

Cabinet

Agenda

Members of the Cabinet:

Cllr J Fuller (Chairman)	Leader, External Affairs and Policy
Cllr K Mason Billig (Vice Chairman)	Governance and Efficiency
Cllr A Dearnley	Finance and Resources
Cllr R Elliott	Customer Focus
Cllr G Minshull	Clean and Safe Environment
Cllr L Neal	Stronger Economy
Cllr A Thomas	Better Lives

Date & Time:

Monday 20 March 2023

9.00 am

Place:

Council Chamber, Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, NR7 0DU

Contact:

Claire White tel (01508) 533669

Email: committee.snc@southnorfolkandbroadland.gov.uk

Website: www.southnorfolkandbroadland.gov.uk

PUBLIC ATTENDANCE:

This meeting will be live streamed for public viewing via the following link:

<https://www.youtube.com/channel/UCZciRgwo84-iPyRImsTCIng>

Members of the public are welcome to observe the meeting in person. If you would like to speak on an agenda item, please email your request to

committee.snc@southnorfolkandbroadland.gov.uk, no later than 5.00pm on Wednesday 15 March 2023.

Large print version can be made available

If you have any special requirements in order to attend this meeting, please let us know in advance.

AGENDA

1. To report apologies for absence;
2. Any items of business which the Chairman decides should be considered as a matter of urgency pursuant to section 100B(4)(b) of the Local Government Act, 1972. Urgent business may only be taken if, “by reason of special circumstances” (which will be recorded in the minutes), the Chairman of the meeting is of the opinion that the item should be considered as a matter of urgency
3. To receive Declarations of interest from Members
(Please see guidance – page 4)
4. To confirm the minutes from the meeting of Cabinet held on 13 February 2023
(attached – page 6)
5. Wymondham Neighbourhood Plan – Consideration of Examiner’s Report
(attached – page 17)
6. Norfolk Recreational Impact Avoidance and Mitigation (RAMS) Programme Governance
(attached – page 32)
7. Strategic Performance, Risk and Finance Report for Quarter 3 2022/23
(report to follow)
8. Environmental Strategy and Delivery Plan
(attached – page 39)
9. Adoption of updated Regulation of Investigatory Powers Policy
(attached – page 68)
10. Peer Challenge Action Plan Progress
(attached – page 92)
11. Cabinet Core Agenda
(attached – page 108)

12. Exclusion of the Press and Public

To exclude the public and press from the meeting under Section 100A of the Local Government Act 1972 for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act (as amended)

13. Temporary Stopping Place

(attached – page 110)

(NOT FOR PUBLICATION by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972)

14. Disposal of a Council Owned Asset

(attached – page 116)

(NOT FOR PUBLICATION by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972)

15. Contract Award: Public Sector Decarbonisation Scheme

(attached – page 123)

(NOT FOR PUBLICATION by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972)

DECLARATIONS OF INTEREST AT MEETINGS

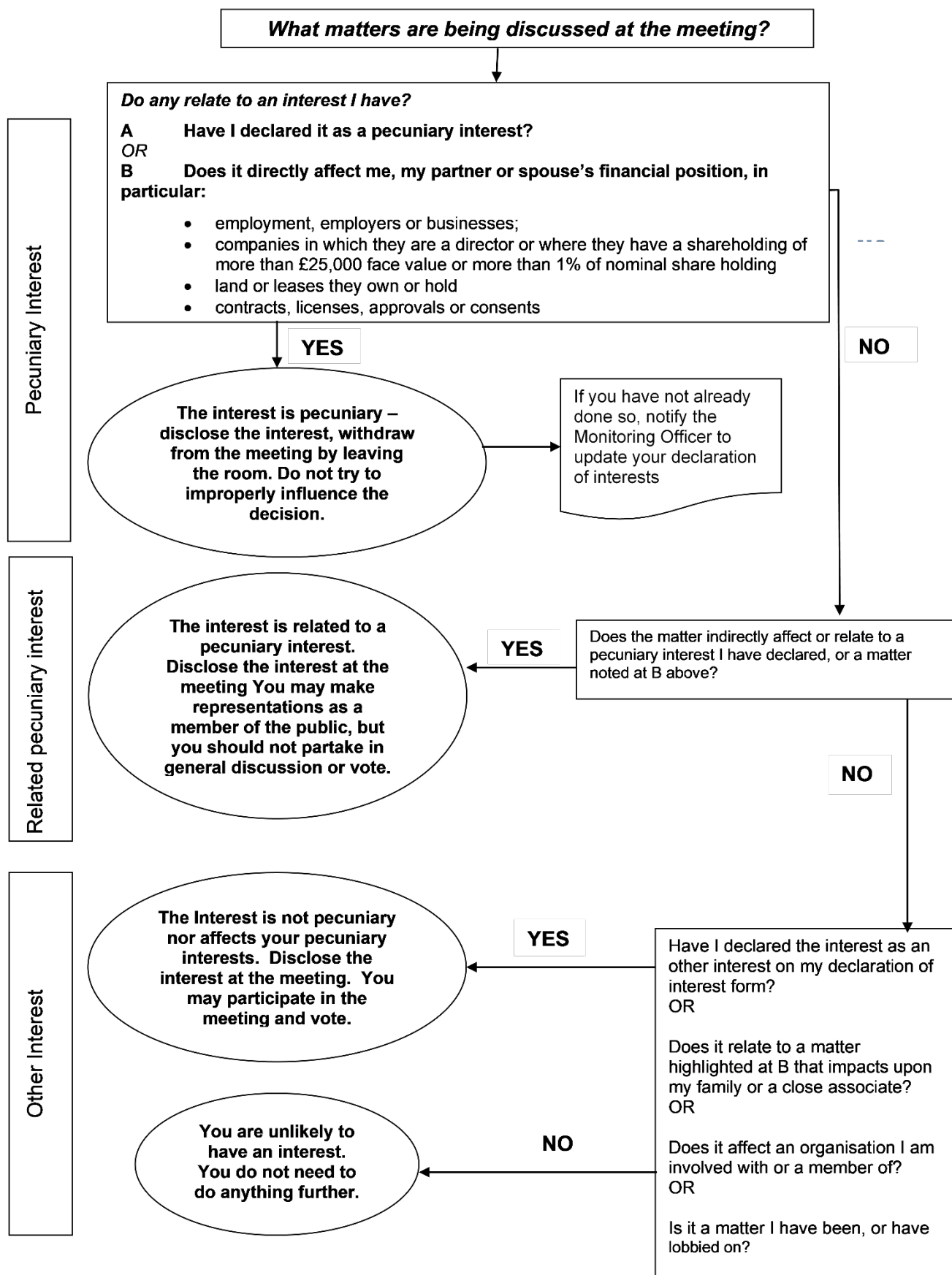
When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda 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.

<p>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.</p>
<p>Does the interest directly:</p> <ol style="list-style-type: none"> 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 <p>If the answer is "yes" to any of the above, it is likely to be pecuniary.</p> <p>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.</p>
<p>Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?</p> <p>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 you should not partake in general discussion or vote.</p>
<p>Is the interest not related to any of the above? If so, it is likely to be an other interest. You will need to declare the interest, but may participate in discussion and voting on the item.</p>
<p>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.</p>

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



Agenda Item: 4

CABINET

Minutes of a meeting of the Cabinet of South Norfolk Council, held on Monday 13 February 2023 at 9.00 am.

Committee Members Present: Councillors: J Fuller (Chairman), K Mason Billig (Vice Chairman), A Thomas, A Dearnley, R Elliott, G Minshull and L Neal

Other Member in Attendance: Councillor: T Laidlaw

Officers in Attendance: The Managing Director (T Holden), the Director for the Place (P Courtier), the Director of People and Communities (J Sutterby), the Director for Resources (D Lorimer), the Chief of Staff and Monitoring Officer (E Hodds), the Assistant Director for Finance (R Fincham), the Assistant Director for Economic Growth (G Denton), the Assistant Director for Planning (H Mellors), the Assistant Director for Individuals and Families (M Pursehouse), the Assistant Director for Community Services (S Phelan), the Strategic Growth Projects Manager (N Cunningham), the Clean Growth and Sustainability Manager (A Sommazzi), the Housing and Benefits Manager (L Sayer), the Health and Wellbeing Partnership Officer (A Langley) and the Democratic Services Manager (C White).

3079 CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised the meeting that the item regarding the Sale of the South Norfolk House Site (item 14 on the agenda) had been deferred to a later meeting, in order for further due diligence work to be undertaken.

3080 DECLARATIONS OF INTEREST

Cllr K Mason Billig and Cllr A Thomas both declared an "other" interest, as members of Norfolk County Council, in respect of minute no. 3086 – Council Tax (2nd Home) Premium.

3081 MINUTES

The minutes of the meeting of Cabinet held on 9 January 2023 were agreed as a correct record.

3082 REVENUE BUDGET AND COUNCIL TAX 2023/24

Members considered the report of the Assistant Director for Finance, which set out the proposed Revenue Budget and Council Tax for 2023/24.

The Chairman noted that this item would be considered in greater detail at the 22 February 2023 meeting of Council, and also the Scrutiny Committee on 16 February 2023.

The Chairman emphasised that the report presented a balanced budget with no draw on reserves and a freeze on Council Tax. He added that the budget was also ambitious in delivering significant schemes, such as the Long Stratton bypass, whilst also recognising residents were under financial pressure and assisting those in need.

Cllr A Dearnley added that most discretionary fees and charges that year would be increased in line with the retail price index. He also pointed out that the net costs of services were predicted to increase by 17.3 percent, but that additional income from business rates, investment income and Government Grants etc. had reduced the overall increase to around 6.5 percent. He felt this demonstrated the prudent approach being taken by the Council and made the outlook going forward favourable.

The Assistant Director for Finance advised the meeting that since the agenda had been published the Government had announced an increase in the Service Grant, however this had been accompanied by a reduction in the Funding Guarantee Grant of the same amount, so overall the funding position of the Council was the same as set out in the report.

The Assistant Director for Finance also confirmed that on top of the £8.6m raised in Council Tax, South Norfolk had received £2.3m in investment income, £1.5m from property rental and £16m from fees and charges. The Chairman stressed that the Council took a proactive approach to fund its services and did not just rely on Council Tax income.

It was

RESOLVED

1. TO RECOMMEND TO COUNCIL:

- a) Approval of the 2023/24 base budget; subject to confirmation of the finalised Local Government Finance Settlement figures which may necessitate an adjustment through the General Revenue Reserve to maintain a balanced budget. Authority to make any such change to be delegated to the Assistant Director of Finance.

- b) That the Council's demand on the Collection Fund for 2023/24 for General Expenditure shall be £8,635,275, and for Special Expenditure shall be £7,424.
 - c) That the Band D level of Council Tax be £165.00, for General Expenditure and £0.14 for Special Expenditure.
2. To agree the proposed changes to the fees and charges as set out in section 5.
 3. To note:
 - a) The advice of the Section 151 Officer with regard to section 25 of the Local Government Act 2003, contained in section 10 of the report
 - b) The Medium-Term Financial Strategy projections.

The Reason for the Decision

To provide a budget which meets the Council's priorities and to set a Council Tax that was affordable to residents.

Other Options Considered

None.

3083 CAPITAL STRATEGY AND CAPITAL PROGRAMME

Cabinet considered the report of the Assistant Director of Finance, which set out the Capital Strategy and the proposed Capital Programme for 2023/24 to 2027/28.

The Chairman drew attention to a number of key projects for the District, set out in the Capital Programme, including the Long Stratton bypass.

Cllr Dearnley informed the meeting that the key principle in the Strategy was to deliver the priorities set out in the Delivery Plan, whilst also contributing to the financial sustainability of the Council by supporting opportunities to develop more efficient service delivery and generate additional income. He also noted that the Capital Programme was very ambitious, with 72 percent of the projects scheduled to be delivered by 2024/25.

The Assistant Director for Finance added that a number of items in the Capital Programme were shown as provisional, so members would have the opportunity to review them as they were brought forward. He also reminded members that a number of the projects would also require funding from partners, so their exact timing for delivery was an approximation.

Cllr L Neal noted that a number of Economic Growth projects, such as the investment in Hethel Engineering and Norwich Research Park would not only generate income for the Council but would bring more jobs and business to the District.

Cllr A Thomas pointed out that the Capital Programme was also about helping the most vulnerable residents in the District, as demonstrated by the purchase of additional temporary accommodation.

Cllr G Minshull also drew attention to the environmental projects in the Capital Programme, such as the photo voltaic panels at the leisure centres, the reduction in CO₂ that would be achieved by moving to the Horizon Building and the move to cleaner refuse collection vehicles.

It was

RESOLVED:

TO RECOMMEND THAT COUNCIL approves the Capital Strategy (Appendix A) and the Capital Programme for 2023/24 – 2027/28 (Appendix B)

The Reason for the Decision

To approve a Strategy that represents a prudent and affordable approach to investment in the Council's assets, to support service delivery. To agree an ambitious and affordable Capital Programme.

Other Options Considered

None

3084 TREASURY MANAGEMENT STRATEGY STATEMENT 2023/24

Cabinet considered the report of the Treasury and Capital Accountant, which set out the Council's approach to the management of its borrowings, investments and cash flows.

Cllr A Dearnley informed members that there had been no major changes for 2023/24, but revised Treasury Management and Prudential codes published by the Chartered Institution of Public Finance and Accountancy (CIPFA) had been incorporated for the first time, in order to ensure greater financial discipline in local government.

The Assistant Director for Finance reminded members that the Council had three strands of investment; the commercial property portfolio, property development through Big Sky, and £54m in Treasury Management investments.

He stressed the importance of the Treasury Management Strategy, as it set out who was authorised to make these investments, who they were made with and the terms, size and limits of these investments. Members noted that the

three key treasury management principles remained security, liquidity and yield.

The Chairman advised that the Council ensured that its capital investments were local, so they not only generated a return, but also helped to stimulate the local economy.

RESOLVED:

TO RECOMMEND TO COUNCIL the:

1. This Treasury Management Strategy Statement 2023/24
2. The Treasury Management Policy Statement 2023/24 (Appendix 1)
3. The Annual Investment Strategy 2023/24 (Appendix 2)
4. The Treasury Management Practice (TMP1) (Appendix 3)
5. The Treasury Management Scheme of Delegation (Appendix 4)
6. The Prudential Indicators (Appendix 5)
7. The Minimum Revenue Provision (MRP) Statement (Appendix 6).

The Reason for the Decision

To ensure that the Council's Investment Strategy remains prudent and complies with statutory requirements.

Other Options Considered

None

3085 COUNCIL TAX ASSISTANCE SCHEME 2023/24

The portfolio holder, Cllr A Thomas introduced the report, which sought agreement to adopt the current Council Tax Assistance Scheme, with no changes, for the financial year 2023/24.

Members were informed that the Council was required to review its Council Tax Assistance Scheme on an annual basis but, having undertaken a comprehensive review last year and to enable enough time to fully assess the changes that had been made, it was not considered necessary to make any changes for the coming year.

The Housing and Benefits Manager added that a new IT system was also being introduced in the Housing and Benefits Team, which also needed to be fully explored before any other changes were made to the scheme.

Cllr Thomas confirmed that the scheme remained fair and equitable for all residents.

RESOLVED:

TO RECOMMEND THAT COUNCIL approves the Council Tax Assistance scheme for 2023/24.

The Reason for the Decision

To ensure a fair and equitable scheme which will benefit the most vulnerable residents in the District.

Other Options Considered

None

3086 COUNCIL TAX (2ND HOMES) PREMIUM

Members considered the report of the Acting Revenues Manager, which proposed implementing a premium on Council Tax charges raised against second homes.

The Chairman advised Cabinet that he had concerns about the proposal, as it could reduce employment opportunities and the charge could be avoided by owners who registered their properties for Business Rates as holiday lets.

In response, the Assistant Director for Finance confirmed that the legislation was discretionary, and members could choose not to adopt it if they wished. He also reminded members that in order to qualify for a Business Rates listing a holiday let needed to demonstrate that it had been let. He confirmed that the Council had an Inspection Team which monitored such properties.

The Assistant Director for Finance also confirmed that the decision on this matter lay with the District Council, as the billing authority, although it should be noted that Norfolk County Council had a much greater financial interest in implementing the premium.

Concerns were also expressed about a possible loss of housing in the rental market as well as reduced Council Tax income if dwellings were converted to holiday lets. A member also suggested that as the scheme could not be implemented until April 2024, it would be premature to agree to the premium at this stage.

The Chairman proposed and members agreed that the item therefore be withdrawn for consideration at the current time, until more was known about the possible impact of its implementation.

RESOLVED

To withdraw the item for consideration pending further information.

3087 HEALTH AND WELLBEING PARTNERSHIP FUNDING DELEGATIONS

Members considered the report, which proposed the approval of delegations to accept and distribute funding for the South Norfolk Health and Wellbeing Partnership.

The portfolio holder, Cllr A Thomas, explained that the South Norfolk Health and Wellbeing Partnership was part of the structure of the Integrated Care System that had been established in 2022. The Partnership was chaired by herself as the relevant portfolio holder, and brought together colleagues from local government, health services, voluntary, community and social enterprise organisations and other partners, to focus on improving the health and wellbeing of residents in the District.

It was

RESOLVED:

To:

1. To delegate authority to accept moneys offered to South Norfolk District Council by the Health and Wellbeing Partnerships to the Director of People and Communities in consultation with the Portfolio Holder for Finance and Resources.
2. To delegate the spend of any Health and Wellbeing Partnership money allocated to South Norfolk District Council to the Director of People and Communities in consultation with the Portfolio Holder for Better Lives.

The Reason for the Decision

To facilitate the receipt and allocation of funding by the Health and Wellbeing Partnership.

Other Options Considered

None

3088 ENVIRONMENTAL STRATEGY AND DELIVERY PLAN

Cabinet considered the report from the Clean Growth and Sustainability Manager, which sought adoption of an updated Environmental Strategy and associated Delivery Plan.

The Chairman noted the good work in the updated document, but he suggested that it missed an opportunity to place the Strategy in a national context.

He cited the substation at Mangreen, which received power from offshore windfarms, as well as the excellent infrastructure and opportunity for jobs in the District which could make South Norfolk an area of national importance in building a post-carbon economy. He, therefore, suggested that the Council should be more ambitious and seek to lead in energy transition in the country.

In response, the Assistant Director for Economic Growth informed the meeting that the Strategy represented a short to medium-term statement that would evolve in time and be supported by a suite of other documents.

The Chairman felt that the Strategy needed to set out a more ambitious environmental programme for the Council and suggested that it required more work and should be brought back to the next meeting of Cabinet on 20 March 2023. He emphasised that the Strategy did not need re-writing, but that it should reflect land use, energy infrastructure, economic issues and the industrial base of the District in the future of the country as a whole.

The Clean Growth and Sustainability Manager confirmed that if the Strategy needed to be refocused to reflect the points made by the Chairman, she was confident she could meet the timescale for bringing it back to the next meeting

RESOLVED:

1. To note the progress on the work undertaken in the last 12 months regarding the Council's current Environmental Strategy.
2. That the Environmental Strategy and Delivery Plan be further revised and presented to the 20 March 2023 Cabinet meeting.

The Reason for the Decision

A more ambitious programme is required

Other Options Considered

To approve the Strategy and Delivery Plan, and to consider further enhancements at a later date.

3089 GREATER NORWICH FIVE YEAR INFRASTRUCTURE INVESTMENT PLAN AND ANNUAL GROWTH PROGRAMME

Members considered the report of the Place Shaping Manager, which sought approval of the draft Five Year Infrastructure Investment Plan 2023-28 and proposed the 2023/24 Annual Growth Programme.

The Assistant Director for Planning advised the meeting that as well as the Investment Plan and Growth Programme, the report proposed the allocation of £2.5m for education and a deed of variation to the previous agreement regarding Partner Drawdown and Borrowing Authorisations.

The Chairman noted the huge number of projects in the Growth Programme and that these were only the latest in a long line of infrastructure projects delivered in Greater Norwich.

RESOLVED:

TO RECOMMEND THAT COUNCIL:

- a) approves of the Draft Five Year Infrastructure Investment Plan 2023-28 and the proposed 2023/24 Annual Growth Programme, including

- i) the introduction of two new categories to the Infrastructure Investment Fund, Match Funding and Major Infrastructure Projects;
 - ii) that Education funding allocations from the Infrastructure Investment Fund can be used in whole or in part to repay Norfolk County Council's borrowing, on condition that it is used to support the delivery of a Schools Capital Programme that is ringfenced to the Greater Norwich area, and that annual programme delivery and budget updates are reported to the GNGB;
- b) agrees to the signing of a deed of variation to the agreement entitled, Partner Drawdown and Borrowing Authorisations, that was originally signed by all partners on 21st October 2015 and to delegate authority to the Director for Place in consultation with the Portfolio Holder for External Affairs and Policy to finalise and sign any such variation;
- c) agrees to the inclusion of the following projects: Queens Hill Community Park; Venta Icenorum access improvements - Phase 1; Easton Village Hall, Hethel Innovation Centre – Roundabout and access road and Cringleford Country Park (totalling £6,259,679.68) into the council's capital programme commencing in 23/24.

