

Cabinet

Agenda

Date

Tuesday 25 August 2020

Members of the Cabinet

Cllr S A Vincent
Chairman (Leader) Policy

Cllr T M Mancini-Boyle
(Deputy Leader) Finance

Portfolio holders

Cllr J K Copplestone Economic Development

Cllr J J Emsell Transformation and
Organisational Development

Cllr L H Hemsall Planning

Cllr J Leggett Environmental Excellence

Cllr F Whymark Housing and Wellbeing

Time

6.00 pm

Place

Virtual meeting

If any Member wishes to clarify details relating to any matter on the agenda they are requested to contact the relevant Director / Assistant Director

Contact

James Overy tel (01603) 430540

Broadland District Council
Thorpe Lodge
1 Yarmouth Road
Thorpe St Andrew
Norwich NR7 0DU

E-mail: james.overy@broadland.gov.uk



@BDCDemServices

Public Attendance

This meeting will be live streamed for public viewing via the following link:
<https://www.youtube.com/channel/UCZciRgwo84-iPyRlmsTCIng>.

If a member of the public would like to attend to ask a question, or make a statement on an agenda item, please email your request to committee.services@broadland.gov.uk no later than 5.00pm on 20 August 2020.

A G E N D A

Page No

1	To receive declarations of interest under Procedural Rule no 8	
2	Apologies for absence	
3	Minutes of meeting held on 21 July 2020	6
4	Matters arising therefrom (if any)	
5	Public Speaking	
	To consider representation from the members of the public who have expressed the wish to convey their views on items on this Agenda.	
	In accordance with the Constitution a period of 3 minutes is allowed per member of the public.	
6	Representations from Non-Cabinet Members	
	To receive the views from non-Cabinet Members on items on this agenda. Members are reminded to advise the Leader if they wish to attend and speak at the meeting.	
	In accordance with the Constitution a period of 3 minutes is allowed per non-Cabinet Member.	
7	Overview and Scrutiny Committee	
	The Cabinet will also be advised of views expressed by the Committee at its meeting on 18 August in relation to items on this Agenda.	
8	Economic Success Panel	14
	To receive the Minutes of the meeting held on 22 July 2020.	
9	Environmental Excellence Panel	19
	To receive the Minutes of the meeting held on 23 July 2020.	
10	Covid-19 Response – Norfolk Wide Fighting Fund	21
11	Review of Mandatory Licensable Houses in Multiple Occupation Fees	23
12	Update to Local Development Scheme	37
13	Waste Services Review (Covering Report)	54

14 Exclusion of Press and Public

The Chairman will move that the press and public be excluded from the meeting for the remaining items of business because otherwise, information which is exempt information by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by The Local Government (Access to Information) (Variation) Order 2006, would be disclosed to them.

15	Waste Services Review (Confidential Report)	56
16	Exempt Minute of the Environmental Excellence Panel 23 July 2020	284
17	Food Innovation Centre	286
18	Exempt Minute of meeting held on 21 July 2020	342

Trevor Holden
Managing Director

DECLARATIONS OF INTEREST AT MEETINGS

When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda item to which it relates. In the case of other interests, the member may speak and vote. If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed. If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting. Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.

Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.

Does the interest directly:

1. Affect yours, or your spouse / partner's financial position?
2. Relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner?
3. Relate to a contract you, or your spouse / partner have with the Council
4. Affect land you or your spouse / partner own
5. Affect a company that you or your partner own, or have a shareholding in

If the answer is "yes" to any of the above, it is likely to be pecuniary.

Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.

Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?

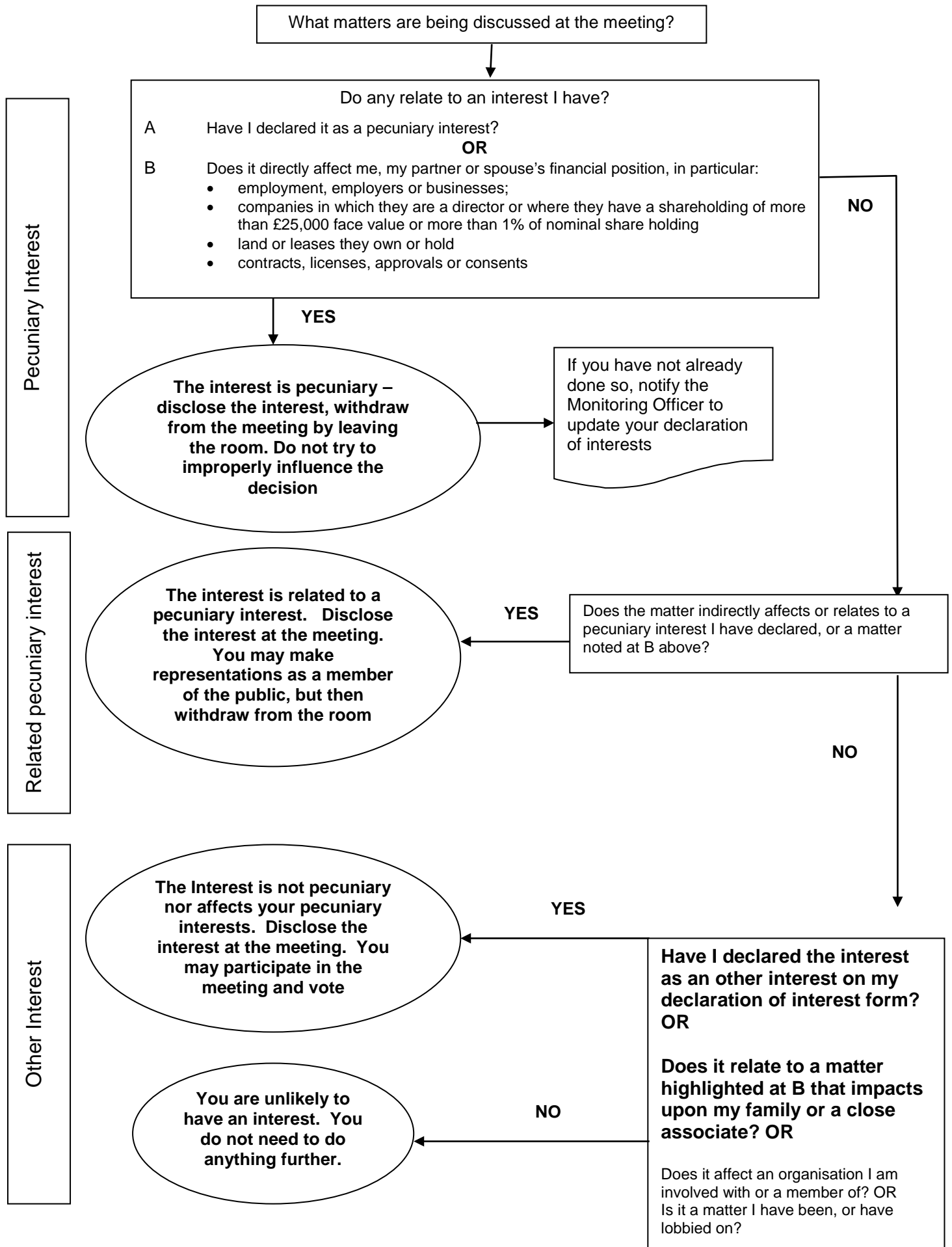
If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

Is the interest not related to any of the above? If so, it is likely to be another interest. You will need to declare the interest, but may participate in discussion and voting on the item.

Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting, and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

**FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF
PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER
IN THE FIRST INSTANCE**

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



Minutes of a meeting of the **Cabinet** held by video link on **Tuesday 21 July 2020** at **6.00pm** when there were present:

Cllr S A Vincent – Policy (Chairman)

Portfolio holders:

Cllr J K Copplestone	Economic Development
Cllr J J Emsell	Transformation and Organisational Development
Cllr J Leggett	Environmental Excellence
Cllr T M Mancini-Boyle	Finance
Cllr F Whymark	Housing and Wellbeing

Cllr T Adams and Cllr S Riley also attended the meeting for its duration. Cllr S Catchpole was in attendance for part of the meeting.

Also in attendance were the Managing Director, Director Place, Director People and Communities, Chief of Staff, Assistant Director Planning, Assistant Director Finance, Assistant Director Governance and Business Support (Monitoring Officer), Assistant Director Individuals and Families, Acting Assistant Director - Economic Growth, Transformation, Innovation and Internal Consultancy Manager, Strategic Marketing and Communications Manager, Transformation and Innovation Lead Officer, Democratic Services Officer (LA) and the Democratic Services Officer (JO).

106 DECLARATIONS OF INTEREST UNDER PROCEDURAL RULE NO 8

Member	Minute No & Heading	Nature of Interest
Cllr J Copplestone	112 - Council Performance – Broadland business Plan	Director of business in receipt of Business Support Grant.

107 APOLOGY FOR ABSENCE

An apology for absence was received from Cllr Hemsall.

108 MINUTES

The Minutes of the meeting held on 16 June 2020 were confirmed as a correct record.

109 REPRESENTATIONS FROM NON CABINET MEMBERS

The Chairman agreed that, at his discretion, all non-Cabinet Members in attendance be allowed to join the debate at the relevant point of the proceedings on request.

110 OVERVIEW AND SCRUTINY COMMITTEE

Cabinet received the Minutes of the meeting of the Overview and Scrutiny Committee held on 30 June 2020.

The Portfolio Holder for Economic Development noted that Members of the Overview and Scrutiny Committee were to conduct a scoping exercise to assess if a review of water management in the District should take place. She advised the meeting that she sat on Water Resources East and recommended their website to the Members, as it had a number of resources that might assist them in their work.

The Chairman and the Vice-Chairman of the Overview and Scrutiny Committee advised Members on the views expressed by the Committee when it reviewed the Cabinet Agenda on 14 July 2020, as each item was considered.

111 BROADLAND AND SOUTH NORFOLK - OUR PLAN FOR RECOVERY FROM THE COVID-19 CRISIS

The Chief of Staff introduced the report, which requested that Cabinet recommended to Council the endorsement of the Covid-19 Recovery Plan and the subsequent review and update of the Delivery Plan for 2020/21 in the light of the Recovery Plan priorities.

Members were advised that the focus was now shifting from the initial emergency response phase to recovery and planning for the longer-term impacts and challenges of the pandemic.

The Recovery Plan was shaped around a six point plan based on the following three key themes: the Economy, Communities and Organisation and Governance. It was also recognised that the Plan would need to remain flexible, as the impacts of the pandemic became clearer over time. Therefore, the Recovery Plan would remain under review and adapted where needed. Organisational risks associated with the Recovery Plan and Delivery Plan would be monitored and reported, as part of Cabinet's quarterly Performance Reports.

The Leader noted that these were unprecedented times and he commended staff for the way that they had responded to this challenge and were driving forward projects over the short, medium and long-term to support the recovery.

The Portfolio Holder for Finance noted the aim to encourage the adoption across Norfolk of a common set of Contract Standing Orders and procurement processes, which would assist local businesses in responding to tenders for public sector contracts by reducing bureaucracy. She also noted that the Broadland and South Norfolk were to review their development company structures to ensure they could deliver the number of properties to meet their aims and ambitions and to deliver a return to the Councils.

