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COMMITTEE:	JOINT OVERVIEW AND SCRUTINY COMMITTEE
DATE:	MONDAY, 20 FEBRUARY 2023 9.30 AM
VENUE:	KING EDMUND CHAMBER, ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH

Members	
<u>Babergh Conservative Group</u> Melanie Barrett Siân Dawson	<u>Mid Suffolk Green and Liberal Democrat Group</u> Terence Carter Keith Scarff Keith Welham (Co-Chair)
<u>Babergh Independent Conservative Group</u> Adrian Osborne	<u>Babergh Green and Labour Group</u> Robert Lindsay
<u>Mid Suffolk Conservative and Independent Group</u> James Caston Paul Ekpenyong Dave Muller	<u>Babergh Independent Group</u> Kathryn Grandon John Hinton (Co-Chair)

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AGENDA

PART 1

MATTERS TO BE CONSIDERED WITH THE PRESS AND PUBLIC PRESENT

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6 **TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME**

7 **QUESTIONS BY THE PUBLIC**

To consider questions from and provide answers to members of the public on any matter in relation to which the Committee has powers or duties and of which due notice has been given in accordance with the Committee and Sub-Committee Procedures Rules.

8 **QUESTIONS BY COUNCILLORS**

To consider questions from and provide answers to Councillors on any matter in relation to which the Committee has powers or duties and of which due notice has been given in accordance with the Committee and Sub-Committee Procedure Rules.

9 **JOS/22/45 ARE PLANNING PRE-APPLICATION ADVICE CUSTOMERS GETTING A VALUABLE SERVICE?** 23 - 90

10 **JOS/22/46 PRIVATE SECTOR HOUSING ENFORCEMENT & CIVIL PENALTIES POLICY** 91 - 122

11 **JOS/22/47 INFORMATION BULLETIN** 123 - 124

The Information Bulletin is a document that is made available to the public with the published agenda papers. It can include update information requested by the Committee as well as information that a service considers should be made known to the Committee.

This Information Bulletin contains updates on the following subjects:

Education, Skills, and Employment – What more can the Councils do to raise opportunities and attainment?

12 **JOS/22/48 FORTHCOMING DECISIONS LIST**

To review the Council's Forthcoming Decisions List and identify any items to be brought before the Overview and Scrutiny Committee.

Please note the most up to date version can be found via the Website:

[BMSDC Forthcoming Decisions List](#)

13 **JOS/22/49 OVERVIEW AND SCRUTINY ACTION TRACKER** 125 - 132

14 **JOS/22/49 BABERGH OVERVIEW AND SCRUTINY WORK PLAN** 133 - 134

To agree the Work Plan

15 **JOS/22/50 MID SUFFOLK OVERVIEW AND SCRUTINY WORK PLAN** 135 - 136

To agree the Work Plan

Date and Time of next meeting

Please note that the next meeting is scheduled for Monday, 20 March 2023 at 9.30 am.

Webcasting/ Live Streaming

The Webcast of the meeting will be available to view on the Councils YouTube page: https://www.youtube.com/channel/UCSWf_0D13zmegAf5Qv_aZSg

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact the Committee Officer, A. Norman on: 01449 724681 or Email: Committees@baberghmidsuffolk.gov.uk

Introduction to Public Meetings

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Agenda Item 3

BABERGH AND MID SUFFOLK DISTRICT COUNCILS

Minutes of the meeting of the **JOINT OVERVIEW AND SCRUTINY COMMITTEE** held in the King Edmund Chamber, Endeavour House, 8 Russell Road, Ipswich on Monday, 23 January 2023

PRESENT:

Chair: Keith Welham

Councillors:	Melanie Barrett	Terence Carter
	James Caston	Siân Dawson
	Paul Ekpenyong	Kathryn Grandon
	John Hinton (Co-Chair)	Robert Lindsay
	David Muller BA (Open) MCMI	Adrian Osborne
	RAFA (Councillor)	
	Keith Scarff	Keith Welham (Co-Chair)

In attendance:

Councillor(s): Harry Richardson – Cabinet Member for Economic Growth

Officers: Director for Economic Growth and Climate Change (FD)
Corporate Manager for Economy and Business (MG)
Arts and Culture Lead Officer (ZB)
Corporate Manager for Governance and Civic Officer (JR)
Lead Officer for Overview and Scrutiny (AN)

65 APOLOGIES / SUBSTITUTIONS

65.1 None received.

66 DECLARATION OF INTERESTS

66.1 None declared.

67 JOS/22/38 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 19 DECEMBER 2022

67.1 It was resolved that the minutes of the meeting held on 19 December 2022 were confirmed and signed as a true record.

68 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME

68.1 None received.

69 QUESTIONS BY THE PUBLIC

69.1 None received.

70 QUESTIONS BY COUNCILLORS

70.1 None received.

71 JOS/22/39 REVIEW OF THE CULTURE, HERITAGE, AND VISITOR ECONOMY STRATEGY

71.1 Councillor Harry Richardson – Mid Suffolk’s Cabinet Member for Economic Growth – introduced the report to the Committee outlining before Members the Corporate Peer Review’s recommendation to develop the strategy and the stakeholder consultation undertaken.

71.2 Councillor Muller questioned if a Food Enterprise Zone was planned for Stowmarket at the Gateway 14 site. The Corporate Manager for Economy and Business responded that this was correct.

71.3 Councillor Osborne raised an issue with the lack of hotel accommodation within Babergh and Mid Suffolk to enable visitors to stay within Suffolk. The Director for Economic Growth and Climate Change responded that they were aware of this issue and that this would be considered at a later stage in the strategy’s development.

71.4 Councillor Grandon queried if the strategy works in partnership with other local tourism schemes. The Corporate Manager for Economy and Business responded that Babergh and Mid Suffolk continues to work closely with other visitor schemes to build an inclusive strategy and that all local authorities within Suffolk work collaboratively as part of the Strategic Tourism Group.

71.5 Councillor Welham queried about the timeframe for the implementation of the strategy. The Arts and Culture Lead Officer responded that the strategy would be going to Cabinet for formal decision in March, that a delivery plan would be provided by the end of June, and that further external consultations would be undertaken regarding appropriate actions between these two deadlines.

71.6 Councillor Welham further questioned if there were links between the strategy and the Joint Local Plan. The Corporate Manager for Economy and Business responded that there were links between the strategy and the Joint Local Plan and that the Councils’ planning policy team were involved in the development and delivery of the strategy.

71.7 Councillor Hinton questioned which Councillors were part of the cross-party Member working group. The Arts and Culture Lead Officer responded that Councillors Jane Gould, Ward, Hurren, Nunn, Otton, Scarff, and Passmore were on the working group and that it had met 3 times to discuss initial findings and the development of the strategy.

- 71.8 Councillor Lindsay questioned about the lack of consultation with churches, sustainability groups, and nature and wildlife organisations. The Director for Economic Growth and Climate Change responded that sustainability was a key theme featured in discussions and consultations with external stakeholders. The Arts and Culture Lead Officer further added that conversations had taken place with the Churches Conservation Trust and that further consultations will take place with more stakeholders in the near future.
- 71.9 Councillor Lindsay further questioned what support was in place for those who wish to visit the Districts using sustainable methods of transport such as cycling. The Director for Economic Growth and Climate Change responded that the strategy would be linked in with the Local Cycling and Walking Infrastructure Plan (LCWIP).
- 71.10 Councillor Carter questioned why accessibility had not been clearly considered in the development of the strategy and why local disability groups had not been consulted. The Director for Economic Growth and Climate Change responded that consultees were asked questions concerning health, wellbeing and accessibility and that these themes would start to develop within the implementation stage of the strategy.
- 71.11 Councillor Grandon questioned how heritage and history had been considered within the development of the strategy. The Arts and Culture Lead Officer responded that there was an internal officer working group which included planning and heritage officers that were looking at these specific themes.
- 71.12 Councillor Scarff raised that the Joint Overview and Scrutiny Committee should further scrutinise the strategy once it has reached the implementation stage.
- 71.13 Councillor Barrett questioned if the strategy could be used to support planning applications. The Corporate Manager for Economy and Business responded that this was a possibility and that the Economy Team respond to consultations regarding planning applications that fall inside the scope of the strategy.
- 71.14 Councillor Barrett further questioned if the strategy would offer local skills development opportunities. The Director for Economic Growth and Climate Change responded that this strategy would provide opportunities for skills and employment development in the Districts and that it would look to support those who are employed in these sectors.
- 71.15 Councillor Dawson raised that the strategy should consider a focus on engaging younger residents in the cultural and heritage assets within both Districts.
- 71.16 Councillor Welham suggested that charity, industrial heritage, and fishing themes be considered in further stakeholder consultations and that the use of virtual tourist information centres may be beneficial for local villages.

71.17 Councillor Welham put forward the following recommendations to the Committee:

- That the Joint Overview and Scrutiny Committee notes the report and requests that Officers take account of the comments made by Members.
- That a review of the implementation plan's progress be undertaken by the Joint Overview and Scrutiny Committee in January 2024.

71.18 Councillor Scarff proposed the recommendations as read out by the Chair.

71.19 Councillor Ekpenyong seconded the recommendations.

By a unanimous vote

It was RESOLVED:

1.1. That the Joint Overview and Scrutiny Committee notes the report and requests that Officers take account of the comments made by Members.

1.2. That a review of the implementation plan's progress be undertaken by the Joint Overview and Scrutiny Committee in January 2024.

72 JOS/22/40 OVERVIEW AND SCRUTINY ACTION TRACKER

72.1 No comments.

73 RESOLUTION TO EXCLUDE THE PUBLIC (WHICH TERM INCLUDES THE PRESS)

74 JOS/22/41 TO CONFIRM THE CONFIDENTIAL MINUTE OF THE MEETING ON 19 DECEMBER 2022

74.1 It was resolved that the confidential minutes of the meeting on 19 December 2022 were confirmed and signed as a true record.

75 RE-ADMITTING THE PUBLIC (WHICH TERM INCLUDES THE PRESS)

The business of the meeting was concluded at 13:00pm

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Chair

Agenda Item 4

BABERGH DISTRICT COUNCIL

Minutes of the meeting of the **BABERGH OVERVIEW AND SCRUTINY COMMITTEE** held in the King Edmund Chamber, Endeavour House, 8 Russell Road, Ipswich on Monday, 23 January 2023

PRESENT:

Councillor: John Hinton (Chair)
Adrian Osborne (Vice-Chair)

Councillors: Melanie Barrett Siân Dawson
Kathryn Grandon Robert Lindsay

In attendance:

Councillors: Dave Busby – Cabinet Member for Finance, Assets and Investments
Jan Osborne – Cabinet Member for Housing

Officers: Deputy Chief Executive (KN)
Director for Corporate Resources (ME)
Director for Operations (ME)
Director for Housing (DF)
Corporate Manager for Finance, Commissioning & Procurement (RH)
Service Improvement Advisor (SB)
Corporate Manager for Governance and Civic Office (JR)
Lead Officer for Overview and Scrutiny (AN)
Governance Officer (BW)

36 APOLOGIES / SUBSTITUTIONS

36.1 None received.

37 DECLARATION OF INTERESTS

37.1 None declared.

38 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME

38.1 None received.

39 QUESTIONS BY THE PUBLIC

39.1 None received.

40 QUESTIONS BY COUNCILLORS

40.1 None received.

41 BOS/22/02 GENERAL FUND AND HOUSING REVENUE ACCOUNT (2023-24) - REVIEW OF SAVINGS, PROPOSALS AND UPDATED POSITION

- 41.1 Councillor Busby – Cabinet Member for Finance, Assets and Investments - introduced the report to the Committee outlining before Members the changes to the General Fund and Housing Revenue Account since the assumptions came before Babergh Overview and Scrutiny Committee in November 2022.
- 41.2 Councillor Grandon questioned how the General Fund would be impacted if business rates reduced. The Director for Corporate Resources responded that the Council constantly monitors changes in business rates, that any reductions in the business rates would impact the following budget in 2024/25, and that there was a business rate equalization reserve which could mitigate any significant deficits.
- 41.3 Councillor Barrett questioned if the pay award, increments, and pay review Housing Revenue Account pressure figure incorporated the current staffing review which will take effect in the next year. The Cabinet Member for Finance, Assets and Investments responded that the figure did include this review.
- 41.4 Councillor Barrett further queried if the chargeable amount for CIL admin still accounted for 5% of the total CIL income. The Cabinet Member for Finance, Assets and Investments responded that this was correct.
- 41.5 Councillor Lindsay questioned what changes had been made since the original budget assumptions to reduce the deficit. The Cabinet Member for Finance, Assets and Investments responded that the main change was an increase in business rates. The Director for Corporate Resources further responded that the Government would be compensating for the inflationary increase in business rates.
- 41.6 Councillor Grandon questioned the reasons for an anticipated decrease in planning income. The Cabinet Member for Finance, Assets and Investments responded that it is assumed there will be less demand on planning services over 2023/24 due to the impact of the wider economy.
- 41.7 Councillor Grandon further questioned the balance between the overall increase in Band D Council Tax and the reductions in tax awarded to certain residents within Band D. The Director for Corporate Resources responded that there was a £50k pressure for the banded scheme but that this was being funded through the COVID reserves so there was no impact on the General Fund.
- 41.8 Councillor Dawson queried the reasons for the increase in waste contract inflation and disposal costs. The Director of Operations responded that it was a result of a contractual uplift based on changes to the number of households in the District and other inflation factors such as petrol and labour costs

- 41.9 Councillor Dawson further questioned if the recharge to the Housing Revenue Account for grounds maintenance was separate to what is covered within public realm and the reasons for the value provided. The Director of Operations confirmed that grounds maintenance had been brought in-house and that the increased figure was a result of correcting historic undercharging and an increase in the level of dedicated resources working on housing.
- 41.10 Councillor Lindsay questioned if there had been savings from bringing the grounds maintenance service in-house. The Director of Operations responded that this would be looked at and an answer provided outside of the meeting.
- 41.11 Councillor Grandon requested that extra information be provided to the committee regarding public realm and that an appropriate item be added to the committee work plan.
- 41.12 Councillor Lindsay questioned the reasons for the significant increase in payable interest. The Cabinet Member for Finance, Assets and Investments responded that most short-term loans are coming to an end and that the interest rates on these loans have increased.
- 41.13 Councillor Lindsay further questioned the reasons for the increase in repair costs within the Housing Revenue Account. The Cabinet Member for Finance, Assets and Investments responded that this was due to staffing costs, resource costs, and the need to modernise the existing housing supply. Councillor Jan Osborne, Cabinet Member for Housing, followed up by stating that there was a backlog of changes to the existing housing supply due to the COVID pandemic.
- 41.14 The report was noted.

42 BOS/22/03 FORTHCOMING DECISIONS LIST

- 42.1 No comments.

43 BOS/22/04 BABERGH OVERVIEW AND SCRUTINY WORK PLAN

- 43.1 Councillor Hinton suggested that an item on Public Realm be added to the work plan.
- 43.2 Councillor Grandon suggested that the Public Realm item be considered in March.
- 43.3 Councillor Hinton agreed with the proposal for March and confirmed that he would be in talks with Officers to ensure it is considered then.

The business of the meeting was concluded at 10:32am.

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Chair

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Agenda Item 5

MID SUFFOLK DISTRICT COUNCIL

Minutes of the meeting of the **MID SUFFOLK OVERVIEW AND SCRUTINY COMMITTEE** held in the King Edmund Chamber, Endeavour House, 8 Russell Road, Ipswich on Monday, 23 January 2023

PRESENT:

Councillor: Keith Welham (Chair)
James Caston (Vice-Chair)

Councillors: Terence Carter Paul Ekpenyong
David Muller BA (Open) MCMI Keith Scarff
RAFA (Councillor)

In attendance:

Councillor(s): Suzie Morley – Leader of the Council
John Whitehead – Cabinet Member for Finance
Harry Richardson – Cabinet Member for Economic Growth
Andrew Mellen – Lead Signatory for the Call-In

Officers: Deputy Chief Executive (KN)
Director for Corporate Resources (ME)
Director for Operations (ME)
Director for Housing (DF)
Director for Assets and Investments (EA)
Corporate Manager for Finance, Commissioning & Procurement (RH)
Service Improvement Advisor (SB)
Corporate Manager for the Councils' Companies (HB)
Monitoring Officer (IA)
Corporate Manager for Governance and Civic Office (JR)
Lead Officer for Overview and Scrutiny (AN)

26 APOLOGIES / SUBSTITUTIONS

26.1 None received.

27 DECLARATION OF INTERESTS BY COUNCILLORS

27.1 None declared.

28 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME

28.1 None received.

29 QUESTIONS BY THE PUBLIC

29.1 The Chair read out a question submitted by Victoria Cutmore and the written response provided by the Director for Planning and Building Control.

Question:

Given there is a justified need for housing in Elmswell (as set out in Cabinet Report MCa/22/27) and a desire for a new primary school in Elmswell, are Members aware that the land to the east of Eastern Way, Elmswell is available to provide an exemplar housing development and land for a future primary school as an alternative to or in addition to the land at Church Road?

Response:

The Council is aware of land held by Endurance Estates in Elmswell, which was promoted to the Council through the Babergh and Mid Suffolk Joint Local Plan process. There is a locally expressed desire for a new Primary School, but it should be noted that this is not a feature of Suffolk County Council's Education and Learning Infrastructure Plan or this Council's Joint Infrastructure Delivery Plan. The Council will be developing its Part 2 Joint Local Plan in accordance with the timetable published in its Local Development Scheme, which will include a call for sites. Elmswell are also developing their own Neighbourhood Plan which would provide a further mechanism for you to promote your land for development.

30 QUESTIONS BY COUNCILLORS

30.1 None received.

31 MOS/22/02 GENERAL FUND AND HOUSING REVENUE ACCOUNT (2023-24) - REVIEW OF SAVINGS, PROPOSALS, AND UPDATED POSITION

31.1 Councillor Whitehead – Cabinet Member for Finance – introduced the report to the Committee outlining before Members the changes to the General Fund and Housing Revenue Account since the assumptions came before Mid Suffolk Overview and Scrutiny Committee in November 2022 and the current positions.

31.2 Councillor Morley – Leader of Mid Suffolk District Council – read out a statement on behalf of Councillor Hadingham as the Cabinet Member for Housing in regards to the Housing Revenue Account.

31.3 Councillor Ekpenyong questioned how realistic the savings proposed in the General Fund and Housing Revenue Account were. The Cabinet Member for Finance responded that a lot of research had been conducted and that the

estimates presented were reasonably sound.

- 31.4 Councillor Caston queried the removal of the savings contingency and the increase in the training budget. The Director for Corporate Resources responded that the savings contingency was a historical reserve which had been replaced with more robust savings proposals and that some of the training budget was carried over from 2022/23 to carry out work requested by HR and OD for staff development.
- 31.5 Councillor Scarff questioned if the new Strategic Infrastructure Fund would be funding Member locality budgets. The Cabinet Member for Finance responded that there would be no changes to the Member locality budgets.
- 31.6 Councillor Scarff further questioned the assumption there would be no properties purchased through the Right to Buy mechanism. The Cabinet Member for Finance responded that this was the soundest figure to assume and that any changes to this would not have a big impact on the budgets.
- 31.7 Councillor Ekpenyong questioned the reasons behind an assumed £1.293m of additional income if it was predicted that no properties would be purchased through the Right to Buy scheme. The Cabinet Member for Finance responded that this £1.293m figure included the increased rents for Council Housing.
- 31.8 Councillor Welham queried about the access to resources and tradespeople to deal with the amount of voids. The Director for Housing responded that a number of contractors had been brought into the organisation on a short-term basis and that a significant amount of work had been conducted to predict and manage costs.
- 31.9 Councillor Ekpenyong questioned the reasons for the increase in interests payable. The Cabinet Member for Finance responded that this was partially due to the increase in base rates. The Director for Corporate Resources added that several short term loans needed to mature before being paid off which resulted in an increase in interest.
- 31.10 Councillor Welham put forward the following recommendations to the Committee:
- That the Mid Suffolk Overview and Scrutiny Committee notes the report.
 - That Cabinet considers an increase in the Locality Award allocation for each Member.
- 31.11 Councillor Ekpenyong proposed the recommendations as read out by the Chair.
- 31.12 Councillor Scarff seconded the recommendations.

By a unanimous vote

It was RESOLVED:

- 1.1. That Mid Suffolk Overview and Scrutiny Committee notes the report**
- 1.2. That Cabinet considers an increase in the Locality Award allocation for each Member**

32 MOS/22/03 FORTHCOMING DECISIONS LIST

32.1 No comments.

33 MOS/22/04 MSDC OVERVIEW AND SCRUTINY WORK PLAN

33.1 Councillor Welham proposed that an additional item on Public Realm, as agreed upon at the earlier Babergh Overview and Scrutiny Committee meeting, be added to the Joint Committee work plan for March for consideration by both Councils.

34 CALL IN OF MID SUFFOLK CABINET DECISION 7 NOVEMBER 2022

34.1 Councillor Caston proposed that the protocol for the Call-In procedure be approved.

34.2 Councillor Muller seconded the proposal.

By a unanimous vote

It was RESOLVED:

That the protocol for the Call-In procedure be approved

35 CALL IN OF THE DECISION FROM THE MID SUFFOLK CABINET MEETING 7 NOVEMBER MCA/22/27

35.1 The Chair invited the Lead Signatory, Councillor Mellen, to present his reasons for the Call-in.

35.2 The Lead Signatory presented the following reasons in his opening statement:

“Mr Chairman, I am grateful for the committee’s time this afternoon to examine this call-in, and I would like to start with some general opening remarks about the scheme, before going on to look in detail at the reasons given in the call-in request.

I should also probably state for the record that, although I have called in this decision as a District Councillor, I also represent Elmswell and the surrounding villages on the County Council.

The aspiration to deliver low-carbon homes is a good one, which we support. In fact, we wish that all new homes delivered in the district would be built in this way – it would go a long way towards meeting the district’s and the county’s stated goal of reaching net-zero carbon emissions by 2030. It would also provide homes which are cheap to run – a very important consideration when the cost of living has risen so much in the past year.

We are also in complete and whole-hearted agreement with the key design goals which were set out in 11.3 of the cabinet report, these being: People and nature first / improving green infrastructure / using orientation for passive and active solar gain / respecting neighbouring properties and local heritage / fabric-first and future-proof. These all would add up to provide a place which would be pleasant to live in, where walking and cycling are supported and encouraged, and where well-built homes are embedded in the living landscape. Again, these are principles that all developers should be following.

Whilst supporting the broad intentions of this scheme, and commending the officer’s work on it, we do have some concerns about this decision, hence the call-in request. There are two main aspects of this decision which we believe were not addressed either by the cabinet report, nor the subsequent debate at cabinet on the 7th November last year.

The first point is around planning. Whilst the piece of land in question is owned by the council’s housing revenue account, it does not have even outline consent for house building. Whilst the area is allocated in the emerging Joint Local Plan as potential development land for 60 homes (allocation LA064), as we all know the JLP is still under examination, and adoption, even of part 1, is still some way off in the future. The land’s current status is as a piece of well-used open amenity land, towards the edge of a village which has seen an enormous amount of development in the last few years. The key point is this: we have no indication that, in the current policy context, this site would gain permission for development, surely a key consideration when deciding whether to move forward with the scheme.

This is illustrated by the decision taken by development control committee A on another application in Elmswell on the 9th November (just 2 days after the cabinet meeting). The application DC/22/03423 was for one dwelling to be built off Crown Mill, but was refused, the primary reason being (and I quote from the refusal notification):

“The site subject of this proposal is an existing area of open space and should only be built on if the local authority is satisfied the requirements of paragraph 99 of the NPPF have been met . . . The open space is an intrinsically important amenity space for local residents and the community, thereby contributing to their well-being. Its loss demonstrably adversely affects the character and appearance of the settlement and open space which provide important facilities or amenities for the local community.”

If this applies to the footprint for one dwelling, surely it would apply even more to the land under consideration for the 50-home development. Yet in the committee report we are given no indication of this.

The risk matrix at 8.1 (on page 6) of the cabinet report does acknowledge that the scheme may not achieve planning consent and suggests in mitigation “thorough engagement with all stakeholders throughout the design and planning process.” However, to date no informal discussions with planning officers appear to have taken place, nor yet formal pre-planning advice - or if it has taken place, it was not reported to cabinet.

The second main point of concern regarding this decision is the justification of this site for this scheme. Is this the best place? All we are told is that the land is in the ownership of the HRA and is therefore suitable for housing. What would have been helpful would have been a list of all the HRA-owned sites above a certain size across the district, with some kind of rough and ready ranking of their suitability for development for this type of scheme. This site has been chosen, but the cabinet was not given information as to whether any sequential test had been applied to the selection.

It could also be the case that there is other land available in the district for a scheme such as this, land which is currently owned by parishes, communities or privately. A district-wide call for sites may well have brought forward another site or sites which are suitable – or possibly more suitable / less contentious than this site, for example land already in a Community Land Trust.

The cabinet report states that “there is need for affordable homes in Elmswell” but this is not quantified. Elmswell has, of course, seen a large number of new houses built in recent years, including developments still under construction, many of which are delivering their proportion of affordable homes. The parish council itself has plans to deliver an affordable housing scheme on land behind the Elmswell Tavern. It is not clear how far the proposed exemplar scheme meets the need for affordable homes in Elmswell, whether that need is already being met from existing developments, or whether the proposed exemplar scheme would undermine the parish council’s own scheme.

In conclusion Mr Chairman, for the reasons I have outlined, I believe that the cabinet decision bears re-examination. The cabinet report may or may not be sound, but it was lacking in some respects, incomplete, and more information is required if the cabinet is to make a sound and informed decision.”

35.3 The Chair then asked Councillor Morley, the Leader of Mid Suffolk District Council, to present her reasons why the decision was taken by Cabinet.

35.4 The Leader presented the following reasons in her opening statement:

“In November a report was brought to cabinet to secure funding for the development of a site owned by the Council in Elmswell as an exemplar

sustainable housing scheme. This would be subject to the usual development gateways being achieved such as community engagement and seeking to achieve planning consent. The cabinet supported the recommendations set out in the report because we are keen to deliver new low carbon affordable and market housing providing high quality homes with lower running costs- which is even more important during the current cost of living challenges. Elmswell is a sustainable village benefiting from good public transport links and local facilities and this site is already within the ownership of the Council making it a viable option for an exemplar low carbon scheme.

By approving the budget and the appointment of our own development company, Mid Suffolk Growth Ltd at this early stage in the project the cabinet were enabling the project to progress through development gateways and did so in the knowledge that if those gateways (such as planning and wider community engagement) were not successful the development would not proceed, but equally if the development gateways were achieved that necessary budgets would be in place to progress the development.

Since the cabinet meeting in November and the subsequent call in of that decision, the first public engagement event has been held with a number of residents attending to share their views and a petition against the proposed development has also been received and noted by cabinet. Alongside this formal pre application advice has been received from the planning authority.

The Cabinet are keen to deliver housing that works well with existing communities whilst delivering the councils housing aspirations to provide high quality housing for all. We value the contributions made by our residents and in light of the consultation feedback and recent response from the planning authority we feel it is right to return this item to cabinet for further discussion on the options available at this time and as such do not contest this call-in.”

- 35.5 The Chair invited committee members to ask questions of the Lead Signatory, The Leader, and Officers present.
- 35.6 Councillor Scarff questioned why public engagement was not conducted before the decision went before Cabinet. The Director for Assets and Investments responded that the purpose of the initial Cabinet report was to secure budget to ensure that the scheme could develop further and carry out consultations.
- 35.7 Councillor Ekpenyong queried the rationale for suggesting the land be reserved for a school site. The Lead Signatory responded that this suggestion came from consultation with Elmswell Parish Council and local residents about their needs and what they wish the land be used for.
- 35.8 The Chair invited The Leader to make a summary.
- 35.9 The Leader presented the following summary to the Committee:

“The Cabinet are keen to deliver housing that works well with existing

communities whilst delivering the councils housing aspirations to provide high quality housing for all. We value the contributions made by our residents and in light of the consultation feedback and recent response from the planning authority we feel it is right to return this item to cabinet for further discussion on the options available at this time and as such do not contest this call-in.”

35.10 The Chair invited the Lead Signatory to make a summary.

35.11 The Lead Signatory presented the following summary to the Committee:

This proposal is being described as an “exemplar” scheme. I looked up the word “exemplar” in the dictionary and it is described as “a typical example or appropriate model”. I think what is meant in this context is that a development on this site, if successful, would serve as a template or pattern for the sort of development that would take place subsequently in other locations (i.e. we would learn from this development).

I would just point out that Elmswell has already had an exemplar low-carbon housing scheme - 26 homes at Clay Fields – and it has even won a number of awards so it is not clear what lessons from that previous scheme are feeding into this current proposal. The question is – are we doing the same thing again without really learning from what happened a few years ago?

After the Cabinet meeting on the 7th November an article appeared in the East Anglian Daily Times. Unfortunately, it gave the headline “Plan for 50 eco homes in £15 million project given go ahead” and it seems to indicate to people that this was a fake accompli. Clearly, as we know and has been discussed, this was only the first stage in a very long process.

I think this did slightly tee up the community to strongly object to the proposals that came forward at the community engagement event. Clearly, we don’t have any control of what the newspapers say but it did cause a certain amount of consternation in the community.

Elmswell Parish Council have proposed a potential land swap within the village which would provide land for a low-carbon housing scheme whilst retaining the current site for future education provision. If this proposal is to come back to Cabinet, which I’m glad to hear they are willing to discuss it again, I hope that this possibility will have been explored and discussed prior to the decision being made.

I am really pleased to hear that some formal pre-application planning advice has now been received and I’d be very interested in seeing that if that’s possible. I’m really grateful that the Call-In is not contested and I think it will end up in a better place with a better decision if Cabinet looks at it again.”

35.12 The Lead Signatory, The Leader and Officers left the meeting at 14:51pm.

35.13 The Chair opened up the Call-In for debate.

35.14 Councillor Caston expressed his support for the scheme, raised concerns about the possibility of the decision being reversed by Cabinet and highlighted the need for specific matters to be dealt with by the Development Control committees rather than Overview and Scrutiny.

35.15 Councillor Ekpenyong raised that there was a significant demand for high-standard affordable housing that needed to be met.

35.16 Councillor Carter expressed concerns about the lack of public engagement before the Cabinet decision was taken and suggested that more consultations be conducted before a future decision is reached.

35.17 Councillor Ekpenyong proposed that the decision be upheld and implemented immediately.

35.18 Councillor Caston seconded the proposal.

By a vote of 3 For and 3 Against

On the casting vote of the Chair the motion was lost

35.19 Councillor Scarff proposed to refer the matter back to the Cabinet for reconsideration with the following observations:

- That Officers undertake further public engagement regarding the scheme
- That Officers and the Cabinet consider alternative sites across the wider district for an exemplar housing scheme
- That Cabinet takes into consideration the planning advice provided

35.20 Councillor Carter seconded the proposal.

By a vote of 4 For, 1 Against and 1 Abstention

It was RESOLVED:

That the Overview and Scrutiny Committee refer the matter back to Cabinet for reconsideration with the following observations. Cabinet will then take a final decision and that decision cannot be called in.

Observations:

- **That Officers undertake further public engagement regarding the scheme**
- **That Officers and the Cabinet consider alternative sites across the wider district for an exemplar housing scheme**
- **That Cabinet takes into consideration the planning advice provided**

The business of the meeting was concluded at 15:15pm.

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Chair

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Agenda Item 9

BABERGH DISTRICT COUNCIL and/or MID SUFFOLK DISTRICT COUNCIL

TO:	Joint Overview & Scrutiny Committee	REPORT NUMBER: JOS/22/45
FROM:	Councillor Clive Arthey – BDC Cabinet Member – Planning Councillor David Burn – MSDC – Cabinet Member - Planning	DATE OF MEETING: 20th February 2023
OFFICER:	Philip Isbell – Chief Planning Officer	KEY DECISION REF NO.

ARE PLANNING PRE-APPLICATION CUSTOMERS GETTING A VALUABLE SERVICE?

1. PURPOSE OF REPORT

- 1.1 To review available information about the effect of our pre-application service and how valuable it is perceived to be with our customers, those officers delivering the service and for the Councils as Local Planning Authorities (LPA).
- 1.2 To review the quality of user experience and feedback from Development Management planning officers.
- 1.3 To investigate evidence from witnesses to include professional users of the service.