The Reason for the Decision

To support the provision of infrastructure to benefit the District.

Other Options Considered

None

3090 CABINET CORE AGENDA

Members noted the latest version of the Cabinet Core Agenda.

The Director for Resources advised the meeting that it would be confirmed later this week if the Sale of the South Norfolk House Site report would be ready for consideration at the 20 March 2023 meeting of the Cabinet.

The Managing Director wished to record his thanks to the Finance Team for their hard work in putting together the budget reports considered at the meeting. The Chairman and members concurred with this view and commended the Finance Team for their work.

3091 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

To exclude the public and press from the meeting under Section 100A of the Local Government Act 1972 for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act (as amended).

3092 ELLA MAY BARNES BUILDING – BUILDING LEASE

Members considered the exempt report of the Strategic Growth Projects Manager, regarding proposals to lease out the ground floor of the Ella May Barnes building, situated on the Norwich Research Park.

The portfolio holder, Cllr L Neal, outlined the details of the proposed lease.

One member raised the fit-out costs of the building and following a brief discussion, Cabinet agreed that any associated risks were minimal.

It was

RESOLVED:

To agree the recommendations as outlined at paragraph 9 of the report.

The Reason for the Decision

To secure a rental income and to help promote further growth within the Norwich Research Park Enterprise Zone.

Other Options Considered

None

3093 PROPERTY ACQUISITION

Members considered the exempt report regarding the proposed acquisition of land in the district.

The portfolio holder, Cllr L Neal, introduced the report and attention was drawn to the identified risks associated with the proposals.

After brief discussion, it was

RESOLVED:

To agree the recommendations as outlined at paragraph 8 of the report.

The Reason for the Decision

To ensure future project delivery to address a number of issues facing the Council.

Other Options Considered

None

3094 AWARD OF CONTRACT FOR INSTALLATION OF SOLAR PANELS, BATTERY STORAGE AND EV CHARGING POINTS AT THE COUNCIL LEISURE CENTRES

Cabinet considered the exempt report of the Leisure Business Development Manager, regarding the award of the contract to install solar panels, battery storage and EV charging points at the Council's Leisure Centres.

The portfolio holder, Cllr R Ellis, briefly outlined the salient points of the report to members, and it was

RESOLVED:

To delegate authority to the Assistant Director Community Services, in consultation with the Portfolio Holder for Customer Focus to finalise the details of the tender for Wymondham and Long Stratton within the approved budget and make the decision to award the contract

The Reason for the Decision

To reduce ongoing costs and carbon emissions at both buildings.

Other Options Considered

None

(The meeting concluded at 10.50 am)

Chairman

Wymondham Neighbourhood Plan – Consideration of Examiner’s Report

Report Author(s): Richard Squires
Senior Community Planning Officer
(01603) 430637
richard.squires@southnorfolkandbroadland.gov.uk

Portfolio: External Affairs and Policy; Stronger Economy

Ward(s) Affected: North Wymondham, Central Wymondham & South Wymondham

Purpose of the Report:

South Norfolk Council has received the independent examiner’s report in relation to the Wymondham Neighbourhood Plan. The examiner suggests several recommended modifications to the Neighbourhood Plan and concludes that, subject to these modifications, it should proceed to referendum. South Norfolk Council should now decide whether it is satisfied with these recommendations.

Recommendations:

1. Cabinet to approve each of the recommended modifications to the Wymondham Neighbourhood Plan, as detailed within the examiner’s report, and publish a Decision Statement setting out the Council’s response and announcing the intention for the Neighbourhood Plan to proceed to a referendum.

1. Summary

- 1.1 South Norfolk Council has now received the report of the independent examiner appointed to inspect the submitted Wymondham Neighbourhood Plan (see Appendix 1). In accordance with paragraph 12 of Schedule 4B of the Town & Country Planning Act 1990, South Norfolk Council should now decide on what action to take in respect of each of the examiner's recommendations.
- 1.2 The examiner has recommended eleven modifications to the Neighbourhood Plan in order to ensure it meets the Basic Conditions of neighbourhood planning. On the basis that these modifications are made, the examiner is satisfied that the Plan should proceed to a referendum.

2. Background

- 2.1 The submitted Wymondham Neighbourhood Plan (which can be viewed [here](#)) was approved by South Norfolk Council on 19th April 2022. This was followed by a statutory six week publication period in which the Plan and its supporting documents were made available for inspection and subject to representations from the public and stakeholder bodies. This was in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.
- 2.2 During the six week publication period, which took place between 9th November and 21st December 2022, a total of twenty-six representations were received from fourteen different organisations/individuals (click [here](#) for details of responses). These representations were submitted, along with the Neighbourhood Plan and supporting information, to the independent examiner, Mr Christopher Collinson, the appointment of whom was confirmed by South Norfolk Council in November.
- 2.3 The examination was conducted via written representations during January 2023 (the examiner deciding that a public hearing would not be required).

3. Current position/findings

- 3.1 The recommended modifications are set out in the examiner's report (see Appendix 1). However, for ease of reference, all of the examiner's recommendations and the proposed responses from South Norfolk Council are set out in the Decision Statement, comprising Appendix 3 to this report.
- 3.2 Each of the recommendations involves modifying the wording of policies/ supporting text within the Neighbourhood Plan, in order to bring the document in line with the Basic Conditions of neighbourhood planning, as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990. Whilst one recommendation (relating to Policy 10: Surface Water Flood Risk) involves replacing the entire policy wording with revised text, none of the Neighbourhood Plan policies have been recommended for deletion.

- 3.3 During the Regulation 16 publication stage, South Norfolk Council submitted three representations relating to different elements of the submitted Plan. These representations, the examiners recommendations relating to the respective elements of the Neighbourhood Plan, and some subsequent commentary from Council officers for the purposes of this report, are available to view within Appendix 2.
- 3.4 The examiner has made recommendations that address each of the Council's representations on Neighbourhood Plan policies. As regards the Council's representation relating to the Projects section of the Neighbourhood Plan, the examiner has indicated that the projects do not form part of the statutory element of the Neighbourhood Plan and that they have not been subject to independent examination. He indicates that he has no objection to the course of action suggested by South Norfolk Council.
- 3.5 Officers have previously written to Wymondham Town Council expressing their desire to engage with the Town Council on project and infrastructure planning in the town. This augments ongoing discussions with local Members on specific planning issues. Officers intend to continue to seek to formalise a longer term collaborative arrangement between the two bodies for the delivery of projects in and around the town. This would include those identified within the Neighbourhood Plan as well as broader, more strategic projects that are planned for the area, which will be important for the town and more widely for the strategic plans for the A11 corridor as a whole.
- 3.6 Having reviewed the examiner's report, officers consider that the recommendations substantially address the concerns raised by the Council and are well reasoned. Therefore it is not considered that there is any clear need for the Council to take a different view to that of the examiner and officers are content with the recommended modifications.

4. Proposed action

- 4.1 It is proposed that South Norfolk Council approves each of the examiner's recommended modifications, as detailed in his report, and authorises the Neighbourhood Plan to proceed to a referendum within the neighbourhood area.
- 4.2 Following this decision, officers will publish the Council's Decision Statement on its website and notify Wymondham Town Council and those individuals and organisations which responded at the Regulation 16 publication stage.
- 4.3 This will fulfil South Norfolk Council's obligations in terms of paragraph 12 of Schedule 4B of the Town & Country Planning Act 1990.

5. Other options

- 5.1 South Norfolk Council could decide not to approve either one of the examiner's recommendations, should it wish, and make alternative proposals.
- 5.2 However, should the local planning authority propose to make a decision that differs from any of the examiner's recommendations (and the reason for the difference is wholly or partly as a result of new evidence or a new fact or a different view taken by the authorities about a particular fact) then the local authority:
 - (a) is required to notify all those identified in the Neighbourhood Plan consultation statement about this position and invite representations over a six week period;
 - (b) may refer the issue to an independent examination if it is considered appropriate.
- 5.3 Officers do not consider that any of the examiner's recommended modifications would prevent the Neighbourhood Plan from meeting the Basic Conditions set out in paragraph 8 of Schedule 4B of the 1990 Act.

6. Issues and risks

- 6.1 **Resource Implications** – Officers will be required to publish the Decision Statement online and send a copy to the Town Council and previous consultees.
- 6.2 The preparation for and holding of the local referendum will demand a significant amount of officer time, particularly from within the Electoral Services team and, to a lesser extent, the Place Shaping team. This will be met from the existing staff resource.
- 6.3 The Council is required to pay for the referendum and this will be met from within the existing budget. The average cost of a Neighbourhood Plan referendum is approximately £4,500, although the cost in this instance is likely to be higher, reflecting the size of the community. It is worth noting that, to date, the Council has been able to claim £20,000 from DLUHC for each Neighbourhood Plan that has been approved to proceed to a referendum.
- 6.4 **Legal Implications** – The procedures highlighted within this report follow legislation set out in the Neighbourhood Planning (General) Regulations 2012 (as amended) and Schedule 4B of the Town & Country Planning Act 1990.
- 6.5 **Equality Implications** – An Equalities Impact Assessment has been completed on the submitted Neighbourhood Plan.
- 6.6 **Environmental Impact** – Habitats Regulation Assessment and Strategic Environmental Assessment Screening Reports have been produced for the Plan and agreed with the Environment Agency, Historic England and Natural England.

6.7 **Crime and Disorder** – The Plan is not likely to have any impacts on crime and disorder, nor is it likely to have any impacts on disadvantaged groups.

6.8 **Risks** – No other particular risks associated with the Neighbourhood Plan are identified.

7. Conclusion

7.1 In accordance with the conclusions of the independent examiner, it is proposed that Cabinet agree to make the recommended modifications to the Wymondham Neighbourhood Plan and to approve it for a referendum within the neighbourhood area.

8. Recommendations

8.1 Cabinet to approve each of the recommended modifications to the Wymondham Neighbourhood Plan, as detailed within the examiner's report, and publish a Decision Statement setting out the Council's response and announcing the intention for the Neighbourhood Plan to proceed to a referendum.

Background papers

[Wymondham Neighbourhood Plan – Submission Version](#)

[Wymondham NP Regulation 16 Consultation Responses](#)

Appendix 1: Wymondham Neighbourhood Plan Independent Examiner's Report

Appendix 2: South Norfolk Council Reg. 16 representations and examiner responses

Appendix 3: Wymondham Neighbourhood Plan – Proposed Decision Statement

Wymondham Neighbourhood Plan – South Norfolk Council Reg.16 representation and examiner responses

Section of document	SNC NP Submission Comments	Examiner Recommendations	SNC Officer Commentary
<p>Policy 6 – Strategic Green Infrastructure Network</p> <p>Policy 7 – Wymondham Green Ribbons</p>	<p>The Council is pleased to see that its earlier suggestion of including the location and extent of existing green infrastructure assets on the maps supporting Policies 6 and 7 has been taken up. However, there doesn't seem to be any description or labelling of these assets. The Council considers that it would be beneficial for the map to include numbered annotation of these assets which cross references a numbered list identifying each asset by title and description, within the supporting text.</p> <p>It is felt that these amendments will help to improve the clarity of the policy for decision makers.</p>	<p>Policy 6</p> <ul style="list-style-type: none"> • delete “encouraged and” • replace “would be welcomed include” with “will be supported are” • delete the final paragraph. <p>Policy 7</p> <ul style="list-style-type: none"> • delete “or wedges” • delete “encouraged and” • replace “Contributions that would be particularly welcomed include” with “Particular contributions that will be supported are those illustrated on the map on page 48:” • replace “ribbons are positively encouraged” with “green infrastructure ribbons will be supported” • On the map relating to Policy 7 presented on page 48 of the Neighbourhood Plan identify each of the green ribbons referred to in the policy 	<p>The examiner has addressed the matters raised within the Council's representation.</p> <p>Officers therefore consider it appropriate to accept the examiner's response.</p>

Section of document	SNC NP Submission Comments	Examiner Recommendations	SNC Officer Commentary
Policy 10 – Surface water flood risk	<p>The Council notes that this policy has been suggested as an addition by the Lead Local Flood Authority during the Reg. 14 consultation stage. Whilst it is not refuted that policies addressing such issues can be beneficial within Neighbourhood Plans, it is not particularly clear how this policy materially adds to existing policies and guidance at the national and local level. Neighbourhood Plan policies are expected to be <i>‘distinct to reflect and respond to the unique characteristics and planning context or the specific neighbourhood area for which it has been prepared.’</i>¹ In addition, plans should avoid <i>‘unnecessary duplication of policies that apply to a particular area’</i>². The Council suggests that the policy could therefore benefit from identifying locally known flooding issues that augment the national data sets that already exist. For example, although the supporting text in paragraph 4.62 refers to records, there is no mention within the policy of specific locations that are prone to surface water flooding.</p>	<p>Replace Policy 10 with “To be supported development proposals must demonstrate they will not increase flood risk of the site or in the wider area.”</p>	<p>The examiner has acknowledged the concerns raised in the Council’s representation regarding duplication and has recommended a modification that addresses this point. The examiner felt that at this stage in proceedings it is too late for the group to look to identify local flooding issues to add to the policy, but any future review of the Plan could look to address this matter.</p> <p>Officers therefore consider it appropriate to accept the examiner’s response.</p>

¹ Planning Practice Guidance – Neighbourhood Planning; How should the policies in a neighbourhood plan be drafted?; Paragraph: 041 Reference ID: 41-041-20140306

² NPPF; para. 16.f)

<p>Section 5 – Neighbourhood Plan Projects / Section 6 – Implementation and Monitoring</p>	<p>The Council retains some concerns that the ‘Projects’ section is focused on smaller scale local projects but silent on more significant infrastructure projects. For example, there is no mention of the potential to improve access at Wymondham Railway Station and to enhance its role as an interchange for accessing UEA and Norwich Research Park, for visitors from Cambridge and beyond. This project would have significant benefits both to Wymondham and also to Greater Norwich as a whole. The benefits of local community recognition and support for infrastructure projects to the success of infrastructure funding bids should not be underestimated.</p> <p>It is also the case that development in and around Wymondham is likely to bring with it significant levels of infrastructure funding, including Community Infrastructure Levy – a proportion of which will come directly to the Town Council. There is therefore a clear benefit to the local community to recognise more significant interventions alongside more localised projects.</p> <p>The Council would therefore strongly encourage the Town Council to consider whether there is potential to revisit the projects within the plan and be more aspirational about those projects that are recognised in the document. The Council is committed to supporting the Town Council in this regard and would welcome the chance to work with the Town Council on this matter.</p>	<p>Examiner Comments:</p> <p>As the projects are presented in a separate section of the Neighbourhood Plan, I am satisfied they are adequately distinguished from the policies of the Neighbourhood Plan. I can confirm the identified projects have not been subject to Independent Examination. The Parish Council may choose to respond to the representations regarding projects outside the Neighbourhood Plan preparation process.</p> <p>Some representations, or parts of representations, are not relevant to my role which is to decide whether or not the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified.</p> <p>As I have explained the projects do not form part of the Neighbourhood Plan and so I have no objection to the course of action suggested by South Norfolk Council.</p>	<p>Whilst the examiner has acknowledged the comments made regarding the Projects section, he has stated that commenting on this representation is outside of the remit of his role to determine whether the Neighbourhood Plan meets the Basic Conditions.</p> <p>On this basis, officers consider it appropriate to accept the examiner’s response on this matter and discussions with the Town Council are being pursued as a separate course of action outside of the Neighbourhood Plan process.</p>
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South Norfolk Council

Wymondham Neighbourhood Plan - Decision Statement

1. Summary

Following an independent examination, South Norfolk Council has received the examiner's report relating to the Wymondham Neighbourhood Plan. The report makes a number of recommendations for making modifications to policies within the Neighbourhood Plan. South Norfolk Council has made a decision to approve each of the examiner's recommendations and to allow the Neighbourhood Plan to proceed to a referendum within the neighbourhood area.

2. Background

Following the submission of the Wymondham Neighbourhood Plan to South Norfolk Council in September 2022, the Neighbourhood Plan was published in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 and representations invited. The publication period took place between 9th November and 21st December 2022.

The local planning authority, with the approval of Wymondham Town Council, subsequently appointed an independent examiner, Mr Christopher Collinson, to conduct an examination of the submitted Neighbourhood Plan and conclude as to whether it meets the Basic Conditions (as defined by Schedule 4B of the Town and Country Planning Act 1990) and consequently whether the Plan should proceed to referendum.

The examiner's report concludes that, subject to making certain recommended modifications, the Neighbourhood Plan meets the Basic Conditions for neighbourhood planning and should proceed to a referendum within the adopted neighbourhood area.

3. Decision

Having considered each of the recommendations in the examiner's report and the reasons for them, South Norfolk Council has decided to approve each of the examiner's recommended modifications. This is in accordance with section 12 of Schedule 4B to the Town and Country Planning Act 1990. The Council considers this decision will ensure that the Neighbourhood Plan meets the Basic Conditions.

The following table sets out the examiner's recommended modifications, the Council's consideration of those recommendations, and the Council's decision in relation to each recommendation.

Subject to the modifications approved by South Norfolk Council, as set out in the table below, the Council is satisfied that the Neighbourhood Plan should proceed to a referendum within the neighbourhood area, in accordance with part 12(4) of Schedule 4B of the Town & Country Planning Act 1990.

Section	Examiner's recommendation	Council consideration of recommendation	Council decision
Policy 1: Town Centre Vibrancy	In Policy 1 replace the third sentence before the colon with "The following characteristics of development proposals will be supported"	The Council agrees with the recommendation to provide clarity to the policy.	Accept examiner's recommended modifications.
Policy 2: Back Lane	In Policy 2 replace "Burghage" with "burgage"	The Council agrees with this modification.	Accept examiner's recommended modification.
Policy 3: Planning Public Realm	In Policy 3 <ul style="list-style-type: none"> delete "across the neighbourhood plan area" replace "roads" with "carriageways" replace "better street surfaces" with "improved street surfaces in keeping with the townscape of their surroundings" 	The Council agrees with this modification as it will help ensure the policy is clearly written and unambiguous.	Accept examiner's recommended modification.
Policy 4: Excellence in Design	In Policy 4 after "other design guidance" insert "contained in the South Norfolk Place Making Guide (and the Wymondham Conservation Area Character Appraisal and Management Plan for proposals within or affecting the setting of the Conservation Area)"	The Council agrees with the recommendation to provide clarity to the policy to make it clear and unambiguous.	Accept examiner's recommended modification.
Policy 5: Important Views and Vistas	In Policy 5 <ul style="list-style-type: none"> delete "or alterations to an area" replace "should be avoided" with "will not be supported" replace "include" with "are" on both occasions 	The Council agrees with the recommendation to provide clarity to the policy to make it clear and unambiguous.	Accept examiner's recommended modification.

Section	Examiner's recommendation	Council consideration of recommendation	Council decision
Policy 6: Strategic Green Infrastructure Network	<p>In Policy 6</p> <ul style="list-style-type: none"> delete "encouraged and" replace "would be welcomed include" with "will be supported are" delete the final paragraph 	The Council agrees with the recommendation to provide clarity to the policy to make it clear and unambiguous so it is evident how a decision maker should react to development proposals.	Accept examiner's recommended modification.
Policy 7: Wymondham Green Ribbons/ Local Green Infrastructure Network	<p>In Policy 7</p> <ul style="list-style-type: none"> delete "or wedges" delete "encouraged and" replace "Contributions that would be particularly welcomed include" with "Particular contributions that will be supported are those illustrated on the map on page 48:" replace "ribbons are positively encouraged" with "green infrastructure ribbons will be supported" <p>On the map relating to Policy 7 presented on page 48 of the Neighbourhood Plan identify each of the green ribbons referred to in the policy.</p>	The Council agrees with this modification as it will help to improve the clarity of the policy for developers and decision-makers.	Accept examiner's recommended modification.
Policy 8: Integration and Accessibility for All	<p>In Policy 8</p> <ul style="list-style-type: none"> replace "are particularly encouraged" with "will be supported" delete "seek to" before "attractive" delete "more" 	The Council agrees with this modification as it will help to improve the clarity of the policy for developers and decision-makers and allow the policy to have regard to the NPPF.	Accept examiner's recommended modification.

Section	Examiner's recommendation	Council consideration of recommendation	Council decision
Policy 9: Access to the Countryside	In Policy 9 <ul style="list-style-type: none"> • replace “are encouraged” with “will be supported” • replace “The Plan encourages the design of footpaths” with “Footpaths should be designed” 	The Council agrees with this modification as it will help to strengthen and improve the clarity of the policy for developers and decision-makers.	Accept examiner's recommended modification.
Policy 10: Surface Water Flood Risk	Replace Policy 10 with “To be supported development proposals must demonstrate they will not increase flood risk of the site or in the wider area.”	The Council agrees with this modification as it removes unnecessary duplication and will help to improve the clarity of the policy for developers and decision-makers.	Accept examiner's recommended modification.