The Portfolio Holder for Housing and Wellbeing commended the Help Hub for responding so well to the crisis and for the way that it was continuing to build community links to deliver increased resilience. He also noted that managers were to be trained to provide support for the wellbeing of staff and that the number of staff who were trained as Mental Health First Aiders was to be increased.

Cabinet commended the report and:

RECOMMENDED TO COUNCIL

- (1) The endorsement of the initial Recovery Plan and priorities to support recovery from the Covid-19 crisis in Broadland; and
- (2) The in-year review and update of the 2020/21 Delivery Plan, to be brought back to Cabinet in September 2020 and then onto Council for agreement.

Reasons for decision

To support recovery from the Covid-19 pandemic.

112 COUNCIL PERFORMANCE – BROADLAND BUSINESS PLAN

The report provided details of the Council's performance against strategic measures, as well as the risk and financial position for the fourth quarter of 2019/20.

The Assistant Director of Finance drew Members' attention to the financial position of the Council, which showed a provisional positive variance against the revenue budget at year end of £2.8m. This favourable position would allow an additional £1m to be added to reserves, which would take them to £15.3m.

The main reason for the variation was an unbudgeted £1.3m S.31 Grant for Business Rates.

Capital expenditure for the year was £4.4m compared to a budget of £5.7m. This was mainly due to slippages in areas such as the Warm Homes Fund and Disabled Facilities Grants.

It was noted that to address the impacts of the pandemic in the longer term, a review of the budget had been undertaken and agreed by Council on 30 June 2020.

The Portfolio Holder for Finance noted that collection rates for Council Tax and Business Rates had been adversely affected in March and future collection rates were uncertain. However, she also noted the improved investment income received during quarter 4 and that new income streams would be looked at going forward.

The Portfolio Holder for Environmental Excellence reminded Cabinet that the figures for waste collection and recycling were for quarter three and the impact that the pandemic might have on the service was not yet clear. The coronavirus had also prevented innovative work on decreasing the contamination rate of recycled waste to be undertaken.

The Portfolio Holder for Economic Development drew Members' attention to the very good figures in respect of business support provided by the Council and the ongoing importance of supporting communities and jobs, especially when the furlough scheme came to an end. The Economic Success Panel would be considering measures to stimulate economic recovery in the District at its meeting tomorrow.

RESOLVED

To

- (1) Note the 2019/20 performance for the quarter and the combined efforts across the Directorates to deliver the Broadland Business Plan; and
- (2) Note the capital and revenue position and the reason for the variances on the General Fund.

113 ENVIRONMENTAL STRATEGY

The Director of Place introduced the report, which presented the Environmental Strategy and Action Plan. The Strategy had been developed jointly with South Norfolk, but contained independent documents to reflect the

priorities of each District. The Strategy was comprised of six sections: Sustainable Communities, Clean and Safe Environment, Energy Efficiency, Waste Minimisation, Transport and Sustainable Procurement. Each section set out what the Council was going to do protect the environment and also how residents could help the Council achieve it.

It was also emphasised that the Strategy was a living document that would evolve to meet future challenges.

The Environmental Management Officer advised the meeting that the environment would be a key element of the Covid-19 recovery and officers were liaising with the local Energy Hub about accessing funding from the Green Home Grant scheme for residents in Broadland.

The Portfolio Holder for Environmental Excellence commended the Strategy, but had some final suggested amendments before it was recommended to Council.

She requested that some presentational adjustments be made to the document and also that a section on 'What we have done to date' be included, as well as information on sustainable investment, both of which had been included within previous iterations of the Strategy.

She also requested that the resources were put in place to ensure that the actions proposed in the Strategy were delivered.

In response to a query the Marketing and Communications Manager confirmed that following the sign off of the Strategy the Communications Team would use it as a Communications Plan and turn each section stories publicising the activities of the Council.

In response to the query about resources for the delivery of the Strategy the Managing Director confirmed that when it was signed-off the Action Plan would be considered in terms of the resource to deliver it. This might entail bringing it back to Members to agree the level of funding required.

RECOMMENDED TO COUNCIL

To approve the Environmental Strategy, as amended.

Reasons for decision

To help improve the living environment in the District, as well as addressing environmental challenges generally.

114 TEMPORARY PAVEMENT LICENSING

The Director of Place introduced his report, which proposed setting temporary licensing fees and conditions and the delegation of authority to officers to issue Temporary Pavement Licences to local business premises.

Temporary pavement licensing by district councils was being proposed nationally by the Government to help maximise businesses' customer capacity following the Covid-19 emergency restrictions. Although the final legislation was awaited, a decision was required now to enable the necessary licensing administration processes to be put in place, to allow the licences to be issued as soon as possible

The licences would allow businesses; such as cafes, restaurants and licensed premises to place removable furniture on certain highways adjacent to their premises.

The proposed process would allow for a five working day consultation period with the Highways Authority and other agencies, followed by a determination period of a further five working days. If the Council had not determined the application by the expiration of the determination period, the application was deemed approved.

Officers had calculated that an application fee of £75 would provide cost recovery for the Council, which was in line with South Norfolk and Breckland District Council.

The Portfolio Holder for Environmental Excellence requested that the recommendation be amended to refer to Temporary Pavement Licences. She also suggested that the form should be for either Broadland or South Norfolk, not both and noted that part of a sentence was missing in Section C of the form.

The Chairman of the Overview and Scrutiny Committee advised the meeting that the Committee had amended option 1 to *'Issue temporary pavement licenses free of charge for a period of six months'*, as it was considered that waiving the fee would assist businesses as much as possible.

In response to this proposal the Portfolio Holder for Environmental Excellence confirmed that she considered the charge for the licences to be a fair one, which would not have a significant impact on business premises.

The Chairman concurred with this view and suggested that a charge would ensure that applicants were taking the license seriously and prevent the Licensing Team from being inundated with applications.

In response to a final query the Director of Place confirmed that the furniture would be for the exclusive use of the business and by licensing their use the Council would have a degree of control prevent any misuse.

RESOLVED

- (1) Set the temporary pavement licensing application fee at £75.
- (2) Delegate authority to the following officers for the purposes provided at sub-paragraphs (a) and (b) below:
 - Licensing & Enforcement Officers
 - Senior Environmental Health Officer (Licensing)
 - Food, Safety and Licensing Team Manager
 - Assistant Director Regulatory
 - Director for Place
 - (a) To decide whether to approve, refuse, or revoke pavement licences, also to set their durations.
 - (b) To decide which licence conditions are attached to each licence (selecting from local standard conditions as established and non-standard conditions as appropriate to individual circumstances).
- (3) Delegate authority to the following officers the power to enforce licence conditions and to vary or revoke individual licences:
 - Senior Environmental Health Officer (Licensing)
 - Food, Safety and Licensing Team Manager
 - Assistant Director Regulatory
 - Director for Place

Reasons for decision

To help support the viability of businesses in the District.

115 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

to exclude the press and public from the meeting for the remaining business because otherwise, information which was exempt information by virtue of Paragraph 3 of Part I of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006 would be disclosed to them.

116 REVIEW OF LEGAL SERVICES PROVISION

Cabinet considered the report from the Assistant Director of Governance and Business Support (Monitoring Officer), which put forward options for the future provision of legal services at the Council.

Following discussion and consideration of all four options in the report, as detailed in the exempt Minutes, it was:

RESOLVED

To agree Option 1 (as set out in the report) for the provision of legal services for the Council.

Reasons for decision

To agree a contract for the provision of legal services for the Council.

The meeting closed at 19.13 pm

Minutes of a meeting of the **Economic Success Panel** held by video link on **Wednesday 22 July 2020** at 6pm when there were present:

Cllr J Copplestone – Chairman

Cllr S Beadle

Cllr A Crotch

Cllr N Harpley

Cllr P Bulman

Cllr S Catchpole

Cllr K Vincent

Cllr K Leggett and Cllr G Nurden were also in attendance.

Also in attendance were the Director of Place, the Acting Assistant Director Economic Growth, the Business Support and Promotion Team Manager, the Tourism Officer (CG), the Democratic Services Manager, the Democratic Services Officer (LA) and the Programme Director for Better Broadband for Norfolk (Karen O’Kane).

20 DECLARATIONS OF INTEREST UNDER PROCEDURAL RULE NO 8

Member	Item	Declaration	Interest
Cllr S Beadle	6 - Economic Recovery in Broadland	Director of a Company in receipt of a Business Support Grant.	Other
Cllr J Copplestone	6 - Economic Recovery in Broadland	In receipt of a Business Support Grant under the Tourism sector.	Other
Cllr K Vincent	All	Norfolk County Councillor	Other

21 APOLOGY FOR ABSENCE

An apology for absence was received from Cllr Mancini-Boyle.

22 MINUTES

The Minutes of the meeting held on 15 May 2020 were confirmed as a correct record.

23 MATTERS ARISING

Minute No: 17 Matters Arising

The Chairman referred to minute 17 from the last meeting, which had recommended to Cabinet that the Council's hardship fund be used to assist residents in rural properties to access full fibre broadband. The meeting was advised that, following a recommendation from the Overview and Scrutiny Committee, Cabinet had proposed that Council consider whether Broadland District Council should make a bid to the CIL Infrastructure Fund to further invest in Broadband. However officers had since confirmed that the use of CIL funds for this purpose was not appropriate.

24 BETTER BROADBAND FOR NORFOLK- UPDATE BY KAREN O’KANE, PROGRAMME DIRECTOR

The Chairman welcomed members of the Overview and Scrutiny Committee to the meeting for this item.

The Programme Director for Better Broadband in Norfolk, provided members with a verbal update on the 'Better Broadband for Norfolk' scheme. She advised that, to date, two rollouts of the scheme had been completed with the most recent one exceeding the levels of coverage expected by the contract. The Panel was informed that the contract dealt specifically with properties eligible for state intervention because they experienced internet speeds of below 15Mbps.

Members were advised that the independent 'Think Broadband' website, which collated information from all internet service providers regarding the available speeds and take up of services, had been reviewed in order to provide an overall view of broadband coverage in both Broadland and also County-wide. The Programme Director confirmed that 95% of Broadland properties currently had access to super-fast broadband but there were approximately 1500 properties (3%) in the area which did not meet the Government's universal service obligation for broadband.

Members were advised that there were several different solutions available for these 1500 properties, the first being the Government's universal service obligation where residents could request speeds of at least 10Mbps and downloads of 1Mb. The Panel was informed that BT, via Openreach, was the provider of this solution in Broadland, but that a cost cap of £3400 applied so, if the costs were higher than £3400 for the property, the resident or business would be required to pay the difference. The Programme Director explained that, to enable costs to remain below the cap, the first course of action had usually been to investigate mobile coverage with hybrid solutions to provide 4G coverage by fixing a special receiver to the property.

Members were advised that a second solution, the Gigabit Voucher Scheme, was available for properties in rural locations where internet speeds fell short of the Government's universal service obligation. The Programme Director explained that grants of up to £3500 for businesses and £1500 for residential properties were available. She clarified that vouchers could be pooled, with a minimum of two properties joining, to increase the value of the pooled grant. The Panel was pleased to note that Norfolk had benefited by approximately £1.1 million from the grant, and was advised that further information regarding the funding was available in the latest Highlight Report, which would be forwarded to members after the meeting.