2. OPTIONS CONSIDERED

- 2.1 Options include discontinuing annual surveys of pre-application customers who have used the service in the previous year. This would reduce the information and feedback available to learn lessons and evolve the service.
- 2.2 Other, wider, options include discontinuing the provision of pre-application advice itself. This would reduce the income stream to the Council (see Table 5. Financial Implications) and would foreseeably lead to greater negotiation and activity within the life of an application at cost to the LPA's. Choosing this option could result in an increase in [a] refused applications, [b] an increase in appeals and [c] an increase in "free go" re-submission applications. Generally, this represents a risk of an increase in officer time and cost to the Councils in dealing with this work. In addition, we would also lose the opportunity to influence applications at a nascent stage, where discussions often focus on important considerations of design and scheme quality. If the LPA's were to stop providing the service, this could potentially lead to a reduction in customer service standards, increase in customer complaints with reputational damage and less predictable workload management and duplication of costs.

3. RECOMMENDATIONS

- 3.1 That the contents of the report be noted by the Joint Overview & Scrutiny Committee.

- 3.2 That officers be requested to change to the frequency of survey of customer experience of the pre-application service to “open” rather than annual.
- 3.3 That officers be requested to undertake an annual survey of Development Management Planning officers of their experience of customer service.
- 3.4 That officers develop a model for regular audit of timeliness, quality and customer service including to assess the effectiveness of the pre-application advice process in the validation of applications and correlation of advice with outcome.
- 3.5 That the Corporate Director for Planning & Building Control and the Chief Planning Officer review the result of the above-mentioned surveys and audit at least bi-annually in consultation with the Cabinet Members for Planning.

REASON FOR DECISION

3.6 The Councils charged pre-application service was introduced in 2017 and has been the subject of annual customer service surveys since 2018. These measures will enable more regular iterative review of the quality of the service provided and the customer and officer experience learning lessons and evolving the service as appropriate.

4. KEY INFORMATION

- 4.1 The “customers” of our pre-application advice service include, but are not limited to, its paying users making enquiries about developments they wish to undertake, related technical stakeholders who may be involved in assessing the merits of an application for development, communities who may be consulted upon applications and who may have to accommodate the development and, in broad terms, the LPA itself seeking to deliver the policies and objectives within the development plan for the District.
- 4.2 The last survey of paying users carried out in June 2022 (see Appendix B) was sent to 767 customers who had used our pre-application service between 01 April 2021 and 31 March 2022. This survey received 44 responses in total (5.7%). This compared to 61 responses being received in the 2021 survey (8.3%). The results of our annual surveys have been reported to our Client Side Panel of professional agents.

PRE-APPLICATION CUSTOMER SURVEYS – 2018 TO DATE

- 4.3 Starting with the surveys of **pre-application customers** and examining how “valuable” the Development Management and the Heritage service was rated *year on year* yielded the following results:
- 4.3.1 “**Helpfulness**” ratings of our pre-application service were as follows for ratings between 8 and 10 (10 being the highest):
- 2018 – 51.3%
 - 2019 – 52.9%
 - 2020 – 59.7%
 - 2021 – 56.7%
 - 2022 – 54.5%

4.3.2 Looking at the advice being “**Good value for money**” (rated ‘Strongly Agree’ or ‘Agree’ by customers):

- 2018 – 40.3%
- 2019 – 44.3%
- 2020 – 44.4%
- 2021 – 46.7%
- 2022 – 40.9%

4.3.3 Looking at Heritage being “**Good value for money**” (rated ‘Strongly Agree’ or ‘Agree’)

- 2018 – 73.3%
- 2019 – 43.8%
- 2020 – 65.4%
- 2021 – 68.4%
- 2022 – 50.0%

4.3.4 Considering the **overall quality of advice** – for ratings between 8 and 10 (10 being the highest):

- 2018 – 56.7%
- 2019 – 54.3%
- 2020 – 48.6%
- 2021 – 59.9%
- 2022 – 45.5%

4.4 In summary it is clear that from a customer perspective there is room for improvement with some ‘quality’ aspects of our pre-application service, and this will be an important element of service improvement in 2023 and beyond.

INTERNAL BMSDC OFFICER SURVEY – JANUARY 2023

4.5 As stated earlier, a survey had not been carried out in previous years with Council officers delivering the service, so a survey was created accordingly.

4.6 The new **officer** survey (see Appendix C) was sent to all BMSDC planning and heritage officers in January 2023, with 27 responses in total received (73%). The survey was constructed around the following questions:

4.6.1 Does pre-application advice help lead to a better quality of application and if not, what reasoning appears to drive this?

Most officers thought that having pre-application advice **did** lead to a tangible difference in quality of subsequent application. Their thoughts are summarised below:

- *The pre-application stage can assist in identifying issues at an earlier point and can avoid significant delay later due to missing information*
- *It allows for discussion with the applicant/agent to make the proposal much more acceptable*

- *The NPPF is clear that the right information is crucial to making good decisions*
- *It absolutely makes a difference with major proposals because it starts a meaningful dialogue that can result in further paid meetings or even a PPA and is a springboard towards a collaborative approach*
- *You can introduce significant changes prior to an application to enhance quality [and to] encourage the applicant to go further in terms of green elements*

Other officers did raise some other issues relating to the quality of subsequent submissions however:

- *Agents ignore the advice given or the advice given by officers is not strong/accurate enough*
- *Where we give negative advice it often only entrenches the position of the applicant*
- *Often pre-application submissions lack information to allow officers to give detailed advice*

These issues highlight the need for officers to build a dialogue with the applicant or agent rather than just formally assessing the pre-application request against policy without informed comment. Officers can give negative advice however if they work with the applicant to see what may be possible a better outcome can often be achieved for the LPA and the applicant. Good communication is key.

4.6.2 What more could be done within the validation process to improve the response and quality of application?

Officers thought that there should be clear validation guidelines available to the public and getting initial information right first time was vital. Specific comments regarding these points were as follows:

- *Flood risk assessments and Ecology Impact Assessments are often missed at the validation stage*
- *Appropriate internal consultees should be consulted at the time of validation*
- *I am also an agent outside of BMSDC. Striking the balance between submitting enough information to enable officers to understand the proposal and limiting the amount of time (and client money) on preparation of the information is tricky*
- *Lack of understanding from applicants that a lack of information in their submission leads to a more restricted response*
- *It is essential that the validation team is trained and informed, especially concerning dispute resolution*
- *Engaging with the key issues rather than highlighting relevant policies*
- *Being clear on the level of information required to support the proposal*

- *Collate examples of “good” applications in terms of the information provided, which can be offered to applicants when they receive an invalid letter*

When looking at validation of pre-application cases in 2021/22, only 52.7% of pre-apps were valid on receipt. This suggests clear customer guidance and good communication is vital from the start to ensure an application is registered right first time on time. This compares to 52.1% of pre-apps being valid on receipt in 2020/21 and 49.3% in 2019/20. The approach to improve the “validation” content within pre-app advice is currently under review and it is noted that the extent of technical information required (including ecology, land contamination and Sustainable drainage / flood risk) to make an application valid on receipt is increasing.

4.6.3 What could be done in terms of the planning advice provided to improve the submission?

Key themes from officers were as follows:

- *Opening a conversation with other departments to make it easier for consultees when the submission comes in*
- *Signposting good and bad examples of submissions (and explaining the risks of a poor submission)*
- *Ensuring that the officer that dealt with the pre-app deals with the subsequent submission*
- *Having a clear list of what should be submitted with a pre-application enquiry and a checklist for the applicant/agent to check off*
- *The response should be better geared to the applicant i.e., knowing your audience and explaining any technical terminology in a clear and concise way*
- *Further training for all officers involved in the process. Poor pre-application officer reports tend to just provide a screen of policy references without context whereas better officer reports provide a detailed analysis of the strengths and weaknesses of the proposal, written in plain English, then going on to offer alternative solutions to mitigate adverse impacts. Be constructive in feedback given.*

4.6.4 Do officers think the customer listens to the advice given and if not, what could be done to improve that communication?

88% of officers thought that customers did listen to advice given. Suggestions for improving that communication were as follows:

- *Being totally honest with the customer*
- *Every pre-app should include some form of verbal discussion like a short phone call prior to sending a written only response*
- *Clients listen if the advice is well considered and comprehensive and includes constructive feedback on the way forward*
- *Advising customers that once they receive their pre-application response, they do not have to then submit a formal application; they can come back later for further advice.*

4.6.5 Where pre-application advice has been provided do officers believe this helps to reduce the need for negotiation or post-submission amendments?

On the whole officers thought that pre-app advice generally reduces the need for amendments and negotiation, but this depended on the level of advice provided. Officers commented:

- *If limited advice is given (due to lack of information) then it's likely there may be amendments required when considering the detail of the application*
- *Sometimes a proposal is not progressed far enough at pre-application stage before the full application is submitted*
- *In terms of resources, there is frustration that more officer time is spent on straightforward proposals than is needed whereas proposals that need the time and energy putting into them are not given the attention they need*

4.6.6 Where post-submission amendments are needed, were these foreseeable when pre-application advice was given?

Officers felt that amendments were not always foreseeable due to the following:

- *Objections from Consultees can often come late in the process or include elements which have not been considered*
- *Problems occur when the proposal changes between pre-app and formal submission because of advice provided not being adhered to*
- *Often applicants may try to add in tweaks to the new proposal to see if someone else does not pick up on it and lets it through, or if we do not argue the detail when assessing the case*
- *Post submission amendments are likely to stem from public consultations which may introduce unknown elements*

In our view, having a multi-disciplinary based approach will reduce the risk of above events from happening, so making sure the right stakeholders and consultees are involved from the start is crucial.

4.6.7 Does providing pre-application advice help officers to do their jobs more effectively or efficiently?

73.1% of officers strongly agreed or agreed that providing pre-app helped them do their job more effectively or efficiently. They went on to comment:

- *It definitely helps when assessing the site as there will be an assessment from the preceding pre-app*
- *Providing pre-app allows for a more informal discussion-based approach to a proposal, hopefully securing amendments upfront. This in turn will save time during the determination period for the formal application.*

- *The most difficult cases are often those where there was no pre-app, and it really needed it, or they did not go far enough with the pre-app, because once the full application is in, there is much less room for informal negotiation*
- *A subsequent case is not always allocated to the Officer who dealt with pre-app, for various reasons. Officers should probably speak to each other*
- *It gives a good background to a complicated application. It also opens a dialogue between the Council and applicant which builds good relationships. Honesty and goodwill is key to getting a satisfactory application through the system and this really does start with pre-application advice*

4.6.8 Does Pre-App lead to an improved outcome in planning terms compared to cases without pre-app?

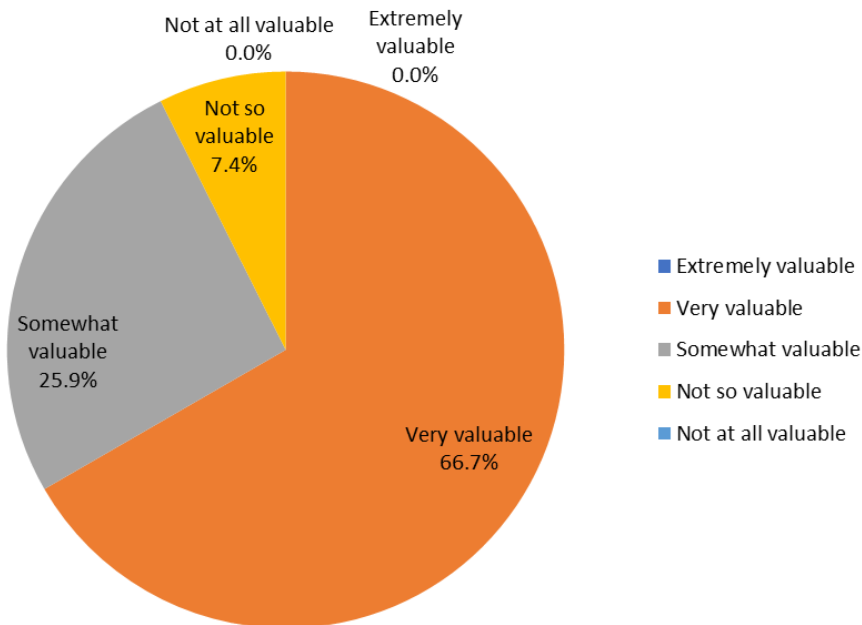
74% of officers said that pre-app did lead to an improved outcome, commenting:

- *A trust bond can be built between the two parties and future relationships built*
- *In terms of larger schemes, components such as Heritage is a straightforward process but from observing contributions from others there must be clear gains in terms of the completeness of the application package, and how near it is to an approvable scheme. There may also be cases where a negative response prevents a pointless application - surely a win-win, and preferable to a less harmful but still doomed application?*
- *There are times when agents still expect a dialogue and the opportunity to make changes even though no pre-app was sought*
- *Issues can become apparent when a different officer has dealt with the pre-app and cannot deal with the formal application (due to them having left, or workload pressures etc). Officers can sometimes disagree with the initial advice given and this can cause problems when assessing the formal application*

4.6.9 Is the pre-application service valuable for [a] customers and [b] the Councils?

- [a] Valuable to customers – 92.6% of officers thought that pre-app was very valuable or somewhat valuable:

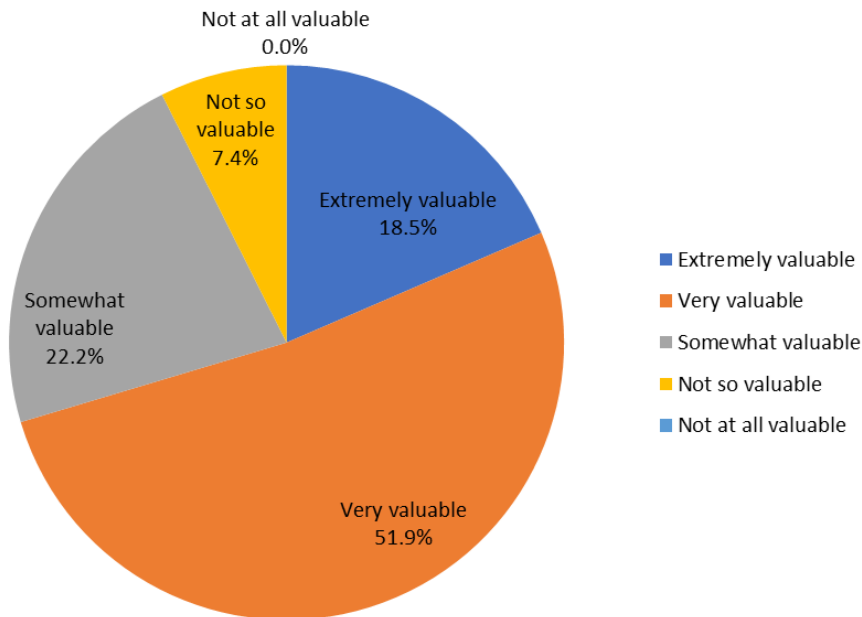
Do you believe that our pre-app service is a valuable service for our customers?



Officers commented that:

- *Customer expectation is key. Emphasis should be placed on the customer at validation stage to submit sufficient and quality details*
- *Any reassurance provided by the officer should be valuable to a paying customer. In most cases we can get to talk or at least write to them in a situation where it is perceived to be less “adversarial”*
- *Our pre-app fee for a site visit and written response from Heritage for example may seem expensive to a homeowner, but is cheap when compared to private sector costs*
- *I see some outstanding pre-app advice and some that is of little or no value. Clearly there is a range of development types and as such not every response needs to be as detailed depending on size and scale, but it should always give the enquirer a useful guide as to the way forward*
- [b] Valuable to the Councils – 92.6% of officers thought that pre-app was extremely valuable, very valuable or somewhat valuable:

Do you believe that our pre-app service is valuable for the Councils?



Officers commented that:

- *It is a great revenue stream, and it also gives a good indication of what is likely to come in, especially with the major developments. This enables staff to be ready with the validation so that the application can be processed quickly upon submission*
- *I think it creates a better relationship with customers, reducing complaints, and makes the subsequent parts of the process easier for us*
- *Generates income but is equally time-consuming for officers, sometimes it takes a lot longer to produce a pre-app response than it is to process an application*
- *If done well it presents a good face for the public. Meetings on site can be particularly useful to introduce officers to the public*

4.6.10 Would removing pre-app give you (officers) more time to do other tasks?

Whilst 70.4% of officers agreed that removing pre-app would in simple terms provide more time to do other tasks, all appreciated that having no pre-app would impact them and their caseload negatively.

Officers thought that having no pre-app would:

- *Potentially result in more refusals and appeals of formal applications*
- *Slow down the process as a large amount of research and assessment of the site potentially already been done*
- *In the short term this would free up time however it is acknowledged that this would lead to a build-up of issues down the line*

- *Remove the informal relationship that should have been built during initial pre-app discussions*
- *Hinder the management of customers' expectations*

4.6.11 What improvements to our pre-application advice service could be made?

- *Better support for junior officers and improved engagement between administration and officers.*
- *A focus on design and quality of a scheme at an early stage. We shouldn't be afraid to state that we want quality developments within our two districts*
- *Require more at initial validation of pre-app e.g., proposed layout plans, contact phone numbers and clear description of development*
- *There should be at least a short conversation with all pre-app applicants and agents prior to forwarding a final officer report. Building on this, we could improve communication both ways and build a dialogue throughout the whole pre-app process*
- *Make applicants aware that the quality of advice is dependent on the quality of their submission*
- *An increase in fees to account for the significant time spent on drafting advice. Some officers have stated that they spend more time on a difficult pre-app than other formal submissions and the work they put in is not covered by the fee requested*
- *Sharing best practice with other similar authorities and find out what works for them.*

INTERNAL AUDIT OF PRE-APP QUALITY

- 4.7 In 2022 we commenced a more structured approach to auditing the quality of our pre-application advice. This is undertaken as follows. A report detailing all completed pre-applications over the last quarter is generated. Sample cases are randomly selected for review by the Business Practice Manager and Professional Lead – Performance and Digital Transformation. Each case is checked for timeliness of response, clarity of advice (including direction of travel), compliance with current local and national policies and validation requirements.
- 4.8 In addition, an audit of those cases where a planning application has been submitted following pre-application advice is conducted each quarter. The details provided by the applicant/agent at the pre-application stage are compared with those received with the formal application. The audit will check for consistency, if the application was valid on receipt (i.e., all relevant documents were provided), any negotiation was required during the process and if the final decision matched the original advice.

CONCLUSIONS

- 4.9 To conclude, the question of what is “a valuable service” for our customers should not be confined to surveyed users but should be alive to the value of the service to our communities more generally.

- 4.10 With this in mind our pre-application service provides “value”, in very broad terms, to our communities if it provides advice which is [a] accurate and enables the efficient and timely processing of applications ; [b] consistent and credible thereby reducing avoidable risk of challenge or appeal and [c] enables the LPA to deliver on the objectives and policies of its development plan whilst mitigating some of the costs of providing pre-application advice.
- 4.11 We believe that, whilst there are improvements to the quality of service which need to be made, any opportunity to open a dialogue with customers/applicants is positive and efficient for the Councils overall planning service. Taken in the round and accepting that quality is a matter for ongoing monitoring to safeguard high standards, it is considered that there is material value to customers and the Councils in providing a charged pre-application advice service.

5. FINANCIAL IMPLICATIONS

Revenue/Capital/ Expenditure/Income Item	Total *(£)	2017/18	2018/19	2019/20	2020/21	2021/22
Pre-application advice – Development Management (BDC)	-263,465	-69,712	-55,497	-47,264	-40,684	-50,308
Pre- application advice – Heritage (BDC)	-95,150	-11,617	-16,593	-19,465	-21,145	-26,330
Pre-application advice – Development Management (MSDC)	-260,020	-82,481	-73,989	-30,053	-35,241	-38,256
Pre- application advice – Heritage (MSDC)	-74,395	-6,620	-14,690	-15,810	-18,995	-18,280
Net Effect (both Councils)	-693,030	-170,430	-160,769	-112,592	-116,065	-133,174

*Since service introduced 2017 and excluding Planning Performance Agreements (PPAs)

- 5.1 The above table details the gross pre-application fee income to the service area net of external stakeholder costs charged to users. Charges are set based on Planning Advisory Service advice regarding recoverable time and are intended to achieve “cost recovery”. Charges are reviewed annually.

6. LEGAL IMPLICATIONS

- 6.1 The provision of an effective pre-application advice service provides some mitigation of the risk of legal challenge to subsequent decisions on applications by [a] reducing the risk of judicial review and [b] reducing the risk of appeal with associated

differences of opinion on the relevant planning considerations including policy and the weight to be attached to them.

7. RISK MANAGEMENT

7.1 Key risks are set out below:

Key Risk Description	Likelihood 1-4	Impact 1-4	Key Mitigation Measures	Risk Register and Reference*
Usage of the charged pre-application service declines substantially.	2. Unlikely	1. Minimal	The process has been designed to provide added-value to customers and remains under operational review to ensure that the quality and timeliness of advice provided is beneficial to the customer.	Operational Risk Register For Development Management (Philip Isbell) 22-23 Ref. 13
The advice given fails to take account of or accurately assess potentially relevant considerations.	2. Unlikely	2. Noticeable	Officers giving advice will follow a template for the advice response. Draft advice will be mentored and screened by more senior officers throughout the process. Training for the team at the inception of the service will be given and the importance of addressing all relevant considerations highlighted. Refresher training will also be programmed.	Operational Risk Register For Development Management (Philip Isbell) 22-23 Ref. 12
The advice given is not consistent with the outcome of the application by reason of case officer differences of opinion with officer exercising delegated authority.	3. Probable	2. Noticeable	The Development Management leadership team including Area Planning and Strategic Planning Managers and Principal Planning Officers oversee and monitor consistency of advice and identify potential areas of professional difference over the interpretation of policy and weight to be	Operational Risk Register For Development Management (Philip Isbell) 22-23 Ref. 8

<p>This may lead to an increased volume of refusals and appeals together with an increase in foreseeable complaints about service quality and value.</p>			<p>attached to considerations.</p> <p>Improvement system reports will be generated to highlight any discrepancies or issues with specific cases/officers.</p> <p>Training for the team is ongoing and the importance of consistency and reporting potential differences highlighted.</p>	
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**Name of risk register where risk is currently documented and being actively managed and its reference number*

8. CONSULTATIONS

- 8.1 Consultation with paying customers of the pre-application advice service and with officers providing the service are detailed at 4.3 and 4.6 above.

9. EQUALITY ANALYSIS

Equality Impact Assessment (EIA) not required.

10. ENVIRONMENTAL IMPLICATIONS

- 10.1 The provision of a planning pre-application service can ensure that, in general terms, the environmental objectives and safeguards in the LPAs development plan are achieved. To that extent the pre-application service should mitigate unacceptable environmental impacts by highlighting those risks and case specific mitigations. The effectiveness of the advice given and the extent to which it is taken account of by paying users may vary the extent to which the risk of environmental implications will arise on a case-by-case basis.

11. APPENDICES

Title	Location
(a) Review of the implementation of charged pre-application fees for planning advice	Attached
(b) Pre-App Customer Survey Presentation 2021-22	Attached
(c) Pre-App Officer Survey – January 2023	Attached

12. REPORT AUTHORS *(Name and title of report authors, such as CM and Professional Leads, who has undertaken work on the report)*

John Mawdsley – Professional Lead Digital Solutions

Julie Havard – Business Practice Manager

Philip Isbell – Chief Planning Officer

BABERGH DISTRICT COUNCIL and MID SUFFOLK DISTRICT COUNCIL

COMMITTEE: Joint Overview & Scrutiny Committee	REPORT NUMBER: JOS/18/16
FROM: Councillor Nick Ridley – BDC Cabinet Member – Planning Councillor Glen Horn – MSDC – Cabinet Member - Planning	DATE OF MEETING: 3 SEPTEMBER 2018 AT 11.30 AM
OFFICER: Philip Isbell - Corporate Manager Growth & Sustainable Planning	KEY DECISION REF NO. N/A

REVIEW OF THE IMPLEMENTATION OF CHARGED PRE-APPLICATION FEES FOR PLANNING ADVICE

1. PURPOSE OF REPORT

To review available information about the effect of the introduction of charged pre-application advice and in particular;

[a] Whether there has been different take-up of different levels of service and charging? Whether our service experience is in line with other Councils including the actual income / predicted outturn. To consider is the system working well for us? How is it working for other Councils (having regard to volume / income)?

[b] To review the quality of user experience. In particular to review the quality of professional advice given and any difference between advice provided on site or in writing.

[c] Investigate evidence from witnesses. To investigate evidence of witness(es) from SCC Highways and from professional repeat users.

[d] Review operational aspects including continuity of officer input – consistency of professional advice, arrangements for mentoring and opportunities for professional career development of staff arising from involvement in pre-application advice provision. To review arrangements for advice checking & safeguarding the quality of advice.

[e] The timings to be improved and addressed in the report

Consider any beneficial side effects & impact on resources.

2. OPTIONS CONSIDERED

2.1 Options considered include [i] ceasing to charge for pre-application advice and resuming the provision of a free service or [ii] ceasing to provide pre-application advice.

- 2.2 Option [i] is not recommended because this would impose additional time and resource burdens upon the Development Management (DM) service with no additional income to support that activity. The take-up of the charged service has indicated that a charged pre-application advice service offer is in principle accepted by enquirers, professional agents and the development industry.
- 2.3 Option [ii] is not recommended because this would foreseeably lead to an increase in refused or unsuccessful applications and less ability to plan for anticipated workloads. With potentially with fee exempt resubmissions this option would be likely to lead to a reduction in customer service standards, reputational damage and less predictable workload management and some duplication of costs.

3. RECOMMENDATIONS

- 3.1 That the contents of the report be scrutinised by the Joint Overview & Scrutiny Committee for review and
- 3.2 That the Joint Overview & Scrutiny Committee agree that the recommendations below are robust enough to ensure the continued improvement of the charged pre-application service:
- Embed a “right first time, on time” approach to pre-application advice offer through consistent use of Enterprise and 1-2-1s.
 - Establish management monitoring and intervention measures to ensure nil rate of refunds in the forthcoming year.
 - Review charging arrangements for site visit elements of pre-application advice services to better reflect time and resource costs.
 - Review pre-application charge exemptions or discounts for community groups or other organisations where relevant support is already being provided by the Councils.
 - Introduce cancellation administration charge where meetings are cancelled by the enquirer at short notice.
 - Repeat customer satisfaction survey mid-2019.
 - Review potential for and introduce as appropriate additional service offers and cost recovery associated with other internal stakeholders (including Housing Enabling, Communities, Public Realm, CIL, Planning Policy) with appropriate Service Level Agreements to underpin delivery.

REASON FOR DECISION

- 3.3 A review of the charged pre-application service introduced in July 2017 to establish any areas for improvement.

4. KEY INFORMATION

4.1 **[a] Whether there has been different take-up of different levels of service and charging? Whether our service experience is in line with other Councils including the actual income / predicted outturn.**

4.2 The charged pre-application advice service is offered, in summary, in either written form without a related meeting, in written form following a related meeting or in written form following an on-site meeting. The take up of service has differed between the two Councils and the 5 most popular service offers by % of total requests (01/07/17 to 30/6/18) were:

At Babergh:

1. Enquiry Listed Buildings (19.4%)
2. Enquiry Written Householder (15.8%)
3. Enquiry on site 1-9 dwellings (11.7%)
4. Enquiry Meeting 1-9 dwellings (11.4%)
5. Enquiry Written 1-9 dwellings (10.3%)

At Mid Suffolk:

1. Enquiry Meeting 1-9 dwellings (15.3%)
2. Enquiry Written Householder (15.0%)
3. Enquiry Written 1-9 dwellings (14.4%)
4. Enquiry Listed Buildings (12.3%)
5. Enquiry on site 1-9 dwellings (9.0%)

The volume of Major planning applications considered by the Councils are usually low in comparison.

4.3 It is clear that income generation has exceeded expectations. In the year prior to introducing the charged service there was an enquiry rate of approximately 2500 per annum in Mid Suffolk, and 2000 in Babergh serviced with free advice costing the Councils circa £45-£50k (MSDC) and £40-45k (BDC) without on costs. When assessing the predicted income for the pre-app service the experiences of other authorities were considered including the experiences with the down-turn in demand experienced on implementation of the service. As such a significant reduction in the number of enquiries was allowed for, resulting in a predicted combined income of approximately £60-80k per annum for the Districts.

4.4 Both Districts have experienced a sizeable reduction in the number of enquiries received, with 604 received from 1/7/17 to 30/6/18, compared to 4500 in the previous year. The outturn is still in excess of that expected, such that the income from this period was well in excess of prediction.

4.5 Given the differences in the approaches to charging between the Councils and other authorities comparisons must be weighed up carefully. Your officers consider that some comparison can be drawn between the Babergh and Mid Suffolk service and that offered by South Norfolk whose charges are not entirely dissimilar. Their projected income was £50k in year one, rising to just under £100k by year 4. At their 6 month review in 2015 South Norfolk found that their income was already nearly

£35,000 and that they had also experienced a greater level of demand for pre-application services than expected.

- 4.6 The actual income to the Councils, net of refunds, in the period 01/07/17 to 31/06/17 was £115586 (MSDC) before external recharges of £8936 to SCC (MSDC) and £97561 (BDC) before external recharges of £8886 to SCC. The underlying reason for this volume of take-up may be related to the position with 5 Year housing land supply as in both Councils over 30% of the activity related to proposals for 1-9 dwellings. In simple terms the sustained take-up of the service offer indicates that this is working well for us.
- 4.7 **To consider is the system working well for us? How is it working for other Councils (having regard to volume / income)?**
- 4.8 In considering whether the charged pre-application service is working well for the Council it is important to note that challenges to staff resourcing in the team have been a factor in consistency of quality and timeliness in service delivery. The service has balanced the need to meet CLG targets whilst delivering the charged pre-application service. That said the higher income is an indicator that the offer is being taken up as expected and to that extent is working well.
- 4.9 This is, however, dependent on the continued use of the service which may change subject to the 5 year housing land supply position, the emerging Local Plan, as well as any changes to the service and external factors, including the economy and impact of central Government directives.
- 4.10 There is limited information publicly available from other Councils as to the effectiveness and experience of their introduction of charged pre-application advice services. Other Councils pre-application services were reviewed as part of the development of our own pre-application service proposal prior to its inception. The other services of Districts in our locality had been implemented before the Planning Advisory Service (PAS) detailed further the expectations and parameters for pre-application services, which included calculations for determining the cost of providing advice.
- 4.11 For these reasons there are some significant differences in services and charging for pre-application advice between our service and that of others. By way of an example Ipswich charges 10% of the application fee for the relevant proposal, having implemented their charged service prior to the guidance, so that a householder proposal which would cost £206 at application stage would cost £20.60 plus VAT for pre-application advice.
- 4.12 In summary many councils offer a written only response, others also offer the choice of written, meeting or on-site meeting similar to our own. It is uncommon, however, to find a comprehensive response offer incorporating Heritage, Highways, Floods, Ecology and Landscaping advice elements. Each of these “add-on” services has had enquiries through the first year of our pre-application service, with 110 involving Heritage, 120 Highways, 21 Landscaping, 18 Flood and Water, and 12 for Ecology (one or more of these consultees can be involved with any enquiry depending on the scale and impacts of the proposal).
- 4.13 These guaranteed “add-on” elements may well be a factor in attracting users to take pre-application advice rather simply lodge applications with or without their own

professional advice. Experience indicates that these elements do help to “de-risk” a proposal for applicants. Overall it appears that our experience of establishing and delivering a charged pre-application service has been positive and in line with other Councils.