Section	Examiner's recommendation	Council consideration of recommendation	Council decision
Annex: Minor Corrections to the Neighbourhood Plan	<p>I have only recommended modifications and corrections to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Supporting text must be adjusted to achieve consistency with the modified policies.</p> <p>As Lead Local Flood Authority Norfolk County Council advise Map 25 presented on page 56 of the Neighbourhood Plan could be improved by using higher resolution and including a key. I recommend these adjustments should be made if practical.</p> <p>The representation of an individual suggests 'Chesnut Drive' is a misspelling in paragraph 2.33. I recommend this is checked.</p> <p><i>Recommended modification 11:</i> <i>Modify policy explanation sections, general text, figures and images, and supporting documents to achieve consistency with the modified policies, and to achieve updates, improve clarity, and correct identified errors.</i></p>	The Council agrees with this recommendation to ensure that any references linked to previous modifications are updated to ensure consistency through the document.	Accept examiner's recommended modification.

4. Next Steps

This Decision Statement and the examiner's report into the Wymondham Neighbourhood Plan will be made available at:

- www.southnorfolkandbroadland.gov.uk/neighbourhood-plans
- **Wymondham Library** – Back Lane, Wymondham, NR18 0QB (Open Mon – Sat 11am-7pm)
- **South Norfolk Council offices** – c/o Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, NR7 0DU (normal opening times: 8:30am to 5pm Monday to Friday. Closed weekends and Bank Holidays)

South Norfolk Council is satisfied that with the modifications it has approved, as detailed above, the Wymondham Neighbourhood Plan should proceed to a referendum within the neighbourhood area, in which the following question will be posed:

‘Do you want South Norfolk Council to use the Neighbourhood Plan for Wymondham to help it decide planning applications in the neighbourhood area?’

Further information relating to the referendum will be published by South Norfolk Council in due course.

Norfolk Recreational Impact Avoidance and Mitigation (RAMS) Programme Governance

Report Author(s): Paul Harris
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Portfolio: Policy and External Affairs and Stronger Economy

Ward(s) Affected: All

Purpose of the Report:

To agree the proposed organisations structure to enable the effective and efficient implementation and delivery of the Norfolk Recreational Impact Avoidance and Mitigation Strategy (RAMS).

Recommendations:

It is recommend that Cabinet:

1. Agrees for Norfolk Council Council to act as the Accountable Body for the Norfolk Recreational Avoidance and Mitigation Strategy (RAMS), to include agreement for RAMS tariff contributions received by South Norfolk to be transferred to and held by Norfolk County Council in accordance with this responsibility;
2. Agrees to establish a Norfolk RAMS Board comprising representative from each of the Norfolk Authorities to oversee the operation of Norfolk County Council as Accountable Body;

and,

3. Delegates authority to the Assistant Director for Planning in consultation with the Portfolio Holder for Policy and External Affairs to finalise any partnership legal agreement and Terms of Reference related to recommendations 1 and 2.

1. Summary

- 1.1 The Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) has been prepared by the 8 Local Planning Authorities of Norfolk in conjunction with Norfolk County Council. Its purpose is to deliver the mitigation necessary to avoid adverse effects from the 'in-combination' impacts of residential development that is forecast to be delivered across Norfolk until 2038 at internationally designated sites.
- 1.2 Each of the Norfolk Authorities has now adopted the Norfolk GIRAMS and are collecting relevant RAMS contributions from qualifying development.
- 1.3 The implementation and delivery of the Norfolk RAMS programme will require a coordinated approach, with developer contributions being directed to deliver joint, cross boundary mitigation projects to protect the affected Habitat sites. In order to effectively and efficiently manage such a programme, it is proposed to: 1) establish an overseeing Member programme board made up of Members of the contributing authorities; 2) appoint a RAMS Delivery Officer hosted by Norfolk County Council; and, 3) authorise Norfolk County Council to act as the Accountable Body for the delivery of the Norfolk RAMS.

2. Background

- 2.1 The Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) has been prepared by the 8 Local Planning Authorities of Norfolk in conjunction with Norfolk County Council. Its purpose is to deliver the mitigation necessary to avoid adverse effects from the 'in-combination' impacts of residential development that is forecast to be delivered across Norfolk until 2038 at internationally designated sites. These impacts relate to the increased recreational pressure that will result from this residential development.
- 2.2 The mitigation approach set out within the GIRAMS includes two elements. The first is the delivery of Green Infrastructure (GI) in accordance with standards to be derived by each of the individual Local Planning Authorities (LPAs). The second is the delivery of a Norfolk wide Recreation Impact Avoidance and Mitigation Strategy (RAMS) to be funded by contributions from new residential and other qualifying development.
- 2.3 On 14 December 2021 the Norfolk Strategic Planning Member Forum agreed a Statement of Common Ground in respect of the Norfolk Green Infrastructure and Recreational Avoidance and Mitigation Strategy (GIRAMS), which included an agreement to bring the Norfolk RAMS into effect in each individual local planning authority area. The Norfolk Strategic Planning Member Forum also agreed with

the principle of establishing a new board and the employment of a delivery officer to oversee the delivery of the RAMS.

- 2.4 Following consideration of the matter by the Norfolk Strategic Planning Member Forum, the South Norfolk's Full Council Meeting on 22 February 2022 resolved to adopt the Norfolk Green Infrastructure and Recreation and Avoidance and Mitigation (GI and RAMS) Strategy and begin collecting associated contributions from residential and other qualifying developments in line with the emerging policy of the Greater Norwich Local Plan (GNLP). The GNLP included the locally derived standards for the provision of Green Infrastructure.
- 2.5 This resolution was subject to the GIRAMS being similarly adopted by the other Norfolk Local Planning Authorities and an immediate review of the GIRAMS mitigation programme.
- 2.1 The Regulation and Planning Policy Committee considered the recommendations of this report at its meeting on 31 January, resolving to advise Cabinet to agree the recommendations as set out in this report.

3. Current position/findings

- 3.1 Each of the Norfolk Authorities has now adopted the Norfolk GIRAMS and are collecting relevant RAMS contributions from qualifying development. The financial contributions that have been collected are currently being held independently by each of the receiving authorities.
- 3.2 The brief and invitation for the GIRAMS mitigation programme was agreed between the Norfolk Authorities during 2022 and was advertised in late 2022. Unfortunately no tenders were received to the initial invitation. Further prospective tenders have been identified and it is intended that the tender will be re-published in early 2023, with the expectation that this work will now be completed by the end of 2023.
- 3.3 The RAMS contribution is only payable on the commencement of development, this inherently creates a lag between new permissions being issued and contributions being received. As consequence of this lag and the fact that the grant of new permission has been significantly restricted in the last year as a result of Natural England's advice on nutrient neutrality contributions received to date in across South Norfolk and Broadland have been negligible. As such the delay to the review of the mitigation programme is unlikely to have any significant practical implications to the delivery of projects.
- 3.4 It is however necessary to continue the process of putting in place an appropriate organisational structure in order to effective and efficient delivery of projects when sufficient funds have been built up.

4. Proposed action

- 4.1 The nature of the RAMS programme will require a coordinated approach across Norfolk, with developer contributions being directed to deliver joint, cross

boundary mitigation projects to protect the affected Habitat sites. In order to effectively and efficiently manage such a programme, it is proposed to establish an overseeing programme board made up of Members of the contributing authorities.

- 4.2 An officer resource will also be needed to support the delivery of the programme under the direction of the Member Board. Norfolk County Council already have a remit for the delivery of infrastructure across the whole of Norfolk. Their Natural Environment Team also already provides specialist expertise on the natural environment for planning applications to safeguard the natural environment and to ensure statutory obligations and policy requirements are met. On this basis, it is proposed that Norfolk County Council is agreed as the host authority for a RAMS Delivery Officer. This role would be funded from the RAMS developer contributions.
- 4.3 In addition, it is also proposed that Norfolk County Council acts as the accountable body for the delivery of the RAMS programme. As part of this role, RAMS contributions will be transferred to and held by Norfolk County Council on behalf of the Norfolk Authorities. Norfolk County Council will also have responsibility for the procurement and delivery of projects as part of the programme of delivery agreed by the overseeing member board.
- 4.4 These proposals are in accordance with the previous agreement reached at the Norfolk Strategic Planning Member Forum. Moreover, there are strong similarities between this proposed approach and that already adopted by the Greater Norwich Authorities in respect of the management of the Community Infrastructure Levy (CIL) Infrastructure Investment Fund (IIF).
- 4.5 In order to finalise arrangement in accordance with the above proposals, it is further proposed that delegated authority is given to the Assistant Director for Planning in consultation with the Portfolio Holder for Policy and External Affairs to finalise the terms of reference for the overseeing Member board and the necessary legal agreements to authorise Norfolk County Council to act as accountable body for the delivery of the RAMS programme. The terms of reference and legal agreements will set out the final procedural arrangements for decision making, budget monitoring, project prioritisation and governance in a manner which is aligned to the principles established for the operation of the Greater Norwich CIL Infrastructure Investment Fund.

5. Other options

- 5.1 It is not considered that there is any reasonable approach that does not involve the creation of a joint board to oversee the Norfolk RAMS programme. Inherently, agreement of a jointly funded cross boundary projects will require discussion and debate between the relevant authorities, which could not sensibly be replicated through alternative, non-collaborative structures. It is possible that such a board could operate at an officer, rather than Member level. However, this would not provide the same degree of democratic accountability and is therefore not recommended.

- 5.2 Similarly, the employment of a Delivery Officer is considered to be essential to the efficient and effective delivery of a cross boundary programme. Whilst this post could conceivably be hosted by any of the Norfolk Authorities, none have the existing cross boundary remit of Norfolk County Council. There is also a strong overlap between the role of the RAMS Delivery Officer and the function of Norfolk County Council's Natural Environment Team. These two factors make Norfolk County Council the natural fit for the role of host authority. Norfolk County Council have also indicated that they are open to adopting the role of responsible authority.
- 5.3 Whilst conceivably each authority could continue to hold its own RAMS contributions and release funds to deliver joint cross boundary mitigation projects, this is likely to duplicate processing and assurance tasks across the Norfolk Authorities, which would be likely be an inefficient use of resource. On this basis this option is not recommended.

6. Issues and risks

- 6.1 **Resource Implications** – The preparation of the terms of reference for any Member board and other legal agreements related to the establishment of the organisational structure for the delivery of the RAMS programme will be met within existing Council resource and/or within the agreed budgets for the Norfolk Strategy Planning Framework function.

Costs associated with the establishment of the Delivery Officer post will be met through received RAMS contributions.

- 6.2 **Legal Implications** – The Council, in its role as Local Planning Authority, is a competent authority under the Habitat Regulations. As such it has a legal duty to ensure that plans and projects will not have an adverse impact on the designated assets of a designated Habitats Site before giving effect to such plans or projects. This includes the adoption of a Local Plan or granting Planning Permission.

The implementation and delivery of the Norfolk RAMS programme is a necessary part of the Council's mitigation to avoid such adverse effects.

There will be likely legal implications associated with the agreement of a terms of reference for the RAMS Member Board and the necessary legal agreements to establish Norfolk County Council as the accountable body for the delivery of the RAMS programme. Appropriate legal advice will be taken in the finalisation of these documents under the delegated authority sought within this report.

- 6.3 **Equality Implications** – there are not considered to be any equalities implications directly relating this report. Some projects delivered under the Norfolk RAMS programme may have equalities implications. These will be assessed and considered appropriately as part of the consenting process for those projects.

- 6.4 **Environmental Impact** – the report relates directly to the implementation and delivery of a programme considered necessary to protect designated international Habitat Sites as set out in the legal implications section.
- 6.5 **Crime and Disorder** – there are not considered to be any crime and disorder implication related to this report.
- 6.6 **Risks** – there are not considered to be any risk other than those outlined elsewhere in the report.

7. Conclusion

- 7.1 For the reasons set out in sections 4 and 5 it is considered that the establishment of a Joint Member Board to oversee the implementation and delivery of the Norfolk RAMS, the appointment of a Delivery Officer to be hosted by Norfolk County Council and the authorisation for Norfolk County Council to act as the Accountable Body for the delivery of the RAMS programme is considered to be the most appropriate course of action to ensure the efficient and effective delivery of the Norfolk RAMS.

8. Recommendations

- 8.1 It is recommended that Cabinet:

1. Agrees for Norfolk Council Council to act as the Accountable Body for the Norfolk Recreational Avoidance and Mitigation Strategy (RAMS), to include agreement for RAMS tariff contributions received by South Norfolk to be transferred to and held by Norfolk County Council in accordance with this responsibility;
 2. Agrees to establish a Norfolk RAMS Board comprising representative from each of the Norfolk Authorities to oversee the operation of Norfolk County Council as Accountable Body;
- and,
3. Delegates authority to the Assistant Director for Planning in consultation with the Portfolio Holder for Policy and External Affairs to finalise any partnership legal agreement and Terms of Reference related to recommendations 1 and 2.

Background papers

[Norfolk Green Infrastructure and Recreational Avoidance and Mitigation Strategy \(GIRAMS\)](#)

[Greater Norwich Local Plan \(GNLP\)](#)

[Minutes of the 14 December 2021 Norfolk Strategy Framework Member Forum](#)

[Minutes of the 22 February 2022 meeting of South Norfolk Council](#)

Environmental Strategy and Delivery Plan

Report Author(s): Annie Sommazzi
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Portfolio: Clean and Safe Environment

Ward(s) Affected: All

Purpose of the Report:

To outline changes to the revised Environmental Strategy and Delivery Plan and to recommend the approval and adoption of the updated document.

Recommendations:

1. Approve the principles set out within the revised Environmental Strategy and Delivery Plan (Appendix 1) and delegate approval for the final documents to the Assistant Director for Economic Growth, in consultation with the Portfolio Holder for Clean and Safe Environment.

1 Summary

- 1.1 The current Environmental Strategy was adopted in 2020.
- 1.2 Substantial progress has been made against this Strategy and was summarised in a report to Cabinet on 13th February 2023.
- 1.3 At the 13th February meeting, Cabinet also considered a newly drafted Environmental Strategy and Delivery Plan. It was resolved that this document should be further revised to include more ambitious environmental targets.
- 1.4 Subsequently a revised Strategy and Delivery Plan has been drafted and is appended to this report (see Appendix 1).
- 1.5 The revised document outlines the near-term actions and activities which the Council will focus on over the next two years in order to drive forward the environmental agenda.
- 1.6 The revised Environmental Strategy and Delivery Plan will continue as a living document, updated annually to ensure it continues to address local priorities and opportunities. Progress against activities in the plan will be presented to Members as part of the existing performance management structure.

2 Current position/findings

- 2.1 The revised Environmental Strategy and Delivery Plan has been developed and provides greater context regarding energy infrastructure and natural capital in South Norfolk. The document also outlines the Council's commitments, notable achievements, measures for success, and the six key principles which will support the journey towards environmental excellence.
- 2.1 The six key principles outlined within the Delivery Plan are as follows:

Principle One: The Energy Transition	This principle outlines how the Council will work to support district wide decarbonisation and the transition to low carbon technologies as well as helping to meet the Government's 2050 net zero emissions target
Principle Two: Doing more ourselves	Leading by example the Council is committed to reducing emissions and achieving a net zero target of 2030.
Principle Three: Enhancing our natural environment	The Council will enhance existing habitats by managing council owned greenspaces in a way which encourages biodiversity to flourish. Under this principle the Council will work to encourage and equip local communities to improve biodiversity at a local level.

Principle Four: Helping people do more at home	The Council will encourage residents to reduce, reuse and recycle as much as possible. This principle details how the Council will support residents to reduce energy demand alongside the assistance offered to support those households in fuel poverty.
Principle Five: Sustainable communities	This principle outlines how the Council will enable local plans to take a proactive approach to mitigating and adapting to climate change. It also considers the ways in which we continue to work to develop inclusive, high quality, and safe communities
Principle Six: Growing our local businesses	<p>How the Council will work to encourage business networks in key clusters, encouraging knowledge exchange, innovation, supply chain development and access to new markets.</p> <p>This principle also outlines some of the direct support which the Council offers to local businesses who want to skills and specialist training which could be used to facilitate growth within the clean economy.</p>

- 2.3 Once approved and finalised the Environmental Strategy and Delivery Plan will be updated and published online.
- 2.4 The revised Strategy and Delivery Plan is underpinned by a series of evidence based plans including annual carbon footprints and a decarbonisation plan, which will also be published online alongside the strategic documents (Appendix 1).

3 Proposed action

- 3.1 This report proposes that Cabinet approve the adoption of the revised Environmental Strategy and Delivery Plan so that it can be used as an external facing document which outlines the Council's commitment to protecting and improving the environment.

4 Other options

- 4.1 Members could choose not to adopt the new version of the Environmental Strategy and Delivery Plan; however, this misses the opportunity to develop a revised Strategy with a Delivery plan, which sets out more ambitious environmental targets and references the Council's significant achievements to date.

5 Issues and risks

- 5.1 **Resource Implications:** The Clean Growth and Sustainability Team will drive the focus of the Environmental Strategy and actions contained within the Delivery Plan. Project resources will be considered as individual work streams are developed and will be brought to Members as appropriate.
- 5.2 **Legal Implications:** The UK Government has committed to a legally binding target of net zero emissions by 2050. The Environment Act 2021 commits to halt species decline by 2030 alongside various ecological targets, clean air measures, waste, recycling, and water.
- 5.3 **Equality Implications** – N/A based on current recommendations
- 5.4 **Environmental Impact** – The purpose of the Environmental Strategy and Delivery plan will allow the Council to have a greater positive effect on the environment.
- 5.5 **Crime and Disorder** – N/A based on current recommendations
- 5.6 **Risks** – The updated Environmental Strategy and Delivery Plan include organisational and district-wide net zero targets; failure to take action to meet these targets may expose the Council to negative public perception.

6 Conclusion

- 6.1 The revised Environmental Strategy and Delivery Plan demonstrate the Council's commitment to the environment, confirming the aspiration to meeting net zero as an organisation by 2030, and committing to an area-based target of net zero by 2050.
- 6.2 The revised Environmental Strategy and Delivery Plan is an ambitious, clear and concise document which allows the Council to demonstrate the success of achievements so far as well as clearly highlighting six key areas for delivering environmental excellence.

7 Recommendation

Approve the principles set out within the revised Environmental Strategy and Delivery Plan (Appendix 1) and delegate approval for the final documents to the Assistant Director for Economic Growth, in consultation with the Portfolio Holder for Clean and Safe Environment.

Environmental Strategy and Delivery Plan

2023 – 2025



Our vision for South Norfolk

South Norfolk has the unique opportunity to **lead the energy transition** in our nation as we migrate from fossil fuels to clean sources of power. No other district has such a chance **concentration of global expertise** and access to clean energy. Our rich and diverse rural landscape has the space to enable significant solar generation and our proximity to one of the world's largest offshore wind arrays means we can harness the myriad benefits which renewable energy and clean growth will bring.

Maximising the opportunities from leading this change will **drive our economy and create jobs** that will sustain our society for generations. However, creating them will not happen by itself. It needs the leadership of **far-sighted local government** applying its statutory power and financial resources to drive transition. Our environment deserves a change in approach. Our economy requires it.