The Panel was advised that Better Broadband for Norfolk would be rolling out a third contract later in 2020 which would target properties which did not yet have access to super-fast broadband and, where there was no commercial intention to do so. It was noted that this would be an entirely 'fibre to the premises' solution which would enable some of the fastest speeds to be reached in some of the most rural locations, with an anticipated rise in Norfolk from 95% to 97% in those properties which would be able to achieve super-fast broadband.

The Programme Director advised members that the Government had set an objective that all properties should have access to full fibre and it was expected that approximately 80% of these would be provided via commercial companies such as Open Reach, Virgin Media, and some of the smaller companies throughout the area.

The Chairman thanked the Programme Director for her presentation and whilst she was pleased to note that the level of coverage throughout Broadband was at 98%, she stressed the importance of finding a solution for those who were disadvantaged by poor coverage, especially during the COVID-19 crisis, when many residents and businesses needed to be online.

In response to a question from the Chairman regarding the identification of the 2% of properties which could not achieve broadband speeds of 10Mbps, the Programme

Director advised that she expected to complete her data analysis by mid to late autumn and would then be able to provide members with a list of properties, split between those which achieved under or over 24Mbps, (the definition of super-fast broadband) in postcode order. In response to a further question, it was clarified that a split between business and residential properties would not be possible as many small businesses operated from residential premises and did not pay for premium broadband services, so could not be identified by service providers.

Members referred to the Gigabit Voucher Scheme and requested further information about how to signpost residents and businesses to the Scheme. The Programme Director advised that the Scheme was operated by Central Government which specifically targeted rural properties with speeds below 100Mbps. She suggested that the Scheme would be useful for groups of residents but also ideal for concentrations of small, rural business which may wish to explore moving, as a group, to a gigabit connection capable infrastructure as this would permit them to run several varied businesses with shared costs. The Panel was advised of the application process and advised that information and a link to the website would be provided to members after the meeting.

A member enquired whether the Council could help further with funding to achieve faster broadband for the remaining 2% of properties in rural areas. The Programme Director agreed that the Council could consider a grant scheme in conjunction with signposting people to the Gigabit Voucher Scheme, but should bear in mind that the third contract would upgrade some of those areas currently affected. In response to a member's request that officers start to explore funding opportunities at a local level without delay, the Programme Director advised that, as the Gigabit Voucher Scheme was only available to properties where no other public funding options were being considered, the Council would be well advised to wait until the Better Broadband for Norfolk report was published in the autumn so they could assess where the gaps remained. She suggested that the Council could, in the meantime, look to identify suitable rural businesses which could potentially form clusters to share services under the Gigabit Voucher Scheme.

After a brief discussion, the Chairman agreed to forward the Highlight Report to members and summarised the salient conversation points. She then proposed that, once the Better Broadband For Norfolk report had been received in the autumn of 2020, in respect of the remaining 2% of houses and businesses in Broadland without access to super-fast broadband, officers should continue to explore all funding opportunities, secure additional top-up funding and support the provision of super-fast broadband. This proposal was seconded by Cllr Crotch. Voting was then carried out by roll-call, with 4 votes for and 3 abstentions.

It was therefore;

RESOLVED:

That, once the report from Better Broadband for Norfolk report was received in the autumn of 2020, in respect of the remaining 2% of houses and businesses in Broadland without access to super-fast broadband, officers are requested to continue to explore all funding opportunities, secure additional top up funding and support the provision of super-fast broadband.

25 ECONOMIC RECOVERY IN BROADLAND

The Interim Assistant Director of Economic Development summarised the salient points of his report, which included the four key activities for the recovery of the local

economy; the New Anglia LEP Economy Recovery Restart Plan, the three-Council Confidence Campaign, the current initiatives to re-open the tourism sector, and the Local Discretionary Grant Fund.

With much of the work of the Economic Development Team currently being focused on the recovery of the local economy, the report laid out the current findings and responses planned to combat areas such as unemployment and businesses.

Members referred to the New Anglia LEP Economy and Recovery Restart Plan and agreed that although it highlighted the aspirations around recovery, it lacked detail of how this would be achieved. Officers recognised the plan did not detail the implementation but felt this might be difficult to show as much of the activity being undertaken, such as tourism recovery, had separate, specific implementation plans in place. However, he reassured members that he would be able to make any specific implementation plans available to members, if required. In response to a member's question regarding the ability of smaller businesses to access digital and marketing training and support, officers explained that webinars and workshops were being coordinated by the Council and the LEP, and that these were being advertised via newsletters.

The Chairman advised members that Cabinet had considered the Council's business plans with the ambition to deliver economic success in the area and was pleased to report the Council's success in the backing of local businesses and providing advice and guidance to help them to establish, grow and prosper. However, concerns had been raised that, due to the ongoing impacts of COVID-19, the furlough scheme which was due to end in October, and Brexit impending, it was likely that the area would see an increase in unemployment which would require the Council to fully support communities by offering a range of opportunities, skills and employment prospects. The Chairman therefore proposed that Broadland District Council worked closely with the LEP and other partners to minimise job losses in the area with the delivery of the Norfolk and Suffolk Job Support campaign, as described on page five of the Norfolk and Suffolk COVID-19 Economic Recovery Restart Plan. This proposal was seconded by Cllr Crotch and agreed by the Panel.

Turning to the three-Council Confidence Campaign, officers reassured members that planter boxes were being installed in market towns to replace unsightly barriers. In response to a query regarding the roll-out of COVID Kits, which contained equipment including sanitiser and signage, for local parish and town high streets, the Interim Assistant Director confirmed that all town and parish councils had been emailed at least once but that 31 of these had not yet responded. Members were advised which town and parish councils had responded to enable them to liaise with town and parishes within their areas. Officers advised that they would be telephoning towns and parishes who had not responded and would let members know of any who advised they did not require the kits.

A member thanked the officers who were involved in the Confidence Campaign but expressed disappointment that she had not been contacted by telephone to make her aware of the significance of being involved in the programme. In response, the Chairman reminded members that communications had been emailed to them weekly to keep them informed of any activities. Officers regretted that they were not able to do everything they would have wished, due to significant workloads and limited resources, however they advised that there would be many opportunities for members to get involved with the next phase of recovery.

The conversation turned to tourism recovery and the Tourism Officer summarised the salient points in the report. Members were pleased to note the number of procedures in place to re-establish the tourism sector and were advised that surveys carried out

by Visit Norfolk had enabled officers to assess the impact of the pandemic on the tourism industry and to use this information to develop the Visit East of England and Visitor Economy Recovery Group, as detailed in the report. Members were pleased to note that farmers and other supply chains were included within the Plan, as had been requested at a previous meeting of the Panel.

The Chairman thanked officers and was pleased to note that Broadland had received grant funding for tourism and noted that the Government reduction in VAT had been very welcome for tourism businesses within the area.

The Panel briefly discussed Discretionary Grants and was pleased to note that most of the available funding was accounted for and would be utilised by the end of August 2020. It was also noted that officers were making outgoing calls to businesses to further promote funding.

In response to a member's question concerning the Council's refusal to provide Councillors with information regarding businesses who had not applied for grant funding, the Interim Assistant Director of Economic Development advised that the Managing Director had provided this instruction but that he would seek further clarity from him outside of the meeting.

The Director of Place commended officers on their commitment and dedication during the pandemic, advising that work which would usually have taken months to progress had been undertaken in a matter of weeks, to ensure that residents could return to work and businesses could re-open. The Chairman thanked officers on behalf of the Panel.

The Chairman, commended the report to members and stressed the need to recognise the importance of the tourism and leisure sectors in the economic recovery of the District. Members agreed that the support, which the Council offered would be critical to many businesses and supply chains.

The Chairman thanked officers for an informative and comprehensive report. Voting was then carried out by roll-call, and it was unanimously agreed. It was then;

RESOLVED:

1. To note the contents of the report; and
2. To recommend that Broadland District Council works closely with the LEP and other partners to minimise job losses in the area with the delivery of the Norfolk and Suffolk Job Support campaign, as described on page five of the Norfolk and Suffolk COVID-19 Economic Recovery Restart Plan.

The meeting closed at 7.30 pm.

Minutes of a meeting of the **Environmental Excellence Panel** held by video link on **Thursday 23 July 2020** at **6pm** when there were present:

Cllr J Leggett – Chairman

Cllr D J Britcher

Cllr S Lawn

Cllr S M Prutton

Cllr J F Fisher

Cllr K E Lawrence

Cllr J M Ward

Cllr K S Kelly

Cllr G K Nurden

Cllr T Adams, Cllr S Catchpole, Cllr S Holland, Cllr C Karimi-Ghovanlou, Cllr S Riley, Cllr K Vincent and Cllr S Vincent also attended the meeting for its duration.

Also in attendance were the Director of People and Communities, Assistant Director Community Services, Internal Consultancy Lead Waste Services, Democratic Services Officer (LA) and the Democratic Services Officer (JO).

35 APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Cook and Cllr Walker.

36 MINUTES

The Minutes of the meeting held on 4 June 2020 were confirmed as a correct record.

Minute No: 32 Environmental Strategy

The Chairman advised the meeting that the Environmental Strategy was no longer a combined Strategy with South Norfolk. The section on what we have done to date would be added to the Strategy in due course.

37 WORK PROGRAMME

The following items were added to the Work Programme:

- Environmental Protection and Anti-Social Behaviour
- Activities from the Environmental Strategy
- Opportunities to Increase Recycling Rates

30 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

to exclude the press and public from the meeting for the remaining business because otherwise, information which was exempt information by virtue of Paragraph 1 of Part I of Schedule 12A of the Local Government Act 1972, would be disclosed to them.

31 WASTE REVIEW BUSINESS CASE

The Director of People and Communities gave a presentation which set out, as detailed in the Exempt Minutes, a business case for a joint Broadland and South Norfolk Waste Service.

RESOLVED

To note the final business case; and

RECOMMENDED TO CABINET

Recommendation 4 as set out in the report.

The meeting closed at 8.30pm.

COVID-19 RESPONSE – NORFOLK WIDE FIGHTING FUND

Report Author: Rodney Fincham, Assistant Director – Finance
01508 533982
rfincham@s-norfolk.gov.uk

Portfolio Holder: Finance

Wards Affected: All

Purpose of the Report: This paper asks Cabinet to support allocating £150,000 to the Norfolk Wide Fighting Fund.

Recommendation

- 1 That Cabinet recommends the following to Council:
That authority be delegated to the Assistant Director Finance, in consultation with the Leader, to allocate £150,000 to the Norfolk Wide Fighting Fund.

1 FIGHTING FUND PROPOSAL

- 1.1 The Norfolk Leaders have discussed a proposal to establish a 'fighting fund' to support local authorities and local businesses adapt, restart and recover from the Covid-19 emergency situation across Norfolk.
- 1.2 The proposal is that contributions to the Fund are sought as follows.

	Value £m
19-20 Business Rates Pool	3.7
Norfolk County Council contribution	1.0
District Council contributions (£150k each)	1.0
NALEP Capital input (Norfolk allocation)	2.0
Total	7.7

- 1.3 The County Council is prepared in principle to add a minimum of £1m to the fund, and would be looking for this to be matched by the district councils collectively.
- 1.4 This fund could act as a catalyst for NCC and other LA's to add to and to attract a Capital contribution from New Anglia LEP. It could also make the case to Government to support recovery by matching the local pot.