- 4.14 Given the variety of other services and the impact of PAS guidance clearly there is difference in the services available, however given the uptake of our service and the requests for consultee input within this it is considered that this is something that is in demand, and indeed we currently have requests to consider including further consultees in order to further widen the advice we give. The inclusion of advice from either internal or external consultees is not the norm for other Council’s pre-app services, however we have experienced good take-up of this offer and the desire of other departments to be included.
- 4.15 **[b] To review the quality of user experience. In particular to review the quality of professional advice given and any difference between advice provided on site or in writing.**
- 4.16 In order to gauge the experience of users a survey was conducted in May 2018. The results of this have been shared with Committee and the Client Side Panel and are appended to this report.
- 4.17 Of the 67 responses received 62% of respondents rated the quality of service higher than 6/10. Quality was specifically mentioned by 6 respondents as the most important thing we could improve. Consistency is relevant to quality and this was specifically mentioned by 8 respondents as the most important thing we could improve. Timeliness can also be a measure of overall quality and this was specifically mentioned by 15 respondents as the most important thing to improve upon.
- 4.18 In simple terms quality of advice can also be measured by the correlation between pre-application advice and application outcome. In this respect a summary of the expected outcome of an application is recorded in the planning database when pre-application advice is given. This can then be matched against the outcome of the subsequent application. From a randomly selected sample of enquiries since the inception of the charged pre-app service which have had applications, the outcomes of planning applications were as recommended in 83% of cases for BDC and 94% of cases for MSDC.
- 4.19 It is also possible to measure the rate at which applications are the subject of a re-submission application claiming a fee exemption due to the re-submission and in cases where pre-application advice was provided. There is not an absolute correlation between re-submission and quality of pre-application advice and this is being investigated, a verbal update will be provided at the meeting.
- 4.20 As is noted elsewhere the provision of late advice entitles the enquirer to a refund of the fee paid. At Babergh refunds of £1548 were made for late advice. At Mid Suffolk £3175 was refunded for late advice.
- 4.21 **[c] Investigate evidence from witnesses. To investigate evidence of witness(es) from SCC Highways and from professional repeat users.**
- 4.22 Witnesses colleagues from Suffolk County Council highway authority team are making themselves to attend Committee. The Development Management service

have also invited professional users who participate in the Client Side Panel liaison meeting to attend. Two professional users James Tanner of Hollins Architects and Philip Cobbold of Phil Cobbold Planning Ltd have indicated their willingness to attend Committee and give evidence.

- 4.23 **[d] Review operational aspects including continuity of officer input – consistency of professional advice, arrangements for mentoring and opportunities for professional career development of staff arising from involvement in pre-application advice provision. To review arrangements for advice checking & safeguarding the quality of advice.**
- 4.24 It is acknowledged that the turnover in staff during the year has challenged an ability to deliver continuity and quality of pre-application advice. Planning case work of both applications and pre-application advice requests has had to be re-allocated as resources dictate and this has led to some lack of continuity and anecdotal lack of consistency reported by users.
- 4.25 The challenges upon staff resources in the Development Management team have had consequences for the continuity of pre-application enquiry handling as team leaders have, over time, sought to maintain balance in the whole caseloads of their teams. The practical effect of this has been pre-application case re-allocation.
- 4.26 As first designed the intention was that officers' pre-application advice would be mentored and coached by their team Principal Officer or Area Manager and subsequently checked and signed off by an Area Manager before despatch. This allows the team to provide mentoring and development for staff within the process, whilst also looking to deliver consistent advice of the quality expected by customers.
- 4.27 In order to promote continuity and consistency of approach it is desirable to ensure that applications are handled by the case officer who has provided pre-application advice. This should be more efficient as the case officer will be most familiar with the matter, already aware of the relevant policies and considerations and aware of the advice provided. This can be a tension when the case officer already has a high caseload or is unable to deliver the advice balanced with other work commitments. In those circumstances the re-allocation of the case can be expected to reduce efficiency, but is undertaken to try and deal with both applications and enquiries in a balanced and timely way.
- 4.28 The new uniform software system allows early identification of the pre-application case officer when an application is received which enables team leaders to allocate cases to those who dealt with pre-application enquiries where possible. This is intended to support the continuity of advice and make best use of time to help enable us to deliver planning applications within the statutory time periods.
- 4.29 **[e] The timeliness of pre-application advice**
- 4.30 As part of the service offer guaranteed response deadlines were proposed, namely to offer responses in 14 or 21 days (subject to the type and size of proposal). In the largest of cases a bespoke timetable is offered. This compares favourably with other Districts, with other authorities offering 21 or 28 day response times (Ipswich and East Suffolk respectively), whilst Fenland and Peterborough offer 42 days for major applications but without the guaranteed add-on advice elements from SCC and others mentioned above.

- 4.31 For MSDC 332 enquiries were received within the first year of the service and 73% of these were dealt with inside the expected deadline. For BDC 272 enquiries were received and 72% were dealt with inside the expected deadline.
- 4.32 In comparison, from figures available online, Fenland issued 75% in time in 2016/17 and 57% in 2017/18, and Peterborough issued 90% in time in 2016/17 and 81% in time in 2017/18. It should be noted that Fenland and Peterborough dealt with an average of 170 enquiries per annum in that two year period.
- 4.33 Having regard to the volume of enquiries we received and advice we issued our performance is easily comparable with that offered in other districts. Nevertheless it is recognised that this is an additional paid-for service being offered and that a business-like approach warrants delivery of service to the promised timetable. The ongoing monitoring by Area Managers and support of delivering advice in time is a matter of importance. As our recruitment introduces new staff resources it is expected that this will help build both robust capacity and professional experience in the team. Furthermore the introduction of Enterprise to provide “dashboard” performance monitoring is expected to help staff manage and deliver pre-application advice in an increasingly effective and timely way.
- 4.34 It remains the case that pre-application advice work will have to be balanced with the determination of applications but the service aspires to deliver “right first time” pre-application advice which should help reduce avoidable work in the system.
- 4.35 Clearly the implementation of the service has reduced the number of enquiries received, with officers no longer needing to spend extended periods of time as a duty officer as well to offer an overall benefit in this respect. Overall whilst the pre-apps take slightly longer the reduction in enquiries, combined with the enhanced level of advice being offered results in a better service for our customers. This also allows officers a greater chance to provide a thorough assessment of a proposal and to provide formal advice based on detailed plans, all of which is recorded and available during any subsequent application, making the application process more straightforward as well.
- 4.36 One key concern with regards to resource efficiency is the time now being spent on site visits in more straightforward Minor cases, which were somewhat less available previously. The mid-level officer time being spent on these is a noticeable element of some DM planning officers working week and the added value of a site visit to both enquirer and to planning authority is open to question. Experience suggests that these could often very easily be addressed without a site visit and that the additional time and resource costs of this needs to be better reflected in the price charged.

5. LINKS TO JOINT STRATEGIC PLAN

5.1 This report is most closely links with the following key outcomes:

- Housing delivery – More of the right type of homes, of the right tenure in the right place,
- Business growth and increased productivity – Encourage development of employment sites and other business growth, of the right type, in the right place and encourage investment in skills and innovation in order to increase productivity,

- An enabled and efficient organisation – The right people, doing the right things, in the right way, at the right time, for the right reasons

6. FINANCIAL IMPLICATIONS

Revenue/Capital/ Expenditure/Income Item	Total	2017/18	2018/19	2019/20
Charged Pre-Application Advice Income BDC (Re-charges)		£97,561 (£8,886)	£80,000 (£12,000)	
Charged Pre-Application Advice Income MSDC (Re-charges)		£115,586 (£8,936)	£98,000 (£12,000)	
Net Effect		£195,325	£154,000	

7. LEGAL IMPLICATIONS

- 7.1 Section 93 of the Local Government Act 2003 introduced a discretionary provision which enabled LPAs to charge for pre-application advice but it was also clear that where charges were made they must seek to recover costs only. Authorities are not required to charge for these discretionary services and may provide them for free if they decide to do so, but the vast majority of local planning authorities do now charge for pre-application advice, including all of our neighbouring Suffolk authorities.
- 7.2 Planning Practice Guidance advised that charging should not unduly discourage appropriate pre-application discussions and that, in considering the introduction of a charging regime, LPAs should consider whether charging is appropriate in all cases, given the potential for pre-application engagement to save time and improve outcomes later in the process. LPAs were strongly encouraged to provide at least a basic level of service without a charge.
- 7.3 The Councils have continued to provide a free telephone service to answer or signpost enquirers with straightforward enquiries to online sources of advice including The Planning Portal website. Whilst some pre-application activity has reduced it is considered that the charged service does not on the evidence of use unduly discourage discussions and given level of take-up still offers the opportunity to save time and improve outcomes in the planning process.

8. RISK MANAGEMENT

- 8.1 This report is most closely linked with the Council's Corporate / Significant Business Risk No. 1b – We may be unable to meet housing needs in the District and 1c –We may be unable to deliver the right homes in the right locations.
- 8.2 Further key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
Usage of the charged pre-application service declines substantially.	2. Unlikely	1. Minimal	The process has been designed to provide added-value to customers and remains

<p>This will limit the fee income achieved by the service and may lead to an increased volume of applications submitted without the benefit of pre-application advice. If this happens there may be an increased number of refusals, fee exempt resubmissions and appeals with related cost and time burdens.</p>			<p>under operational review to ensure that the quality and timeliness of advice provided is beneficial and attractive to customers. Planning Performance Agreements are also available as an alternative if this is preferred by major customers.</p>
<p>The advice given fails to take account of or accurately assess potentially relevant considerations.</p> <p>This may lead to advice given being incomplete or inaccurate leading to an increased risk of refusals and appeals. Consequent risks include reputational damage and foreseeable complaints about service quality and value.</p>	<p>3.Probable</p>	<p>2. Noticeable</p>	<p>Officers giving advice will follow a template for the advice response. Draft advice will be mentored and screened by more senior officers throughout the process.</p> <p>Training for the team at the inception of the service will be given and the importance of addressing all relevant considerations highlighted. Refresher training will also be programmed.</p>
<p>Relevant professional or technical advice is not obtained in appropriate time to inform the pre-application advice given.</p> <p>This may lead to advice given being incomplete or inaccurate leading to an increased risk of refusals and appeals. Consequent risks include reputational damage and foreseeable complaints about service quality and value.</p>	<p>3.Probable</p>	<p>2.Noticeable</p>	<p>A Service Level Agreement (SLA) exists with Suffolk County Council to safeguard the delivery of pre-application advice in matters that they would usually advise upon (Highways, Sustainable Drainage, Education & other County delivered infrastructure).</p> <p>A Service Level Agreement has been concluded with Place Services (Essex County Council) to safeguard the delivery of pre-</p>

			<p>application advice in relation to landscaping, ecological, heritage and urban design matters.</p> <p>An internal Service Level Agreement has been concluded with BMSDC Heritage team to safeguard the delivery of pre-application advice in relation to heritage matters. Where appropriate other SLA's will be considered as need be.</p> <p>Performance against these SLA is actively monitored by both parties.</p>
<p>The advice given is not consistent with the outcome of the application by reason of case officer differences of opinion with officer exercising delegated authority. This may lead to an increased volume of refusals and appeals together with an increase in foreseeable complaints about service quality and value.</p>	3.Probable	2.Noticeable	<p>The Development Management leadership team including Area Planning and Strategic Planning Managers and Principal Planning Officers oversee and monitor consistency of advice and identify potential areas of professional difference over the interpretation of policy and weight to be attached to considerations.</p> <p>Training for the team has been given and the importance of consistency and reporting potential differences highlighted.</p>
<p>The decision reached is not consistent with the officer pre-application advice given by reason of committee overturn of officer recommendation.</p>	3. Probable	2.Noticeable	<p>Member training has been and will continue to be given to highlight and discuss the importance of consistency in the evaluation and weighing</p>

<p>This may limit the continued use of the charged service and an increased volume of applications unsupported by officer pre-application discussion.</p> <p>Foreseeably a greater number of cases will be reported to committee where there is a difference of view between Councillor and Officer.</p> <p>The credibility and reputation of the charged service will be undermined.</p>			<p>planning policies and material considerations.</p>
<p>That optimum pre-application service use and income is not achieved because professional agents limit their use of the pre-application service in preference to Councillor lobbying to reach their clients preferred outcomes through committee overturn of officer recommendation.</p>	<p>3.Probable</p>	<p>2.Noticeable</p>	<p>Member training has been and will be given to highlight and discuss the consequence of rejecting officer recommendations on a regular or foreseeable basis either by Ward or type of application.</p> <p>Officers will monitor the frequency of committee overturns and register any evident risks that it is appropriate to record in the Risk Register.</p>
<p>The advice fails to identify risks within the decision making process e.g Member call-in. This presents a risk to the credibility and reputation of the charged service</p>	<p>3.Probable</p>	<p>1.Minimal</p>	<p>The advice template will require officers to specifically evaluate decision making risks and to assess these on a case by case basis for enquirers.</p> <p>Advice will be given without prejudice in the usual way and proper risk assessment will build customer confidence.</p>

<p>The pre-application service as delivered does not safeguard the open for business reputation of the Council. This could undermine the reputation of the Council and risk the credibility of the economic development offer to the business community and development industry.</p>	<p>2.Probable</p>	<p>2.Noticeable</p>	<p>The Development Management leadership team including Area Planning & Strategic Planning Managers and Principal Planning Officers will oversee and monitor the delivery of the pre-application service for quality and training purposes in consultation with stakeholders and customer groups. Where appropriate training, support and professional development measures will be implemented.</p>
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9. CONSULTATIONS

- 9.1 Since the inception of the charged service Officers have undertaken iterative discussions with stakeholder teams to monitor the delivery of the service and identify issues. This has indicated through discussion with the Communities team that it is appropriate to consider widening the scope of pre-application exemptions for community groups and others where the Council is providing grant funding or other support to those groups. This will ensure a more joined-up approach to Council services. Discussions with other internal teams including Housing Enabling and Public Realm indicate that there is an opportunity, with appropriate service level agreements in place, to improve the service offer and include those elements as chargeable so as to recover their service costs.
- 9.2 An online survey of charged pre-application users was undertaken in May 2018. The results of this survey have been shared and discussed with the Councils Client Side Panel which includes professional planning consultants, architects and other related professionals.
- 9.3 The results of the survey have also been shared with internal stakeholders and with external stakeholders including Suffolk County Council Highways and Flood & Surface Water Management teams.

10. EQUALITY ANALYSIS

10.1



Equality Impact Assessment (EIA) not required. There are no immediate equality and diversity issues arising from this report. The charged pre-application service has a positive impact in that it includes charging exemptions for enquiries relating to proposals to alter or extend a house for the benefit of a registered disabled person

and those to provide a means of access for disabled persons to buildings to which members of the public are admitted.

11. ENVIRONMENTAL IMPLICATIONS

- 11.1 The provision of a charged pre-application service has a positive impact in that it can ensure that development proposals are appropriately screened and evaluated at an early stage so as to safeguard environmental considerations which might otherwise be adversely affected.

12. APPENDICES

Title	Location
(a) Pre-App Charging Schedule	https://www.midsuffolk.gov.uk/assets/DM-Planning-Uploads/Fees-for-pre-app-web-version2.pdf Attached
(b) Pre-App Enquiry Forms	https://www.midsuffolk.gov.uk/planning/development-management/pre-application-advice/pre-application-service-from-july-2017/ Attached
(c) Pre-App Survey	 Pre-App Survey FINAL 310518.pdf Attached
(d) Pre-App Presentation Survey	 Pre-App Survey Presentation.pdf Attached

13. BACKGROUND DOCUMENTS

Fenland Cabinet Report	http://www.fenland.gov.uk/aksfenland/images/att7104.pdf
South Norfolk Cabinet Reports	8/12/2014 https://www.south-norfolk.gov.uk/sites/default/files/cab2014-12-08-agenda.pdf 25/7/2015 https://www.south-norfolk.gov.uk/sites/default/files/cab2015-07-20-agenda.pdf

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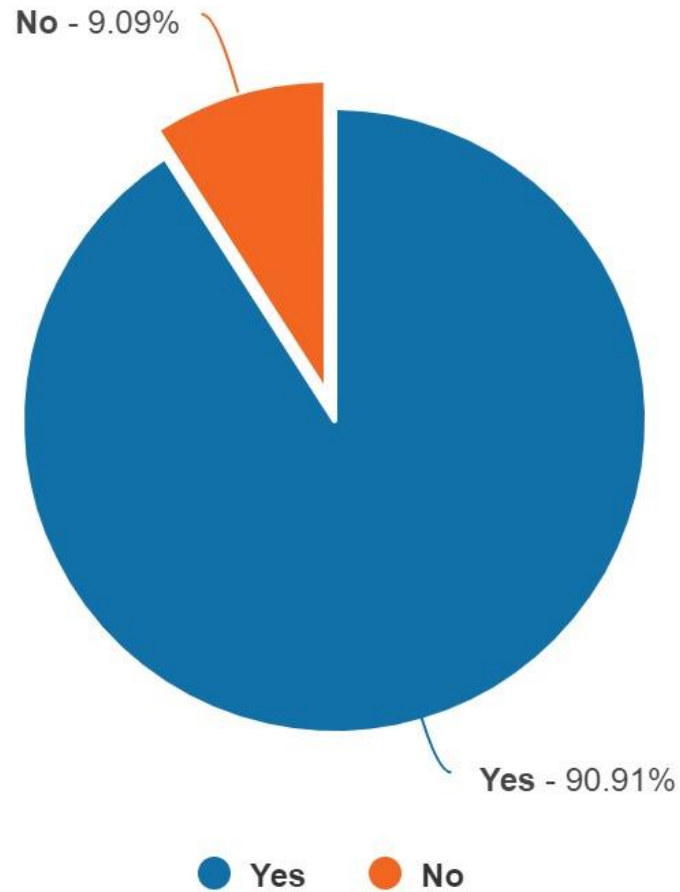
Pre-Application Survey – Analysis & Review

2021/2022

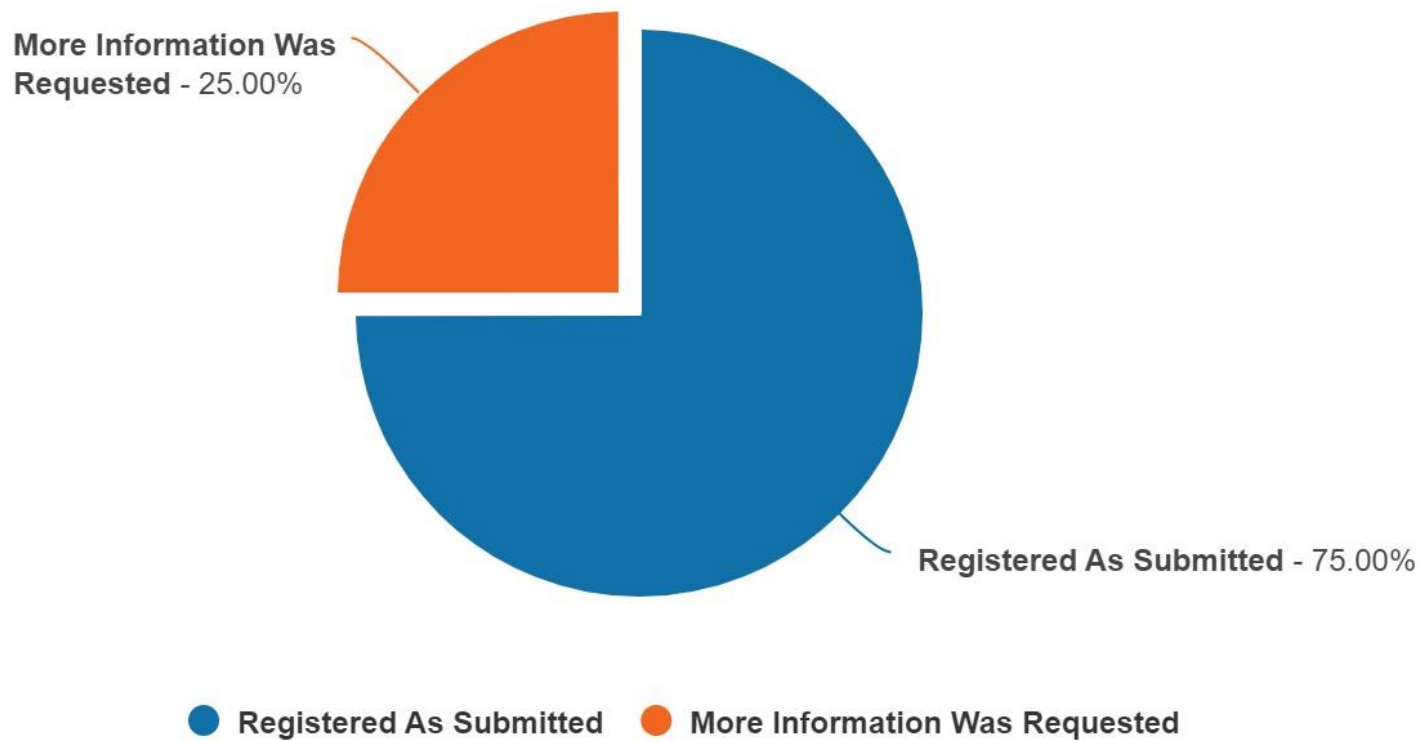


- **This survey was conducted to assist with the ongoing improvement of our planning pre-application advice service and follows the 2021 survey.**
- **All responses were anonymous and no personally identifiable information was collected.**
- **Survey was sent to 767 customers who had used our planning pre-application service in the period 01 April 2021 to 31 March 2022.**
- **There were 44 responses in total (5.7%)**

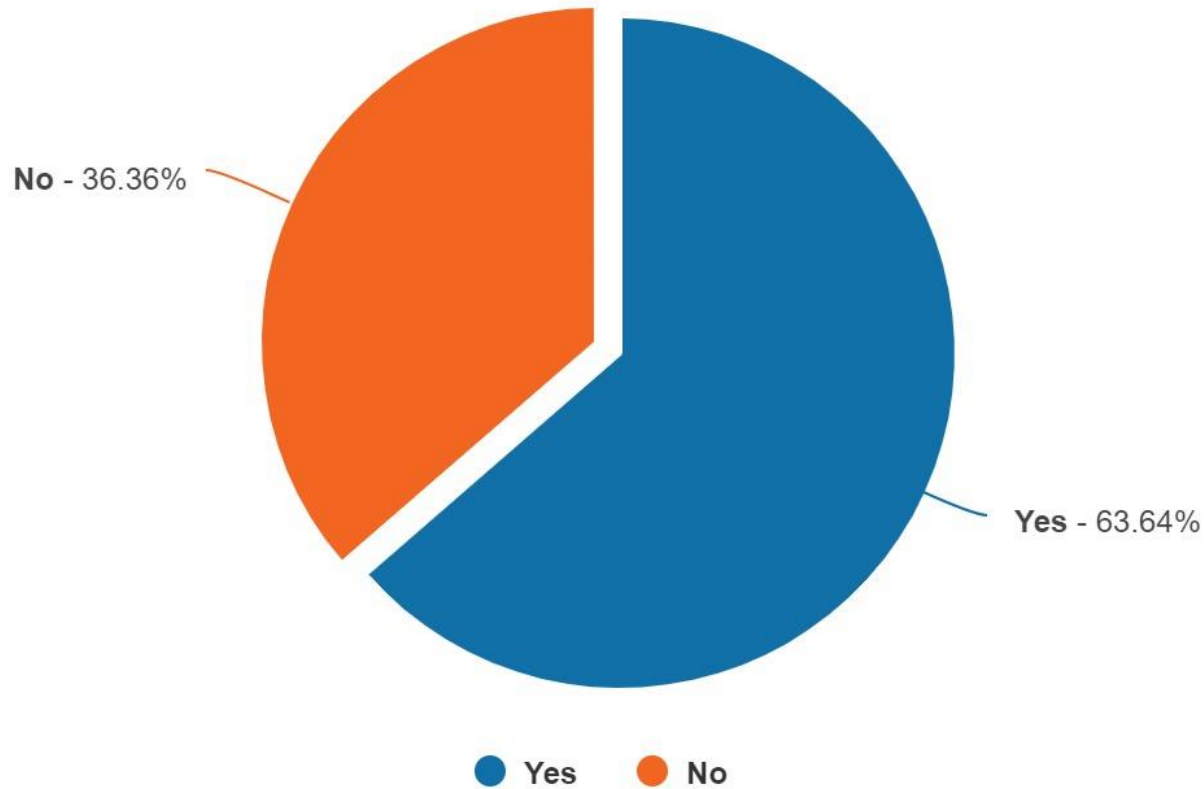
Q4. Was your pre-application enquiry registered in good time?



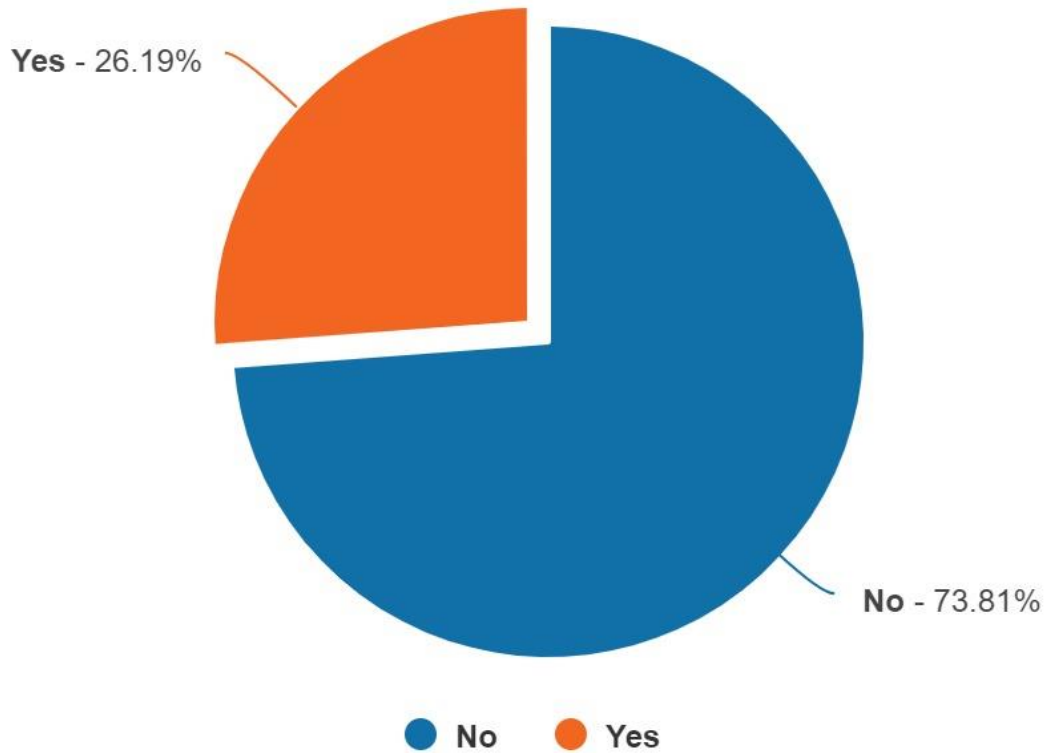
Q5. Was your enquiry registered as submitted, or did we request more information?



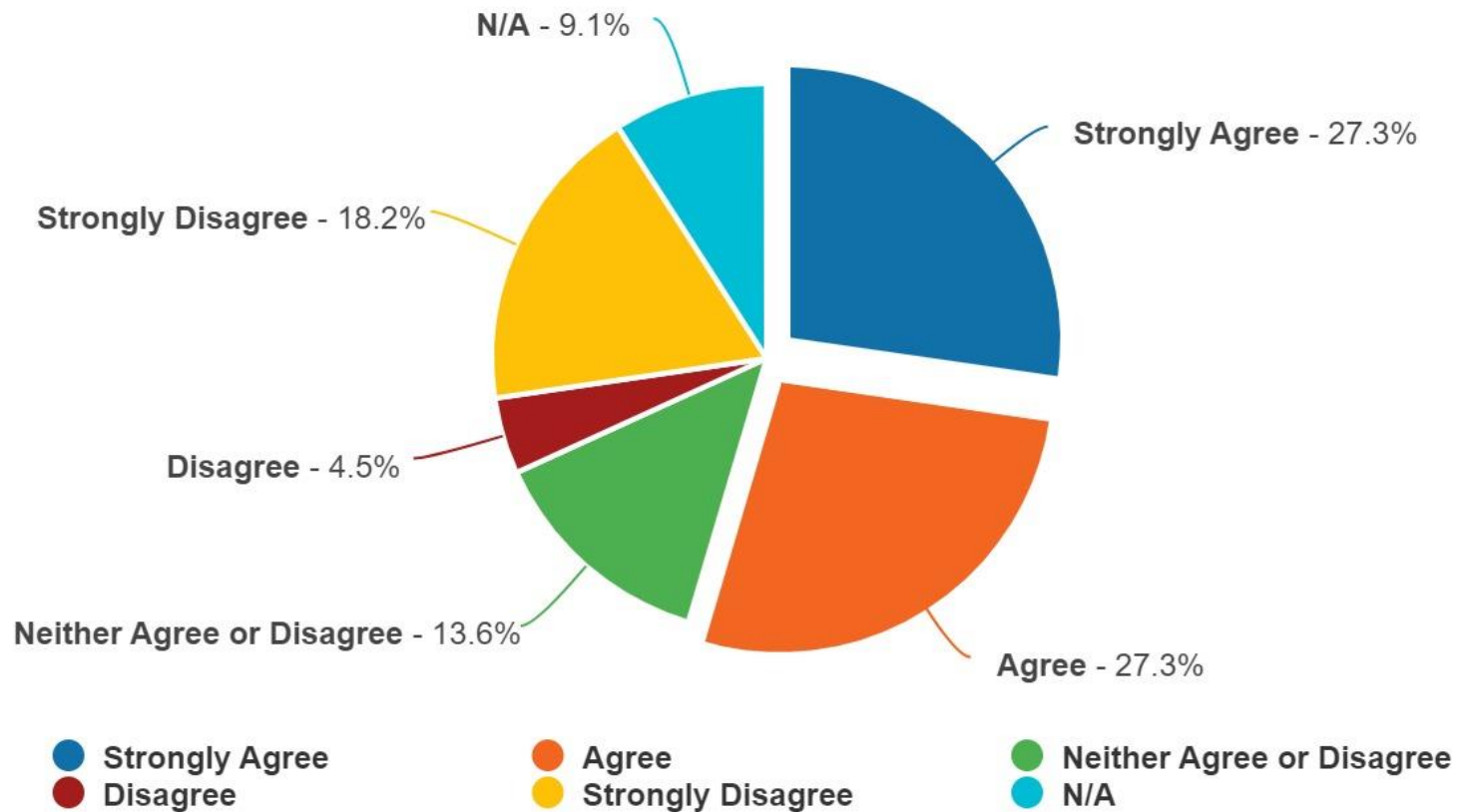
Q6a. Have you now submitted a planning application following our provision of pre-application advice?



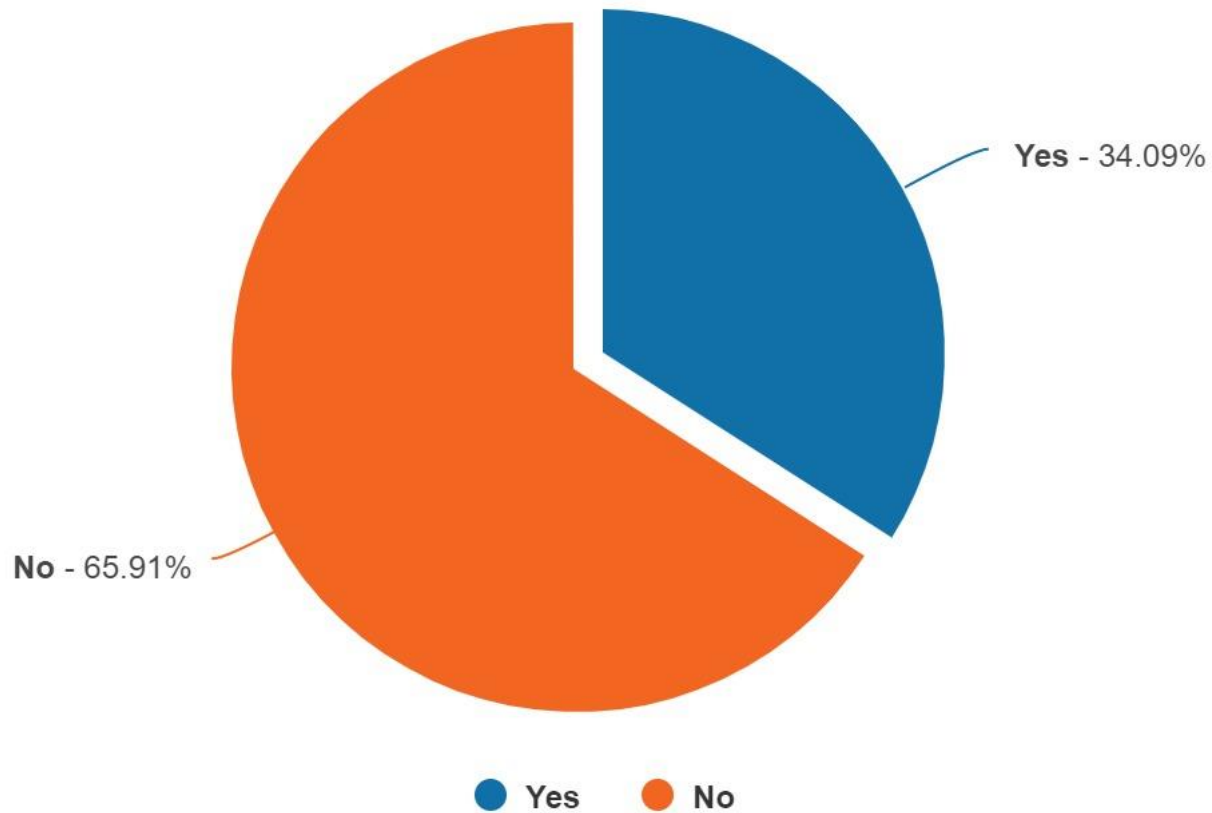
Q6c. Were you asked to amend your application after you applied for permission? If so was this consistent with the pre-app advice you received? Please use the comments box below.