Our Environmental Strategy and Delivery Plan is a living document and encompasses work which we started some time ago. This document outlines in simple terms our **commitments** to you, our **key achievements** to date, how we are going **measure success**, and the **six key principles** which we are going to take on our journey towards environmental excellence

In essence, this plan explains how we will lead the environmental agenda, protect our stunning green spaces and address the impacts of climate change whilst helping residents and businesses to thrive. This is **more than just a commitment to Net Zero**, important though it is, this is about using our location, unique natural spaces, local engineering and innovative skills to redefine the post-carbon economy. We can't do it alone, but, as South Norfolk, **we can lead this change together.**





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Principle Four: Helping people do more at home	Pages 18 - 21
Principle Five: Sustainable communities	Pages 22 - 23
Principle Six: Growing our local businesses	Pages 24 -25

Energy and Infrastructure

Map of Norfolk

Electricity generation

Renewable

- Biomass (greater than 1MW)
- Landfill gas (greater than 1MW)
- Onshore wind (greater than 1MW)
- Sewage gas (greater than 1MW)
- Solar PV (greater than 1MW)

Non-renewable

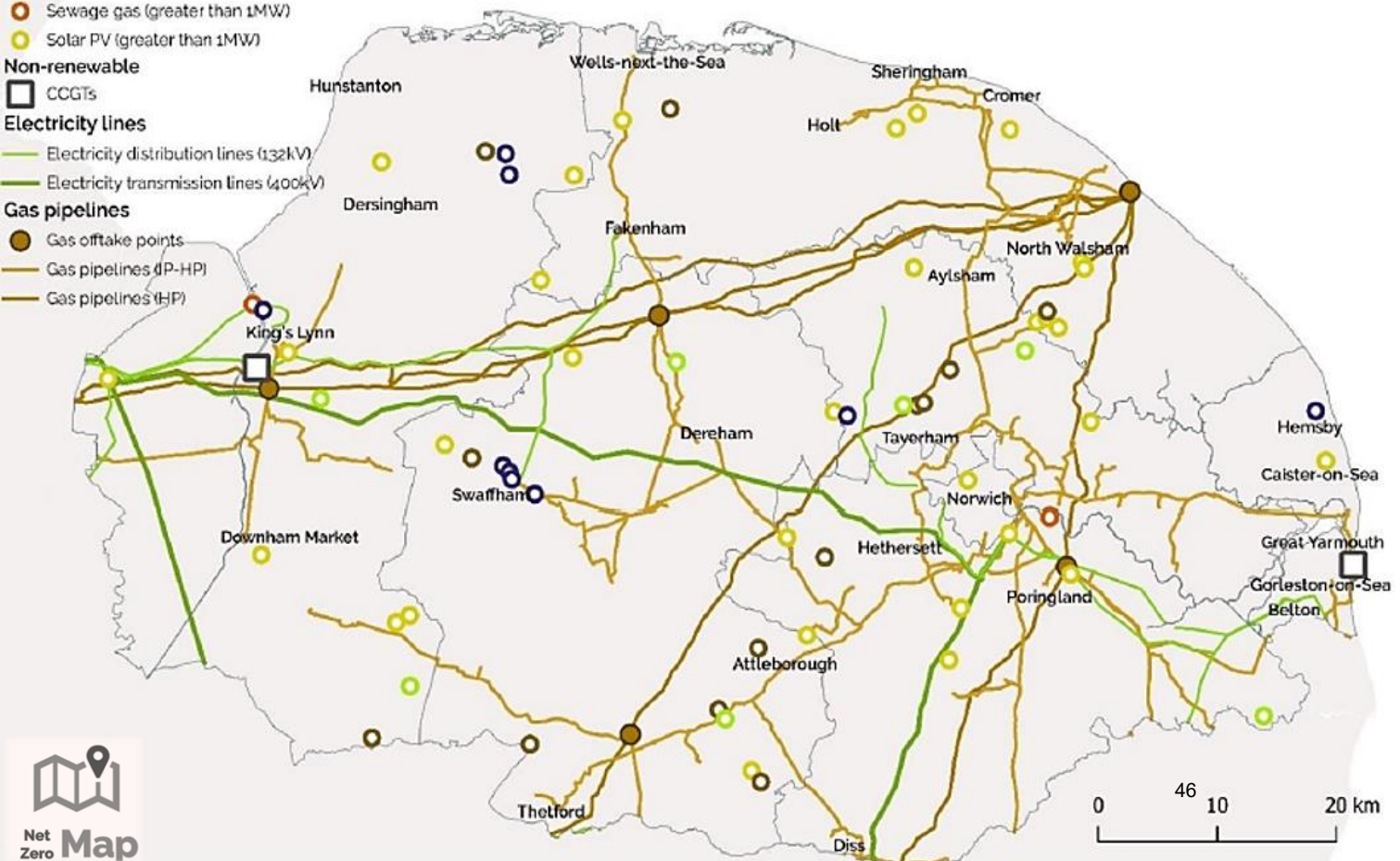
- CCGTs

Electricity lines

- Electricity distribution lines (132kV)
- Electricity transmission lines (400kV)

Gas pipelines

- Gas offtake points
- Gas pipelines (P-HP)
- Gas pipelines (HP)



Setting the Scene

Norfolk is currently host to 400 kilovolts of electricity transmission lines.

Approximately 30% of Great British gas flows on from the Norfolk Coastline, at Bacton, however much of Norfolk experiences limited gas connectivity

Norfolk has a highly constrained grid network especially when compared to the rest of the UK Power Network distribution area.

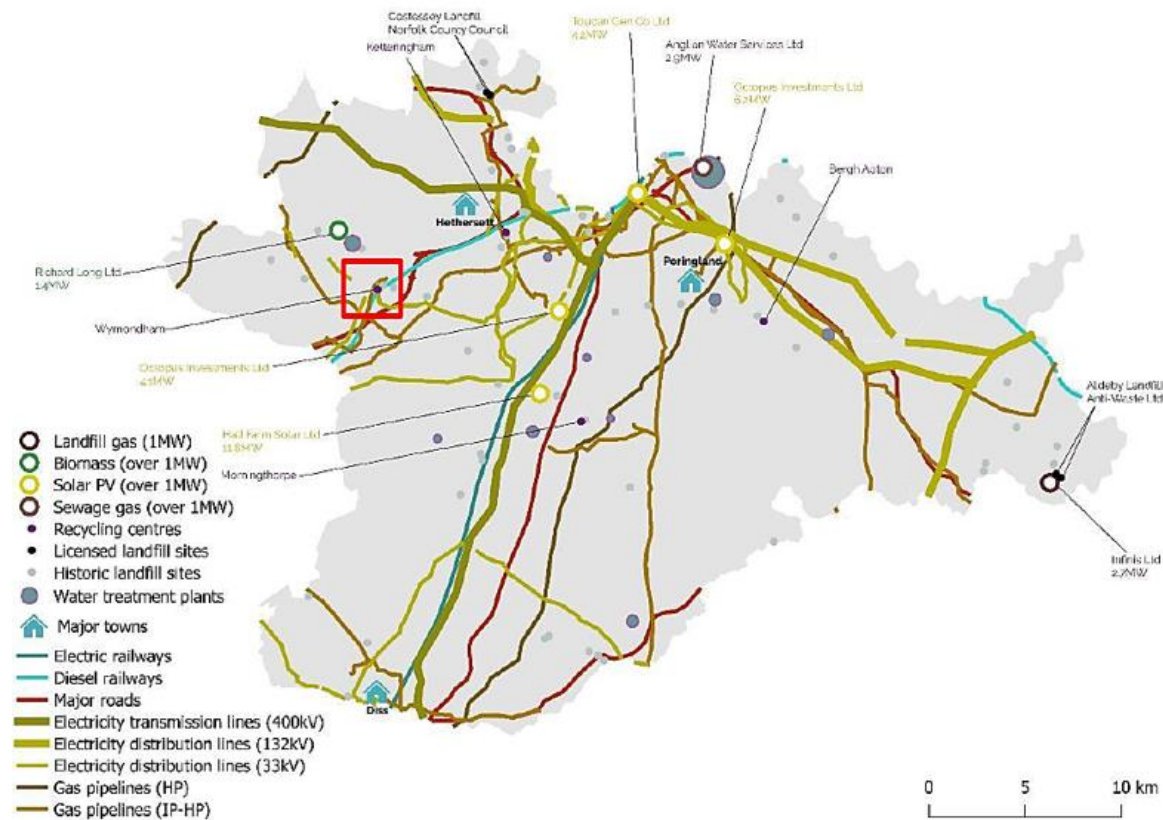
In fact, much of Norfolk sits within a FDG Zone (flexible distribution Generation) which means it experiences high levels of annual solar curtailment

Norfolk is host to significant large-scale generation assets and multiple offshore wind farms which connect into the transmission system.

To enable the connection to new offshore wind, and other onshore generation assets, significant network reinforcement is required

Energy and Infrastructure

Map of South Norfolk



Setting the Scene

We are a low-lying, rural district made up of predominantly grade 3 agricultural land

South Norfolk is the largest transport energy consumer out of all the Local Authorities in Norfolk, this is due to the rurality or the district, which makes private cars the main mode of transport.

There are several major roads links within the district, including the A11 and A47 which link Norfolk to Cambridge, London and the Midlands.

Currently South Norfolk has high levels of solar curtailment as it sits within a 'Flexible Distribution Generation' zone (FDG). This means that South Norfolk can experience over 20% curtailment.

In its 'Electricity Ten Year Statement' the National Grid ESO identified large amounts of generation connecting into the East of England, and South Norfolk in particular, which it recognised as a significant driver for the regions clean energy evolution.

The East Anglia GREEN (Green Energy Enablement) project identifies South Norfolk as a key location for upgrades to the Norwich Main substation allow for two new wind farm connections

Setting the scene:

South Norfolk's Natural Capital

South Norfolk's has a rich and varied landscape which is dominated by arable farmland

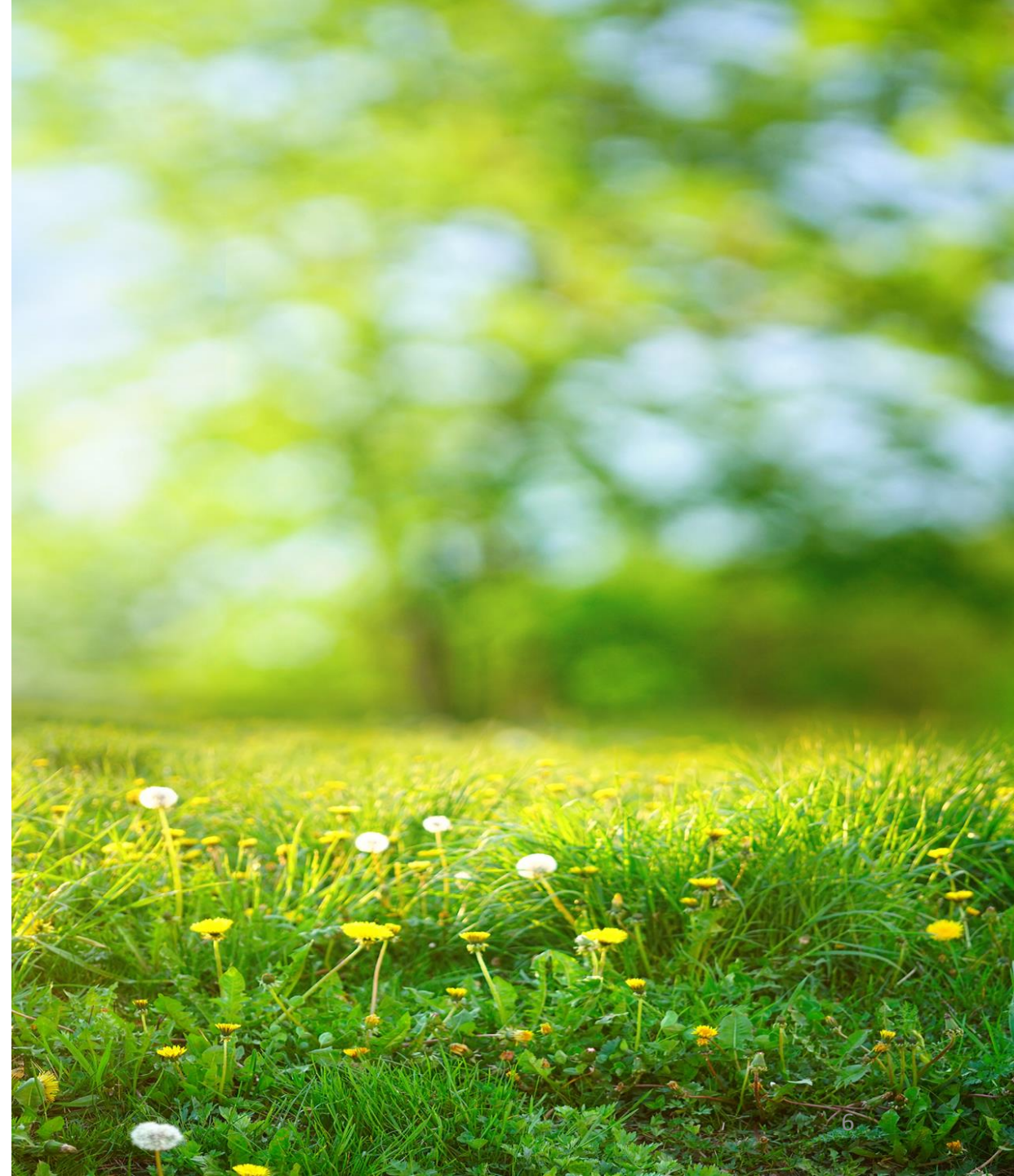
Farmland is interspersed with ancient woodlands, isolated grasslands, hedgerows, ponds, greens, commons and river valleys.

The South Norfolk "Claylands" have some of the most important ancient woodlands in the county, such as Ashwellthorpe Wood - these sites are key wildlife habitats and popular recreational areas for local residents.

Hedgerows, ponds, meadows and veteran trees are characteristic of the landscape and provide habitats for wildflower meadows and butterflies. Areas which provide these key habitats are Mulbarton, Swardeston and Flordon common for example.

There are a number of rivers and tributaries in the district such as the Tas and the Tiffey, each of these rivers has a distinctive course and unique interactions with other habitats and human land use.

South Norfolk, like much of East Anglia, is at risk from climate change specifically from increased flooding incidents, rising temperatures and droughts.





Our Commitments:

We will provide regional and national leadership on the energy transition as we move from fossil fuels to clean sources of power. **This will deliver a clean, vibrant, and sustainable economy** and contribute towards **the Government's net zero 2050 target**.

We will put sustainability at the heart of delivery and, as a Council, will achieve a **net zero carbon emission position by 2030**

We **will engage, inspire, and equip** our residents, businesses, and community groups to take steps to improve their natural environments and reduce their carbon emissions.

Our key achievements to date:

We have started to install solar panels and additional energy saving measures on all our leisure centre buildings, this will **generate clean energy and save up to 100 tCO₂e**

As of 2023, our new office at the Horizon Centre will have a cutting-edge renewable heating system and solar car-port array, over **2,500 solar panels** and electric vehicle charging points, making it net-zero.

We have Installed **electric vehicle car charging points** in our market town car parks





How we will measure success:

We track the progress of each actions within this plan and will provide **annual updates to the council's Economy and Environment Policy Panel**.

We will **publish our carbon emissions** on an annual basis

We recognise the need to **respond to local, national, and international policy developments** and we will update the delivery plan annually to reflect these changes.

Our next steps:

Our environment deserves a change in approach and our economy requires it, so we will develop a '**Clean Energy Action Plan**'. This will outline how we will drive forward a **post-carbon economy, creating jobs and a** sustainable society for generations

We will publish a **Decarbonisation Action Plan** which sets out how we will achieve net zero emissions by 2030

Consult our residents, communities, and businesses to understand how we can support community action as we transition towards a post-carbon economy.



A note on the Delivery Plan

So far, we have outlined our **vision** and **commitments** to you, our **key achievements** to date, how we are going **measure success**, and the **next steps** we are going to take on our journey towards environmental excellence.

This section of the document moves on to our **Delivery Plan**. The plan outlines **six key principles** which underpin South Norfolk's approach to addressing net-zero, climate change and the environment.

The targets within the delivery plan are intentionally **near-term** as this enables us to outline **clear, measurable and defined pathways** towards a net zero future.

The delivery plan outlines clear outcomes, in simple terms with measurable timescales so that we can report on the progress that we make annually.



The Six Key Principles

Principle One: The Energy Transition	This principal outlines how we will work to support district wide decarbonisation and the transition to low carbon technologies as well as helping to meet the Government’s 2050 net zero emissions target
Principle Two: Doing more ourselves	Leading by example we are committed to reducing our emissions and achieving a net zero target of 2030.
Principle Three: Enhancing our natural environment	We will enhance existing habitats by managing council owned greenspaces in a way which encourages biodiversity to flourish. Under this principle we will work to encourage and equip local communities to improve biodiversity at a local level.
Principle Four: Helping people do more at home	We will encourage residents to reduce, reuse and recycle as much as possible. This principle details how we will support residents to reduce energy demand alongside the assistance offered to support those households in fuel poverty.
Principle Five: Sustainable communities	This principle outlines how we will enable local plans to take a proactive approach to mitigating and adapting to climate change. It also considers the ways in which we continue to work to develop inclusive, high quality, and safe communities
Principle Six: Growing our local businesses	<p>This outlines the ways we will encourage business networks in key clusters, encouraging knowledge exchange, innovation, supply chain development and access to new markets.</p> <p>This principle also outlines some of the direct support we offers to local businesses who want to develop skills and specialist training which could be used to facilitate growth within the clean economy.</p>

Principle One: The Energy Transition

Summary

We will lead the energy transition as we migrate from fossil fuels to clean sources of power. This will support district wide decarbonisation and a transition to low carbon technologies as well as helping to meet the Government's 2050 net zero emissions target.

We will identify and actively work alongside the sectors which release the highest carbon emissions.

We will encourage a vibrant, clean economy which champions innovative technologies and creates a wide range of highly skilled, well-paid jobs.



Ref	Project objectives	Outcome	Timescales	Lead
ET1	Support the clean energy transition through the development of a clean hydrogen economy.	Form a clean hydrogen task force and develop a ‘hydrogen delivery plan’ for South Norfolk.	October 2023	Economic Growth
	<p>To enable this we seek to develop a pipeline of potential projects by identifying sites, offtakes and suppliers, but also through establishing a deeper understanding of the viability of the locations on the ground i.e., mapping grid capacity, energy supply, assets suitable for CH production and distribution.</p> <p>Develop best practice and share knowledge with public sector and private sector partners.</p>	Maintain dialogue and discussions with Aberdeen City Council regarding their HR Aberdeen initiative.	Ongoing	
ET2	To assist our residents and communities to make the switch to electric vehicles by increasing the provision of Electric Vehicle Charging Points (EVCP) within the district.	<p>Install additional EVCP across all South Norfolk owned carparks</p> <p>Increase public provision of EVCPs within South Norfolk by 10%</p>	<p>2023</p> <p>2024</p>	Economic Growth

ET3	To provide leadership on the energy transition as we migrate from fossil fuels to clean sources of power. South Norfolk has a high concentration of global expertise, access to clean energy and ambition in one place to effect this change.	Develop a ' Clean Energy Action Plan ' for south Norfolk which considers: <ul style="list-style-type: none"> • Alternative fuels • Maximising offshore wind opportunities • A vibrant clean growth economy with skilled employment and high graduate retention • Grid capacity, curtailment and constraints • Net-zero and the Government's 2050 target 	2023	Economic Growth
ET4	Utilise South Norfolk's unique position to leverage the resources required to deliver nationally significant infrastructure projects	Work with central government to realise the transition towards a post carbon economy	2023	Economic Growth
ET5	Identify and work alongside the largest emitters in South Norfolk to identify ways in which they can reduce their carbon emissions and transition towards clean energy alternatives.	Engage with the top five largest emitters within South Norfolk and establish a joint approach to working towards net-zero 2050	January 2024	Economic Growth



Principle Two: Doing More Ourselves

Summary

We will lead by example. South Norfolk Council is committed to achieving net zero carbon emissions by 2030 across our scope 1, 2, and 3 emissions.

We are installing solar panels and other energy efficiency measures to our owned and operated leisure centres

We are mobilising a whole council approach to reducing emissions and achieving environmental excellence.