- 1.5 If in principle agreement is secured officers will look at the governance agreement with MHCLG and develop an appropriate set of rules to govern this component of the funds and the criteria within which it will operate.

2 COVID-19 GRANT FUNDING

- 2.1 The 'Financial Implications of Covid-19' report considered by Full Council on 21 May reported that BDC had received two tranches of emergency funding as follows:

On 20 March, the Government announced £1.6bn of additional funding to support local authorities in responding to the Covid-19 pandemic. The majority of this funding was directed to authorities with social care responsibilities. BDC received £50,643.

On 28 April, the Government announced a further £1.6bn of funding to support local authorities in responding to the Covid-19 pandemic. This time funding is being distributed on a per capita basis, with a 65:35 split between county and district authorities. BDC will receive £1,300,935.

- 2.2 Since then a further support package was announced on 2 July. This provides for:
- A further £500 million of funding to cover local authority spending pressures. Of which BDC will receive £173,740.
 - A co-payment mechanism for irrecoverable Sales, Fees and Charges income, with the Government covering 75% of losses beyond 5% of planned income.
 - Phased repayment of Collection Fund deficits over the next 3 years.
 - A commitment to determine what support is needed to help councils meet the pressures of irrecoverable tax income at the Spending Review.

3 ISSUES AND RISKS

- 3.1 Resource Implications – The £150,000 contribution can be funded from the third tranche of Covid-19 Emergency Funding received from central Government.
- 3.2 Legal Implications – A contribution to a Norfolk Wide Fighting Fund is permitted expenditure.

4 RECOMMENDATIONS

- 4.1 That Cabinet recommends the following to Council:
- That authority be delegated to the Assistant Director Finance, in consultation with the Leader, to allocate £150,000 to the Norfolk Wide Fighting Fund.

REVIEW OF MANDATORY LICENSABLE HOUSES IN MULTIPLE OCCUPATION FEES

Report Authors:

Leigh Booth
Internal Consultant Lead, Housing Standards,
Communities and Help Hub
leigh.booth@broadland.gov.uk

Louise Simmonds
Housing and Health Manager
louise.simmonds@broadland.gov.uk

Portfolio:

Cllr. Fran Whymark, Housing and Wellbeing

Wards Affected:

All

Purpose of the Report:

The purpose of this report is to recommend revisions to the chargeable fees for mandatory licensable Houses in Multiple Occupation (HMO).

Recommendation:

1. That the Council fee for mandatory licensable HMO's are set at:
 - £825 for a new five-year licence;
 - £133 for variations on an existing five-year licence; and
 - £514 for renewal of a five-year licence
2. Alternatively, Cabinet may wish, in recognition of the Wellbeing Panel comments on 8 July 2020, to set a subsidised fee for a new five-year licence, such as £700.

1 SUMMARY

- 1.1 This report provides an overview of the legislative context for mandatory licensable HMO, and proposes setting a new fee for the service.

2 BACKGROUND

- 2.1 The chargeable fee for a mandatory licensable HMO licence has been reviewed in order to ensure that the Council levy's a charge that complies with central government guidance and does not 'profit' from the charge.
- 2.2 Central government guidance and legal case law advises that fees charged must be reasonable and proportionate and the licencing authority should not make a surplus. The Council is required to be able to demonstrate, if challenged, the justification for our fees. This report sets out that justification for members to review. A Council can only charge for the actual cost of the application process plus monitoring, i.e. administrative costs of investigating the background and suitability of the applicant and the cost of monitoring compliance by licensed landlords with licence conditions.
- 2.3 Guidance also states that the licencing authority should not include the cost of enforcing the licensing scheme against unlicensed landlords in the licence fee. Similarly the set up costs for the licencing scheme cannot be recovered, nor can the overheads and general administrative costs.
- 2.4 The legislative context for this service includes;
- The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018;
 - Houses in Multiple Occupation and Residential Property Licensing Reform – Guidance for Local Housing Authorities; and
 - The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007.
- 2.5 A House in Multiple Occupation is a house or flat that is;
- Rented by three or more people, who form two or more households, and
 - Share facilities such as a toilet, bathroom or kitchen.
- 2.6 A mandatory licensable HMO is a house or flat that is;
- Rented by five or more people, who form two or more households, and
 - Share facilities such as a toilet, bathroom or kitchen.
- 2.7 A licence is necessary for every qualifying HMO and is specific to the property, not the owner or landlord.

- 2.8 Managing a mandatory licensable HMO without a licence is a criminal offence and the landlord could face a penalty of up to £30,000 or criminal prosecution to which further costs could then be added. A Rent Repayment Order can also be sought by tenants to claim back rent they have paid to a landlord who has failed to secure an HMO licence. Landlords may also find it difficult to evict tenants under section 21 of the Housing Act 1988 if an HMO does not have a valid licence.
- 2.9 For the purposes of this legislation a 'household' is as defined in the Housing Act 2004, which states that a household can be;
- A single person;
 - A co-habiting couple, (including same sex);
 - A family, (including foster and cared for children), related persons such as grandparents and a grandchild as well as unrelated persons such as domestic employees.
- 2.10 The following exemptions may apply to HMO licencing and are listed in the Housing Act 2004 and associated regulations:
- Property occupied by two people who form two households;
 - Buildings managed by a Local Housing Authority, Registered Provider, Police, Fire and Rescue or a Health Authority;
 - Buildings regulated under other statutory provisions;
 - Certain purpose-built student halls of residence which are subject to Health and Safety legislation and/or are regulated by the Office for Students;
 - Buildings occupied principally for purposes of a religious community for prayer, contemplation, education or relief of suffering; and
 - Buildings which are owner occupied with no more than two lodgers.

3. CURRENT POSITION

- 3.1 The Councils process for administering HMO licence applications are being updated to reflect the most recent legislation. An HMO licence application form can be completed on line and submitted via the Council website. The form must be completed in full and the following documentation provided:
- Gas Safety Certificate, (if relevant);
 - Electrical Installation Condition Report (EICR) dated within the last five years;
 - Fire Safety Equipment service records, (if relevant);
 - Fire Alarm Test Certificate;
 - Energy Performance Certificate; and
 - Declaration of notifications to people who need to be notified prior to the application being submitted.
- 3.2 Certain individuals must be informed before a licence is applied for. Those individuals are:
- The manager;
 - The owner(s);
 - Long term tenant(s) or leaseholder(s);

- Any other person willing to be bound by the licence; and
- Any mortgage provider(s).

3.3 When the application form is complete and the relevant documentation gathered, it can be submitted on line or by post to the Council. Once the full application, relevant documentation and an initial application fee of £100 has been received, there is a process for checking the information provided and the certificates supplied. An inspection of the property will also be arranged.

3.4 When the inspection has taken place and all checks made, if the outcome is satisfactory, a draft licence with conditions will be issued. There is a 14-day consultation period on the draft licence where representations can be made by the applicant. Any representations made may result in the licence conditions being amended, varied or the representation(s) rejected.

3.5 At the end of the consultation period the final HMO licence will be issued, and the remainder of the licence fee must be paid. Completion of this process must happen within a prescribed period of 62 days.

3.6 **Demand on the service:**

Currently there are 13 mandatory licensable HMO's in Broadland. Although it is believed there are more properties that fall under this legislation that are yet to be licensed, it is unlikely there are large numbers in the district. Therefore, demand on this service is not expected to rise significantly in the foreseeable future. However, Officers are currently working on a project to identify unlicensed HMO's in order to get them licensed and will take enforcement action where that is appropriate.

3.7 **Fees:**

The Council previously used a different methodology that was based on earlier legislation for calculating the amount charged for issuing new five year licences, subsequent variations on those licences and the anticipated renewal of a licence after five years.

3.8 The methodology used to determine the proposed fees in this report is based on more recent guidance from central government and has been recalculated on the basis of the change in practice and the job roles of those who deliver the service. The proposed fees accurately reflect the actual costs of the service now and the new fees are defensible if the Council was challenged and are demonstrably reasonable, proportionate and transparent.

4. **PROPOSED ACTION**

4.1 The table below details both current and proposed charges for this service. The new charges are correct as at 1/4/20 and are based on 2020/21 salary bandings and on-costs.

Appendix A and B to this report set out the basis on which the new fees for new and renewed licences have been calculated. In addition, **Appendix C** provides a cost comparison with fees charged by other similar local authorities.

4.2 Current and proposed fees for a mandatory licensable HMO:

	Five Year Licence (£)	Variations to Licence (£)	Renewal of Licence (£)
Current Fees	593.00*	28.50**	Not previously determined
Proposed Fees	£825	£133	£514

*This is for up to 5 Lettings. If the licence is for more than 5 lettings an additional £28.50 is charged per extra letting. **This is per amendment

5. OTHER OPTIONS

- 5.1 It is within the gift of the Council to choose to charge less for the service than the auditable and defensible re-calculated cost proposed in the table above.

6. ISSUES AND RISKS

- 6.1 There could be reputational risks for the Council arising from setting a higher fee than the current charge, albeit the previous cost was calculated several years ago and was prior to the most recent legislation and current central government guidance. This risk is however mitigated by the fact that the proposed new fee is auditable and defensible should it be challenged.

The increase in the cost of the five year licence is £232 and it is reasonable to assume that a landlord could choose to pass on that additional cost to those living in their HMOs. However this increase equates to £3.86 per HMO per month over the life of the licence. When further divided by the minimum number of tenants in each HMO (5) the actual increase in cost to the tenant per month is 77 p. Equally when divided by the maximum number of tenants in a licensed Broadland HMO (14) the cost would be 27p per month.

6.2 Resource Implications:

There could be resource implications arising from this report should the Council choose not to impose a fee that reflects the true cost of the service.

6.3 Legal Implications:

There are no legal implications arising from this report.

6.3 Equality Implications:

There are no direct equalities implications arising from this report as specified within the Equalities Act 2010. However as identified in 6.1 any increase in the fees charged are likely to be passed on by the landlord to the tenants in the relevant property. The increased costs would, on the basis of the proposed new five year licence fee, equate to between 77p and 27p per tenant per month.

Although this is a relatively small amount it is widely understood that people living in HMOs are more likely to be on low incomes, live in poverty and have associated vulnerabilities. A partial mitigation to this impact is that licensable HMOs are likely to provide safer accommodation for those in greatest need and have been calculated using an auditable and transparent process. An Equalities and Communities Impact Assessment is appended to this report at **Appendix D**.

6.4 Environmental Impact:

There are no negative impacts on the environment arising from this report. To the contrary, the mandatory licensable HMO process has a positive impact on the environment in that it actively delivers improved and healthier low cost housing to those living in HMO's in Broadland and South Norfolk.

6.5 Crime and Disorder:

The purpose of these measures is to ensure proper regulation of the private rented sector and improved quality of life for those living in HMOs. It is an offence for a landlord to not seek a licence for a qualifying HMO.

6.6 Risks:

There is an ongoing risk that there could be a challenge from private sector landlord representative bodies such as the Eastern Landlords Association, that they are required to pay different fees for similar services from different Councils.

7 CONCLUSION

- 7.3 Broadland Council has a strong reputation for dealing with HMOs and this proposal ensures that this approach can be maintained whilst charging legally and defensible fees.