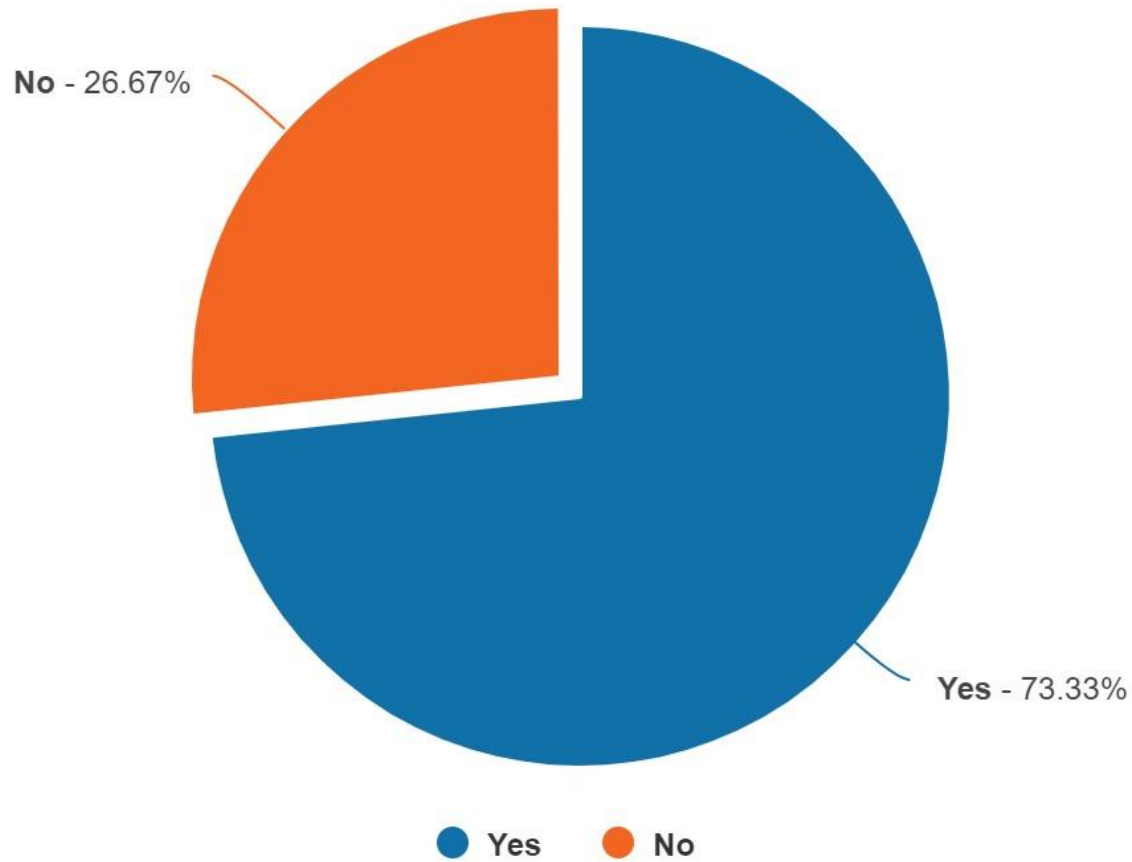
Q7. In relation to our overall service did our pre-application advice help you when you submitted your planning application?



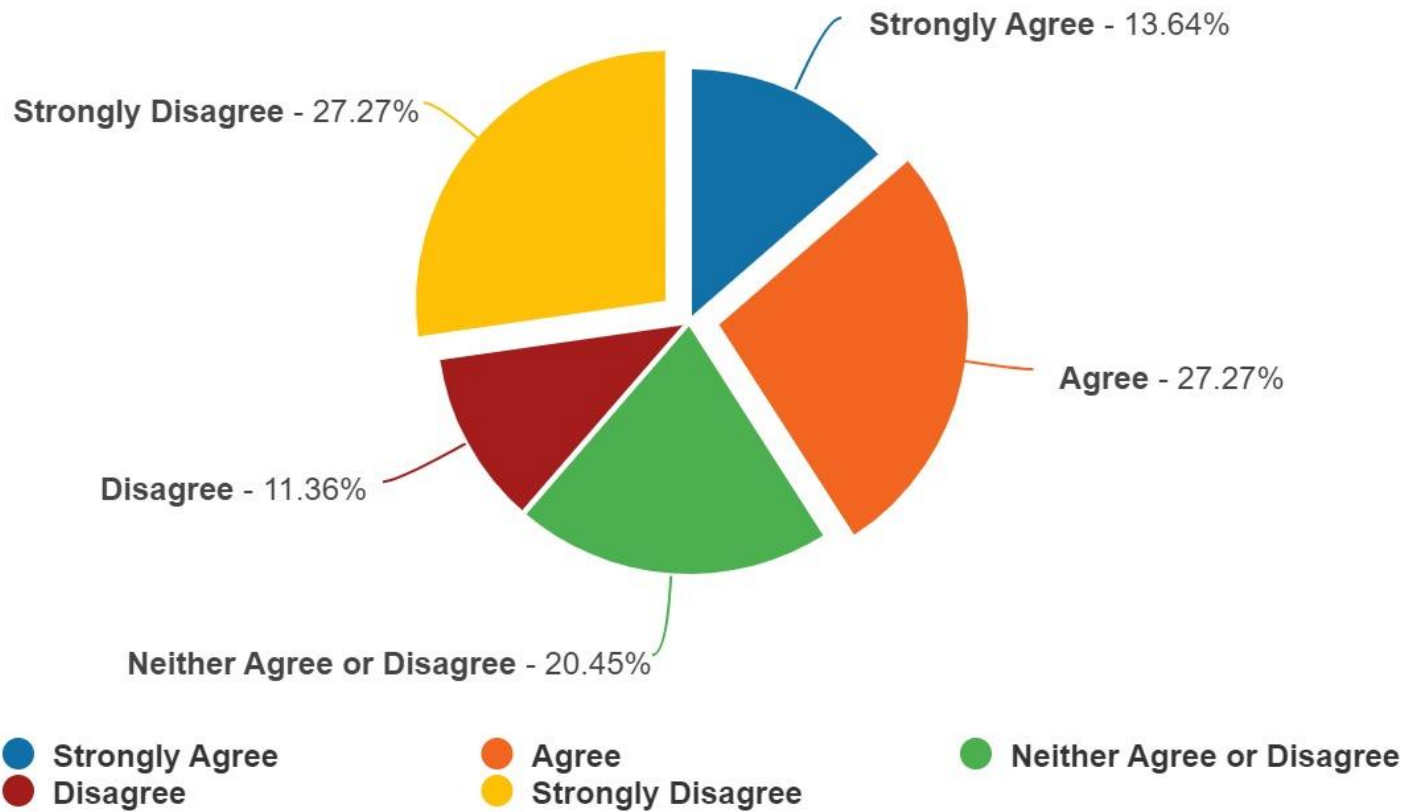
Q8. In relation to our overall service did we ask you to modify your proposal?



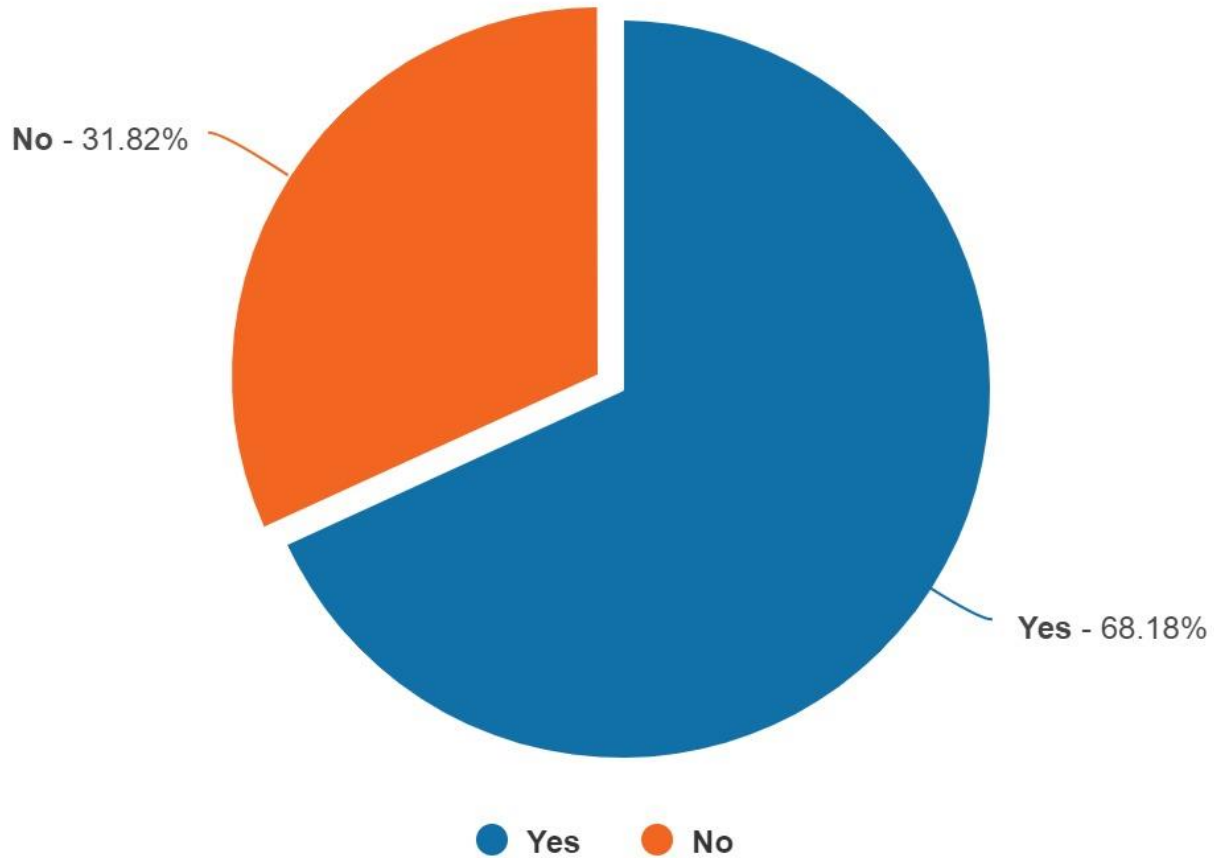
Q8a. Did you understand the reasons for the advice we gave?



Q9. Do you think that the overall advice you received represented good value for money?

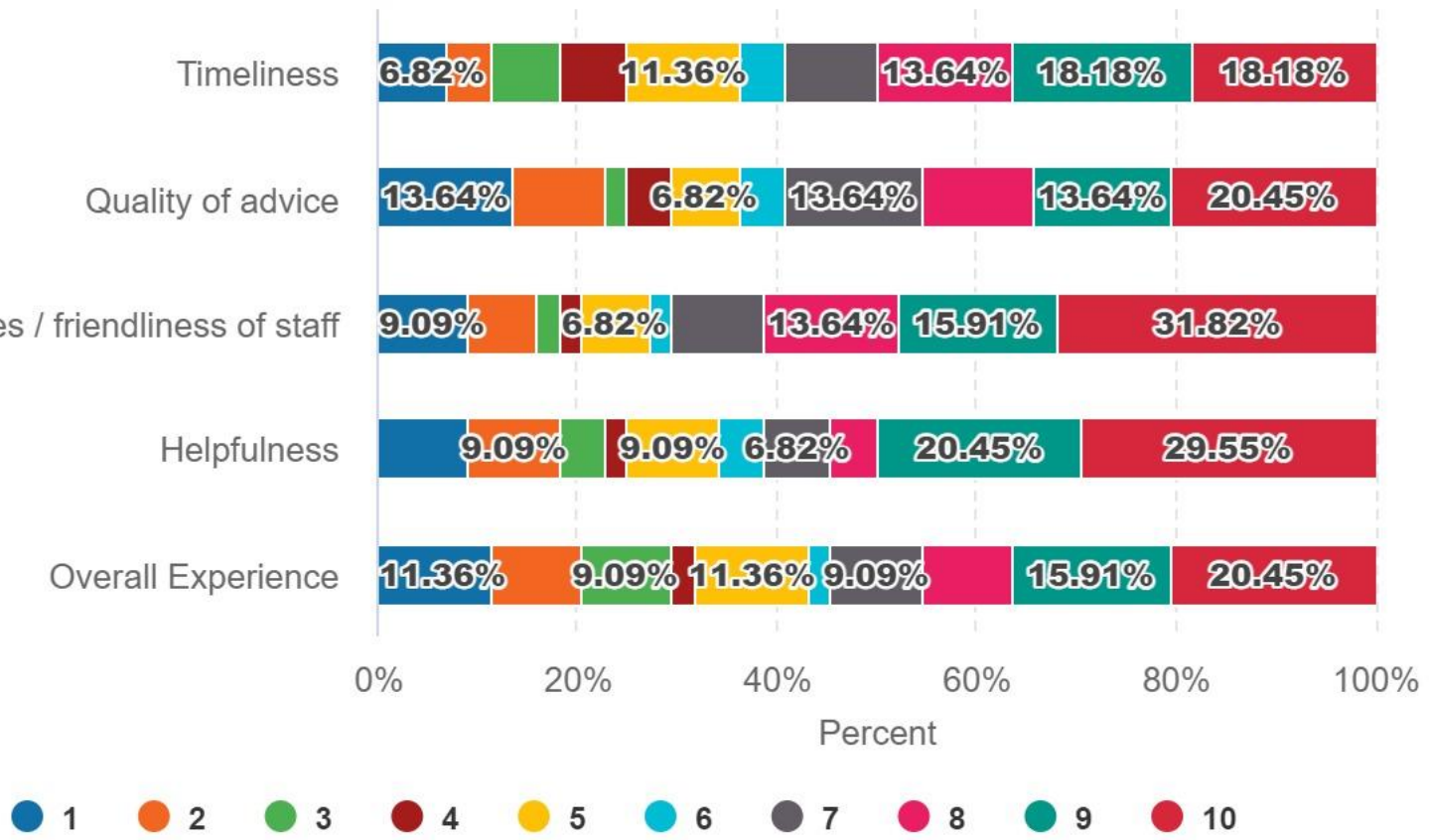


Q15. Overall would you use our pre-app service again?



Q16. Overall how would you rate our service? 10 being the highest rating, 1 the lowest.

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- Pre-app is pretty much essential despite the quality of the service not necessarily offering good value for money due to inconsistent advice.
- Very informative
- Good value for money depends on how controversial the project and the quality of pre-app advice. We make a judgment on whether to bother with the pre-application process depending on the project. .
- I would but only because it is 'advisable' and as agents our hands are tied and we are forced to recommend the service to our customers. But I really don't think pre-apps are helpful. Being able to actually talk to a planner on the phone like we used to was much more efficient and useful.
- To be honest, BMSDC Planning & Heritage do it pretty well, there is a good attitude of how can we collectively deliver a service for the applicants, which is great and as long as this remains I will always give positive feedback.
- Could definitely speed up response time.
- Planning officer was never available and never returned my calls
- Consistency between advice given at Pre- Application and after formal submission always seems to differ.
- Good "Value for money"? on balance, yes but greater clarity would be expected



- That whoever provides the pre-app advice is the same person that deals with the subsequent application and is consistent with their views. There is nothing more important.
- Quality of staff - critically the ability to use discretion/ common sense.
- The “front” office personnel were very helpful, felt very sorry for them having to be the first and only point of call, while the planning officer was always otherwise busy
- Better appreciation of general considerations without narrow focus. Better support in moving application forward by assisting with suggestions to make application acceptable.
- Explain the response. simply stating something is not helpful.
- Fast track planning process if pre-app advice obtained and complied with
- Clear explanations about what is available, what it is suitable for and the costs involved. The implications of getting things wrong.
- Speed of response

Previous Survey Comparisons



6 key points from previous surveys (comparing 2018, 2019, 2020, 2021 and 2022):

“Helpfulness” rating of our pre-app service – for ratings between 8 and 10 (10 being the highest):

- 2018 – 51.3%
- 2019 – 52.9%
- 2020 – 59.7%
- 2021 – 56.7%
- 2022 – 54.5%

Looking at the advice being “Good value for money” (rating Strongly Agree or Agree):

- 2018 – 40.3%
- 2019 – 44.3%
- 2020 – 44.4%
- 2021 – 46.7%
- 2022 – 40.9%

Looking at Heritage being “good value for money” (rating Strongly Agree or Agree):

- 2018 – 73.3%
- 2019 – 43.8%
- 2020 – 65.4%
- 2021 – 68.4%
- 2022 – 50.0%

Considering overall quality of advice ratings between 8 and 10 (10 being the highest):

- 2018 – 56.7%
- 2019 – 54.3%
- 2020 – 48.6%
- 2021 – 59.9%
- 2022 – 45.5%

Registration of pre-app enquiries in good time (rated “Yes”):

- 2018 – 85%
- 2019 – 90%
- 2020 – 91.7%
- 2021 – 95%
- 2022 – 90.9%

When asked whether pre-application advice would help when submitting a planning application (rating Strongly Agree or Agree):

- 2018 – 60%
- 2019 – 64%
- 2020 – 59.3%
- 2021 – 70.9%
- 2022 – 54.5%

End of survey 😊

Planning Pre-App Officer Survey Jan 2023




1. Page 1

1. What is your name?			Response Percent	Response Total
1	Open-Ended Question		100.00%	25
1	05/01/2023 14:31 PM ID: 207764398	██████████		
2	05/01/2023 14:35 PM ID: 207764912	██████████		
3	05/01/2023 15:09 PM ID: 207768537	██████████		
4	05/01/2023 15:59 PM ID: 207774303	██████████████		
5	09/01/2023 10:24 AM ID: 208000860	██████████		
6	09/01/2023 13:41 PM ID: 208020120	██████████		
7	09/01/2023 19:04 PM ID: 208052887	██████████		
8	11/01/2023 15:34 PM ID: 208217625	██████████		
9	13/01/2023 13:07 PM ID: 208387482	██████████		
10	13/01/2023 16:36 PM ID: 208405742	██████████		
11	13/01/2023 17:51 PM ID: 208411273	██████████		
12	17/01/2023 18:51 PM ID: 208733449	██████████		
13	17/01/2023 19:58 PM ID: 208737400	██████████		
14	18/01/2023 08:54 AM ID: 208758804	██████████		
15	18/01/2023 09:38 AM ID: 208763169	██████████		
16	18/01/2023 14:13 PM ID: 208794105	██████████		
17	18/01/2023 19:19 PM ID: 208827159	██████████		
18	19/01/2023 08:47 AM ID: 208857453	██████████		
19	19/01/2023 09:14 AM ID: 208859604	██████████		

1. What is your name?

20	19/01/2023 09:24 AM ID: 208860493	██████████	
21	19/01/2023 09:32 AM ID: 208861240	██████████	
22	19/01/2023 10:08 AM ID: 208865061	██████████	
23	19/01/2023 10:10 AM ID: 208865179	██████	
24	19/01/2023 10:25 AM ID: 208866607	██████████	
25	20/01/2023 12:05 PM ID: 208978589	██████████	
		answered	25
		skipped	2

2. What Grade are you?

Answer Choices			Response Percent	Response Total
1	Grade 7/6		44.44%	12
2	Grade 5		25.93%	7
3	Grade 4		29.63%	8
			answered	27
			skipped	0

3. Thinking about pre-apps that you have been involved with recently: Does pre-app help lead to a better quality of subsequent formal application? If not, what reasoning appears to drive this?

Answer Choices			Response Percent	Response Total
1	Open-Ended Question		100.00%	27
1	05/01/2023 14:31 PM ID: 207764398	Yes - it allows for discussion with the applicant/agent to make the proposal much more acceptable.		
2	05/01/2023 14:35 PM ID: 207764912	Yes		
3	05/01/2023 14:48 PM ID: 207766382	Pre-app advice I think irons out major major issues with applications but a lot of people will stick with their idea on a whole and do not listen to the advice given. Issues still arise at application stage and the quality of the pre-app depends on the number of consultees paid for.		
4	05/01/2023 15:09 PM ID: 207768537	Generally speaking yes.		

3. Thinking about pre-apps that you have been involved with recently: Does pre-app help lead to a better quality of subsequent formal application? If not, what reasoning appears to drive this?

5	05/01/2023 15:55 PM ID: 207773931	No- either agents ignore the advice given (because they can get more money by taking it to appeal anyway) or the advice given by officers is not strong/ accurate enough. It is very difficult for officers to go back on any advice given regardless of its age, it seems to have caused more arguments with agents than in instances where no pre-application advice was sought which makes it easier for officers to be firm on. Very key things repeatedly get missed i.e. ecology and flood risk.
6	05/01/2023 15:59 PM ID: 207774303	I find that having a meeting at pre-application can be very helpful in explaining what might be expected as part of an application submission. If the applicant is informed of what is expected, and a discussion can take place, particularly with statutory consultees, it makes everything more simple and the submission tends to contain the relevant documentation, which means that the validation process is much quicker and we can just get on with it.
7	09/01/2023 10:24 AM ID: 208000860	It works well with individuals but with the agents it often feels like they are just going through the process and don't follow the advice just cherry pick bits out to make it sound positive
8	09/01/2023 13:41 PM ID: 208020120	Yes
9	09/01/2023 19:04 PM ID: 208052887	I consider Pre-app. helps with quality of submission but perhaps does not go far enough. Problems persist with validation and consultee responses following formal submission. Reason appears that insufficient consultees are consulted at pre-app. and less than adequate validation advice is given at pre-app. stage. Often applicants receive negative pre-app. and submit applications regardless.
10	11/01/2023 15:34 PM ID: 208217625	In my view, the pre-application stage can assist in identifying issues at an earlier point in the overall process. This has benefits for the quality the submission and avoids significant delay due to missing information etc.
11	13/01/2023 13:07 PM ID: 208387482	Not sure - applications aren't allocated to me. Also, better than what ? There are cases where an amendment is made in accordance with pre-app advice, or where the suite of application docs is complete in accordance with advice. But pre-app customers are self-selecting to a degree, and we shouldn't assume that the application quality results from the pre-app. In one recent instance the applicant seems to have fundamentally misunderstood, or possibly ignored, the pre-app advice. There were cost restraints to the proposal.
12	13/01/2023 16:36 PM ID: 208405742	In general, yes, as long as the applicant has an open mind and is not already fixed on doing something in one way only and are not willing to compromise, before they even get to pre-app. But that's more common where they don't do pre-app
13	13/01/2023 17:51 PM ID: 208411273	Usually, better or more complete information is provided in an application, following pre-app. However, this is not always the case. Often homeowners who deal with their own applications do not provide sufficient or quality information, regardless of pre-app advice. This is probably due to inexperience of the Planning system and cost. I spend quite a lot of time informally advising homeowners of the process they need to follow, or the detail of the information needed in an application, following advice already provided in a pre-app.
14	17/01/2023 18:51 PM ID: 208733449	It is hard to tell as I am not involved with the applications that result from the pre-app advice I give.
15	17/01/2023 19:58 PM ID: 208737400	In my view, pre-app improves quality of formal submission in terms of highlighting validation requirements, and early engagement by all parties encourages mutual respect and compromise, which is usually carried forward to application stage.
16	18/01/2023 08:54 AM ID: 208758804	Most of the time. Sometimes the agent/applicant dismisses our advice and submits details contrary to advice given. However when it works its really rewarding for all concerned.

3. Thinking about pre-apps that you have been involved with recently: Does pre-app help lead to a better quality of subsequent formal application? If not, what reasoning appears to drive this?

17	18/01/2023 09:38 AM ID: 208763169	Yes	
18	18/01/2023 14:13 PM ID: 208794105	Generally; however some applicants do balk at the submission of extra documents.	
19	18/01/2023 19:19 PM ID: 208827159	It can lead to better applications if the guidance is clear, and has been properly assessed, thinking ahead to what documentation etc might need to be submitted.	
20	19/01/2023 08:47 AM ID: 208857453	Yes, and NPPF 43 is clear that the right information is crucial to making good decisions. If applicants do not follow advice I surmise this is due to client direction.	
21	19/01/2023 09:14 AM ID: 208859604	Whilst pre-app does lead to amendments to the proposal that leads it to being more acceptable than previous versions, there does seem to be an assumption that if pre-app is conducted, then the app WILL be approved. But this is an evolving process, and I feel pre-app would be more useful if it was more of a dialogue, where applicants could revise plans a few times within the scope of the pre-app.	
22	19/01/2023 09:24 AM ID: 208860493	I think that in general the pre-app provides an improved quality of application. If this is not the case, it often seems that the pre-application comments have not been read in full by the applicant.	
23	19/01/2023 09:32 AM ID: 208861240	It depends on the applicant. Often, it does lead to positive changes where the LPA and consultees can agree that development could be supported on a site. Where we give negative advice it often only entrenches position of the applicant, or they consider that planning by appeal or winning round planning committee might offer an alternate route to planning permission. On the whole, with willing applicants and agents, even negative advice can be well received and bring about constructive improvement at application stage.	
24	19/01/2023 10:08 AM ID: 208865061	Yes in my opinion the advice given does help guide and form a better quality subsequent application.	
25	19/01/2023 10:10 AM ID: 208865179	I think it can, but often pre-application submissions lack information to allow Officers to give detailed advice. Agents don't always listen to the advice given. The time pressure on Officers can lead to rushed vague advice which offers the applicant no real guidance on improving their submission.	
26	19/01/2023 10:25 AM ID: 208866607	Yes	
27	20/01/2023 12:05 PM ID: 208978589	It absolutely makes a real difference with major proposals because it starts a meaningful dialogue that can result in further paid meetings or even a PPA. The pre-app that involves just a red line is less valuable other than it can at least help to rule out devt that is clearly unacceptable in principle. In terms of major pre-apps the first response/meeting is a springboard towards a collaborative approach. You can introduce significant changes prior to an application to enhance quality, encourage the applicant to go further in terms of green elements highlight the need for additional supporting documentation and highlight likely S106. The aim is to improve certainty for the applicant who in turn tends to be more open to enhancing quality in response as it enhances certainty if yo can say I will support the proposal of you do x, y and z	
		answered	27
		skipped	0

4. What could be done around validation to improve the response/quality of application?

Answer Choices			Response Percent	Response Total
1	Open-Ended Question		100.00%	27
1	05/01/2023 14:31 PM ID: 207764398	N/A		
2	05/01/2023 14:35 PM ID: 207764912	Things that seem to be missed often are FRAs and ecology so validation could check the validation items in the pre-app to check we have all the officer asked for.		
3	05/01/2023 14:48 PM ID: 207766382	Validation should be more strict on what they let through as valid applications. Specifically regarding ecology surveys and FRAs, apps are constantly let through without the right stuff for officers to then deal with.		
4	05/01/2023 15:09 PM ID: 207768537	<p>A lot.</p> <p>I have dealt with numerous pre-apps where the details provided are limited/poor quality, which therefore either results in the advice given being more limited or means more time spent having to do own research to provide a response which is 'value for money'. Also noted numerous typo's/errors with pre-app descriptions, poorly labelled documents in IDOX and the plans tab.</p> <p>I have also dealt with numerous pre-apps which I would not consider 'pre-apps', i.e. "do I need permission for an extension?" vs "what are the LPA's thoughts on an extension?" Customers (and Officers) understanding of 'what is pre-app' is important to ensure there is a level of expectation.</p> <p>Also had a few examples where a pre-app meeting has been arranged for a date I cannot make and therefore has to be re-scheduled, which I would consider unprofessional and wastes time. Communication between Officers when setting up meetings is key and would improve the service for all parties.</p>		
5	05/01/2023 15:55 PM ID: 207773931	<p>appropriate internal consultees consulted at time of validated- always miss Environmental Health colleagues, David Pizzey, Economic Development</p> <p>if only a red line is received our advice should be very basic and not attempt to make recommendations in other areas without seeing formal plans- would be better to heavily caveat the pre-app advice</p>		
6	05/01/2023 15:59 PM ID: 207774303	All pre-application enquiries should be accompanied with a red line site plan showing the location of the site in question and also some details of what the applicant is asking about. Sketches and photographs are very helpful, especially if it is a written response only.		
7	09/01/2023 10:24 AM ID: 208000860	Refuse to validate a pre-app for 1 dwelling + without a proposed layout plan, require any application which is in curtilage of a listed building to have heritage advice and any application 4+ dwellings to have highways advice and heritage advice if within setting of a listed building/con area. Without heritage/highways advice pre-app is generally difficult for this size of development.		
8	09/01/2023 13:41 PM ID: 208020120	<ul style="list-style-type: none"> - updated local validation list - planning application checklist for different application types - frequent correspondence between validation officer and Planning case officer - application check to be completed by the case officer within the timeframe - tracked by an expiry list (similar to the application expiry list produced by John Mawdsley) - example of plans that are acceptable (to be used as examples for agents/applicants) - applicants/agents will have one 'free go' to submit revise/additional plans at validation stage. If they are still unacceptable, the application would be withdrawn 		
9	09/01/2023 19:04 PM ID: 208052887	<p>Input from validation team at pre-app. stage.</p> <p>Chargeable validation check prior to formal submission of application.</p>		

4. What could be done around validation to improve the response/quality of application?

10	11/01/2023 15:34 PM ID: 208217625	The validation of applications should be linked closely to the LVL (updated as necessary) as well as the nationally requirements.
11	13/01/2023 13:07 PM ID: 208387482	In a perfect world, pre-app should simplify validation of a subsequent application. In responses I try to give specific advice on application documents, ie. on content as well as what documents.
12	13/01/2023 16:36 PM ID: 208405742	I can't think of anything
13	13/01/2023 17:51 PM ID: 208411273	I wonder if validation / officers could collate examples of 'good' applications, in terms of the information provided, which can be offered to applicants when they receive an invalid letter. I direct some people to the application search pages of the LPAs website to find previous examples of applications which reflect their proposals as a way of demonstrating what is needed, and finding agents who may be able to help, without recommending anyone.
14	17/01/2023 18:51 PM ID: 208733449	I am also an agent outside of my BMSDC work. Striking the balance between submitting enough information to enable officers to understand the proposal and limiting the amount of time (and client money) on preparation of the information is tricky. Pre-app should be just that; it is unreasonable to expect the same amount of information as would be required for a full application submission. It could be made clear that the detail of the advice given will depend on the amount of detail provided at pre-app stage.
15	17/01/2023 19:58 PM ID: 208737400	Validation could check the formal submission against the list of submission requirements given in the office pre-app response.
16	18/01/2023 08:54 AM ID: 208758804	More detail from the applicant/agent around exactly what they are asking us to advise on. Also a constraints map would be really useful.
17	18/01/2023 09:38 AM ID: 208763169	Request more information.
18	18/01/2023 14:13 PM ID: 208794105	With the new (upcoming) LVL, more will be required of the validation team. Therefore it is essential that the team is trained, informed and ready for this, including dispute resolution - too many agents do not respect and do not accept the judgement of the Validation team. This should ensure that applications are dealt with more smoothly.
19	18/01/2023 19:19 PM ID: 208827159	The description of the proposal should be recorded clearly and not necessarily as the application has submitted. Constraints maps could be provided for Case Officer.
20	19/01/2023 08:47 AM ID: 208857453	Engaging with the key issues rather than highlighting relevant policies. Being clear on the level of information required to support the particular proposal rather than just point to LVL; sometimes a degree of substance is needed to explain (which might overcome the client concern highlighted above).
21	19/01/2023 09:14 AM ID: 208859604	Some pre-apps come with no plans or questions, which can lead to a quite generalised report, which is less informative than a more specific pre-app that includes drawings, plans and elevations etc
22	19/01/2023 09:24 AM ID: 208860493	I am unsure.
23	19/01/2023 09:32 AM ID: 208861240	I am generally very happy with the validation work around pre-app submissions. There still seems to be a lack of understanding from applicants that a lack of information in their submission leads to a more restricted response, but agents tend to have a firm grasp on this and supply enough information to allow us to answer their main queries with regards to a site.
24	19/01/2023 10:08 AM ID: 208865061	The more information input on an application and documents received at outset would mean we can give better advice, important this is highlighted to the applicant. This would improve the quality and manage the expectation on a subsequent application.