Ref	Project objectives	Outcome	Timescales	Lead
Dm1	Become an exemplar organisation delivering net-zero emissions by 2030 across the council's estates and operations.	Publish a decarbonisation plan and net-zero 2030 route map	2023	Economic Growth
Dm2	Reduce usage of fossil fuels in council owned and operated buildings	Carry out a suite of energy efficiency works to council operated leisure centres and head quarter buildings. This includes installing solar PV, Battery Storage, air source and ground-source heat pumps	June 2024	Economic Growth and Leisure Services
Dm3	Provide clear data and communicate clearly regarding the actions the council is taking to reduce its carbon emissions.	Establish a process for publishing carbon footprints and reporting on emission reduction trajectories.	Published online	Economic Growth

Dm4	To imbed a 'whole council' approach to reducing carbon emissions by ensuring that decisions take into consideration the issues presented by climate change.	For Cabinet Members and all staff within the council's Corporate Leadership Team to attend carbon literacy training sessions. Run a series of carbon literacy courses open to all staff and councillors - align these sessions to other staff CPD opportunities such as 'Learn-Fest'	Cabinet & CLT offered training 2023	Economic Growth
Dm5	Providing low carbon commuting and travel options for council staff including lift sharing opportunities, Electric Vehicle car hire and cycle to work schemes.	A decreasing trajectory in staff travel emissions EVCPs installed at all council offices	2024 2023	Economic Growth and HR
Dm6	Support the ongoing work of the Norfolk Climate Change Partnership.	Attend Norfolk Climate Change Partnership meetings and provide leadership on the Partnership's 'activity plan'.	Ongoing	Economic Growth
Dm7	Ensure that the procurement of good and services considers environmental impacts and assists in reducing the council's carbon emissions.	Develop a new Corporate Procurement Strategy	2023	Finance team

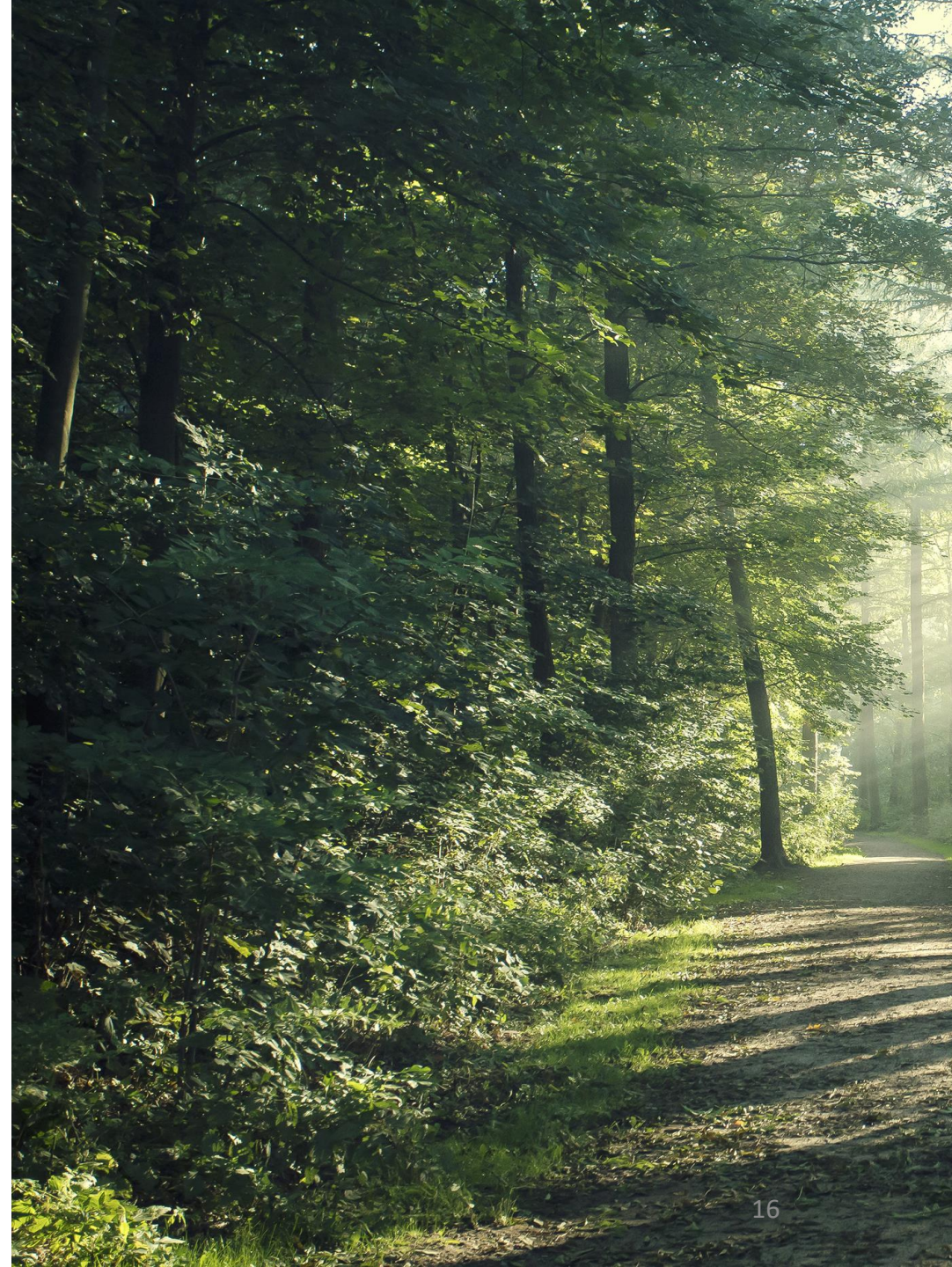
Principle Three: Enhancing our Natural Environment

Summary

We will enhance our existing habitats by managing council owned greenspaces in a way which encourages biodiversity to flourish

We will encourage and equip our local communities to improve biodiversity at a local level

We will increase tree and hedgerow planting by offering out grants, adopting a 'right tree for the right location' approach



Ref	Objective	Outcome	Timescale	Lead
EnE1	Plant trees to increase <ul style="list-style-type: none"> Biodiversity Community wellbeing and engagement Carbon sequestration 	Provide grants of up –to £1,000 to support community groups, landowners, partner organisations and town and parish councils to plant 10,000 new trees within the district.	2025	Economic Growth
EnE2	Improve the biodiversity of council owned woodland and greenspace sites	Adopt a ‘Biodiversity Enhancement Plan’ for council owned woodlands and green spaces	2024	Community assets
EnE3	Develop a Net-Zero Innovation Project (NZIP) Work alongside the Local Government Association and University College London for a joint project between South Norfolk Council and UEA’s Tyndall Centre for Climate Change.	Work collaboratively with staff and Students at UEA to develop a toolkit which will allow us to calculate carbon sequestration on council owned greenspaces - this will help us understand what actions can be carried out across to improve carbon capture and will also improve biodiversity across our sites.	November 2023	Economic Growth
EnE4	Encourage residents within the district to think about their natural environments and to promote biodiversity action at a local level	‘Biodiversity for South-Norfolk’ - a series of drop-in advice events held at Queen’s Hill Country Park where residents can speak to the ranger team and receive advice on how best to nurture biodiversity, as well as receiving a free tree to plant.	3 events between 2022 - 2024	Community assets



Principle Four: Helping people do more at Home

Summary

Provide a first class waste collection service which encouraged residents to reduce, reuse and recycle as much as possible

Help residents to reduce energy demand by delivering and promoting insulation schemes. We will assist households in fuel poverty who are struggling to pay their energy bills.

Provide clear information and guidance on issues such as air quality, recycling, land quality and water

Ref	Project objectives	Outcome	Timescales	Lead
HpH1	Encourage residents to switch to clean energy – decrease in living costs support with	Increase of residents signed up to the ‘Solar Together’ promotion, based on 2021 scheme.	2022-2023	Housing Standards
HpH2	Reduce waste and single use plastics.	Promoting the ‘Refill scheme’ across the district to residents and businesses – we will also become a single use plastic free council and publish a ‘ how to guide ’ in order to support others wishing to do the same	2023	Economic Growth and Recycling
HpH3	<p>Reduce the amount of waste which is sent to landfill</p> <ul style="list-style-type: none"> • Launch initiatives to which encourage recycling and therefore • Support and encourage the uptake of schemes and services which increase food and garden waste composting. 	Achieve a 50% recycling rate	2025	Recycling

HpH4	To reduce the impact of oil spillages by proactively reaching out to oil users in vulnerable locations and providing advice on fuel security and spill prevention.	Direct advice issued to all residents and businesses who are considered to be in 'oil vulnerable' locations. Information and guidance on the council website which provides guidance on fuel security and spill prevention.	2024	Environmental protection
HpH5	To raise awareness of air quality issues and promote understanding of new legislation, such as a wood burning.	Bi-annual social media campaigns which provide tips and information on how residents can reduce air pollution Use National 'Clean Air Days' to raise awareness in schools.	2023	Environmental protection
HpH6	Conserve water resources by promoting knowledge of rainwater re-use and conservation.	Bi-annual social media campaigns which provide tips and information on how residents can conserve water.	2023	Environmental protection

HpH7	Seek funding to continue the proactive enforcement of 'Private Rental Sector Minimum Energy Efficiency Standards'.	Investigate and apply for funding to continue the proactive enforcement action on the Minimum Energy Efficiency Standards in the private rented sector.	2023	Warm Homes
HpH8	Apply for external funding to run projects to improve energy efficiency in homes.	There are 2 Government funded projects currently running. We aim to fully utilise all funding from these projects. We will apply for new funding streams as they open	2023	Warm Homes
HpH9	Advise and support households in fuel poverty, helping them to maximise their incomes and achieve the most suitable energy tariffs and heating types.	Work alongside the Early Help Hub to develop a support package for the most vulnerable residents in the District.	2023	Warm Homes

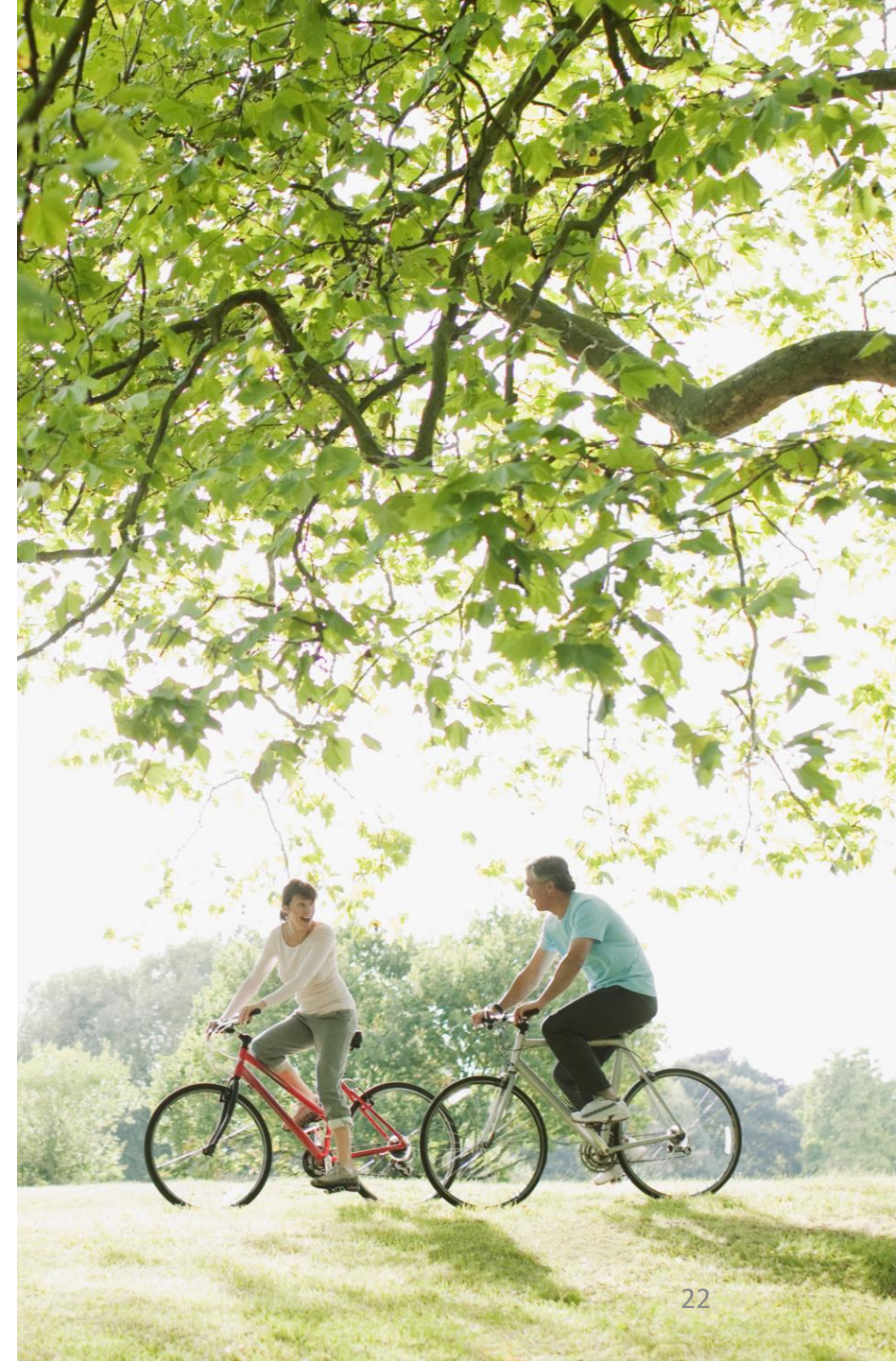
Principle Five: Sustainable Communities

Summary

Plan for housing in a way which is sustainable and celebrates the unique nature of our natural environment

Ensure our local plans take a proactive approach to mitigating and adapting to climate change

Continue work to develop inclusive, high quality, and safe communities



Ref	Project	Outcome	Timescale	Lead
Sc1	<p>Council officers to support the development of neighbourhood and community led plans which encourage a proactive approach to mitigating and adapting to climate change by considering issues such as, flooding, water supply and biodiversity. This might be via;</p> <ul style="list-style-type: none"> • The use of sustainable drainage systems in new developments • Rainwater conservation and re use • Enhancement of greenspace to promote greater biodiversity • Rewilding and tree planting 	5 new neighbourhood and community led plans developed by parish and town councils which consider the impacts of climate change and mitigation.	2024	Community Planning
Sc2	Deliver Nutrient Neutrality and enable sustainable growth in our area by tackling the high levels of nutrient run off in the River Wensum and Broads Special Areas of Conservation	Establish a joint venture company with other Norfolk partners to secure much needed mitigation to reduce the nutrient levels in our important waterways	2023	Planning
Sc3	Ensure suitable greenspace and Green Infrastructure (GI) is provided to support new growth	Delivery of 5 new GI projects across the District	2025	Planning



Principle Six: Growing our Local Businesses

Summary

Celebrate, attract and retain talent in the area

Encourage targeted skills development so that residents are equipped for the jobs

Build business networks in key clusters, encouraging knowledge exchange, innovation, supply chain development and access to new markets

Ref	Project	Outcome	Timescale	Lead
Pb1	Support businesses to reduce their carbon emissions to align with the Government's net zero carbon emission 2050 target.	Facilitate 'Net-Zero Go' training sessions and events.	The first events held by 2024	Economic Growth
Pb2	Promote the businesses within South Norfolk who are taking steps to reduce their carbon emissions and encourage others to follow their lead.	The annual Business Awards category for 'Environmental Innovation' showcases those businesses in South Norfolk who are innovatively addressing environmental improvement.	Annual	Economic Growth
Pb3	Develop skills and specialist training which could be used to facilitate growth within the clean economy	<p>South Norfolk offers a 'Build-Up Grant' which supports entrepreneurs who are already training and require grants of up to £1,000</p> <p>A 'Development Grant' of up to £5,000 is also offered for established businesses.</p>	<p>2024</p> <p>2024</p>	Economic Growth

Agenda Item: 9
Cabinet
20th March 2023

Adoption of updated Regulation of Investigatory Powers Policy

Report Author(s): Nick Howard
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Portfolio: Clean and Safe Environment

Ward(s) Affected: All wards

Purpose of the Report:

To present for consideration and adoption a proposed updated Regulation of Investigatory Powers Act (RIPA) Policy.

Recommendations:

1. That Cabinet approves, with any necessary amendments, the proposed Regulation of Investigatory Powers Policy and Guidance as set out in Appendix 1 and agrees to adopt the Policy.

1. Summary

- 1.1 The Council conducts a range of investigatory activities for which it last updated its Regulation of Investigatory Powers Policy in 2016, and this policy requires updating to reflect both legislative and organisational changes.
- 1.2 This report proposes an updated Regulation of Investigatory Powers Policy ('the RIPA Policy'), which aims to ensure that any surveillance activities undertaken by the Council are compatible with the human right to privacy by ensuring compliance with the requirements of the Regulation of Investigatory Powers Act 2000 (RIPA), the Investigatory Powers Act 2016 (IPA), the European Convention on Human Rights and the Human Rights Act 1998. Suitable officer guidance is being prepared to support the updated RIPA Policy going forwards.
- 1.3 Covert investigation and surveillance activity, meaning investigation activity that it is not overtly declared in advance to the subject of investigation, can result in private information being obtained about individuals without their knowledge. This could be something as simple as monitoring a fly tipping hot spot to observe who visits and may unlawfully deposit waste materials. Alternatively, it could involve a substantial investigation into suspected fraud or other criminal offences. When the Council gives full and proper consideration to such activity in accordance with the legal requirements mentioned at 1.2 above, the Council is working to uphold and will not breach individuals' right to privacy.
- 1.4 The proposed updated RIPA Policy is designed to provide the basis upon which the Council will ensure full and proper consideration is given before, during and after any surveillance activity is undertaken.
- 1.5 The proposed updated RIPA Policy addresses the Council's undertaking of activities that involve:
 - a) The surveillance of individuals,
 - b) Any use of undercover officers and informants, known as covert human intelligence sources, and
 - c) The obtaining of communications data.

2. Background

- 2.1 A range of the Council's functions require investigations and sometimes surveillance activity to be undertaken. Often, the person affected will be informed in advance and doing so would make it an 'overt' activity, for example if a letter is sent advising that neighbour noise may be recorded if the Council has to investigate complaints received. In some cases however and for good reason, some investigation activities are not declared in advance to the subjects of investigation. Examples may include suspected serious regulatory breaches or benefit fraud. Where subjects are not informed in advance then the Council's activity could be termed 'covert'.
- 2.2 The Regulation of Investigatory Powers Act 2000 ('the RIPA Act') and the Investigatory Powers Act 2016 ('the IPA Act') provide the legislative framework

that governs the use of covert activities by public authorities including local authorities.

- 2.3 The RIPA and IPA Acts apply to a number of covert surveillance activities, which are carried out in a manner calculated to ensure that the individuals subject to the surveillance are unaware that it is or may be taking place. Surveillance may involve both the:
- a) Monitoring, observing or listening to persons, their movements, their conversations or their other activities or communications, and
 - b) The recording anything monitored, observed or listened to in the course of surveillance, with or without the assistance of a device.
- 2.4 When public authorities use covert activities, they must do so in a way that is necessary, proportionate, and avoids (or where this is not possible minimises) the impact of the covert activities on other people who are not the subject of the operation or investigation (collateral intrusion); thus ensuring that the covert activities used are compatible with human rights. The RIPA and IPA Acts set out authorisation processes to help ensure that this compatibility is achieved.
- Covert surveillance falling under the Acts that may be authorised by a local authority is restricted to:
- a) Directed surveillance,
 - b) The use of covert human intelligence sources, such as undercover officers or informants, to obtain information, and
 - c) Obtaining communications data such as the 'who', 'where', 'when', 'how' and 'with whom' in relation to a telephone call, email, social media message, website communication, postal letter or couriered parcel, but not what is written or said (the content) within that communication.
- 2.5 Independent oversight for both RIPA and IPA in respect of the way in which covert activities are used is provided by the Investigatory Powers Commissioner's Office (IPCO) and the Investigatory Powers Tribunal (IPT).
- 2.6 The RIPA and IPA Acts are supported by a number of statutory Codes of Practice ("the Codes") issued pursuant to Section 71 of the RIPA Act and Section 241 of the IPA Act. The Codes, listed in the proposed updated RIPA Policy, have been revised during the period since the existing policy was adopted by the Council in 2015. Local authorities must have regard to the provisions of the Codes. Non-compliance does not of itself render any person, including the Council, liable to criminal or civil proceedings, unless it relates to communications data being obtained unlawfully, in which case this may give rise to criminal offences. The Codes are admissible as evidence in criminal and civil proceedings. If any provisions of the Codes appear relevant to any court or tribunal considering such proceedings, or to the Investigatory Powers Tribunal or IPCO, they must be taken into account. Local authorities may also be required to justify, with regard to the Codes, the use or granting of authorisations in general or the failure to use or grant authorisations where appropriate.

2.7 For local authorities, authorisation for directed surveillance can only be granted if it is to be carried out for the purpose of preventing or detecting criminal offences that:

- a) Meet the 'serious crime threshold', i.e. are punishable by a maximum term of at least 6 months' imprisonment; or
- b) Constitute an offence in relation to the sale of alcohol or tobacco to minors.

Authorisation for directed surveillance for the purpose of preventing disorder can only be granted if it involves criminal offences that meet the serious crime threshold.

2.8 Although the RIPA Act provides for the authorisation of directed surveillance and the use of covert human intelligence sources, it is not unlawful if an authorisation is not sought for these activities and there is no duty on a local authority to comply with the RIPA Act provisions; it is permissive law. However, the Codes make it clear that there is an expectation that local authorities will comply with the requirements of the RIPA Act.

2.9 Compliance with the RIPA Act requirements helps the Council to ensure that any surveillance conduct, which is undertaken following the correct authorisation and approval from a Justice of the Peace, and communications data obtained under the IPA Act through communications data authorisations via the National Anti-Fraud Network, is lawful. These processes protect the Council from legal challenge and render the evidence obtained admissible and lawful for the Council's required purposes. Contracted investigations will be subject to the Council's RIPA Policy and authorisation process.

2.10 A public authority may only engage the formal RIPA and IPA Act powers and processes when performing its 'core functions' for which there are grounds specified under the Acts. For local authorities, these grounds are limited to preventing or detecting crime or preventing disorder and are further restricted with respect to directed surveillance. This does not apply to the 'ordinary functions' of public authorities, such as those involving employment issues or contractual arrangements. Covert activities in relation to these 'ordinary functions' are conducted under other legislation and authorisations, not under the RIPA or IPA Acts which would not be appropriate.

3. Current position/findings

3.1 The Council last received a formal inspection by IPCO in 2017, prior to the formalisation in January 2020 of the shared service delivery structure with Broadland District Council. A subsequent light touch desktop review by an IPCO inspector was received during the Covid-19 pandemic. IPCO has recommended that the Council should:

- a) Review and update its RIPA Policy, including a section dealing with social media enquiries. Make provision of 'non-RIPA' approaches that mirror the

formalised requirements of the legislation and Codes of Practice. Support the revised Policy with updated officer guidance and administrative and management processes.