8 RECOMMENDATION

- 8.1 That the Council fee for mandatory licensable HMO's are set at:

- £825 for a new five-year licence;
- £133 for variations on an existing five-year licence; and
- £514 for renewal of a five-year licence

- 8.2 Alternatively, Cabinet may wish, in recognition of the Wellbeing Panel comments on 8 July 2020, to set a subsidised fee for a new five-year licence, such as £700.

Background Papers

Broadland Cabinet papers approving the original fees.

National Guidance on Charging for Mandatory Licensable HMO's.

APPENDIX A

HMO Licensing Procedure and Fee calculation – April 2020

Licensing procedure step	Officer	Officer cost per hr	Time spent (mins)	Total Cost (£)
1. Initial enquiry – email or telephone call. Advice provided.	CEO*	44.46	30	22.23
2. Information / guidance and application form sent out with letter / email.	CEO	44.46	30	22.23
3. Check property planning permissions.	CEO	44.46	30	22.23
4. Land registry check on property, (£3 search fee)	CEO	44.46	15	11.12 +3.00 fee
5. Receive application, send out receipt and acknowledgement letter. Request additional documents if necessary.	CEO	44.46	30	22.23
6. Review application form, fit and proper person declarations and necessary documents – gas and electrical safety certification. Determine max number of occupants and max number per bedroom.	CEO	44.46	90	66.69
7. Update FLARE / Uniform with information from application form.	CEO	44.46	60	44.46
8. Arrange site visit to property – letter/email to confirm.	CEO	44.46	15	11.12
9. Property Inspection taking notes and photographs. Determine compliance with amenity standards / HHSRS.	CEO	44.46	180	133.38
10. Review compliance with amenity / facility standards and minimum room size requirements.	CEO	44.46	90	66.69
11. Liaise with planning and Fire Safety and Rescue (if above commercial premises).	CEO	44.46	30	22.23
12. Download photographs and collate property notes / photographs onto FLARE / Uniform. Attach documents to IDOX.	CEO	44.46	60	44.46
13. Prepare draft licence with conditions and send with accompanying letter.	CEO	44.46	150	111.15
14. Discuss / determine any representations made.	CEO	44.46	60	44.46
15. After consultation period, prepare final licence with conditions and send out. Consider consultees and send copies to all.	CEO	44.46	60	44.46
16. Update public HMO register	CEO	44.46	30	22.23
17. Carry out risk assessment to determine date of next inspection. Update FLARE / Uniform.	CEO	44.46	30	22.23
18. Re-visit property following issue of new licence to check any works on conditions.	CEO	44.46	120	88.92
TOTAL			1,110	825.52

*CEO – Community Enforcement Officer

APPENDIX B

HMO Licence Renewal Procedure and Fee calculation - April 2020

Licensing procedure step	Officer	Officer cost per hour	Time spent (mins)	Total Cost (£)
1. Send email or licence renewal letter to landlord with application form. Update FLARE / Uniform.	CEO*	44.46	45	33.35
2. Receive application, send out receipt and acknowledgement letter. Request additional documents if necessary.	CEO	44.46	30	22.23
3. Review application form, fit and proper person declarations and necessary documents – gas and electrical safety certification. Check for changes and update FLARE / Uniform.	CEO	44.46	90	66.69
4. Land registry check on property, to check details remain accurate, (£3 search fee)	CEO	44.46	15	11.12 +3.00 fee
5. Liaise with planning if there are changes in occupancy, (more than 6).	CEO	44.46	30	22.23
6. Arrange site visit to property – letter/email to landlord to confirm. Update FLARE / Uniform.	CEO	44.46	30	22.23
7. Property Inspection taking notes and photographs. Determine compliance with licence conditions, fire safety requirements, amenity standards / HHSRS.	CEO	44.46	150	111.15
8. Download photographs and collate property notes / photographs onto FLARE / Uniform. Attach documents to IDOX.	CEO	44.46	60	44.46
9. Prepare draft licence with conditions and send with accompanying letter.	CEO	44.46	90	66.69
10. Discuss / determine any representations made.	CEO	44.46	30	22.23
11. After consultation period, prepare final licence with conditions and send out. Consider consultees and send copies to all.	CEO	44.46	60	44.46
12. Update public HMO register	CEO	44.46	30	22.23
13. Carry out risk assessment to determine date of next inspection. Update FLARE / Uniform.	CEO	44.46	30	22.23
TOTAL			690	514.30

*CEO – Community Enforcement Officer

APPENDIX C

HMO Licence Fee Comparison

Local Authority	HMO Licence Fee	Licence Renewal Fee	Licence Variation Fee
South Norfolk	£853.00	£500.00	£49.00
Broadland	£593.00 (Up to 5 units) £28.50 for each additional unit	£593.00	£28.50
Breckland	£399.00	No published charge	No published charge
North Norfolk	£525.00 (up to 6 units) £25.00 for each additional unit	No published charge	No published charge
Kings Lynn & West Norfolk	£685 (up to ten rooms) £39.37 for each additional unit	£596 (up to 10 rooms, then £39.37 per additional room)	No published charge
Gt Yarmouth	£770.00 (up to 5 rooms, then £25.00 per additional room)	£770.00 (up to 5, then £25.00 per additional room)	No published charge
Norwich City	£140.00 for a one year licence = £750 Over 5 years	£140.00	No published charge
Oxford City	£541.00 (£1,998.00 if unlicensed for over 12 weeks)	£490.00	No published charge
Cambridge City	Fee on application: £643. Fee on grant of licence: £326 = £969	£546	No published charge
Brighton & Hove Council	£683.00 (up to 6 occupants), prompted fee: £826.00	£392.00	No published charge
York City Council	£1,095.00	£795.00	No published charge
Lewes & Eastbourne Councils	£848.00 - £1000.00 based upon type of accommodation)	£595.00	No published charge
Peterborough	£750 Voluntary £900 Requested	No published charge	No published charge

Broadland and South Norfolk

Guidance - Completing an Equalities and Communities Impact Assessment

PROTECTED GROUPS	PUBLIC SECTOR EQUALITY DUTY ('PSED')
<p>The Equality Act 2010 identifies 9 protected characteristics:</p> <ul style="list-style-type: none"> • Age • Disability • Gender • Sexual Orientation • Race • Religion • Pregnancy & Maternity • Gender Reassignment • Marriage & Civil Partnerships 	<p>The PSED requires us, as a Local Authority, to undertake the following:</p> <ul style="list-style-type: none"> • Eliminate unlawful discrimination, harassment and victimisation Consider whether a policy, procedure or practice is likely to treat anyone less favourably or disadvantage them because of a protected characteristic. • Advance equality of opportunity Consider measures to advance equality of opportunities for protected • Promote good relations Take steps to tackle prejudice and promote understanding between groups. e.g. hold talks for staff/the public; get involved in local events; promote local events run by protected groups.

CONSIDERATION TO BE GIVEN TO:	COMMUNITY IMPACTS
<ul style="list-style-type: none"> • Health • Place inc. Rurality • Low Income and Poverty 	<p>In addition to the 9 characteristics protected under legislation you are also asked to consider how the proposed policy could impact upon:</p> <ul style="list-style-type: none"> • Achieving our priorities of Health and Wellbeing and Inclusive Growth • Informing and contributing to the development of sustainable communities through our Locality Offer <p>This holistic approach constitutes good practice and demonstrates that a robust assessment has been undertaken, evidenced and reviewed.</p>

Questions	Answers
When should an Equalities and Communities Impact Assessment (EqCIA) be undertaken?	<p>Equalities and Communities Impact Assessments (EqCIAs) should be undertaken when a policy practice or procedure is revised/created which may impact on a protected group. We must ensure these impacts are considered at an early stage. It is important to remember that impacts may have a positive or negative effect.</p> <p>Additionally, it is good practice to consider the additional characteristics of <i>Health, Place inc. Rurality</i> and <i>Low Income and Poverty</i>. While this demonstrates that a thorough assessment has taken place it also evidences how proposed policies, practices or procedures contribute to achieving our agreed priorities.</p>
Why do we need to under an EqCIA?	If we fail to do so this may be open to legal challenge, causing reputational & financial harm.
How do we undertake an EqCIA?	Complete the attached EqCIA. Consider consultation with representatives of potentially affected groups. Send the completed EqIA to your Head of Department and then to the Equalities Lead - Victoria Parsons. This may be discussed with the shared Joint Equality Group.

What questions should I ask myself when completing the EqCIA:	<ol style="list-style-type: none"> 1. Could the new/revised Policy, Procedure or service, or the way it is carried out, have an impact on one of the protected groups? 2. Is a negative impact unavoidable? What could be done to avoid/mitigate? Can it be justified? Can we achieve the aims without having the same negative impact?
Do I need to consider consultation ?	<p>Yes, quite possibly. To understand the impact of a change, consultation can be vital. Consultation may involve:</p> <ul style="list-style-type: none"> • Discussion with colleagues across the Council to identify impacts. • Engaging with representatives of relevant protected groups or with the public directly. • Contacting other local authorities. • Undertaking desk top research. • Consulting with the Joint Equality Group. <p>Consultation can include: face-to-face meetings; focus groups, questionnaires (inc. on the Council website) & discussion papers.</p>
Do I need to review an EqCIA?	Yes, these should be reviewed periodically by you to ensure the impacts were correctly identified and that steps have been taken to mitigate against any negative effects.
Any questions?	Please contact Victoria Parsons should you have any questions. victoria.parsons@broadland.gov.uk or 01603 430457 (2457)
Who do I send the completed EqCIA to?	<p>Please send the completed EqCIA to both:</p> <ul style="list-style-type: none"> • Victoria Parsons – Equalities lead for Broadland and South Norfolk victoria.parsons@broadland.gov.uk or 01603 430457 (2457) • Your Head of Department

APPENDIX D

Equalities and Communities Impact Assessment

Name of Officer/s completing assessment:

Leigh Booth

Date of Assessment: 22/7/20

1. What is the proposed Policy (please provide sufficient detail)?

For the purposes of the assessment the term 'Policy' relates to any new or revised policies, practices or procedures under consideration.

Review of Mandatory Licensable Houses in Multiple Occupation Fees

2. Which protected characteristics under the Equalities Act 2010 does this Policy impact: (indicate whether the impact could be positive , neutral , or negative)			
Protected Characteristic	Potential Impact		
	Positive	Neutral	Negative
Age			x
Disability		x	
Race		x	
Sex		x	
Religion or Belief		x	
Sexual Orientation		x	
Marriage/Civil Partnership		x	
Pregnancy/Maternity		x	
Gender Reassignment		x	
3. Which additional Communities characteristics does this policy impact?			
Health		x	
Place inc. Rurality		x	
Low Income and Poverty	X		x

3. What do you believe are the potential equalities impacts of this policy?

Please include:

- Partnership organisations worked with in the development of this policy
- Evidence gathered to inform your decision
- Where you have consulted, Who and How this has informed the decision/policy
- Any other groups impacted not detailed above

Note: Impacts could be **positive**, **neutral**, or **negative** and impact groups differently

This report recommends to Cabinet that the chargeable fees for mandatory licensable HMOs should be revised in line with new central government guidance. The revised fees are based on a more complex process that is more time consuming. The revised fees are based on a transparent and auditable methodology. As a result the proposed fees will increase the cost to landlords, who as business people are likely to pass that extra cost onto their tenants through their monthly rent. The report recognises that HMOs are the cheapest form of housing available and as such are most likely to attract those in low paid

work, unemployed and potentially vulnerable. This could also particularly impact young people who are more likely to live in this form of accommodation. This increase in cost could therefore have a negative impact on this section of the community.