4. What could be done around validation to improve the response/quality of application?

25	19/01/2023 10:10 AM ID: 208865179	An advisory note stating that the quality of advice will depend on the quality of the submission and more detailed plans leads to more detailed advice would be useful and would help manage customer expectations.	
26	19/01/2023 10:25 AM ID: 208866607	If the agent could submit photos - as we aren't required to make a site visit it is difficult to assess residential amenity without photos showing the site/ surrounding area	
27	20/01/2023 12:05 PM ID: 208978589	major pre-apps tend to be well supported	
		answered	27
		skipped	0

5. What could be done around the planning advice to improve the submission?

Answer Choices			Response Percent	Response Total
1	Open-Ended Question		100.00%	26
1	05/01/2023 14:31 PM ID: 207764398	Open a conversation with other departments to make it easier for consultees when the submission comes in.		
2	05/01/2023 14:35 PM ID: 207764912	Perhaps signposting good examples or better highlighting the risk of poor submission?		
3	05/01/2023 14:48 PM ID: 207766382	I think the advice given is enough, what they choose to do with it is their choice		
4	05/01/2023 15:09 PM ID: 207768537	Better understanding as to whether the proposal should be treated as a formal pre-application. If so, then sufficient information in order for the Officer to fully assess and consider the proposal in order to provide a clear, informed response.		
5	05/01/2023 15:55 PM ID: 207773931	All applications where pre-app has been had should go back to the person that gave the pre-app- this is where a lot of issues creep in because you are unfamiliar with discussions that have been had and how people approach things. If an officer messed the pre-app up they should have to sort it out. Better standard text included i.e. around ecology and flood risk. More general updates being sent to agents/ applicants on planning policy position changes would be helpful- if they've had pre-app but we then changed how we approach matters they ought to be told.		
6	05/01/2023 15:59 PM ID: 207774303	A clear list of what should be submitted with a pre-application enquiry could be displayed on our website but also a checklist added to the application form for the applicant to check off. We need to make sure that the applicant is doing the work in explaining what they, rather than us trying to interrogate them. It means that we can prepare for a meeting properly, especially if Neighbourhood Plans are involved, where we may not be completely up to speed with each policy.		
7	09/01/2023 10:24 AM ID: 208000860	Validation team to check what reports required within pre-application advice and ensure that these are included within the submission. Require submissions to include a report detailing the pre-app advice and if they have gone against this provide reasoning.		
8	09/01/2023 13:41 PM ID: 208020120	- specifically state which report/plan/detail is needed in an application - applicant to have informal discussion with the validation team/planning officer prior to submitting an application - training for validation and planning officers on what is needed for each type of application and how much detail		



5. What could be done around the planning advice to improve the submission?

9	09/01/2023 19:04 PM ID: 208052887	Greater input from consultees. Alternatives suggested should pre-app submission be unacceptable.
10	11/01/2023 15:34 PM ID: 208217625	Not sure what this question means. The pre-app report should provide a clear officer opinion on the success or otherwise of an application. It also contains a section that flags required submission information that may not be immediately apparent.
11	13/01/2023 13:07 PM ID: 208387482	We still get too many pre-apps accepted with minimal documents and drawings. We should be stricter about the content. People are trying to get a firm commitment without telling us what we are supposed to commit to. We could post examples on the website as minimum requirements.
12	13/01/2023 16:36 PM ID: 208405742	I can't think of anything
13	13/01/2023 17:51 PM ID: 208411273	The pre-app document could have links to examples or guidance documents - this could be our own on our website if we have them, or to external sources such as Historic England, SCC Archaeology, Natural England, SCC Highways, Building Control, etc. in order that they can self serve and find good resources, without our pre-app letter becoming ungainly.
14	17/01/2023 18:51 PM ID: 208733449	I do think continuity of officer between the pre-app and the application would help as the officer will have an understanding of the proposals from their previous involvement
15	17/01/2023 19:58 PM ID: 208737400	Pre-app advice could be more succinct and bespoke and also include a validation checklist for officers to tick those items that will be required for validation.
16	18/01/2023 09:38 AM ID: 208763169	More generalised advice to start with and then caveat that to receive more information,
17	18/01/2023 14:13 PM ID: 208794105	As per the above response, pre-application advice should be comprehensive in terms of instructing applicants of validation requirements.
18	18/01/2023 19:19 PM ID: 208827159	The response should be better geared to the applicant. Many Pre-apps are submitted without assistance from a Planning Agent. In such cases our response should not be overly technical or bogged down with details of housing land supply or whether policies are out of date etc. The response to a member of the public, who may not have planning experience, probably needs to be worded more simply than if to an agent.
19	19/01/2023 08:47 AM ID: 208857453	See above.
20	19/01/2023 09:14 AM ID: 208859604	I think perhaps, a lower level of pre-app that does not require a report, that invites officers out to site would be welcomed by some. If someone applies for a full pre-app advice, then a minimum of site photos and plans should be required to be submitted
21	19/01/2023 09:24 AM ID: 208860493	I am unsure.
22	19/01/2023 09:32 AM ID: 208861240	Not something regarding planning advice, but often officers give a list of items required at application validation which then doesn't translate into the supporting documents that come in with the application. It then creates a delay in the application and consultee response while we wait for those to be brought forward.
23	19/01/2023 10:08 AM ID: 208865061	Highlight concerns in our advice and explain why. If it is policy or another reason, if the applicant is aware, the majority of the time it should improve the subsequent submission.
24	19/01/2023 10:10 AM ID: 208865179	Not sure if this is aimed at pre-app or application submission. If Officers had more time they could offer better advice and improve application submissions all round.
25	19/01/2023 10:25 AM ID: 208866607	If we had more time to submit a report - if we have a high case load it can be difficult to find the time to assess the plans and draft a report.

5. What could be done around the planning advice to improve the submission?

26	20/01/2023 12:05 PM ID: 208978589	<p>training I have seen and been asked to sign off pre-apps of varying quality in terms of their use to the enquirer.</p> <p>The worst tend to just provide a screed of policy references and almost say work it out for yourself.</p> <p>The best provide a detailed analysis of the strengths of the proposal and the weaknesses and then go on to offer alternative solutions to mitigate adverse impacts. All too often we say "no! we don't like it" but do not say why and cannot offer solutions. A developer will usually respond well to constructive guidance.</p>
		answered 26
		skipped 1

6. Do you think the customer actually listens to the advice given? If not, what could be done to improve that communication with the customer? (Please comment below)

Answer Choices		Response Percent	Response Total
1	Yes		88.00% 22
2	No		12.00% 3
		answered	25
		skipped	2

Comments: (23)

1	05/01/2023 14:31 PM ID: 207764398	Sometimes they do. I think it would be helpful to always ensure that there is a way forward in the pre-app so they know exactly how to make it better, where applicable.
2	05/01/2023 14:35 PM ID: 207764912	Offer follow up call / email for any queries.
3	05/01/2023 15:09 PM ID: 207768537	Very dependent on the customer. Perhaps some standard text or emphasis within the Officers report if amendments are required for the proposal to be supported.
4	05/01/2023 15:55 PM ID: 207773931	<p>Far stronger messages need to be sent about following the advice.</p> <p>However equally officers then need to be able to follow the advice given earlier when determining the applications (for us to say it is not binding of the council's decision is a poor excuse to suddenly go against the advice given)- in these instances offering refunds would offer good customer service.</p>
5	05/01/2023 15:59 PM ID: 207774303	I think that being totally honest with applicants at pre-application is essential. Its important to say if you think a scheme is going to be acceptable or not. There may be ways of making it more acceptable and these should be explained at the early stages of pre-application. I often keep a pre-app open (with agreement to an extension of time) to allow for applicants to come back with further amendments - especially if there is an issue of Heritage harm that can be reduced. This works really well and negotiation at this stage often results in a much better application submission that will not raise objections from the consultees. Members of the Babergh Planning Committee always ask if an applicant has had pre-application advice and encourage that type of engagement with the planning team.
6	09/01/2023 10:24 AM ID: 208000860	See comments above. It would be useful if we could require a phone number for all enquiries as sometimes I find it necessary to speak to someone to explain what I've written or to give more informal advice.

6. Do you think the customer actually listens to the advice given? If not, what could be done to improve that communication with the customer? (Please comment below)

7	09/01/2023 19:04 PM ID: 208052887	Mostly yes but often: no. Every pre-app. should include some form of verbal discussion. Perhaps a 15 minute phone call to the applicant before submission of written response, if no meeting requested.
8	11/01/2023 15:34 PM ID: 208217625	I have chosen yes as, in the majority of instances, I'm sure that an applicant takes the advice into account if deciding whether to pursue an application submission. However, notwithstanding a negative pre-app response I have no doubt that a formal application will be submitted by some enquirers regardless.
9	13/01/2023 13:07 PM ID: 208387482	Instance referred to in 3 above where the agent / owner seemed to have fundamentally misunderstood the advice.
10	13/01/2023 16:36 PM ID: 208405742	On the whole yes, there are a few occasions where they do not (possibly because it was negative but they decide to try anyway), or they have not understood it. I think the main thing is to make it clear that once they receive the formal response this does not mean they have to now submit the application, they can come back for further advice first. And that this might not actually add time, over the alternative that the first full application has to be refused because it was not appropriate yet.
11	13/01/2023 17:51 PM ID: 208411273	Largely, advice is listened to, even if it's negative and the intention is to submit an Appeal later. But there are always circumstances when it is not, either because the applicant disagrees, or a pre-app is submitted too late in the process so that plans are not altered. Sometimes, pre-app feels like a tick box exercise before an application is submitted. I think our advice is clear and we explain where more information is needed to inform a decision. However, it could be made more explicit, in regard to 'in principle' advice, where no information is given at pre-app, that the thoroughness of advice is going to be limited. Sometimes the applicant is surprised when negative comments are returned on an application. This is because insufficient information was provided at pre-app to give clear or definitive advice. So it could be made clearer that the more information at pre-app that's given, the clearer the advice is likely to be. Also, reinforce the service of 'follow-up' advice as often plans change from pre-app, so the advice is likely to change, but no feedback has been sought before the application.
12	17/01/2023 18:51 PM ID: 208733449	I do not know - refer to answer to question 1
13	17/01/2023 19:58 PM ID: 208737400	Most listen but we could stress that if formal submission fails to take full account of pre-app advice the application is likely to fail. (as per website info).
14	18/01/2023 08:54 AM ID: 208758804	Most of the time I believe they do.
15	18/01/2023 09:38 AM ID: 208763169	To add the Planning Risk section right at the end of the pre-app, and emphasis that planning permission is unlikely if the officer's advice is not followed.
16	18/01/2023 14:13 PM ID: 208794105	Usually, but not always. Failure to provide background documents such as an Ecology survey (or a required secondary survey), does occur. In addition, advice that a house/houses will not be supported invariably leads to an application notwithstanding that advice.
17	18/01/2023 19:19 PM ID: 208827159	If it is clear. I have had to explain on some occasions what the advice is actually saying, in plain English. Our response needs to make sense.
18	19/01/2023 08:47 AM ID: 208857453	Agents listen, clients/applicants might not. This comes down to relationship with agents but they play their own role - some will manage clients appropriately, others will have a fight simply because they are instructed to.
19	19/01/2023 09:14 AM ID: 208859604	Whilst they do take on board the comments, most try to alter the scheme as little as possible, and may only implement one or two items. This also does not stop them applying in future to vary the plans, and then get an approval for the original scheme.

6. Do you think the customer actually listens to the advice given? If not, what could be done to improve that communication with the customer? (Please comment below)

20	19/01/2023 09:24 AM ID: 208860493	Generally, applicants pay attention to the pre-application advice.
21	19/01/2023 10:08 AM ID: 208865061	I haven't had a situation where this hasn't happened and do think they listen to the advice given.
22	19/01/2023 10:10 AM ID: 208865179	I think they often do and it puts a lot of pressure on Officers to follow that advice even where different Officers have different views (consistency of Officers can be an issue). They almost use the pre-app response as leverage, despite the fact the advice stipulates that it doesn't prejudice an application. Where they don't listen it is usually because they disagree with our advice or they are getting pressure from their clients.
23	20/01/2023 12:05 PM ID: 208978589	If the advice is well considered and comprehensive and includes constructive feedback and advice on way forward.

7. Where pre-app advice has been provided do you find that helps reduce the need for negotiation or post-submission amendments?

Answer Choices			Response Percent	Response Total
1	Open-Ended Question		100.00%	27
1	05/01/2023 14:31 PM ID: 207764398	Yes		
2	05/01/2023 14:35 PM ID: 207764912	Yes		
3	05/01/2023 14:48 PM ID: 207766382	No, I think pre-app is purely a means to be able to extend an application if needed. If pre-app was sought, amendments that differ from that of the pre-app are often disputed referring to the previous advice given.		
4	05/01/2023 15:09 PM ID: 207768537	Often yes, however this again falls back to the level of advice provided at pre-app. If limited advice is given (due to the lack of information) then it's likely there may be some amendments required when considering the detail of the application. In addition, the consultation period often throws a few amendments.		
5	05/01/2023 15:55 PM ID: 207773931	No if anything it increases it- pre-app is just a way for agents to now ask for negotiations. The pre-app process seems to come somewhat too early for some applications so when they get submitted the final scheme includes far more information		
6	05/01/2023 15:59 PM ID: 207774303	Some details may still need to be ironed out during the application period but most of the main issues will have been dealt with prior to the application being submitted. Although this does depend on who the applicant paid for advice from during the pre-app. For example Heritage and Highways are the big ones that people do not want to pay for pre-app advice and then during the application run up against problems. Planning Officers need to make it clear in their responses that other consultees should also be involved if they feel there may be a problem.		
7	09/01/2023 10:24 AM ID: 208000860	No because if there has been pre-app then generally we try to negotiate whereas if there hasn't been we can refuse.		
8	09/01/2023 13:41 PM ID: 208020120	yes		
9	09/01/2023 19:04 PM ID: 208052887	Often not - due to lack of specialist consultation at pre-app. stage.		
10	11/01/2023 15:34 PM ID: 208217625	In the case of major proposals, pre-app generally reduces the need for amendments and negotiation. That said, it is not unknown for pre-app advice to be given and, for the most part, ignored at the submission stage - in which case you are virtually back to square one.		

7. Where pre-app advice has been provided do you find that helps reduce the need for negotiation or post-submission amendments?

11	13/01/2023 13:07 PM ID: 208387482	Difficult to say because the question is comparing people who submit pre-apps and people who don't. In my experience people who do are a self-selecting sample and would probably need less negotiation etc anyway. If there is a difficulty with pre-app it is that the people who most ought to do it choose not to, and do not see enough incentive or deterrent to make them. In terms of resources I sometimes feel frustrated that we spend time on proposals that don't need so much input, while ones that do don't get enough.
12	13/01/2023 16:36 PM ID: 208405742	On the whole yes, but it depends. Sometimes a proposal is not progressed far enough at pre-application stage before the full application is submitted, which means there can still be a long way to go before it is acceptable. E.g. they propose the principle of an extension at pre-application, and based on initial 'potentially acceptable in principal' comments, do not submit a design until the full application, which turns out to have many issues. Occasionally a pre-application does not involve a consultee who then requests amendments/further information at full application stage. Again, Ecology being an example (but I am not sure they do pre-app). We can raise the potential for this issue at pre-application, but some people won't do a report unless Ecology (for example) themselves confirm it is needed.
13	13/01/2023 17:51 PM ID: 208411273	Generally, there are smaller amendments needed in an application following pre-app. However, I do find that often the applicant requires lots of small discussions throughout the application in order to get it to an acceptable position, or to avoid conditions. They tend to expect a continuous dialogue throughout the process. This can take a lot of time, rather than simply refusing a scheme on clear grounds because of fundamental concerns.
14	17/01/2023 18:51 PM ID: 208733449	I refer to the answer to question 1
15	17/01/2023 19:58 PM ID: 208737400	Usually, yes.
16	18/01/2023 08:54 AM ID: 208758804	That depends on how much detail has been provided, sometimes all you get is a red line. I believe that it definitely helps reduce the need for further amendments however sometimes they are necessary to improve the submission, even simply a change to the materials etc.
17	18/01/2023 09:38 AM ID: 208763169	In some cases
18	18/01/2023 14:13 PM ID: 208794105	Overall yes. However, there are occasions where (due to the fact of pre-application) the applicant is given more chance to amend if the scheme is not quite right; so this does, perhaps, have the opposite effect to what was intended.
19	18/01/2023 19:19 PM ID: 208827159	Yes, if our advice has been given following a considered assessment.
20	19/01/2023 08:47 AM ID: 208857453	Yes, insofar as PPA experience.
21	19/01/2023 09:14 AM ID: 208859604	It depends on the level of information in the report, and whether the applicant has altered the scheme accordingly. Some instead provide justification for why they cannot complete the suggested changes.
22	19/01/2023 09:24 AM ID: 208860493	There is nearly always the need for some level of negotiation, however I think that the pre-app advice does reduce this substantially.
23	19/01/2023 09:32 AM ID: 208861240	It can do. Often there is still negotiation around other items which applicants/agents haven't had consultee advice on as part of the pre-application response. It would be useful if we could highlight these requirements early and bring them into the conversation, otherwise Officers are left to guess at our consultees requirements.
24	19/01/2023 10:08 AM ID: 208865061	In my opinion it does reduce the need for negotiation or post-submission amendments as any concerns on the initial scheme would be covered at the pre-app stage, the applicant would then be aware and familiar with key policy which

7. Where pre-app advice has been provided do you find that helps reduce the need for negotiation or post-submission amendments?

		relates to their application and can act upon that advice on the subsequent application.
25	19/01/2023 10:10 AM ID: 208865179	Not necessarily. It depends how closely they've followed your advice. Likewise, I find it very difficult to predict/advise what consultees might request (i.e. a noise assessment) and this often trips up applications and results in delays.
26	19/01/2023 10:25 AM ID: 208866607	Most of the time
27	20/01/2023 12:05 PM ID: 208978589	yes if you take your time to do a thorough job
		answered 27
		skipped 0





8. Where post-submission amendments are needed were these foreseeable when pre-app advice was given?

Answer Choices			Response Percent	Response Total
1	Open-Ended Question		100.00%	26
1	05/01/2023 14:31 PM ID: 207764398	No - a lot of the time its consultee objections and these are sometimes not something we can advise on.		
2	05/01/2023 14:35 PM ID: 207764912	Sometimes		
3	05/01/2023 14:48 PM ID: 207766382	Not all the time, no		
4	05/01/2023 15:09 PM ID: 207768537	Again depends on the level of advice given at pre-app as well as anything that may arise during the consultation period.		
5	05/01/2023 15:55 PM ID: 207773931	Not all of the time but sometimes (i.e. ecology)- most of the issues are however where plans were not provided at pre-app.		
6	05/01/2023 15:59 PM ID: 207774303	With my own pre-apps - not very often. When picking up other officer's work - yes.		
7	09/01/2023 10:24 AM ID: 208000860	Generally the issue is that the submission changes from pre-app or they don't listen to the advice or no heritage/highways advice is provided at pre-app once heritage/highways are consulted changes are usually required.		
8	09/01/2023 13:41 PM ID: 208020120	yes		
9	09/01/2023 19:04 PM ID: 208052887	I would say usually not.		
10	11/01/2023 15:34 PM ID: 208217625	Usually if amendments are sought, these were raised at the pre-app stage. If further amendments are sought by officers post-submission this may affect the enquirer's perception of pre-app engagement, unless the particular issue(s) were unforeseen at the time the pre-app response was provided.		
11	13/01/2023 13:07 PM ID: 208387482	Can't think of relevant instances, but then I don't get allocated applications or consultations. Pre-apps vary as to the level of detail offered for comment - generally owners don't like to commit resources to preparation of the detailed scheme till they have some reassurance around our overall position, so almost inevitably there will be points of detail that were not foreseeable at pre-app stage because the scheme didn't get to that level.		

8. Where post-submission amendments are needed were these foreseeable when pre-app advice was given?

12	13/01/2023 16:36 PM ID: 208405742	As above, if a proposal is not progressed far enough at pre-application before the full application is submitted, it may not yet be clear whether the/a full proposal is going to be acceptable. Also this is somewhat difficult to judge when so many apps end up being dealt with by a different officer to the pre-application at the moment And sometimes yes they are foreseeable and this was stated in the pre-app, but they just ignored this.	
13	13/01/2023 17:51 PM ID: 208411273	No necessarily. Often, tweaks occur following pre-app and before an application, so these are often new when the application is assessed. However, sometimes it is clear that an applicant wants something a particular way despite advice, and I think they try submitting it as part of the application to see if someone else picks it up and lets it through, or if we bother to argue the detail.	
14	17/01/2023 18:51 PM ID: 208733449	I suspect this may not always be the case, as the pre-app advice could result in a completely different proposal being submitted at application stage, which may require further negotiation	
15	17/01/2023 19:58 PM ID: 208737400	Probably not because post-submission amendments are likely to stem from public consultations that wouldn't have been known at pre-app stage.	
16	18/01/2023 09:38 AM ID: 208763169	Sometimes	
17	18/01/2023 14:13 PM ID: 208794105	On occasions, yes. Particularly in terms of required background documents which were not flagged up. Also, the lack of consultation of a certain consultee (typically heritage, highways, ecology) makes it apparent that we cannot be certain in our pre-application response and, instead of rushing out a response, we need a dialogue with the enquirer to ensure the correct consultations (with the requisite fee) occur.	
18	18/01/2023 19:19 PM ID: 208827159	Sometimes, but see above.	
19	19/01/2023 08:47 AM ID: 208857453	Sometimes this is unavoidable.	
20	19/01/2023 09:14 AM ID: 208859604	sometimes, the alterations can have an unforeseen impact in other areas, that had not been considered as part of the pre-app as the altered scheme was not presented.	
21	19/01/2023 09:24 AM ID: 208860493	Often such amendments are the result of changes to the proposal, following pre-app advice. Therefore I do not think that they were foreseeable.	
22	19/01/2023 09:32 AM ID: 208861240	Not always. Sometimes applicants will chance their arm and submit the same drawings, hoping we're too busy to notice.	
23	19/01/2023 10:08 AM ID: 208865061	It depends if the applicant acted upon the pre-app advice, but also if something was missed by the officer. I cannot speak from experience on this one but would imagine they were not easily foreseeable.	
24	19/01/2023 10:10 AM ID: 208865179	Not where consultees are concerned because it is difficult to forecast what they might want, I have this problem with Environmental Health a lot.	
25	19/01/2023 10:25 AM ID: 208866607	Most of the time	
26	20/01/2023 12:05 PM ID: 208978589	not always but the pre-app will have reduced the risk of such events from happening especially if the pre-app was given with multi-disciplinary input	
		answered	26
		skipped	1

9. Does providing pre-app help you do your job more effectively or efficiently?

Answer Choices			Response Percent	Response Total
1	Strongly agree		15.38%	4
2	Agree		57.69%	15
3	Neither agree nor disagree		19.23%	5
4	Disagree		7.69%	2
5	Strongly disagree		0.00%	0
			answered	26
			skipped	1

Please Provide Any Comments: (19)

1	05/01/2023 14:31 PM ID: 207764398	It definitely helps when assessing the application when it comes in with an application as it takes the time away from assessing the site as it's already been done at pre-app stage.
2	05/01/2023 14:35 PM ID: 207764912	It depends on the quality of the pre-app submission and the parties involved. A 'good' pre-app would highlight key issues, enable negotiation and as clean an application as possible which is usually more efficient. Pre-app is part of the job so doing it or not doing it doesn't impact effectiveness
3	05/01/2023 14:48 PM ID: 207766382	All the service does is try to iron out the awful applications from being applied for
4	05/01/2023 15:09 PM ID: 207768537	Allows for more of an informal, discussion based approach to a proposal, hopefully securing any amendments upfront for the proposal to be supported. This in turn may save time during the applications determination period. However, in instances where pre-app advice has been given and such advice has either changed due to circumstances or was not accurate, it can lead to more work/complication at application stage. I.e. supporting pre-app for dwellings during >5 year housing land support vs not supporting a subsequent application made during <5 year housing land supply.
5	05/01/2023 15:59 PM ID: 207774303	It gives a good background to a complicated application. It also opens up a dialogue between the Council and applicant which builds really good relationships. Honesty and goodwill is key to getting satisfactory application through the system and this really does start with pre-application advice.
6	09/01/2023 10:24 AM ID: 208000860	It probably removes some applications which have no chance of approval and means that already know the site and potential issues but it's frustrating when you go to a lot of effort to provide good quality advice which is then completely ignored.
7	09/01/2023 19:04 PM ID: 208052887	Pre-app provides the case officer with a good understanding of the site and proposal prior to receiving the formal application.
8	11/01/2023 15:34 PM ID: 208217625	The pre-app function does allow the opportunity for officers to influence a formal submission and makes the application process easier. I would anticipate that if all applications came in 'cold' there would be a significant increase in refusals.
9	13/01/2023 13:07 PM ID: 208387482	As I don't get allocated applications or consultations, pre-apps is my job.
10	13/01/2023 16:36 PM ID: 208405742	The most difficult cases are often those where there was no pre-app, and it really needed it, or they did not go far enough with the pre-app, because once the full application is in, there is much less room for informal negotiation, instead you may have to go straight to formal negative comments (where relevant) and the whole experience is more negative (on both sides).

9. Does providing pre-app help you do your job more effectively or efficiently?

11	13/01/2023 17:51 PM ID: 208411273	I think the pros can be balanced out by the cons. Pre-app takes a long time when you add up the preparation, the travel and site visit time, the drafting of the formal advice and any other following correspondence. However, it does help that I am familiar with a building or site prior to the application submission, as it helps the 'initial check' of the scheme as I am often able to do this much more quickly. Also, I think that building a good rapport with an agent during pre-app can be helpful to progress an application smoothly, regardless of outcome.
12	17/01/2023 18:51 PM ID: 208733449	It should help, but I refer to the answers to question 1 above
13	17/01/2023 19:58 PM ID: 208737400	Encourages a smoother formal application however, the whole pre-app process can be time consuming and inefficient.
14	18/01/2023 09:38 AM ID: 208763169	It helps to know what's coming and what to expect
15	18/01/2023 14:13 PM ID: 208794105	Yes, but.....where the system falls down is where a pre-application response has not been properly thought through and a positive steer is given. This can be difficult to recover from and create precedents which weaken our general stance.
16	18/01/2023 19:19 PM ID: 208827159	A subsequent case is not always allocated to the Officer who dealt with re-app, for various reasons. Officers should probably speak to each other. A clear Pre-app report is helpful and can speed up any subsequent assessment.
17	19/01/2023 08:47 AM ID: 208857453	This is tricky because I observe that a good pre-app takes a considerable amount of capacity to deal.
18	19/01/2023 10:08 AM ID: 208865061	Yes it should make the subsequent application a better scheme and the pre-app officers report can be used as a tool to make the decision making process more efficient.
19	19/01/2023 10:10 AM ID: 208865179	I would say yes - where positive pre-app has been given and the application follows the advice, dealing with the application is a lot quicker and more straightforward. Both because you have familiarity with the proposal and you have your pre-app advice to help write the delegated report. However, I find writing pre-apps (and detailed, quality advice) to be very time consuming and I don't think this is recognised or appreciated by management. They can be more time consuming than drafting applications.

10. Does pre-app lead to an improved outcome in planning terms compared with cases without pre-app?

Answer Choices		Response Percent	Response Total
1	Open-Ended Question	100.00%	27
1	05/01/2023 14:31 PM ID: 207764398	Sometimes Yes	
2	05/01/2023 14:35 PM ID: 207764912	Generally, yes.	
3	05/01/2023 14:48 PM ID: 207766382	I wouldn't say so, no. Pre-app just gives us the opportunity to make our assessment before the application comes in but the assessment would have been done at some point anyways.	
4	05/01/2023 15:09 PM ID: 207768537	I think it can, however often improvements can be secured during negotiations during the application period.	
5	05/01/2023 15:55 PM ID: 207773931	Not really it just puts officers in a more difficult position when dealing with agents.	

10. Does pre-app lead to an improved outcome in planning terms compared with cases without pre-app?

6	05/01/2023 15:59 PM ID: 207774303	Yes - it normally results in good relationship building and a trust bond between the two parties.
7	09/01/2023 10:24 AM ID: 208000860	Probably for householder applications and smaller developments but not always for the larger applications.
8	09/01/2023 13:41 PM ID: 208020120	yes
9	09/01/2023 19:04 PM ID: 208052887	I would say this depends on complexity and the number of planning issues and constraints present.
10	11/01/2023 15:34 PM ID: 208217625	Please see the answer above. Pre-app engagement is encouraged in the NPPF.
11	13/01/2023 13:07 PM ID: 208387482	I think this is probably clearer in the larger schemes led by DM officers where Heritage is one of numerous in-house and external consultees. Usually the heritage component of these is fairly straight forward, but from observing contributions from others there must be clear gains in terms of the completeness of the application package, and how near it is to an approvable scheme. There may also be cases where a negative response prevents a pointless application - surely a win-win, and preferable to a less harmful but still doomed application ?
12	13/01/2023 16:36 PM ID: 208405742	Yes It generally seems easier to convince people to amend a scheme to something more appropriate at pre-application than at full application. Although there may be an element of this relating to the type of people who do and don't submit pre-apps. I.e. those people who do pre-app are those most interested in achieving the best scheme. Other people may think that if they are stubborn and refuse to engage in pre-application/negotiation, the Council may still approve their imperfect scheme rather than have no scheme approved.
13	13/01/2023 17:51 PM ID: 208411273	Generally, yes. Although, as above, some will deliberately ignore advice or try it on when they submit the application.
14	17/01/2023 18:51 PM ID: 208733449	It should do yes, but I refer to answer to question 1 above
15	17/01/2023 19:58 PM ID: 208737400	Usually, as we can offer alternative design suggestions at an earlier stage before plans become fixed.
16	18/01/2023 08:54 AM ID: 208758804	Sometimes, however there are times when agents still expect a dialogue and the opportunity to make changes even though no pre-app was sought.
17	18/01/2023 09:38 AM ID: 208763169	Often not always
18	18/01/2023 14:13 PM ID: 208794105	Yes, overall - but only when good quality advice is given.
19	18/01/2023 19:19 PM ID: 208827159	Not necessarily.
20	19/01/2023 08:47 AM ID: 208857453	Yes.
21	19/01/2023 09:14 AM ID: 208859604	yes
22	19/01/2023 09:24 AM ID: 208860493	I am unsure.
23	19/01/2023 09:32 AM ID: 208861240	Again, not always, willing applicants and agents who want to work collaboratively with us can and will make alteration to applications to ultimately be successful at application. Generally though, my experience is that pre-application does lead to a more thorough application and a more robust platform for Officers to negotiate from during application.

10. Does pre-app lead to an improved outcome in planning terms compared with cases without pre-app?

24	19/01/2023 10:08 AM ID: 208865061	Yes for reasons stated above.	
25	19/01/2023 10:10 AM ID: 208865179	I don't tend to see it with the applications I deal with, I can imagine it would with more complex, larger developments. Again, it depends if they follow our advice when we recommend amendments etc.	
26	19/01/2023 10:25 AM ID: 208866607	Yes - except when pre-app was done by a different officer/ a long time ago, sometimes can disagree with the previous advice given	
27	20/01/2023 12:05 PM ID: 208978589	YES	
		answered	27
		skipped	0

11. Do you believe that our pre-app service is a valuable service for our customers?

Answer Choices		Response Percent	Response Total
1	Extremely valuable	0.00%	0
2	Very valuable	66.67%	18
3	Somewhat valuable	25.93%	7
4	Not so valuable	7.41%	2
5	Not at all valuable	0.00%	0
		answered	27
		skipped	0





Comments: (18)

1	05/01/2023 14:31 PM ID: 207764398	I think it does help people when deciding whether they should spend loads of money on surveys for a full application or whether its not worth it.
2	05/01/2023 14:48 PM ID: 207766382	Advice changes from officer to officer
3	05/01/2023 15:09 PM ID: 207768537	I think the service can be very valuable. However, customer expectation is key. Customers should be clear what the pre-app service provides and understand the level of details provided is reflected in the response. Emphasis should be placed on the customer at validation stage to submit sufficient amount and quality details.
4	05/01/2023 15:59 PM ID: 207774303	I think it is very useful for applicants to understand what goes into an assessment of a planning application and gives them the opportunity to try and address issues at an early stage which means that their applications can be dealt with in a timely way.
5	09/01/2023 19:04 PM ID: 208052887	I believe it benefits all in terms of a longer conversation, from pre-app., through the initial 8 week period, and enables EOTs and tweaks at the end, usually resulting in better quality developments.
6	13/01/2023 13:07 PM ID: 208387482	see 7 above. Any reassurance should be valuable. In most cases we also get to talk or at least write to them in a less adversarial set-up than an application, and we can be more informal and discursive with explanations of our position, which I think improves the application experience all round.