- b) Establish further officer training, beyond the ongoing refresher training, to feature specific induction training and training for authorising managers, to support implementation of the RIPA Policy.
 - c) Provide regular reporting to elected members to ensure effective policy oversight of surveillance activities.
- 3.2 The preparation and maintenance of an updated RIPA policy and associated officer guidance is not in itself a legal requirement. It is, however, considered best working practice and this position is reflected in the advice and recommendations that was made to the Council following the IPCO inspection.
- 3.3 By updating its RIPA Policy, and the associated officer guidance, the Council can best respond to any challenges about the way in which it has undertaken covert investigation and surveillance activities.
- 3.4 The increase in digital technology has created significant opportunities for Council officers to undertake covert enquiry and investigation activities for the purposes of service delivery, particularly by accessing the internet and social media platforms on mobile devices. Ongoing safeguards are necessary to ensure full awareness that surveillance of individuals is being undertaken.

4. Proposed action

- 4.1 By updating the Council's existing RIPA Policy, and the associated operating processes and guidance, the Council will:
- a) Continue to demonstrate that it takes the regulation of investigatory powers seriously.
 - b) Update its defined framework within which the Council will exercise its responsibilities.
 - c) Make clear to stakeholders the manner in which the Council intends to operate.
 - d) Ensure that the Council has sufficient appropriately authorised / designated officers.
 - e) Provide the basis for a robust defence to any challenges that may be made about covert activities undertaken by the Council.
 - f) Support officers to conduct necessary and proportionate activities lawfully and, as far as is reasonably practicable, minimise any adverse impact on individuals' privacy.
- 4.2 The proposed updated RIPA Policy at Appendix 1 is fundamentally based on human rights principles encapsulated in the European Convention on Human Rights and in the Human Rights Act and sets out the way in which the requirements under RIPA and IPA Acts, which are specifically aimed at protecting individuals' human rights in relation to privacy, will be undertaken. The RIPA Policy, as updated, aims to ensure that the Council's actions are not at variance

with the Human Rights Act and is, therefore, unlikely to result in adverse human rights implications.

- 4.3 The updates to the RIPA Policy take account of the changes contained within the Codes as well as updating officer details and responsibilities relating to the:
- a) Senior Responsible Officer
 - b) RIPA Coordinator
 - c) Appointment of officers to grant authorisations under Sections 28 and 29 of RIPA
 - d) Authorising officers to present RIPA Act cases to justices of the peace under Section 223 of the Local Government Act 1972
- 4.4 The processes supporting the Council's proposed updated RIPA Policy have been prepared to provide assurance that before, during and after any surveillance activity is proposed and/or undertaken, an assessment is made to determine the necessity and proportionality of such activity and to also identify steps that will be taken to minimise the level of collateral intrusion. The focus of that assessment is to protect individuals' right to privacy and the Human Rights Act provides a useful reference point when considering the potential equality and human rights impacts for all groupings in the community. For this reason, the assessment around necessity, proportionality and minimising collateral intrusion is key to ensuring the impacts referred to above are at least maintained and potentially enhanced. As a result, a holistic approach will be taken and the known and/or likely circumstances of any individual or group of individuals who is/are the intended target of surveillance, as well as the circumstances of those who are not the intended targets, will be taken into account as part of the formal authorisation and management of any surveillance activity.
- 4.5 The Council's formal RIPA application and authorisation processes will closely reflect the proposed updated RIPA Policy's requirements.
- 4.6 A governance structure is set out in Appendix A of the proposed updated RIPA Policy. The officers who form the governance structure are specifically designated for the purposes of the RIPA and IPA Acts and referred to by role within the Policy. They will undertake externally provided role-specific training. General awareness training for managers and staff will be embedded across the Council and access to this training will be maintained online.
- 4.7 Where covert activities are carried out for any purpose that falls outside the RIPA Act, for example if required to investigate internal Council disciplinary matters or an external regulatory matter where the 'serious crime threshold' is not met, the Council may still use the covert activities as they are defined in the RIPA and IPA Acts. To ensure that the covert activities used for these non-RIPA purposes are still used in a manner that is compatible with human rights, local authorities are encouraged to have due regard to the principles of the RIPA and IPA Acts, and the Codes, and any relevant RIPA/IPA guidance and apply these as if the purposes for which the activities are being used do fall within the RIPA and IPA Acts regimes. For this reason, what are termed "non-RIPA" matters are also covered in the proposed updates to the Council's RIPA Policy.

- 4.8 A central record of both RIPA formal activity and 'non-RIPA' activity will be maintained. Quarterly meetings of a RIPA Working Group will monitor this activity internally. This will include overseeing the reporting to IPCO of any relevant and serious matters arising in accordance with statutory requirements.
- 4.9 An annual report of RIPA surveillance activity will continue to be submitted to IPCO. This facilitates independent oversight, which is provided by IPCO and the Investigatory Powers Tribunal.
- 4.10 The proposed updated RIPA Policy follows relevant guidance issued by the Home Office, IPCO and the Information Commissioner's Office.

5. Other options

- 5.1 Cabinet could decide not to adopt the proposed updated RIPA Policy, either relying on the pre-existing RIPA Policy or deciding not to maintain such a policy. The preparation and maintenance of a RIPA Policy is not in itself a legal requirement. However, it is considered best working practice and this position is reflected in the recommendation that was made to the Council following the IPCO inspection.
- 5.2 If the Council does not prepare and maintain a RIPA Policy and appropriate supporting officer guidance, the Council would be open to criticism from IPCO and it might fall short of having in place the necessary arrangements and duly authorised and designated officers to undertake the roles as required by the relevant legislation.
- 5.3 The increase in digital technology has created significant opportunities for Council officers to undertake covert activities for the purposes of service delivery, particularly by accessing the internet and social media platforms on mobile devices (e.g. smartphones and tablets). The proposed updated RIPA Policy and associated guidance and arrangements would provide the necessary safeguards against individual officers not realising that surveillance of individuals is actually being undertaken, and ensuring that the risks relating to breaches of an individual's privacy are sufficiently prevented and minimised.

6. Issues and risks

- 6.1 **Resource Implications** – A small resource requirement has been identified for commissioning officer training and it is expected that this will be provided for within existing budgets from 2023/24 onwards.
- 6.2 **Legal Implications** – The proposed updated RIPA Policy takes into account the current framework and requirements of legislation and statutory guidance, and will help to ensure the Council's relevant activities are undertaken lawfully. No specific legal implications have been identified.
- 6.3 **Equality Implications** – No equality implications have been identified.
- 6.4 **Environmental Impact** – The proposed updated RIPA Policy will help generally to safeguard proper conduct of investigation and surveillance activity, including

environmental regulation. There are no climate change implications associated with the recommendation.

- 6.5 **Crime and Disorder** – The proposed updated RIPA Policy will help generally to safeguard proper conduct of investigation and surveillance activity, which is supportive of the Council's work to tackle crime and disorder.
- 6.6 **Other risks** – If the Council decided not to prepare and maintain an updated RIPA Policy and supporting guidance, it would be open to criticism from IPCO and could fail to have in place duly authorised / designated officers to undertake the roles required by the relevant legislation.

7. Conclusion

- 7.1 It is necessary now to update the Council's RIPA Policy to reflect changes in legislation and guidance, together with recommendations for good practice. The proposed updated RIPA Policy is suitable for adoption. It will be supported by a corresponding updated set of operational management and administrative arrangements, training and guidance.

8. Recommendations

- 8.1 That Cabinet approves, with any necessary amendments, the proposed Regulation of Investigatory Powers Policy and Guidance as set out in Appendix 1 and agrees to adopt the Policy and Guidance.

Background papers

South Norfolk Council's existing RIPA Policy was last revised 2016.

Regulation of Investigatory Powers Act (RIPA) and non-RIPA Surveillance Policy

Draft

	RIPA (Regulation of Investigatory Powers Act 2000) and non-RIPA Surveillance Policy
Owner	Nick Howard / Teri Munro
Version	1
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Approved by	
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This is a policy to ensure the Council complies with the Regulation of Investigatory Powers Act 2000 (RIPA) by ensuring there is a consistent approach to the authorisation process and undertaking of surveillance activity carried out by the Council.

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1. Introduction

- 1.1 The performance of certain investigatory functions of local authorities may require the surveillance of individuals or the use of undercover officers and informants. Such actions may intrude on the privacy of individuals and can result in private information being obtained. The Regulation of Investigatory Powers Act 2000 (RIPA) governs these activities and provides a means of ensuring they are carried out in accordance with law and subject to safeguards against abuse.
- 1.2 All surveillance activity can pose a risk to the Council from challenges under the HRA or other processes. Therefore, it must be stressed that all staff involved in the process will take their responsibilities seriously which will assist with the integrity of the Council's processes, procedures, and oversight responsibilities.
- 1.3 In preparing this Policy, the Council has considered the RIPA Codes of Practice (August 2018).
- 1.4 The Council takes its statutory responsibilities seriously and will act in accordance with the law and the codes of practice.

2. Scope and Aim of the Policy

- 2.1 This Policy applies to all areas of the Council that may undertake enforcement action and / or carry out any form of surveillance activity.
- 2.2 The purpose of this Policy is to ensure the Council complies with the Regulation of Investigatory Powers Act 2000 (RIPA) by ensuring there is a consistent approach to the authorisation process and undertaking of surveillance activity carried out by the Council. This includes the use of undercover officers and informants, known as Covert Human Intelligence Sources (CHIS).
- 2.3 The policy also sets out the Council's position on surveillance which is necessary to be undertaken by the Council but cannot be authorised under the RIPA legislation. This is referred to as surveillance outside of RIPA and will have to be compliant with the Human Rights Act. (See section 'Surveillance Outside RIPA' paragraph 16).
- 2.4 All RIPA covert activity will have to be authorised and conducted in accordance with this Policy, the RIPA legislation, and Codes of Practice. Therefore, all officers involved in the process will have regard to this document and the statutory RIPA Codes of Practice issued under section 71 RIPA (current version issued in August 2018) for both Directed Surveillance and the use of Covert Human Intelligence Sources (CHIS). The Codes of Practice are available from the Home Office website.
- 2.5 This Policy and associated procedures also establish the Councils approach to ensure that all online research and investigations are conducted lawfully and ethically to reduce risk.
- 2.6 Failing to comply this Policy could result in Officers being dealt with through the Councils disciplinary procedures.

3. Background to RIPA and Lawful Criteria

- 3.1 The Human Rights Act 1998 (HRA) makes it potentially unlawful for a local authority to breach any article of the European Convention on Human Rights (ECHR).
- 3.2 Article 8 of the European Convention on Human Rights states that: -
- I. Everyone has the right of respect for his private and family life, his home, and his correspondence.
 - II. There shall be no interference by the Council with the exercise of this right, except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety, or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health and morals or for the protection of the rights and freedoms of others.
- 3.3 The right under Article 8 is a qualified right and the Council can interfere with this right for the reasons given in 3.2 (ii) above, **if it is necessary and proportionate** to do so.
- 3.4 Those who undertake directed surveillance or CHIS activity on behalf of the Council breach an individual's Human Rights, unless such surveillance is lawful, consistent with Article 8 of the ECHR and is both necessary and proportionate to the matter being investigated.
- 3.5 RIPA provides the legal framework for lawful interference to ensure that any activity undertaken, together with the information obtained, is HRA compatible.

4. Consequences of Not Following RIPA

- 4.1 The Council recognises that, although not obtaining authorisation does not make the surveillance unlawful per se, it does have some consequences: -
- I. Evidence that is gathered may be inadmissible in court.
 - II. The subjects of surveillance can bring their own claim on Human Rights grounds i.e., the Council has infringed their rights under Article 8.
 - III. If a challenge under Article 8 is successful, the Council would receive reputational damage and could face a claim for financial compensation.
 - IV. The Government has also introduced a system of tribunal to deal with complaints. Any person who believes that their rights have been breached can have their complaint dealt with by the Investigatory Powers Tribunal (IPTC). (See section Errors and Complaints section F).
 - V. It is likely that the activity could be construed as an error and therefore must be investigated, and a report submitted by the Senior Responsible Officer to the Investigatory Powers Commissioner's Office (IPCO).

5. Independent Oversight

- 5.1 RIPA is overseen by the Investigatory Powers Commissioner's Office (IPCO). Their remit includes providing comprehensive oversight of the use of the powers to which the RIPA code applies, and adherence to the practices and processes described in it. They also provide guidance to be followed which is separate to the codes. To carry out their full functions and duties they will periodically inspect the records and procedures of the Council to ensure any authorisations have been given, reviewed, cancelled, and recorded properly. Therefore, it is important that the Council can show it complies with this Policy and with the provisions of RIPA.
- 5.2 The Codes of Practice require that as a local authority, the Council must report the fact of its use to elected council members. Members will be updated on a regular basis of any usage, or not, of the relevant powers. The Council will report its use, or non-use of these powers to

members via the Performance & Governance Report on a six (6) monthly basis including any use made on the Council's behalf by a contracted agency.

Part B. Surveillance, Types and Criteria

6. Surveillance Definition

- 6.1 There are several types of surveillance covered by RIPA and the HRA. Surveillance can be both overt and covert and depending on their nature, are either allowed to be authorised under RIPA or not. There are also different degrees of authorisation depending on the circumstances.
- 6.2 Surveillance is:
- I. Monitoring, observing or listening to persons, their movements, their conversations or their other activities or communications.
 - II. Recording anything monitored, observed, or listened to during surveillance, with or without the assistance of a device.

6 Training and Awareness

- 6.1 All staff need to be clear on the legal frameworks which govern their work, to ensure that the Council adheres to the relevant guidelines. Staff are urged to consider the implications of retention for any private data they obtain. Therefore, the Council will ensure that relevant staff are suitably trained for their role and responsibilities.

7. Overt and Covert Surveillance

- 7.1 **Overt surveillance** is where the subject of surveillance is aware it is taking place, either by way of signage such as in the use of CCTV (closed circuit television) or they have been informed of the activity. Overt surveillance is outside the scope of RIPA and therefore does not require authorisation. However, it still must take account of privacy under the Human Rights Act and be necessary and proportionate. Any personal data obtained will also be subject of the Data Protection Act. Overt CCTV cameras (fixed or portable) are also subject to both the Information Commissioners and Surveillance Camera codes of practice.
- 7.2 **Covert Surveillance** is defined as "surveillance which is carried out in a manner calculated to ensure that the persons subject to the surveillance are unaware that it is or may be taking place" and is covered by RIPA. Covert surveillance is categorised as either intrusive or directed (see below).

8. Intrusive Surveillance

- 8.1 The Council has no authority in law to carry out Intrusive Surveillance. It is only the Police and other law enforcement agencies that can lawfully carry out intrusive surveillance.
- 8.2 Intrusive surveillance is defined in section 26(3) of the 2000 Act as covert surveillance that:
- I. Is carried out in relation to anything taking place on any residential premises or in any private vehicle; and
 - II. Involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device.
- 8.3 Where surveillance is carried out in relation to anything taking place on any residential premises or in any private vehicle by means of a device, without that device being present on the premises, or in the vehicle, it is not intrusive unless the device consistently provides information of the same quality and detail as might be expected to be obtained from a device present on the premises or in the vehicle. Thus, the observation of a premises or vehicles

from the street or observation point which provides a limited view and no sound of what is happening inside the premises, would not be considered as intrusive surveillance

9. Directed Surveillance Definition

9.1 The Council can lawfully carry out Directed Surveillance. Surveillance is Directed Surveillance if the following are all true:

- I. It is covert, but not intrusive surveillance.
- II. It is conducted for the purposes of a specific investigation or operation.
- III. It is likely to result in the obtaining of private information (see private information below) about a person (whether one specifically identified for the purposes of the investigation or operation).
- IV. It is conducted otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation to be sought.

10. Private information

- 10.1 By its very nature, surveillance may involve invading an individual's right to privacy. The Code of Practice provides guidance on what is private information. They state private information includes any information relating to a person's private or family life. As a result, private information can include any aspect of a person's private or personal relationship with others, such as family and professional or business relationships.
- 10.2 Whilst a person may have a reduced expectation of privacy when in a public place, covert surveillance of that person's activities in public may still result in the obtaining of private information. This is likely to be the case where that person has a reasonable expectation of privacy even though acting in public and where a record is being made by the Council of that person's activities for future consideration or analysis. Surveillance of publicly accessible areas of the internet should be treated in an equivalent way, recognising that there may be an expectation of privacy over information which is on the internet, particularly when accessing information on social media websites. Investigating and authorising officers will be trained in the exercising of care over privacy where investigation activities relate to gathering evidence in public places.
- 10.3 Private information may include personal data, such as names, telephone numbers and address details. Where such information is acquired by means of covert surveillance of a person having a reasonable expectation of privacy, a Directed Surveillance authorisation is appropriate.
- 10.4 There is also an assessment to be made regarding the risk of obtaining collateral intrusion which relates to private information about persons who are not subjects of the surveillance. This has a direct bearing when considering proportionality as part of the authorisation process.

11. Confidential or Privileged Material

- 11.1 This includes where the material contains information that is legally privileged, confidential journalistic material or where material identifies a journalist's source; where material contains confidential personal information or communications between a Member of Parliament and another person on constituency business. Directed surveillance likely or intended to result in

the acquisition of knowledge of confidential or privileged material must be authorised by the Managing Director or, whoever is deputising in their absence.

12. Lawful Grounds

- 12.1 The Lawful Grounds for Directed Surveillance is a higher threshold for the Council and cannot be granted unless it is to be carried out for the purpose of preventing or detecting a criminal offence(s) and includes actions taken to avert, end or disrupt the commission of criminal offences. It must also meet the serious crime test i.e., that the criminal offence(s) which is sought to be prevented or detected is:
- I. Punishable, whether on summary conviction or on indictment, by a maximum term of at least 6 months of imprisonment, or,
 - II. Would constitute an offence under sections 146, 147 or 147A of the Licensing Act 2003 or section 7 of the Children and Young Persons Act 1933 (see 1.4 above). This is the only ground available to the Council and hence the only justification.
- 12.2 Each application must be considered and authorised internally by an Authorising Officer from within the Council. Furthermore, the Council's authorisation can only take effect once an order approving the authorisation has been granted by a Magistrate of the Peace (JP).
- 12.3 RIPA ensures that any surveillance which is undertaken following authorisation and approval from a Magistrate of the Peace is lawful. Therefore, it protects the authority from legal challenge. It also renders evidence obtained lawful for all purposes.

13. Urgent cases

- 13.1 There is no provision to authorise urgent oral authorisations under RIPA for urgent cases as all authorisations must be approved by a Magistrate. If surveillance were required to be carried out in an urgent situation or as an immediate response, this would still have to be justified as necessary and proportionate under HRA. This type of surveillance is surveillance outside of RIPA. (See section 16 below).

14. CCTV and Automatic Number Plate Recognition (ANPR) Cameras.

- 14.1 The definition of CCTV is included under Section 29(6) Protection of Freedoms Act 2012 and "surveillance camera systems" is taken to include:
- I. closed circuit television (CCTV) or automatic number plate recognition (ANPR) systems.
 - II. any other systems for recording or viewing visual images for surveillance purposes.
 - III. any systems for storing, receiving, transmitting, processing, or checking the images or information obtained by (a) or (b).
 - IV. any other systems associated with, or otherwise connected with (a), (b) or (c).

This includes:

- I. Conventional town centre CCTV.
 - II. Body Worn Video (BWV).
 - III. Automatic Number Plate Recognition (ANPR).
 - IV. Deployable mobile **overt and covert** mobile camera systems.
 - V. Drones.
- 14.2 Surveillance camera systems are subject to both the Surveillance Camera Code of Practice and the Information Commissioners Office (ICO) CCTV Code of Practice titled 'In the Picture'.

- 14.3 The use of the conventional town centre CCTV systems and other overt cameras operated by the Council do not normally fall under the RIPA regulations. However, should there be a requirement for the CCTV cameras to be used for a specific purpose to conduct surveillance it is likely that the activity will fall under Directed Surveillance and therefore require an authorisation.
- 14.4 Operators of any of the Councils CCTV system need to be aware of the RIPA issues associated with using CCTV and other camera systems and that continued, prolonged systematic surveillance of an individual may require an authorisation.
- 14.5 On the occasions when the CCTV cameras are to be used in a Directed Surveillance situation either by enforcement officers from relevant departments within the Council or outside Law Enforcement Agencies such as the Police, the CCTV Policy should be followed where relevant as well as the RIPA Codes of Practice.
- 14.6 The same principles apply to Automated Number Plate Recognition (ANPR). Its use does not engage RIPA if it is used for the purpose it is registered for, such as traffic flow management or safety and enforcement within car parks. However, if used in a pre-planned way to carry out covert surveillance which meets the RIPA criteria, this Policy and the codes of practice must be followed.

15. Internet and Social Media Investigations

- 15.1 Online open-source research is widely regarded as the collection, evaluation, and analysis of material from online sources available to the public, whether by payment or otherwise, to use as intelligence and evidence.
- 15.2 The use of the internet and social media is constantly evolving and with it the risks associated with these types of enquiries, particularly regarding breaches of privacy under Article 8 Human Rights Act (HRA) and other operational risks. Online open-source and social media research may breach someone's privacy. It may also meet the RIPA criteria and require authorising as per this Policy. Staff are to have regards to the privacy and RIPA issues detailed in the codes of practice and advice from IPCO.
- 15.3 Officer must be aware that any activity carried out over the internet leaves a trace or footprint that can identify the device used, and in some circumstances, the individual carrying out the activity.
- 15.4 There is also a risk of compromise to other investigations, therefore, the activity should be conducted in a manner that does not compromise any current or future investigation or tactics.
- 15.5 To justify the research being undertaken, there must be a clear lawful reason, and the research must be necessary. Therefore, the reason for the research, such as the criminal conduct that it is aimed to prevent or detect, must be identified and clearly described. This should be documented with clear objectives. Should the research fall within RIPA activity, the RIPA authorisation must detail these criteria for it to be lawful.
- 15.6 Whilst conducting the internet open-source research, the nature of the online activity may evolve. It is important staff continually assess and review their activity to ensure it remains lawful and compliant. Where it evolves into RIPA activity, the RIPA procedure must be followed.

16. Surveillance outside of RIPA

- 16.1 As already explained, for directed surveillance the criminal offence must carry a 6-month prison sentence (directed surveillance crime threshold) or relate to the sale of alcohol or tobacco to children. This means that there are investigation scenarios that do not meet this

threshold, however it is necessary to undertake surveillance. This will fall outside of RIPA and examples include:

- I. Surveillance for anti-social behaviour or disorder which do not attract a maximum custodial sentence of at least six months imprisonment.
- II. Planning enforcement prior to the serving of a Notice or to establish whether a Notice has been breached.
- III. Most licensing breaches.
- IV. Safeguarding vulnerable people.
- V. Civil matters.
- VI. Disciplinary surveillance (typically an internal rather than a criminal investigative matter, and so not falling under this policy).

16.2 In the above scenarios, it is most probably to be targeted surveillance which is likely to breach someone's article 8 rights to privacy. Therefore, the activity should be conducted in a way which is HRA compliant, which will include it being necessary and proportionate.

16.3 As part of the process of formally recording and monitoring non-RIPA surveillance, non-RIPA surveillance forms are available, with the application and authorisation process being the same as for RIPA except it will not require to be approved by a Magistrate.

16.4 The Senior Responsible Officer (SRO) will maintain oversight of non-RIPA surveillance to ensure that such surveillance is compliant with Human Rights legislation.

17. Joint Agency and Third-Party Surveillance

17.1 In cases where one agency is acting on behalf of another, it is usually for the tasking agency to obtain or provide the authorisation. For example, where surveillance is carried out by Council employees on behalf of the Police, authorisation would be sought by the Police. If it is a joint operation involving both agencies, the lead agency should seek authorisation.

17.2 In some circumstances it may be appropriate or necessary for the Council to work with third parties who are not themselves a Public Authority (such as an individual, company, or non-governmental organisation) to assist with an investigation. Where that third party is acting in partnership with or under the direction of the Council, then they are acting as an agent to the Council and will be subject to the Council's RIPA Policy and process in the same way as any employee of the Council would be.

17.3 Similarly, a surveillance authorisation should also be considered where the Council is aware that a third party (that is not a Public Authority) is independently conducting surveillance and the Council intends to make use of any suitable material obtained by the third party for the purposes of a specific investigation.

Part C. Covert Human Intelligence Sources (CHIS)

18 Introduction

18.1 RIPA covers the activities of Covert Human Intelligence Sources (CHIS) which relates not only to sources commonly known as informants (members of the public providing the Council with information), but also the activities of undercover officers. It matters not whether they are employees of the Council, agents or members of the public engaged by the Council to establish or maintain a covert relationship with someone to obtain information.

18.2 The lawful grounds for CHIS authorisation are the prevention and detection of crime and prevention of disorder. The serious crime criteria of the offence carrying a 6-month sentence etc. **does not apply to CHIS.**

- 18.3 Recognising when a source becomes a CHIS is therefore important as this type of activity may need authorisation. Should a CHIS authority be required, all staff involved in the process should make themselves fully aware of the contents of this Policy and the CHIS codes of practice.

19. Definition of CHIS

- 19.1 Individuals act as a covert human intelligence source (CHIS) if they:
- I. establish or maintain a covert relationship with another person to obtain information.
 - II. covertly give access to information to another person.
 - III. disclose information covertly which they have obtained using the relationship or they have obtained because the relationship exists.
- 19.2 A relationship is established, maintained, or used for a covert purpose if, and only if, it is conducted in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the purpose. This does not mean the relationship with the Council officer and the person providing the information, as this is not covert. It relates to how the information was either obtained or will be obtained. Was it or will it be obtained from a third party without them knowing it was being passed on to the Council? If the answer is yes, this would amount to a covert relationship.
- 19.3 It is possible, that a person will become engaged in the conduct of a CHIS without the Council inducing, asking, or assisting the person to engage in that conduct. An authorisation should be considered, for example, where the Council is aware that a third party is independently maintaining a relationship (e.g., “self-tasking”) to obtain evidence of criminal activity, and the Council intends to make use of that material for its own investigative purposes. (Section 2.26 Codes of CHIS Codes of Practice.

20. Vulnerable and juvenile CHIS

- 20.1 Special consideration must be given to the use of a vulnerable individual as a CHIS. A ‘vulnerable individual’ is a person who is or may need community care services by reason of mental or other disability, age, or illness and who is or may be unable to take care of himself, or unable to protect himself against significant harm or exploitation. Any individual of this description, or a juvenile as defined below, should only be authorised to act as a source in the most exceptional circumstances and only then when authorised by the Managing Director (or, in their absence, whoever is the designated deputy).
- 20.2 Special safeguards also apply to the use or conduct of juvenile sources; that is sources under the age of 18 years. On no occasion should the use or conduct of a source under 16 years of age be authorised to give information against his parents or any person who has parental responsibility for him. Authorisations should not be granted in respect of a juvenile CHIS unless the special provisions contained within the Regulation of Investigatory Powers (Juveniles) Order 2000; SI No. 2793 are satisfied.

21. Risk Assessments

- 21.1 The Council has a responsibility for the safety and welfare of the source and as detailed in the codes of practice, a risk assessment will be conducted, and all the guidance contained within the codes will be followed.

Part D. Roles and Responsibilities

22 The Senior Responsible Officer (SRO)

- 22.1 The nominated Senior Responsible Officer Assistant Director – Regulatory. (See Appendix A). The SRO has responsibility for:
- i. The integrity of the process in place within the Council to authorise directed surveillance.
 - ii. Compliance with the relevant sections of RIPA and the Codes of Practice.
 - iii. Oversight of the reporting of errors to the Investigatory Powers Commissioner (IPC) and the identification of both the cause(s) of errors and the implementation of processes to minimise repetition of errors.
 - iv. Engagement with the Investigatory Powers Commissioner Office (IPCO) and the inspectors who support the Commissioner when they conduct their inspections.
 - v. Where necessary, overseeing the implementation of any recommended post-inspection action plans.
 - vi. Ensuring that all Authorising Officers are of an appropriate standard, addressing any recommendations and concerns in the inspection reports prepared by the Investigatory Powers Commissioner.

23. RIPA Co-ordinator (RCO)

- 23.1 The RCO is the Community Safety & Interventions Lead (see appendix A).

The RCO is responsible for storing all the original authorisations, reviews, renewals and cancellation forms and the signed approval or refusal documentation from the JP. This will include any authorisations that have not been authorised by an Authorising Officer or refused by a JP.

- 23.2 The RCO will: -

- I. Keep the copies of the forms (listed above) for a period of at least 5 years.
- II. Keep the Central Register (a requirement of the Codes of Practice) of all authorisations, renewals, and cancellations; and issue the unique reference number. This will also identify and monitor expiry and renewal dates.
- III. Must ensure that any electronic and paper records relating to a RIPA investigation are used, retained or destroyed in line with the Councils Retention Policy, departmental retention schedules and the Data Protection Act 2008. (DPA).
- IV. Provide administrative support and guidance on the processes involved.
- V. Monitor the authorisations, renewals, and cancellations with a view to ensuring consistency throughout the Council.
- VI. Monitor each department's compliance and act on any cases of non-compliance.
- VII. Provide or identify training and further guidance and awareness of RIPA and the provisions of this Policy; and review the contents of this Policy.

24. Authorising Officers

- 24.1 The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 prescribes that for Local Authorities, the Authorising Officer shall be a Director, Head of Service, Service Manager or equivalent as distinct from the officer responsible for the conduct of an investigation. Authorising Officers within the Council who can grant authorisations are at Senior Manager level. (See appendix A).
- 24.2 Authorising Officers **will not** authorise any documents relating to investigations or operations in which they are directly involved by directing, managing or otherwise playing a part. The role of the Authorising Officers is to consider whether to authorise, review, or renew an

authorisation. They must also officially cancel the RIPA covert activity. Authorising Officers must have been trained to an appropriate level to understand the requirements in the Codes of Practice that must be satisfied before an authorisation can be granted.

25 Necessity and Proportionality

- 25.1 Obtaining an authorisation under RIPA will only ensure that there is a justifiable interference with an individual's Article 8 rights if it is necessary and proportionate for these activities to take place.
- 25.2 The Authorising Officer must believe the authorisation is necessary in the circumstances of the case and meets one or more of the statutory grounds. For the Council to use directed surveillance, those grounds are the prevention and detection of crime, and that the crime attracts a custodial sentence of a maximum of 6 months or more; or for the purpose of preventing or detecting specified criminal offences relating to the underage sale of alcohol and tobacco.
- 25.3 The lawful criteria for CHIS are prevention and detection of crime and prevention of disorder and the offence does not have to have a sentence of 6 months imprisonment.
- 25.4 The applicant and Authorising Officers must also be able to demonstrate why it is necessary to carry out the covert activity to achieve the objectives and that there were no other means of obtaining the same information in a less intrusive method. This forms part of the authorisation form.
- 24.5 If the activities are deemed necessary, the Authorising Officer must also believe that they are proportionate to what is sought to be achieved by carrying them out. This involves balancing the seriousness of the intrusion into the privacy of the subject of the operation (or any other person who may be affected which is collateral intrusion) against the need for the activity in investigative and operational terms. The authorisation will not be proportionate if it is excessive in the overall circumstances of the case.

26. Collateral Intrusion

- 26.1 The Authorising Officer should also consider the risk of obtaining collateral intrusion which is private information about persons who are not subjects of the surveillance. Staff should take measures, wherever practicable, to avoid or minimise unnecessary intrusion into the privacy of those who are not the intended subjects of the surveillance.

27 Forms and Durations

- 27.1 For both directed surveillance and CHIS authorisations, specified laid out processes will be followed for:
 - I. Authorisation.
 - II. Review.
 - III. Renewal.
 - IV. Cancellation.
 - V. Magistrates Form.
- 27.2 Authorisations must be given for the maximum duration from the date approved by the JP/Magistrate but reviewed on a regular basis; and formally cancelled when no longer needed. They do not expire; they must be cancelled when the surveillance is no longer proportionate or necessary. No surveillance etc. can be undertaken after the expiry date unless renewed and approved by the Magistrate. Durations detailed below:

I.	Directed Surveillance	3 Months
II.	Renewal	3 Months

III.	Covert Human Intelligence Source	12 Months
IV.	Renewal	12 months
V.	Juvenile Sources	4 Months
VI.	Renewal	4 Months

- 27.3 These durations also apply to any surveillance activities undertaken outside of RIPA.
- 27.4 The relevant application forms will be drawn directly from the Home Office website.
- 27.5 The relevant application forms for surveillance activities outside of RIPA will be maintained on Connect.
- 27.6 A separate restricted procedure document detailing the whole of the application and operational information will be maintained.

Part E Central Record and safeguarding the material

28. Central Record

- 28.1 The Council will maintain a centrally retrievable record of all authorisations/refusals which will be held and maintained by the RCO. It will be regularly updated whenever an authorisation is applied for, refused, granted, renewed, or cancelled. The record will be made available to the relevant Commissioner or an Inspector from IPCO, upon request.
- 28.2 The documents contained in the centrally held register should be retained for at least five years from the ending of the authorisation or for the period stipulated by the Council's Retention Policy, whichever is greater. The centrally held register will contain the following information:
- I. If refused, (the application was not authorised by the AO) a brief explanation of the reason. The refused application should be retained as part of the central record of authorisation.
 - II. If granted, the type of authorisation and the date the authorisation was given.
 - III. Details of attendances at the Magistrates' Court to include the date of attendances at court, the determining Magistrate, the decision of the Court and the time and date of that decision.
 - IV. Name and job title of the authorising officer.
 - V. The unique reference number (URN) of the investigation or operation.
 - VI. The title of the investigation or operation (if there is one), including a brief description and names of subjects, if known.
 - VII. Frequency and the result of each review of the authorisation.
 - VIII. If the authorisation is renewed, when it was renewed and who authorised the renewal, including the name and grade of the authorising officer and the date renewed by the JP.
 - IX. Whether the investigation or operation is likely to result in obtaining confidential information as defined in this code of practice.
 - X. The date the authorisation was cancelled.
 - XI. Authorisations by an Authorising Officer where they are directly involved in the investigation or operation. If this has taken place it must be brought to the attention of a commissioner or Inspector during their next RIPA inspection.
- 28.3 As well as the central record, the Council will also retain:
- I. The original of each application, review, renewal, and cancellation, copy of the judicial application/order form, together with any supplementary documentation of the approval given by the Authorising Officer.
 - II. The frequency and result of reviews prescribed by the Authorising Officer.

- III. The date and time when any instruction to cease surveillance was given.
- IV. The date and time when any other instruction was given by the Authorising Officer.
- V. A record of the period over which the surveillance has taken place. This should have been included within the cancellation form.

28.4 Detailed records must be kept of the authorisation and the use made of a CHIS. The Regulation of Investigatory Powers (Source Records) Regulations 2000; SI No: 2725 details the particulars that must be included in these records. The Council will comply with these requirements.

29. Safeguarding the use of surveillance and CHIS material

29.1 This section provides guidance on the procedures and safeguards to be applied in relation to the handling of any material obtained through directed surveillance or CHIS activity. This material may include private, confidential, or legal privilege information. It will also show the link to other relevant legislation.

29.2 The Council should ensure that their actions when handling information obtained by means of covert surveillance or CHIS activity, comply with relevant legal frameworks and in particular, Chapter 9 'Safeguards (including privileged or confidential information)' of the Codes of Practice, so that any interference with privacy is justified in accordance with Article 8(2) of the European Convention on Human Rights. Compliance with these legal frameworks, including Data Protection requirements, will ensure that the handling of private information obtained continues to be lawful, justified and strictly controlled, and is subject to robust and effective safeguards. The material will also be subject to the Criminal Procedures Investigations Act (CPIA) and the DPA.

30. Authorised Purpose

- 30.1 Dissemination, copying and retention of material must be limited to the minimum necessary or an authorised purpose. Something is necessary for the authorised purposes if the material:
- I. Is, or is likely to become, necessary for any of the statutory purposes set out in the RIPA Act in relation to covert surveillance or CHIS activity.
 - II. Is necessary for facilitating the carrying out of the functions of public authorities under RIPA.
 - III. Is necessary for facilitating the carrying out of any functions of the Commissioner or the Investigatory Powers Tribunal.
 - IV. Is necessary for the purposes of legal proceedings.
 - V. Is necessary for the performance of the functions of any person by or under any enactment.

31. Use of Material as Evidence

31.1 Material obtained through directed surveillance, may be used as evidence in criminal proceedings. The admissibility of evidence is governed primarily by the common law, the Criminal Procedure, and Investigations Act 1996 (CPIA), the Civil Procedure Rules, section 78 of the Police and Criminal Evidence Act 1996 and the Human Rights Act 1998.

31.2 There is nothing in RIPA which prevents material obtained under directed surveillance authorisations from being used to further other investigations.

32. Dissemination of Information

32.1 It may be necessary to disseminate material acquired through the RIPA covert activity. The number of persons to whom any of the information is disclosed, and the extent of disclosure, should be limited to the minimum necessary. It must also be in connection with an authorised purpose as set out in section 30 above. It will be necessary to consider exactly what and how

much information should be disclosed. Only so much of the material may be disclosed as the recipient needs; for example, if a summary of the material will suffice, no more than that should be disclosed.

- 32.2 The obligations apply not just to the Council as the original authority acquiring the information, but also to anyone to whom the material is subsequently disclosed. In some cases, this will be achieved by requiring the latter to obtain permission from the Council before disclosing the material further. It is important that the Officer in Charge (OIC) of the enquiry considers these implications at the point of dissemination to ensure that safeguards are applied to the data.
- 32.3 A record will be maintained justifying any dissemination of material. If in doubt, seek advice from the Data Protection Officer.

33. Storage, Copying and Destruction

- 33.1 Material obtained through covert surveillance and CHIS authorisations, and all copies, extracts, and summaries of it, must be handled and stored securely, to minimise the risk of loss. It must be held to be inaccessible to persons who are not required to see the material. This requirement to store such material securely applies to all those who are responsible for the handling of the material. It will be necessary to ensure that both physical and IT security and an appropriate security clearance regime is in place to safeguard the material.
- 33.2 Material obtained through covert surveillance may only be copied to the extent necessary for the authorised purposes set out above. Copies include not only direct copies of the whole of the material, but also extracts and summaries which identify themselves as the product of covert surveillance, and any record which refers to the covert surveillance and the identities of the persons to whom the material relates.
- 33.3 During an investigation, Council Officers must not act on or further disseminate legally privileged items unless it has first informed the Investigatory Powers Commissioner that the items have been obtained.
- 33.4 Information obtained through covert surveillance, and all copies, extracts and summaries which contain such material, should be scheduled for deletion or destruction, and securely destroyed as soon as they are no longer needed for the authorised purpose(s) set out above. If such information is retained, it should be reviewed at appropriate intervals to confirm that the justification for its retention is still valid. In this context, destroying material means taking such steps as might be necessary to make access to the data impossible.

Part F Errors and Complaints

34. Errors

- 34.1 Errors relating to the RIPA process can have consequences to an affected individual's rights. Proper application of the surveillance and CHIS provisions in the RIPA codes and this Policy should reduce the scope for making errors. There is a process detailed within the codes of practice relating to errors.

There are two types of errors within the codes of practice which are:

1. Relevant error.
2. Serious error.

Examples of relevant errors would include circumstances where:

- I. Surveillance activity has taken place without lawful authorisation.

- II. There has been a failure to adhere to the safeguards set out in the relevant statutory provisions and Chapter 9 of the Surveillance Codes of Practice relating to the safeguards of the material.

34.2 The Council will comply with the procedures set out in the Codes by establishing whether the error is a relevant error and if so, report it to the IPCO who will determine whether it is a serious error and what action is to be taken. A serious error is one that has caused significant prejudice or harm to the person concerned.

35 Complaints

35.1 Any person who believes they have been adversely affected by surveillance activity by or on behalf of the Council, may complain using the council's complaint procedure.

A complaint can also be made to the official body which is the Investigatory Powers Tribunal (IPT). The IPT has the authority to investigate and determine complaints against a public authority's use of RIPA powers, including those covered by this Policy.

Complaints should be addressed to:

The Investigatory Powers Tribunal
PO Box 33220
London
SW1H 9ZQ

This Policy should not be exempt from disclosure under the Freedom of Information Act 2000.

Peer Challenge Action Plan Progress

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Portfolios: External Affairs and Policy

Ward(s) Affected: All

Purpose of the Report:

The purpose of this report is to provide an update on progress that has been made since the Peer Challenge took place in July 2022.

Recommendations:

1. Endorse the progress that has been made since the Peer Challenge in 2022.

1. Summary

- 1.1 Broadland District Council and South Norfolk Council invited the Local Government Association (LGA) to hold a Peer Challenge between the 11 and 15 July 2022. Following the Peer Challenge, the Peer Team developed a feedback report which was brought to Cabinet in November 2022, alongside an initial proposed action plan to take the recommendations in the feedback report forwards.
- 1.2 This report provides a summary of the Peer Challenge and an overview of the progress the organisation has made since November 2022.

2. Background

- 2.1 The Peer Challenge involved a small team of Local Government Peers (Members and Officers) spending time with the Councils and with key partners to observe and engage with the work we do and to identify good practices and key areas for development.
- 2.2 The team met with the Leaders of both Councils, respective Cabinets, Chairs of Scrutiny, and hosted an open session for all Members to attend. The team also met with several external representatives including Leaders and Chief Executives from neighbouring councils, MPs, Norfolk Police, key business leads, housing associations, representatives of the voluntary sector, and the CCG.
- 2.3 The peer team considered the following five themes which form the core components of all Corporate Peer Challenges. These areas are critical to councils' performance and improvement.

- 1) **Local priorities and outcomes** - Are the council's priorities clear and informed by the local context? Are the councils delivering effectively on their priorities?
- 2) **Organisational and place leadership** - Do the councils provide effective local leadership? Are there good relationships with partner organisations and local communities?
- 3) **Governance and culture** - Are there clear and robust governance arrangements? Is there a culture of challenge and scrutiny?
- 4) **Financial planning and management** - Do the councils have a grip on their current financial position? Do the councils have a strategy and a plan to address financial challenges?
- 5) **Capacity for improvement** - Are the organisations able to support delivery of local priorities? Do the councils have the capacity to improve?

In addition to these questions, the Councils asked the peer team to provide feedback on:

6) The joint partnership - Are South Norfolk and Broadland Council's heading in the right direction? Is the partnership delivering against priorities? What opportunities are there to go further?

2.4 Based on the Peer Teams findings, 8 recommendations were made to the Councils which are set out below:

- **Recommendation 1** - Better celebrate your innovation and best practice initiatives – you are underselling your achievements and role as place leaders.
- **Recommendation 2** - Clarify member and officer roles and responsibilities across both councils and create a culture of trust, mutual respect, confront poor behaviour and encourage challenge.
- **Recommendation 3** - Establish a clear outcome based joint vision for the partnership – political relationships are undermining the aspiration. Members from both councils need to be on board, standing together to promote the benefits you are achieving.
- **Recommendation 4** - Review the office accommodation move project - listen to the specialists, agree a realistic timeline and milestones and then communicate.
- **Recommendation 5** - Streamline processes and procedures around governance to improve officer capacity, resilience and accountability and take the partnership forward.
- **Recommendation 6** - Strengthen corporate oversight of project and programme management, performance management and transformation portfolios – empower managers
- **Recommendation 7** - Review, refresh, refine and stress test the Medium-Term Financial Strategy (MFTS) at the start of the budget process.
- **Recommendation 8** - Remember the power of consistent and timely communications

3. Current position/findings

3.1 Following the Peer Challenge, there has been positive progress in taking forward the feedback and recommendations from the Peer Team. Below is a high-level overview of the key steps Broadland and South Norfolk have taken to date:

- The senior management team held a workshop to go through the feedback from the Peer Team and start to identify key actions to take forward, including reviewing what actions were already forming part of the Delivery Plan for 22-24, and anything new we should be doing as part of the action plan
- Officers presented the report from the Peer Team and draft action plan for review to both Cabinets and Broadland Overview and Scrutiny Committee (as part of pre-scrutiny). It was agreed through this process that we would hold an all-member workshop to co-design the final action plan across both sets of members
- An all-member workshop took place in December 2022 where members had the opportunity to review and discuss the recommendations and share ideas and suggestions on the actions the Councils may wish to take against each recommendation. This in itself, is a big step forward for the Councils

as it was the first joint member event we have held in person as a collaboration since 2019.

- A joint informal working group of the Service Improvement and Efficiency Committee (BDC) and the Commercial Trading and Customer Focus Committee (SNC) has been convened by members following the all-member workshop. The main purpose of this informal working group is to review the action plan, work undertaken to date by officers and feedback any additional actions the Councils could be taking.

3.2 At the time of writing, the first informal meeting of the committee has taken place with further meetings scheduled.

3.3 Alongside the above, teams have been continuing to deliver the actions set out in the action plan (see Appendix 1 for the latest update).

4. Proposed action

4.1 The informal member working group will be reporting back to Cabinet once the group has finalised its findings and suggested additions to the Peer Challenge action plan. In the interim, progress continues to be made on the actions initially included on the action plan. Appendix 1 sets out the action plan in more detail, alongside a commentary on the progress made to date.

5. Other options

5.1 None applicable to this report.

6. Issues and risks

6.1 **Resource Implications** – The action plan is resourced through existing capacity in the organisation. Any new actions which do not form part of the current Delivery Plan would need to be assessed to ensure we have the right resource in place to deliver them.

6.2 **Legal Implications** – N/A

6.3 **Equality Implications** – N/A

6.4 **Environmental Impact** – N/A

6.5 **Crime and Disorder** – N/A

6.6 **Risks** – N/A

7. Conclusion

7.1 In summary, good progress has been made across the 8 recommendations since the Peer Team concluded their feedback report in November 2022. Work will continue on the action plan and a further update will be brought back to Cabinet once the informal working group have concluded its findings.

8. Recommendations

1. Endorse the progress that has been made since the Peer Challenge in 2022.

Peer Challenge 2022 – Action Plan

Recommendation	Action	Owner	Timescales	Progress & Next Steps
Recommendation 1 - Better celebrate your innovation and best practice initiatives – you are underselling your achievements and role as place leaders.	1. As part of our Communications Strategy, explore mechanisms to raise the profile of the Councils and the work we are doing on a local, regional and national scale (e.g. case studies) (see C1 in Delivery Plan 22-24)	Chief of Staff (Emma Hodds)	October 2022 - March 2023	RAG – Green 1. We have hired a new Strategic Communications and Marketing Manager who has undertaken a review of the team structure and strategies to enhance the impact of the team’s output. We have regular presence in local print media, and also broadcast media when there is the opportunity. Updates from Officers are sent out as part of the Members’ Bulletin and good news is shared via most channels. Standard approach to logos is defined within the brand guidelines. 2. We have applied for more awards this year and have included food innovation as a submission to both the Municipal Journal Awards and the Local Government Chronicle. We have been shortlisted in the LGC awards: <ul style="list-style-type: none">• Broadland District Council – Economic Support Award• South Norfolk Council – Public/Public Partnership
	2. Explore opportunities for displaying the work we are doing and our achievements to residents (see C1 in Delivery Plan 22-24)	Chief of Staff (Emma Hodds)	October 2022 - March 2023	
Recommendation 2 - Clarify member and officer roles and responsibilities	1. Review the work of the staff consultation forum and explore	Chief of Staff (Emma Hodds)	October 2022 – December 2022	RAG – Amber 1. The staff consultation forum meetings moved to bi-monthly for a period and are now back to monthly as a good operating rhythm has been

Peer Challenge 2022 – Action Plan

Recommendation	Action	Owner	Timescales	Progress & Next Steps
across both councils and create a culture of trust, mutual respect, confront poor behaviour and encourage challenge.	<p>opportunities for further engagement</p> <p>2. As part of the Beyond the Horizon Programme of work, refresh our values and behaviours (for both staff and members) and our ways of working by:</p> <p>(a) conducting a review of member/officer protocol,</p> <p>(b) establishing a series of training sessions for chairman and vice chairman for effective chairing of meetings,</p> <p>(c) organising regular member/officer events,</p>	Chief of Staff (Emma Hodds)	Now – June 2023	<p>achieved. Work is being done as part of the Horizon Move Champions around opportunities for further staff engagement, with work streams now active.</p> <p>2. A refresh of our values and behaviours will be worked on when we move buildings, the main focuses will be:</p> <ul style="list-style-type: none"> • Relaunch and reignite existing values and behaviours • Embedding behaviours and protocols • Socialising with Members <p>There are a number of ideas being explored for member/officer events, including:</p> <ul style="list-style-type: none"> • Relationship building • Social clubs including Members – • Undertaking personality type tests with Members to see best ways of working <p>(a) Review complete & new code agreed from May 2023.</p> <p>(b) As part of the four year member training plan.</p> <p>(c) See above</p> <p>(d) Has been requested, will be reviewed again post the elections in May 2023</p> <p>(e) Weekly meetings held between Assistant Directors, in addition to weekly meetings between Directors and then also CLT</p> <p>3. The constitution is still work in progress so the March 2023 date needs to be extended as this is taking longer than anticipated</p>

Peer Challenge 2022 – Action Plan

Recommendation	Action	Owner	Timescales	Progress & Next Steps
	<p>(d) re-instigating regular group leader meetings,</p> <p>(e) setting up a peer-to-peer senior managers network and meetings</p> <p>3. Review and alignment of our Constitutions (see MT15 in Delivery Plan 22-24)</p> <p>4. As part of the existing CLT development workshops:</p> <ul style="list-style-type: none"> Complete the work on re-defining roles and responsibilities within the 	<p>Chief of Staff (Emma Hodds)</p> <p>CLT Collectively</p>	<p>Already underway – some parts of constitution aligned. March 2023</p> <p>December 2022</p>	<p>4. Further workshops have been undertaken with CLT and the thematic approach and roles and responsibilities have been further explored. A refreshed approach has been drafted for review and agreement. Monthly Senior Managers meetings are becoming more established and a trusted peer to peer network</p> <p>5. Broadland and South Norfolk remain with two different providers for legal services, due to the length of the agreements the current approach will remain in place for some time</p> <p>6. The new Code of Conduct will be implemented on 5 May 2023 at both Councils and full training will be given to all members. We will have the same code for each Council</p> <p>7. The majority of teams have now had workshops to work through the feedback they gave as part of the last staff survey. Feedback and actions being picked up in each team</p>

Peer Challenge 2022 – Action Plan

Recommendation	Action	Owner	Timescales	Progress & Next Steps
	<p>Councils with a specific focus on Directors, Assistant Directors and Senior Managers</p> <ul style="list-style-type: none"> Complete the work to implement 'theme' based strategic priorities for Directors 			
	5. Review options and opportunities with legal provision for both Councils, both in-house and external	Chief of Staff (Emma Hodds)	March 2023	
	6. Review of members Code of Conduct – aligning the Code and process for dealing with alleged breach of Code (see	Chief of Staff (Emma Hodds)	New code adopted in December, 2022 with implementat	

Peer Challenge 2022 – Action Plan

Recommendation	Action	Owner	Timescales	Progress & Next Steps
	A1 of Delivery Plan 22 – 24) 7. Implement the team action plans as a result of the latest staff survey	CMLT collectively	ion date of May 2023 Ongoing but expect a review in December 2022	
Recommendation 3 - Establish a clear outcome based joint vision for the partnership – political relationships are undermining the aspiration. Members from both councils need to be on board, standing together to promote the	1. As part of our Communications Strategy, explore opportunities for sharing outcomes of our collaboration and benefits to date	Chief of Staff (Emma Hodds)	October 2022 - March 2023	RAG – Amber 1. Media posts, both social and print and broadcast, are united between the two councils where possible and when relevant. As outlined in recommendation 1, more work is being done on promoting the benefits we see as a result of the collaboration.

Peer Challenge 2022 – Action Plan

Recommendation	Action	Owner	Timescales	Progress & Next Steps
benefits you are achieving.				
Recommendation 4 - Review the office accommodation move project - listen to the specialists, agree a realistic timeline and milestones and then communicate.	<p><i>The Peer Team came at a time where the office accommodation move has only recently been agreed, therefore the project plan was still in development. This project is large scale and the timeline need to remain agile in order to respond to the changing needs as we move through the project.</i></p> <p>1. Continue to engage with both Members and Staff from across the two Councils to ensure buy-in and understanding of next steps and timelines for the office move</p>	Director of Resources (Debbie Lorimer)	Currently underway – March 2023	<p>RAG - Green</p> <p>1. We have progressed with an intensive four-week design phase with our fit-out contractor culminating in sign off of the finer details, layout, furniture and fixings required by the 17th February.</p> <p>Move champions have been nominated for each of the core working areas so that staff can input into a range of decisions, from travel, behaviours and protocols, space and many more. These groups are now meetings regularly.</p> <p>As agreed from initial project initiation, there are fortnightly meetings with the lead member representatives of both Councils to keep them informed as to the progress and enable them to shape the result.</p> <p>The annexe at the Horizon is also being set up to accommodate the elections team so that the elections can be run from a single location.</p>

Peer Challenge 2022 – Action Plan

Recommendation	Action	Owner	Timescales	Progress & Next Steps
	2. Implement the Beyond the Horizon Programme of work, remaining agile to the changing environment			
Recommendation 5 - Streamline processes and procedures around governance to improve officer capacity, resilience and accountability and take the partnership forward.	1. Complete an internal review of our Risk Management Governance approach and processes and review of our Policies 2. Working with Members, review options for streamlining and improving the policy/panel and scrutiny structures, utilising best practice and learning from others	AD ICT/Digital & Transformation (Corinne Lawrie) & Chief of Staff (Emma Hodds) Chief of Staff (Emma Hodds)	October 2022 – December 2022 March 2023	RAG – Amber 1. A position statement on our Risk Management Policy and processes was conducted and completed in December 2022. As a result of this, there are a range of actions which are currently being worked on which includes streamlining the risk processes and registers across the two councils. We have also agreed (Jan'23) the strategic risk register with Broadland Audit and Cabinet and this is now in place. An update of the Risk Management Policies is currently being worked upon and will be taken back to Cabinets in the near future. 2. Work commenced on this with the BDC Collaboration Working Group and it is proposed that the informal joint working group progresses this further. 3. To be reviewed as part of the informal joint working group.

Peer Challenge 2022 – Action Plan

Recommendation	Action	Owner	Timescales	Progress & Next Steps
	3. Working with Members, review options for introducing joint forums for the two Councils (formal and informal) to take the partnership forward	Chief of Staff (Emma Hodds)	March 2023	
Recommendation 6 - Strengthen corporate oversight of project and programme management, performance management and transformation portfolios – empower managers.	<p>1. Implementation of the Programme Portfolio approach and Project Management Office (PMO) approach, including communications and engagement with the wider organisation to enable a strengthened project/programme approach and culture</p> <p>2. Deliver the Business Intelligence</p>	AD ICT/Digital & Transformation (Corinne Lawrie)	<p>March 2023 and then ongoing</p> <p>April 2024</p>	<p>RAG – Amber</p> <p>1. We have made considerable progress on the implementation of a PMO. Since the Peer Review was conducted Transformation has:</p> <ul style="list-style-type: none"> ○ Appointed two new roles: Programme Manager to manage the transformation programme and the PMO Lead to introduce and embed the programme and project framework in the organisation. The appointment of these two roles has forged forward our current governance structure which now has <ul style="list-style-type: none"> ○ a ‘front-door’ approach encouraging the completion of business cases with outline benefits to enable project prioritisation and workforce planning ○ a project management toolset that’s consistent and followed in the programme boards. ○ planned training for senior leaders on project sponsorship ○ greater reporting visibility to CLT on a regular frequency to update one the progress of transformation against the MTFS.

Peer Challenge 2022 – Action Plan

Recommendation	Action	Owner	Timescales	Progress & Next Steps
	Programme of work (see MT17 in Delivery Plan 22-24) to enable greater oversight of performance and data			2. The BI Programme of work is still in pilot phase. As part of the pilot phase, we have delivered new intelligence reports for our phone and finance data and we are currently developing our people reports using HR data. In terms of the longer term service model, a key challenge at the moment is funding. BDC members have approved a funding model, whereas SNC members have not. This is halting this service from moving from a pilot stage into a fully funded service.
Recommendation 7 - Review, refresh, refine and stress test the Medium-Term Financial Strategy (MFTS) at the start of the budget process.	<p>1. When presenting the MFTS in the future, more scenario planning / stress testing of MTFS / budgets will be undertaken.</p> <p>2. Continue to review levels of reserves across both Councils budgets on a regular basis.</p>	AD Finance (Rodney Fincham)	<p>Ongoing</p> <p>Ongoing</p>	<p>RAG - Green</p> <p>1. The budget reports for 23/24 included, for the first time, a number of scenarios to illustrate the risks we face, to help stress test the MTFP.</p> <p>2. It is proposed to do a reserves update report for the new administration after the May 23 elections.</p> <p>3. The budget reports for 23/24 continued to include a graph clearly setting out the funding gap both with <u>and</u> without an increase in council tax.</p> <p>4. The MTFS projections form part of the budget reports which statutorily have to be considered by O&S / scrutiny.</p> <p>5. Member training on finance post elections, will help explain MTFS plus will look to expand explanation in future reports on MTFS.</p>

Peer Challenge 2022 – Action Plan

Recommendation	Action	Owner	Timescales	Progress & Next Steps
	3. Continue to consider the medium/long term impacts on tax bases of council tax freezes on both Councils.		As part of budget setting processes	6. A BDC O&S budget workshop was held on 8 Nov 22. A SNC all member budget workshop was held on 20 Jan 23. 7. Will look to provide the new administration the ability to consider the financial strategy along with the plan for 2024-28
Recommendation 8 - Remember the power of consistent and timely communication.	1. Implement the business partner (BP) model for Communications and Marketing Team, ensuring that service areas invite relevant BP to DMT. Thus enabling timely and consistent communication as the team are then part of the Directorate.	Chief of Staff (Emma Hodds) / All Directors and Executive Assistants	December 2022	RAG - Green 1. The BP model has been adopted for high-frequency or high-profile services, so that there is a dedicated contact and relationship holder within the Comms & Marketing Team. They are attending regular meetings, including DMT, to facilitate this new approach.
	2. Ensure that the as part of the delivery planning process the Communications and	Chief of Staff (Emma Hodds) / Directors	October 2022 – December 2022	

Peer Challenge 2022 – Action Plan

Recommendation	Action	Owner	Timescales	Progress & Next Steps
	Marketing Team are involved at key stages to ensure awareness of key deliverables and key work required.			

CABINET CORE AGENDA 2023

Date	Key	Title of Report	Responsible Officer	Portfolio Holder	Exempt
Special Council Meeting 6 March 2023					
20 Mar	Key	Proposal to dispose of a Council asset	Nina Cunningham	Lisa Neal	Exempt
		Review of Environmental Strategy and Delivery Plan	Anna Sommazzi	Graham Minshull	
		Wymondham Neighbourhood Plan Consideration of Examiner's Report	Richard Squires	John Fuller	
	Key	Regulation of Investigatory Powers Act (RIPA) Policy	Nick Howard	Graham Minshull	
	Key	Norfolk Green Infrastructure and Recreational Avoidance and Mitigation Strategy (GIRAMS) – Governance	Paul Harris	Lisa Neal	
		Performance Report Q3 2022/23	Sinead Carey / Helen Hall	Adrian Dearnley / Kay Mason Billig	
	Key	Public Sector Decarbonisation Contract Award	Annie Sommazzi	Graham Minshull	Exempt
		Temporary Stopping Place	Mike Pursehouse	Alison Thomas	Exempt
		Peer Review Action Plan	Emma Hodds	John Fuller	
12 Jun		Diss and District Neighbourhood Plan Consideration of Examiner's Report	Richard Squires	John Fuller	
	Key	Contract Award for Play Area Inspections	Annie Sommazzi	Lisa Neal	Exempt
		Self-Build Register	Paul Harris	Lisa Neal	
	Key	South Norfolk Co-investment Fund Application – Cringleford Jubilee Centre	Emily Larter	Lisa Neal	Exempt
	Key	South Norfolk Co-investment Fund Application – Stoke Holy Cross New Pavilion	Emily Larter	Lisa Neal	Exempt
	Key	Greater Norwich Local Plan Response to Consultation and Agreement of submission to Inspectors	Paul Harris	John Fuller	
		Deed of Variation on Large Scale Voluntary Transfer (LSVT) Agreement	Helen Skoyles	Lisa Neal	
17 Jul		Licensing Fees and Charges Review	Nick Howard	Graham Minshull	
		Licensing Service Review	Nick Howard	Graham Minshull	

Date	Key	Title of Report	Responsible Officer	Portfolio Holder	Exempt
		Food and Safety Service Review	Nick Howard	Graham Minshull	
	Key	Long Stratton Bypass Funding Agreement	Phil Courtier	John Fuller	Exempt
4 Sept					
9 Oct		Draft Local Development Order FEP	Nina Cunningham	Lisa Neal	
		Draft Local Development Order Browick Interchange	Nina Cunningham	Lisa Neal	

A key decision is an executive decision which will:

- (a) result in the Council spending, or saving a **significant** amount compared with the Budget for the service or function the decision relates to; or*
- (b) to be **significant** in terms of its effects on communities living or working in an area, comprising two or more wards in the area of the Council, in that it will:*
 - (i) Have a long-term, lasting impact on that community; or*
 - (ii) Restrict the ability of individual businesses or residents in that area to undertake particular activities; or*
 - (iii) Removes the provision of a service or facility for that community; or*
 - (iv) Increases the charges payable by members of the community to provide a service or facility by more than 5%; or*
 - (v) Have the potential to create significant local controversy or reputational damage to the Council; or*
 - (vi) Is a matter that the decision maker considers to be a key decision.*

When assessing whether or not a decision is a key decision the decision maker must consider all the circumstances of the case. However, a decision which results in a significant amount spent or saved will generally be considered to be a key decision if:

- (a) the amount spent is £200,000 or more of revenue expenditure; or*
- (b) savings of £75,000 or more per annum, or*
- (c) capital expenditure of £200,000 or more (where a decision makes a commitment for spending over a period of time, it is the total commitment that must be considered to see if it is a key decision).*