5. What do you believe are the potential communities impacts of this policy?

Please include:

- How the policy can meet agreed priorities
- Evidence gathered to inform your decision
- Partnership organisations worked with in the development of this policy
- Where you have consulted, Who and How this has informed the decision/policy
- Any other groups impacted not detailed above

Note: Impacts could be **positive**, **neutral**, or **negative** and impact groups differently

The policy has a positive impact on the community in that it ensures proper regulation of the private rented sector and improved quality of life for those living in HMOs. It is an offence for a landlord to not seek a licence on a qualifying HMO.

6. How is it proposed that any identified negative impacts are mitigated?

Please include:

- Steps taken to mitigate, for example, other services that may be available
- If a neutral impact has been identified can a positive impact be achieved?
- If you are unable to resolve the issues highlighted during this assessment, please explain why
- How impacts will be monitored and addressed?
- Could the decision/policy be implemented in a different way?
- What is the impact if the decision/policy is not implemented?

On the presumption that any increase in fees charged are likely to be passed on by the landlord to the tenant, the negative impact is partially mitigated by the fact that the additional cost will be minimal when distributed across the minimum and maximum number of tenants in qualifying HMOs in Broadland. The increased costs would, on the basis of the proposed new five year licence fee, equate to between 77p and 27p per tenant per month.

Further mitigation of this relatively small increase in cost per tenant, is that the process of licencing mandatory HMOs leads to a higher quality and healthier living environment for those residing in them.

Signed by evaluator: Leigh Booth, ICT Lead Housing Standards, Communities and Early Help

Signed by responsible head of department: Mike Pursehouse, Assistant Director for Individuals and Families.

Please send your completed forms to the equalities lead (Victoria Parsons) to be reviewed and stored in accordance with our legal duty.

REVIEW DATE - _____

(See Page 2 for details of reviews. Please send a copy of the reviewed document to Victoria Parsons)

UPDATE TO LOCAL DEVELOPMENT SCHEME

Report Author: Paul Harris
Place Shaping Manager
01603 430444
paul.harris@broadland.gov.uk

Portfolio: Planning

Wards Affected: All

Purpose of the Report:

To amend the Local Development Scheme to reflect changes to the Greater Norwich Local Plan (GNLP) timetable and amendments to the GNLP document profile to reflect the production of a separate South Norfolk Village Clusters Housing Allocations Document.

Recommendations:

1. It is recommended that Cabinet recommends Council to approve the proposed amendments to the current, May 2019, Local Development Scheme.

1 SUMMARY

- 1.1 The Local Development Scheme (LDS) sets out the timetable for preparing new local plans and summarises what they are to contain. This report sets out amendments to the current May 2019 Local Development Scheme (LDS) regarding:
- the emerging Greater Norwich Local Plan (GNLP) timetable, following the recent Regulation 18 Consultation;
- 1.2 In addition, the document profile for the Greater Norwich Local Plan (GNLP) is amended to reflect that allocations of land for housing in the South Norfolk Village Clusters will now be made through a separate “South Norfolk Village Clusters Housing Allocations document”.
- 1.3 The GNLP is expected to be adopted in late 2022 and the South Norfolk Village Clusters Housing Allocations document in late 2022 or early 2023.

2 BACKGROUND

- 2.1 It is a legislative requirement for the Council to publish a Local Development Scheme and to keep this up to date under section 15 of the Planning and Compulsory Purchase Act, as amended by the Localism Act. The last update to the LDS (May 2019) was agreed by Council in July 2019. This can be viewed at: https://www.broadland.gov.uk/downloads/download/61/local_development_scheme_lds

3 CURRENT POSITION

- 3.1 As part of the work on the emerging Greater Norwich Local Plan (GNLP) it has become evident that amendments are needed to the timetable for its production and consequently the LDS. These amendments are as a result of the need to: ensure full consideration is given to the issues raised through the draft plan consultation; produce additional or update evidence; and, undertake a further focused consultation, which is timetabled for November-December 2020. The LDS (Appendix A) has been updated in accordance with the new timeline. The new timetable sees the document adopted in November/December 2022.

4 PROPOSED ACTION

- 4.1 To ensure that the latest situation on the proposed GNLP is properly reflected in the LDS, it is recommended that the document be updated in accordance with the new timetable.

5 OTHER OPTIONS

- 5.1 The alternative is to not make the above amendments, which would mean that the LDS is not up to date which would not be compliant with the Localism Act, with implications for the soundness and legal compliance of the Local Plan documents.

6 ISSUES AND RISKS

- 6.1 **Resource Implications** – Production and publication of the revised LDS is within the normal Place Making Team resources. The work on the GNLP is resourced under the arrangements for the Greater Norwich Development Partnership. South Norfolk Council has made a dedicated budget available for the Village Clusters document for 2020/21 and 2021/22.
- 6.2 **Legal Implications** – Not having an up-to-date LDS would conflict with the Localism Act (2011) and result in emerging Local Plan documents not being ‘sound’ and legally compliant.
- 6.3 **Equality Implications** – In terms of the Equalities Act 2010 requirements, the LDS is not a policy, but is the document that sets out the timetable for the production of Development Plan Documents, in accordance with the legal requirements. As such, it does not itself impact on equalities. The timetable allows sufficient time for community engagement, as required under the Council's Statement of Community Involvement (SCI). The Development Plan Documents will themselves be subject to equalities impact assessment.
- 6.4 **Environmental Impact** – None.
- 6.5 **Crime and Disorder** – None.
- 6.6 **Risks** – None.

7 CONCLUSION

- 7.1 During the process of preparing the Greater Norwich Local Plan (GNLP) it has become evident that amendments are needed to the timetable for its production and consequently the LDS.

8 RECOMMENDATIONS

- 8.1 It is recommended that Cabinet recommends to Council that it approves the proposed amendments to the current Local Development Scheme (LDS).

Background Papers

None.

Broadland District Council

Local Development Scheme 2018 – 2022

July 2020

Contents

Introduction	2
Localism Act (2011)	2
Greater Norwich Development Partnership	2
Adopted Development Plan Documents (Local Plans)	3
Local Development Documents	3
Proposed Development Plan Documents	4
Other documents related to the DPD's:	5
Evidence Base	5
Proposed Timetable 2018 – 2022	6
Overview	7
Development Plan Documents (DPDs)	7
Greater Norwich Local Plan (GNLP)	9
Monitoring	11
Glossary of Terms.....	12

Introduction

Under the Planning and Compulsory Purchase Act 2004 the development plan will constitute of a range of documents called Development Plan Documents or 'Local Plans'. The 'Local Development Scheme' (LDS) has to be prepared by each local planning authority to outline its programme for production of the new Local Plan documents.

The Development Plan Documents (DPD), that are the subject of this Local Development Scheme are:

- Greater Norwich Local Plan

The Broadland Local Development Scheme does not include the Broads Area even though this is within Broadland District, as the Broads Authority is a local planning authority in its own right and produces a Local Development Scheme for its area.

Localism Act (2011)

The Localism Act 2011 requires planning authorities to prepare and maintain a Local Development Scheme. The scheme must specify:

- The documents which are development plan documents;
- The subject matter and geographical area to which each development plan documents to relate;
- Which development plan documents (if any) are to be prepared jointly with one or more other local planning authorities;
- Any matter or area in respect of which the authority have agreed (or propose to agree) to the constitution of a joint committee under section 29;
- The timetable for the preparation and revision of development plan documents;
- Such other matters as are prescribed.

It is no longer required to submit the scheme to the Secretary of State.

Greater Norwich Development Partnership

The Greater Norwich Development Partnership (GNDP) brought together Broadland District Council, Norwich City Council, South Norfolk District Council and Norfolk County Council. The partnership oversaw the production of a Joint Core Strategy for the Broadland, Norwich and South Norfolk local planning authority area. This is currently the overarching strategic spatial planning document for the three local planning authorities.

Adopted Development Plan Documents (Local Plans)

The Joint Core Strategy for Broadland, Norwich and South Norfolk was adopted in March 2011. However, following a legal challenge part of the text was "remitted" by the court. This meant that part of the process for producing the strategy had to be repeated for this element. This has been undertaken and the remitted element was adopted on 10 January 2014.

Other adopted Development Plan Documents (Local Plans) are: Development Management Policies DPD adopted August 2015; Site Allocations DPD adopted May 2016 and Old Catton, Sprowston, Rackheath and Thorpe St Andrew Growth Triangle Area Action Plan DPD adopted July 2016.

Local Development Documents

There are two types of documents known as **Local Development Documents** (LDDs). These are: **Development Plan Documents** (DPDs) which are required and **Supplementary Planning Documents** (SPDs) which are optional.

Development Plan Documents (DPDs), will be the most important documents as they will form part of the statutory Development Plan. When the document is adopted it will be part of the Development Plan and will therefore carry considerable weight in the determination of planning applications. Under section 38(6) of the Act, "If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". DPDs are commonly referred as Local Plans.

In addition to the DPDs / Local Plans referred to in this document, other development plan documents produced by Norfolk County Council (on minerals and waste planning) and the Broads Authority (for the Broads Area) are also relevant to Broadland.

Supplementary Planning Documents (SPD's) are not policy documents in themselves, but are to support or 'supplement' the policies in the Development Plan Documents. The SPD's will be produced as and when necessary, and are not set out in this document.

Proposed Development Plan Documents

Greater Norwich Local Plan - The proposed Greater Norwich Local Plan (GNLP) will be produced by the three districts of Broadland, Norwich and South Norfolk, excluding those parts that are within the Broads Authority Executive Area. It will provide the strategy for future development of the Greater Norwich area, and identify specific areas for development, for the period up to 2038.

Policies Map (previously known as the Proposals Map) - The Policies Map will not form a separate document but will be part of the Development Plan. The Policies Map illustrates the policies that apply spatially, showing these on an Ordnance Survey base map. This will be updated as the DPDs are produced.

Other documents related to the DPD's:

Annual Monitoring Report (AMR): includes a summary of progress on the targets set out in the Local Plans.

Statement of Community Involvement (SCI): sets out the Council's approach to involving the community in the preparation of all local development documents and also planning applications.

Sustainability Appraisal (SA) Reports: a systematic process undertaken during the preparation of a plan or strategy, as required by the Planning and Compulsory Purchase Act 2004 (S19(5)). There is also a requirement for Development Plan Documents to undergo a Strategic Environmental Assessment, (known as SEA) under European Directive 2001/42/EC (transposed into UK legislation by the Environmental Assessment of Plans and Programmes Regulations 2004). It is intended that the Sustainability Appraisal incorporates the SEA in accordance with the Act and Regulations. This means that in addition to Environmental issues, on which an SEA focuses, Social and Economic matters will also be addressed as part of the overall assessment of sustainability, within a single joint appraisal.

Equality Impact Assessment (EIA): the purpose of EIA is to improve the work of the Council by making sure that it does not discriminate and that, where possible, promotes equality. The relevant legislation is the Equalities Act 2010 which places obligations on local authorities and public sector organisations to consider equality issues in decision making.

EIA is a way of making sure the Council thinks carefully about the likely impact of its work on equality target groups. It involves anticipating the consequences of policies, strategies, projects or procurements on the target groups and making sure that, as far as possible, any negative consequences are eliminated or minimised and opportunities for promoting equality are maximised.

Neighbourhood Plans: documents that will set out policies relating to the use of land within a neighbourhood. In Broadland's communities, the development of these plans will be led by the appropriate Parish or Town Council, with support from Broadland District Council. The process will involve extensive consultation with residents, an independent examination of the submitted plan, followed by a local referendum. Assuming the plan passes the examination and referendum, it will then become adopted as part of the development plan for the district. Information on the made Neighbourhood Plans and the new ones that have been proposed, can be found on the Council's website <http://www.broadland.gov.uk>. These are not included in the Local Development Scheme.

Evidence Base

The Development Plan Documents are based on a range of studies and other evidence, utilising existing evidence or through revisions of this. Particular elements are the Strategic Housing Market Assessment most recently published in 2017, and the Housing and Employment Land Availability Assessment (HELAA) 2017/18. Regard is also had to other relevant documents such as strategies and policy documents, produced by the Council or other appropriate bodies.

Proposed Timetable 2018 – 2022

Broadland Local Development Scheme Timetable - July 2020

	2019												2020											
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
Greater Norwich Local Plan													C	C	C								C	C
Policies Map - Update																								

	2021												2022											
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
Greater Norwich Local Plan								P	P	S	S												A	A
Policies Map - Update																								A

Key

C	Regulation 18 (or equivalent for SPD) Consultation
P	Pre-Submission Publication of Plan (Regulation 19)
S	Submission to Secretary of State for Independent Examination (Regulation 22)
A	Adoption of Plan

NB: Work on the GNLP commenced in 2015, and is currently at the Regulation 18 stage of evidence gathering and document preparation. The regulation 18 has so far included a "call for sites" (an invitation to put forward specific development sites for inclusion in the GNLP) May - July 2016; production of evidence studies; Regulation 18 consultation on issues and options and site proposals held January - March 2018; Regulation 18 stage consultations on New, Revised and Small Sites October – December 2018; and, Regulation 18 consultation on Draft Plan January – March 2020. A further Regulation 18 focused consultation is now planned for November-December 2020. The detailed timetables for this work can be seen at <https://www.greaternorwichgrowth.org.uk/planning/greater-norwich-local-plan/>.

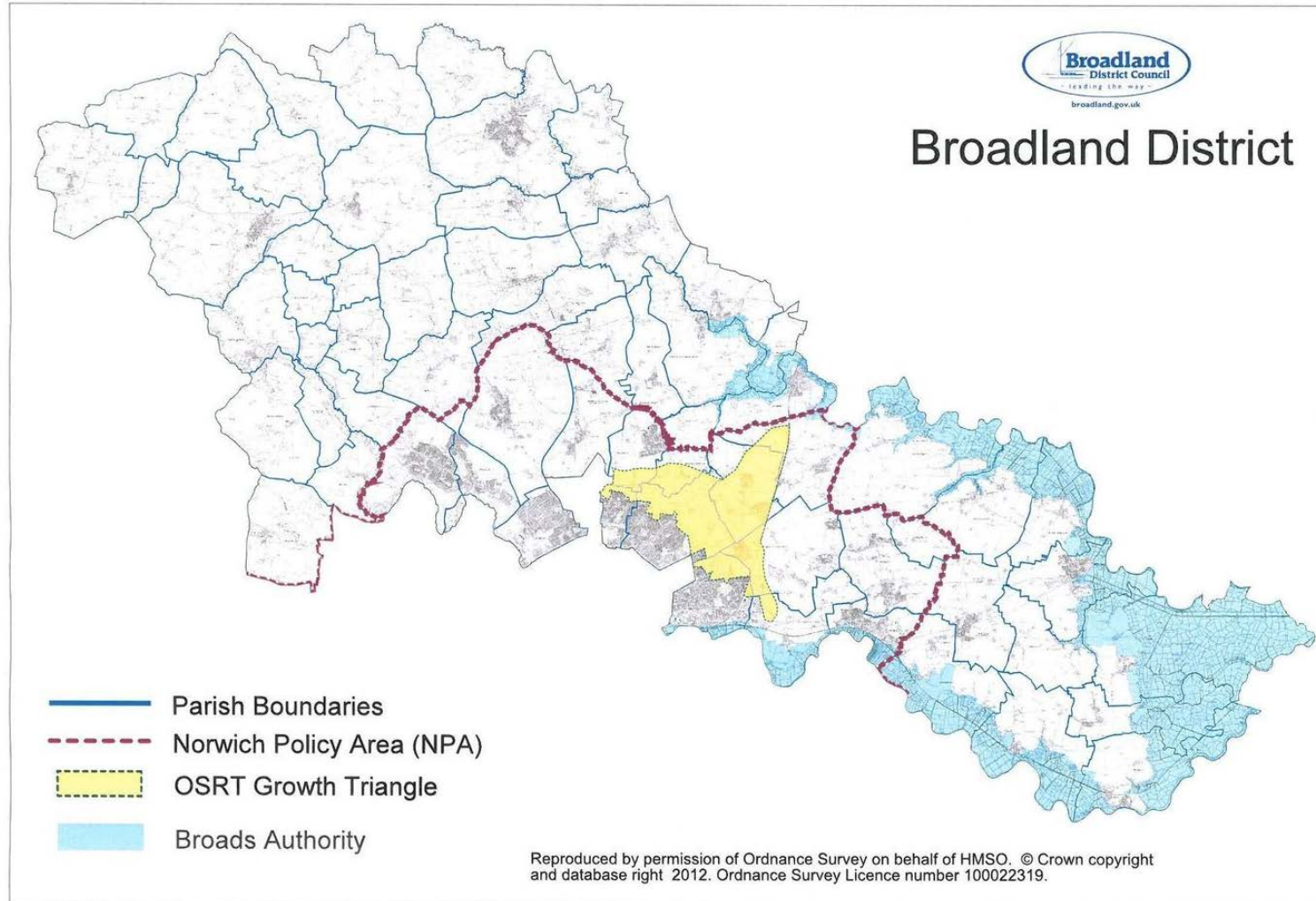
Overview

This section contains a “profile” of each document to be produced describing the content, explaining how each document conforms with higher order documents, the geographical area it covers, whether it will be a joint document and who will be involved, the set timetable for the production of each document, the department which will lead on production and how each document will be reviewed.

Development Plan Documents (DPDs)

1. Greater Norwich Local Plan

Figure 1 Broadland District



Greater Norwich Local Plan (GNLP)

DOCUMENT DETAILS	
What is the Purpose of the Document?	<p>To provide the strategic vision, objectives and strategy for the future development of the Greater Norwich area and to identify specific issues for development for the period up to 2038.</p> <p>The areas to which the GNLP policies apply will be shown on the Policies Map.</p> <p>The GNLP provides the strategic context for the preparation of lower level documents prepared by the three constituent district planning authorities.</p> <p>The allocation of sites for housing development within the South Norfolk Village Cluster area, as defined by emerging GNLP, will be dealt with by a separate document prepared by South Norfolk Council.</p>
What geographical area does the document cover?	The three districts of Broadland, Norwich and South Norfolk, excluding the parts of those districts that are within the Broads Authority Executive Area.
What is its status?	Development Plan Document or Local Plan
Will the document require a joint approach with other authorities? If so, with whom?	The plan will be prepared jointly by Broadland, Norwich and South Norfolk working with Norfolk County Council.
What documents must it conform to?	General conformity with National Planning Policy Framework (NPPF) and Policy Statements.
TIMETABLE	See Proposed Timetable
ARRANGEMENTS FOR PRODUCTION AND REVIEW	
Which department will lead the process?	Place Shaping Team
How will stakeholders and the community be involved?	The Council will involve stakeholders and local communities as set out in the Statement of Community Involvement.
How will the document be reviewed?	The document will be monitored and reviewed as part of the Annual Monitoring Report process.

	<p>In accordance with the National Planning Policy Framework, Local Plans should be reviewed at least every 5 years. Such a review will need to determine whether there have been any significant matters that have arisen, for example to national policy or needs for development, that mean that modifications should be made to the Local Plan or a new replacement Local Plan produced. Consequently, it is proposed to timetable regular reviews of the Greater Norwich Local Plan, so that any identified need for modifications can be addressed in a timely manner. The timetable for the first Greater Norwich Local Plan is for submission to the Secretary of State in October-November 2021 leading to the adoption in October-November 2022, some 7 years since work commenced on its production.</p> <p>On the basis of the current timetable, it will be necessary to review the plan to determine whether it needs updating in late 2027, although a formal review of the plan may be begun before this date if appropriate.</p>
What is the relationship with other Local Plans?	<p>In Broadland the GNLP will supersede</p> <p>(i) the Joint Core Strategy (JCS) for Broadland, Norwich and South Norfolk (adopted March 2011, amendments adopted January 2014),</p> <p>(ii) the Broadland Site Allocations DPD</p> <p>It will be a component of the overall Broadland Development Plan, in conjunction with the Growth Triangle Area Action Plan, Development Management DPD and any made Neighbourhood Plans.</p>

Monitoring

The Annual Monitoring Report (AMR) is the means of bringing forward a range of planning information to show performance of the plans and policies over the previous year. The aims of the (AMR) can be summarised as:

- To monitor the implementation of the local development scheme;
- To measure development performance against individual plan targets;
- To provide a commentary on the development performance and suggest any external factors which need to be taken into account, as being likely to affect the plan's targets in future.

It is intended that monitoring should be done jointly across the three authorities to measure performance of the current Joint Core Strategy across the Greater Norwich area, as well as individually for Broadland.

This Local Development Scheme (LDS) will need to be reviewed at regular intervals. The LDS will in particular need to be considered for review after the Annual Monitoring Report has been prepared each year in order to take account of any matters which it identifies as needing review.

In accordance with the National Planning Policy Framework, the adopted Development Management Policies DPD will be due for review by summer 2020 and the Growth Triangle Area Action Plan in Summer 2021.

Glossary of Terms

Abbreviation/ Document	Explanation
AMR	Annual Monitoring Report: part of the local development framework. Local authorities are required to produce an AMR each December with a base date of the previous financial year monitoring the progress of the implementation of the local development scheme and the extent to which policies in local development framework are being implemented.
AAP	Area Action Plan: a planning framework for area of major change or conservation similar to masterplan.
CS or (JCS)	Core Strategy / (Joint): sets out the long term spatial vision for the area. A development plan document, and one with which all other development plan documents must conform.
Development Plan Document (DPD)	Development Plan Documents contained within the local development framework. According to Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In order to acquire this status they will be subject to independent scrutiny through a public examination. Certain documents within the local development framework must be DPDs, for example Core Strategy, Site Specific Allocations of land and Area Action Plans where produced. There must also be an adopted Policies Map which will be varied as successive DPDs are adopted.
LDD	Local Development Document: the collective term for development plan documents, supplementary planning documents and statements of community involvement.
LDF	Local Development Framework: the portfolio of local development documents consisting of DPDs, SPDs, SCI, LDS and AMR. This is now referred to as the Local Plan as defined in the NPPF.
LDS	Local Development Scheme: the programme for the preparation of local development documents.
Local Plan	Another name for a Development Plan Document and commonly used to refer to the DPDs as a whole.
NPPF	The National Planning Policy Framework (NPPF) published in July 2018, sets out the Government's planning policies and requirements for the English Planning System. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
Policies (Proposals) Map	The adopted policies map as defined by the NPPF (previously termed the proposals map) illustrates all the policies contained in

	development plan documents and any saved policies. It will need to be revised as each new development plan document, which has a spatial content, is adopted. As development plan documents are submitted, they will include within them a submissions policies map showing the changes which would be required upon adoption of the document.
Site Allocations	Allocations of sites for specific or mixed uses for development, i.e. Housing, Employment, Open Space, Mix uses, etc.
SCI	Statement of Community Involvement: sets out the standards which authorities will achieve with regard to involving local communities in the preparation of local development documents and development control decisions.
SA	Sustainability Appraisal: appraises policies to ensure they reflect sustainable development objectives (social, environmental and economic factors). Required by the Act to be undertaken for all DPDs.
SEA	Strategic Environmental Assessment: the term used to describe environmental assessment applied to policies, plans and programmes. In compliance with European SEA directive, a formal environmental assessment of land use planning proposals and plans is required. In practise SA and SEA are often combined.
SPD	Supplementary Planning Documents: provide supplementary information elaborating on policies in DPDs. Forming part of the Local Development Framework (LDF) not subject to independent examination and do not form part of the development plan. No longer require Sustainability Appraisal.

WASTE SERVICES REVIEW (Covering Report)

Report Author: Sarah Bruton
Internal Consultancy Lead - Waste
Sarah.bruton@broadland.gov.uk

Portfolio: Environmental Excellence

Wards Affected: All

Purpose of the Report:

This report presents the findings of a detailed business case for the setting up of a joint Local Authority Trading Company (LATC) for the delivery of waste services, between Broadland and South Norfolk Councils.

Recommendations:

That Cabinet:

1. Note the final business case (appendix 1 of the exempt report).
2. Agree to the establishment of a Local Authority Trading Company as a company limited by shares on the basis set out in the final business case, delegating power to register the company at Companies House to the Portfolio Holder for Environmental Excellence in consultation with the Director of People and communities.
3. Approve the Articles of Association and Shareholders Agreement (appendix 2 of the exempt report) and delegate any minor changes to the Portfolio Holder for Environmental Excellence, in consultation with the Director of People and Communities, prior to registration at Companies House.

4. In the event Cabinet do not agree to recommendations 2 and 3 above, agree to commence a procurement exercise for the Council's waste services and street cleansing contract, and delegate the process of the procurement, up until award of contract to the Portfolio Holder for Environmental Excellence and the Director of People and Communities.

1 SUMMARY

- 1.1 The Environmental Excellence Panel at their meeting on 23 July 2020 considered the final Business Case for establishing a Local Authority Trading Company and unanimously agreed to endorse recommendation 4, to commence a procurement exercise for the Council's waste and street services.
- 1.2 Any further discussions relating to the Business Case for establishing the LATC will need to be considered under the exempt report.

Pages 56 to 343 are not available to the public because the information is confidential as it includes exempt information about the financial or business affairs of a person

CABINET

25 August 2020

Supplementary Agenda

Item	Details	Page No
19	Wellbeing Panel	345

To receive the Minutes of the meetings held on 8 July 2020.

DEMOCRATIC SERVICES

Broadland District Council
Thorpe Lodge, 1 Yarmouth Road, Norwich, NR7 0DU
Tel: 01603 430428
Email: cst@broadland.gov.uk



Minutes of a meeting of the **Wellbeing Panel** held via video link on **Wednesday 8 July 2020** at **6pm**.

A roll call was taken and the following Members were present:

Cllr F Whymark – Chairman

Cllr A D Crotch

Cllr S Lawn

Cllr L A Starling

Cllr R R Foulger

Cllr S M Prutton

Cllr D M Thomas

Cllr N J Harpley (Minute 16 only)

Cllr N C Shaw

Also in attendance were the Director of People and Communities, the Assistant Director Individuals and Families, the Housing and Health Manager and the Committee Officer (DM).

13 DECLARATIONS OF INTEREST UNDER PROCEDURAL RULE NO 8

No declarations were made

14 APOLOGIES FOR ABSENCE

No apologies were received.

15 MINUTES

The minutes of the Wellbeing Panel meeting held on 7 October 2019 and the concurrent meeting of the Economic Success and Wellbeing Panels held on 20 November 2019 were confirmed as a correct record and signed by the Chairman.

16 MATTERS ARISING

In response to a question relating to Minute no 11 of the meeting on 7 October 2019 and partnership working with the Norfolk and Suffolk Foundation Trust (NSFT), officers commented that mental health and wellbeing continued to be a key aspect for the Council, particularly in the current climate and a number of initiatives were ongoing with a wide range of partner organisations involved. The Council continued to work with the NSFT on the complicated issue surrounding discharge arrangements for people leaving in-patient mental health services. Providing the right transition remained crucial and funding had recently been secured to help with ongoing work in this respect. The Council was also working closely with Adult Community Health, particularly during the

current Covid-19 crisis to understand where the issues were and to link with the work of the NSFT and with Change, Grow, Live, the voluntary sector organisation specialising in substance misuse and criminal justice intervention projects. Officers were constantly looking to develop a range of options for working with partners. Mental health issues often led on from fundamental issues relating to housing needs and debt management and support for these initial issues contributed to a longer term recovery plan.

17 ALIGNMENT OF MANDATORY LICENSEABLE HOUSES IN MULTIPLE OCCUPATION FEES ACROSS THE TWO COUNCILS

Members considered the Cabinet report recommending revisions to the chargeable fees for mandatory licensable houses in multiple occupation (HMOs). The Housing and Health Manager went through the report in great detail explaining the background to the proposal to introduce a single licence fee across both Councils to embrace the one officer team approach to the updated delivery of the service. Work had taken place to develop a common service delivery including the inspection forms, standardised letters, licence conditions etc. and the next phase was for a single licence fee.

Arrangements for licensing HMOs had been affected by changes in the legislation in October 2018 requiring any HMO with 5+ occupants to be licenced. Prior to October 2018 the requirement was for 3-storey properties only to be licenced and there had only been one property in Broadland which required a licence. The new legislation required the need for more detailed checks and inspections of properties, facilities and landlords. These changes were now reflected in the proposed fees. Officers had examined in detail the new processes required for licensing HMOs across both Councils and had then applied accurate costings to this process.

The Housing and Health Manager drew attention to the current and proposed fees set out in the report: the current fee for Broadland was £593 per licence based on 5 occupants with an additional charge of £28.50 for each additional occupant. The average occupancy of a typical Broadland HMO was 7/8 occupants and the typical licence fee currently paid would therefore be £649 / £677. The fee for South Norfolk was currently £853. The proposed new fee was £825 (with a £133 fee for any variation to the licence - for example a building extension). The fee was applicable for 5 years and would equate to an annual charge of £165 which could be paid in instalments. The proposed renewal fee was £514. In response to queries regarding the actual percentage increase for Broadland landlords, officers undertook to include percentage increases in the report when it was considered by Cabinet. Members noted the comparison fees with other local authorities with some Members concerned that the fees were higher than most other Norfolk Authorities and a view that the other examples authorities shown might not offer realistic comparisons.

The Housing and Health Manager stressed that she was confident the procedure proposed was an accurate reflection of work involved in licensing a HMO and the charges applied accurately reflected the costs associated with the work. She made reference to case law, in particular a successful case against Westminster Council for overcharging for licence fees. The fees needed to be accurate, reasonable and proportionate and needed to reflect the actual costs of delivering the service. It was not acceptable to make a profit.

HMOs were a vital source of affordable accommodation and it was critical that measures were in place to protect residents by ensuring a robust inspection and licence regime. The shared delivery of this regime across both Councils by a single officer team required a common fee which accurately reflected the cost of the single service. It was hoped that fees proposed arising from the robust and detailed process identification would be acceptable and affordable for landlords and that they would not pass the cost onto tenants.

A number of concerns were raised by Members about the proposal. There was concern that the charges would be passed onto tenants and the increase in charges for Broadland landlords was too high compared to the current fee. It was however noted that the weekly increase to landlords was circa £3.17 per week which some Members felt was not unreasonable.

Some Members were of the view that, as two sovereign authorities, there was no requirement to adopt common charges, whilst others acknowledged the rationale and necessity of having a common charge. There were concerns about the costings / timings for some of the processes detailed in the report for example the time taken to prepare certain documents and the actual hourly officer cost which appeared high. Officers reiterated that the processes had been examined thoroughly and robustly and the costs associated applied accurately. The hourly staff cost had been provided by the finance team and included on-costs and all other costs associated with the delivery of the service and were mindful of the commercial environment in terms of delivering services and covering costs. Officers reiterated that they would be happy to justify the costings in the event of a legal challenge. This could not be the case if different charges were adopted across both Councils for a common officer service.

Officers pointed out that, having regard to issues associated with County Lines and modern slavery, it was vital that measures were in place to protect vulnerable people and they were keen to ensure the processes reflected these changing pressures.

In response to a concern that the fees were being increased to bring them in line with charges at South Norfolk, officers reminded Members that the whole process had begun with a fundamental review of the procedures for dealing with licensing of HMOs by one officer team and costings then applied to this new service. The existing charges at Broadland / South Norfolk had not been the starting point. The process was transparent and honest and a common

fee would reflect the integrity of the work undertaken.

In response to concerns expressed about the current fees being charged at Broadland and why these were no longer considered appropriate, the Housing and Health Manager reminded Members that there had been changes introduced in 2018 which required a revised approach and that the alignment of the two officer teams had provided the opportunity to refresh the service and reflect on changes to the processes and the costs associated with these. The previous fees had related to a different process.

In answer to a question, the Housing and Health Manager confirmed that inspections were carried out during the 5 year period of the licence; the frequency of these had been driven by a risk assessment and tended to result in annual inspections. A suggestion was made that it might be useful to charge a separate fee for inspections and that landlords be charged for the actual number of inspections necessary as this could act as an incentive to maintain high standards.

It was then proposed, duly seconded, to recommend Cabinet to support the officer's recommendations regarding the setting of a new one team fee for mandatory licensable HMOs. On being put to the vote, by way of a roll call, however, the proposal was lost.

Officers sought some direction in terms of how they should develop the report for consideration by Cabinet which the Panel would be able to endorse and reiterated that, whilst the two sovereign Councils could adopt different practices, in this respect, the application of different fees for a common service would not be defensible. Members noted that the Cabinet report would be considered by Overview and Scrutiny Committee prior to consideration by Cabinet and that the matter would get a further review at that stage.

It was noted that the report was also being considered by the People and Communities Policy Committee at South Norfolk the following day.

The Chairman commented that the Panel had robustly challenged the report but it was important that the fees charged were legally defensible and to that end he welcomed the officers' reassurance that they were satisfied the single fee being proposed was defensible. It was stated that it was also important that the Council continued to put residents first and not undermine the standard of the service provided by cutting out elements of the service to reduce costs.

The meeting closed at 7.34pm