11. Do you believe that our pre-app service is a valuable service for our customers?

7	13/01/2023 16:36 PM ID: 208405742	Generally yes, though also the more they put in to it the more they get out
8	13/01/2023 17:51 PM ID: 208411273	Whilst the Heritage pre-app fee for a site visit and written response seems expensive to a homeowner, this is very cheap compared to private sector costs. The agent is often charging considerably more for their time. If our advice is taken on board, more often than not, a scheme can reach a positive outcome through negotiation and understanding of a building. I think it's a really important and positive service we provide, and prevents customers thinking we're just having a personal opinion by explaining all the policy, guidance and experience we use to make decisions.
9	17/01/2023 18:51 PM ID: 208733449	I have had no feed back from agents so it is difficult to assess this. Having submitted pre-app to other authorities, the approach appears to be consistent with BMSDC, but it is sometimes difficult to find the "meat in the sandwich" as the letters of advice are often generated automatically (at least in part) and read like a delegated report on an application. It is necessary to wade through a lot of information, when realistically what you want is a short summary of whether the proposal is likely to be supported and what the issues are.
10	18/01/2023 09:38 AM ID: 208763169	Policies change, NPPF changes, so in some cases, pre-app outcomes don't match the application outcome
11	18/01/2023 14:13 PM ID: 208794105	The quality of pre-application advice varies and can lead to problems down the line. It gives customers a general idea about whether a scheme is likely to succeed - but we need to be consistent.
12	18/01/2023 19:19 PM ID: 208827159	A lot of applicants are disgruntled if a planning decision differs from Pre-app advice. A poorly thought out, standardised or badly presented Pre-app report might not be considered to be value for money. If it leads to a clear run for a planning application then it can be valuable.
13	19/01/2023 08:47 AM ID: 208857453	I'm not well placed to answer as I'm not familiar with Dee structure.
14	19/01/2023 09:14 AM ID: 208859604	some applicants prefer to speed the process up by not using pre-app and simply resubmitting plans, or withdrawing their application to avoid refusal, and allow them time to amend their plans. These people see pre app as a waste of time, not money.
15	19/01/2023 09:32 AM ID: 208861240	Even negative pre-application responses are valuable if they dissuade an applicant from making an application that would be refused. If they consider the saved planning fee and fees from the professionals who would provide
16	19/01/2023 10:08 AM ID: 208865061	It is valuable as if the advice is taken it should lead to an improved outcome.
17	19/01/2023 10:10 AM ID: 208865179	I think pre-app is used by different agents in different ways - I know several that won't use it and other agents you see regularly. It depends on the nature of the scheme and whether the principle of development is uncertain. I think agents might say it would depend on the Officer; the quality of advice is not consistent.
18	20/01/2023 12:05 PM ID: 208978589	I believe that at present the quality and value is patchy. I see some outstanding pre-app advice and some that is of little or no value. Clearly there is a range of devt types and as such not every response needs to be as detailed depending on size and scale but it should always give the enquirer a useful guide as to the way forward. I sometimes wonder if pre apps are seen as a chore and something to deal with quickly just to get them off the workload. I cannot see that a response that says these are the policies and we will take them into account is of much use at all if the advice doesn't then put the development into that policy context. All to often planners are unwilling to comment on the design within a pre-app. That seems a fundamental weakness and gives the impression that what is proposed is ok when it might not be so.



12. Do you believe that our pre-app service is valuable for the Councils?

Answer Choices			Response Percent	Response Total
1	Extremely valuable		18.52%	5
2	Very valuable		51.85%	14
3	Somewhat valuable		22.22%	6
4	Not so valuable		7.41%	2
5	Not at all valuable		0.00%	0
			answered	27
			skipped	0

Comments: (12)

1	05/01/2023 15:09 PM ID: 207768537	Provides a good indication of our views to proposed developments prior to formal submission. Can allow input from Officers/consultees which could in turn result in a better application.
2	05/01/2023 15:59 PM ID: 207774303	It is a great revenue stream and it also gives a good indication of what is likely to come in, especially with the major developments. This enables staff to be ready with the validation so that the application can be processed quickly.
3	09/01/2023 19:04 PM ID: 208052887	For the additional income generation and for enabling officers to become familiar with the proposal prior to formal submission.
4	13/01/2023 13:07 PM ID: 208387482	Different question but same answer: In most cases we also get to talk or at least write to enquirers in a less adversarial set-up than an application, and we can be more informal and discursive with explanations of our position, which I think improves the application experience all round. We also get insights into the owner perspective that don't translate into application documents.
5	13/01/2023 16:36 PM ID: 208405742	Yes - I think it creates a better relationship with customers, reducing complaints, and makes the subsequent parts of the process easier for us
6	13/01/2023 17:51 PM ID: 208411273	Some of the survey results from the pre-app service have been quite negative and may reflect badly on the Councils. However, I think the service is really important and more often than not, the negative response on heritage advice is probably due to not supporting a particular scheme.
7	17/01/2023 18:51 PM ID: 208733449	In that they set out the considerations from the start it should make applications run smoother.
8	18/01/2023 09:38 AM ID: 208763169	Generates income but equally time-consuming for officers, sometimes it takes a lot longer to produce a pre-app response than it is to process and application.
9	18/01/2023 14:13 PM ID: 208794105	Unfortunately, the service has grown from a general idea of whether permission is likely to be forthcoming to, effectively, a "dry run" for the application itself. Some enquirers, and in particular some agents, are somewhat unrealistic in their expectations, especially given the moderate expenditure for the service (when compared with their own fees) and the relatively swift turnaround. It is not always possible to cover off every possible consultee - especially when they are external.
10	18/01/2023 19:19 PM ID: 208827159	If done well it presents a good face for the public. Meetings on site can be particularly useful to introduce Officers to the public.
11	19/01/2023 10:10 AM ID: 208865179	I do think a review of fees is needed - £89 for a written householder pre-app doesn't always account for the time taken by Officers. Clearly it makes the Councils significant revenue and it is a fairly well used service.
12	20/01/2023 12:05 PM ID: 208978589	yes if operated to produce a quality output

13. Would removing pre-app give you more time to do other tasks?

Answer Choices		Response Percent	Response Total
1	Yes		70.37%
2	No		29.63%
		answered	27
		skipped	0

Comments: (21)

1	05/01/2023 14:31 PM ID: 207764398	Pre-app takes a long time due to how much detail is required, it takes much longer than a full application as pre-apps discuss all possibilities whereas the application just focuses on what they have submitted. Therefore, not having pre-apps would save a lot of time.
2	05/01/2023 14:48 PM ID: 207766382	So much time is spent writing pre-app reports and doing the assessments and the bad applications still come in regardless.
3	05/01/2023 15:09 PM ID: 207768537	Whilst valuable, pre-apps are often time consuming. If amendments are required at application stage, often they can be secured during this time.
4	05/01/2023 15:55 PM ID: 207773931	We end up negotiating on so many applications regardless of whether pre-app's been had or not- in most cases where pre-app has been had it prolongs applications far longer to allow for these negotiations thus stalls things.
5	05/01/2023 15:59 PM ID: 207774303	Of course the simple answer is yes because pre-apps form quite a large part of our work. However, I am sure we would be refusing a lot more applications without pre-app advice that would likely result in more appeals. So you wouldn't have as much work in front of the application, but you would have more work after the decision has been made.
6	09/01/2023 19:04 PM ID: 208052887	A large amount of the 'leg work' is already done for an application, if pre-app. has been carried out first.
7	11/01/2023 15:34 PM ID: 208217625	The production of a pre-app response can take a significant amount of time, depending on the type of development proposed.
8	13/01/2023 13:07 PM ID: 208387482	As I say, the question is probably not applicable because I don't get allocated other cases that would compete.
9	13/01/2023 16:36 PM ID: 208405742	Well yes, and occasionally someone submits a pre-app with site visit request that I can assess from my desk as being fine, and having to then spend time travelling is a bit tedious. but there may still be a positive customer relations element to this. Also without pre-app there would probably be more applications in our workload, because there would be more applications with issues or missing things, that could not be ironed out within the first go so would come in multiple times, rather than just once. Also, there might end up being more complaints and appeals to deal with instead. I.e. the amount of other tasks to do would just go up.
10	13/01/2023 17:51 PM ID: 208411273	As above, pre-app does take a long time, but generally, I think it is easier to go through an application following pre-app. However, when you pick up an application following another officer's advice, this can slow the process down. And if we weren't providing pre-app, we could pick up other proactive tasks, but perhaps to the detriment of application results.
11	17/01/2023 18:51 PM ID: 208733449	As it is forms 70% of my workload - yes
12	17/01/2023 19:58 PM ID: 208737400	Production of the pre-app response itself is time consuming in terms of inserting plans, photo's, re-formatting consultee responses etc and the response could be more stream-lined to allow us more time to focus on meaningful advice and other tasks.

13. Would removing pre-app give you more time to do other tasks?

13	18/01/2023 08:54 AM ID: 208758804	Not necessarily. Pre-app helps in the long run, better to give advise at the start of the process rather than trying to sort issues out during, or issuing refusals then dealing with appeals. Better to do the work at the start
14	18/01/2023 09:38 AM ID: 208763169	As noted above
15	18/01/2023 14:13 PM ID: 208794105	In the short term this would free up time (some days, half as many or just as many pre-application responses as Planning application decisions are issued). However, it is acknowledged that this would lead to a build-up of issues down the line and there does have to be some form of dialogue at some point.
16	18/01/2023 19:19 PM ID: 208827159	It would give time to concentrate on planning applications, but having said that useful Pre-apps can help to smooth the way for the subsequent application.
17	19/01/2023 08:47 AM ID: 208857453	It would be pre app is vital. Perhaps fees should be reviewed.
18	19/01/2023 09:14 AM ID: 208859604	where pre-app is given, the response on the application is guided by this, meaning a faster response can be given, and a site visit can usually be avoided.
19	19/01/2023 09:24 AM ID: 208860493	I think that its removal would mean that other applications take up greater time than that which was saved.
20	19/01/2023 10:08 AM ID: 208865061	Not necessarily in my opinion, as if an application was submitted without pre-app instead , it could take more negotiation or waiting on post-submission amendments. In addition, the applicant could have less of an understanding of the relevant planning policies and the overall decision making process. Therefore, we can manage the expectation of the applicant better with pre-app and save time on a subsequent application. The written pre-app report as a guide also saves time as can be used on the subsequent application.
21	19/01/2023 10:10 AM ID: 208865179	Inevitably yes. But application where pre-app has been sought are more streamlined so quicker to deal with.

14. What improvements to our pre-application advice service would you recommend?

Answer Choices		Response Percent	Response Total
1	Open-Ended Question	100.00%	22
1	05/01/2023 14:31 PM ID: 207764398	N/a	
2	05/01/2023 14:35 PM ID: 207764912	Follow up. Better support for junior officers.	
3	05/01/2023 15:09 PM ID: 207768537	<ul style="list-style-type: none"> - Customers, Admin and Officers should have a clear understanding of what the pre-app service is and a level of expectation. - There is a difference between a duty query and pre-app. - More and better quality information should be provided at validation stage. Pre-apps with poor information should not be processed/the customer should understand the quality of response will be less due to lack of sufficient information. - Engagement between Admin and Officer prior to validation. Has enough information been provided? Is the proposal clear? Is this considered a pre-app or a duty query? What date/times work for a meeting? - More care should be taken setting up pre-apps in Uniform/IDOX, i.e. plans labelled correctly, drawing nos. proper grammar, spelling mistakes etc. - Formatting of pre-app responses should be consistent. Address issue with pictures stretching. - Feedback from signing Officers re. quality and content of advice given. Allows Officers to learn, especially newer G4's. 	

14. What improvements to our pre-application advice service would you recommend?

		- Applications submitted following pre-app should be allocated to the Officer who dealt with the pre-app (have had a few instances of different Officers dealing with an application someone else gave pre-app on).
4	05/01/2023 15:55 PM ID: 207773931	Get rid of the option for householder pre-apps.
5	05/01/2023 15:59 PM ID: 207774303	I think more advice could be offered at pre-application in terms of design and materials and even layout. They should be treated as a mini-application and we should offer more advice on making the schemes better at an early stage. We want quality development in the two districts. We shouldn't be afraid to say that.
6	09/01/2023 10:24 AM ID: 208000860	Require more at submission of pre-app - proposed layout plan, contact phone number and clear description of development, don't allow the option for site visits for non listed extensions or single dwellings, require heritage/highways advice for certain sizes of development.
7	09/01/2023 19:04 PM ID: 208052887	At least a short conversation with all pre-app. applicants prior to forwarding final pre-app. comments. Validation checks. More engagement with consultees.
8	11/01/2023 15:34 PM ID: 208217625	Generally I consider that the process runs reasonably well.
9	13/01/2023 13:07 PM ID: 208387482	I think there are quite a lot of internal improvements needed. There is a lot of confusion over 'site meetings' which is not a phrase used on the website. I don't like turning up at site and being expected to pronounce finally on the scheme. It's a site inspection. the meeting should always be separate. I don't understand why meetings and inspections are arranged by email rather than invites. If I have more than one case, they will be competing for time but none will appear in my calendar, so admin don't know whether they are double-booking. I end up having to put them all in myself. When it's busy I sometimes spend nearly all my time sorting out meetings and inspections. If it takes a long time, as it can with multiple participants, the pre-app can show as overdue simply because a meeting / inspection hasn't been fixed. Uniform doesn't help me prioritise what to do next, and doesn't tell me whether a case is for inspection and/or meeting, or just report.
10	13/01/2023 16:36 PM ID: 208405742	The same officer (where possible) deals with the subsequent applications, to stop the scope for accusations I haven't read the pre-app response, or inconsistencies in views (intentional or not), or having to spend additional time checking with the first officer you are on the same lines (but this applies to everything). Ensure there is a consistent approach to follow-ups, including fees (or lack of), and that this is made obvious to customers.
11	13/01/2023 17:51 PM ID: 208411273	Consistency of advice through the application stage. Whoever gives the pre-app advice should deal with the application or consultation. I think this would be beneficial to both customers and agents.
12	17/01/2023 18:51 PM ID: 208733449	Enable the officer to tailor the advice and advise the enquirer whether they need to include certain consultants advice. I often comment at pre-app stage on proposals that would not need a heritage consultation if they were submitted as an application. Is it possible to reduce the administrative burden on the officer, and make the letters of advice more concise?
13	17/01/2023 19:58 PM ID: 208737400	More info could be required to be submitted upfront (basic layout/illustrative design), as some agents use pre-app to simply start a discussion. Maybe Admin Teams could generate the basic template for officers to complete. Some consultee responses (Heritage) can take time to re-format for use in the response and could be provided in simple word form. Shorter meeting slots could be offered (30 mins) for more straight forward

14. What improvements to our pre-application advice service would you recommend?

		enquiries as sometimes people feel they need to get their money's worth and use the full hour.	
14	18/01/2023 08:54 AM ID: 208758804	I have a few agents asking about a two stage pre-app, where stage one is a meeting on site or via teams to discuss the concept and advice from other consultees. Second stage would be a follow up at a reduced price as the officers concerned are already familiar with the scheme. This would allow the officer to close off part one and the agent to know that stage two was paid for, and could be dealt with quicker.	
15	18/01/2023 09:38 AM ID: 208763169	put a time constraint on future submissions for the results to become more accurate, i.e. if there is a pre-app, they should make a submission within 3-6 months of that pre-app, maybe add a standard note at the bottom of the template, but again there is a risk with that too, as our policy position can change	
16	18/01/2023 14:13 PM ID: 208794105	A shorter pre-application template. A clear message of there being a shelf-life and not being tied to the advice A longer time to respond The capacity to not respond to a pre-application (potentially closing the case down and giving a partial refund to allow for admin costs) if a consultee vital to the consideration of the enquiry has not been requested/paid for.	
17	18/01/2023 19:19 PM ID: 208827159	A simpler response for those who are not so familiar with the planning process.	
18	19/01/2023 09:14 AM ID: 208859604	an option for a site visit without a report, to open up dialogue with the council.	
19	19/01/2023 10:08 AM ID: 208865061	To make sure we manage the applicants expectation by making them aware of what shall be required/expected on a subsequent application.	
20	19/01/2023 10:10 AM ID: 208865179	Make applicants aware that the quality of our advice is dependent on the quality of their submission. An increase in fees to account for the significant time spent on drafting advice. Guidance notes from consultees about circumstance when they might want additional reports so we can feed this better into responses (Sue Lennard from EH had previously said they could do this because this issue arises regularly).	
21	19/01/2023 10:25 AM ID: 208866607	More time to assess plans/ draft a report to better manage the workload for planning applications	
22	20/01/2023 12:05 PM ID: 208978589	sharing best practice and looking at what makes a pre-app response helpful and vfm	
		answered	22
		skipped	5

Agenda Item 10

BABERGH DISTRICT COUNCIL AND MID SUFFOLK DISTRICT COUNCIL

TO:	Babergh & Mid Suffolk District Councils Overview and Scrutiny Committee	REPORT NUMBER: JOS/22/46
FROM:	Cllrs Lavinia Hadingham and Jan Osborne Cabinet Members for Housing	DATE OF MEETING: 20/02/2023
OFFICER:	Deborah Fenton Director for Housing	KEY DECISION REF NO.

PRIVATE SECTOR HOUSING ENFORCEMENT & CIVIL PENALTIES POLICY

1. PURPOSE OF REPORT

- 1.1 To discuss and receive feedback (before Cabinet approval is sought) on the proposed new private sector housing enforcement policy including the use of civil penalties as an alternative to prosecution.

2. OPTIONS CONSIDERED

2.1 OPTION 1

- 2.2 Overview & Scrutiny to make comment on the new policy and a recommendation to Cabinet to adopt the new private sector housing enforcement policy including the use of civil penalties as an alternative to prosecution. Also, to agree a fair charging regime to recover the costs of housing enforcement action taken by the Council.

2.3 OPTION 2

- 2.4 The Council could decide not to adopt a private housing enforcement policy. This would leave it having to rely on the corporate policy which does not include the specific approaches required in the complex housing regulatory regime. There would be a greater risk of a successful challenge to any formal action taken either by legal appeal or judicial review.

- 2.5 The Council could decide not to approve the use of the civil penalty powers as part of the enforcement policy. This would mean that some powers could not be used, limiting the Council's impact on improving housing standards. Reliance would be solely on prosecution. Any fines would not be recoverable and lengthy proceedings in Court would be required. Other than its legal costs, the Council cannot currently retain any fines imposed in Court through prosecutions.

- 2.6 Not approving the use of the civil penalty powers and other financial penalties referred to in the enforcement policy would lead to the Council failing to make the most efficient use of enforcement resources available and would limit the enforcement options available for privately rented properties.

- 2.7 The Council could decide to continue to offer a free service to non-compliant landlords by not charging for enforcement action taken in the service of statutory notices. There is a strong argument that where non-compliant landlords do not comply with the law and the Council must intervene, the landlord should be

responsible for the costs incurred by the Council having to act where minimum legal requirements are not being met.

3. RECOMMENDATIONS

- 3.1 Option 1 - Overview & Scrutiny to make comment on the new policy and a recommendation to Cabinet to adopt the new private rented sector housing enforcement policy including the use of civil penalties as an alternative to prosecution. Agree a fair charging regime to recover the costs of housing enforcement action taken by the Council.
- 3.2 To recommend that Cabinet approve and authorise the use of civil penalty and financial penalty powers provided by the Housing and Planning Act 2016 (Appendix 2), Electrical Safety Regulations (Appendix 3) and Energy Efficiency (Private Rented Property) Regulations (Appendix 4).
- 3.3 To recommend to Cabinet the proposed charges for relevant housing enforcement action based on officer time taken and that any revenue arising from civil penalties will be retained within the service to meet the legal or administrative costs and expenses incurred under the relevant housing law.

REASON FOR DECISION

To ensure that the Council has a consistent and effective policy to tackle poor conditions in private sector housing.

To make full use of housing enforcement powers available, including civil penalties and ensure effective enforcement.

To recover enforcement costs incurred.

4. KEY INFORMATION

- 4.1 Private sector housing contributes towards meeting housing need in the district. The Council has responsibility to ensure that reasonable standards are provided for residents living in private housing, particularly in the rented sector which accounts for around 17% of the housing stock in the districts.
- 4.2 We offer a service to residents requiring help and those in need. This includes informal advice, signposting, grants and responding to service requests. Much of our work is focussed on ensuring minimum standards are provided by landlords in their rented properties. We work with them to ensure that safe and healthy homes are provided for tenants. Sometimes, where an informal approach fails or where dangerous and unsafe conditions are encountered, we must use enforcement powers to improve conditions.
- 4.3 A specific private housing enforcement policy is required to complement the overarching corporate enforcement policy and to use civil penalty powers. This is so that we can include changes in the law to use effective and targeted enforcement.
- 4.4 The new policy would set out our range of approaches depending on different circumstances. This includes the way in which the Council secures compliance with

the law relating to residents, landlords and business. This is in relation to privately rented homes, those in multiple occupation and empty homes. Recent civil penalty powers are available to regulate housing standards including electrical safety, smoke and carbon monoxide requirements and minimum energy efficiency standards.

- 4.5 By adopting an enforcement policy, the Council can demonstrate greater transparency in its approach and service provision and offer a broader range of solutions to tackle poor housing conditions.
- 4.6 The inclusion of civil penalties in the policy gives the Council an alternative to prosecution in all but the most serious cases and enables us to issue penalty notices for non-compliance. This also offers the benefit of any monies recovered contributing towards funding of the service provision and being used to prioritise action towards a minority of bad landlords that flout the law.
- 4.7 It is proposed that the Council charges where enforcement action is taken to recover our reasonable costs incurred. This would be based on officer time taken.
- 4.8 The main legal sanction for non-compliance with housing law in the private rented sector has been criminal prosecution through the courts. This is a time consuming and resource-intensive process and results in the perpetrator having a criminal record, even for the less serious offences. An alternative approach is available in the form of Civil penalties. These powers do not remove the option of prosecution but complement it by providing an alternative, streamlined enforcement option. An outcome is achievable in a much shorter timescale, while reserving criminal prosecutions for the most serious contraventions.
- 4.9 Civil penalties cannot be issued unless the evidence has met the criminal standard of proof i.e. 'beyond reasonable doubt', the same level as for criminal prosecutions. In considering the decision to issue a Civil Penalty or not, the Council must also be satisfied that there is sufficient evidence upon which a criminal court could convict and that the action is in the public interest. If a Civil Penalty is decided upon, a prosecution cannot also be taken.

5. LINKS TO CORPORATE PLAN

- 5.1 The proposals are in line with the Housing Delivery Plan and strategies to deliver our housing vision for 'residents to be able to live in affordable and high-quality homes that enable them to build settled, safe and healthy lives, within sustainable and thriving communities'. In particular, the Homes and Housing Strategy and related Action Plan Strategic Aim 6: Best use is made of private sector land and private accommodation across the districts.
- 5.2 The proposals also relate to the Environment Delivery Plan (Housing). The enforcement policy includes action towards addressing the environmental performance of the private housing stock. By taking action to reduce carbon emissions and its regulatory regime with linkages to excess cold hazards in homes and fuel poverty is relevant.

6. FINANCIAL IMPLICATIONS

- 6.1 This appears to be a policy change without any significant financial implications

- 6.2 The use of enforcement powers to levy civil financial penalties against landlords as an alternative to criminal prosecution is not expected to require any additional staffing resources over and above the current establishment. Where penalties are successfully enforced this income will in the first instance be used to offset the costs associated with the enforcement of these powers and the recovery of the fine. Any surplus generated will be retained by the Council but must be used to further its statutory functions in relation to the private rented sector.
- 6.3 Historically, enforcement action is used as a last resort. Based on current enforcement levels, the level of income generated would be small.

7. LEGAL IMPLICATIONS

- 7.1 This report refers to the statutory guidance as set out in section 126 and schedule 9 of the Housing and Planning Act 2016. It also applies to civil penalties for electrical safety/carbon monoxide regulations. The body of the report also accurately reflects statutory requirements for imposing a civil penalty as an alternative to prosecution.
- 7.2 The Council's scheme of officer delegations should be updated and maintained to ensure the relevant officers can make use of the powers.
- 7.3 If Committee approves the recommendations, any enforcement taken under these new powers must be applied in a reasonable and proportionate manner. Civil penalties, as an alternative to prosecution, should only be imposed where the councils are satisfied that a prosecution for the specific offence would meet the evidential and public interest tests.
- 7.4 The Rent Repayment Orders and Financial Penalties (Amounts Recovered (England) Regulations 2017 specify that any monies recovered under these provisions can only be used by the Council to cover the costs and expenses (whether administrative or legal) incurred in, or associated with, carrying out any enforcement functions in relation to the private rented sector. Any money not used for this purpose must be paid into the Consolidated Fund which is the Government's general bank account at the Bank of England.

8. RISK MANAGEMENT

- 8.1 Key risks are set out below:

Key Risk Description	Likelihood 1-4	Impact 1-4	Key Mitigation Measures	Risk Register and Reference*
Legal Challenge Failure to implement the private housing enforcement policy would lead to sole reliance on the corporate policy which lacks specific detail in this service area. This could increase the risk of successful legal appeal against	2-Unlikely	1-Minimal	Cabinet to agree adoption of the enforcement policy (para 3.1), which provides fairness, transparency and consistency and outlines the circumstances in which the Council acts	Operational Risk Register-Housing Solutions entry no.30

Council's actions taken at first tier tribunal or Court.				
Reputational Risk The Council could be criticised by Government or media for not making use of the full range of powers available to improve conditions in privately housing. Could also lead to aggrieved parties or tenants taking successful action by judicial review against council's decisions or by ombudsman.	3-Probable	2-Noticeable	Cabinet to approve and authorise the use of civil and financial penalty powers (para.3.2) and recovery of costs (para. 3.3)	Operational Risk Register-Housing Solutions entry no.31
Failure to use civil and financial penalty powers would reduce the options for action to improve poor conditions in the private rented sector.	4-Highly Probable	3-Bad	Cabinet to approve and authorise the use of civil and penalty powers (para.3.2)	Operational Risk Register-Housing Solutions entry no.32
Cost Recovery Failure to recover costs of enforcement action taken including civil and financial penalties.	3-Probable	2-Noticeable	To agree (para.3.3) to charge for housing enforcement action taken and for revenue arising from civil penalties to be retained within the service to meet the legal and administrative costs and expenses incurred.	Operational Risk Register-Housing Solutions entry no.33

**Name of risk register where risk is currently documented and being actively managed and its reference number*

8.2 The implementation of these policies is aimed at ensuring that the Housing Standards team have availability of the full range of powers to take action where necessary to tackle poor housing conditions. The policies seek to reduce risks and will only be used proportionately and fairly where action is justified. This will enhance the Council's reputation and reduce the risk of decisions being challenged. The Council will continue to work together with landlords to improve standards in the private rented sector. These powers will improve the Council's ability to deal with poor conditions, including any criminal activity. In the absence of these policies, tenants are less able to be assisted in achieving safe and healthy living conditions.

9. CONSULTATIONS

9.1 There is no statutory requirement to consult on the use of the enforcement powers. However, the government has widely publicised these powers through social media and contacted landlord associations and accreditation schemes directly informing them of these changes. If members agree to adopt these powers the Council will publicise this on the Council's website and other media channels.

10. EQUALITY ANALYSIS

- 10.1 An Equalities Impact Assessment is not required as this policy relates to implementing new legislation.
- 10.2 The new policy affects the entire private rented sector in all wards and is aimed at raising standards and improving safety within rented homes and there would be no negative impacts on any groups with protected characteristics. It also fits into the corporate enforcement policy principles of good regulation and the need for transparency and consistency when dealing with customers. The policy does not impact or exclude any of the protected characteristics as defined under the Equality Act 2010.

11. ENVIRONMENTAL IMPLICATIONS

- 11.1 The Council receives complaints and enquiries about poor conditions in the private rented sector including cold homes and dampness. Making the full use of its powers including ensuring rented properties are adequately insulated and heated will not only improve health of residents and reduce the likelihood of fuel poverty but also contribute to reducing carbon emissions.

Included in this report is the use of powers to assist in improving the thermal and energy efficiency of rented homes to meet minimum energy efficiency standards (MEES). The Council will encourage compliance with these requirements by working with landlords, but will only use enforcement where encouragement and advice have failed. The Council continues to provide support via its county wide MEES initiative and some financial assistance support to landlords. The proposals in this work contribute towards reducing climate change in domestic premises.

12. APPENDICES

Title	Location
(a) Appendix 1 - Private Housing Enforcement Policy	Attached
(b) Appendix 2 - Civil Penalties Policy	Attached
(c) Appendix 3 - Electrical Safety Standards Policy	Attached
(d) Appendix 4 - Energy Efficiency Regulations Policy for Private Rented Property	Attached

13. BACKGROUND DOCUMENTS

- 13.1 None other than relevant legislation and statutory guidance

14. REPORT AUTHOR

David Webber, Senior Environmental Health Officer, Private Sector Housing Team.



BABERGH & MID SUFFOLK DISTRICT COUNCILS

PRIVATE SECTOR HOUSING ENFORCEMENT POLICY

1. INTRODUCTION

1.1 This policy sets out the Council's principles for exercising their duties and powers as a Housing Authority under the Housing Acts and all regulatory legislation enforced by it in the field of private sector housing.

1.2 When deciding on appropriate action, officers will have regard to the Council's Corporate Enforcement Policy which is the over-arching policy that sets out the general parameters of enforcement. This document is a more specific and detailed service policy for private sector housing enforcement. The Council supports the 5 Principles of Good Regulations, as specified under Part 2 of the Legislative and Regulatory Reform Act 2006 and will exercise enforcement activities in a way which reflects these. They also follow the principles laid down in the Code for Crown Prosecutors, Enforcement Concordat and the Regulators Code 2014. The Council has had regard to the Regulators' Code (BRDO, 2013) in the preparation of this policy.

2. AIMS OF THE POLICY

2.1 This Policy seeks to ensure that all properties let as residential properties throughout the districts are of a suitable standard and are well managed. It sets out the way in which the Council aims to protect public health and safeguard housing standards by ensuring compliance with the relevant legislation, whilst recognising the needs of local businesses.

2.2 The Council considers the need for transparency and consistency in the discharge of their functions to be of primary importance. The objective of this policy is to promote both principles in the exercise of the Council's functions and, to exercise consistency on the use of its enforcement powers.

2.3 The Policy aims to ensure:

- Good quality, healthy housing is provided for households renting in the private sector.
- that action is prioritised towards properties which present the greatest risks to the safety and health of the occupants or their visitors.
- Houses in Multiple Occupation (HMOs) are prioritised for action, are safe, licensed as appropriate and well managed in line with Management Regulations.
- Private sector housing is not left empty for an unreasonable amount of time or becomes an eyesore and nuisance to neighbouring homes.

We recognise that each case is unique and will be considered on its own merits. When deciding on the appropriate action, officers will consider the law, Government Guidance, council policies and the sufficiency and reliability of the evidence. Officers are expected to follow the policy using their professional judgment, but the action taken is not prescriptive

and discretion can be exercised. Where the policy is not followed, reasons for any departure from it must be justified and recorded.

All enquiries relating to this Policy should be directed to the Housing Standards Team

Email: housingstandards@babberghmidsuffolk.gov.uk

3. THE POLICY

3.1 The Council's duties

Duties fall under the main headings as follows:

- Undertaking inspections/audits and providing guidance to ensure that residential accommodation meets minimum legal standards. Taking formal action as necessary to secure compliance with statutory requirements
- The administration and enforcement of the mandatory licensing of prescribed HMO accommodation.
- Maximising the use of the existing housing stock through a range of measures to bring vacant homes back into use.

In this policy, the term 'landlord' should be read as including letting agents, managing agents and any other person involved in the letting or management of privately rented accommodation.

3.2 Policy Principles

All enforcement action taken will be proportional to the risk any situation presents and will always be in accordance with statutory Codes of Practice, Council procedures and protocols, and official guidance from central and local government bodies.

Reasonable effort will be made to ensure compliance with the law by a process of advice and education. Formal action will be considered in the following circumstances:

- Where there is a serious risk to public health or serious hazards exist
- Where there is a blatant or deliberate contravention of the law
- Where there is history of non-compliance, or cooperation for an informal approach is not forthcoming.
- Where landlords fail to take action in the timescales agreed within an informal process.

3.3 Authorisation of Officers

Environmental Health Officers/Practitioners are fully trained, competent and authorised to carry out their duties. All investigations will be carried out in accordance with the requirements of the:

- Regulation of Investigatory Powers Act
- Police and Criminal Evidence Act 1984
- Criminal Procedure and Investigations Act 1996

3.4 Approach to enforcement

The Housing Standards Team has investigation and enforcement powers relating to all private sector housing regardless of tenure. However, the approach taken will vary depending on the tenure of the property.

3.4.1 Private Tenants

Tenants within rented accommodation are reliant on their landlord to maintain their homes in accordance with legal requirements. Where landlords are putting the safety or health of their tenants or those occupying a neighbouring property at risk, or are failing to meet their statutory obligations, the Council will take formal action as required.

3.4.2 Owner-occupiers

Owner-occupiers are responsible for the maintenance and safety issues of their own homes. Therefore, the Council will not intervene and take formal enforcement action against them unless neighbouring properties are being affected in some way or there is a public health hazard. For example, a defect leading to water penetration into a neighbouring property or a blocked drain affecting other residents. Interventions may also be required where an owner occupier is vulnerable or unable to make a sound judgement over their health and safety.

3.4.3 Registered Providers (RPs)

RPs are regulated by the Regulator of Social Housing, but their properties are subject to similar requirements to those in the private rented sector. RPs have their own procedures in place for reporting problems and making complaints and usually have clear response times for addressing any issues. The Council will take formal action against an RP if the problem in question has been reported to the RP who has then failed to take appropriate action. The Council will consider enforcement action against an RP where there are significant risks to the health and safety of tenants and or the wider public. There is an initial presumption towards resolving situations informally unless there are serious hazards or the RP's general performance dealing with housing complaints has been unsatisfactory.

The Council may write to the Regulator of Social Housing (or relevant regulator at the time) to inform them of any formal action taken against a registered Provider.

3.4.4 Private Rented Sector

The Council's Housing Standards Team will respond to enquiries about substandard, unsafe and problematic housing and adopt an appropriate and proportionate response. In safeguarding housing conditions and wider environmental issues arising from rented homes in our district, the Council wants to work with responsible landlords to raise housing standards. We support the majority of landlords who provide safe and healthy accommodation for tenants. However, where appropriate and necessary, appropriate enforcement action will be instigated against landlords who fail to comply with their legal requirements. Action will be targeted towards landlords that deliberately fail to comply with the law.

The Council will expect landlords to have a reasonable awareness and understanding of housing standards and management issues that should be met in privately rented accommodation; we expect landlords to refer to the Council's guide to minimum property standards and to be responsive to concerns expressed by tenants.

Generally, it is the Council's preference that landlords are first given the opportunity, wherever possible, to investigate any reported problems at their properties. The Council

expects responsible owners to undertake necessary repairs and improvements without the need to instigate formal action.

3.4.5 Partnership working

The Council works with other enforcement agencies such as the Police, Fire Authority and Suffolk Trading Standards to share intelligence. We may prioritise action to address specific housing problems in its district. We work jointly on “Impact Days” to use our joint intelligence to investigate high priority hazards in private housing such as exploitation of vulnerable persons, modern slavery and fire/safety issues and hazards.

3.5 Deciding on the Course of Action

The course of action will be decided having regard to the circumstances of each case, including the:

- Hazards present, whether serious and dependent on whether the Council has a duty or power to act
- Vulnerability of the Occupant, if any (e.g., elderly occupants, young children). This includes being of the most vulnerable age group in relation to a hazard.
- Effect the problem has on the Occupants, neighbours or the surrounding area.
- Relevant history of the landlord/owner, neighbours or tenants, particularly the landlord's/owner's history of carrying out repairs at a pre-formal stage or following service of notice.

3.6 Options and Types of Action

3.6.1 No Action

In the case of occupied homes, in some circumstances, it may be appropriate to take no action, for example.

- When the health and safety risk is sufficiently low, or when action would be disproportionate, or inappropriate in the circumstances of the case.
- When a tenant does not want action to be taken and the Council is not under a statutory duty to do so.
- Where allegations or complaints cannot be substantiated or witnessed, or the complaint is vexatious.

In such cases, occupiers may be directed to other sources of advice and support, for example Citizens Advice Bureau, Shelter etc.

In some cases, the Council will cease to provide a service, for example, where the tenant unreasonably refuses access to the property owner or a contractor to carry out works; or where a tenant continually fails to engage with council officers.

The Council does not provide a property survey service for tenants or private reports for private/civil action as these fall outside our remit for statutory duties. We may offer advice and support where possible.

3.6.2 Advice and Guidance

Officers will offer the following:

- Advice as to how a tenant or customer can request repairs or improvements without the need for intervention from the Council.
- A letter or telephone call to the landlord/Owner (without a visit), advising them of the information that the Council has received and allowing them a reasonable period of time to address the issues.
- General advice to landlords on complying with their duties.
- Advice on tenants' legal rights, which may come from different services teams within the organisation, safeguarding them and helping them manage the conditions in their home.

3.6.3 Informal Action

Where it is appropriate to deal with issues through informal action, in the first instance, the Council may work with the landlord/owner to help them comply with their regulatory requirements. In some cases, in receipt of a complaint regarding housing conditions at a property, the Council may first write to the landlord to highlight the issues and deficiencies and advise on the repairs or improvements that are required.

The Council expects tenants to have reported the issue to their landlord first and to have given them an opportunity to remedy the situation. We may ask to see proof but, in some cases, such as where a tenant is considered vulnerable or where the situation requires immediate investigation, this will not be required.

In the case of an Empty Homes complaint, the Council will write to the property owner requesting information about their intentions for the property and offering advice and assistance on returning the home to use. Our Empty Homes Policy and Procedure will be followed.

When taking informal action, officers will clearly differentiate what is legally required and what is recommended as Good Practice.

In cases where officers visit a property, whether this is a result of a landlord's failure to adequately resolve an issue or as part of an audit or other investigation, written or verbal advice may be deemed sufficient should the inspection highlight only minor deficiencies.

Regarding assessments made under the Housing Health and Safety Rating System (Part 1 of the Housing Act 2004), the Council would not normally take formal action if the identified defects equated only to minor or moderate Category 2 hazards, unless the hazard was likely to worsen over the following 12 months and progress to a high Category 2 or a Category 1 hazard.

Where written advice is deemed necessary and is provided, suggested timescales will normally be included to undertake any specified works or actions. For defects that relate to moderate or minor Category 2 hazards, a Hazard Awareness Notice may be issued.

3.6.4 Notices of Entry

Where a complaint of housing disrepair has been received and an inspection is required, a Notice of Entry will be served under Section 239 of the Housing Act 2004. This informs all relevant parties of the Council's intended inspection and gives 24 hours' notice. There are some prescribed circumstances where the Council will not give notice of entry and an unannounced inspection will be carried out.

Where the Council is unable to gain access using a Notice of Entry or where such Notice will defeat the object of entry, an application may be made to the Court for a Warrant to enter.

3.6.5 Formal Action

A visit may be made at the outset in cases where the initial complaint indicates that an immediate investigation by an officer is warranted.

Examples of circumstances in which formal action would be taken include where:

- Pre-formal action has had no effect
- There is a lack of confidence, due to a history of non-compliance from the landlord
- The risk to Health, Safety and Wellbeing is such that formal action is necessary Immediately.

If formal action is considered appropriate the following options are available:

3.6.6 Statutory Notices

These are notices used when a landlord is failing to comply with housing or other health and environmental legislation. They normally require that necessary remedial action be taken at a specified property by the owner within a specified period, which will vary depending on the nature and scale of the works.

For defects that give rise to Category 1 HHSRS hazards under Part 1 Housing Act 2004, the Council has a duty to take appropriate enforcement action to deal with that hazard. The Council will also normally seek to deal with any significant Category 2 hazards whether or not Category 1 hazards are also present.

If a landlord fails to deal informally to remedy a Category 1 and/or significant Category 2 hazard, the Council will take appropriate enforcement action. Such action will vary depending upon the circumstances of the case. It is most likely to involve the service of an Improvement Notice requiring remedial works. Where there are serious hazards, a Prohibition Order prohibiting the use of all, or part of the property may be issued. Suspended enforcement actions are also available. Action will be based the best course of action to deal with the hazards.

In cases where one or more Category 1 hazards are present, it is unlikely that the service of a Hazard Awareness Notice would be the preferred enforcement action, unless the circumstances of the occupiers were such that other options were not practical (e.g. major improvement works required in a home occupied by a frail resident) or where the age and traditional construction is such that they are of special architectural or historic interest e.g. Listed buildings.

Legal Notices served by the Council will detail any rights of appeal and an extension of time to comply with any notices requiring works can be requested if there are legitimate reasons. However, failure to comply with the requirements of any issued Notice is an offence and may result in prosecution or the issuing of a civil penalty.

Other formal notices that may be served relate to specific legislation such as electrical safety, compliance notices under the Minimum Energy Efficiency Scheme and smoke and carbon monoxide regulations etc.

3.6.7 Emergency enforcement actions

Where there is a Category 1 HHSRS hazard present that is considered to represent an imminent risk of serious harm to the health and safety of the occupiers of a dwelling, the Council may serve an Emergency Prohibition Order or take Emergency remedial action. Such emergency actions would involve either the removal of certain defects giving rise to the immediate risk or the closure of all or part of a dwelling.

3.6.8 Work in default

In situations where a landlord fails to comply with a formal notice requiring remedial works, the Council may undertake these works in default of the owner and take steps to recover any costs incurred and place a charge on the property. This power may be exercised in addition to any prosecution proceedings taken for non-compliance with this notice.

3.6.8 Work in default

In situations where a landlord fails to comply with a formal notice requiring remedial works, the Council may undertake these works in default of the owner and take steps to recover any costs incurred and place a charge on the property. This power may be exercised in addition to any prosecution proceedings taken for non-compliance with this notice.

3.6.9 Debt recovery

Where the Council has placed a charge on a property, steps will be taken to recover the debt. This includes action to tackle long term empty properties which have outstanding debt, to facilitate debt recovery and to bring empty homes back into use.

Enforced sale action will only be used as a last resort once all other methods have been exhausted and will be considered if they are causing issues in the local community and the owner is not taking action. Properties will be placed on the open market or may be brought into Council stock.

3.6.10 Licensing

The Council operates the national mandatory HMO (Houses in Multiple Occupation) licensing regime where a landlord is required to have an appropriate property licence, which will be subject to conditions. In determining an application for any property licence, the Council must decide whether to grant or refuse a licence. An appropriate fee must be paid in line with Council's fee policy.

Before issuing a property licence, the licence holder/manager will be assessed against 'Fit and Proper Person' criteria. In granting a licence, the Council must be satisfied that the licence holder and any separate manager of the address are fit and proper persons. In applying the Fit and Proper Person test, the Council will consider a range of relevant factors. The Council's general approach will be:

- To consider the nature of any relevant convictions – convictions relating to fraud, running an unlicensed HMO or violence are likely to be relevant in determining 'fit and proper'. A landlord that has criminal convictions for harassment and/or illegal eviction is unlikely to be deemed fit and proper. An administrative or technical breach of a provision is unlikely to carry any significant weight in determining 'fit and proper' status.
- Each case will be considered on its own merits and any mitigating factors considered. The Council will adopt a common-sense approach, exercising its discretion reasonably and proportionately, taking into account relevant considerations and ignoring irrelevant ones.

- Where there is a failure of a licence holder or manager to meet the Fit and Proper test, a licence application will be refused (unless an appropriate alternative licence holder or manager is identified) and any existing licence revoked [(unless the failure relates to the property manager and an appropriate alternative manager is identified)].
- The Council will normally grant a licence that has a 'full-term' duration of up to 5 years. However, where the Council identifies concerns relating to either the property to be licensed (for example a breach of planning regulations) or to the licence holder/manager then a shorter licence term may be granted.

The operation of the licensing regime places obligations on landlords, including the need to:

- Ensure that relevant properties are licensed
- Carry out necessary safety checks and provide relevant documentation when necessary
- Comply with a set of licence conditions, including the need to deal with any anti-social behaviour at their rented property and to keep the property in a reasonable state or repair

A failure to meet one or more of the licensing requirements will be individually assessed but may result in enforcement outcomes including:

- A written warning or simple caution
- Prosecution
- The imposition of a civil penalty
- The service of formal notices
- Refusal or revocation of a licence and/or the granting of a shorter licence period through a consequent failure to meet fit and proper person criteria

3.6.11 Simple Caution

The purpose of a Simple Caution is to deal quickly and simply with less serious offenders by diverting them away from the courts, and to reduce the chances of repeat offences. Simple Cautions will be kept on file for three years. A Caution will only be issued if there is sufficient evidence of guilt, the offender is over eighteen years old, the offender admits the offence and consents to the Caution. If the offender refuses to accept a Simple Caution, a prosecution will normally be pursued.

3.6.12 Prosecution

A prosecution may be necessary if the alleged offence is serious enough. Any decision to prosecute will be taken in accordance with the Regulators Compliance Code, the Council's Enforcement Policy and the Code for Crown Prosecutors.

The following factors will be taken into account:

- The seriousness of the offence
- The previous history of the party concerned
- The willingness of the party to prevent a recurrence of the problem
- Whether the issuing of a civil penalty (see below) or simple caution would be more appropriate or effective

- Whether the offence was committed deliberately, any evidence of obstruction of the officers in their lawful duty or of the investigation
- Financial considerations - the benefit obtained from the alleged offending

Any decision to Prosecute will be considered with a representative from Legal Services.

3.6.13 Civil and Monetary Penalties

The Council may serve notices imposing Civil Penalties, as an alternative to prosecution, of up to a maximum of £30,000 in respect of the following offences:

- I. Failure to comply with an Improvement Notice
- II. Failure to license or other licensing offences relating to HMOs
- III. Failure to comply with an Overcrowding Notice
- IV. Failure to comply with a regulation in respect of an HMO
- V. Breaching a Banning Order

Approach

The Council will determine, on a case-by-case basis, whether to instigate prosecution proceedings or to serve a civil penalty in respect of any of the offences listed above.

Examples of situations in which a decision to prosecute would normally be taken include:

- Where the offence committed is judged to be particularly serious
- Where the offender has committed similar offences in the past

In circumstances where the Council has determined that it would be appropriate to issue a civil penalty as an alternative to prosecution, the level of the penalty will be calculated in accordance with our civil penalties policy.

The Council will also use duties and powers to serve notices and impose monetary penalties in relation to offences under the following

- Agency and Property Management Work Redress Scheme,
- Electrical Safety Regulations
- Smoke and Carbon Monoxide Regulations
- Energy Efficiency (Private Rented Property) Regulations

We have specific policies relating to each of these requirements.

3.6.14 Rent Repayment Orders

The Council may apply to the First Tier Tribunal for a Rent Repayment Order (RRO) where a landlord has committed a relevant offence (to recover an amount in respect of a relevant award of universal credit paid in respect of rent under the tenancy for up to 12 months. An application for an RRO may be in addition to other formal action, such as prosecution proceedings or the imposition of a Civil Penalty.

3.6.15 Banning Orders

For serious offenders, where a landlord has committed one or more specified offences, the Council may apply to the First Tier Tribunal for a Banning Order that bans a landlord from letting or managing housing for a minimum period of 12 months. The Council will only pursue

a banning order for the most serious offenders. Further information is available in our civil penalties policy.

4. COMPLAINTS AND APPEALS PROCEDURES

Some legal notices have a statutory appeals procedure, and landlords are entitled to appeal against such notices through the specified appeal provisions.

We are always willing to discuss with you the reasons why we have acted in a particular way or asked you to act in a particular way. You can contact the Senior Environmental Health Officer dealing with your case at housingstandards@baberghmidsuffolk.gov.uk to discuss our approach to enforcement against you for a specific case/address.

We manage complaints about our service through the Council's Corporate Complaints Policy. This can be found at [Compliments, comments and complaints » Babergh Mid Suffolk](#)

5. CHARGING FOR ENFORCEMENT ACTION

Under Section 49 of the Housing Act 2004, the Council will make a reasonable charge for taking enforcement action based on actual officer and administration time taken in each case.

In cases where a formal notice other than a Hazard Awareness Notice was served, a charge would normally be made. The cost of the Works and all other associated relevant costs will be recovered in accordance with the relevant Statutory Provisions. All outstanding debts will be registered as a Local Land Charge against the property and where interest can be charged, this will be added to the debt. The Council may consider using the Enforced Sale Procedures to recover the charges owed, where appropriate.

In cases involving vulnerable clients that are owner occupiers, no charge will be made.

Any charge may be waived at the Council's discretion.



BABERGH & MID SUFFOLK DISTRICT COUNCILS

PRIVATE SECTOR HOUSING CIVIL PENALTIES POLICY

APPENDIX 2: Civil Penalties Policy and matrices for imposing a civil penalty

1.0 INTRODUCTION

This document sets out the civil penalties policy that the Councils will use to impose civil penalties as an alternative to prosecution in certain cases. It provides guidance and rationale to officers in setting the levels of such penalties, and greater transparency regarding the decision-making process for recipients in particular cases.

2.0 RELEVANT LEGISLATION

The Housing Act 2004 was amended by the Housing and Planning Act 2016 to allow local authorities to impose a Financial Penalty as an alternative to Prosecution for certain Housing Act offences. The maximum Financial Penalty is £30,000 per offence.

The list of relevant offences for which Civil Penalties can be levied by the Council under the Housing Act 2004 are: -

- Failure to comply with an Improvement Notice (Sec. 30)
- Failure to licence a House in Multiple Occupation (HMO) (Section 72)
- Failure to comply with Licensing Conditions (Section 72)
- Failure to comply with an Overcrowding Notice (Section 139)
- Failure to comply with Management Regulations in respect of HMO (Section 234)
- Breaching a Banning Order (Housing and Planning Act 2016)

A Scoring Matrix has been developed with a view to assisting officers to arrive at a justifiable figure.

3.0 APPLYING THE MATRICES

The Financial Penalty should be fair and proportionate, with the main objective of punishment, deterrence and the removal of gain derived through the commission of the offence. It should not be cheaper to offend than to take the appropriate precautions. This guide is intended to assist officers with the use of the Matrices and is not intended to replace Government Guidance on the subject, which is Dept. of

Communities & Local Government (DCLG) 2017 Civil Penalties under the Housing and Planning Act 2016.

In determining the level of penalty, the Council will have regard to local circumstances and relevant government guidance detailing factors to be taken into account. The overriding principle is that the landlord (as defined by the Housing Act 2004 as the owner, person having control or the licence holder) should not make any financial gain as a result of their failure to comply with the relevant legislation. Each case will be considered on its own merits. The statutory guidance makes it clear that it is for each local authority to develop and document their own policy on issuing civil penalties.

4.0 GUIDE TO APPLYING THE CIVIL PENALTY FEE MATRICES

4.1 Civil Penalty Notice (CPN) Scoring Matrices: Factors to be taken into account include: -

- i. Severity of the offence
- ii. Culpability
- iii. Harm caused to the tenants
- iv. Punishment of the offender
- v. Deter the offender from repeating the offence
- vi. Deter others from committing similar offences
- vii. Remove any financial benefit the offender may have obtained as a result of committing the offence.

4.2 Vulnerable individuals

4.2.1 The statutory guidance states that the harm caused, and the vulnerability of the individual are important factors in determining the level of penalty. The Housing Act 2004 defines a vulnerable individual as one who is at greater harm and therefore the penalty may be greater when vulnerability is an issue.

4.3 The Matrices

In order to comply with statutory guidance, officers will follow a set of principles outlined in the guidance to exercise their functions in respect of civil penalties. Matrices are provided relevant to the appropriate offence to calculate the starting point for the level of civil penalty. Each Matrix is not intended to provide a prescriptive tariff applicable to every case, but to provide guiding principles intended to provide an indicative level of penalty for the offence under consideration.

5.0 FACTORS TO BE CONSIDERED FOR OFFENCES

5.1 Nature and Severity of The Offence

The actual offence that has been committed and its severity should be considered. Some offences will be more serious than others. For example, a single breach of

management regulations will be considered of less severity than failure to licence a House in Multiple Occupation (HMO). Determination of the likely penalty level will be based on the nature of the offence and its severity.

MATRIX A Housing Act Offences- Breaches of Improvement and Overcrowding Notices

5.2 Culpability and Seriousness of Harm

The *culpability* of the offender in relation to the offence and the actual or potential *seriousness of harm* to the occupier as a result of the offence are very important considerations. These are major factors in gauging the level of fine to be imposed.

An assessment has been developed to determine the starting point for the penalty relating to the offence.

This involves 3 steps: -

Step 1 - Determining the Culpability (Table 1 and paragraph for Determination of Culpability).

Step 2 - Determine the seriousness of harm (Table 2 paragraph for Level of Harm).

Step 3 - Use Table 3 to determine the starting point for the offence based on culpability and harm.

5.3 Determination of Culpability

Table 1 below breaks down the landlord's culpability for the offence into four categories and each category has an accompanying description of what would constitute that level of culpability. The behaviour of the landlord should be compared to the table to determine the appropriate level of culpability. This exercise will be repeated for each offence that is being considered as the landlord's culpability may vary between offences.

Table 1 : Culpability

Very high	Where the offender intentionally breached, or flagrantly disregarded, the law. i.e. actively overcrowding a high-risk property for financial gain.
High	Actual foresight of, or wilful blindness to, risk of offending but risk nevertheless taken; Serious and or systematic failure by the person or organisation to comply with legal duties. As above but in instances of less risk from the property. Where the offender knew, or ought to have known, their actions were unlawful. Examples- Landlord has a serious market advantage over compliant rivals. Serious level of overcrowding due to deliberate/flagrant breach to profit from behaviour.
Medium	Offence committed through act or omission which a person exercising reasonable care would not commit; Systems were in place to manage risk or comply with legal duties, but these were not sufficiently adhered to or implemented.

	An example of this may be an agent or landlord who has attended Property Management Training or whom an officer has previously supported through visit(s) and advice. It is anticipated that the majority of cases will generally fall into this category. The Council's work as a regulator is undermined by the offender's behaviour. Consumer/tenant mislead.
Low	<p>Offence committed with little fault, for example because: Significant efforts were made to address the risk but were inadequate on this occasion. There was no or little warning of risk/circumstances of offence. Failings were minor and occurred as an isolated incident.</p> <p>An offence committed with little fault, for example, because:</p> <ul style="list-style-type: none"> i. significant efforts were made to address the risk although they may have been inadequate on this occasion. ii. there was no warning or circumstances indicating a risk; iii. failings were minor and occurred as an isolated incident.

Once the level of culpability has been determined (using Table 1 above) in relation to an offence, then the seriousness of potential or actual harm will need to be determined

5.4 Determining Seriousness of Harm

Table 2 below separates the seriousness of harm into three categories and each category has an accompanying description of what would constitute that level of potential or actual harm. The level of harm should be assessed using the table to determine the appropriate level and this exercise will be repeated for each offence that is being considered as the seriousness of harm may vary between offences.

Table 2 – Seriousness of Harm

High	<p>The offence committed is highly likely to have a serious adverse effect(s) on individual(s) and/or result in widespread impact. e.g. consider the vulnerable age group for the associated hazard.</p> <ul style="list-style-type: none"> ● High level of potential harm to the occupant(s) and/or continuous ● High risk of adverse effect on an individual ● Serious levels of overcrowding ● Examples: two or more Category 1 Hazard(s) and/or high Category 2 or multiple hazards at property. <p>Danger of electrocution, carbon monoxide poisoning or serious fire safety risk.</p>
Medium	<p>Adverse effect on individual(s) not amounting to High Harm Level.</p> <ul style="list-style-type: none"> ● Medium risk of harm to the individual(s) ● Low risk of a <i>serious</i> effect on individual(s) ● E.g. Only one Category 1 Hazard or high Category 2 Hazard(s) ● Examples- risk of harm from falls between levels, multiple excess cold deficiencies, high scoring category 2 damp and mould hazard.
Low	<p>Low adverse effect on individual(s)</p> <ul style="list-style-type: none"> ● Little or no risk of an adverse effect or actual or potential harm to individual(s)

	<ul style="list-style-type: none"> • E.g. No Category 1 Hazard • Examples- localised damp and mould growth, category 2 hygiene hazards
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5.5 Determining the starting point for the penalty

Having reference to the severity of the offence, and having determined the culpability and harm, reference should be made to the starting points to reach an appropriate level of Civil Penalty (Table 3). A further adjustment must then be made for any identified aggravating and mitigating features.

Table 3: Penalty Bands

Low Culpability	Starting Point	Penalty Band Range
Low Harm	£1500	£750-£2250
Medium Harm	£3000	£2250-£3750
High Harm	£4500	£3750-£5250
Medium Culpability		
Low Harm	£4500	£3750-£5250
Medium Harm	£7500	£5250-£12000
High Harm	£12000	£9000-£15000
High Culpability		
Low Harm	£7500	£5250-£12000
Medium Harm	£12000	£9000-£15000
High Harm	£16500	£15000-£20000
Very High Culpability		
Low Harm	£12000	£9000-£15000
Medium Harm	£16500	£15000-£20000
High Harm	£25500	£20000-£30000

MATRIX B-HMO Offences

5.6 Determination of Culpability and Severity of offences

Table 4: HMO Offences-Starting Points

Offence	Low Severity	Medium Severity	High Severity
Failure to comply with management regulations/licensing conditions	£500	£1,500	£2,500
Failure to licence	£1,000	£2,000	£5,000

5.6.1 Severity Levels for HMO offences

When deciding the severity level, it is important to take into account the relevant piece of legislation associated with the intended action.

The Severity Levels contain factors relating to both actual harm and risk of harm.

The following is a list of considerations/examples and is not exhaustive.

Low Severity

- Low risk of harm or potential harm and little risk to occupiers or effect on health/safety. No vulnerable persons in occupation.
- Minor breach of Management Regulations e.g. a landlord or agent controlling/managing one or two HMO dwellings, who fails to display a notice containing their contact details and fails to address relatively minor management regulations/disrepair
- Little fault as significant efforts were made to address the risk although they may have been inadequate on this occasion or there was no warning or circumstances indicating a risk and failings were minor and occurred as an isolated incident.
- First time/inexperienced landlord unaware of licensing requirement and had not been previously advised/ prompted by the Council and co-operated immediately.
- First time or inexperienced landlord who is not a member of the Landlord body or working via an agent and HMO only been recently operational. Unaware that property had become an HMO after being single occupation.
- Minor lack of compliance with a licensing condition.

Medium Severity

- Medium risk of harm to the individual(s) and low risk of a serious effect on individual(s) e.g. No more than one significant breach or 2-3 minor breaches of Management Regulations.
- An offence committed through act or omission which a person exercising reasonable care would not commit. The landlord has systems in place to manage risk or comply with their legal duties, but these were insufficient nor

implemented. An example of this may be an agent or landlord who has attended Property Management Training or whom an officer has previously supported through visit(s) and advice.

- Landlord not a first-time landlord but does not have any HMOs within his portfolio. HMO has drifted into the mandatory licensing criteria due to a lack of proactive management.
- Landlord has not been prompted by Council to licence the HMO but is regarded as having sufficient experience of being a landlord to have known of the mandatory licensing criteria.
- Some licensing conditions complied with, but many have not been completed or carried out within required timescale.

High Severity

- High risk of effect on individuals. May be vulnerable persons in residence or anti-social behaviour/harassment.
- Where the landlord intentionally breached, flagrantly disregarded the Law, knew, or ought to have known, their actions were unlawful.
- Actual foresight of, or wilful blindness to, risk of offending, but risk nevertheless taken.
- Responsible person has been notified of the need to licence the HMO or has previously been made aware of the mandatory licensing criteria by the Council.
- Multiple breaches of Management Regulations with actual/potential harm to tenants or single failure to maintain fire standards/alarms in working order or to maintain essential services to an HMO.
- HMO in significant disrepair.
- Landlord provides false or misleading information or failed to provide adequate information that invalidates his licence application. Attempts to mislead or deceive the Council.
- Portfolio HMO landlord that should be aware of legal obligations.
- Fails to carry out works/improvements imposed as a condition of a granted HMO licence.

6.0 BANNING ORDER OFFENCES

This is a very serious offence. For a breach of Banning Order the starting point will be £30,000 subject to mitigation and other considerations. Each case will be determined on its merits. Prosecution will be considered as an alternative.

7.0 MITIGATING AND AGGRAVATING FACTORS

Once the starting point of the offence has been determined from Matrix A or B, the starting point for the level of penalty may be increased or decreased to take account of mitigating and aggravating factors.

7.1 Examples of Mitigating Factors:

- Co-operation with investigation e.g. attends for PACE interview/responds positively to letter of alleged offence.

- Voluntary steps taken to address issues e.g. submits a property licence application
- Willingness to undertake training e.g. for running rented accommodation business
- Willingness to join a recognised landlord accreditation scheme
- Genuine evidence of health reasons preventing reasonable compliance of obligations e.g. mental health issues, unforeseen health issues, emergency health concern.
- No previous relevant convictions
- Vulnerable individual(s) where the vulnerability is linked to the commission of the offence
- Otherwise good character and/or exemplary conduct

7.2 Examples of Aggravating Factors:

- Previous convictions having regard to the relevant offence and time elapsed since the previous offence
- Motivated by financial gain
- Obstruction of the subject investigation
- Deliberate concealment of the activity/evidence
- Number of items of non-compliance; the greater the number, the greater potential aggravating factor
- Record of non-compliance/letting substandard accommodation
- Record of poor management/inadequate management provision
- Lack of tenancy agreement/rent paid in cash and/or multiple breaches of Management Regulations

8.0 REDUCTIONS WITH REGARD TO OFFENDER'S ABILITY TO PAY

The CPN Statutory Guidance requires that: -

"Local Housing Authorities should use their existing powers to, as far as possible, make an assessment of a landlord's assets and any income (not just rental income) they receive when determining an appropriate penalty."

Therefore, it is in the interest of the recipient(s) of the proposed CPN to supply all relevant information to the Council, so this is taken into consideration during the issuing of a final Civil Penalty Notice. Examples would be:

- evidence of rental income from the property
- financial assets
- profits
- size of the property portfolio controlled or owned by the landlord/agent.

- Evidence in support of submissions including company accounts, bank statements etc.

9.0 DETERMINING SUBSEQUENT OFFENCES

The legislation and guidance allow the Local Housing Authority to take into account the number of times that someone has committed an offence. Second and third offences carry a much more severe and substantial penalty. Therefore, subsequent and repeated offences will attract a higher CPN Charge; further offences will be charged at double the first offence capped at £30,000.

10.0 SUMMARY OF SENTENCING GUIDELINE PRINCIPLES FOR CPN CHARGE

i. Assess nature of the offence and its severity. Note that different offences will differ in terms of severity.

When considering the seriousness of the offence, the Council shall consider the culpability in committing the offence and any harm which the offence caused, was intended to cause, or might foreseeably have caused. A first-time offence shall be taken into account. In looking at culpability, the Council will consider the overarching principles (intention, recklessness, knowledge and negligence).

ii. Once the starting point has been identified, the Council can then increase or reduce this to reflect any aggravating or mitigating factors that impact on the culpability of the offender and/or harm caused by the offence to reach a starting point. The CPN Band Width at the starting point will reflect the description of activity used to justify the starting point. The Council is not precluded from going outside the CPN Band Width Charge (up to allowed maximum) where the facts justify it. Previous convictions which aggravate the seriousness of the offence may take the provisional CPN Charge beyond the Band Width, especially where there are significant other aggravating factors present.

iii. Form a preliminary view of appropriate CPN Charge. When the Officer has reached a provisional CPN Charge based on the assessment of the offence's seriousness, they should take into account matters of offender mitigation.

iv. Consider a reduction for a guilty plea. The punitive element of the proposed CPN Charge may be reduced to recognise an offender's guilty plea. The level of reduction should reflect the stage at which the offender indicated a willingness to admit guilt.

v. Decide CPN Charge and give reasons. Review the total proposed CPN Charge and ensure that it is proportional to the offending behaviour. The proposed CPN Charge must state reasons for the proposed charge. It is particularly important to identify any aggravating or mitigating factors that has resulted in the issuing of the proposed CPN.

