

Public Document Pack



Steve Atkinson MA(Oxon) MBA FIoD FRSA
Chief Executive

Date: 04 August 2015

Hinckley & Bosworth
Borough Council

A Borough to be proud of

To: **Members of the Executive**

Mr MA Hall (Chairman)
Mr K Morrell (Vice-Chairman)
Mr CW Boothby
Mr C Ladkin

Mr M Nickerson
Mr RB Roberts
Mrs MJ Surtees
Ms AV Wright

Copy to all other Members of the Council

(other recipients for information)

Dear Councillor,

There will be a meeting of the **EXECUTIVE** in the De Montfort Suite - Hub on **WEDNESDAY, 12 AUGUST 2015 at 6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Owen'.

Rebecca Owen
Democratic Services Officer

EXECUTIVE - 12 AUGUST 2015

A G E N D A

1. APOLOGIES

2. MINUTES (Pages 1 - 2)

To confirm the minutes of the meeting held on 24 June 2015.

3. ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES

To be advised of any additional items of business which the Chairman decides by reason of special circumstances shall be taken as matters of urgency at this meeting (to be considered at the end of the agenda).

4. DECLARATIONS OF INTEREST

To receive verbally from Members any disclosures which they are required to make in accordance with the Council's code of conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the agenda.**

5. QUESTIONS

To hear any questions in accordance with Council Procedure Rule 10.

6. ISSUES ARISING FROM OVERVIEW & SCRUTINY

(If any)

7. CHARNWOOD FOREST REGIONAL PARK (Pages 3 - 10)

Report of the Deputy Chief Executive (Community Direction).

8. ENVIRONMENTAL HEALTH COMMERCIAL SERVICES ENFORCEMENT DELIVERY PLAN 2015/16 (Pages 11 - 56)

Report of the Deputy Chief Executive (Community Direction).

9. CORPORATE SUNDRY DEBT RECOVERY POLICY (Pages 57 - 76)

Report of the Deputy Chief Executive (Corporate Direction).

10. ANY OTHER ITEMS OF BUSINESS WHICH THE CHAIRMAN DECIDES HAVE TO BE DEALT WITH AS MATTERS OF URGENCY

As advised under item 3.

Agenda Item 2

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

EXECUTIVE

24 JUNE 2015 AT 6.30 PM

PRESENT: Mr MA Hall - Chairman
Mr K Morrell – Vice-Chairman
Mr C Ladkin, Mr M Nickerson, Mr RB Roberts, Mrs MJ Surtees and Ms AV Wright

Members in attendance: Councillor Mr DC Bill MBE

Officers in attendance: Steve Atkinson, Bill Cullen, Julie Kenny and Rebecca Owen

28 MINUTES

It was moved by Councillor Morrell, seconded by Councillor Ladkin and

RESOLVED – the minutes of the meeting held on 4 March 2015 be confirmed and signed by the Chairman.

29 DECLARATIONS OF INTEREST

No interests were declared at this stage.

30 ELECTORAL SERVICES SUPPLEMENTARY BUDGET REQUEST

The Executive received a report which advised of the request for a supplementary budget to provide essential cover for the elections team. The background to the matter including the departure of the previous post holder and the subsequent unsuccessful recruitment process prior to multiple elections was highlighted and it was reported that cover had been sought via the Association of Electoral Administrators. It was also noted that the pressures of the annual canvas and introduction of individual registration meant that the ongoing capacity and experience within the elections team was an immediate requirement.

In response to members' questions, the following points were noted:

- 100% response to the annual canvas was now required
- Due to the specialist nature of the role, cover could not be provided by any existing employee within the authority
- The forthcoming canvas required maximum capacity and as such reducing the post to part-time would not be possible
- Should the current recruitment process be successful, the contract could be terminated early.

It was moved by Councillor Wright, seconded by Councillor Morrell and

RESOLVED –

- (i) The ongoing use of agency cover whilst a business case is developed for potential structure changes in the team be supported;
- (ii) The provision of a supplementary budget of £33,205 be approved.

(The Meeting closed at 6.42 pm)

CHAIRMAN



EXECUTIVE – 12 AUGUST 2015

CHARNWOOD FOREST REGIONAL PARK ACTION PLAN AND GOVERNANCE ARRANGEMENTS REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)

WARDS AFFECTED: GROBY, MARKFIELD, STANTON AND FIELD HEAD,

1. PURPOSE OF REPORT

- 1.1 To seek approval to permanent governance arrangements for the Charnwood Forest Regional Park (CFRP) and the associated Action Plan.

2. RECOMMENDATION

- 2.1 That Executive;

- Agree the permanent governance arrangements for the CFRP
- Agree the Action Plan (attached) for the Steering Group.

3. BACKGROUND TO THE REPORT

- 3.1 Since July 2007 an officer level steering group has co-ordinated work on the Charnwood Forest Regional Park. The steering group developed a Vision Statement and 3 core objectives to set out working boundaries for the Regional Park. This was endorsed by all four local authorities (Charnwood Borough Council, North West Leicestershire District Council, Hinckley and Bosworth Borough Council and Leicestershire County Council) and associated key partners covering the Charnwood Forest area.

Vision Statement

“The unique natural and cultural heritage features of Charnwood Forest will be managed and promoted through the Charnwood Forest Regional Park. The Regional Park will be recognised as an essential part of the growing communities in the Derby, Leicester and Nottingham area, now and in the future.”

Objectives

In support of the Vision Statement the following objectives have also been agreed:

- To manage and promote landscape and settlement character, including biodiversity, geodiversity and cultural and industrial heritage features
 - To promote sustainable leisure and tourism
 - To support agricultural diversification and woodland and rural economy uses which respect local character.
- 3.2 On 17 August 2011 Members of the Executive approved a 3 year interim governance structure to take forward the Charnwood Forest Regional Park initiative and allow the project to move forward into its delivery phase. Following this approval the steering group was formalised to function as an umbrella organisation and bring together key partners concerned with the future of the Charnwood Forest. This provided a collaborative approach to developing projects focused on promotion and protection of the Charnwood Forest area.

3.3 An action plan wasn't developed by the Steering Group as resources were focussed on the Landscape Partnership bid to the Heritage Lottery Fund. However despite this the following tasks / actions have been pursued over the past three years;

- preparation of a Landscape Partnership bid to the Heritage Lottery Fund (HLF) which was unfortunately unsuccessful.
- commissioning of the Charnwood Forest Regional Park map which is on sale and has been very successful.
- consideration of geopark status, this was not pursued owing to the CFRP being too small in area and the process was lengthy and expensive.
- consideration of tourism potential and branding this is still on-going the group are taking advice on these matter from experts invited to meetings.
- consideration of the potential for climbing in quarries, this is still being considered as there are health and safety and land ownership implications.
- stakeholder meetings and communications involving a quarterly newsletter to stakeholders.

3.4 At a meeting of the Steering Group on 4 March 2014 it was agreed that the interim Governance arrangements were working well and they should continue on a permanent basis. However it was agreed that an action plan should now be prepared, so in November 2014 the Steering Group and Stakeholder Group developed the attached Action Plan for the next 3 year period from April 2015.

3.5 The Steering Group's remit is:

- to oversee the implementation of the agreed Action Plan ;
- to work with other organisations to help ensure the implementation of the Action Plan

3.6 The Steering Group's member organisations consist of:

One elected member from each of the following local authorities:

- Leicestershire County Council
- Charnwood Borough Council
- Hinckley & Bosworth Borough Council (Councillor Cartwright)
- North West Leicestershire District Council

One representative from each of the following bodies:

- Mineral Products Association
- Country Land and Business Association
- National Farmers Union
- Leicestershire and Rutland Wildlife Trust (on behalf of all wildlife organisations)
- Local Access Forum (on behalf of user groups including ramblers, horse-riders, cyclists, rock climbers, runners and orienteers)
- National Forest Company
- Natural England

3.7 It is requested that the attached Action Plan and the above Governance arrangements are agreed by the Executive at the meeting on 12 August 2015.

4. FINANCIAL IMPLICATIONS [MA]

4.1 The contribution of HBBC officers' time is commitment to four steering group meetings per annum and periodically assisting with grant bids. It is anticipated this will be met within the existing resources and will have no material impact on the budget.

4.2 There are no other activities that will have any budgetary impact

5. LEGAL IMPLICATIONS [MR]

5.1 The Local Government Act 2000 provides wide powers for councils to do anything which they consider is likely to promote or improve the economic, social and environmental well-being of their areas and these powers would seem to cover the proposals for the Charnwood Forest projects.

6. CORPORATE PLAN IMPLICATIONS

6.1 The following aims of the Corporate Plan are met by the subject of this report;

- Creating a vibrant place to live and work
- Empowering Communities

7. CONSULTATION

7.1 The contents of this report has been discussed at the Charnwood Forest Regional Park Steering Group and has had input from all the parties represented on that group, see paragraph 3.6 above.

8. RISK IMPLICATIONS

8.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

8.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

8.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Failure to approve would result in the Core Strategy Policy 22 not being implemented.	Officers and Members have been involved in the production of the Action Plan and also discussions regarding the governance arrangements, to ensure that the Core Strategy Policy can be implemented and actions are consistent with the policy.	Policy and Regeneration Manager

9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

9.1 The approval of this report will enable the provision of permanent governance arrangement which will enable the delivery of the vision and objectives for the Charnwood Forest Regional Park which are particularly focused on environmental and economic elements.

10. CORPORATE IMPLICATIONS

10.1 By submitting this report, the report author has taken the following into account:

- Community Safety implications – none arising from this report
 - Environmental implications – contained within the body of the report
 - ICT implications – none arising from this report
 - Asset Management implications – none arising from this report
 - Human Resources implications – none arising from this report
 - Planning Implications – contained within the body of the report
 - Voluntary Sector – none arising from this report
-

Background papers:

- Executive Report dated 17 August 2011 entitled Charnwood Forest Regional Park – Interim Governance arrangements.
- Charnwood Forest Regional Park Action Plan (Attached)

Contact Officer: Andy Killip, Ext 5732
Executive Member: Councillor Hall

ACTION PLAN**THEME 1a : Managing and promoting landscape and settlement character, including geodiversity, biodiversity, cultural and industrial heritage features**

Topic	Action	2015	2016	2017	Med-long term (before or by 2017)	Lead	
1.1 Landscape and settlement character	Maintaining/developing policy harmonisation across the Charnwood Forest Regional Park area to support the “vision statement”.	x	x	x	Policies jointly adjusted as required.	NWLDC, H&BBC, CBC, LCC and Parish/Town Councils.	
1.2 Geodiversity/ Biodiversity	Supporting the planning and implementation of projects which maintain and enhance geodiversity and biodiversity.	x	x	x	Aim to Resurvey 20 grassland Local Wildlife Sites per year.	Leicestershire & Rutland Wildlife Trust’s (LRWT) with the support of other voluntary sector groups.	
1.3	Supporting the Implementation of the National Forest 2014-2024 Strategy on “Forest management: a systematic long-term approach”.	x	x		Support the development and publicity of linked training courses/ seminars etc.	National Forest Company (NFCo) in conjunction with a range of stakeholders including local authorities, landowners, land managers and the voluntary sector.	
1.4	Consider a Geopark and Local Nature Improvement Area designation.			x	Subject to resource, take decision whether or not it is worthwhile pursuing one or both of these designations.	TBC – Consider the Charnia Research Group supported by other voluntary sector groups e.g. the LRWT “Geology and RIGS” sub-committee.	.

ACTION PLAN**THEME 1b : Managing and promoting landscape and settlement character, including geodiversity, biodiversity, cultural and industrial heritage features**

Topic	Action	2015	2016	2017	Med-long term (before or by 2017)	Lead
1.5 Culture and industrial heritage	Working with the Stakeholder Group members to support the development and running of education and community engagement programmes to increase/improve the appreciation, enhancement and management of the area's culture and heritage.	x	x	x	<p>Maintain the current programme of Stakeholder meetings and newsletters.</p> <p>Both individually and collectively, stakeholders look for opportunities to assist the development of voluntary groups through signposting to or developing training/education opportunities, providing letters of support for grant applications etc.</p>	<p>The LCC in terms of organising the Stakeholder meetings and newsletters.</p> <p>Charnwood Roots for areas relevant to their skillset.</p> <p>Stepping Stones Project for skills training.</p> <p>Other Steering Group members as and when opportunities arise.</p>

ACTION PLAN						
Theme 2 : Promoting sustainable leisure and tourism (to both a wider audience and also a local one)						
Topic (Wider audience)	Action	2015	2016	2017	Med-long term (Before or by 2017)	Lead
2.1 Transport	Helping to shape a shared identity and agreed working approach within the context of the NFCo tourist development policies and plans.	x	x	x	Identity of Charnwood Forest is enhanced and a multi-stranded approach to publicising Charnwood Forest attractions are developed and implemented.	All district councils, Leics Promotions, Leicestershire Tourism Partnership, NFCo, managers of visitor hubs.
2.2	Helping to shape the leisure/tourism offer by mapping current facilities and opportunities and identifying gaps in it.	x	x	x	Initial mapping exercise is complete and a strategy developed to help fill in the gaps.	All district councils, Leics Promotions, NFCo, private landowners.
2.2b	In conjunction with others promote and develop sustainable transport opportunities.		x	x	Build on the opportunities offered by current or proposed bus routes to encourage visitors.	Private sector, Leicestershire Promotions Great Central Railway and others.
ACTION PLAN						
THEME 3 : Supporting agricultural diversification and woodland and rural economy uses which respect local character						
Topic	Action	2015	2016	2017	Med-long term	Lead
3.1 New Natural England agricultural funding scheme	Influencing its direction to benefit Charnwood Forest.		x	x	Opportunities for Charnwood Forest to receive funding are maximised.	NFCo, Individual landowners, Local authorities.
3.2 National Forest Woodland management approach	Supporting the Implementation of the National Forest 2014-2024 Strategy on “Forest management: a systematic long-term approach”.	x	x		Support the development and publicity of linked training courses/ seminars etc.	NFCo

ACTION PLAN							
THEME 4 : GOVERNANCE – STEERING GROUP/STAKEHOLDER GROUP SUPPORT							
Topic	Action	2015	2016	2017	Med-long term	Lead	
4.1 Steering Group	Min 3 meetings per annum.	X	x	x	Maintaining regular meetings schedule.	LCC	
4.2	Election of Chair and Vice-Chair.	x			March 2015	n/a	
4.3	Review effectiveness against Action Plan delivery.	X	X	X	Annual review	Steering Group perhaps supported by the Landscape Partnership Board.	
4.4 Stakeholder Group	Arrange annual meetings, prepare group mailings, review stakeholder database.	x	x	x	Stakeholder group membership is maintained or increased. Members are kept abreast of changes and opportunities.	LCC	
4.5 Landscape Partnership Board (LPB)	Maintaining support for this group and using it where appropriate as a task and finish group.	x	x	x	Support provided as and when necessary. Steering group requests it to examine particular tasks on its behalf.	TBC – lead to be drawn from steering group members, dependant on the task identified.	



EXECUTIVE – 12 AUGUST 2015

ENVIRONMENTAL HEALTH COMMERCIAL SERVICES ENFORCEMENT SERVICE DELIVERY PLAN 2015/16

REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)

WARDS AFFECTED: ALL WARDS

1. PURPOSE OF REPORT

- 1.1 To seek Executive approval of the Environmental Health Commercial Services Enforcement Service Delivery Plan for 2015/16 as required by the Food Standards Agency pursuant to the Food Standards Act 1999, and the Health & Safety Executive pursuant to the Health & Safety at Work etc. Act 1974.
- 1.2 Copies of the Plan will be placed in the Members Room, on the internet and intranet.

2. RECOMMENDATION

2.1 That the Executive:

i) Approve the Environmental Health Commercial Services Enforcement Service Delivery Plan 2015/16 (Appendix 1 to this report).

ii) Note and endorse the achievements of the Environmental Health Commercial Service in 2014/15.

3. BACKGROUND TO THE REPORT

- 3.1 The Food Standards Agency's Framework Agreement with Local Authorities on food law enforcement activities requires Councils to produce an annual Food Service Delivery Plan, requiring approval by the appropriate member forum, which for this Authority is the Executive.
- 3.2 The Health & Safety Executive, as part of Local Authorities' legal requirements under Section 18 of the Health & Safety at Work etc Act 1974, require Councils to produce an annual Health & Safety Service Delivery Plan.
- 3.3 Whilst each of the Central Government agencies prescribe the layout of the document required, several requirements are duplicated in both. Hence the Food Safety Enforcement Delivery Plan and Health & Safety Service Delivery Plan have been incorporated into one document.
- 3.4 The Enforcement Service Delivery Plan expands upon the Service Improvement Plan already produced for the service. It details all the tasks for the service, outlines the workload, the resources devoted to that work area and how the work will be undertaken. A section is also included reviewing performance against the previous years' service plan and sets out areas for improvement.

3.5 ACHIEVEMENTS

Over recent years Environmental Health has had a stable workforce however in September one officer resigned, presenting an opportunity to reorganise the staff structure of the service to enable the service to better respond to the emphasis for enforcement on higher risk businesses and activities. A cost neutral restructure was

undertaken but this process led to the service operating for one quarter without one Environmental Health Officer (0.7 FTE) which impacted on our overall performances in 2014/15. However Members may wish to note that in 2014/15 we still achieved:-

- 736 interventions were carried out during the year, representing 85% of the target of 865 for the year.
- 331 food, water and environmental samples were taken from food businesses, achieving in full the sampling programme.
- 817 food premises in the borough are now listed on the national Food Hygiene Rating Scheme web site.
- Conducted a campaign during Food Safety Week on the theme of 'Don't wash raw chicken'.
- Concluded a difficult and protracted court case concerning a spectator receiving a significant eye injury whilst attending a rally cross event at Mallory Park.
- Concluded health and safety campaigns on legionella and within the residential care homes sector and conducted a campaign in the tyre and exhaust fitting sector.
- Monitored 13 poorly hygiene rated food businesses following one to one coaching in order to improve their rating. 54% of these premises improved their rating, 31% by 2 or more ratings and thereby their business prospects and public protection.

3.6 The Service targets for 2015/16 for food safety interventions will be 435 inspections and 62 alternative interventions by self-assessment questionnaires for low risk food businesses resulting in 497 interventions. This will lead to a 100% intervention rate for all premises due an inspection in 2015/16.

3.7 For health and safety the Service will continue to adhere to guidance issued by central government to perform fewer proactive inspections on businesses but to target activity to campaigns at specific high risk activities and businesses. The service therefore in 2015/16 will carry out 3 inspections to 'A' (top risk rated) premises, 135 advisory visits or questionnaires to unrated and new businesses, resulting in 138 interventions.

3.8 During 2015/16 two key areas have also been identified for attention including:

- Revise existing food and health and safety procedure notes.
- Revise enforcement policies to ensure they reflect the corporate enforcement policy and service standards following release of the revised Regulators Code

3.9 KEY CHANGES FROM PREVIOUS ANNUAL PLANS

Key changes from last years' service plan include:

- Food hygiene and health and safety premises figures and targets
- Food hygiene and health and safety Enforcement Policy
- Food Safety Week and Food Hygiene Coaching
- Legionella, Residential Care Homes and Tyre and Exhaust fitting projects
- Significant health and safety case

➤ Better Business For All Project

3.10 Should approval be given by the Executive for the plan, a copy will be posted on the Council's website in order that businesses and residents are able to view the activities of the service.

4. FINANCIAL IMPLICATIONS [AG]

4.1 None arising from this report.

5. LEGAL IMPLICATIONS [MM]

5.1 Contained within the body of the report

6. CORPORATE PLAN IMPLICATIONS

6.1 Will help maintain and improve food safety and health and safety standards within the Borough and thereby contribute towards the Council aims of providing proactive services which will support individuals.

7. CONSULTATION

7.1 None, however Service Plan to be put on Council's website for comments.

8. RISK IMPLICATIONS

8.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

8.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

8.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Reputation with partners if do not work with them	Ensure partnerships entered into and resourced effectively	Steven Merry
Reputation from negative press coverage of local campaigns	Ensure positive messages emphasised in campaigns	Steven Merry
Reputation from negative press coverage from enforcement	Ensure enforcement carried out competently and proportionately and in accordance with Enforcement Policies	Steven Merry
Knowledge and skills of staff	Ensure adequate training	Steven

	given to enforcement staff	Merry
Adequate staff to deal with enquiries/enforcement activities	Ensure appropriate staff resources available to deal with demands of service	Steven Merry
Legal compliance	Ensure actions in compliance with Central Government Policy	Steven Merry

9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

9.1 No implications as enforcement work in respect of food safety and health and safety is carried out consistently on the basis of a risk based inspection regime for all premises across the whole Borough. Literature is provided to those with “English not as a first language” to assist understanding and compliance with legislation. Training has also been provided in a relevant language again to aid understanding and compliance.

10. CORPORATE IMPLICATIONS

10.1 By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Human Resources implications
- Planning Implications
- Voluntary Sector

Background papers: Food Standards Agency’s Framework Agreement with Local Authorities.

HSE - National Local Authority Enforcement Code

Section 18, Health & Safety Executive Guidance to Local Authorities

Contact Officer: Steven Merry, ext 5735

Executive Member: Councillor Mr.K.Morrell



Hinckley & Bosworth
Borough Council

A Borough to be proud of

Document no. 1

Environmental Health Commercial Services

Enforcement service delivery plan 2015 / 2016

May 2015

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Glossary

BBfA	-	Better Business for All
BRDO	-	Better regulation delivery office
CIEH	-	Chartered Institute of Environmental Health
CQC	-	Care Quality Commission
EHO	-	Environmental Health Officer
FTE	-	Full time equivalent
FSA	-	Food Standards Agency
HELA	-	Health and safety executive / Local authority enforcement liaison committee
HSE	-	Health and safety executive
HSG	-	Health and safety guidance
IAA	-	Inter authority audit
Idox	-	Idox Plc - Data software supplies to Environmental Health
LAC	-	Local authority circular
LAE1	-	Local authority enforcement annual report form to health and safety executive
LAEMS	-	Local authority enforcement monitoring system
LLEP	-	Leicester and Leicestershire Local Enterprise Partnership
LSP	-	Local strategic partnership
MIRA	-	Motor Industry Research Association
PDA	-	Personal development appraisal
RIDDOR	-	Reporting of injuries, diseases and dangerous occurrences regulations 2013
TO	-	Technical Officer

1. Introduction

This service delivery plan outlines how Hinckley and Bosworth Borough Council, through its Environmental Health services, intends to fulfil its statutory obligations to enforce food safety and health and safety legislation.

The plan brings together into one document a service plan for food safety enforcement and health and safety enforcement.

The formats of the enforcement service delivery plans are prescribed by each of the central government agencies responsible for policy in these areas. For food safety the Food Standards Agency prescribe the contents of a service delivery plan in their 'Framework Agreement on Local Authority Food Law Enforcement', the Health and Safety Executives is prescribed in Section 18 Health and Safety at Work etc. Act 1974 Mandatory Guidance. Due to these agencies differing prescription, the layout of this document is occasionally inconsistent however the essential information is conveyed as required by them.

2. Equal opportunities statement

In developing this policy, the Council has recognised its responsibility under the Equality Act 2010 to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not

The Act and the Council seeks to outlaw unlawful discrimination against a person or group of people because of their:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnerships (in respect of the requirement to have due regard to the need to eliminate discrimination)
- Pregnancy and maternity
- Race
- Religion
- Sex
- Sexual orientation.

The Council will not be affected by improper or undue influence from any source. To assist in this:

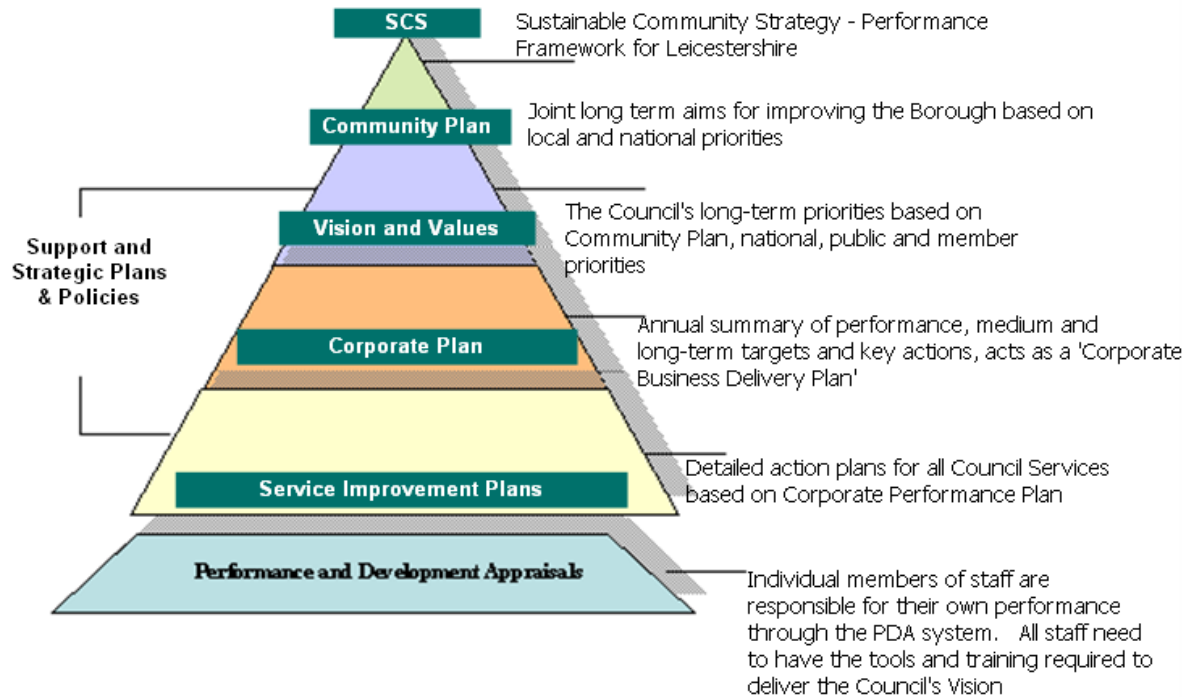
- The Policy and associated documents will be available on the Internet, and in other formats upon request.
- Multi-language sections may be included in all leaflets upon request.
- Support will be offered to individuals who are socially excluded to assist in their understanding of legislation and legal requirements

- Action will be taken to ensure that all enforcement action, particularly against those individuals from disadvantaged groups or who share protected characteristics, is dealt with fairly.
- An Equality Impact Assessment has been completed for this policy.

3. Service aims and objectives

3.1 The corporate planning framework

Hinckley and Bosworth Borough Council recognises it has to balance what it can do against the resources at its disposal in order to achieve good quality and good value. Therefore the Council has to focus its activities and resources on priority areas. In choosing its activity areas the Council uses different plans and strategies at all levels of the organisation. The framework for these plans and strategies is represented by the diagram set out below; a simple explanation is given to each element.



3.2 Sustainable community strategy - Leicestershire

The Leicestershire Sustainable Community Strategy 2008 is overseen by Leicestershire Together, representing all of the organisations and partnerships that deliver services in Leicestershire. The document sets out how to improve the quality of life and public services in Leicestershire, proposing priorities for improvement over five years. This strategy was refreshed during 2011/12, and sets out four overarching priorities, setting what the county level commissioning boards and cross cutting partnerships will be doing to achieve these strategic priorities. The outcome framework will be refreshed on an annual basis in order to ensure that it reflects the current pace of change.

3.3 The Community Plan – Hinckley and Bosworth

The Hinckley and Bosworth Community Plan 2014 - 2018 is a document setting out the key longer term challenges facing the Borough, and details priorities and arrangements for tackling them, its aim is to enhance the quality of life for the residents of the Borough through joint working. The Community Plan is overseen by the Hinckley and Bosworth Local Strategic Partnership (LSP), which brings together all of the key public sector organisations providing local services including the private sector, the voluntary and community sector, and local communities themselves, to enable more effective joint

working and bringing together of resources. The LSP is supported by a range of key delivery partnerships/groups who deliver on the priorities within the Community Plan, and report regularly to LSP on progress.

3.4. Vision and values

The councils overall vision is to create 'A borough to be proud of'; in achieving this, the authority works with a number of underpinning values:

- To continuously strive to improve
- To be customer focused by listening, caring and being respectful
- Deliver what we can and be clear about what we can't
- Be ambitious and maximise opportunities
- Equality and fair treatment for all
- To be a confident and capable council

3.5. The Corporate Plan

The Corporate Plan 2013 – 2016, sets out the aims and underpinning priorities through which the council's overall vision will be achieved, enabling everyone to know what the council will be focusing on to improve the quality of life for residents of the borough

Aims:

- Creating a vibrant place to work and live
- Empowering communities
- Supporting individuals
- Providing value for money and pro active services

3.6 Service improvement plans

Service improvement plans set out how each service area in the council contributes to the achievement of the aims set out in the corporate plan. They set out a series of actions with progress monitored against these actions throughout the year.

3.7 Environmental Health's objectives

In working towards achieving the council's vision the Environmental Health Services has the objectives of:-

- a) Ensuring the food and drink intended for human consumption, which is produced, stored, distributed, handled or consumed within the borough is without risks to health and safety of the consumer and satisfies the requirements of the Food Safety Legislation
- b) Identifying and investigating where necessary all infectious diseases and food poisoning to prevent the spread, where possible, of such infections in the community
- c) Carrying out the necessary inspections to enable us to licence or register the various premises for which we are responsible and to ensure that they comply with all legal requirements for which we are the enforcing authority.
- d) Securing the workplace health, safety and welfare for both employees and the public in the borough.
- e) Disseminating information to the public and commercial organisations in the district to promote a healthier life style.

Within Environmental Health Services, these objectives are the responsibility of officers employed in the Commercial Section. This plan sets out how the Commercial Section intends to work towards achieving the objectives in 2015/16, through education, training and enforcement.

3.8 Links to strategic aims

This service plan supports the Community Plan, Corporate Plan and the council's Vision and Values by setting out in detail the actions the council intends to take, in relation to food safety and health and safety.

This plan also expands the Service Improvement Plan for the Commercial Section, already approved by council. It includes clear objectives together with key tasks, targets and performance indicators against which progress can be measured in delivering the food safety and health and safety service.

The council is well aware of the importance of involving staff, at all levels in the organisation, as part of performance management. Staff involved in the plans implementation have been consulted on its contents.

The service plan and supporting budgets form the basis of the council's work programme on food safety and health and safety for the year.

3.9 Best value and continuous improvement

The council is committed to continually improving its services to the public. A number of improvement techniques within its Performance Management Framework are used to keep its services under review to ensure they reflect the right balance between quality and cost, and also that they show continuous improvement. The Commercial section is committed to strive continually to improve service delivery in accordance with the principles of best value.

Within the framework of Best Value the council has provided extensive training to staff on the principles of continuous improvement. The Commercial section has used this concept and the advice given within the Framework Agreement on Local Authority Food Law Enforcement and Health and Safety Executive's Section 18 Guidance to look at the ways our work is carried out.

4. Background

4.1 Profile

The borough of Hinckley and Bosworth is situated in the south west of Leicestershire, covering an area of 300 square kilometres. The 2011 census showed the population of the borough to be 105,000 occupying some 46,909 homes. The population is overwhelmingly white British (94.6%) with the largest group from the ethnic population (5.2%) being Indian Asians 1.3%. Almost 90% of the borough is rural and 60% of the working population are employed within the manufacturing and hospitality industries.

Hinckley is the main administrative centre of the borough and holds regular markets (including a farmers market). Market Bosworth is a small historic market town which contains a large number of popular tourist attractions and hosts a street market every Wednesday. Other major centres in the borough include Barwell, Burbage and Earl Shilton. In addition there are 20 other parishes which contain villages and hamlets of different size and character.

The council is part of a two tier arrangement for local government in Leicestershire. Food Standards and Animal Feeding Stuffs enforcement is therefore the responsibility of Leicestershire County Council's Regulatory Services department.

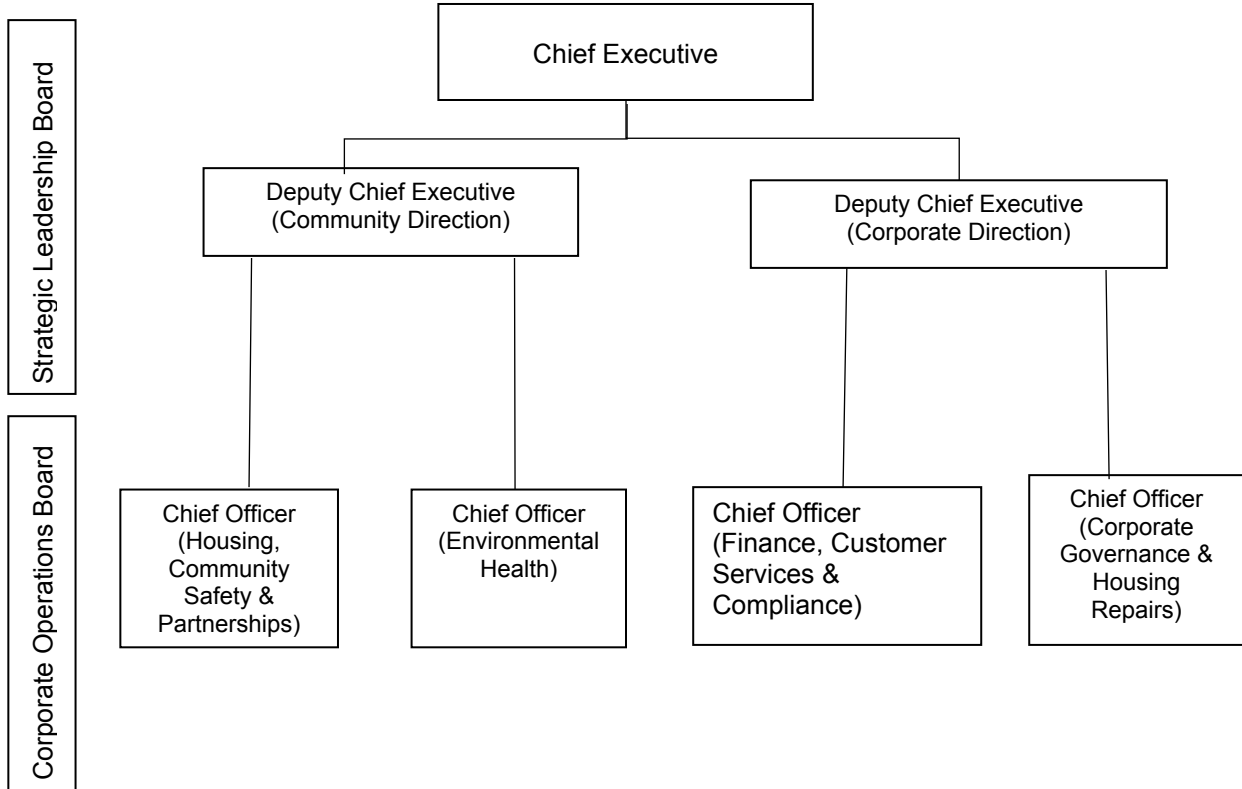
The council is also part of the national two tier arrangement for enforcement of health and safety legislation along with the Health and Safety Executive. Health and Safety enforcement in factories, construction sites and utilities is administered by the Health and Safety Executive from their Northampton offices (Telephone 01604 738300).

4.2 Organisational structure

The council consists of 34 councillors serving 24 parishes. The council operates a cabinet style structure, called the Executive. The Executive consists of eight councillors, each with an executive portfolio, one of which includes the Executive Member for environment, health and climate change. This member is responsible for ensuring the Environmental Health Service achieves the objectives and delivers the service demanded by the council.

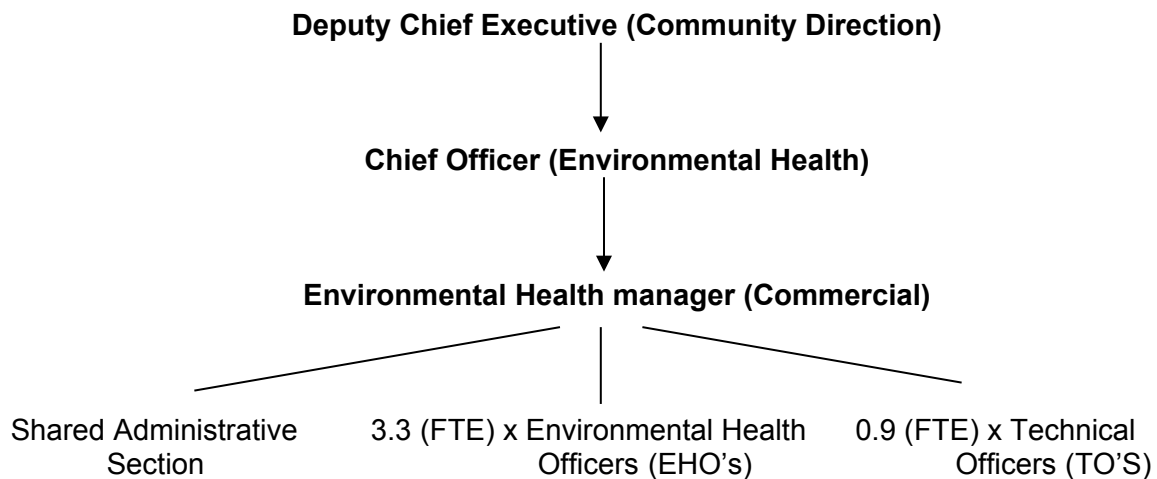
Officers headed by the Chief Executive carry out strategic and operational management of the Council Services. The Chief Executive and two Deputy Chief Executives form the Strategic Leadership Board, responsible for the strategic management, whilst four Chief Officers form the Corporate Operations Board, responsible for operational management of council services. The figure below shows the organisational structure for the delivery of council services:

Operational management structure of council services



The Deputy Chief Executive (Community Direction) is responsible for the Environmental Health Services, which includes the Commercial Section that deals with Food Safety and Health and Safety Enforcement.

The Commercial Section of Environmental Health Services structure is described below:



Contact telephone numbers for the various people involved are shown in the table below:

	Name	Telephone number
Deputy Leader of Council and Executive member for rural communities & environment	Councillor K Morrell	01530 261928
Chief Executive	Mr Steven Atkinson	01455 255606
Deputy Chief Executive (Community Direction)	Mr Bill Cullen	01455 255700
Chief Officer (Environmental Health)	Mr. Robert Parkinson	01455 255641
Environmental Health Manager (Commercial)	Mr Steven Merry	01455 255735
Lead Officer – Food hygiene & health & safety	Mr Steven Merry	01455 255735

Specialist food safety services that is a food analyst, and examiner, are not employed directly by the council. Staffordshire County Council's public analyst and Public Health England, through the Good Hope Hospital, Heart of England NHS Foundation Trust, Birmingham, provide these services respectively. Equally the services of Staffordshire County Council's public analyst are used for analysis of samples of a health and safety nature and specialist services for health and safety may be called upon from the Health and Safety Executive.

5. Food safety enforcement service delivery plan 2015/2016

5.1 Scope of the food safety service

Food safety enforcement is part of the service provided by the Commercial Section of Environmental Health Services. Besides food safety, the section is also responsible for delivering the council's obligations in relation to occupational health and safety, infectious diseases, health improvement, animal welfare and licensing. These activities in general are seen as complementary to food safety as they give a fuller picture of premises standards and therefore combined enforcement benefits both consumers and businesses alike.

Food safety activities mainly revolve around inspection of commercial food establishments in the borough, but are complemented by a food sampling programme, investigation of food complaints and food poisoning incidents, and health promotional activities including the delivery of food hygiene talks, seminars and courses.

The Commercial section is managed by the Environmental Health Manager (Commercial) who also has lead responsibility for food matters.

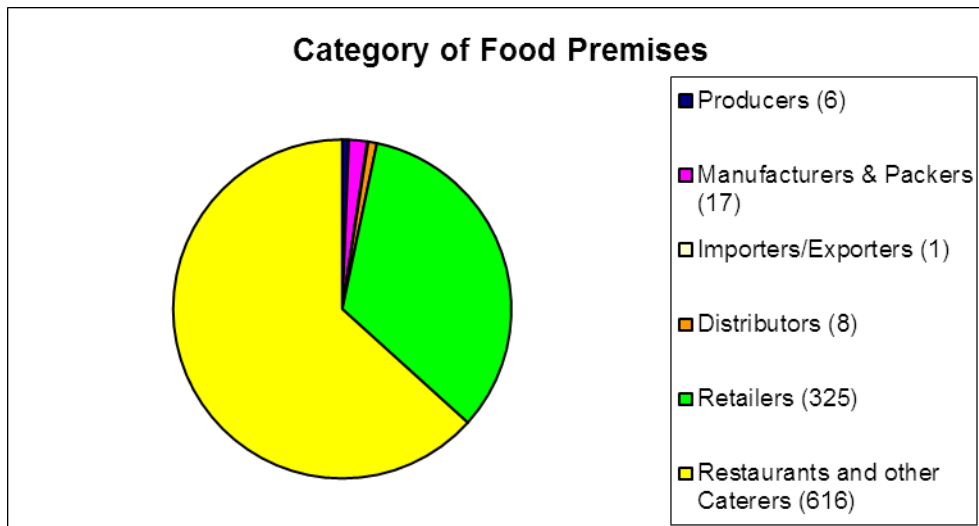
In September 2014 one Environmental Health Officer (0.7 FTE) resigned. This presented an opportunity to reorganise the staff structure of the service to enable the service to better respond to the emphasis to enforcement on higher risk businesses and activities. Hence a cost neutral restructure was undertaken by making the vacant Environmental Health Officer post full time, to 37 hours, by reducing the hours assigned to the Technical Officer post to 34 hours. Hence as at 1 April 2015 there are 4 Environmental Health Officers, (representing 3.3 full time equivalents) who undertake the full range of duties of the Commercial section. There is also one Technical Officer (0.9 FTE) who also carries out all the duties of the section who is also a qualified Environmental Health Officer but has limited experience of food safety, and therefore is currently inspecting food premises in groups C-E (see below), but as experience increases will be inspecting higher risk premises.

Support to the service on the Idox computer system is provided by a member of the ICT service.

5.2 Demands on food safety service (as at 1st April 2015)

In the borough there are 973 premises subject to food hygiene inspection in the following risk categories:

Risk category	Number of premises
A	2
B	44
C	221
D	328
E	338
Unrated	40
Total	973



The borough has two approved Dairy Products premises one manufacturing cheese the other ice cream. Additionally there is one approved premise processing chicken. These premises receive inspections from officers who have had specialist training in these fields. There are also three premises approved under European legislation as being egg grading establishments and one premises which produces Indian cooking sauces, pastes, pickles and chutneys which are exported internationally. No other specialist or complex food processing is carried out in the borough.

Staff and facilities are located on the first floor at Hinckley Hub, which is located within Rugby Road, Hinckley. All personal callers are received at reception located on the ground floor, Monday to Thursday from 8:30 hrs to 17:00 hrs and on Friday's 8:30 hrs to 16: 30 hrs.

The service can also be accessed via an out of office hours number, which is used for all emergency environmental health issues, 01455 251137. A website www.hinckley-bosworth.gov.uk is used to 'post' information about the services that the team provides for consumers and business and also provides a direct e-mail address for service requests, esadmin@hinckley-bosworth.gov.uk . Access can also be made through a community portal, www.hinckleyandbosworthonline.org.uk.

5.3 Enforcement policy

On the 6 April 2014 a revised Regulators Code came into force. Through the Regulatory Partnership set up under the Leicester Leicestershire Enterprise Partnership, the service has drafted a Corporate Enforcement Policy and Service Standards applicable to all regulatory services within the Council. The draft Corporate Enforcement Policy details the general principles of good enforcement that the service is committed to adhere to. Currently this document is waiting Executive approval but is available on the Council website. The general principles of good enforcement practice are further enhanced by a Food Safety Enforcement Policy adopted by the council in January 2002, with revised versions in 2008 and 2011, these detail what food businesses and others being regulated can expect from officers and how specific legislative powers are applied to food premises. This document will be reviewed in 2015/16 to ensure it is compatible with the Councils Corporate Enforcement Policy.

In developing these policies through the LLEP these policies help ensure consistency of approach across Leicestershire and have been developed with input of business. .

5.4 Service delivery

5.4.1 Intervention programme

All food premises receiving a food hygiene intervention will be risk rated following the intervention. The rating scheme used by Hinckley and Bosworth Borough Council is that set out in Annex 5 to the Food Law Code of Practice (England) (April 2015), produced by the Food Standards Agency. This means that all premises will receive an intervention within a range of six months to three years, depending upon the risk associated with the premises.

The current premises profile with respect to risk rating is shown below with the category of premises due in 2015/16 shown in column six

Category	Minimum frequency of Intervention	No. premises	Interventions due 2015/16	Interventions carried over from 2014/15	Total no. interventions required in 2015/16
A	at least every six months	2	2	0	2
B	at least every year	44	35	5	40
C	at least every 18 months	221	127	19	146
D	at least every two years	328	132	15	147
E	at least every three years	338	87	35	122
	Unrated	40	0	40	40
		973	383	114	497

Following the reorganisation in 2014 and effects of reduced resources being devoted to health and safety enforcement it is anticipated in 2015/ 16 that 3.5 full time equivalent officers will be engaged in food hygiene enforcement.

The issue of local authorities having insufficient resources to undertake their food safety inspections is known by the Food Standards Agency and consequently the agency do allow local authorities to use other means of assessing the lowest risk rated premises compliance with food safety legislation other than by inspection. Therefore four years ago this council introduced self assessment questionnaires for lower risk rated businesses.

In order to manage the inspections in 2015/16 emphasis will be placed on ensuring that all high risk rated food premises (Category A – C) and unrated premises (ie prospective new businesses or new registrations) will be inspected. Category D premises will also be

inspected, along with those Category E premises that did not return a self-assessment questionnaire in 2014/15 (35 premises), and those Category E premises whose last intervention was a questionnaire (25). Therefore the total inspection target for 2015/16 is 435. Those Category E premises due in the 2015/16 that received an inspection at their last intervention will be dealt with by way of self-assessment questionnaires, as detailed in our Alternative Enforcement Strategy. This equates to 62 premises.

The target therefore for food safety in 2015/16 is 497 interventions, resulting from 435 inspections and 62 self-assessment questionnaires. This will mean that 100% of all premises due an intervention will receive an intervention in 2015/16.

It is estimated that each inspection of a Category A-C and unrated food premises takes four hours to complete, whilst Category D and E take on average three hours, whilst a questionnaire takes approximately 0.5 hour to administer. 1,750 hours will therefore be required to complete the food hygiene inspection programme. These resources do not include support officer and management time or the resources required for revisits.

The number of revisits required following a programmed inspection is dependant on the level of compliance found and the action taken by the officer. Re-visits to premises following a programmed inspection will be made where significant contraventions of food hygiene or processing regulations and / or poor hygiene practices are found. In addition revisits due to proprietors requesting a revisit to improve their Food Hygiene Rating (see 5.6), will also be undertaken, last year 19 requests were received for this service, an increase in previous years from 13 in 2014/15 and 12 requests in 2012/13. In addition 46 revisits to check on progress of remedial works following an inspection were also undertaken, equating to 65 revisits in total being undertaken in 2014/15. It is likely that approximately 60 revisits will be required this year, at approximately 1.5 hours per revisit, including any follow up administration, this will require approximately 90 hours of the section's time.

In addition, other visits will be made to food premises; for instance to follow up poor sampling results, complaint investigations, special surveys etc.

The activities of the section relating to food hygiene and safety will be affected by the reactive workload as it arises and this may mean an adjustment to the routine inspection and sampling programmes in order to devote increased resources to higher priority areas of work.

No targeted inspection activity is envisaged in 2015/16 unless requested by the Food Standards Agency. Equally no priorities relating to nationally or locally driven issues are expected or known of for that period.

In previous years a measure of the councils performance with respect to food hygiene has been through a National Performance Indicator NI 184, 'The number of broadly compliant food premises'. The service has seen a substantial rise in the borough of broadly compliant premises from 78% in April 2010 to 90% in March 2013. This significant increase in the overall standards of food hygiene in the boroughs food premises has been brought about with a combination of officers promoting Safer Food Better Business and the councils introduction of its hygiene rating schemes. Whilst, the performance indicator is no longer required to be reported to national government, it is seen by the Food Standards Agency as a useful measurement as to the continuing performance of local authorities and also to this council as to a useful guide as to the overall indicator of food hygiene levels in businesses in the borough. As such it is intended to continually monitor this indicator with the aim of improving further the number of food businesses in the Borough who are broadly compliant with legislation. Clearly though as the indicator approaches its maximum value it will be harder to continue to achieve further improvement and therefore it is pleasing to note this year saw a 2% rise

in broadly compliant premises to 91% as at 31 March 2015, above our target of 90%. This year therefore a target for March 2015 has therefore been set at 92%.

In order to help achieve a level of 92% of food businesses in the borough being broadly compliant, this year Officers will continue to make use of the interventions allowed by the Food Standards Agency for those businesses which have a high level of compliance and thereby using released resource to increase attention on non compliant businesses. Therefore all food businesses rated 5 in the Food Hygiene Rating Scheme (see 5.6) at their last inspection may be subjected to only a sampling and verification visit or partial inspection to establish that conditions found on the last inspection remain. A full inspection will be made at their next programmed inspection date.

In line with the council's food safety training policy which implements in full the Food Standards Agency's Code of Practice in respect of the qualifications and experience of Authorised Officers, all officers in the section are appropriately qualified and trained, and where necessary supervised, to carry out their respective duties in relation to food safety inspections.

5.4.2 Food complaints

Complaints about food will be dealt with in accordance with procedures for the handling of complaints and enquiries to the service. In addition account will be taken of the requirements of Food Law Code of Practice (England) in respect of complaints which may be more appropriately dealt with by the County Council.

In 2014/2015 the service received 32 complaints about defective food and 76 other complaints and requests for advice concerning premises or practices. 18 of the service requests related to enquiries from prospective businesses for advice. In 2015/16 it is anticipated that there will be, in total, approximately 100 complaints and enquiries to be dealt with by the service. 1000 officer hours have been allocated to this area of work.

Any foods requiring analysis will generally be forwarded to the public analyst at Stafford and occasionally the Leicester Museum is used for identification of insects.

5.4.3 Primary Authority principle

The Primary Authority scheme operates under guidance from the Better Regulation Delivery Office (BRDO). The scheme places a legal duty upon Local Authorities to consult with a Primary Authority (a local authority which has formal arrangements with a business to offer guidance on a companies policies and procedures) where they are considering taking formal enforcement action against a business with such an arrangement.

The service has no formal Primary Authority relationships with any business in the borough.

The council and the service support and adheres to the principles of Primary Authority and has in place documented procedures to ensure that staff comply with it when enforcing food hygiene legislation, for example when investigating a food complaint in respect of food manufactured outside of the borough.

5.4.4 Advice to business

The provision of advice to food businesses on food hygiene is an important part of the team's documented enforcement policy and represents the first option when dealing with minor contraventions. Proactive advice is provided to businesses on a routine basis during inspections.

During the year it is also anticipated that a number of telephone calls for advice by businesses will be made and responded to.

Following poor hit rates of previous year's newsletters on the Council website and the adverse costs of publishing and distributing hard copies to all food businesses no newsletters were produced in 2014/15. It was instead our intention this past year to send targeted information to specific food industry sectors, similar to those sent in 2013/14 on the Food Information Regulations and to all nursing and residential care homes issuing advice on the prevention of listeria infection. However, no topical issues worthy of issuing an information mailshot emerged during the year. Should a suitable topic arise in 2015/16, consideration will be given to distributing an information mailshot.

Due to the retirement of our only qualified trainer in September 2014, in 2014/15 the service was only able to deliver one food hygiene courses for food handlers using the Chartered Institute of Environmental Health Level 2 Award in Food Safety in Catering. All 7 candidates passed the examination at the end. It is hoped that during 2015/16 we will look to train an officer to recommence these courses in the future.

5.4.5 Food sampling and inspection

The service has in place a documented food hygiene sampling policy, procedure and programme which has been developed with the help of the food examiners from Public Health England at the Good Hope Hospital, Birmingham, where the samples are taken for examination, and the county food liaison group. In order to achieve the programme 244 food samples and 74 environmental samples were taken during 2014/2015.

Through Public Health England's regional laboratory at Good Hope Hospital, Birmingham, local authorities are able to submit an allocation of samples to be analysed free of charge. During 2015/2016 it is anticipated that 270 samples will be submitted for analysis. A resource of 135 officer hours has been allocated to this area of work.

The United Kingdom Food Surveillance System (UKFSS) is a national database that centrally holds a record of all food and feed samples taken by local authorities and port health authorities. It enables greater intelligence on risk based sampling programmes at local and national levels enabling targeting of resources and thereby improved public protection. Historically the system has been used by Trading Standards in their work on compositional standards of food and animal feedstuffs, but now is expanding to record bacteriological results from sampled foods. The service joined the system in April 2014 enabled by a grant of £2000 from the Food Standards Agency which has been used to download and install the necessary software, configure our ICT systems to communicate with UKFSS and to purchase a new lap top. This allows officers to complete sampling forms in the field and transmit them electronically, saving officer time in completing paperwork, printing and duplications in data entries, as well as enabling us to interrogate the system to better inform our sampling programmes in future years. This past year has seen the system embedded and as the officers are becoming more used to the system along with improvements to the system itself benefits, primarily in administration time are becoming evident.

5.4.6 Water sampling

A programme of water samples is undertaken from large food businesses within the district. In 2014/15, one business was sampled on a regular basis, whilst others infrequently resulting in 13 samples being taken for bacteriological quality over the year.

In 2015/16 it is anticipated that 12 samples will be taken, 24 officer hours have been allocated to this area of work.

5.4.7 Imported foods

Although we do not have any inland ports we do have one premise that imports food from other countries for ingredients in its sauces that it produces. Whilst inspecting food premises checks are occasionally carried out to ensure that there is no illegal imported food used within the premises. If any are found then they will be dealt with in accordance with legal procedures.

5.4.8 Control and investigation of outbreaks and food related infectious diseases

All formal and informal notifications of food poisoning and food borne illness, except campylobacter, are investigated within two days of receipt in accordance with the appropriate policy. During 2014/2015, 120 notifications were received and of those 90 were campylobacter, 12 salmonella, 4 cryptosporidia, 11 giardia, one dysentery, two hepatitis E. Due to the isolated occurrences of campylobacter and therefore difficulties in tracing sources, campylobacter cases are not routinely investigated; however all other cases were investigated. Based on historic rates it is anticipated that a similar number, approximately 120 cases of food poisoning and food borne illness will be notified in 2015/2016, with approximately 30 cases requiring investigation, being other than campylobacter. Hence 30 officer hours have been allocated to the investigation of individual cases.

5.4.9 Food safety incidents

The service has a documented procedure which deals with the action to be taken following the receipt or initiation of food alerts. The procedure complies with the requirements of the Food Law Code of Practice (England). During 2014/15 there were 37 food alerts, three of these alerts required action from local authorities, however due to the nature of the food or its distribution no further action was required of officers from this council. A similar number of alerts are expected in 2015/16.

5.5 Liaison

The Commercial Section is represented on the Leicestershire CIEH Food Liaison Group which includes representatives from all food enforcement authorities across the county including Leicestershire County Council Trading Standards, Public Health England and the public food examiner from Good Hope Hospital, Birmingham.

Infectious disease investigations and enforcement issues in 2014/15 were co-ordinated through the Leicestershire CIEH Food Liaison Group with a representative from Public Health England attending meetings.

The Environmental Health Manager (Commercial) along with other representatives of the East Midlands Area attends a liaison meeting with Severn Trent Water Authority once per annum.

The section has internal liaison with all service areas within Hinckley and Bosworth Borough Council but especially the planning service as regards planning applications and the Licensing Service as regards matters which are being dealt with by the Licensing Committee set up to deal with licensing legislation.

5.6 Food hygiene promotion

5.6.1 Food Hygiene Rating Scheme

Since January 2008 the council has operated a food hygiene rating scheme for all catering businesses. In 2010 the council joined the national Food Hygiene Rating Scheme operated by the Food Standards Agency. When inspected food businesses are scored against a set of criteria for hygiene compliance, structural compliance and food safety management/control systems. The subsequent rated results are then posted on a website to provide members of the public details of the premises' hygiene rating at the last inspection. Each business is also supplied with a certificate displaying their rating which they were encouraged (but not legally required to do) to display either on the entrance door to the premises or adjacent windows.

At the beginning of April 2015, the hygiene rating of 817 food premises in the Borough are now available at www.food.gov.uk/ratings.

5.6.2 Food safety management systems

During inspections of food premises Officers establish if there is in place a documented Food Safety Management System, in effect documented procedures and checks to ensure that the food safety risks in the business have been assessed and are being controlled. A national model called 'Safer Food, Better Business' has been developed by the Food Standards Agency and is promoted to food business proprietors in the borough should they not have an alternative system in place during inspections, seminars, newsletters etc.

5.6.3 Food safety week

The theme for last year's Food Safety Week (16 -22 June 2014) was 'Don't Wash Raw Chicken' in order to reduce the quarter of a million people each year in the United Kingdom (UK) affected by the most common food poisoning organism, Campylobacter, 70 cases of which arose in Hinckley and Bosworth borough in 2013/14.

Washing raw chicken can spread Campylobacter by splashing surfaces, other food, aprons or clothing, kitchen sink and hands. Cooking chicken thoroughly will destroy harmful bacteria and will remove blood from the cavity of the bird, so there is no need to wash the chicken.

Campylobacter can be very severe in young children and adults over 60 years of age, with symptoms including severe diarrhoea, abdominal pain and sometimes vomiting . This year therefore officers from Environmental Health gave presentations at 11 venues within Hinckley and Bosworth to groups aimed at young children and adults aged over 60 years, i.e. within Sure Start Centres, Toddler Groups, Community Centres and Age UK.

The presentation and discussions covered important food hygiene information including chilling (ensuring proper separation between raw and cooked/ready to eat foods within the refrigerator and the refrigerator operating between 1-5°C); Cross Contamination (and importance of not washing raw chicken); Cleaning (covering hand washing, appropriate cleaning products and disinfectants for use in kitchens and cleaning procedures for surfaces and washing up);Cooking (how to check that chicken pieces and whole chickens are thoroughly cooked);the difference between Use by and Best Before dates.

Besides the presentations a press release was prepared, picked up by the Evening Tribune and we tweeted 4 messages during the week resulting in between 151 to 252 people viewing the message.

The evaluation showed all groups to have a good understanding of the information provided and discussed and additional presentations have also been requested from other Community Groups within Hinckley and Bosworth.

5.6.4 E.coli 0157

E.coli food poisoning is fortunately a rare occurrence; however when it does occur it is particularly devastating as it takes very few E.coli organisms to cause illness and the effects are usually severe with often kidney failure and death seen in a high percentage. Over the past few years the service have made a concerted effort to improve standards of food hygiene practises in the butcher's premises supplying cooked and raw meats especially concentrating on the few premises in the borough that used to use one vacuum packaging machine to pack cooked raw and cooked food. Whilst concentrating on this high risk sector, officers have also been highlighting the principles of preventing E. coli infection to the wider catering trade and have been utilising the Food Standards Agency 'Guidance on the Control of the risk of cross contamination from E.coli 0157', now on its third revision. All officers have received training on this guidance and have due regard to its contents during their inspections. The guidance has also been publicised to businesses by newsletters, given out during inspections and during correspondence with them.

5.6.5 Food hygiene coaching

One of our major achievements in recent years has been to see the rise in the standard of food hygiene in premises in the borough, from 78% broadly compliant in April 2010 to 91% in April 2015. Whilst this rise is impressive it has become harder in the past two years to achieve increases in standards across the borough. However, in April 2014 we were approached by the Food Standards Agency to take part in research on delivery of food safety advice. The scheme being examined was the delivery of practical food safety coaching to help raise standards in small food businesses and was being funded by the Food Standards Agency. The project provided support to low compliance take away food businesses, using data from the Food Hygiene Rating Scheme and targeted businesses that were 0, 1 and 2 rated. Thirteen premises in the borough met the criteria and were targeted for the one to one coaching session held at their premises. The coaching is based on the 4C's; cross-contamination, cleaning, chilling and cooking, and includes a series of practical videos and a hand washing and cleaning demonstration and will also focus on the premises food safety management system.

Monitoring progress of the effect of this coaching at their next formal inspection has so far shown that 7 of the 13 (54%) premises improved their rating, 3 remained the same and 1 premises deteriorated, and 2 remain to be assessed. Of the 7 that improved, 4 (31%) have now improved by more than two ratings. We will continue to track these premises to establish whether improvements made are maintained.

5.6.6 Further promotional work

Various articles on food matters are produced for the Borough Bulletin, a council publication sent to all dwellings and businesses within the borough. In 2014/15 two articles were published in the bulletins promoting food hygiene ratings and safe cooking at Christmas. Additionally 5 press releases on Food Safety Week, Food Hygiene Rating Scheme promotion at Christmas and Valentine's Day, Barbeque Safety and Safely defrosting turkeys at Christmas were issued resulting in several local publications publicising the topics.

6. Health and safety enforcement service delivery plan 2015/16

6.1 Description of service

Health and safety enforcement is part of the service provided by the Commercial Section of Environmental Health. The service:

- Inspects places of work and entertainment to ensure high standards of health, safety and welfare in accordance with current enforcement responsibilities
- Carries out accident and complaint investigations
- Provides advice and guidance to businesses, employees and the public

6.2 Aim of health and safety enforcement service

The overall aim of the health and safety enforcement service is:

- To secure the workplace health, safety and welfare for both employees and the public in the borough

6.3 Priorities of health and safety enforcement service

In March 2011 the coalition governments announced its plans to reform the health and safety system in Britain with the publication of ` Good health and safety, good for everyone`. Under the reforms, protecting people in the workplace and in society as a whole remained a key priority; however the focus of the health and safety regime will be a move to a lighter touch approach concentrating on higher risk industries and on tackling serious breaches of the rules.

Consequently these reforms have required the HSE and local authorities to reduce the number of inspections carried out; to have greater targeting where proactive inspections continue; and to increase information provision to small businesses in a form that is both accessible and relevant to their needs.

Guidance produced by the HSE through their National Local Authority Enforcement Code launched in May 2013 and the Health and Safety Executive /local authorities' enforcement liaison committee revised Local Authority Circular 67/2 (Rev 4.1) May 2015 `Advice/guidance to local authorities on targeting interventions' have therefore been used to determine this councils' key priorities for 2015/16.

The HSE code indicates that local authorities are expected to target proactive inspections on high risk activities in specified sectors or on workplaces where intelligence suggests that risks are not being effectively managed. A listing of the activities and sectors suitable for inspection is published along with the code.

Based on the code the key delivery priorities of the health and safety service of Hinckley and Bosworth Borough Council are:

- To target health and safety interventions on higher risk areas and dealing with serious breaches of health and safety legislation
- Investigating major injury incidents and fatalities. This approach is in line with national justice agenda and used to assess and target poor management as part of the better regulation agenda

The service will need in 2015/16 to continue to keep a watching brief on national developments in health and safety policy, especially any consequential changes in policy following national government elections in May 2015.

6.4 Delivery of the health and safety service priorities 2014/15

In 2014/15 three projects were identified as priority initiatives:

6.4.1 Legionella project

Following the 2012 outbreaks of legionnaires disease in Edinburgh and Stoke-on-Trent in which there were approximately 120 cases and 4 deaths, legionella became a national focus for health and safety enforcement. As part of this focus the service in 2013/14 targeted high and medium risk premises, for which we have enforcement responsibility, to ensure that businesses are adequately assessing the risks from legionella; that they had adequate controls in place to control the organism and to raise awareness of the risks posed by legionella. 33 premises were targeted, receiving a mix of inspection and a self-assessment questionnaire sent to hotels, sports clubs, and garden centres. Following on from this work 14 premises were found to either be non-compliant premises or did not return their questionnaire and a further 4 premises came to light which were thought within scope of the project.

In 2014/15 the 18 premises identified from the previous years' work were scheduled for inspections. All premises were inspected by 31 March 2015. 4 of these premises were identified as requiring follow up work to ensure they comply with legal requirements. In addition, 2 new premises came to Officers attentions, 1 is fully complaint following an inspection and the other will be inspected within 2015/16.

Overall this was a successful project that saw a number of premises adopt new systems of work to control the risk of Legionella.

6.4.2 Residential care homes

During 2013/14 a two year campaign was commenced to raise awareness of health and safety matters in the residential care home sector and signpost operators to current advice where this was found to be necessary. This project was identified following accident statistics analysis by the Leicestershire and Rutland Health and Safety Best Practise Group which highlighted a significant incident rate within the sector locally.

During 2014/15 officers at Hinckley and Bosworth Borough Council continued with the campaign resulting in a visit made to all 48 residential care homes within the borough where the local authority was the regulator for health and safety, over the two years the project has run. HSE are the regulator for nursing homes and also those residential care premises run by local authorities.

During the project in 2014/15, inspections were carried out within 31 premises.

Management of specific areas/topics were audited and these included risk assessments, individual care plans, moving and handling, falls to residents/service users, violence and aggression, hot surfaces and safe water temperatures as well as some general health and safety topics such as electrical safety, managing asbestos and welfare issues for employees. Reports/letters were provided to the premises visited.

Where areas for improvement were identified, operators were given the relevant advice.

Where this was necessary, follow up visits were made to check that matters identified on the initial inspection visit had received attention and improvements had been made.

From 1 April 2015 the Care Quality Commission (CQC) has a responsibility as the lead inspection and enforcement body for safety and quality of treatment and care matters involving residents/service users. This means they will in the future investigate incidents or accidents involving residents/service users eg a fall from a window or a scald from a bath or shower. There are requirements to liaise with the CQC and share relevant information. This took place for one of the homes visited.

The project was very well received and the managers of homes welcomed the opportunity to get advice, support and help, as well as being signposted to various relevant publications on the HSE website which will assist them in meeting their duties to employees and residents/service users.

6.4.3 Tyre and exhaust fitting

The use of two – post vehicle lifts in small and medium sized tyre and exhaust fitters , which were not part of a national chain , was identified in the national Local Authority Enforcement Code Local Authority Circular 67/2 (Rev 4) March 2014 `Advice/guidance to local authorities on targeting interventions' as a high risk activity. Concerns particularly centred on the lifts locking mechanisms which were prone to fail without proper maintenance and inspection procedures in place.

Several Leicestershire authorities, including Hinckley and Bosworth Borough Council drafted a project scope along with an 'Aide Memoire' to ensure consistent inspection and organised and received appropriate training in order that the project could be undertaken. The service initially identified 3 target premises which met the criteria for the project.

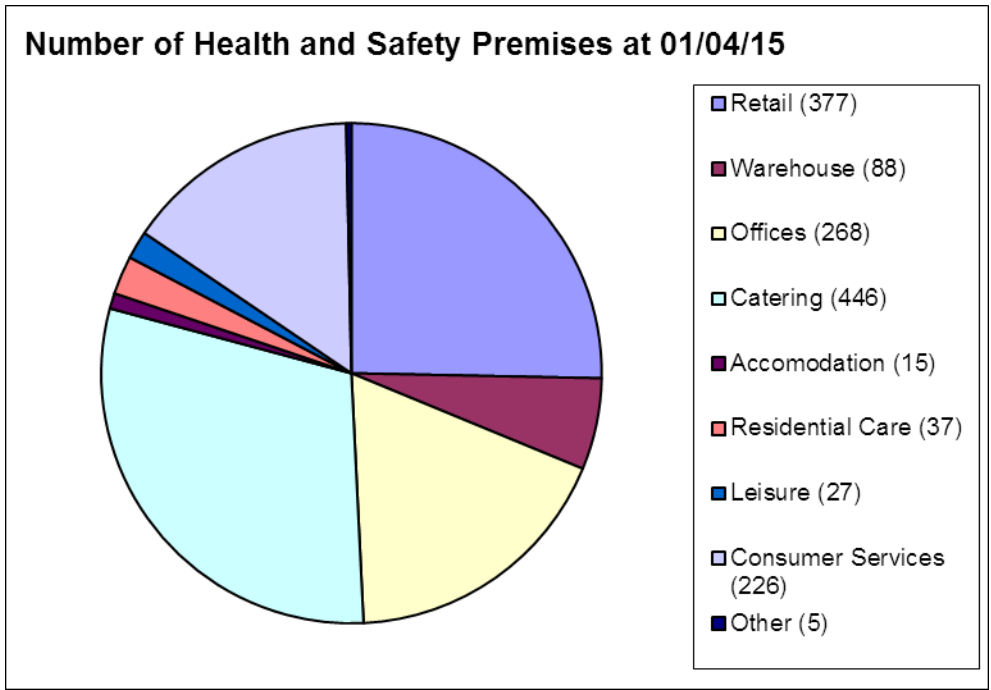
On visiting the premises it was found that 1 premises had transferred its tyre fitting activity from HBBC area to Leicester City. The other two premises were visited. One was found to be a relatively small business with 2/3 fitters at a fixed premises and 2 peripatetic fitters using vans to service breakdowns and undertake 'on site' business. All lifts had current certification, the arm locking mechanisms were found in place and working and no significant deviations from good practice identified.

The second premises were a regional tyre business with multiple sites in the Midlands which also undertook exhaust work. There were 10 employees at the branch and a number of lifts including 2 two post lifts were in operation. Again all lifts had certification including the 2 post units, the arm locking mechanisms were in place on the two post lifts and the system successfully locked the arms. The main issue identified revolved around the manual handling of tyres into the storage racks and difficulties presented by the building.

Overall, the two sites visited were well run and did not significantly deviate from the requirements outlined in the tyre project aide memoire.

6.5 Delivery of the health and safety service priorities 2015/16

The following chart illustrates the category profile of the 1489 Health and Safety premises within the borough for which the council has enforcement responsibilities at the 1 April 2015:



6.5.1 Health and safety planned inspections 2015/16

Based on the risk rating scheme the risk profile of premises whose health and safety enforcement responsibility falls to this council is shown in Table 1 below:

Table 1 – Risk profile of health and safety premises at 1 April 2015

Category	A Highest Risk	B1 Medium risk -1	B2 Medium risk - 2	(C) Lowest risk	Unrated
Summary of appropriate intervention (LAC 67/2 (Rev 4.1))	Proactive inspection	Reactive intervention only			Alternative intervention other than proactive inspection
Total number of premises	3	54	327	946	135
Total number of interventions due 2015/16	3	0	0	0	135

In

accordance with LAC 67/2 (rev 3) it is proposed in 2013/14 to target inspections at Category A businesses only, resulting in an inspection target of 3 premises. The

medium risk categories 'B1' and 'B2' premises due an intervention in 2013/14 will receive an intervention initially by means of a questionnaire or should

In accordance with LAC 67/2 (Rev 4.1) it is proposed in 2015/16 to target inspections for all Category A businesses only, resulting in an inspection target of 3 premises. Inspections of medium risk businesses (categories B1 and B2 premises) will only occur if during a food hygiene inspection a matter of evident concern is seen or reports of accidents, complaints or other intelligence suggests the premises requires an intervention. All unrated and new premises will receive either an advisory visit or questionnaire and be risk rated following the visit or return of the questionnaire. This is expected to result in a further 135 interventions. There will be no proactive interventions to low risk businesses (C rated premises) in 2015/16, however these premises will receive a visit should a reactive visit be required for instance should a service request be made or a serious accident arise.

In summary therefore it is anticipated that the service will in 2015/16 conduct 3 inspections and 135 interventions by questionnaires or advisory visits. In total therefore the health and safety service aims to achieve 138 interventions in 2015/16.

6.5.2 Revisits

Revisits are carried out to confirm that employers and other duty holders have undertaken any necessary measures to comply with their legal obligations identified following an inspection or other intervention such as a complaint or accident investigation.

A revisit will be undertaken following all interventions at which significant contraventions have been identified.

Priority will be given to revisiting those premises where:

- Formal enforcement action such as the service of an improvement or prohibition notice has been necessary to secure compliance with the law

- The premises are rated Category A

6.5.3 Accident investigation

In 2014/15 the council received 79 accidents / dangerous occurrences reported to it under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR).

It is not necessary to investigate all of these notifications. However, we will investigate all accidents, cases of disease and dangerous occurrences that meet the criteria set out in our policy document No7 - Procedures for the selection and investigation of accidents, diseases, dangerous occurrences and other statutory notifications. This policy is based upon HELA circular 22/13 'Incident selection criteria', which was reviewed and implemented in 2010. A high priority will be given to selecting for investigation slip, trips and fall accidents and incidents involving workplace transport.

In 2014/15 we investigated 19 (24%) of accident notifications received.

In 2015/16 it is anticipated that we will investigate approximately 25% of all the accidents reported to us.

6.5.4 Service requests

All service requests relating to standards of occupational health and safety will be investigated and appropriate enforcement action taken. We aim to respond to 100% of requests within two working days.

In 2014/15 we received 45 requests for service. In 2015/16 it is anticipated that a similar number (45) service requests will be received.

Additionally where we are notified of asbestos removal activities, we will investigate them to ensure removal of asbestos material is being carried out in accordance with the legislation and codes of practise. Whilst in 2014/15 there were no removal activities notified to us, one service request was received concerning the presence of asbestos in the workplace which was investigated.

6.5.5 Intervention plan 2015/16

The service intends to be involved in several projects during 2015/16:

Activity	Evidence that identified the concern and set its priority	Planned intervention type	Rationale for intervention	Outcome / output measures
Proactive interventions				
To continue to take an active role and promote the work of the LLEP Better Business For All Partnership	Research undertaken by LBRO has identified that Regulators are viewed by some businesses as being a barrier to growth	Partnerships	It is expected that by developing a new, positive, transparent relationship between businesses and regulatory services, regulators will be perceived by businesses as supportive and helpful resulting in legal compliance and business growth	Perception survey
Inspection and	Standards	Inspection (Cat A) – 3	Undertake an	Number of

provision of advice and guidance at businesses identified as risk category A	found at time of last intervention	Premises identified	intensive programme of support for all Cat A premises until the risk at the premises is reduced and can be categorised as B1	premises inspected Number of visits made Number of premises moving from A to B1
Undertake advisory visits to all unrated and new businesses	Part of the Better Business For All campaign to ensure business 'Get it right First Time'.	Advisory visit to all new and unrated businesses	To ensure business receive advice at an early stage in order for them to comply with their legal responsibilities and prevent injuries occurring in the work place.	Number of premises in receipt of an advisory visit.
Carry out survey of at least 10 Industrial Estates in the borough to ensure the accuracy of database	With fewer inspections the health and safety premises database is thought not accurate.	Survey of businesses on at least 10 industrial estates to ensure database accurate. Where new businesses identified an advisory visit will be undertaken.	To ensure business receive advice in order for them to comply with their legal responsibilities and prevent injuries occurring in the work place.	Number of industrial estates surveyed and premises visited
Reactive interventions				
Investigate reports of incidents and ill health using the incident selection criteria	RIDDOR statistics	Incident and ill health investigation.	To investigate to establish if there are any issues or poor management performance.	Number of incidents reported Number of incidents investigated Number of notices served Number of prosecutions / cautions.
Investigate reports of concern and complaint from employees or members of the public	Reports of complaint	Dealing with Issues of complaint	To investigate to establish if there are any issues or poor management performance.	Number/nature of complaints investigated Number of notices served.
Respond to professional officers concerns on the performance of a business.	Reports of concern	Dealing with Issues of concern	Respond to matters of evident concern / or significant breaches of health & safety law identified during a visit undertaken for another primary purpose e.g. a food hygiene inspection or licensing inspection or referred from another regulator e.g. Fire Service	Number of referrals from other regulators Number of matters of evident concern / significant breaches Number of notices served

6.5.6 Delivery mechanisms

In order to deliver our priorities for 2015/16 the mechanisms illustrated in the following table will be utilised.

Priority	Delivery mechanism	Deadline
Section 18 Compliance	Service Plan approved by Executive	31 August 2015
Appropriate enforcement	Continue to ensure enforcement decisions are consistent with our enforcement policy, the HSE's enforcement policy statement and the enforcement management model. This will ensure proportionate, consistent, transparent and accountable enforcement in line with the Better Regulation agenda.	31 March 2016
Staff Training	Complete personal development appraisals for all staff	31 May 2015
	Review personal development appraisals and monitor officers progress	30 November 2015
	Ensure officers attend revision /training on relevant health and safety topics to ensure they are appropriately trained and developed ensuring their competence and credibility with local businesses and encouraging staff retention/recruitment	31 March 2016

6.6 Performance indicators

Description	2014/15	2014/15	2015/16
	Target	Actual	Target
Local performance indicators			
Number of workplace interventions carried out	273	218 (80%)	138
Service Performance Indicators			
Percentage of service requests investigated	100	100	100
Percentage of service requests responded to within two working days	100	100	100
Percentage of asbestos notifications investigated	100	100 (1)	100

6.7 Provision of information

A key objective of the council's health and safety enforcement service is to provide advice and guidance to businesses and employees. In the past we have done this by newsletters, but due to costs have moved to sending targeted information to specific industry sectors, such as the letters and advice leaflets. However in 2014/15 there appeared to be no subject suitable for circulation, however the service was involved in an



unusual incident when Public Health (England) issued a National Patient Safety Alert following a case of a newly born child being found to have been infected with *Legionella pneumoniae*, the baby was born in a birthing pool at home. The pool was fitted with a recirculating pump and thermostat and had been filled well in advance of the birth, the pool was found to be contaminated with legionella bacteria. Local Authorities were asked to locate organisations supplying members of the public with similar types of equipment to ensure that adequate risk assessments had been undertaken regarding the equipment and whether sufficient instruction on use and maintenance had been given to hirers and in the short term advise potential users that the equipment should not be used until further advice from Public Health (England). Fortunately, other types of pool are available which do not have this potential problem and can be used as an alternative.

Officers successfully identified 2 suppliers of equipment in the borough within 48 hrs and were able to report back to Public Health (England) that they had confirmed that the targeted equipment was not being supplied by these businesses.

The Commercial section has made a commitment to issue press releases relating to forthcoming events planned for health and safety issues. In addition premises will be sent information on any significant changes to legislation.

6.8 Health and safety enforcement policy

On the 6 April 2014 a revised Regulators Code came into force. Through the Regulatory Partnership set up under the Leicester Leicestershire Enterprise Partnership, the service has drafted a Corporate Enforcement Policy and Service Standards applicable to all regulatory services within the Council. The draft Corporate Enforcement Policy details the general principles of good enforcement that the service is committed to adhere to. Currently this document is waiting Executive approval but is available on the Council website. The general principles of good enforcement practice are further enhanced by a Health and Safety Enforcement Policy adopted by the council in January 2002, with revised versions in 2008 and 2011, these detail what food businesses and others being regulated can expect from officers and how specific legislative powers are applied to food premises. This document will be reviewed in 2015/16 to ensure it is compatible with the Councils Corporate Enforcement Policy.

In developing these policies through the LLEP these policies help ensure consistency of approach across Leicestershire and have been developed with input of business.

6.9 Improved contact with employee representative

It is acknowledged that an essential contact to improve health and safety standards in workplaces is the workplace Health and Safety Representative. In order to establish these contacts an effort is made to liaise with them and record their contact details at appropriate interventions. Furthermore standard inspection report letters emphasise the

legal requirement to inform employees on any health and safety items which may affect them.

6.10 Significant Case - Mallory Park fined for spectator injury

On the 15th September 2014, following a protracted and at times difficult investigation into an accident in August 2010 at Mallory Park racing circuit, Mallory Park (Motorsport) Limited were fined £1,000 following a guilty plea to a charge of failing in its duty to protect the safety of spectators. Costs of £20,000 were also given to the Council.

A spectator at a Rally Cross event at the Mallory Park Circuit was struck in the eye by a large stone thrown up from one of the vehicles passing over a loose section of track that had been created outside the tarmac race track for the event. The injury suffered has left the spectator with no useful sight in the eye despite numerous operations over the past four years.

Investigations into the incident by Officers found that the loose track had been constructed significantly closer to the spectators' area than the normal racing circuit. No account had been taken by the company of likely debris being thrown up by passing vehicles or that the separation distance between racing vehicles and spectators had been significantly reduced.

The Council brought a charge against Mallory Park (Motorsport) Ltd under Section 3 of the Health and Safety at Work etc. Act 1974 for failing to conduct its undertaking in such a way as to ensure, so far as reasonably practicable, that spectators were not exposed to a risk to their safety arising from the Rallycross motor racing event.

On the 15 September 2014 before a hearing at Leicester Magistrates Court the District Judge imposed the £1000 fine on Mallory Park (Motorsport) Ltd, commenting that the injury sustained was serious and life changing but the level of fine had to reflect that Mallory Park (Motorsport) Ltd were in liquidation rather than the seriousness of the injuries and offence.

Similar charges were also brought before the court against Lydden Hill Motorsport Club, Lydden Hill Race Circuit Limited and a Director of the Company. All three of these defendants pleaded not guilty and following a three day trial resulted in all three being acquitted. The thrust of the prosecution case was that the event was organised in effect by the company as they paid for the hire of the circuit and took race receipts, although agreements named the Club which could not be held to account under health and safety legislation as it did not have any employees. However, the Judge ruled that the prosecution had not proved beyond all reasonable doubt that the Club and Company were not the same entity.

Despite an application for wasted costs against the Council by the defendants, the Judge also ruled that prosecution was brought in good faith, with no abuse of process (as alleged by the defendants) and acknowledged the uncooperative behaviour of the defendants in refusing to attend interviews, failing to respond to correspondence, the limited nature of information supplied often not supported by the evidence, and that there appeared no clear distinction between the Club and Company. As such no costs were awarded against the Council.

Overall, despite the disappointment at not being able to secure a conviction against all defendants, the service is pleased that an organisation was publically held to account for their failings which resulted in a life changing accident to the spectator. Throughout the spectator has constantly praised the conduct of the officers involved in the investigation and twice written to the Chief Executive expressing these views.

6.11 Smoke free legislation

Smoke Free Legislation came into force on 1 July 2007. The legislation meant that virtually all enclosed public places and workplaces became smoke free. Enforcement in this borough is by officers from within the Commercial section.

During 2014/15 the service received two complaints, one from a member of the public concerning a public house and the other by an employee in an office. Investigations into both complaints resulted in two businesses being given informal warnings but no formal action was taken.

The service also continued to proactively monitor compliance with emphasis at all food hygiene, health and safety and licensing inspections, however no further action was needed following this monitoring.

Continued monitoring and appropriate enforcement will continue in 2015/16.

7. Resources

7.1 Financial allocation

Resources allocated to the Commercial team are not kept separate from the general allocation of funds in the budget for the Environmental Health section. In 2014/15 a net total budget of £790,020 was allocated to Environmental Health and revised during the year to £844,862 due to increasing costs associated with an on-going court case. At the beginning of 2015/16 a budget of £796,530 has been allocated and represents an increase in budget of 0.82 % on the original budget for 2014/15.

Operational staff all have essential user car status. They are supported with appropriate equipment to carry out their inspections and sampling activities. Specific resources are made available annually for the rolling replacement of equipment, food sampling and analysis, training and other specific aspects of service provision; again these are funded from the general Environmental Health budget.

The Idox computer system is used for planning and recording food safety and health and safety activities.

Formal enforcement action for example, prosecution of a food business proprietor would involve activity by the authority's Legal Services section. Costs incurred by legal services would be included in the annual recharge to the team and as such it is not classed as controllable expenditure.

7.2 Staff Allocation

At the 1 April 2015 five Environmental Health officers and one Environmental Health technical officer with appropriate qualifications and experience that meet the requirements of the Food Safety Act Code of Practice were involved in food hygiene enforcement. This was represented by one manager and five field staff. With the service reorganisation completed in September 2014 and effects from reduced health and safety enforcement, taking into account the services provided by the Team, in 2015/16 the service is able to increase full time equivalent officers engaged in field food hygiene enforcement from 3 to 3.3.

The service has an administration section and a systems administrator which supports the Team.

The five Environmental Health officers and one Environmental Health technical officer have the appropriate qualifications and experience to enforce Health and Safety legislation and this equates to 0.9 FTE officers employed in Health and Safety.

All field staff are competent and appropriately qualified, trained and supervised commensurate with Food Law Code of Practice (England) and with Health and Safety Executive Section 18 Mandatory Guidance `The Standard for Health and Safety Enforcing Authorities` (2008).

7.3 Staff development plan

Every member of staff has a Personal Development Review annually, usually May, with a six month review. These reviews draw out any training and development needs required of officers.

In addition the service has a documented Training Policy which is adhered to and stipulates the ongoing training requirements for staff in compliance with the Food Law Code of Practice (England) and with Health and Safety Executive's Section 18 Mandatory Guidance: `The Standard for Health and Safety Enforcing Authorities` (2008).

Should any staff return to food hygiene or health and safety work after some time out, appropriate structured refresher training in compliance with the 'Food Law Code of Practice (England)' and for 'The Standard for Health and Safety Enforcing Authorities (2008)' will be given.

Training will be given to all staff, either by external or internal means, on any new legislation or Food Standards Agency/HSE requirements.

8. Quality assessment

8.1 Quality assessment

The Food Safety service has developed 18 documented procedures to ensure the quality of its service. These cover areas of:

- Food hygiene inspection procedures
- Documentation and Implementation of a Service Delivery Plan
- Enforcement policy
- Food sampling procedures
- Food sampling programme
- Alternative enforcement strategy
- Authorisation of officers
- Infectious disease investigation procedures
- Outbreak control procedure
- Food complaints
- Operational complaints
- Internal monitoring procedures
- Food hazard warnings
- Database maintenance
- Prevention of loss of data from database
- Quality monitoring
- Documented control system
- Training systems
- Equipment maintenance and calibration
- Local liaison arrangements
- Third party or peer review arrangements
- Promotion of food safety issues

These documents were developed in 2001/2 and revision of all was completed in 2008/09 in light of a new Code of Practice issued by the Food Standards Agency in March 2006 and the issue of the Regulators Compliance Code which came into force on 6 April 2008.

The Health and Safety Service also has documented procedures developed in 2001/02 these being:

- Enforcement policy (revised 2009 and 2010)
- Enforcement procedures
- Inspection procedures
- Health and safety information policy
- Health and safety accident and RIDDOR notifications (Revised 2010), incident selection process
- Formal cautions
- Notice procedure
- Core competencies and training for enforcement offices

The Enforcement Policy was revised in 2009 to incorporate changes relating to the Regulators Compliance Code and again in 2010 following an Equality Impact Assessment. The Incident Investigation Selection Procedure was revised in 2010 as part of the process to ensure the Council is fully compliant with Section 18 guidance. The remaining documents have all been revised in 2011/12.

Historically sound management practices and the professionalism of officers have assured quality management, due the small size of the team. A quality management Procedure was drafted for the Food Safety service in 2008/09 which included relevant monitoring arrangements to ensure all procedures are complied with in relation to

enforcement work and the training and development of staff. Similar procedures also apply to Health and Safety activities.

Correspondence emanating from the officers of the section is sampled by the Environmental Health Manager (Commercial) for his perusal before despatch, in order to ensure accuracy and consistency in content. Additionally all notices are checked before service to ensure consistency, legal accuracy and compliance with our enforcement policies.

Additionally the council works with other Leicestershire Authorities with Inter Authority Audits, peer review exercises etc. The last Inter Authority Audit of the service was conducted In December 2013 which examined implementation of Food Standards Agency guidance on controlling the risk of cross contamination from E.coli 0157. The audit consisted of an examination of our service and enforcement plans, food inspection procedures, sampling records, council website, officers training, dissemination of information to food business operators, inspection aid memoire, actions taken where serious contraventions found and file checks. The audit concluded that the service 'was able to demonstrate that it is effectively implementing FSA guidance on controlling the risk of cross contamination'.

In previous years the section has conducted post inspection satisfaction surveys by way of a questionnaire sent out to premises which have received an inspection. Each returned questionnaire was monitored for any individual issues and then additionally compiled for analysis. Unfortunately due to this exercise being time intensive and with already high satisfaction levels (100% in 2010/11 and 98% in 2009/10 being satisfied with the Sections inspection service), and the service having to focus on more core activities with reduced resources, surveys have not been conducted since 2010/11.

8.2 **Better Business for All (BBfA)**

The Better Business for all project was launched in September 2011 by the Leicester and Leicestershire Local Enterprise Partnership (LLEP) to build a new relationship between businesses and regulators in the Leicester and Leicestershire area. The aim was for regulators to be seen by businesses as supporting enterprise, growth and investment, key priorities in the LLEP Strategic Economic Plan 2012 -2020.

2014/15 has proved to be an interesting year, hinging on LLEP re-structuring and changes to the programme support role. Despite the difficulties and uncertainty this has created, the programme has continued to deliver notable improvements in the way regulators and business interact and has continued to build on the achievements already made.

With funding provided by the LLEP, the BBfA programme seconded someone to the role of BBfA Project Officer and without this support, initiatives such as the development and re-energising of the regulatory advice offered on the Business Gateway would not have come to fruition.

Key Achievements 2014-15 include:

Interactions with Business

- Since the April 2014 to December 2014, there has been some 7220 contacts with businesses including face to face, telephone calls and letters
- % of businesses who were Satisfied or Very Satisfied 94.1%
- Number of start-up businesses advised or assisted 344

(Note: The above represents only a proportion of partners involved and the potential to promote BBfA and therefore LLEP is far greater).

Regulatory Standards and Policies

- Regulators Code and Service Standards templates have been developed with the support of BRDO, and these have been adopted and published by the Regulatory Services partners. Regulatory Services partners have also undertaken self-assessments against the code and continue to share best practice.
- Three key questions have been agreed and included in the satisfaction surveys to ensure performance against the code and the support for business support and growth is monitored.
- IRIS (Intelligent Regulatory Information System) - A National Pathfinder Project supported by BRDO and Business Innovation and Skills Minister. The system was developed with the Regulatory Services Partnership and on site field testing took place with Leicestershire County Council, Charnwood Borough Council, North West Leicestershire District Council and Leicestershire Fire & Rescue Service between March 2014 and October 2014. The evaluation report has been submitted to BIS Minister.
- Data sharing protocols were developed across regulatory services and the system was used locally to identify high risk premises, review shared information and to assist in reducing the number of duplicate inspections.
- