 the enforcing Weights & Measures authorities can serve penalty notices in certain circumstances where a landlord rents a property with a low (below F) energy efficiency rating.

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19.5 Cambridgeshire County Council has ratified their decision to delegate their enforcement powers of this legislation to all local district authorities within Cambridgeshire as local Private Sector Housing Officers are better placed to engage with landlords and to assess such breaches more effectively.

19.6 Once the delegated powers have been formally transferred, Fenland District Council's Private Sector Housing team will adopt the formal assessment and procedures as set out in the guidance document at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/713159/Domestic_Private_Rented_Landlord_Guidance_-_June_18.pdf

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18.2

1920 Issuing Monetary and Civil Penalties

Smoke & Carbon Monoxide Regulations 2015

19.420.1 These regulations were introduced to ensure that private sector landlords install and maintain at least one smoke alarm on every storey of their rented properties and a carbon monoxide alarm in any room containing a solid fuel burning appliance (e.g. a coal fire or wood burning stove).

19.220.2 It also makes it the landlords' responsibility to ensure that the alarms are in working order at the start of each new tenancy. In addition, the regulations amend the conditions which must be included in a licence under Part 2 or 3 of the Housing Act 2004 ("the 2004 Act") in respect of smoke and carbon monoxide alarms.

19.320.3 The enforcement authorities (local authorities) are required to issue a remedial notice where they have reasonable grounds to believe a landlord has not complied with one or more of the requirements of the regulations.

19.420.4 The landlord must comply with the notice within 28 days. If they do not, the local authority must carry out the remedial action (where the occupier consents) to ensure the requirements in the regulations are met and can issue a civil penalty of up to £5,000. Penalty charges for non-compliance are as follows:

First Offence	£1,500	Reduced to £750 if paid within 14 days
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Second Offence	£3,000	No reduction for early payment
Additional Offences	£5,000	No reduction for early payment

~~19.5~~20.5 In determining the level of the fixed penalty notice the Council has considered the likely costs it will incur and the amount required sufficient to provide a deterrent to non-compliance. Increasing the fine for a second or third offence reflects the seriousness of the offence and is designed to deter repeat offending.

~~19.6~~20.6 While these charges are set as standard, a landlord may seek to review a penalty charge notice within 28 days by service of notice on the Council. A senior officer not directly involved in the service of the original notice, usually the Housing & Communities Manager will carry out this review. The reviewing officer will consider the representations made by the landlord and decide whether to confirm, vary or withdraw the penalty charge notice.

20.7 In doing so the reviewing officer will have regard to the amount required for the Council to recover its costs and that the Council has considered and agreed a level of fine that it considers is sufficient to provide a deterrent to non-compliance. After reviewing the fixed penalty notice the reviewing officer will inform the landlord by service of notice of their decision. The 50% reduction for a first offence will apply to any revised charge set should payment be within 14 days of service of the revised notice.

~~19.7~~20.8 The Landlord or Agent can appeal to the [Residential Property Tribunal. The whole process is set out in Appendix 2](#)

Civil Penalties

~~19.8~~20.9 The Housing & Planning Act 2016 introduces a range of measures to crack down on rogue landlords including the power for Councils to issue Civil Penalties of up to £30,000 as an alternative to prosecution for certain specified offences.

~~19.9~~20.10 This power came in to force on 6 April 2017 and was introduced by section 126 and Schedule 9 of the Housing and Planning Act 2016.

~~19.10~~20.11 Income received from a Civil Penalty can be retained by the local housing authority provided that it is used to further the local housing authority's statutory functions in relation to their enforcement activities covering the private rented sector.

~~19.11~~20.12 A civil penalty may be imposed as an alternative to prosecution for the following offences under the Housing Act 2004:

- Failure to comply with an Improvement Notice (section 30)
- Offences in relation to licensing of Houses in Multiple Occupation (section 72)
- Offences in relation to licensing of houses under Part 3 of the Act (section 95)
- Offences of contravention of an overcrowding notice (section 139)
- Failure to comply with management regulations in respect of Houses in Multiple Occupation (section 234)

~~19.12~~20.13 The amount of penalty is to be determined by the Council in each case. In determining an appropriate level of penalty, the Private Sector Housing Enforcement Team will have regard to statutory guidance given in the DCLG publication 'Civil Penalties under the Housing and Planning Act 2016'.

~~19.13~~20.14 Only one penalty can be imposed in respect of the same offence and a civil penalty can only be imposed as an alternative to prosecution. However, a civil penalty can be issued as an alternative to prosecution for each separate breach of the House in Multiple Occupation management regulations. Section 234(3) of the Housing Act 2004 provides that a person commits an offence if he fails to comply with a regulation. Therefore, each failure to comply with the regulations constitutes a separate offence for which a civil penalty can be imposed.

~~19.14~~20.15 The same criminal standard of proof is required for a civil penalty as for prosecution. This means that before taking formal action, the Council must satisfy itself that if the case were to be prosecuted in a magistrates' court, there would be a realistic prospect of conviction.

20.16 In order to achieve a conviction in the magistrates' court, the Council must be able to demonstrate beyond reasonable doubt that the offence has been committed. Therefore in doing this Officers will follow the Corporate Enforcement Policy and the Code of Practice for Crown prosecutors

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~~19.16~~20.17 Determining the Sanction

~~19.17~~20.18 The following principles will apply to each case to be considered in relation to a Civil Penalty;

- Each case will be considered on its own merits
- There must be sufficient, reliable evidence to justify the action taken
- The action taken must be in the public interest
- Any mitigating circumstances will be considered
- The decision to prosecute an individual is a serious step and has serious implications for all involved. Decisions to prosecute should always be fair and consistent.

~~19.18~~20.19 Factors to be taken into consideration when Determining the Penalty

~~19.19~~20.20 In accordance with the statutory guidance, the Council will consider the following factors to help ensure that the civil penalty is set at an appropriate level:

- Severity of the offence. The more serious the offence, the higher the penalty should be.
- Culpability and track record of the offender. A higher penalty will be appropriate where the offender has a history of failing to comply with their obligations and/or their actions were deliberate and/or they knew, or ought to have known, that they were in breach of their legal responsibilities. Landlords are running a business and should be expected to be aware of their legal obligations.
- The harm caused to the tenant. This is a very important factor when determining the level of penalty. The greater the harm or the potential for harm (this may be as perceived by the tenant), the higher the amount should be when imposing a civil penalty.

~~19.20~~20.21 A civil penalty should not be regarded as an easy or lesser option compared to prosecution. While the penalty should be proportionate and reflect both the severity of the offence and whether there is a pattern of previous offending, it is important that it is set at a high enough level to help ensure that it has a real economic impact on the offender and demonstrates the consequences of not complying with their responsibilities.

~~19.21~~20.22 The ultimate goal is to prevent any further offending and help ensure that the landlord fully complies with all of their legal responsibilities in future. The level of the

penalty should therefore be set at a high enough level such that it is likely to deter the offender from repeating the offence.

19.2220.23 While the fact that someone has received, a civil penalty will not be in the public domain, it is possible that other landlords in the local area will become aware through informal channels when someone has received a civil penalty. An important part of deterrence is the realisation that:

- the local housing authority is proactive in levying civil penalties where the need to do so exists and
- that the level of civil penalty will be set at a high enough level to both punish the offender and deter repeat offending.

19.2320.24 The guiding principle should be to ensure that the offender does not benefit as a result of committing an offence, i.e. it should not be cheaper to offend than to ensure a property is well maintained and properly managed.

19.2420.25 **Penalties Structure:**

- For the purpose of the offence the following three steps below shall be used to determine the level of fine to issue.

Step One:

- A decision shall be made, by first considering the culpability factors below.

Serious breach of legislation	Very High
History of failing to comply with legislation	High
An act or omission that a reasonable person would not commit	Medium
Effort was made to comply but was insufficient	Medium
Minor failings due to an isolated incident	Low

- The harm factors should then be considered and given a category below. Consideration to be given to the likelihood of actual harm occurring due to the breach, and the severity of that harm.

Serious adverse effect on individual or high risk of adverse effect	Cat 1
Adverse effects, lesser than above. Medium risk of adverse effect, or low risk but of serious effect. Tenant seriously misled.	Cat 2
Low risk of an adverse effect.	Cat 3

Step Two:

- The Standard Scale (Criminal Justice Act 1982) has been used as reference and converted below to provide a point scale within the range of the civil penalty.
- 1. £1-£500
- 2. £501 - £1000
- 3. £ 1001-£2500

- 4. £2501 - £7000
- 5. £7001 – 17000
- 6. £17001-£30000

~~19.25~~20.26 The table below indicates the level at which the fine should be imposed by considering culpability and harm

Culpability	Harm Cat 1	Harm Cat 2	Harm Cat 3
Very High	6	5	4
High	5	4	3
Medium	4	3	2
Low	3	2	1

~~19.26~~20.27 The following factors shall be considered, along with any other relevant information, which may be used to justify an upward or downward adjustment.

- Factors increasing seriousness
- Statutory aggravating factors

~~19.27~~20.28 Previous convictions, having regard to

- the nature of the offences to which the conviction relates and its relevance to the current offence; and
- the time that has been elapsed since the conviction
- Offence committed whilst on bail
- Other aggravating factors include (this is not an exhaustive list):
 - Motivated by financial gain
 - Deliberate concealment of illegal nature of activity
 - Established evidence of wider/community impact
 - Obstruction of justice
 - Record of providing substandard accommodation
 - Refusal of free advice
- Factors reducing seriousness or reflecting personal mitigation (this is not an exhaustive list):
 - No previous convictions or no relevant/recent convictions
 - Steps voluntarily taken to remedy problem
 - High level of co-operation with the investigation, beyond that which will always be expected
 - Good record of maintaining property/member of Accreditation scheme
 - Self-reporting, co-operation and acceptance of responsibility
 - Good character

~~19.28~~20.29 The Council shall submit a request to the offender, to provide any financial information that they feel shall influence their ability to pay a high fine. This will be taken

into consideration if it appears reliable. If no information is provided then the Council will consider any information known to them regarding the offender, consider this when making a decision regarding the level of fine.

~~19.29~~20.30 The Council will issue the person deemed to have committed a relevant offence a notice of its proposal ('notice of intent') to impose a financial penalty. This will set out;

- The amount of the proposed financial penalty;
- The reasons for proposing to impose the penalty;
- Information about the right of the landlord to make representations.

~~19.30~~20.31 The notice of intent must be given no later than 6 months after the Council has sufficient evidence of the conduct to which the penalty relates, or at any time when the conduct is continuing.

~~19.31~~20.32 A person who is given a notice of intent may make written representations to the Council about the intention to impose a financial penalty within 28 days from the when the notice was given.

~~19.32~~20.33 Where written representations are made, a senior officer not previously involved with the case will consider the appeal. This will usually be the Head of Housing and Community ~~Support~~**Enforcement** or another relevant officer at this level within the Council's structure. The decision of the senior officer will set out their reasons for making their decision clearly and the following options will be available to them;

- Withdraw a notice of intent or final notice; or
- Reduce the amount specified in a notice of intent or final notice
- Uphold the original decision to issue the notice of intent

~~19.33~~20.34 At the end of the 28-day period, the Council will decide whether to impose a penalty and, if so, will set the amount of the penalty. If the decision is made to impose a financial penalty, we will give the person a final notice requiring that the penalty is paid within 28 days. The final notice will include the following information;

- The amount of the financial penalty;
- The reasons for imposing the penalty;
- Information about how to pay the penalty;
- The period for payment of the penalty (28 days);
- Information about rights of appeal; and
- The consequences of failure to comply with the notice.

~~19.34~~20.35 A person who receives a final notice may appeal, within 28 days to the First-tier Tribunal (Property Chamber) against:

- The decision to impose a penalty; or
- The amount of the penalty.

~~19.35~~20.36 In these circumstances, the final notice is suspended until the appeal is determined or withdrawn.

~~19.36~~20.37 See [Appendix 3 for a flow chart of the Civil Penalty Process.](#)

2021 Rent Repayment Orders

~~20.4~~21.1 A Rent Repayment Order is defined in section 40(2) of the Housing and Planning Act 2016 as an order requiring the landlord under a tenancy of housing to :

- repay an amount of rent paid by a tenant, or
- pay a local housing authority an amount in respect of a relevant award of universal credit paid (to any person) in respect of rent under the tenancy.

20.221.2 The reference to universal credit or a relevant award of universal credit includes housing benefit under Part 7 of the Social Security Contributions and Benefits Act 1992 pending its abolition. The Council as the local housing authority has a duty under section 48 of the Housing and Planning Act 2016 to consider applying to the First-tier Tribunal ('the Tribunal') for a Rent Repayment Order in cases where an offence from the list below has been committed.

20.321.3 Offences for which a Rent Repayment Order can be obtained:-

- Failure to comply with an Improvement Notice, contrary to section 30(1) of the Housing Act 2004 (served under the Housing Act 2004)
- Failure to comply with a Prohibition Order etc., contrary to section 32(1) of the Housing Act 2004 (served under the Housing Act 2004)
- Being a person having control of or managing a house in multiple occupation (HMO) which is required to be licensed under Part 2 of the Housing Act 2004 but which is not so licensed, contrary to section 72(1) of the Housing Act 2004
- Being a person having control of or managing a house which is required to be licensed under Part 3 of the Housing Act 2004 but is not so licensed, contrary to section 95(1) of the Housing Act 2004 Using violence to secure entry to a property, contrary to Section 6(1) of the Criminal Law Act 1977
- Illegal eviction or harassment of the occupiers of a property, contrary to section 1(2), (3) or (3A) of the Protection from Eviction Act 1977
- Breach of a banning order made under section 21 of the Housing and Planning Act 2016 (not yet in force but scheduled to be 1 October 2017)

20.421.4 The offences under the Housing Act 2004 must relate to hazards within occupied premises and not common parts only. The offence must have been committed on or after 6th April 2017. A RRO can be applied for whether or not the landlord has been convicted.

20.521.5 Where there has been a conviction, a certificate of conviction will suffice to establish commission of the specified offence. In the absence of a conviction, the Tribunal will need to be satisfied beyond reasonable doubt that the landlord committed the specified offence. Officers shall have regard to the Crown Prosecution Service Code for Crown Prosecutors (see Code for Crown Prosecutors) in order to establish whether there is likely to be sufficient evidence to secure a conviction and therefore to establish the necessary burden of proof to the Tribunal.

20.621.6 In deciding whether to apply for a RRO, the Council must under section 41(4) of that Act have regard to any guidance issued by the Secretary of State (see the DCLG document 'Rent Repayment orders under the Housing and Planning Act 2016 – Guidance for Local Housing Authorities' - Rent Repayment Orders Guidance).

20.721.7 Council officers may offer advice to tenants who are eligible to claim a RRO in respect of rent paid themselves but in such cases, the tenant will usually be referred direct to the Citizen's Advice Bureau or other appropriate bodies for further support.

20.821.8 Council officers are granted powers and duties to deliver proportionate and targeted enforcement. It is vital that regulatory resource is used consistently and to best effect by ensuring that resources are targeted on addressing the highest risks. The use of RRO's is only to be used where considered appropriate.

~~20.9~~21.9 The objective of an application for a Rent Repayment Order is not only to issue a punishment as a consequence of non-compliance with the law, but also to deter the offender and others in a similar position from repeat offences.

~~20.10~~21.10 If a conviction for the offence has been obtained then it is normally expected that a Rent Repayment Order will be pursued where the Council have paid housing benefit, or the housing element of Universal Credit. The Tribunal must, in these cases, order that the maximum amount (12 months) of rent be repaid in these circumstances

~~20.11~~21.11 The matrix below should be followed to help determine whether to pursue a RRO and the amount of rent to reclaim:

1.	Has the offender been prosecuted and convicted of a relevant offence in Court?	If yes, make an RRO application. If no go to step 2.
2.	Has evidence been obtained from Academy / Benefits to confirm that Housing Benefit has been paid by AVBC over the 12 months?	If no – no case for RRO. If yes, proceed to step 3.
3.	Does the LA have sufficient evidence to prove 'beyond reasonable doubt' that a relevant offence has been committed? Is the evidence reliable? Is there no credible defence?	If no – case closed, do not pursue. If yes, proceed to step 4.
4.	Is it in the public interest to proceed to apply for an RRO? (consider the level of harm that has been caused)	If no – case closed, do not pursue. If yes, proceed to step5.
5.	Is pursuing an RRO proportionate to the offence?	If no – case closed, do not pursue. If yes, proceed to step 6.
6.	Does the offender have any previous convictions?	If yes – proceed to RRO. If no, proceed to step 7.
7.	Where no previous offence – is the issuing of a RRO likely to deter from future offences?	If yes – proceed to RRO. If no, consider closing and not pursuing.
8.	RRO Would the issuing of a RRO cause substantial hardship to the offender, and are there mitigating circumstances to suggest the LA should not proceed?	If Yes, complete notes to justify reason not to pursue. If no, proceed to RRO application
9.	Are there any other factors that would indicate the Council should not proceed with the issuing of the RRO	If Yes, complete notes to justify reason not to pursue. If no, proceed to RRO

	application
--	-------------

~~20.12~~21.12 If the conclusion is yes to pursue RRO, then the amount to be reclaimed should be determined by considering the factors in the table below.

~~20.13~~21.13 If the offender has already been convicted of the offence, then the amount shall automatically be determined as 12 months rental income.

~~20.14~~21.14 If no conviction has been obtained, but the decision has been made to pursue RRO, the factors in the table below should be considered to determine a sum.

~~20.15~~21.15 The amount of rent to be repaid cannot exceed the amount actually collected. Where the tenant is in receipt of Universal Credit, the formula provided in the DCLG guidance in relation to RRO's shall be followed.

~~20.16~~21.16 Factors to influence amount of RRO

1.	Punishment of the offender – the RRO should have a real economic impact on the offender and demonstrate consequences of non-compliance with their responsibilities. Consider the conduct of landlord and tenant, financial circumstances of landlord and whether landlord has previous convictions
2.	Deter the offender from repeating the offence – level of RRO must be high enough to deter offender from repeating
3.	Dissuade others from committing similar offences – RRO will be in the public domain. Robust and proportionate use is likely to help others comply with their responsibilities.
4.	Remove any financial benefits that the offender may have obtained as a result of the offence – landlord should be losing the benefits that he has accrued whilst not complying with their responsibilities
5.	Is there any other factors the Council considers should be taken into account.

~~20.17~~21.17 Consideration of the above points will determine whether the full amount of rent should be reclaimed or whether there are mitigating circumstances, this will depend on the severity of the offence and whether this justifies 12 months of non-payment of rent.

~~20.18~~21.18 If there are mitigating circumstances, then a deduction should be applied from the full 12 months. The amount payable under a RRO is recoverable as a debt.

22 Banning Order Offences

22.1 The local Authority may apply to the First Tier Tribunal for a Banning Order against a landlord who it has prosecuted for a banning order offence as described in The Housing and Planning Act 2016 (Banning Order Offences) Regulations 2017.

22.2 A banning order is an order issued by the First-tier Property Tribunal that bans a landlord from:

- Letting housing in England;

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- Engaging in English letting agency work;
- Engaging in English property management work; or
- Doing two or more of those things.

22.3 Breach of a banning order is a criminal offence.

Determining the sanction

22.4 Local housing authorities are expected to develop and document their own policy on when to pursue a banning order and should decide which option it wishes to pursue on a case-by-case basis in line with that policy. Our expectation is that a local housing authority will pursue a banning order for the most serious offenders.

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22.5 Fenland District Council will consider applying for a Banning Order where the landlord has received a Civil Penalty where the severity of harm is assessed as Category 2 and the culpability is above High (see table Civil penalties section).

22.6 The government has issued guidance which details the specific process for making a Banning Order. Fenland District Council will adopt this guidance which can be found at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/697643/Banning_order_guidance.pdf

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22.23 Owner Occupiers

22.423.1 Other than in exceptional circumstances, the council expects owner-occupiers, including long leaseholders, to take their own action to remedy hazards at their own properties the Council will decide whether there are exceptional circumstances in a particular case to justify intervention.

22.223.2 Occasions will arise whereby Category 1 hazards are identified in owner occupied properties where the owner is not eligible for financial assistance, is unwilling to use financial assistance, or where no financial assistance is available from the council. The duty to take action, as required under Section 5 of the Housing Act 2004 still applies.

22.323.3 However it would not generally be in the public interest to enforce compliance unless the hazard in question was adversely affecting an adjoining property or was endangering the health And safety of the public or visitors to the property (such as Postal Service workers).

22.423.4 Where it appears that there would otherwise be little prospect of such a hazard being remedied within the forthcoming 12 months (for example through a grant to install central heating / insulation to remedy the hazard of excess cold) then the hazard will be brought to the attention of the owner by the service of a Hazard Awareness Notice. No charge would generally be made for the service of such a notice. This fulfils the council's duty under section 5 of the Housing Act 2004 but has no subsequent enforcement consequences.

22.523.5 In some exceptional cases, in line with the guidance given by the HHSRS Enforcement Guidance, it will be necessary to serve an Improvement Notice or Suspended Improvement Notice in respect of hazards in owner occupied properties. No charge would generally be made for the service of such a notice and the Service will work with the owner to offer advice and assistance in complying with the requirements of the notice. Other examples of exceptional cases where the council may take enforcement action include:

- Vulnerable elderly people who are judged not-capable of making informed decisions about their own welfare.

- Vulnerable individuals who require the intervention of the council to ensure their welfare is best protected.
- Hazards that might cause harm to persons other than the occupants.
- Serious risk of life-threatening harm such as electrocution or fire.
- Any other exceptional case determined by the Housing & Communities Manager or equivalent officer

2324 Housing Associations/Registered Providers (RP)

~~1.9 — RP exist to provide suitable and properly maintained accommodation for their tenants. They are managed by Boards (which typically include tenant representatives) and their performance is scrutinised by the Homes England. RPs normally employ staff to both manage and maintain their properties and will usually have written arrangements for reporting problems, setting out the response times they aim to achieve, and also for registering any complaints about service failure.~~

~~1.10 — On this basis the council will not normally take formal action against an RP unless: They are satisfied that the problem in question has been properly reported to the RP; and The RP has then failed to take appropriate action within a reasonable timescale, taking into account its published or other realistic response targets.~~

24.1 If the council determines that it is appropriate to take action it will then normally notify the RP that a complaint has been received and/or a hazard identified and seek the RPs comments and proposals. However the Council will if deemed necessary utilise all powers available under this policy if it is felt needed to get resolution to an issue within an RP property.

~~1.11 — Only in cases where it judges that an unsatisfactory response has been received will the council take further action, and will then determine which of the available enforcement options is the most appropriate, taking into account the facts of the case.~~

24.2 Where we have identified hazards and the Registered Provider has a programme of works to improve or make their stock decent, the officer will take into account the programme when determining the most appropriate course of action, and will liaise with the RP over any works necessary to deal with category 1 and 2 hazards in advance of the planned improvements. In particular, with the Space and Crowding hazard, account will be taken of the availability of suitable alternative accommodation and the priority given to the allocation of alternative accommodation for tenants living in overcrowded conditions which are the subject of a Category 1 or high Category 2 hazard.

~~1.12 —~~

2425 Management Orders

24.425.1 If a property should be licensed, but for whatever reason(s) there is no reasonable prospect of granting a licence, the council must introduce a Management Order. The council also has a duty to make an Order where the health and safety condition as described in the Section 104 of the Act is met. Similarly, the council can also decide to take over the management of some empty properties in order to bring them back into use and those properties where it is decided the council should intervene for anti-social behaviour reasons.

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- 24.225.2 Management Orders effectively mean that the council (or its Agent) takes over the running of the property as if it were the landlord, including collecting rents, forming tenancies, carrying out repairs and other management matters; the duties vary between the different orders that can be made. This does not affect the ownership of the property; the owner retains certain rights depending on the type of order including receipt of surplus rental income. Relevant costs are recoverable.
- 24.325.3 Schedule 3 of the Housing and Planning Act 2016 amends the Housing Act 2004 to allow interim and final management orders to be made in cases where a banning order has been made.
- 24.425.4 An Interim Management Order (IMO) lasts for no longer than 12 months and will be made on a property if it is a licensable HMO but does not have a licence. The council must make an IMO if they do not anticipate that the HMO will be licensed in the near future or because the council has revoked the license. The expiry date of the IMO will be determined when it is made.
- 24.525.5 Final Management Order (FMO) lasts for no longer than 5 years and must be made on expiry of the IMO where a licence cannot be granted. When a FMO expires a new one may be made if necessary.
- 24.625.6 A Special Interim Management Order (SIMO) is an Order authorised after a successful application to a Residential Property Tribunal (RPT) where circumstances fall within a category of circumstances prescribed by the national authority and it is necessary to protect the health, safety and welfare of occupants, visitors or neighbours. A FMO can follow a SIMO to protect persons on a long term basis as described in the Order.
- 24.725.7 An Interim Empty Dwelling Management Order (interim EDMO) is an Order authorised after a successful application to a RPT. The dwelling must have been wholly unoccupied for at least two years and there is no reasonable prospect that the dwelling will become occupied in the near future. An interim EDMO enables the council to take steps to ensure, with the consent of the proprietor, an empty dwelling becomes occupied. An interim EDMO lasts no longer than 12 months.
- 24.825.8 A Final Empty Dwelling Management Order (Final EDMO) may replace an Interim EDMO if the council feels that unless a Final EDMO is in place the dwelling will become or remain empty. Where the dwelling is already unoccupied the council must have taken all appropriate steps under the interim EDMO with a view to ensuring the dwelling becomes occupied. A final EDMO lasts for 7 years; once a Final EDMO expires a new one may be made if necessary. Orders can be varied or revoked in accordance with the provisions of Part 4 of the Act.
- 24.925.9 The council is under a duty to issue Interim and Final Management Orders where necessary. Officers will instigate this action where necessary but as a last resort.

25.26 Additional Enforcement Powers

- 25.426.1 The following tools are also available where the Housing Act 2004 measures are not appropriate, or do not sufficiently deal with the problem.
- 25.226.2 Environmental Protection Act 1990 Section 80 – Notices can be served if the officer is of the opinion that there is a statutory nuisance at the premises. The premises must be deemed prejudicial to health or a nuisance.
- 25.326.3 Building Act 1984 Section 59/60- Used to deal with defective drainage issues in existing buildings.

- ~~25.4~~26.4 Building Act 1984 Section 64/65- Used where sanitary conveniences are insufficient or in need of replacement and are considered prejudicial to health or a nuisance.
- ~~25.5~~26.5 Building Act 1984 Section 76- Used where the property is so defective so as to be prejudicial to health. This notice notifies the person responsible of the local authority's intention to remedy the problem (similar to work in default)
- ~~25.6~~26.6 Public Health Act 1936 Section 45- Used where there are defective sanitary conveniences due to their repair and/or cleansing ability. They must be in such a state as to be prejudicial to health or a nuisance
- ~~25.7~~26.7 Public Health Act 1936 Section 83- Used where a property is in such a state as to be in a filthy or unwholesome condition or verminous.
- ~~25.8~~26.8 Public Health Act 1961 Section 17- Where any drain, private sewer, water closet, waste pipe or soil pipe has not been maintained and can be repaired for less than £250.
- ~~25.9~~26.9 Local Government (Miscellaneous Provisions) Act 1976 Section 33- Used where services such as the water supply are due to be, or have been, cut off to a domestic property.
- ~~25.10~~26.10 Local Government (Miscellaneous Provisions) Act 1982 Section 29 (Notice of Intended Entry)- Used to prevent unauthorised access (for example broken windows, doors etc.) to get the owner to secure the premises.
- ~~25.11~~26.11 Prevention of Damage by Pests Act 1949 Section 4- Used where there is evidence of or harbourage of rats or mice at a property.
- ~~25.12~~26.12 Housing Act 1985 (As Amended)- Some provisions within the 1985 Act have not been revoked and may be appropriate to use in some circumstances. In particular the overcrowding provisions are still available and can be used where the 2004 Act is not sufficient. The other provisions relate to houses in multiple occupation (HMO) and the Housing (Management of Houses in Multiple Occupation) Regulations 1990. These have been revoked with regards to all types of HMO, except certain converted blocks of flats. These regulations can be used to deal with disrepair and management issues of this type of HMO only.
- ~~25.13~~26.13 The Management Of Houses In Multiple Occupation (England) Regulations 2006. These regulations have been introduced to deal with all other types of HMO other than those mentioned in above. Therefore, all licensable HMOs, smaller HMOs and flats in multiple occupation are covered by these regulations. Only self-contained flats are exempt as they fall under the regulations mentioned above. The regulations cover the management and repair of the HMO. There are no notice provisions with these regulations therefore if a decision is made to take action under these regulations; the Officer must go straight to prosecution.
- ~~25.14~~26.14 The following legislation is also used as part of the day-to-day collection of information, preparing cases for prosecution and gathering evidence.
- Local Government (Miscellaneous Provisions) Act 1976 Section 16- Used to formally request information about a premises or a person.
 - Police and Criminal Evidence Act 1984, Criminal Procedures and Investigation Act 1996, Regulation Of Investigatory Powers Act 2000, Investigatory Powers Act 2016 – used in relation to interviews under caution, prosecution and gathering evidence.
- ~~25.15~~26.15 Where housing or other related legislation is introduced which is enforced by the Council and permits the imposition of any monetary penalty or penalty charge the Council will seek to fully implement any duty or power conferred upon it.

26.27 Powers of entry and power to require Information

~~26.4~~27.1 Councils have the power of entry to properties at any reasonable time to carry out its duties under Section 239 of the Housing Act 2004 provided that the officer has:

- Written authority from an appropriate officer stating the particular purpose for which entry is authorised.
- Given 24 hours' notice to the owner (if known) and the occupier (if any) of the premises they intend to enter.

~~26.2~~27.2 No notice is required where entry is to ascertain whether an offence has been committed under:

- sections 72 (offences in relation to licensing of HMOs),
- 95 (offences in relation to licensing of houses) or
- 234(3) (offences in relation to HMO management regulations).
- If admission is refused, premises are unoccupied or prior warning of entry is likely to defeat the purpose of the entry then a warrant may be granted by a Justice of the Peace on written application. A warrant under this section includes power to enter by force, if necessary.

~~26.3~~27.3 Councils also have powers under Section 235 of the Housing Act 2004 to require documentation to be produced in connection with:

- Any purpose connected with the exercise of its functions under Parts 1-4 of the Housing Act 2004.
- Investigating whether any offence has been committed under Parts 1-4 of the Housing Act 2004.

~~26.4~~27.4 Councils also have powers under Section 237 of the Housing Act 2004 to use the information obtained above and Housing Benefit and Council Tax information obtained by the council to carry out its functions in relation to these parts of the Act.

27.28 What is expected of tenants

~~27.4~~28.1 Before considering taking any action in respect of a tenanted property the tenant(s) will normally be required to contact their landlord about the problems first. This applies to all tenants. Legislation covering landlord and tenant issues require that tenants notify their landlords of any problems with the property. This is because landlords can only carry out their obligations under the legislation once they have been made aware of the problem. Wherever possible this communication should be done in writing as the documentary evidence will be required by the housing enforcement officers at a later date.

~~27.2~~28.2 In certain situations tenants will not be required to write to their landlord first, e.g.:

- where the matter appears to present an imminent risk to the health and safety of the occupants;
- where there is a history of harassment/threatened **illegal** eviction/poor management practice;
- ~~where the tenant is old and frail or otherwise vulnerable, e.g. where there are pre-school children in the household;~~
- ~~where the tenant's first language is not English and this is likely to cause them difficulty;~~

- where the tenant could not for some other reason be expected to contact their landlord/managing agent; e.g hospital leaver whose property is in poor condition and cannot be discharged

~~27.3~~28.3 Tenants are responsible for keeping Officers informed of any contact they have had with their landlord (or the landlord's agent or builder, etc.) which may affect the action the council is taking or considering taking.

28.29 Licensing of houses in multiple occupation

~~28.4~~29.1 Under the Housing Act 2004 certain types of House in Multiple Occupation (HMO) will require a license to operate. An HMO is a building occupied by more than two households as defined in Part 2 of the Housing Act 2004.

~~28.2~~29.2 Certain HMO's, as determined by legislation, must be licensed. Regulations and guidance published by the Department of Communities and Local Government will be followed in the administration of the council's HMO Licensing duties and enforcement of satisfactory conditions and standards.

~~28.3~~29.3 Local Authorities have discretionary powers to licence other HMO's which fall outside the mandatory requirement and other types of residential properties in certain circumstances.

~~29.4~~ However Fenland District Council has not adopted any licensing scheme other than the national Mandatory scheme for HMO's of 3 or more storeys.

~~28.4~~29.5 The Council currently charges £300 for a Mandatory HMO Licence, with a renewal cost of £100

~~28.5~~ The Council currently charges £300 for a 3 storey 5 year HMO licence and £100 for a renewal after 5 years.

~~28.6~~29.6 There are only 13 currently in the district and the fee charge is based on historical advice that is now outdated and not based on full cost recovery.

~~29.7~~ The government has announced they will be extending the mandatory scheme to less than 3 storeys.. The government has introduced new legislation to remove the '3 storey' element of the current Mandatory Licensing Scheme. Therefore any HMO housing 5 persons, forming 2 households or more, irrespective of how many storeys there are, will require to be licenced from 1st October 2018. The Council will be setting a new license fee to coincide with this legislative change based on full cost recovery and guidance

~~29.8~~ All HMO's which fall under the definition of s.254 of the Housing Act 2004, irrespective as to whether they require a licence, must comply with the national HMO regulations (Statutory Instruments 2006 372/3).

~~28.7~~29.9 Following licensing, HMOs will be prioritised for assessment under the HHSRS. The owner must deal with all Category 1 hazards within a suitable timescale. If they do not, then the council is expected to use their enforcement powers to improve the property. Applicants will be informed of this requirement when the licence is issued and information made available to help them identify and deal with Category One Hazards.

~~28.8~~29.10 The council will consider service of a Temporary Exemption Notice (TEN) where a landlord is, or shortly will be, taking steps to make an HMO non- licensable. A TEN can only be granted for a maximum period of three months. A second three-month TEN can be served in exceptional circumstances. Where a licensable HMO is not licensed, the landlord cannot serve notice to quit until the HMO is licensed.

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~~28.9~~29.11 Where a landlord fails to licence an HMO, the council can consider taking a prosecution case to the Residential Property Tribunal (RPT). The RPT will replace the courts in judging cases relating to some offences and appeals under the Act.

~~28.10~~29.12 On conviction for failure to licence, the RPT has the power to make a Rent Repayment Order requiring that up to 12 months' rent is repaid to the tenant or to the council where a tenant is on housing benefits.

~~28.11~~29.13 The licensee has a right of appeal to the RPT against refusal to licence, licensing conditions and the maximum number of occupiers or households specified on the licence.

~~28.12~~29.14 Where there is no prospect of an HMO being licensed, the act requires that the council use its interim management powers. This enables the council to take over the management of an HMO and become responsible for running the property and collecting rent for up to a year. In extreme cases this can be extended to five years, with the council also having the power to grant tenancies.

~~28.13~~29.15 If the council finds that there has been a change of circumstances in an HMO since it was licensed, it has the power to vary the licence. If there is a serious breach or there are repeated breaches of the license conditions or the licensee or manager are no longer fit and proper persons, the licence can be revoked.

~~28.14~~29.16 The licence can also be revoked if the property is no longer a licensable HMO or if the condition of the property means it would not be licensable were an application to be made at the later time.

29.30 Monitoring and review

~~29.1~~30.1 In accordance with the Regulators' Compliance Code, the council will keep its regulatory activities and interventions under review, with a view to considering the extent to which it would be appropriate to remove or reduce the regulatory burdens they impose.

30.31 Contacts

~~30.1~~31.1 If you have any comments or queries in relation to this policy, please contact:

- The Housing & Communities Manager at the following address: Fenland Hall, March, Cambs, PE15 8NQ or by telephone: 01354 654321 or by email at privatesectorhousing@fenland.gov.uk

Appendix 1

**The Energy Performance of Buildings
(Certificates and Inspections) (England
and Wales) Regulations 2007**

Process Flow Chart

Officer requests a copy of an Energy Performance Certificate, Inspection Report or Advisory Report

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Where a breach occurs, the Local Authority can serve a Penalty Charge Notice within **6 months** of the breach

Charges are fixed dependant on type of breach. See **table below**

The recipient must pay or request a review within **28 days** of the notice being served

The Local Authority can extend this period at their discretion, or revoke the notice if so wishes

Where the recipient can demonstrate that:

- (a) he took all reasonable steps and exercised all due diligence to avoid breaching the duty;
- or (b) regulation 42 applies

authority must withdraw a penalty charge notice

If the recipient requests a review of the Penalty Charge Notice, the Local Authority must consider any representations made by the recipient and all other circumstances of the case & decide whether to confirm or withdraw the notice and notify the recipient of their decision in writing.

If after the review the recipient does not agree with the Local Authority's decision, an appeal can be made, within **28 days**, to the County Court

The court will either **uphold** or **quash** the Penalty Charge Notice

If the decision of the court is to quash the notice, the Local Authority must **repay**, to the recipient, any monies received for payment of the Penalty Charge Notice

Appendix 2

Smoke & Carbon Monoxide
Regulations
Enforcement Process

Process Flow Chart

Where the Local Authority are satisfied a breach has occurred they can serve a Remedial Notice within 21 days of the date of the breach

Landlord must take remedial action within 28 days of the notice being served

Landlord may make written representation against the Notice, to the local authority, within 28 days of Remedial Notice being served

Where the local authority is satisfied that the landlord has not rectified the breach, or has not made reasonable progress, it must arrange the work to be carried out within 28 days

Where a breach of the Remedial Notice occurs the Local Authority may impose a Penalty Charge Notice of upto £5k, within 6 weeks of the breach

Landlord can request a review of the Penalty Charge Notice

Upon request for a review the local authority can either confirm, vary or withdraw the Penalty Charge Notice

The landlord may appeal the Local Authority's decision by applying to the First Tier Tribunal

Appendix 3

CIVIL PENALTIES PROCEDURE

HOUSING & PLANNING

ACT 2016

S.249A

Housing Act offence committed

Stage 1
PSH Officer to serve a **Notice of Intent**
On Relevant Person

Stage 2
Relevant Person has the right to make
Representation to FDC within 28 days

Stage 2A
At any stage, FDC can **withdraw**, or **amend**
the financial penalty

Stage 3
After 28 days PSH Officer to serve **Final**
Notice

Relevant person may **appeal** to the First Tier Property
Tribunal within **28 days** of final notice

Appendix B - Assessing Equality – The Equality Act 2010 – Housing Standards

INTRODUCTION

From 1st April 2011, the Equality Act 2010 introduced a new legal duty on all public authorities.

The three arms of the act focus on the need for public authorities to have ‘due regard’ to the need to:

- **Eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited by the Act:
- **advance equality of opportunity** between people who share a protected characteristic and people who do not share it; and
- **foster good relations** between people who share a protected characteristic and people who do not share it.

The protected groups (previously known as equality strands) are as follows:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Gender
- Sexual orientation
- Marriage and civil partnerships (eliminate unlawful discrimination only)

The duty means that – as previously – we should analyse the effect of existing and new policies and practices on equality. However it does not specify how we should do this.

The equality analysis should be proportionate and relevant – not just a tick box exercise. In some cases the written record will be a quick set of bullet points or notes under each heading. Others will need a more detailed explanation. However, legal cases on the meaning of the previous general equality duty make it clear that we must carry out the analysis **before making the relevant policy decision**. This has not changed.

A meaningful equality analysis will help the Council make the best decisions or formulate a policy which best meets our customers needs.

Appendix B - Assessing Equality – The Equality Act 2010 – Housing Standards

A SIMPLE GUIDE TO ASSESSING EQUALITY

What is Equality Impact Assessment (EqIA)?

- EqIA is the act of systematically assessing the likely (or actual) effects of policies or services on people based on the protected characteristics as defined in the Equality Act 2010:
 - Age
 - Disability
 - Gender reassignment
 - Pregnancy and maternity
 - Race
 - Religion or belief
 - Gender
 - Sexual orientation
 - Marriage and civil partnerships

- This means looking at the three arms of the Equality Act, as set out in the table below, in relation to a policy or service, before a decision is made.

	Eliminating unlawful discrimination, harassment and victimisation	Advancing equality of opportunity between different groups	Fostering good relations between different groups
Disability			
Age			
Pregnancy and maternity			
Race			
Religion or belief			
Sex			
Gender reassignment			
Sexual orientation			
Marriage and civil partnerships			

- It includes looking for opportunities to promote equality, as well as removing or reducing negative or adverse impacts.

Appendix B - Assessing Equality – The Equality Act 2010 – Housing Standards

Why is it important?

- Assessing equality helps us understand the needs of our customers, makes sure our decisions meet those needs, and are also cost effective
- As a public authority we also have a **legal** duty to show “*due regard*” for equality in decision making and the way services are provided
- To be able to show “*due regard*”, we need to show that consideration of equality took place **prior** to a decision being taken; that equality issues were considered, and that this consideration was rigorous, open minded, and involved thinking about the three arms of the Equality Act as part of this process, and that potential adverse impacts were either removed or reduced.
- Documenting our equality analysis helps the Council show it has had “*due regard*” for equality if decisions are challenged. If “*due regard*” for equality can not be shown, decisions may be overturned at judicial review. This could result in lost time, money and negative publicity.
- The sooner equality is considered in a process; the more efficiently that process can be carried out.

How can equality be assessed?

1. Gather information This can be consulting with relevant groups, using a previous EqIA as a starting point, consultations carried out by other services, details of the service ‘hard to reach groups’, customer satisfaction surveys, MOASIC data, consider relevance to equality

2. Assess impact Could different groups be affected differently? Is this difference positive or negative? Consider the three arms of the Equality Act in relation to all the protected groups as per the table. NOTE: The quality of the assessment will depend on the quality of the information gathered

3. Take action This could be to reduce negative or increase positive impact. Produce an action plan where appropriate; make actions SMART. Unlawful discrimination **MUST** be actioned immediately

4. Summarise your findings on the EqIA form. Where it is clear from initial information gathering that a policy will not have any effect on equality, this may simply be a sentence recording this; the greater the relevance to equality. the greater the level of detail required. Publish your findings

5. Monitor the on-going effects of the policy on equality. This is usually in the form of the annual review carried out in October of each year, to fit in with the service planning cycle. The Equality Act is a **continuing** duty!

Appendix B - Assessing Equality – The Equality Act 2010 – Housing Standards

Equality Analysis Record

Equality Impact Assessment

Title of service or policy	Housing Enforcement
Name of team	Housing and Community Support – Private Sector Housing
Date of assessment	May 2018

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An Equality Impact Assessment is a process of systematically reviewing a new or existing policy or service to identify what impact or likely impact it will have on different groups within the community. The primary concern is to identify any discriminatory or negative consequences for a particular group or sector of the community. Equality impact Assessments (EIAs) can be carried out in relation to service delivery as well as employment policies and strategies.

1.	Identify the aims of the policy or service and how it is implemented.
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Appendix B - Assessing Equality – The Equality Act 2010 – Housing Standards

	Key questions	Answers / Notes
1.1	Briefly describe purpose of the service/policy including:	<p>The aim of the Housing Standards Team is to improve property conditions by removing significant housing related hazards.</p> <p>The Enforcement Policy states how Housing Services will enforce legislation under the Housing Act 2004 and is used in all aspects of the teams enforcement work.</p> <p>The outcome of the policy is for Housing Services to have a consistent, open and justifiable policy for enforcing its duties and powers, many of which come under the Housing Act 2004 and other relevant legislation.</p> <p>The policy also shows how we will have a reasonable approach to enforcement and use our powers in a proportionate manner.</p> <p>The Housing Standards Team has four main areas of work all designed to fulfil our statutory obligations and improve property conditions:</p> <ul style="list-style-type: none"> • Reactive work – responding to service requests and property condition complaints; • Licensing of Houses in Multiple Occupation (HMOs); • Programmed inspections of non-licensable HMOs and other high risk properties. <p>The outcome of the work carried out by the Housing Standards Team is to improve property conditions, reduce significant hazards, improve well being through housing and fulfil the council's statutory functions.</p>
1.2	Provide brief details of the scope of the policy or service being reviewed.	<p>The Housing Enforcement policy is required in order for Housing Services to adequately fulfil its statutory duties.</p> <p>It is essential that Housing Services has an enforcement policy to enable the service</p>

Appendix B - Assessing Equality – The Equality Act 2010 – Housing Standards

Page 160		<p>to adequately fulfil its requirements under the legislation and to provide openness and transparency to the public on how we work and how we will go about our duties.</p> <p>Our enforcement policy covers what enforcement action will be taken, how we will work with people, how we assess properties and how we will be open, clear, accessible and approachable.</p> <p>The enforcement policy covers our main areas of work which can be divided into two areas, reactive and proactive as described in the table below.</p> <div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div style="text-align: center;"> <p>Reactive work</p> <p><u>Service requests</u></p> <p>↓ ↓</p> <p>Investigation Action</p> </div> <div style="text-align: center;"> <p>Proactive work</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p><u>HMO Licensing</u></p> <p>↓</p> <p>Investigating potentially licensable properties</p> </div> <div style="text-align: center;"> <p>↓</p> <p>Processing licence; applying conditions fit & proper person check; Inspection</p> </div> <div style="text-align: center;"> <p><u>Programmed Inspections</u></p> <p>↓ ↓</p> <p>Investigation Action Formal Informal</p> </div> </div> </div> </div>	
1.3	Do the aims of this policy link to or conflict with any other policies of the Council?	The policy links in with the council’s Business Plan, Statutory Housing work, Community Safety and The Council’s Health & Wellbeing Strategy	
3. Assessment	Based upon any data you have analysed, or the results of consultation or research, use the spaces below to list how the service or policy:		

Appendix B - Assessing Equality – The Equality Act 2010 – Housing Standards

of impact	<ul style="list-style-type: none"> ● Meets any particular needs of each of the eleven equalities groups or helps promote equality in some way. ● Could have a negative or adverse impact for each of the eleven equalities groups 		
3		Examples of what the service has done to promote equality	Examples of potential negative or adverse impact and what steps have been or could be taken to address this
3.1	<p>Gender – identify the impact/potential impact of the policy on women, men and transgender people</p>	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards gender.</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of gender.</p>	<p>There are not considered to be any adverse impact regarding gender.</p> <p>When officers carry out overcrowding visits there is a need to identify people's gender.</p> <p>.</p>
3.2	<p>Disability - identify the impact/potential impact of the policy on disabled people (ensure consideration of a range of impairments including both physical and mental impairments)</p>	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards disability</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a person disabilities.</p>	<p>When communicating on Enforcement issues there is the potential that a person has not understood what is expected of them or the consequences of not complying with what has been required, as a result of their disability.</p> <p>It is important to make sure that people have understood what is required of them and the consequences for not taking action and that assistance can be provided where appropriate.</p>
3.3			

Appendix B - Assessing Equality – The Equality Act 2010 – Housing Standards

Page 162	<p>Age – identify the impact/potential impact of the policy on different age groups</p>	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards to age</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons age.</p> <p>We always offer home visits and make hard copies of information available on request.</p> <p>However, within the legislation vulnerability is considered based on the age of the most vulnerable group. This is a statutory requirement and is not influenced by our policies or procedures.</p>	<p>A lot of housing services information is available via the internet and although most age groups have access to the internet and email some of the older generation may not have the confidence or ability to access the internet.</p> <p>Where possible we always provide hard copies of documents on request and give verbal advice in person or over the phone.</p>	
3.4	<p>Race – identify the impact/potential impact on different black and minority ethnic groups</p>	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards to race</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons race.</p> <p>We offer translation services in a variety of languages.</p>	<p>Information gathered during routine inspections indicates that migrant workers are potentially vulnerable to poor housing conditions and this policy supports redress of those issues.</p>	

Appendix B - Assessing Equality – The Equality Act 2010 – Housing Standards

		All officers are aware and can access a phone service to provide verbal translation. We also provide a translation booklet which offers translations in the 5 key languages identified in the area and we enclose this with all letters/schedules of work where appropriate.	
3.5	Sexual orientation - identify the impact/potential impact of the policy on lesbians, gay, bisexual & heterosexual people	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards to sexual orientation</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons sexual orientation.</p>	<p>LGBT community may experience harassment and 'hate crime' and be reluctant to come forward with complaints about their property conditions.</p> <p>When officer's carryout overcrowding assessments there is a need to find out the occupants of the property and the occupancy of individual rooms.</p> <p>Lack of knowledge or understanding or assumptions about sexual orientation may cause embarrassment leading to people being reluctant to access the service.</p> <p>Training and development of the team to be aware of sensitivities in this area can help ensure all residents who have concerns with housing standards can come forward to the council.</p>
3.6	Religion/belief – identify the impact/potential impact of the policy on people of different religious/faith groups and also	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards to</p>	No specific issues identified

Appendix B - Assessing Equality – The Equality Act 2010 – Housing Standards

	<p>upon those with no religion.</p>	<p>religion and belief</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons religion or belief.</p> <p>We show respect and flexibility for religious beliefs and festivals and try and be aware of cultural differences.</p>		
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 164</p> <p>3.7</p>	<p>Socio-economically disadvantaged – identify the impact on people who are disadvantaged due to factors like family background, educational attainment, neighbourhood, employment status can influence life chances</p>	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards to socio-economic</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons socio-economically circumstances</p> <p>We assist people where possible with completing any forms they need and explain things avoiding technical jargon.</p> <p>We are also in the process of having our letter templates plain English checked and we have built up a variety of contacts in various organisations to enable us to signpost users to other service providers.</p>	<p>These residents may be less of aware of the services we offer and how to approach us for information and guidance.</p> <p>Mandatory HMO licensing includes a cost to landlords. Feedback from Landlords engagement meetings indicated that fees may be passed on to tenants. This could have an affect on rental increases to people on low income.</p> <p>In liaising with other Councils who have licensing schemes , we have not had evidence that rental process increase due to this.</p> <p>Under the legislation LAs are permitted to cover their costs through a licensing fee. Fenland are unable to subsidise this mandatory service and must carry out detailed cost analysis to ensure minimum charges are applied in order to cover costs.</p>	

Appendix B - Assessing Equality – The Equality Act 2010 – Housing Standards

<p>3.8</p>	<p>Gender reassignment</p>	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards to gender re-assignment</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons gender reassignment</p>	<p>No issues identified</p>
<p>3.9</p>	<p>Pregnancy & Maternity</p>	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards to pregnancy and maternity</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons pregnancy and maternity circumstances</p>	<p>No issues identified</p>
<p>3.10</p>	<p>Marriage & Civil partnerships</p>	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards to marriage and civil partnership</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons marriage and civil partnership circumstances</p>	<p>No issues identified</p>
<p>3.11</p>	<p>Human Rights</p>	<p>Action taken to remove risk to health,</p>	<p>No issues identified , although the work</p>

Appendix B - Assessing Equality – The Equality Act 2010 – Housing Standards

		<p>safety and welfare.</p> <p>The policy has no impact with regards to human rights</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons human rights</p>	<p>of Operation pheasant has supported many residents into the national referral mechanism who may have had their rights compromised though modern day slavery and exploitation.</p>
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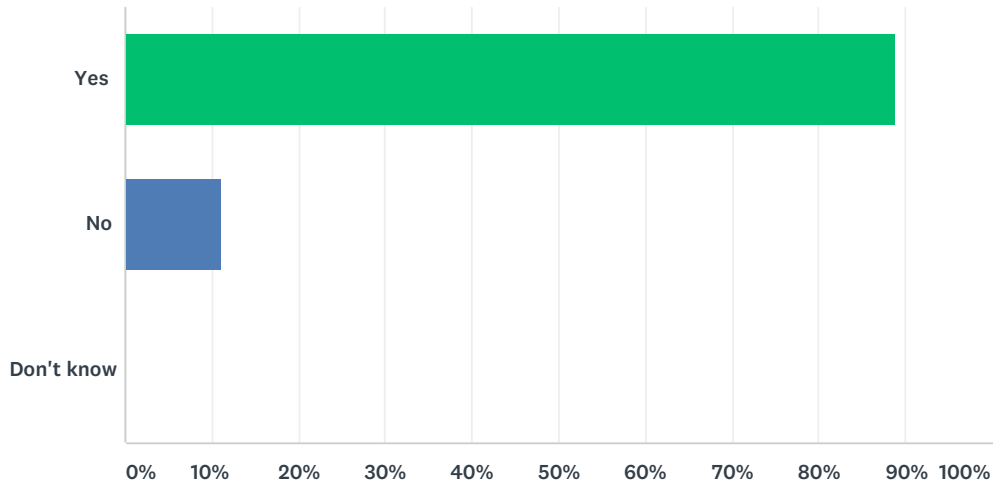
No major change needed **Y**
 Adjust the policy **N**
 Adverse impact but continue **N/A**
 Stop and remove /

Reconsider policy **N**

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Q1 Should there be a written policy explaining the Council's approach to housing related enforcement?

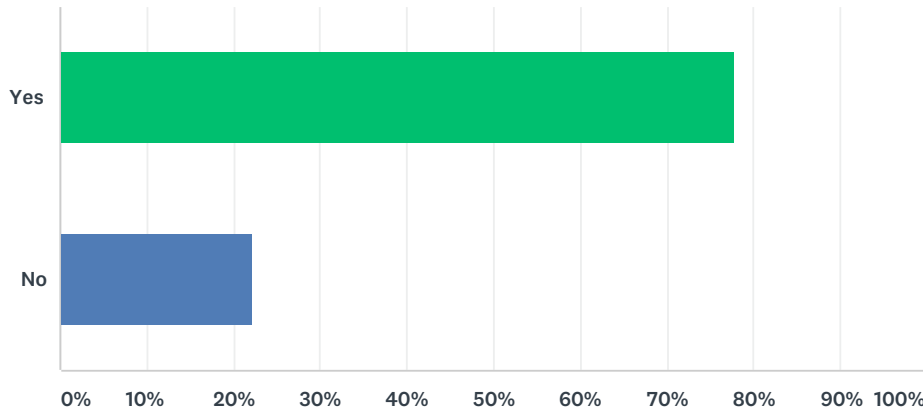
Answered: 9 Skipped: 0



ANSWER CHOICES	RESPONSES
Yes	88.89% 8
No	11.11% 1
Don't know	0.00% 0
TOTAL	9

Q2 Our Policy explains our different enforcement options. Are they clear to you?

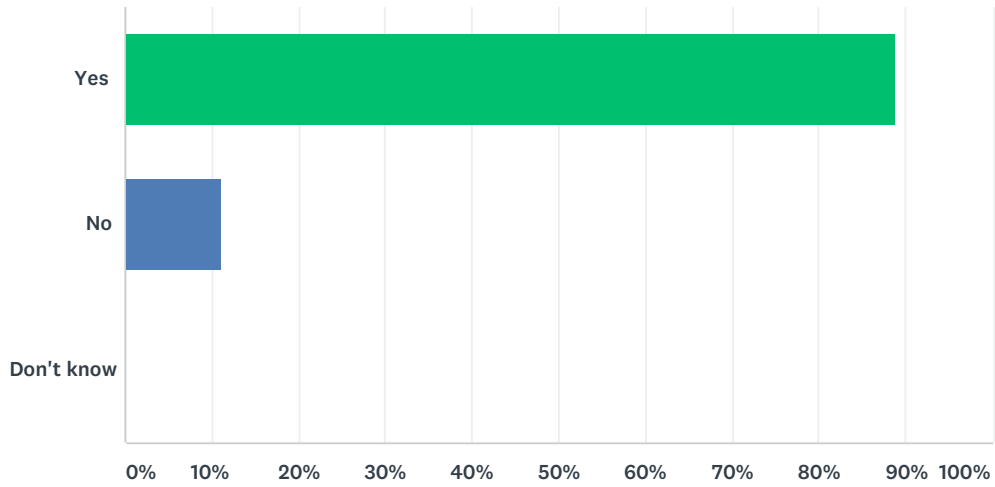
Answered: 9 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	77.78%	7
No	22.22%	2
TOTAL		9

Q3 Do you agree that housing enforcement should be done appropriately to address how serious the problem is?

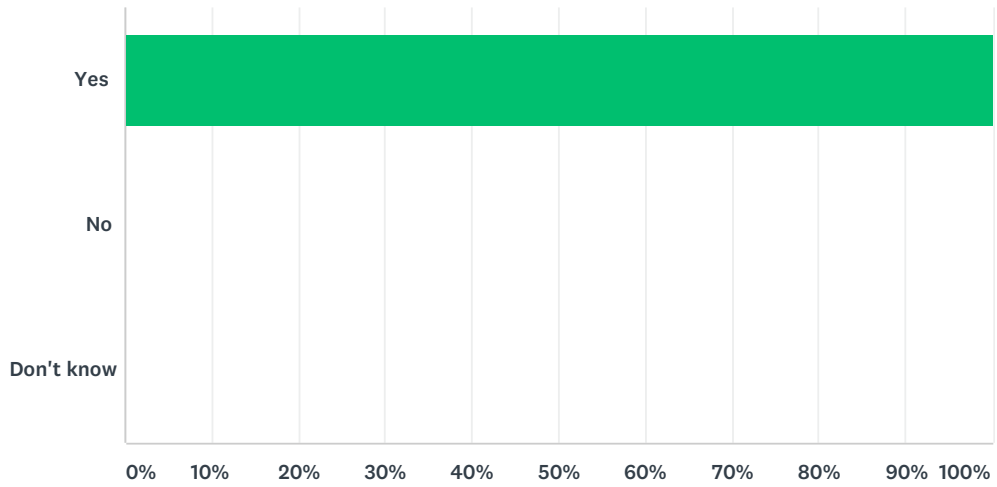
Answered: 9 Skipped: 0



ANSWER CHOICES	RESPONSES
Yes	88.89% 8
No	11.11% 1
Don't know	0.00% 0
TOTAL	9

Q4 Is it helpful to know when legal action may be taken?

Answered: 9 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	100.00%	9
No	0.00%	0
Don't know	0.00%	0
TOTAL		9

Agenda Item No:	11	
Committee:	Council	
Date:	July 19th 2018	
Report Title:	Corporate Enforcement Policy	

Cover sheet:

1 Purpose / Summary

- To consider adoption of a revised Corporate Enforcement Policy

2 Key issues

- Enforcement work is undertaken in many service areas within the Council which has to be carried out in a consistent manner and in the context of a defined policy. This is important because enforcement by the Council is often co-ordinated across more than one service area and increasingly involves partner agencies, such as the police.
- The impact of enforcement can be very significant on the individual or business concerned and so has to be carefully considered. It is also necessary to manage the expectations of customers who may feel the Council should take enforcement action at once, when other more effective solutions may be more appropriate.
- The policy needs to be clear about the approach the Council will take and that the “enforcement mix” follows a positive Prevention, Intervention and Enforcement pattern to ensure compliance by helping and encouraging business and the wider community to understand and meet their regulatory duties. We mainly work informally and collaboratively with business and the community to ensure standards. We will only take a direct enforcement approach when there are either significant or immediate risks found or where we are not confident that informal approaches are working.
- Full Council approved the current CEP in February 2014 (minute number 59/13 refers). The reason for updating the policy was to reflect the new “Regulators’ Code”. The Regulators’ Code provides a principle based framework for regulatory delivery that supports and enables regulators to design their service and enforcement policies in a manner that best suits the needs of businesses and other regulated entities.
- Since that time further changes in the approach Councils can take to enforcement have developed. The key changes in the policy are:
 - Minor wording changes to better explain the policy and how it will be used
 - Updating the policy to reflect that the Council may charge for some notices to be issued for example the emerging Housing Enforcement Policy is one area where charging for notices is proposed.
 - The Council may undertake a civil penalty prosecution route rather than through the Courts where legislation allows.
- The policy is attached as Appendix A, showing the changes from the previous version. A community impact assessment is also attached at Appendix B

- The Council commenced consultation on the policy from the 23rd April 2018 ending 17th June 2018.
- The policy consultation is being promoted in various ways including the Councils' website, social media and word of mouth.
- A letter was sent directly to 1797 businesses.
- A survey was developed for completion. 6 surveys were completed and the results show that the majority were in favour of the approach proposed. The survey responses are shown at Appendix C
- The table below shows the comments received and the proposed response.

Comment	Response
Of course - everything should be communicated	Noted
A recent complaint I have made about planning focuses on the inability to stick to timescales. If deadlines are set, then they should be used and not waived without substantial reason.	At times timescale may be altered if it is felt proportionate to getting a resolution to the problem being addressed. The Corporate Enforcement Policy allows such an approach to assist Officers with Prevention , Intervention and Enforcement work.

- Overview and Scrutiny committee at its meeting of the 30th May 2018 considered the draft policy. The table below shows the comments received and the proposed response.

Comment	Response
Para 2.2 – printed formats should be available	Agreed and amendment made to say they will be available on request.
Para 5.4 – “any other justifiable reason” is too broad	Amended to link with justifiable breach of a statutory notice
The formatting	The formatting is not correct due to wanting to show track changes. The final policy once approved will be designed and formatted for publishing on the website and hard copy to be made available on request.
Add in Public Spaces Protection Orders to 3.1	Agreed and added to 3.1
3.1 – why are locations not specified	By not being specified this will allow the Council to amend locations where parking controls apply without having to amend the policy.

5.5 Formal Caution wording should be changed	The wording links back to guidance set by the Home Office
5.4 missing the word “or” - Where, in addition to prosecution, measures need to be taken to remedy conditions that are serious or deteriorating	Amended

- There are no additional financial costs to the Council from implementing these changes to the existing policy.

3 Recommendations

It is recommended that Full Council:

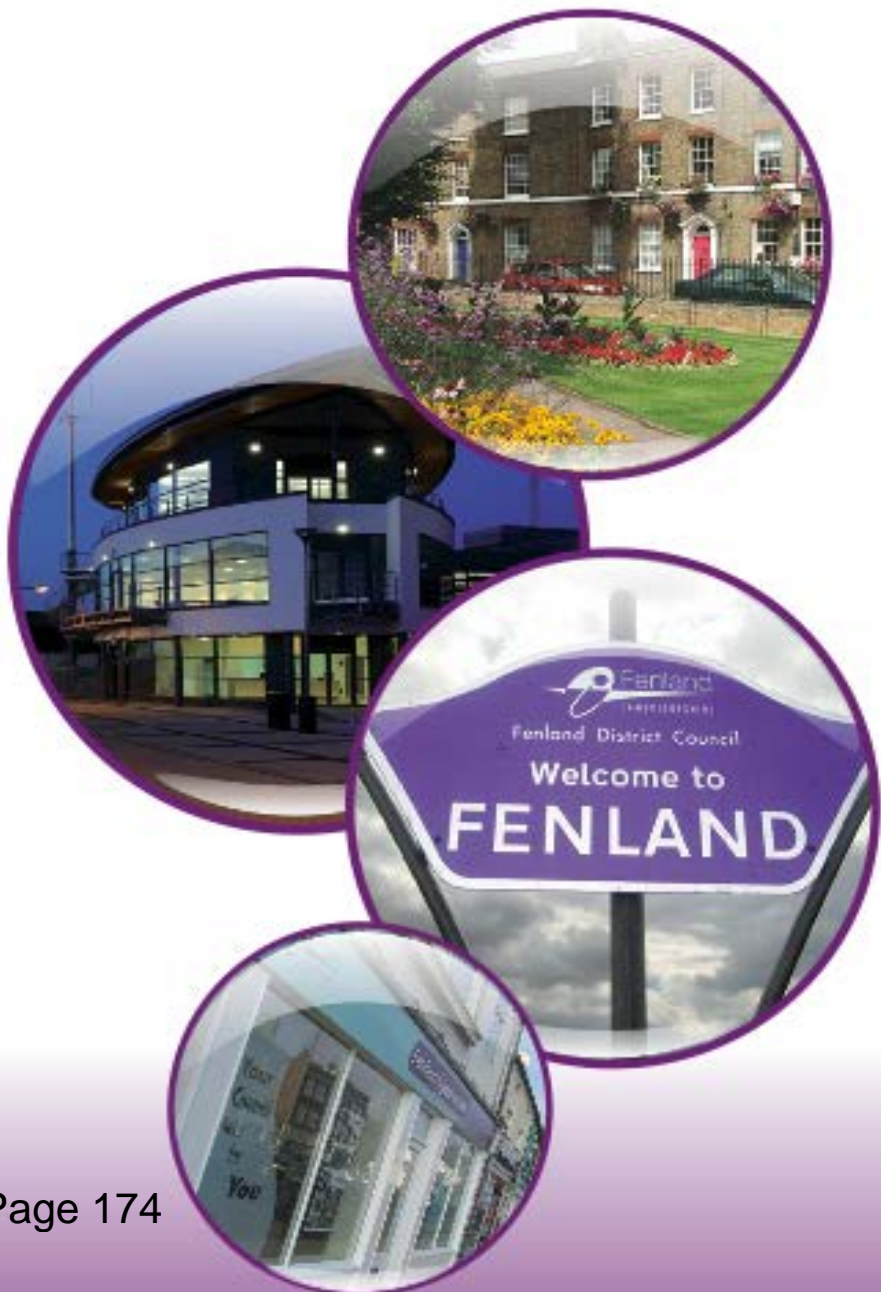
- Adopts the Council's Corporate Enforcement Policy set out in Appendix A.

Wards Affected	All
Forward Plan Reference	
Portfolio Holder(s)	Councillor Anne Hay - Portfolio holder for finance (policy and resources)
Report Originator(s)	Dan Horn - Head of Housing & Community Support
Contact Officer(s)	Dan Horn - as above Annabel Tighe - Environmental Health Manager Richard Cassidy - Corporate Director
Background Paper(s)	Full Council - February 2014 Cabinet - November 2013

Appendix A

Corporate Enforcement Policy

Draft 2018



[Appendix A](#)

1. INTRODUCTION

1.1 The purpose of this policy is to set out Fenland District Council's intended approach to bring about compliance with the regulatory requirements it enforces. It is not intended to be, and should not be considered to be, legal advice to third parties or a definitive guide to the law.

1.2 Effective and well-targeted enforcement is essential in promoting fairness and protection from harm and Fenland District Council will adopt a positive Prevention, Intervention and Enforcement approach to ensure compliance by helping and encouraging Business and the wider community to understand and meet their regulatory duties and by responding proportionately to regulatory issues that we identify.

1.3 As an integral part of this policy we will work with individuals, businesses and our communities throughout Fenland for the benefit of residents and the Fenland economy. The Council recognises that enforcement can be successful only if the policy has the support of both our local communities and local businesses. This policy is an update from when the Council first adopted it in was adopted in 2014

1.4 The Council also recognises that we need to work in partnership with other agencies in providing enforcement services. For example, Fenland District Council works closely with the Police and others in the development of neighbourhood policing to build safer, stronger communities.

1.5 The Corporate Enforcement Policy is at the core of our approach to enforcement. It incorporates best practice and sets common principles that we will follow. This Enforcement Policy describes the range of enforcement activities we use and how we intend to comply with the Regulators' Code. The Regulators' Code ('the Code') provides a flexible, principles based framework for regulatory delivery that supports and enables regulators to design their service and enforcement policies in a manner that best suits the needs of businesses and other regulated entities.

1.6 The Council must have regard to the Code when developing policies and operational procedures that guide our regulatory activities. The Council must equally have regard to the Code when setting standards or giving guidance which will guide the regulatory activities of other regulators. If the Council concludes, on the basis of material evidence, that a specific provision of the Code is either not applicable or is outweighed by another relevant consideration, the Council is not bound to follow that provision, but should record that decision and the reasons for it.

1.7 To ensure consistent performance across a broad range of activities and duties, we will produce from time to time, supplementary operational policy documents that give details of our range of services, the standards of service our customers can expect and the criteria we will use when deciding on how we will deal with infringements.

2. A BALANCED APPROACH TO ENFORCEMENT

2.1 The main purpose of local government enforcement work is to protect the public, the environment, consumers and legitimate businesses by making sure that legal requirements are ~~met~~ complied with and that everyone acts/operates within the law. It does not ~~just~~ mean simply taking formal action, such as prosecution, but includes a wide range of actions and measures to make sure that things are as they should be. This includes and amongst other things, giving help or advice. We will generally endeavour to support both businesses and individuals to meet their legal obligations before considering any kind of enforcement action; but all relevant factors will be taken into account before determining whether the Council can

[Appendix A](#)

~~give an opportunity for the business / individual to address the concern before formal enforcement action is taken.both mitigating and aggravating before coming to a reasoned decision upon the most appropriate course of action in any given case.~~

2.2 We recognise that most business owners, their employees and the public want to comply with the law and thereby operate legitimately and responsibly. We will help and advise wherever possible but will take firm action against those who ignore legal requirements or act irresponsibly.

To achieve this we will:

Make available information and advice on the law in electronic ~~and printed formats~~ [formats and printed formats on request](#).

Publicise enforcement campaigns, especially for new initiatives and new or changed laws

Make promotional visits to increase awareness to groups within our communities and to business forums.

Work with our partner agencies where appropriate to co-ordinate enforcement activities for the benefit of our communities and where a more effective resolution can be achieved.

Carry out inspections.

Investigate complaints.

Examine goods, documents or notices.

Take samples or make test purchases.

Talk to witnesses and obtain witness statements, where appropriate.

Conduct interviews to investigate offences and obtain, [as best we can](#), the [relevant](#) facts.

2.3 So we can see things from the point of view of a customer or ordinary member of the public, we may carry out informal visits ~~but~~ [and](#) not introduce ourselves as Council officers.

There is a range of actions [available to us and that](#) we ~~can~~ [may](#) take where we find ~~problems,problems,~~ [regulatory](#) breaches or contraventions:

Give verbal or written guidance.

Give written instruction.

Send a cautionary letter or notice.

Issue Fixed Penalty Notices.

Serve formal Statutory Notices [including making a charge to do so](#).

Take samples and seize goods or documents.

Carry out a formal interview under caution.

Issue a formal caution.

Suspend or revoke a license or permit

Take out an injunction.

Appendix A

Prosecute offenders through the judicial system or other methods such as Civil Penalties if legislation allows e.g- 'A local authority may impose a Civil Penalty (up to a maximum of £30,000.00) upon a landlord or his/her agent as an alternative to prosecution for specified offences under the housing Act 2004 for each individual breach, provided the criminal standard of proof is satisfied

Issue legal proceedings (civil or criminal)

The Council may make a charge for some of these services should it be lawful to do so, for example, charging to serve a notice.

2.4 The Council will take an evidence based approach to determining the priority risks in our areas of responsibility and will allocate resources where they would be most effective in addressing those priority risks. The Council will consider risk at every stage of their decision-making processes, including choosing the most appropriate type of intervention or way of working with those regulated; targeting checks on compliance; and when taking enforcement action. In carrying out our responsibilities we will follow all relevant and up to date guidance and legislation.

2.5 Guiding Principles:

Regulators' Code <https://www.gov.uk/government/publications/regulators-code> -Fenland District Council has adopted the Code which has been laid before Parliament in accordance with the Legislative and Regulatory Reform Act 2006. The Council is committed to its aims and will abide by the following principles when considering and undertaking enforcement.

Openness -We will provide accessible information and advice on the legislation we enforce, wherever possible in plain language and in languages understood by those affected. We will be open about how we work and why it may be necessary to take enforcement action.

Helpfulness -We believe that prevention is better than cure and we will actively work to advise and assist to achieve compliance with the law. Our staff will be courteous and efficient, identify themselves by name where appropriate, and carry an identity card with a photograph. We will offer a contact point, telephone number and email address for further help.

Clarity -We will work with our customers to help them meet their legal obligations without incurring unnecessary expense. Advice will be put clearly and simply, confirmed in writing on request, explaining what is necessary, why and when, together with the implications of non-compliance. Legal requirements will be clearly distinguished from best practice advice.

Consistency -We will carry out our duties in fair and consistent ways. We have arrangements in place to promote consistency, including liaison with other Local Authorities and agencies e.g. The Police, Health & Safety Executive, parish councils, etc., particularly where we may share an enforcement role.

Suitable Action -Every case is unique and must be considered on its own facts and merits. When making decisions on the actions we will take, we will always take account of our service standards (see section 4).

Human Rights -We will have regard to fairness and individuals' human rights in all of our enforcement work through conforming to the European Convention on Human Rights (as implemented by the Human Rights Act 1998).

Equal Opportunities and Diversity -We believe in openness and equality in the way we provide services and that every individual is entitled to dignity and respect. When making enforcement decisions we aim to ensure that there will be no discrimination against any individual on the basis of culture, ethnic or national origins, gender, disability, age, sexual orientation, political or religious beliefs, socio-economic status, or previous criminal conviction or caution which is not relevant to the current issue.

[Appendix A](#)

3.1 The policy is relevant to services in the following service areas [\(this should not be considered to an exhaustive list\)](#):

Hackney Carriage and Private Hire Vehicle Driver and Operator Licensing, Licensing Act 2003, Public Entertainment, Sex Establishments, House to House and Street Collecting Licensing, Gaming Act and Scrap Metal Dealing.

Revenue recovery and the investigation of Housing Benefit, Council Tax and Business Rates fraud.

Planning Development Control and Building Control

Environmental Services, Environmental Protection, Anti-social Behaviour, Food and Safety, [Public Space Protection Orders](#) and Port Health. ~~Including the Clean Neighbourhoods and Environment Act and the use of Dog Control Orders.~~

Private Sector Housing Conditions.

Off street parking at specified locations

Any other service, which carries out enforcement duties.

3.2 Certain services require detailed specific enforcement policies and when this is the case these policies will follow and complement the principles and practice of ~~the~~ [this](#) Corporate Enforcement Policy. Therefore, detailed policies must be read in conjunction with this policy.

4. SERVICE STANDARDS

4.1 If officers find breaches of the law they have to choose the most appropriate method of achieving compliance from the range of possible actions available to them.

4.2 Action taken will be proportionate to the risk to people and property caused by the breach and as far as the law allows will take account of the circumstances of the case and the attitude of the alleged offender.

4.3 Emphasis will be given to informal enforcement actions that support the achievement of the Council's long term objectives.

4.4 Before we take formal enforcement action, there will be an opportunity to discuss the circumstances of a case, unless immediate or emergency action is required (e.g. to prevent destruction of evidence, or where there is an imminent risk to health and safety, damage to property or the environment or in some situations when an officer has reason to issue a fixed penalty notice.)~~.~~

4.5 Where immediate action is considered necessary, an explanation of why such action is required will, where possible, be given at that time. However, in certain cases, where emergency action is deemed necessary, no notice is required to be given in law. Nevertheless, we will endeavour to give notice, if possible, in such cases.

4.6 Where there are rights of appeal against formal action, advice on how to appeal will be clearly set out in writing at the time the action is taken.

4.7 All communications will be clear and in plain English and will distinguish between practical advice, best practice and legal requirements. Appropriate translated material will be provided

where necessary and practical help provided for people with impaired hearing, vision or other impairment.

4.8 Enforcement action may be taken by the Council alone or in conjunction with other agencies such as the Police, Department of Works and Pension, Inland Revenue, and County Council.

5. FORMAL ENFORCEMENT ACTION

This part of our Enforcement Policy sets out how we will deal with any alleged breach of law, which the Council is empowered, or duty bound to enforce:

5.1 Verbal Warnings and Advice

The Council may seek to resolve matters informally whenever possible. Accordingly, advice and/or verbal warnings may ~~usually~~ be sufficient in the majority of cases as a means of resolving minor offences and technical infringements that are capable of being sorted out immediately and are unlikely to be repeated. Failure by alleged offenders to act on verbal warnings or advice may result in more serious enforcement action being taken against them.

5.2 Written Warnings and Advice

Where the issue demands a more formal approach than verbal advice, written guidance clearly identifying the infringement involved and ~~giving advice~~ advising on how to put it right ~~and along with~~ a deadline by which to do it, will be provided. Failure to comply with written warnings or advice ~~could may~~ result in more serious enforcement action being taken. The circumstances of each case and the implications of infringements will be taken into account.

5.3 Fixed Penalty Notices (FPNs)

5.3.1 FPNs are a means to impose an immediate financial penalty on an offender for certain criminal offences. The Council will use FPNs wherever a local or district-wide need is identified to deal with ~~minor enviro-crime~~ offences such as a breach of a declared public space protection order, (for example for dog fouling), littering, fly tipping, street drinking workplace smoking and off street parking at specified locations.

5.3.2 We will carry out campaigns and produce information about the use of FPNs.

5.4 Formal Statutory Notices

Notices may be served to require offenders to stop illegal activities immediately and to give them a reasonable time to remedy a breach. Any time allowed to put things right will be reasonable within the circumstances ~~circumstances, but will-~~ ~~take~~ taking into account the implications of the contravention. The Council may charge for notices which will be set out in the policy concerned and updated through annual fees and charges process.

Statutory Notices may be issued where:

- There is a statutory duty to do so;
- There are significant contraventions of legislation;
- There is a lack of confidence in the individual or management of a business to respond to an informal approach or this approach has previously failed;
- There is a history of non-compliance;

Appendix A

- Standards are generally poor with little management awareness of statutory requirements;
- The consequences of non-compliance could be potentially serious to public health, or cause public nuisance, or be irreversible;
- Where, in addition to prosecution, measures need to be taken to remedy conditions that are serious ~~or~~ deteriorating;

~~. (add): Any other justifiable breach to which the statutory notice applies~~
~~reason~~

~~or~~

- ~~Failure to comply with a statutory notice will usually result in prosecution and/or we may carry out any works in default and recovery our cost of doing so.~~

5.5 Formal Caution

A formal caution will only be considered ~~when once all~~ the evidential requirements necessary to bring a prosecution ~~are have~~ been met, but the circumstances surrounding the infringement are such that a more lenient approach to prosecution is appropriate. Any formal caution will follow the criteria laid down in relevant Home Office Guidelines. If a decision to offer a formal caution is rejected by the alleged offender, then a prosecution will normally follow.

5.6 Prosecution

5.6.1 Before a prosecution is considered the Council will have regard to The Code for Crown Prosecutors (a document issued by the Director of Public Prosecutions giving guidance to prosecutors)

~~. <https://www.cps.gov.uk/publication/code-crown-prosecutors>~~

The decision to prosecute or to recommend an out-of court disposal is a serious step that affects suspects, victims, witnesses and the public at large and must be undertaken with the utmost care. It is the duty of prosecutors to make sure that the right person is prosecuted for the right offence and to bring offenders to justice wherever possible.

Prosecutors should not start or continue a prosecution which would be regarded by the courts as oppressive or unfair and an abuse of the court's process.

Prosecutors must only start or continue a prosecution when the case has passed two stages: (i) the evidential stage; ~~followed by~~ and (ii) the public interest stage.

- The Evidential Stage

Prosecutors must be satisfied that there is sufficient evidence to provide a realistic prospect of conviction against each suspect on each charge. They must consider what the defence case may be, and how it is likely to affect the prospects of conviction. A case which does not pass the evidential stage must not proceed, no matter how serious or sensitive it may be.

- The Public Interest Stage

In every case where there is sufficient evidence to justify a prosecution, prosecutors must go on to consider whether a prosecution is required in the public interest.

A prosecution will usually take place unless the prosecutor is satisfied that there are public interest factors tending against prosecution which outweigh those tending in favour.

When deciding the public interest, prosecutors should consider each of the following questions so as to identify and determine the relevant public interest factors tending for and against prosecution (these questions are not exhaustive).

[Appendix A](#)

a) How serious is the offence committed? b) What is the level of culpability of the suspect? c) What are the circumstances of and the harm caused to the victim? d) Was the suspect under the age of 18 at the time of the offence? e) What is the impact on the community? f) Is prosecution a proportionate response?

g) Do sources of information require protecting?

5.6.2 Before making a decision whether or not to prosecute, consideration will also be given to:

How well prosecution supports the achievement of corporate aims or the delivery of corporate priorities

Action taken by other enforcement agencies in relation to the same facts to avoid duplication

The likelihood of the alleged offender being able to establish a statutory defence

The ~~probable~~ potential public benefit of a prosecution and the importance of the case -e.g. the possibility of establishing legal precedent

Cost effectiveness of prosecution -a need to balance likely overall cost against the “value” of the likely outcome

[NEW 5.7 Through the Courts or Civil Penalty Prosecution](#)

Depending on the offence and the policy and legislation with which the Council is legislating prosecution will either be through the Courts or through a Civil Penalty action. A civil penalty or civil fine is a financial penalty imposed by a government agency for wrongdoing against a policy or regulation within legislation. The civil fine or penalty is not considered to be a criminal punishment, because it is primarily sought in order to compensate the state for harm done to it, rather than to punish the wrongful conduct. As such, a civil penalty, in itself, will not carry jail time or other legal penalties. The use of Civil Penalties and fines will be set out in the relevant policy.

5.87 Injunctive Action

Injunctive action may be considered where an alleged offender persistently acts in a way that ~~acts against the collective~~ contravenes the interests of the public or where formal undertakings are ignored.

In cases involving the use or threat of violence, we will consider in appropriate circumstances applying for an urgent injunction without giving the relevant individual prior notice.

5.98 Works in Default

Some legislation gives power to the Council to carry out works itself to achieve compliance, e.g. with a Statutory Notice. These powers will be used in situations where it is clear that the works required will not be carried out within a reasonable or statutory time frame, even if reasonable additional time has been allowed, taking account of all the circumstances of each individual case. Any time frame will always be in terms of at least the minimum required by law. The Council will always seek to recover all costs reasonably incurred in carrying out works in default.

5.105.9 Anti-social Behaviour

In relation to anti social behaviour the Council acts through the Fenland Community Safety Partnership and its partnership members. Our work here embodies the Prevention Intervention Enforcement approach and uses a range of measures in the context of the Government’s policy.

5.110 No Action

Appendix A

In exceptional circumstances, contraventions may not warrant any action. This can be where, for example, the cost of action taken by the offender to comply outweighs the detrimental impact of the contravention upon the community; or the cost of the required enforcement action to the Council outweighs the detrimental impact of the contravention upon the community. A decision of 'no action' may also be taken where formal enforcement is inappropriate in the circumstances, such as where a business has ceased to trade or the offender is elderly and frail and formal action could seriously damage their well being. A decision to take no action will take into account the implications of the contravention. Usually a decision to take no action will only be made where the breach is not a serious one.

5.1~~21~~ Referral to another Agency

Subject to the provisions of Data Protection and Human Rights laws and legislation information ~~on~~ in respect of infringements will be passed to other interested enforcement agencies in appropriate circumstances.

5.1~~32~~ Naming Offenders

The names and trading addresses of businesses or individuals who act in ways that represent significant risk ~~of~~ or detriment to communities, particularly the young and vulnerable, may be published. Offenders may also be named if it is felt that by doing so could act as a deterrent within the community to offences of a similar nature. This action will ordinarily be taken in circumstances where:

It is in the public interest to do so

There is no risk of prejudicing legal proceedings or other formal enforcement action

To do so does not breach Human Rights or Data Protection law or the Children and Young Persons Act 1933.

Following a successful prosecution.

Where legislation prescribes that we do

6. MANAGEMENT SYSTEMS

6.1 Staff competency and the consistency of enforcement will be reviewed by each service where appropriate.

6.2 The Council will maintain management systems to monitor the quality and nature of enforcement activities undertaken, so as to ensure, as far as is reasonably practicable, a uniform and consistent approach.

6.3 Where local or national co-ordinating bodies exist, the Council will ensure that wherever possible its enforcement practices are consistent with best practice identified.

6.4 A review of enforcement activities may involve any of the following (this list is not exhaustive):

· A high level review of enforcement standards by members of the Council; · Quality Assurance systems; · Monitoring visits by line managers; · Shadowing visits by colleagues; · Monitoring of correspondence and statutory notices; · Peer review exercises; · Internal training sessions and workshops on enforcement issues; · Customer satisfaction surveys; · Business focus groups.

7. TRAINING AND APPOINTMENT OF OFFICERS

7.1 The Council will ensure that their-our officers have the necessary knowledge and skills to support those they-we regulate, to ensure a proportionate and effective approach including having an understanding of those they-we regulate that enables them-us to choose proportionate and effective approaches. The Council will also ensure that their-our officers understand the statutory principles of good regulation and of the Regulators Code, and how they deliver its activities in accordance with them.

[Appendix A](#)

7.2 All officers will be formally authorised ~~by the relevant Council~~ to exercise specified powers ~~under relevant statutes in accordance with the constitution.~~

7.3 The level of authorisation for each officer will be determined by their qualifications, experience and competence having regard to any relevant national guidelines.

7.4 Authorisation will be in writing and in a warrant card form, which will be shown on request. A copy of an officer's authorisation will be held in their personal file.

7.5 The Council supports the principle of continuing professional development through the annual appraisal and one to one meetings and will ensure that all officers are given additional in-post training to maintain up to date knowledge and skills.

8. APPEALS & COMPLAINTS

8.4 The Council will have a range of mechanisms to enable and regularly invite, receive and take on board customer feedback, including, for example, through customer satisfaction surveys of those ~~they~~ we regulate.

8.1 The Council will provide an impartial and clearly explained route to appeal against a decision or a failure to act in accordance with this Code. Individual officers of the Council who took the decision or action against which the appeal is being made ~~should~~ will not be involved in considering the appeal. ~~This route to appeal should be publicised to those who are regulated.~~

8.2 The Council will provide a timely explanation in writing of any right to representation or right to appeal. This explanation ~~should~~ will be in plain language and include practical information on the process involved.

8.3 The Council will make available to those ~~they~~ we regulate, ~~a~~ clearly explained complaints procedures, allowing them to easily make a complaint about the conduct of the Council.

8.5 The Council also has its own complaints procedure and further information about this can be obtained from the leaflet entitled:

“What to do if you feel that the Council has provided an unsatisfactory service”

This leaflet is available at all Fenland @ Your Service Shops, and on the Council's website and business reception.

INTRODUCTION

From 1st April 2011, the Equality Act 2010 introduced a new legal duty on all public authorities.

The three arms of the act focus on the need for public authorities to have ‘due regard’ to the need to:

- **Eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited by the Act:
- **advance equality of opportunity** between people who share a protected characteristic and people who do not share it; and
- **foster good relations** between people who share a protected characteristic and people who do not share it.

The protected groups (previously known as equality strands) are as follows:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Gender
- Sexual orientation
- Marriage and civil partnerships (eliminate unlawful discrimination only)

The duty means that – as previously – we should analyse the effect of existing and new policies and practices on equality. However it does not specify how we should do this.

The equality analysis should be proportionate and relevant – not just a tick box exercise. In some cases the written record will be a quick set of bullet points or notes under each heading. Others will need a more detailed explanation. However, legal cases on the meaning of the previous general equality duty make it clear that we must carry out the analysis **before making the relevant policy decision**. This has not changed.

A meaningful equality analysis will help the Council make the best decisions or formulate a policy which best meets our customers needs.

A SIMPLE GUIDE TO ASSESSING EQUALITY

What is Equality Impact Assessment (EqIA)?

- EqIA is the act of systematically assessing the likely (or actual) effects of policies or services on people based on the protected characteristics as defined in the Equality Act 2010:
 - Age
 - Disability
 - Gender reassignment
 - Pregnancy and maternity
 - Race
 - Religion or belief
 - Gender
 - Sexual orientation
 - Marriage and civil partnerships

- This means looking at the three arms of the Equality Act, as set out in the table below, in relation to a policy or service, before a decision is made.

	Eliminating unlawful discrimination, harassment and victimisation	Advancing equality of opportunity between different groups	Fostering good relations between different groups
Disability			
Age			
Pregnancy and maternity			
Race			
Religion or belief			
Sex			
Gender reassignment			
Sexual orientation			
Marriage and civil partnerships			

- It includes looking for opportunities to promote equality, as well as removing or reducing negative or adverse impacts.

Why is it important?

- Assessing equality helps us understand the needs of our customers, makes sure our decisions meet those needs, and are also cost effective
- As a public authority we also have a **legal** duty to show “*due regard*” for equality in decision making and the way services are provided
- To be able to show “*due regard*”, we need to show that consideration of equality took place **prior** to a decision being taken; that equality issues were considered, and that this consideration was rigorous, open minded, and involved thinking about the three arms of the Equality Act as part of this process, and that potential adverse impacts were either removed or reduced.
- Documenting our equality analysis helps the Council show it has had “*due regard*” for equality if decisions are challenged. If “*due regard*” for equality can not be shown, decisions may be overturned at judicial review. This could result in lost time, money and negative publicity.
- The sooner equality is considered in a process; the more efficiently that process can be carried out.

How can equality be assessed?

1. Gather information This can be consulting with relevant groups, using a previous EqIA as a starting point, consultations carried out by other services, details of the service ‘hard to reach groups’, customer satisfaction surveys, MOASIC data, consider relevance to equality

2. Assess impact Could different groups be affected differently? Is this difference positive or negative? Consider the three arms of the Equality Act in relation to all the protected groups as per the table.
NOTE: The quality of the assessment will depend on the quality of the information gathered

3. Take action This could be to reduce negative or increase positive impact. Produce an action plan where appropriate; make actions SMART. Unlawful discrimination **MUST** be actioned immediately

4. Summarise your findings on the EqIA form. Where it is clear from initial information gathering that a policy will not have any effect on equality, this may simply be a sentence recording this; the greater the relevance to equality, the greater the level of detail required. Publish your findings

5. Monitor the on-going effects of the policy on equality. This is usually in the form of the annual review carried out in October of each year, to fit in with the service planning cycle. The Equality Act is a **continuing** duty!

Equality Analysis Record

Equality Impact Assessment

Title of service or policy	Corporate Enforcement Policy
Name of directorate and service	Council - wide
Name and role of officers completing the EIA	Dan Horn
Date of assessment	May 2018

An Equality Impact Assessment is a process of systematically reviewing a new or existing policy or service to identify what impact or likely impact it will have on different groups within the community. The primary concern is to identify any discriminatory or negative consequences for a particular group or sector of the community. Equality impact Assessments (EIAs) can be carried out in relation to service delivery as well as employment policies and strategies.

Appendix B - Assessing Equality – The Equality Act [Year]
 2010 – Corporate Enforcement Policy

1.	Identify the aims of the policy or service and how it is implemented.	
	Key questions	Answers / Notes
1.1	Briefly describe purpose of the service/policy including:	<p>Enforcement work is undertaken in many service areas within the Council which has to be carried out in a consistent manner and in the context of a defined policy. This is important because enforcement by the Council is often co-ordinated across more than one service area and increasingly involves partner agencies, such as the police.</p> <p>The impact of enforcement can be very significant on the individual or business concerned and so has to be carefully considered. It is also necessary to manage the expectations of customers who may feel the Council should take enforcement action at once, when other more effective solutions may be more appropriate.</p> <p>The policy needs to be clear about the approach the Council will take and that the “enforcement mix” follows a positive Prevention, Intervention and Enforcement pattern to ensure compliance by helping and encouraging business and the wider community to understand and meet their regulatory duties.</p> <p style="text-align: center;">o</p>
1.2	Provide brief details of the scope of the policy or service being reviewed.	<p>Full Council approved the current CEP in February 2014 (minute number 59/13 refers). The reason for updating the policy was to reflect the new “Regulators’ Code”. The Regulators’ Code provides a principle based framework for regulatory delivery that supports and enables regulators to design their service and enforcement policies in a manner that best suits the needs of businesses and other regulated entities. Since that time further changes in the approach Councils can take to enforcement have developed. The key changes in the policy are:</p>

Appendix B - Assessing Equality – The Equality Act [Year] 2010 – Corporate Enforcement Policy

		<ul style="list-style-type: none"> ○ Minor wording changes to better explain the policy and how it will be used ○ Updating the policy to reflect that the Council may charge for some notices to be issued for example the emerging Housing Enforcement Policy is one area where charging for notices is proposed. ○ The Council may undertake a civil penalty prosecution route rather than through the Courts where legislation allows. 	
Page 190	1.3	Do the aims of this policy link to or conflict with any other policies of the Council?	The policy links in with the Council’s Business Plan, Regulatory work, Community Safety and The Council’s Health & Wellbeing Strategy. It is an overarching policy to show transparency to businesses and residents our approach to enforcement. individual service areas through service plans, policy work and customer service excellence accreditation work.
3. Assessment of impact		Based upon any data you have analysed, or the results of consultation or research, use the spaces below to list how the service or policy:	
		<ul style="list-style-type: none"> ● Meets any particular needs of each of the eleven equalities groups or helps promote equality in some way. ● Could have a negative or adverse impact for each of the eleven equalities groups 	
3		Examples of what the service has done to promote equality	Examples of potential negative or adverse impact and what steps have been or could be taken to address this
3.1		Gender – identify the	Action taken to remove risk to health, safety and welfare. There are not considered to be any adverse impact regarding gender.

Appendix B - Assessing Equality – The Equality Act [Year]
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	impact/potential impact of the policy on women, men and transgender people	<p>The policy has no impact with regards gender.</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of gender.</p>	.
3.2	<p>Disability - identify the impact/potential impact of the policy on disabled people (ensure consideration of a range of impairments including both physical and mental impairments)</p>	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards disability</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a person disabilities.</p>	<p>When communicating on Enforcement issues there is the potential that a person has not understood what is expected of them or the consequences of not complying with what has been required, as a result of their disability.</p> <p>It is important to make sure that people have understood what is required of them and the consequences for not taking action and that assistance can be provided where appropriate.</p>
3.3	<p>Age – identify the impact/potential impact of the policy on different age groups</p>	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards to age</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons age.</p>	<p>Through channel shift a lot of information is available via the internet and although most age groups have access to the internet and email some of the older generation may not have the confidence or ability to access the internet.</p> <p>Where possible we always provide hard copies of documents on request and give verbal advice in person or over the</p>

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Appendix B - Assessing Equality – The Equality Act [Year]
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		<p>Hard copies of information can be made available on request.</p> <p>Individual teams work around customer service excellence will look at accessibility of information to various groups linked to the protected characteristics</p>	<p>phone.</p> <p>Residents who struggle to access services on the internet can receive support at the Council's 4 fenland at your service shops.</p>	
<p>3.4</p> <p>Page 192</p>	<p>Race – identify the impact/potential impact on different black and minority ethnic groups</p>	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards to race</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons race.</p> <p>We offer translation services in a variety of languages.</p> <p>All officers are aware and can access a phone service to provide verbal translation. We also provide a translation booklet which offers translations in the 5 key languages identified in the area and we enclose this with all letters/schedules of work where appropriate.</p>	<p>Individual team impact assessments look at this issue as part of Customer Service Excellence</p>	

Appendix B - Assessing Equality – The Equality Act [Year]
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<p>3.5</p>	<p>Sexual orientation - identify the impact/potential impact of the policy on lesbians, gay, bisexual & heterosexual people</p>	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards to sexual orientation</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons sexual orientation.</p>	<p>LGBT community may experience harassment and 'hate crime' and be reluctant to come forward with complaints about their property conditions.</p> <p>Lack of knowledge or understanding or assumptions about sexual orientation may cause embarrassment leading to people being reluctant to access Council regulatory services</p> <p>Training and development of the team to be aware of sensitivities in this area are looked at in relation to appraisals and corporate equality training as well as any special team requirements</p>	
<p>3.6</p>	<p>Religion/belief – identify the impact/potential impact of the policy on people of different religious/faith groups and also upon those with no religion.</p>	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards to religion and belief</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons religion or belief.</p> <p>We show respect and flexibility for religious beliefs and festivals and try and</p>	<p>No specific issues identified</p>	

Appendix B - Assessing Equality – The Equality Act [Year] 2010 – Corporate Enforcement Policy

Page 194	<p>3.7</p> <p>Socio-economically disadvantaged – identify the impact on people who are disadvantaged due to factors like family background, educational attainment, neighbourhood, employment status can influence life chances</p>	<p>be aware of cultural differences.</p> <p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards to socio-economic</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons socio-economically circumstances</p> <p>We assist people where possible with completing any forms they need and explain things avoiding technical jargon.</p>	<p>These residents may be less of aware of the services we offer and how to approach us for information and guidance.</p> <p>Through the corporate customer service excellence accreditation each regulatory team looks at ensuring services are responsive to customer needs</p>	
	<p>3.8</p> <p>Gender reassignment</p>	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards to gender re-assignment</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons gender reassignment</p>	<p>No issues identified</p>	
	<p>3.9</p> <p>Pregnancy & Maternity</p>	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards to pregnancy and maternity</p>	<p>No issues identified</p>	

Appendix B - Assessing Equality – The Equality Act [Year]
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		Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons pregnancy and maternity circumstances	
3.10	Marriage & Civil partnerships	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards to marriage and civil partnership</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons marriage and civil partnership circumstances</p>	No issues identified
3.11	Human Rights	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards to human rights</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons human rights</p>	No issues identified

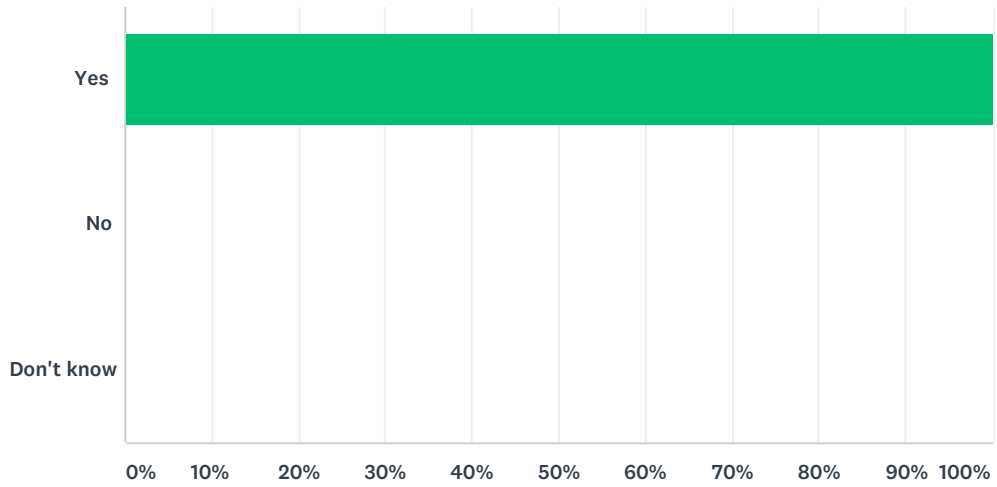
Page 199

No major change needed **Y** Adjust the policy **N** Adverse impact but continue **N/A** Stop and remove / reconsider policy **N**

Appendix B - Assessing Equality – The Equality Act [Year]
2010 – Corporate Enforcement Policy

Q1 Should there be a written policy explaining the Council's approach to enforcement?

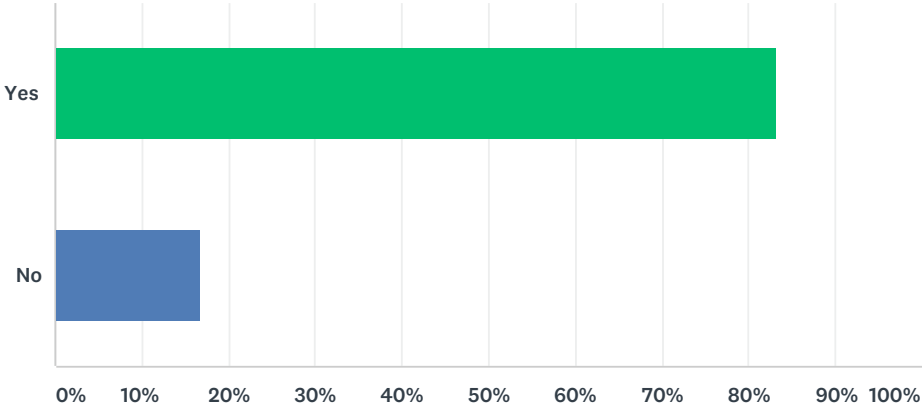
Answered: 6 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	100.00%	6
No	0.00%	0
Don't know	0.00%	0
TOTAL		6

Q2 Our Policy explains our different enforcement options. Are they clear to you?

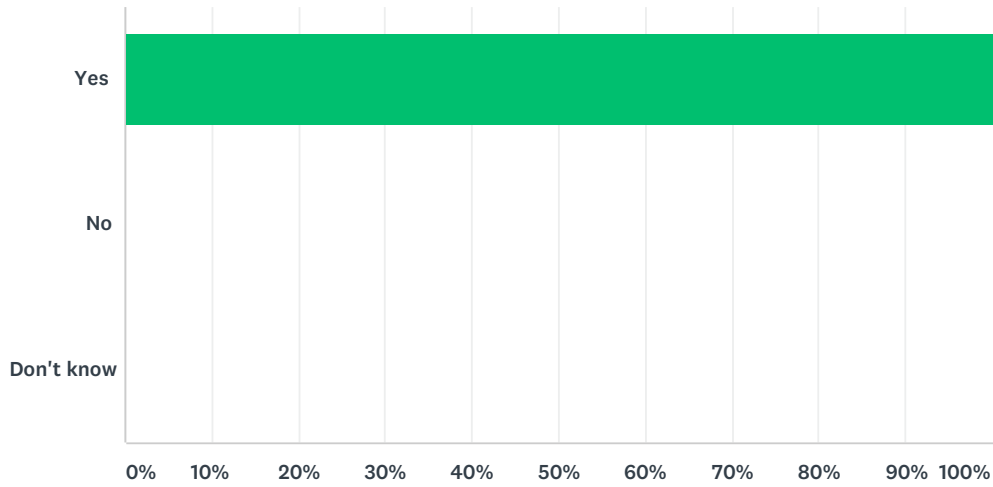
Answered: 6 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	83.33%	5
No	16.67%	1
TOTAL		6

Q3 Do you agree that enforcement should be used appropriately to address how serious the problem is?

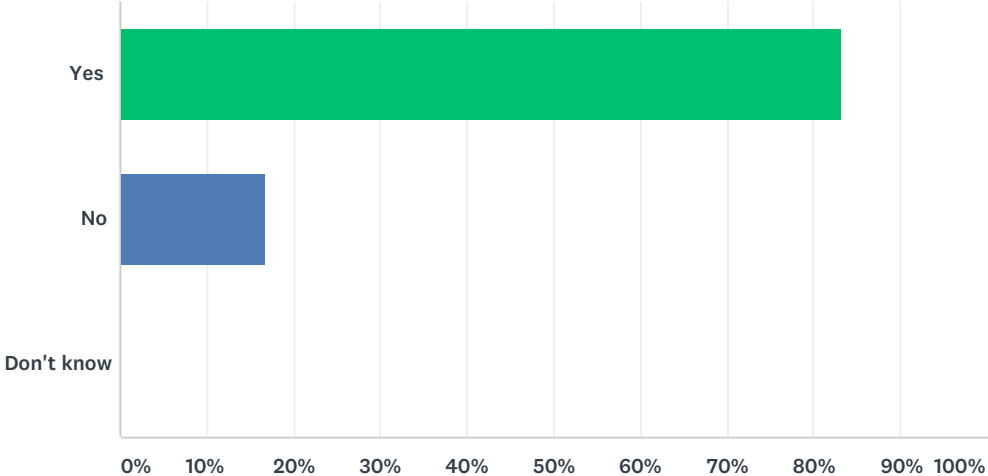
Answered: 6 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	100.00%	6
No	0.00%	0
Don't know	0.00%	0
TOTAL		6

Q4 Is it helpful to know when legal action may be taken?

Answered: 6 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	83.33%	5
No	16.67%	1
Don't know	0.00%	0
TOTAL		6

Agenda Item No:	12	
Committee:	COUNCIL	
Date:	19 JULY 2018	
Report Title:	Economic Development Update	

Cover sheet:

1. Purpose / Summary

- To consider an update on Economic Development activity in Fenland and endorse the Cabinet decision to enter into a shared Economic Development service arrangement with the Borough Council of King's Lynn & West Norfolk (BCKLWN).

2. Key issues

- Cabinet has considered a report (attached to this covering page) earlier today which seeks to create a shared Economic Development Service with neighbouring Local Authority, the Borough Council of King's Lynn & West Norfolk.
- As the proposal seeks to create a shared service with two Local Authorities working together, such arrangements are subject to Section 113 of the Local Government Act 1972 and require full Council approval.
- Cabinet recommends the report to Council.

3. Recommendations

- Council are hereby requested to agree and endorse the following recommendations:
 - To approve the proposal, previously approved by Cabinet, for Fenland District Council to enter into a shared Economic Development Service with the Borough Council of King's Lynn & West Norfolk and in accordance with the provisions of Section 113 (of the Local Government Act 1972)
 - To delegate authority to the Chief Executive, the Director of Growth & Infrastructure and the Director of Finance in consultation with the Leader and the Portfolio Holder for Growth and Portfolio Holder for Finance to finalise the agreement for an Economic Development shared service.

Wards Affected	All
Forward Plan Reference	
Portfolio Holder(s)	Cllr Chris Seaton – Leader Cllr David Mason –Portfolio Holder for Growth Cllr Mrs Ann Hay – Finance Portfolio Holder
Report Originator(s)	Gary Garford – Corporate Director (Growth & Infrastructure) Peter Carpenter - Corporate Director (Finance) Justin Wingfield – Corporate Director Business & Economy

Contact Officer(s)	Paul Medd – Chief Executive Gary Garford – Corporate Director (Growth & Infrastructure) Peter Carpenter - Corporate Director (Finance) Justin Wingfield – Head of Business & Economy
Background Paper(s)	

Agenda Item No:	7	
Committee:	CABINET	
Date:	19 JULY 2018	
Report Title:	Economic Development Update	

Cover sheet:

1. Purpose / Summary

- This report provides an update to Cabinet on Economic Development activity in Fenland and requests endorsement to enter into a shared Economic Development service arrangement with the Borough Council of King's Lynn & West Norfolk (BCKLWN).
- The report explains that the Council was previously engaged with Opportunity Peterborough (OP) who supported FDC's internal Economic Development resources.
- It is considered an appropriate time to move forward with FDC's ambitions to secure more and higher skilled job opportunities attract new business to the area and expand the existing support provided to Fenland businesses.
- Fenland shares a great deal in common with BCKLWN and a shared service would support an economic geography with a combined population of over 250,000, a combined Gross Value Added (GVA) of £5.1billion and over 10,500 existing businesses.
- The shared service will provide additional resources to meet gaps in FDC's existing Economic Development service and strengthen its business engagement activities and aftercare support. It will also support additional work required to attract and secure inward investment.

2. Key issues

- The Service Level Agreement with OP expired on 30 June 2018 and a review of potential future options and arrangements has been undertaken. Following that review, it was concluded that an Economic Development shared service with BCKLWN would be a preferred option.
- The shared service proposal would create a team of 6 (5.3 Full Time Equivalent (FTE)), significantly increasing access to resources and skills across the shared geography for significantly less than the cost than creating a similar 'standalone' service.
- The proposals will cost FDC approximately £43,000 p.a. but will provide a greatly enhanced and more proactive Economic Development Team. A financial provision to fund the £43,000 has already been included within the 2018/19 annual budget.
- The shared service would operate initially for a period 3 years with an annual break clause providing an opportunity to terminate or extend the arrangements if both parties agree that they remain effective and beneficial.

- It will be necessary to restructure FDC’s existing staffing establishment. This will include deleting the existing Economic Development Manager (currently vacant) and Economic Development Officer posts and the creation of two new FDC-employed posts: an FDC Account Manager 1FTE role and a Project Enabler (Intelligence) 1FTE role.
- The existing Economic Development Officer is employed 0.5 FTE for the Economic Development Team and 0.5 FTE working for the Leisure Services Team as a Tourism Officer.
- The proposals will therefore place the Economic Development Officer at risk of redundancy, although the proposed structure includes new full time roles.

3. Recommendations

- Cabinet Members are hereby requested to agree to the following recommendations:
 - To approve the proposal for Fenland District Council to enter into a shared Economic Development Service with the Borough Council of King’s Lynn & West Norfolk and in accordance with the provisions of Section 113 (of the Local Government Act 1972), to make such recommendations to full Council.
 - To delegate authority to the Chief Executive, the Director of Growth & Infrastructure and the Director of Finance in consultation with the Leader and the Portfolio Holder for Growth and Portfolio Holder for Finance to finalise the agreement for an Economic Development shared service.

Wards Affected	All
Forward Plan Reference	
Portfolio Holder(s)	Cllr Chris Seaton – Leader Cllr David Mason –Portfolio Holder for Growth Cllr Mrs Ann Hay – Finance Portfolio Holder
Report Originator(s)	Gary Garford – Corporate Director (Growth & Infrastructure) Peter Carpenter - Corporate Director (Finance) Justin Wingfield – Head of Business & Economy
Contact Officer(s)	Paul Medd – Chief Executive Gary Garford – Corporate Director (Growth & Infrastructure) Peter Carpenter - Corporate Director (Finance) Justin Wingfield – Head of Business & Economy
Background Paper(s)	

Report:

1. Background

- 1.1 The economic prosperity of the District remains a key cornerstone to delivering Fenland's growth aspirations. As a pro-growth authority, FDC has a significant pipeline of projects and future growth activity which is predicated on unlocking substantial housing growth already committed within our adopted Local Plan, allied to potential additional 12,000 new homes as part of the Wisbech Garden Town project, and securing investment into much needed and significantly improved road, rail and digital infrastructure.
- 1.2 To ensure that Fenland is an attractive place for people to live & work and to underpin sustainable growth, a proactive Economic Development service is essential to ensure that new businesses are attracted into the area and that effective support is provided to enable our existing businesses to grow. All of this contributes towards creating higher skilled and better paid employment opportunities, with a significant proportion of that wage growth, expenditure and additional Business Rate revenue being spent and generated within the district, directly contributing towards the economic prosperity cycle.
- 1.3 This report seeks to build upon the success of the Economic Development Team and to take a leap forward in proactively seizing opportunities to build economic prosperity through the creation of a shared Economic Development service between Fenland District Council (FDC) and the Borough Council of King's Lynn and West Norfolk (BCKLWN) to support an economic geography with a combined population of 251,800¹, combined Gross Value Added (GVA) of £5.1 billion² and over 10,500³ businesses.
- 1.4 Business growth and inward investment not only bring investment, jobs and skills benefits to the Fenland area but also the potential benefit of increase income directly to FDC via increased Council Tax revenue and NNDR income. As an example the following NNDR Fenland element can be achieved – Medium factory (£100,000), Warehouse (£75,000), retail (£50,000 - £350,000). This would be a welcome revenue income in these difficult public financial times.

2. Current Position

- 2.1 The Council's Business & Economy Team comprises the Valuation & Estates, Business Premises and Economic Development (ED) Teams. This report focuses on proposed changes which will affect the Economic Development Team only.
- 2.2 The Economic Development function was previously delivered in conjunction with Opportunity Peterborough (OP) by virtue of an annually renewable Service Level Agreement (SLA). The SLA expired on the 30 June 2018. The SLA had been in place for just over two years and it was considered timely to review the future arrangements regarding the delivery of the Economic Development within Fenland.
- 2.3 The current ED structure is shown at **Appendix 1** and comprises the vacant Economic Development Manager post – 1 FTE and the Economic Development Officer post – of which 0.5 FTE is attributed to Economic Development and 0.5 to tourism. Both posts are overseen by the Head of Business & Economy.
- 2.4 The OP SLA has helped to establish, rationalise and improve how resources are deployed to satisfy the ever-changing and ever-growing demands upon the service, although it is recognised that there are limitations on existing resources, not least

¹ ONS/NOMIS (2016)

² ONS/NOMIS (2016)

³ ONS/NOMIS – UK Business Counts 2017

because FDC's vacant ED Manager post (1 FTE) funded a matrix of different skills at OP which equated to only 0.6 FTE and created a total provision of just 1.1 FTE.

- 2.5 In the last 12 months it has become increasingly apparent that ED has grown in importance, particularly as Members recognise that with a reduction in core Council funding - investment; commercialisation and revenue creation (particularly Business rates growth & retention) are key tools to creating a sustainably funded Council. The creation of the Combined Authority, the emergence of a 'Business Board' from the GCGP LEP and the aspirational growth fuelled by the bold vision of FDC has resulted in a need to also review the scale and capacity of existing Economic Development Team to ensure it is able to meet the present and future need in Fenland.

3. Shared Service Proposal

- 3.1 In June 2017 Officers began to assess the various options for ED along with a review of additional resources likely to be required (which would apply to all options). The options and assessment were as follows:
- a) Continue with OP
 - b) Bring the service 'in-house'
 - c) Enter into a shared arrangement with another Local Authority
- 3.2 The shared arrangement option offered a more flexible and diverse approach, gave better staff cover and utilised both Council's skills and experience.
- 3.3 In July 2017, FDC Officers approached colleagues at the Borough Council of King's Lynn and West Norfolk (BCKLWN) to discuss the possibility of exploring and establishing a shared service between the two Councils. Following the initial engagement, Officers developed a proposal for a Shared Economic Development Service which would respond to the needs and seek to address existing shortfalls in provision for each Council. The proposal would enable both Council's to jointly deliver a shared Economic Development Service across the entire geography, sharing wider skills and resources at a significantly lesser cost than resourcing a single authority establishment.
- 3.4 It is important to underline that both parties share a series of commonalities and synergies between the economies of the two districts and the priorities of both Councils'. **Appendix 2** illustrates the significance of key socio-economic indicators that the combined geography includes. In addition, the two Councils were members of the Greater Cambridge Greater Peterborough LEP and are members of the emerging Combined Authority 'Business Board', which provides further common ground.
- 3.5 In preparing the proposal, the first things considered were the functions (scope) that the shared service would perform based on FDC's needs and aspirations and BCKLWN's existing gaps in provision. The structure of the proposed shared service was then built around these requirements, which include:
- Business engagement, support & relationship management;
 - Inward investment, including digital marketing and LEP/Business Board liaison;
 - Aftercare programme, business closure & redundancy/redeployment assistance;
 - Funding support for businesses – signposting, pro-active support;
 - Project pipeline – developing projects that enable / unlock business and economic growth (possibility to include infrastructure, regeneration and housing, if needed / desired);
 - Business networking & event management.
- 3.6 The structure of the shared service is crucial to meeting the demands and needs of the Economic Development service and providing sufficient resources to address demand

and proactively pursue opportunities. The proposed structure includes new roles for Inward Investment & Intelligence (including funding), supported by additional Administrative support providing improved social media and networking support and will comprise six posts (existing and new posts) equating to 5.3 FTE and the proposed structure is attached at **Appendix 3**

- 3.7 The day-to-day shared service delivery will be overseen by the Head of Shared Service who is employed by BCKLWN and is highly respected and vastly experienced - also being responsible for Heritage & Tourism services within BCKLWN. FDC's Head of Business & Economy will provide strategic direction and client side management for FDC, ensuring that FDC's demands are met and aspirations are acted upon. The key responsibilities of each shared service post will be developed into full Job Descriptions and Person Specifications and agreed/approved by FDC's Staff Committee which will be scheduled within the next two months.
- 3.8 The shared service would operate initially for a period 3 years with an annual break clause, to provide the parties with an opportunity to terminate, but would provide the opportunity to extend the arrangements if both parties agree that they remain effective and beneficial. It is intended that a minimum of 3 years is adopted to ensure that relationships can be established and to allow time for such new arrangements to 'bed in'.
- 3.9 To ensure the shared service remains agile but with clear connectivity to the respective partner's geography, the proposal includes a combination of FDC & BCKLWN based staff and mobile staff that share / move between both locations. It is proposed that staff will be accommodated within existing office accommodation at no additional cost to either partner and facilities exist for permanent and 'touch down' office accommodation.
- 3.10 BCKLWN's ED Team make much greater use of cloud based technologies that enables file sharing, editing and commenting from anywhere with Wi-fi / data connectivity. The use of cloud-based applications will further underpin agile and flexible working practices. At this time FDC would need to expand its mobile operating practices to align with the established BCKLWN system, although it is expected that this could be easily achieved at a reasonable cost (the costs of which are to be confirmed).
- 3.11 An appropriate and proportionate performance management framework, with suitable indicators/reporting will be established, which seeks to reflect the best practice and ensures that stakeholders understand the nature of reporting and the often 'slow burn' nature of Economic Development outcomes, but also demonstrates the value of the shared service to the respective partners.

4. Benefits of the Shared Service

The shared service will deliver the following benefits to Fenland:

- Provide a dedicated FDC-employed, full time Account Manager to build strong relationships and increase business engagement activity with potentially c.200-225 employers across Fenland, with particular focus our major employers;
- Build upon existing success and compliment this with access to dedicated support and expertise from a successful Economic Development Team at BCKLWN;
- Provides a dedicated resource to prepare funding bids for FDC projects and offer grant advice to support local businesses access business grants, including bid auditing, which will represent a significant improvement over the signposting support currently offered;
- Provides a dedicated resource to undertake pro-active and targeted digital marketing to promote the area for inward investment (97% of all enquiries start online) and will be complimentary towards other business support services within FDC, Business Premises, Licencing, Planning, etc;

- Offers the opportunities to seek support and develop business cases for the LEP and Combined Authority for key initiatives, including infrastructure and skills, which are identified as critical issues for the businesses;
- Stronger voice in dealings with the LEP/‘Business Board’, as it will represent an area with approximately double the number of businesses and GVA;
- Provides strength to lobby for improvements and investment from the Combined Authority and central Government on collective issues and barriers affecting the shared geography;
- Stronger evidence base and rationale (approx. double the GVA and business base) when bidding for external funding.
- The outcomes this should lead to include expanding business growth, increased inward investment, more jobs and enhanced skills, increased local spend and NNDR business rate income for the Council.

5. FDC Staffing Considerations

- 5.1 As outlined above and in **Appendix 1 & 3**, the shared service proposal will seek to restructure FDC’s existing staffing establishment. This will include deleting the existing Economic Development Manager (currently vacant) and Economic Development Officer posts and the creation of two new FDC-employed posts: an FDC Account Manager 1FTE role and a Project Enabler (Intelligence) 1FTE role.
- 5.2 The existing Economic Development Officer is employed 0.5 FTE for the Economic Development Team and 0.5 FTE working for the Leisure Services Team as a Tourism Officer. The proposals will therefore place the Economic Development Officer at risk of redundancy, although the proposed structure includes the creation of new full time roles. It is understood that Leisure Services are also considering possible changes around Tourism resources but that will be dealt with separately.
- 5.3 It is proposed that the creation and deletion of FDC posts related to the shared service proposal will be agreed/approved by FDC’s Staff Committee which will take place within the next two months.

6. Member Engagement

- 6.1 As part of the process to bring the shared service proposal forward, the proposition was presented to an All Member Seminar on 29 March 2018 and the proposals have been considered by the Overview & Scrutiny Panel at their meeting on the 2 May 2018. The Overview & Scrutiny Panel provided constructive feedback regarding the need to ensure a robust series of justifiable and evidence-based performance indicators. Such indicators need to ensure that the investment made and resources deployed are being used effectively and are positively influencing outcomes and outputs.
- 6.2 The Overview & Scrutiny Panel are keen to review such performance measures once they are established to ensure their effectiveness. The panel also went on to recognise some observations that Fenland District Council have not been as effective as some other Local Authorities with respect to assisting local businesses to access grant funding. Officers recognise that existing resources are spread very thinly and that the proposed shared service seeks to create a role that is responsible for identifying and sharing grant opportunities and assisting local businesses through the application process.
- 6.3 In addition to the helpful advice and recommendations made by the Overview and Scrutiny Panel, the Chairman of the Panel has been invited to meet with the Portfolio Holder for Growth and senior Officers to discuss establishing an appropriate set of performance measures that can be suitably scrutinised and reflect the demands and needs of the service and Fenland.

6.4 Following the deferment of this matter from May's Cabinet and Council Members raised comments and observations with the Portfolio Holder for Growth which Officers were asked to respond to. The questions and responses are included as **Appendix 4** – ED Shared Service Update No.1. In addition to the initial comments and questions further clarification around the proposals was requested by the Portfolio Holder for Growth and an additional note was prepared - ED Shared Service Update No.2 and is included as **Appendix 5**.

7. Financial Considerations

7.1 The shared service proposal will result in an additional annual cost of approximately £43,000 p.a. for FDC and a similar level of investment will be required by BCKLWN. This investment will increase FDC's existing staffing establishment from 1.5FTE to 2FTE and enabling access to a combined team of 5.3 FTE. The shared service will require a balancing payment to be made to ensure the shared service is funded on an equal 50:50 basis.

7.2 The additional resourcing of £43,000 has already been allocated within the approved Council budget for 2018/19 and therefore does not need to be identified from elsewhere.

7.3 There will be a requirement to invest in some limited ICT hardware and software to enable FDC-employed officers to access the established cloud-based systems currently utilised by BCKLWN, the costs are to be confirmed but will be met from existing revenue budget provision.

8. Next Steps & Recommendations

8.1 As the SLA with Opportunity Peterborough expired on 30 June 2018, Officers consider that the proposed shared service between FDC & BCKLWN would create a service that is best placed to meet the growth needs and support the economic prosperity of the respective Districts, whilst pooling resources and expertise with BCKLWN will enable Fenland to create an economic area comparable to Peterborough or Cambridge in terms of GVA, population and numbers of businesses.

8.2 It is considered that the additional £43,000 p.a. required to fund FDC's contribution can be recovered many times over, from the economic activity it stimulates and supports within Fenland and across the combined geography. Working with OP has proven how authorities' representing different areas can work together and avoid competition with each other. Recognising that both parties to this shared service proposal have much more in common than what separates them, growth stimulated anywhere within the wider geography will create economic prosperity both Districts can enjoy – after all, businesses do not stop at administrative boundaries.

8.3 The proposal for an initial 3 year arrangement will allow sufficient time to establish the possible and build on existing work, but along with the annual break clause, will provide the parties with sufficient comfort that they can go their own way if necessary, which it is anticipated, will not be necessary.

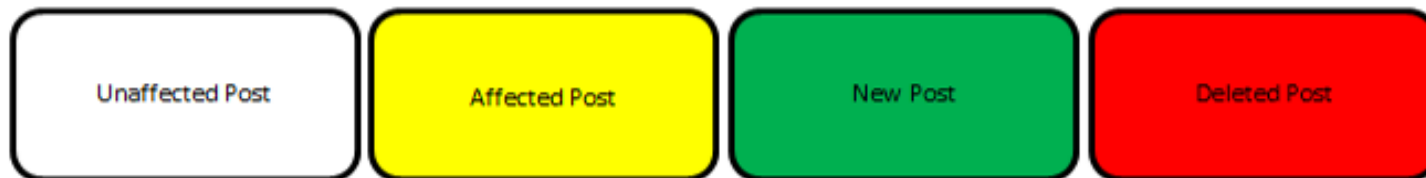
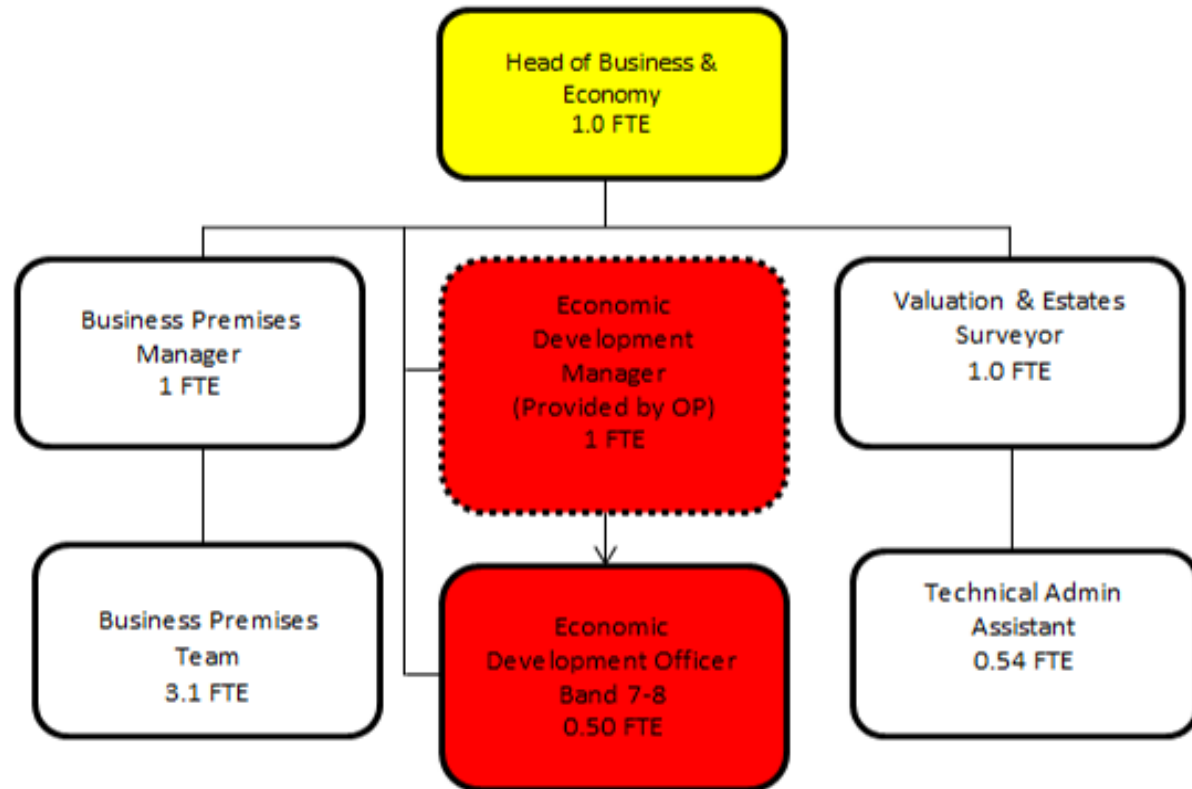
8.4 As the proposal seeks to create a shared service with two Local Authorities working together, such arrangements are subject to Section 113 of the Local Government Act 1972 and require full Council approval.

8.5 Cabinet Members are hereby requested to agree to the following recommendations:

- To approve the proposal for Fenland District Council to enter into a shared Economic Development Service with the Borough Council of King's Lynn & West Norfolk and in accordance with the provisions of Section 113 (of the Local Government Act 1972), to make such recommendations to full Council.
- To delegate authority to the Chief Executive, the Director of Growth & Infrastructure and the Director of Finance in consultation with the Leader and the Portfolio Holder for

Growth and Portfolio Holder for Finance to finalise the agreement for an Economic Development shared service.

Appendix 1 – Existing Economic Development Structure



Appendix 2 – Key socio-economic indicators

Gross Added Value (GVA) (Income approach) – ONS 2016

The GVA of Fenland's economy is £2.23 billion and West Norfolk's is £2.87 billion giving a combined figure of £5.10 billion for the economic geography covered by the two local authorities.

Table 1 shows that the combined GVA of Fenland and West Norfolk is similar to Cambridge's and Peterborough's, higher than Norwich's and one fifth of the Cambridgeshire and Peterborough Combined Authority's GVA.

Table 1

West Norfolk + Fenland	Peterborough	Cambridge	Norwich	CA
£5.10bn	£5.38bn	£5.91bn	£3.9bn	£24.21bn

Number of businesses – UK Business Counts 2017

The number of businesses (local units) in Fenland is 4,140 whereas West Norfolk has 6,415 businesses, giving a combined 10,555 across the two economies.

In terms of number of businesses (local units), West Norfolk is similar to Cambridge and Norwich and the combined areas of West Norfolk and Fenland count for a quarter of all businesses within the Combined Authority (Table 2).

Table 2

West Norfolk + Fenland	Peterborough	Cambridge	Norwich	CA
10,555	8,400	6,670	6,200	41,650

In terms of economic sectors, the two economies are very similar with agri-food, manufacturing and transport & distribution being the main contributors to the overall GVA.

Population – ONS 2016

West Norfolk – 151,600

Fenland – 100,200

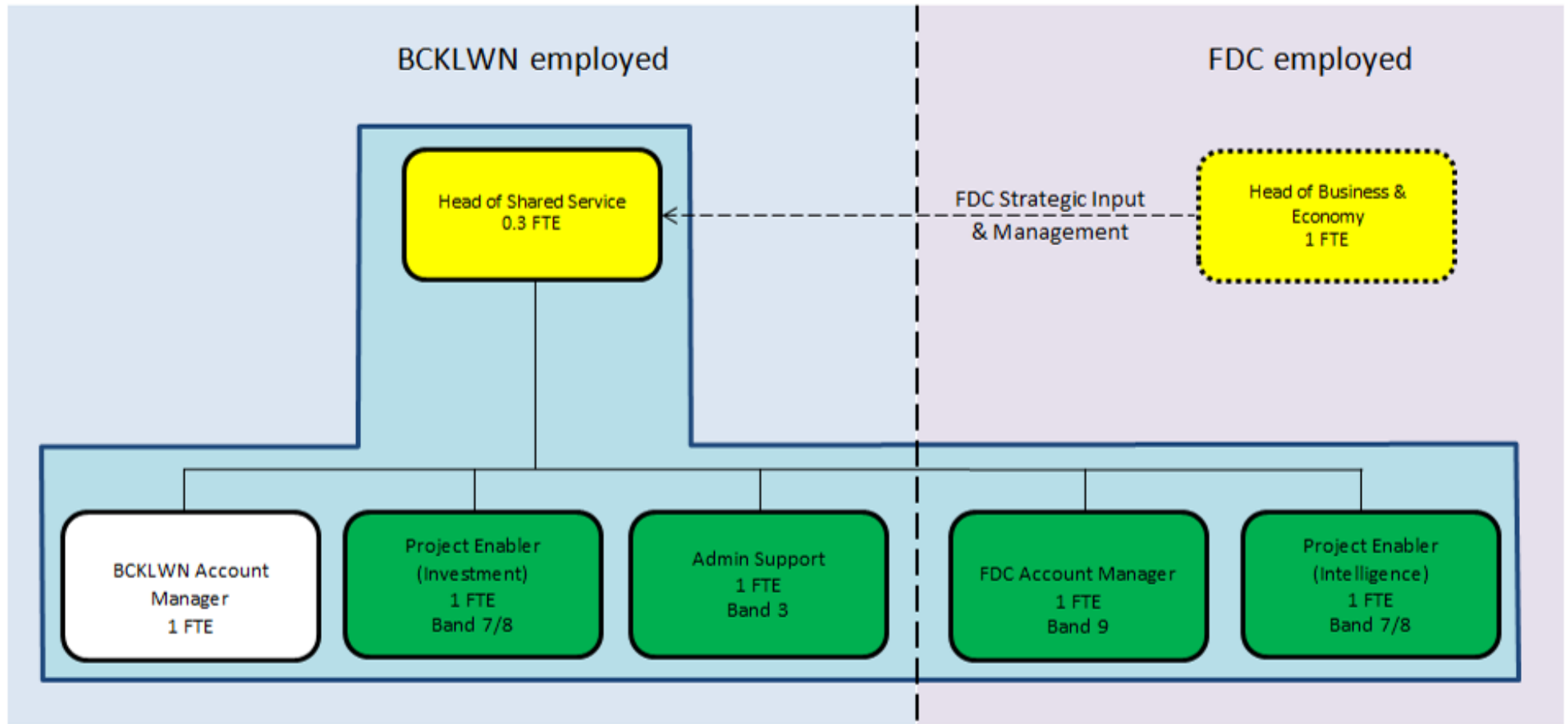
Combined – 251,800

The combined population of West Norfolk and Fenland is approximately the same with the combined population of Cambridge and Peterborough and represents one third of the population of the Combined Authority (Table 3).

Table 3

West Norfolk + Fenland	Peterborough	Cambridge	Norwich	CA
251,800	156,407	108,113	141,000	849,000

Appendix 3 – Shared Economic Development Team Structure



Appendix 4 – ED Shared Service Update no.1

Economic Development - Shared Service Update No.1

25 June 2018

This update has been prepared in response to questions raised by Members following the deferment of the original Cabinet and Council decision in May 2018.

Here follows the summary questions from Members and responses prepared by Officers:

1. Concern about the £43,000 additional revenue funding.

The current ED service has been reduced over the years as part of the Council's response to the Government's austerity programme. Given the importance of the Economic Growth priority within the Council's business plan and the Government's proposed introduction of local business rate retention as a vital future revenue stream for the Council an increase in resource is proposed, which is common to all the proposed options in the report.

The BCKLWN option provided an effective proposition that increases our existing staff establishment from 1.5 to 2 FTE and enabled access to a combined team of 5.3 FTE for the additional cost of £43000.

This additional cost was recognised in our forward revenue budget setting earlier in the year and has been included in our currently agreed base budget from 2028/19.

2. Benefits unclear.

The initial idea for reviewing the team emanated from the earlier O and S meeting involving the GCGP LEP where it was highlighted that FDC could better engage with local business and also help with grant identification and applications for known funding from the LEP (now the CPCA Business Board).

Officers explored best practice and determined that BCKLWN had a good track record in these areas so was a suitable organisation to partner with.

As outlined in the report the shared service will deliver the following benefits to Fenland:

- Provide a dedicated full time Account Manager to build strong relationships and increase business engagement activity with potentially c.200-225 employers across Fenland, with particular focus on establishing a 'relationship management' approach with our major employers. Build upon existing success and compliment this with access to dedicated support and expertise from a successful Economic Development Team at BCKLWN.
- Provides a dedicated resource to prepare funding bids for FDC projects and offer grant advice to support local businesses access grants, including bid auditing, which will represent a significant improvement over the signposting support currently offered.
- Provides a dedicated resource to undertake pro-active and targeted digital marketing to promote the area for inward investment (97% of all enquiries start online) and will be complimentary towards other business support services within FDC, Business Premises, Licencing, Planning, etc.
- Offers the opportunities to seek support and develop business cases for the Business Board and Combined Authority for key initiatives, including infrastructure

and skills, which are identified as critical issues for the businesses, along with Market Town masterplans under the Growing Fenland banner.

- Stronger voice in dealings with the Business Board and CPCA, as it will represent an area with approximately double the number of businesses and GVA, comparable with the economic area of Peterborough and representing over 250,000 people and over 10,500 businesses (significantly more than those represented by either Cambridge or Peterborough).
- Provides strength to lobby for improvements and investment from the Government on collective issues and barriers affecting the shared geography;
- The objectives of this proposal include expanding business growth, increased inward investment, more jobs and enhanced skills, increased local spend and NNDR business rate income for the Council.

There is not only investment, jobs and skills benefits to the Fenland area following business growth and inward investment but also the potential benefit of increased inward investment can increase income directly to FDC via NNDR income.

As examples the following NNDR Fenland element can be achieved – Medium factory (£100,000), Warehouse (£75,000), retail (£50,000 - £350,000). This would be a welcome annual revenue income in these difficult public financial times and would compensate for the additional staff investment.

3. Have we considered other Councils, including East Cambs?

Several options were considered, however it was seen as important to share a service with a similar economic and social area, for which BCKLWN was the most aligned in terms of its agri-food based economy and its challenges around connectivity, deprivation and migrant working etc.

The District in South Cambridgeshire looks towards Cambridge and has a different economy, plus it was felt important to share with an adjacent Authority. The City Councils have a different focus on the economy that is not necessarily aligned to the rural district.

A key driver was that Fenlands economy in the main looks east and west not south toward Cambridge, which leads to the fundamental connectivity driver for the District of an upgrade A47 economic corridor. The dualling of the A47 from Peterborough to Fenland and King's Lynn and onto the East coast would transform the economic fortunes of the area.

This was another reason that increased close working with BCKLWN has benefits as both authorities are key advocates on the A47 Alliance promoting improvements to the A47 corridor.

This essential highway connectivity is complemented by the additional rail connectivity proposals southwards provided by the Wisbech to Cambridge train line along with the Fenland railway station improvement programme.

In terms of East Cambs DC, they have confirmed a limited Economic Development capacity or specialism and are unable to offer the matrix approach proposed by BCKLWN.

Seeking to create a shared service with BCKLWN does not preclude working with other Council partners to further exploit opportunities. It is also vital to recognise that businesses do not see administrative boundaries as barriers to trade and growth.

The shared service aims to establish a robust and effective resource working for the benefit of both Fenland & BCKLWN at a localised level and the Eastern region at a macro level.

4. PCC Shared Planning not working.

The shared Planning service with Peterborough City Council consists of 2 officers; Shared of Head of Planning and Technical Team Manager. This enabled the Council to make £137,000 of savings per annum. The Planning Team are exceeding national performance targets for the determination of planning applications. The Leader and Portfolio Holder have requested that we invite the Planning Advisory Service to the Council to review the Planning Service. This will take place in summer 2018 with a resulting action plan to deliver any suggested improvements. Members are encouraged to participate in this review.

5. Proposals linked to a suggested Waste to Energy plant (incinerator) in Wisbech.

The proposal for partnering with BCKLWN has no links whatsoever with the suggested Waste to Energy plant (incinerator) in Wisbech. It is understood in the past that a Waste to Energy plant was proposed for King's Lynn and promoted by Norfolk County Council but vehemently objected to by BCKLWN. Any such proposals for a Wisbech plant would be considered by CCC as Waste Authority and would involve extensive stakeholder (including FDC) and community consultation.

Appendix 5 – ED Shared Service Update no.2

Economic Development - Shared Service Update No.2

10 July 2018

This update has been prepared in response to a request from Members for additional information regarding the proposed shared service arrangement with the Borough Council of King's Lynn & West Norfolk.

Here follows a summary of information prepared by Officers:

Aims

- As you will all appreciate Economic Development (ED) is essential to support the prosperity & growth of the District. This is evident from our pro-growth Business Plan 2018-21;
- Placing reliance upon ED, Members were keen that sufficient resources were committed to underpin such growth and take a more proactive approach to existing business engagement and inward investment. Under the previous Leadership, Senior Members endorsed a review of the existing Economic Development arrangements;
- The purpose of the Cabinet report and the recommendations I intend to make to Council are as a result of a review of the options for increasing the effectiveness of the Council's Economic Development activity in delivering our Economy priority.

Background

- As you will be aware, over the last two years Economic Development in Fenland has been supplemented by a Service Level Agreement with Opportunity Peterborough (OP) which only provided an additional **0.6 FTE** to Fenland's existing **0.5 FTE** employed staffing (**Total 1.1FTE**);
- The OP agreement was via a 'commissioned service' (i.e. a contracted service) approach rather than as a shared service and it provided a matrix of support;
- The OP relationship was only ever intended to be a short term solution following the departure of the previous FDC Economic Development Manager;
- A review of the arrangements with OP and potential alternative options commenced in July 2017, with the aim of providing a seamless transition to coincide with the expiry of the OP agreement on 30 June 2018.

Proposal

- Members recognised that to do more it was essential that sufficient resources were made available to deliver the ambitious growth plans and the intended proactive approach.
- Reflecting upon this Member-led approach, Officers were requested to shape a delivery structure that meets the needs of Member objectives;
- Officers researched and considered the most practical options available, also taking into account our financial constraints:
 - Continue with OP;
 - Bring the service in-house;
 - Enter into a shared arrangement with another LA.
- The review concluded (and the report details this) that the most effective and cost-efficient solution would be to enter into a true **shared service arrangement** with the Borough Council of King's Lynn & West Norfolk;

- The shared service with BCKLWN would enable the pooling of existing resources and the investment into additional shared resources which could be used to a far greater effect, in total creating a combined team of **5.3FTE**.
- Under the proposal the day-to-day shared service delivery will be overseen by the Head of Shared Service (employed by BCKLWN), with FDC's Head of Business & Economy providing strategic direction and client-side management for FDC.

Finance

- The review identified that in order to deliver an effective service additional resources would be required and in turn, sufficient funding in order to pay for the service;
- The existing establishment cost of the Economic Development Service to FDC is **£69,820**, per annum which comprises:- 1FTE Economic Development Manager post (£47,000 p.a. – which previously funded OP); and 0.5FTE Economic Development Officer (Tourism) post (Economic Development funded - £22,820);
- The shared service proposal will result in an additional annual cost of approximately **£43,000** p.a. for FDC and this has already been approved and included within the budget provision;
- The shared service will create and enable access to **a combined team of 5.3 FTE** covering the combined geography and will allow for agile working and cloud based file sharing and storage;
- The proposal will require a total financial commitment for staffing establishment of **£112,820** (£69,820 existing + £43,000 additional), which **will fund 2 no directly employed FDC staff members** and will contribute towards the cost of **access to 3no. BCKLWN employed staff members**.
- The BCKLWN has also decided that ED in its area needs further investment, so it has taken this shared service opportunity as the springboard to launch such and commit to a similar additional amount of investment (£51,000) to FDC investment (£43,000).
- **The estimated cost a total shared ED team will equate to approx. £230,000, which is fit for purpose to deliver our combined ED ask.**


Structure	Employed	FDC Cost	BCKLWN Structure
Existing FDC establishment	1.5FTE (FDC-employed)	£69,820	Existing establishment 1.5 FTE – Head of Service (0.5) plus Account Manager
Proposed FDC establishment	2.0FTE (FDC-employed)	£89,000 (approx.)	Proposed 3.0 FTE (KLNW employed)
Access to shared service establishment	5.3FTE (2.0FTE FDC)	£112,820 (inc. FDC contribution to BCKLWN – employed shared establishment)	

- **The shared service proposals results in 2 FDC employed staff based at FH and access to 3 KLWN employed staff along with guidance from a qualified ED Head of Service. All staff will be mobile and work as a when specific activities dictate.**
- The other alternative to the shared service would be to employ a FDC in-house ED team. This would need further thought but indicatively would consist of 3 ED FTEs and an admin support FTE. The estimated costs would be **£180,000**.
- This option would not necessarily give the breadth of skills available from the shared service option and would increase our costs by **£67,000** above the current £112,820.

Notes

- Members will be aware that FDC has been on a transformative journey, particularly as a result of the austerity and there has been a continued effort to reduce operational costs and provide high quality front-line services;
- In this instance Senior Members feel that the right option is to increase the establishment and costs by a modest amount to maximise the effectiveness of the ED service;
- FDC currently have shared service arrangements with other Council's and shared staff working in Planning, Payroll, Internal Audit, Health & Safety, Anglia Revenues Partnership and CNC Building Control;
- A shared service with BCKLWN also includes sufficiently flexibility for both parties to terminate or extend as necessary and FDC will not be locked into a long term arrangement which might adversely impact its service delivery.
- In terms of performance measures, I would suggest that these are jointly developed with input from the Chairman of O and S going forward.

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Agenda Item No:	13	
Committee:	Council	
Date:	19 July 2018	
Report Title:	Appointment of Acting Monitoring Officer and Notification of Acting Deputy Monitoring Officer	

1 Purpose / Summary

- To approve the appointment of Amy Brown, Senior Solicitor, Peterborough City Council as the Council's Acting Monitoring Officer, with effect from 31 August 2018, to cover a period of maternity leave.
- To note the appointment of Anna Goodall, Head of Governance and Customer Services, as Acting Deputy Monitoring Officer for the Council, with effect from 31 August 2018 during the period in which Amy Brown is Acting Monitoring Officer.


2 Key issues

- The Monitoring Officer is a statutory appointment pursuant to Section 5 of the Local Government and Housing Act 1989. The officer may not be the Head of Paid Service or the Chief Finance Officer.
- In general terms, the duties of the Monitoring Officer is to report to the authority any proposal, decision or omission by the authority which have given rise to or is likely to give rise to contravention of any law, any code of practice or of any maladministration or injustice.
- Carol Pilson, Corporate Director is the Council's Monitoring Officer and will be commencing a period of maternity leave from 31 August 2018. To ensure adequate coverage for the Monitoring Officer role it is suggested Amy Brown, Senior Solicitor, Peterborough City Council fulfils the role of Acting Monitoring Officer during this period of maternity leave.
- Amy is currently Deputy Monitoring Officer at Peterborough City Council and therefore has a wide range of knowledge and experience of governance, code of conduct and constitutional matters. Amy has regularly supported FDC through the service level agreement we have with Peterborough City Council for the provision of legal advice therefore Amy is already familiar with the organisation, its culture and its aims and objectives. Amy will be on site at FDC offices 3 days per week but will operate flexibly to meet the needs of the Council.
- Further to section 2.3 of Article 12 of the Constitution the Monitoring Officer may designate another officer to deputise in their absence. During the period, Amy Brown is the Council's Acting Monitoring Officer (if agreed); Carol Pilson has designated Anna Goodall, Head of Governance and Customer Services as Acting Deputy Monitoring Officer for the Council. Fiona McMillan will continue as Deputy Monitoring Officer as notified to Council in February 2018. This is to ensure the effective delivery of the Monitoring Officer functions should any conflicts of interest arise.

3 Recommendations

- For Council to approve the appointment of Amy Brown, Senior Solicitor, Peterborough City Council as the Acting Monitoring Officer for the Council, with effect from 31 August 2018, to cover a period of maternity leave. These arrangements will come into effect from 31 August 2018, unless the maternity leave date is required to commence before this point, which will require these arrangements to commence with immediate effect.
- To approve that Fenland District Council enter into a Section 113 (of the Local Government Act 1972) agreement for the Acting Monitoring Officer to be able to carry out their duties.
- For Council to note the appointment of Anna Goodall, Head of Governance and Customer Services, as Acting Deputy Monitoring Officer for the Council with effect from 31 August 2018 (or earlier as outlined above) during the period in which Amy Brown is Acting Monitoring Officer.

Wards Affected	ALL
Forward Plan Reference	N/A
Portfolio Holder	Cllr Chris Seaton, Leader of the Council
Report Originator	Paul Medd, Chief Executive Carol Pilson, Corporate Director and Monitoring Officer
Contact Officers	Paul Medd, Chief Executive 01354 622202, paulmedd@fenland.gov.uk Carol Pilson, Corporate Director and Monitoring Officer 01354 622360, cpilson@fenland.gov.uk
Background Papers	Section 5 Local Government and Housing Act 1989 Functions and Responsibilities (Amendment) Regs 2001 Constitution

Agenda Item No:	14	
Committee:	Council	
Date:	19 July 2018	
Report Title:	Membership of Committees, Panels and Outside Bodies	

1 Purpose / Summary

There have recently been some changes to the political groups within the Council and as a result it is important to reflect those changes in the Committees and Outside Bodies requiring political representation. The rules governing political proportionality are utilised to allocate the seats for the political groups.

2 Key issues

- The Committees and Panels which are to be established for the municipal year 2018-19 were agreed by Annual Council in May 2018. Annual Council also agreed the political proportionality for those committees and panels.
- Since the Annual Council meeting there have been some changes to the political make up of Council, which needs to be reflected in the political proportionality of Committees and panels.
- The rules relating to political proportionality in relation to membership of committees are set out in the Local Government and Housing Act 1989 and the supporting regulations.
- To accommodate all political groups' entitlement to seats on Committees, it is necessary to increase the number of seats on O&S from 11 to 12.
- In addition to the political proportionality changes there is also a new Outside Body which requires political representation, namely The March Area Transport Study Group which requires two representatives

3 Recommendations

- To increase the number of Members on Overview and Scrutiny from 11 to 12 to accommodate all political groups' entitlement to seats on Committees.
- To adopt the schedule of political allocations set out in the appendices.

Wards Affected	All
Forward Plan Reference	NA
Portfolio Holder(s)	Councillor Chris Seaton, Leader of the Council
Report Originator(s)	Carol Pilson - Corporate Director and Monitoring Officer Anna Goodall - Head of Governance and Legal Services

Contact Officer(s)	Paul Medd- Chief Executive paulmedd@fenland.gov.uk 01354 622202 Carol Pilson - Corporate Director and Monitoring Officer cpilson@fenland.gov.uk 01354 622360 Anna Goodall - Head of Governance and Legal Services agoodall@fenland.gov.uk 01354 622357
Background Paper(s)	Constitution

4 Background / introduction

4.1 Council set out the Committees and Panels which are to be established for the current municipal year at the Annual Council meeting. Since that meeting the makeup of political groups has changed which needs to be reflected in the political proportionality of the established committees and panels. The same proportionality rules apply to Outside Bodies, when more than 2 representatives are required.

5 Considerations

5.1 The rules relating to political proportionality in relation to membership of committees are set out in the Local Government and Housing Act 1989 and the supporting regulations.

5.2 For the purposes of the regulations a political group must consist of two or more members who have signed a declaration to that effect.

5.3 Where one or more groups exists the relative proportions of the groups should be used in allocating seats on committees/outside bodies.

5.4 The distribution of the 39 current members of the Council within the group structures is:

Conservative	33	87%
Liberal Democrat	3	8%
Truly Independent	2	5%
Unaligned	1	

5.5 It should be noted that political groups can appoint members who are not aligned to a political group, or indeed aligned to another group to seats allocated to them under the political proportionality rules for both committees and panels and outside bodies.

6 Committees and Panels

6.1 Cabinet is exempt from the requirements of political proportionality, and its membership is determined by the Leader of the Council in accordance with Article 7.

6.2 The Tables laid out in the appendices to this report set out the standing committees of the Council and outside bodies and the allocation of the seats to political groups.

7 Outside Bodies

7.1 The changes to political groups will also result in changes to the allocation of seats on Outside Bodies.

Appendix A - Allocation of seats on Committees & Panels

Committee	Membership	Political Apportionment
Overview and Scrutiny	<p>Up to 12 members of the Council (none of which may be part of the Cabinet)</p> <p>Appointment: Chairman Vice Chairman</p>	<p>10 to Conservative Group 1 to The Liberal Democrat Group 1 to the Truly Independent Group</p> <p>To the Conservative Group To the Conservative Group</p>
Planning Committee	<p>Up to 15 members of the Council. No more than three of which can be members of the Cabinet.</p> <p>Each political group can appoint up to 4 substitute members</p> <p>Appointment: Chairman Vice Chairman</p>	<p>13 to Conservative Group 1 to The Liberal Democrat Group 1 to The Truly Independent Group</p> <p>To the Conservative Group To the Conservative Group</p>
Licensing Committee (Licensing Act 2003)	<p>Up to 12 members of the Council.</p> <p>The same Members are to be appointed for the Licensing Act 2003 Committee and the Non Licensing Act 2003 Committee.</p> <p>Appointment: Chairman Vice Chairman</p>	<p>10 to the Conservative Group 1 to The Liberal Democrat Group 1 to The Truly Independent Group</p> <p>To the Conservative Group To the Conservative Group</p>

Committee	Membership	Political Apportionment
<p>Staff Committee</p>	<p>8 members of the Council to be formed from:</p> <p>3 members of Cabinet, one of which is to be the portfolio holder with responsibility for Finance.</p> <p>3 members of any Overview and Scrutiny panel</p> <p>2 Backbench members</p> <p>Appointment: Chairman Vice Chairman</p> <p>The Chairman may be a member of Cabinet</p>	<p>7 to the Conservative Group 1 to The Liberal Democrat Group</p> <p>To the Conservative Group To the Conservative Group</p>
<p>Corporate Governance Committee</p>	<p>Up to 9 members of the Council to be formed from:</p> <p>Up to 3 members of Cabinet not including the portfolio holder responsible for finance</p> <p>Up to 3 members drawn from the Overview and Scrutiny panel</p> <p>3 Backbench members</p> <p>Appointment: Chairman Vice Chairman</p> <p>The Chairman may be a Member of Cabinet or Overview and Scrutiny</p>	<p>8 to Conservative Group 1 to The Liberal Democrat Group</p> <p>To the Conservative Group To the Conservative Group</p>

Committee	Membership	Political Apportionment
<p>Conduct Committee</p>	<p>Up to 5 Members of the Council</p> <p>Appointment: Chairman Vice Chairman</p> <p>The Committee may also appoint itself up to two members of Town or Parish Councils to assist its work.</p> <p>Three additional substitute members to be appointed</p> <p>Independent Person: Deputy Independent Person:</p>	<p>4 to Conservative Group 1 to unaligned member</p> <p>To the Conservative Group To the Conservative Group</p> <p>Currently: Councillor Andrew Donnelly and Councillor Nigel Russell</p> <p>2 to Conservative Group 1 to Truly Independent or Liberal Democrats</p> <p>Tina Gambell Claire Hawden-Beal</p>
<p>Appointments Panel</p>	<p>Up to 7 members and not less than 3 nominated by the Leader to reflect political proportionality</p> <p>Appointment: Chairman Vice Chairman</p>	<p>6 to the Conservative Group 1 to The Liberal Democrat Group</p> <p>To the Conservative Group To the Conservative Group</p>

Appendix B - Appointments to Committees and Panels

Cabinet (9)	
Councillor Mark Buckton	Councillor Peter Murphy
Councillor Mike Cornwell	Councillor Chris Seaton - Leader of the Council
Councillor Mrs Anne Hay	Councillor David Oliver - Deputy Leader of the Council
Councillor Mrs Dee Laws	
Councillor David Mason	
Overview and Scrutiny Panel (12)	
Councillor Chris Boden (C)	Councillor Michael Humphrey (VC)
Councillor Gavin Booth	Councillor Mrs Kay Mayor
Councillor Sam Clark	Councillor Kit Owen
Councillor Steve Count	Councillor Steve Tierney
Councillor David Hodgson	Vacancy - Conservative
Vacancy - Conservative	Vacancy - Truly Independent
Planning Committee (15)	
Councillor Mrs Sam Clark (VC)	Councillor Alex Miscandlon (C)
Councillor David Connor	Councillor Peter Murphy
Councillor Stephen Court	Councillor Mrs Florence Newell
Councillor Mrs Maureen Davis	Councillor Will Sutton
Councillor Mrs Anne Hay	Vacancy- Conservative
Councillor Mrs Dee Laws	Vacancy- Conservative
Vacancy - Truly Independent	Vacancy - Conservative
	Vacancy- Conservative
Substitutes: TBC	
Licensing Committee (12) - same Members for Licensing Act 2003 Committee and Non - Licensing Act 2003 Committee	
Councillor Mrs Virginia Bucknor	Councillor Mrs Kay Mayor
Councillor Mark Buckton	Councillor Alex Miscandlon
Councillor Mrs Sam Clark	Councillor David Oliver
Councillor David Connor	Councillor Kit Owen (VC)
Councillor Michael Humphrey (C)	Councillor Michelle Tanfield
Vacancy - Liberal Democrats	Councillor Steve Tierney

Corporate Governance Committee (9)	
Councillor Gavin Booth	Councillor Mrs Florence Newell (VC)
Councillor Ralph Butcher	Councillor Will Sutton
Councillor John Clark (C)	Councillor Michelle Tanfield
Councillor David Hodgson	Vacancy - Conservative
Councillor Peter Murphy	
Staff Committee (8)	
Councillor Ralph Butcher (VC)	Councillor Mrs Anne Hay
Councillor Mrs Sam Clark	Councillor Peter Murphy
Councillor David Connor	Councillor David Oliver
Councillor Mrs Maureen Davis (C)	Vacancy - Liberal Democrat
Conduct Committee (5)	
Councillor Chris Boden (VC)	Councillor David Mason
Councillor Miss Sam Hoy (C)	Councillor Robert Skoulding
Councillor Michael Humphrey	
Independent People Tina Gambell Claire Hawden-Beal(Sub)	Town/Parish Reps Cllr Andrew Donnelly Cllr Nigel Russell
Substitutes: TBC	


Appendix C - Allocation of seats on Outside Bodies

Outside Body	Number of representatives required	Proportionality
Anglia Revenue Partnership	1 + 2 substitutes	Conservative Party representation
Benwick Internal Drainage Board (IDB)	4	3 Conservatives and 1 of either the Liberal Democrat or Truly Independent Group
Cambridgeshire Military Community Covenant Board	1	Conservative Party representation
Cambridgeshire Police and Crime Panel	1 + 1 substitute	Conservative Party representation
Cambridgeshire Health and Wellbeing Board + District Lead Members Group	1	Conservative Party representation
Chatteris Community Centre Association	2	Conservative Party representation
Clarion Regional Scrutiny Committee	1	Conservative Party representation
CNC Board	1 + 1 substitute	Conservative Party representation
College of West Anglia Governing Body	1	Conservative Party representation
Community Learning and Skills Partnership	1	Conservative Party representation
Curf and Wimblington IDB	1	Conservative Party representation
East Cambs and Fenland Childrens and Young Peoples Partnership	1	Conservative Party representation
Feldale IDB	7	6 Conservative representatives and 1 to the Liberal Democrat Group
Fenland Association of Community Transport	1	Conservative Party representation
Fenland Diverse Communities Forum	1	Conservative Party representation
Fenland Strategic Partnership	1	Conservative Party representation
Fenland Tension Monitoring Group	1	Conservative Party representation
Fenland Transport and Access Partnership	1	Conservative Party representation

Outside Body	Number of representatives required	Proportionality
Fenland Twinning Association	4	3 Conservative Party representatives and 1 of either the Liberal Democrat or Truly Independent Group
Hanson, Fletton Brickworks Industry	1	Conservative Party representation
Health Committee	1 + 1 substitute	Conservative Party representation
Hundred of Wisbech IDB	15	13 Conservative representatives, 1 Liberal Democrat, 1 Truly Independent
Kings Lynn IDB	1	Conservative Party representation
LGA/ LGA Rural Commission/ LGA Urban Commission	1 + 1 Substitute	Conservative Party representation
Manea and Welney Drainage Commissioners	2	Conservative Party representation
March Area Transport Study Group	2	Conservative Party Representation
March West and White Fen Internal Drainage Board (Previously known as March and Whittlesey IDB)	5	4 Conservative representatives and 1 of either the Liberal Democrat or Truly Independent Group
March East IDB	11	10 Conservative representatives and 1 to the Liberal Democrat Group
March Education Foundation	1	Conservative Party representation
March Fifth IDB	8	7 Conservative representatives and 1 of either the Liberal Democrat or Truly Independent Group
March Sixth IDB	4	3 Conservative Party representatives and 1 of either the Liberal Democrat or Truly Independent Group
March Third IDB	8	7 Conservative representatives and 1 to the Liberal Democrat Group
Middle Level Commissioners	3	3 Conservative Party representatives
Needham and Laddus IDB	1	Conservative Party representation

Outside Body	Number of representatives required	Proportionality
Nightlayer IDB	10	9 Conservative Representatives and 1 to the Liberal Democrat Group
North Level IDB	7	6 Conservative representatives and 1 to the Liberal Democrat Group
Wisbech Community Development Trust (Oasis Village Centre)	1	Conservative Party representation
Ransonmoor IDB	2	2 Conservative Party representation
RECAP	1	Conservative Party representation
Rural Cambs CAB	3	3 Conservative Party representatives
Safer Fenland Partnership	1	Conservative Party representation
The Wash and North Norfolk Coastal European Marine Site Management Scheme	1	Conservative Party representation
The Combined Authority	1	Conservative Party representation
The Combined Authority Overview and Scrutiny Committee	2 + 1 Substitute	2 Conservative Party Representation
The Combined Authority Audit Committee	1 + 1 Substitute	Conservative Party representation
Upwell IDB	2	Conservative Party representation
Waldersey IDB	2	Conservative Party representation
Warboys, Somersham and Pidley IDB	1	Conservative Party representation
Whittlesey and District IDB	5	4 Conservative Party representatives 1 of either the Liberal Democrat or Truly Independent Group
WisARD	1	Conservative Party representation
Wisbech and Fenland Museum Management Committee	1	Conservative Party representation

Outside Body	Number of representatives required	Proportionality
Wisbech Access Study Member Steering Group	2	2 Conservative Party Representation
Young People March	1	Conservative Party representation

Agenda Item No:	15	
Committee:	Council	
Date:	19th July 2018	
Report Title:	Constitutional Amendments	

1. Purpose/Summary

For Full Council to approve proposed changes to the Constitution.

2. Key Issues

- In order to comply with good principles of governance and to ensure that overall accuracy and relevance of the Constitution, it is necessary to consider periodic updates and amendments.
- At the last meeting of Full Council members approved an amendment to Part 3 of the Constitution introducing a new function for the Leader in relation to the Cambridgeshire and Peterborough Combined Authority. In particular, Members were asked to approve the incorporation of the Combined Authority into the Leader's Portfolio and, to enable him to take urgent decisions relating to it. It has since been identified that the same provisions could usefully be extended to all portfolio holders in order to ensure that there are adequate provisions in place for executive decisions to be taken by individual Cabinet Members in urgent circumstances.
- These powers would only be called upon in exceptional circumstances as set out below.
- These amendments do not affect the urgency powers of the Chief Executive.

3 Recommendations

The report recommends the following amendments for approval and to delegate to the Monitoring Officer to update the Constitution:

Page F.41 - Part 3, Responsibility for Functions - Table 5 - Functions Delegated to All Portfolio Holders

Insert a new heading under 'All Portfolio Holders' to read:

"All portfolio holders, including the Leader, have delegated authority to take executive decisions on behalf of the Council in circumstances where the matter is urgent. A decision will be urgent if any delay would seriously prejudice the Council's or the public interest. The request for a decision to be deemed urgent will be considered by the Chairman of the Overview and Scrutiny Panel (in accordance with Rules of Procedure 2 and 5) and the relevant member of the Corporate Management Team/Chief Executive who will take into account the reasons provided. The decision will only be taken if the Chairman of the Overview and Scrutiny Panel and the relevant member of the Corporate Management Team/Chief Executive agree that the decision is a matter of urgency. The

decision will be recorded via a Cabinet Member Decision Notice and the public record of the decision will state:

- (a) Why in the opinion of the decision making person and the relevant member of Corporate Management Team/Chief Executive, the decision is urgent; and
- (b) The consent of the Chairman of the Overview and Scrutiny Panel.

In the absence of the Chairman of the Overview and Scrutiny Panel, Rules of Procedure 2 will apply.”

Delete the heading ‘The Leader’ and paragraph 1 directly below that.

Wards Affected	All
Forward Plan Reference	
Portfolio Holder(s)	Councillor Chris Seaton, Leader of the Council
Report Originator(s)	Carol Pilson, Corporate Director and Monitoring Officer
Contact Officer(s)	Paul Medd, Chief Executive Carol Pilson, Corporate Director and Monitoring Officer
Background Paper(s)	Fenland District Council Constitution