STAGES IN CALCULATING A CIVIL PENALTY NOTICE (CPN)

Stage 1.

Consider the nature and severity of the offence.

Stage 2.

Identify applicable matrix and establish culpability and harm (see Tables 1, 2, 3) or 4 for HMOs)

Stage 3.

Choose the appropriate starting point from the relevant table (3 or 4 for HMO offences) for working out the initial CPN charge figure.

Stage 4.

Consider mitigation and aggravating factors and consider applying reduction for early admission of guilt by offender. Also consider reductions with regard to the offender's ability to pay. Then issue proposed CPN with relevant documentation to the recipient.

WORKED EXAMPLE

A landlord has committed an offence by not complying with a Housing Act 2004 Improvement Notice. This offence is considered to be of moderate severity.

Matrix A applies. Upon consideration, it has been established that the responsible landlord had a Low Culpability as significant efforts were made to address the risks, although they have been inadequate on this occasion. However, the harm caused to the individuals falls within the medium risk of harm. This is because some of the hazards were removed as the notice was partly complied with, but a category one (excess cold) and two category 2 hazards are outstanding (damp and mould and entry by intruders). The landlord has shown some willingness to pay the CPN Charge within a reasonable period, typically within 28 days provided that the charge can be justified.

Step 1.

Apply Tables 1 and 2 to justify culpability and harm. Then refer to Table 3 for Penalty Bands. For a Low culpability and medium harm, the initial starting figure will be £3,000. This is within the band £2250-£3750.

Step 2.

Consider any aggravating and mitigating circumstances which may further increase or further reduce the proposed CPN charge. Also consider any further reductions with the offender's ability to pay the CPN. In the example given, after checking the criteria for aggravating and mitigating circumstances, there is no reason to make any further adjustment to the proposed CPN Charge figure of £3,000. The landlord has not given any indication or demonstrated that they are unable to afford the proposed CPN charge. Therefore, the CPN Charge to be issued will be £3,000.



BABERGH & MID SUFFOLK DISTRICT COUNCILS

PRIVATE SECTOR HOUSING

APPENDIX 3: Statement of Principles and penalties under Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 (“The Electrical Safety Regulations”)

Introduction

The Electrical Safety Regulations require all landlords to keep their properties safe by having their electrical installations inspected and tested by a person who is qualified and competent, at least every five years. The regulations give powers to Local Authorities to require inspections to be carried out and, where necessary, to ensure that installations are made safe.

Enforcement Action

- In situations where officers find immediate danger, Emergency Remedial Action would normally be taken under Part 1 of the Housing Act 2004.
- Where a number of other significant hazards exist alongside electrical hazards, but there is no immediate danger, officers will usually serve an Improvement Notice under Part 1 of the Housing Act 2004.
- Officers may require an up-to-date Electrical Installation Condition Report (EICR) to be provided under The Electrical Safety Regulations. Where necessary, breaches of the regulations will be followed up by a “remedial notice” requiring the landlord to make the installation safe or to carry out further investigations.
- Where remedial notices are breached, the Council may seek to carry out the works itself and will then recover its costs from the landlord. It may also impose a civil penalty on the landlord of up to £30,000.
- Where a landlord has not carried out urgent works required under an EICR, the Council may exercise its power to carry out Urgent Remedial Action under The Electrical Safety Regulations. The costs of the works will be recharged to the landlord and the option of issuing a Civil Penalty Notice will be considered.
- An EICR will be required in advance of every licensing inspection under our mandatory licensing schemes, if these certificates were not submitted in the licence application.

Electrical Safety Matrix

Electrical Installation Condition Reports (EICR) should be completed by a qualified electrician and provide a guide to officers as to the severity of any hazardous elements of an electrical installation. The EICR, categorises hazards into risk-based classification codes. These are:

C1 – Danger present – Risk of injury. Immediate remedial action required
C2 – Potentially Dangerous – Urgent remedial action required
C3 – Improvement Recommended

Starting Points for Offences

First Offence	Second Offence	Subsequent offences for C1 and/or multiple C2/C1 Codes present
C1 Codes present £5,000	C1 code present £15,000	£30,000
C2 codes present (4+) £2,500		
C2 codes present (1-3) £1,000	C2 codes (no C1 codes) £10,000	
Failure to obtain EICR (includes situations when a satisfactory report has been produced by the Council under remedial action (no remedial works required) £500		

This electrical matrix also takes into account the culpability of offender as penalties increase for subsequent offences. The severity of the offence, incorporating the harm posed to the occupants, is linked to the condition reported by the qualified electrician and the relevant penalty increases to reflect the number and/or type of hazardous conditions found.

If a landlord has failed to provide a report, where the Council takes remedial action to commission such a report, with the installation found to be in a satisfactory condition, a penalty will be imposed to reflect:

- the attitude of the landlord
- failure to comply with the requirement for the report to be carried out
- the cost of obtaining a report, with the penalty being a deterrent with a £500 maximum fine for this offence.



BABERGH & MID SUFFOLK DISTRICT COUNCILS

PRIVATE SECTOR HOUSING

APPENDIX 4: Policy in relation to Energy Efficiency Regulations in Private Rented Property

Introduction

This policy document sets out how Babergh and Mid Suffolk Councils will deliver interventions under The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 in relation to financial and publication penalties.

The regulations are designed to tackle the least energy-efficient properties in England and Wales; currently those rated F or G on their Energy Performance Certificate (EPC). The Regulations establish a minimum standard for domestic privately rented property.

Housing Standards officers are authorised to check for different forms of non-compliance with the Regulations including:

- whether the property is sub-standard and has been let in the previous 12 months, in breach of Regulation 23, without a valid exemption being registered.
- where the landlord has registered any false or misleading information on the government's "National PRS Exemptions Register", or has failed to comply with a compliance notice.

The Department for Business Energy and Industrial Strategy have produced guidance published in 2017 and updated in May 2020; Guidance for landlords and Local Authorities on the minimum level of energy efficiency required to let domestic property under the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015.

Enforcement

The Council will use available data and resources to establish 'sub-standard' properties as described by the regulations (currently EPC level F & G).

In the first instance the Council will inform Landlords who rent 'sub-standard' properties that they do not meet the minimum energy efficiency standard. The Council will offer advice on how the standards can be met, funding available and advise on registering an exemption if appropriate.

Landlords will be given an appropriate time to make the necessary changes. However if they fail to make sufficient progress enforcement action will be considered.

In circumstances where a landlord has a history of not complying with housing related regulatory requirements the council will consider whether an informal approach is appropriate and if not will take immediate formal action.

Enforcement Action

The Council has discretion to serve Compliance Notices to request information from a landlord that will help them to decide whether there has been a breach. The council will serve Penalty Notices where a landlord fails to comply with the Compliance Notice.

The Council will check the National PRS Exemptions Register and if it believes a landlord has registered false or misleading information it will consider serving Penalty Notices.

If offences under the regulations are committed the council will serve a Penalty Notice to the values set out in Table 1.

Under regulation 39 the Local Authority may publish some details of the landlord’s breach on a publicly accessible part of the PRS Exemptions Register. The council will place the information on the register at the appropriate time, for a minimum of 12 months.

The Landlord has the right to ask for a Penalty Notice to be reviewed under Regulation 42. Any request for review must be submitted to the Council within 21 days of the Penalty Notice being served. The penalties below may be subject to reduction based on representations received particularly mitigating circumstances.

Table 1-Table of offences under Energy Efficiency Regulations

Offence	Penalty starting points	
Renting out non-compliant property	<3 months in breach	£2,000 and Publication penalty
	>3 months in breach	£4,000 and Publication penalty
Providing false or misleading information on Exemption register	£1000 and Publication penalty	
Failing to comply with compliance notice	£2000 and publication penalty	

Note 1. These penalties are applied to each property where there is a breach to a maximum of £5000 per property

Note 2. Publication penalty – some of the details of the financial penalties are published on the publicly accessible part of the PRS Exemptions Register

Recovery of financial penalty

If a landlord does not pay a financial penalty imposed on them, the enforcement authority will take the landlord to court to recover the money. It will not do this during

the period for review stipulated on the notice, while reviewing their decision, or during the period in which the landlord could appeal to the First-tier Tribunal or while there is an ongoing tribunal appeal.

Changes to Legislation/guidance

The energy efficiency/climate emergency movement is designed to change incrementally and therefore changes to legislation/guidance are inevitable. Individuals will be expected to identify their responsibilities and respond appropriately to the latest legislation/guidance. It follows therefore that revisions/updates to this Policy will be necessary as and when appropriate.

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Agenda Item 11

INFORMATION BULLETIN

Babergh and Mid Suffolk Joint Overview & Scrutiny Committee – [20th Feb 2023]



Skills Overview and Update

We recognise that that skills and education are not a statutory function for Tier 2 Local authority bodies, however our priorities include ensuring that our residents, communities and employers are able to take advantage of quality, accessible and timely support, education and training that enables them to be successful.

To this end we have included a number of skills/education related activities within the Recovery Plan that the Councils' adopted in 2021.

These actions recognised the challenges for our economy both during and post Covid and identified some focused areas for initial intervention to support the delivery of an effective recovery.

The specific targets relating to the Successful and Skilled theme are set out below:



SUCCESSFUL AND SKILLED TARGETS:

Strengthen engagement and interaction between education and industry partners across the district

Work with education partners and businesses to raise ambition and levels of aspiration in primary and secondary school children

Support growth and development of existing sector businesses and supply chains

Take a lead in the growth and development of new commercial floorspace to meet rising demand from high growth high value businesses

During the Overview and Scrutiny session on 20th February 2023, we will provide an update to Members on progress made against these targets on the specific skills/education actions that we committed to delivering as part of the Recovery Plan.

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JOINT OVERVIEW AND SCRUTINY ACTION TRACKER

The purpose of this action tracker is to document and track the progress of all recommendations made by the Joint Overview and Scrutiny Committee. This tracker seeks to inform committee members on the implementation of their recommendations and the subsequent decisions reached by Cabinet. This tracker is updated ahead of and following each meeting of the Committee.

Date	Item Ref	Item Title	Recommendations	Key Officer	Progress	Status
23.01.23 (MSDC)	MOS/22/02	General Fund and Housing Revenue Account (2023-24)	1.1 That the Mid Suffolk Overview and Scrutiny Committee notes the report	N/A		Completed
			1.2 That Cabinet considers an increase in the Locality Award allocation for each Member.	N/A	01.02.23: Will be considered by Cabinet on 6th February as part of the GF and HRA items	Ongoing
	Mca/22/27	Call-In of the Decision From the Mid Suffolk Cabinet Meeting 7 November 2022	That Mid Suffolk Overview and Scrutiny Committee refers the matter back to the Cabinet for reconsideration with the following observations: - That Officers undertake further public engagement - That Officers and Cabinet consider locating other sites within the district for the scheme - That Cabinet takes into consideration the planning advice provided	N/A		Ongoing

Date	Item Ref	Item Title	Recommendations	Key Officer	Progress	Status
23.01.23 (Joint)	JOS/22/39	Review of the Culture, Heritage and Visitor Economy Strategy	1.1 That the Joint Overview and Scrutiny Committee notes the report and requests that Officers take account of the comments made by Members.	N/A	N/A	Completed
			1.2 That a review of the progress of the Strategy's implementation plan be undertaken by the Joint Overview and Scrutiny Committee in January 2024.	AN	N/A	Ongoing

Date	Item Ref	Item Title	Recommendations	Key Officer	Progress	Status
23.01.23 (BDC)	BOS/22/02	General Fund and Housing Revenue Account (2023-24)	1.1 That the report be noted	N/A	N/A	Completed

Date	Item Ref	Item Title	Recommendations	Key Officer	Progress	Status
19.12.22	JOS/22/32	Review of Suffolk Association of Local Councils (SALC)	1.1 That the Joint Overview and Scrutiny Committee notes the report	N/A	N/A	Completed

Date	Item Ref	Item Title	Recommendations	Key Officer	Progress	Status
22.11.22 (MSDC Only)	MOS/22/01	Draft General Fund and Housing Revenue Account 2023/24 and Four Year Outlook	1.1. That Mid Suffolk Overview and Scrutiny Committee welcomes this earlier opportunity to consider the draft budget assumptions and thanks Officers for their presentation and clarification.	N/A	N/A	Completed
			1.2. That Cabinet and Officers take account of the comments made at this meeting of the Mid Suffolk Overview and Scrutiny Committee.	ME	05.12.22: Draft minutes provided to key officers and the Cabinet Member for Finance.	Completed
			1.3. That Cabinet explores opportunities to reduce to a minimum the recharges to the Housing Revenue Account (HRA) from the General Fund (GF).	N/A	23.01.22: The final 2023-24 General Fund and Housing Revenue Account figures were presented to O&S	Completed
			1.4. That Officers look further at the Vacancy Management Factor assumption of 5%.	ME	23.01.22: The final 2023-24 General Fund and Housing Revenue Account figures were presented to O&S	Completed
			1.5. That Officers consider further opportunities to increase garage rents.	ME	23.01.22: The final 2023-24 General Fund and Housing Revenue Account figures were presented to O&S	Completed
			1.6. That Mid Suffolk Overview and Scrutiny Committee suggests a more prudent assumption in respect of the Pay Award 2023/24.	N/A	23.01.22: The final 2023-24 General Fund and Housing Revenue Account figures were presented to O&S	Completed
			1.7. That Mid Suffolk Overview and Scrutiny Committee recommends the cost assumptions for repairs and maintenance be looked at in more detail.	ME	23.01.22: The final 2023-24 General Fund and Housing Revenue Account figures were presented to O&S	Completed
			1.8. That more timely quarterly information on the General Fund's and Housing Revenue Account's income and expenditure be used to develop the budget and request that this information be made available to Mid Suffolk Overview and Scrutiny Committee.	ME	Awaiting update	Ongoing

Date	Item Ref	Item Title	Recommendations	Key Officer	Progress	Status
21.11.22 (BDC Only)	BOS/22/01	Draft General Fund and Housing Revenue Account 2023/24 and Four Year Outlook	2.1 That the draft budget assumptions as set out in the report for the 2023/24 General Fund and Housing Revenue Account budgets be noted.	N/A	N/A	Completed

Date	Item Ref	Item Title	Recommendations	Key Officer	Progress	Status
21.11.22 (Joint)	JOS/22/23	Review of Local Citizens Advice and the Cost of Living Crisis	1.1 That the Joint Overview and Scrutiny Committee notes the contents of the report and commends the work being undertaken in response to the Cost of Living crisis.	N/A	N/A	Completed
			1.2 That the Joint Overview and Scrutiny Committee supports the 30% uplift to Local Citizens Advice and the work being conducted as a result and recommends that this support continues for a further 2 years.	N/A	N/A	Completed

21.11.22 (Joint)	JOS/22/23	Review of Local Citizens Advice and the Cost of Living Crisis	1.3 That the Councils facilitate a more collaborative approach between organisations by encouraging the promotion of joint working.	DR	05.12.22: Officers are currently exploring a single multi-disciplinary team, including BMSDC and Citizens Advice officers, to lead on the implementation of the action plan.	Ongoing
			1.4 That Officers work with relevant agencies to understand the situation for young people under 25, specifically men, to build a proactive response to support them as an at-risk group.	DR	Awaiting update.	Ongoing
			1.5 That Cabinet and Officers explore how we can embed the cost of living into the culture of the organisation for all staff when working with residents across all departments as part of a more integrated system of support.	DR	05.12.22: The Refreshed 5-Point Action Plan for the Cost of Living Crisis, which touched upon improving support on the cost of living, went before both Cabinets for noting.	Completed
			1.6 That a Joint All Member Briefing be arranged for all Councillors on the Cost of Living crisis with input from Local Citizens Advice.	DR	Awaiting update.	Ongoing
	JOS/22/24	Overview and Scrutiny and Cabinet Protocol	1.1 That Overview and Scrutiny approves the Scrutiny/Cabinet protocol.	N/A	N/A	Completed

Date	Item Ref	Item Title	Recommendations	Key Officer	Progress	Status
24.10.22	JOS/22/17	Joint Homes and Housing Strategy and the Homelessness Reduction and Rough Sleeping Strategy (2019 - 2024)	3.1 That Joint Overview and Scrutiny Committee's Members have reviewed the contents of report JOS/22/17, including the appendices, and requests that the Portfolio Holders and Officers take account of verbal comments made by members of the committee. Also, that Cabinet bears these comments in mind when debating the refocussed delivery plan, the refreshed Joint Homes and Housing Strategy, and the Joint Homelessness and Rough Sleeping Strategy.	N/A	07.11.22: Draft minutes with a record of the verbal comments and recommendations made by Members of the Joint Overview and Scrutiny Committee were provided to the Cabinet Members for Housing for their further consideration.	Completed
			3.2 That the committee members support the strategic aims of the Joint Homes and Housing Strategy and agreed that the newly refocussed plan is reflective of the current challenges facing the housing sector whilst continuing to deliver the aims set out in the strategy.	N/A	N/A	Completed
			3.3 To ask Portfolio Holders and Officers to consider further provision of financial and physical support to all residents wishing to downsize.	AN	07.11.22: Draft minutes with a record of the verbal comments and recommendations made by Members of the Joint Overview and Scrutiny Committee were provided to the Cabinet Members for Housing for their further consideration.	Completed

Date	Item Ref	Item Title	Recommendations	Key Officer	Progress	Status
30.09.22	JOS/22/8	Babergh and Mid Suffolk District Councils' Parking Strategy	1.1 That the Joint Overview and Scrutiny Committee note the content of the report and that a verbal presentation of the comments made at this meeting be provided to Cabinet	N/A	03.10.22: Councillor Hinton made a verbal representation at Babergh Cabinet. 03.10.22: Councillor Welham made a verbal representation at Mid Suffolk Cabinet.	Completed

30.09.22	JOS/22/8	Babergh and Mid Suffolk District Councils' Parking Strategy	1.2 That Cabinet is requested to carry out further work to replace (<i>reduce</i>) carparking demands with alternatives by looking at other areas that have done so successfully.	FD		Not Started
			1.3 That the Joint Overview and Scrutiny Committee asks that a report be provided to the Committee in due course to review the progress on the Parking strategy implementation plan.	FD	30.09.22: Confirmed that progress reports will be provided to Overview and Scrutiny once implementation had begun.	Ongoing
JOS/22/9		Shared Revenues Partnership - Council Tax Reduction Scheme	1.1 That the Joint Overview and Scrutiny Committee recommends to Cabinet Option 3 as the preferred option for the Consultation for the Council Tax Reduction (Working Age) Scheme.	N/A	03.10.22: Babergh and Mid Suffolk Cabinet voted unanimously to consult on Option 3 as set out in Appendix B of this report as the basis for a revised (Working Age) Council Tax Reduction Scheme for 2023/24	Completed
JOS/22/11		Recommendations from the Joint Overview and Scrutiny Task and Finish Group for Rural Transport	1.1 That Babergh Overview and Scrutiny Committee recommend to Babergh Cabinet that an analysis of the unmet demand for community transport in the district be carried out.	AN	01.11.22: Will be timetabled to go to Cabinet at the next Overview and Scrutiny Strategy meeting between the Overview and Scrutiny Chairs and the Leaders. 01.12.22: Timetabled to go to the March Cabinet meetings.	Ongoing
			1.2 That the Babergh Overview and Scrutiny Committee recommend to Cabinet that Suffolk County Council be informed of the apparent lack of publicity of community transport across the district, and to encourage joint working between Babergh and Mid Suffolk District Councils and Suffolk County Council to promote community transport services.	AN		
			1.3 That the Overview and Scrutiny Committee recommends to Cabinet that the feasibility of providing an electric bus project throughout the district, similar to that being implemented by Mid Suffolk be investigated.	AN		
			1.1 That Mid Suffolk Overview and Scrutiny Committee recommend to Mid Suffolk Cabinet that, as part of the development of the electric bus project, local consultations to elicit unmet transport needs should be carried out – one covering an urban area and one covering a rural area.	AN		
			1.2 That the Mid Suffolk Overview and Scrutiny Committees recommend to Cabinet that Suffolk County Council be informed of the apparent lack of publicity of community transport across the district, and to encourage joint working between Babergh and Mid Suffolk District Councils and Suffolk County Council to promote community transport services.	AN		
						Ongoing

Date	Item Ref	Item Title	Recommendations	Key Officer	Progress	Status
27.06.22	JOS/22/2	Capital Investment Fund Company (CIFCO CAPITAL LTD) Business Trading and Performance Report	1.1 That the Joint Overview and Scrutiny committee notes the CIFCO Business Plan and Business Trading and Performance and ask that the minutes of this meeting be taken into account at Full Council.	N/A	25.10.22 and 27.10.22: Minutes were attached as Appendix E as part of the CIFCO item that went to both Babergh and Mid Suffolk Full Councils for consideration.	Completed

27.06.22	JOS/22/2	Capital Investment Fund Company (CIFCO CAPITAL LTD) Business Trading and Performance Report	1.2 That the Joint Overview and Scrutiny Committee is satisfied that the CIFCO Business Plan and Business Trading and Performance is robust for 2022 – 2023	N/A	N/A	Completed
			1.3 That the Overview and Scrutiny Committee recommend to Full Council that future CIFCO business plans continue to be scrutinised by the Councils' Joint Overview & Scrutiny Committee and then reported to Council.	N/A	25.10.22 and 27.10.22: Babergh and Mid Suffolk Full Councils voted in favour of Recommendation 3.3 "That future CIFCO Business Plans continue to be scrutinised by the Councils' Joint Overview & Scrutiny Committee and then reported to Council."	Completed

Date	Item Ref	Item Title	Recommendations	Key Officer	Progress	Status
25.04.22	JOS/21/30	Draft Empty Homes Policy	1.1 That the Overview and Scrutiny Committee compliments the officers on the report and presentation and recommend to Cabinet that the policy be adopted taking in to account the following recommendations:	N/A	04.07.22 and 05.07.22: Babergh and Mid Suffolk Cabinets voted in favour of Recommendation 1.1 "That Option 1 - the new Empty Homes Policy, as set out in Appendix A of this report and considering the recommendations from Overview & Scrutiny Committee held on 25th April 2022 be approved".	Completed
			1.2 That Overview and Scrutiny considers that the maxim loan of £20k is insufficient and asked that Cabinet raise the level of loans and consider if a nominal rate of interest should be applied.	N/A		
			1.3 That loans for works to improve for energy efficiency of homes should also be available.	N/A		
			1.4 That the information in the communication plan is strengthened including publicity via Parish Council and local community groups and that a briefing note be circulated to Councillors when the policy is adopted.	N/A		
			1.5 That Cabinet be asked to monitor the budget for empty homes this year and consider whether an increase is required for 2023/24.	N/A		
			1.6 That further quantitative information is provided to members of the committee on the empty homes' loans and the financial implications for the Councils.	N/A		
			1.7 That close working is encouraged with the Homelessness Outreach officers.	N/A		Completed

Date	Item Ref	Item Title	Recommendations	Key Officer	Progress	Status
21.03.22	JOS/21/25	Review of Western Suffolk Community Safety Partnership (WSCSP)	1.1 That the Committee note the contents of this report	N/A	N/A	Completed
			1.2 That the comments made by the Committee regarding the name of the partnership and the format of the action plan be reported back to the WSCSP.	N/A	21.03.22: Passed on to representatives from BDC and MSDC to feedback to the WSCSP.	Completed
			1.3 That the reporting toolkit for all Members be updated and circulated	VM		Not Started

21.03.22	JOS/21/25	Review of Western Suffolk Community Safety Partnership (WSCSP)	1.4 That a training session be held for all Members to ensure that all Councillors have knowledge and awareness of their role in respect of identifying and reporting crime and safety issues in their area and are able to support their town and parish councils when discussing crime and safety.	VM		Not Started
			1.5 That a simplified version of the action plan is circulated to all councillors with the O&S chair's report to full council on this item.	VM	21.06.22 and 23.06.22: The Chairs reported on the recommendations from JOS/21/25 as part of their annual Overview and Scrutiny update to Full Council.	Completed
			1.6 Review the timing of the WSCSP report based on the meeting cycle of the partnership and ensuring that the most up to date position is reported and to review the format of the report to ensure that the information is clear, concise and has a strategic focus.	VM	04.10.22: Decided by Chairs at Joint Overview and Scrutiny Briefing that the next WSCSP review would take place in June 2023 to allow for a review of the entire year. This review will then come back to committee on an annual basis.	Completed
			1.7 To explore whether the strategic assessment is available from the County	VM		Not Started

Date	Item Ref	Item Title	Recommendations	Key Officer	Progress	Status
17.01.22 (BDC Only)	BOS/21/1	Draft General Fund (GF) 2021/22 and Four Year Outlook	1.1 That the Overview and Scrutiny Committee notes the General Fund budget 2022/23 and Four-year Outlook.	N/A	N/A	Completed
			1.2 That the Overview and Scrutiny Committee receives a report from Cabinet on the outcomes of the performance framework on a six-month basis.	KS		Not Started
	BOS/21/2	Draft Housing Revenue Account (HRA) and Four Year Outlook	1.1 That the Overview and Scrutiny Committee notes the Housing Revenue Account 2022/23 and Four-year Outlook.	N/A	N/A	Completed
			1.2 That the Overview and Scrutiny recommends that the information about the use of sub-contractors be included in the quarterly performance monitoring report.	KS	07.03.22: Incorporated into the quarterly monitoring report and will become a statutory part.	Completed

Date	Item Ref	Item Title	Recommendations	Key Officer	Progress	Status
13.01.22 (MSDC Only)	MOS/21/1	Draft General Fund (GF) 2022/23 and Four Year Outlook	1.1 That the Overview and Scrutiny Committee notes the General Fund budget 2022/23 and Four-year Outlook and asks that the Cabinet Member for Finance and Officers take into consideration the comments made at the meeting.	KS	N/A	Completed
			1.2 That the budget preparation process is reviewed by the S.151 Officer and the Monitoring Officer to ensure that the O&S Committee can be involved earlier in the development of the budget, enabling a more strategic approach to scrutinising the budget. Further that the Monitoring Officer and Constitution Working Group reviews the terms of reference for the O&S Committee and the JAS Committee to ensure that financial scrutiny is being undertaken in the most appropriate way.	EY	21.11.22: General Fund Budget and Housing Revenue Accounts now go to Overview and Scrutiny Committees in November to allow for a more strategic and beneficial approach where O&S's recommendations have enough time to be implemented.	Completed

13.01.22 (MSDC Only)	MOS/21/2	Draft Housing Revenue Account (HRA) and Four Year Outlook	1.1 That the Overview and Scrutiny Committee notes the Housing Revenue Account 2022/23 and Four-year Outlook	N/A	N/A	Completed
			1.2 That information is provided for the level of council rent compared with other authorities for benchmarking for the current year and the number of tenants receiving rent rebate in the current financial year be provided to Council in February and to the Overview and Scrutiny Committee for their review of the Budget in the next municipal year.	KS	24.02.22: Figures provided in the February Council papers as requested	Completed
	Mca/21/32	Call In of the Decision from Mid Suffolk Cabinet (06.12.21)	1.1 Refer the matter back to the Cabinet for reconsideration, together with the observations of the Overview and Scrutiny Committee. Cabinet will then take a final decision and that decision cannot be called in.	N/A	07.03.2022: Mid Suffolk Cabinet voted in favour "4.1 That the Cabinet decision on 6 December 2021, to adopt the new Hackney Carriage and Private hire Vehicle Licensing Policy, be confirmed and that the matters raised by the Overview and Scrutiny Committee, particularly in relation to electric vehicles, be referred to officers and the Licensing and Regulatory Committee for further work before being presented back to Cabinet."	Completed

Date	Item Ref	Item Title	Recommendations	Key Officer	Progress	Status
20.12.21	JOS/21/20	Review of Local Citizens Advice	1.1 To thank the LCA Chief officers and their respective staff for the work that they have carried out in the last year. Particularly during the pandemic.	N/A	N/A	Completed
			1.2 The Committee are reassured that both LCAs are operating effectively and efficiently and responded well to all questioning from Members.	N/A	N/A	Completed

Date	Item Ref	Item Title	Recommendations	Key Officer	Progress	Status
20.12.21	JOS/21/20	Review of Local Citizens Advice	1.3 That the Councils take a single view of debt and implement an integrated system for dealing with housing rent, and council tax debt.	VM	06.06.22 and 05.09.22: Both Babergh and Mid Suffolk Cabinet resolved "3.1 That Cabinet considers the report from Joint Overview and Scrutiny and agrees its response to the recommendations in the report as detailed in paragraph 4, and in line with the Council's response to the Cost of Living Crisis and the five point plan that will look at a better system of connectivity between partners, including the CAB, the Council and system wide partners".	Completed
			1.4 That contact be made to foodbanks with a request that their clients are referred to the LCA for advice on nutrition and budgeting and cookery skills classes.	VM		
			1.5 Remote virtual operation capability for LCA and other bodies should be provided on an accelerated programme as a matter of urgency defining locations, IT equipment and applications, training and connectivity.	VM		
			1.6 That Cabinets be asked to consider the previous resolution of Joint Overview and Scrutiny Committee that the 3 year rolling funding arrangements review be subject to indexation on an annual review basis.	VM		

20.12.21	JOS/21/20	Review of Local Citizens Advice	1.7 That the Joint Overview and Scrutiny Committee review the Local Citizens Advice in December 2022	N/A	21.11.22: A review of the Local Citizens Advice Bureaus and their work on the Cost of Living Crisis is coming to Joint Overview and Scrutiny Committee in November 2022.	Completed
			1.8 Mid Suffolk Cabinet to confirm that funding previously allocated to Thetford and Diss LCA be allocated to Mid Suffolk LCA	N/A	06.06.22: Mid Suffolk Cabinet confirmed at their June cabinet meeting.	Completed
			1.9 Recommendation to Babergh Cabinet that extra funding be provided to Sudbury Citizens Advice to enable greater provision for debt advice across the whole district.	N/A	05.09.22: The Director for Communities confirmed that the Sudbury Citizens Advice has received a 30% uplift in funding.	Completed

Agenda Item 14

BABERGH OVERVIEW AND SCRUTINY COMMITTEE WORK PLAN 2022/23:

TOPIC	PURPOSE	LEAD OFFICER	CABINET MEMBER
20 MARCH 2023			
Review on current levels of untreated sewage discharges to waters in Babergh and Mid Suffolk			Cabinet Members for Environment
A review of the impact of bringing Public Realm in-house		Director of Operations	
20 APRIL 2023			
PRE-ELECTION PERIOD			
18 MAY 2023			
JUNE 2023			
Access and availability of services, leisure, education, and employment for residents			
Scrutiny of the delivery of services for Transport for both Town and rural areas			
Crime and Disorder Panel meeting	The Committee conduct a scrutiny review of the WSCSP to fulfil the Councils Statutory requirements	Director – Sustainable Communities Community Safety Professional Lead - Communities	Cabinet Members for Communities

Topics identified for review but not currently timetabled:

Information Bulletin on Electronic Complaints System

Review of Central Suffolk Lettings

Outcome of Residents Survey to be reviewed

Census Report

Other topics identified:

- Land Adoptions Policy
- Information Bulletin on the cost of maintenance of tenanted properties.

Agenda Item 15

MID SUFFOLK OVERVIEW AND SCRUTINY COMMITTEE WORK PLAN 2022/23:

TOPIC	PURPOSE	LEAD OFFICER	CABINET MEMBER
20 MARCH 2023			
Review on current levels of untreated sewage discharges to waters in Babergh and Mid Suffolk			Cabinet Members for Environment
A review of the impact of bringing Public Realm in-house		Director of Operations	
20 APRIL 2023			
PRE-ELECTION PERIOD			
18 MAY 2023			
JUNE 2023			
Access and availability of services, leisure, education, and employment for residents			
Scrutiny of the delivery of services for Transport for both Town and rural areas			
Crime and Disorder Panel meeting	The Committee conduct a scrutiny review of the WSCSP to fulfil the Councils Statutory requirements	Director – Sustainable Communities Community Safety Professional Lead - Communities	Cabinet Members for Communities

Topics identified for review but not currently timetabled:

Information Bulletin on Electronic Complaints System

Review of Central Suffolk Lettings

Updated 30th January 2023
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Census Reports

Outcome of Residents Survey to be reviewed

Other topics identified:

- Land Adoptions Policy
- Information Bulletin on the cost of maintenance of tenanted properties.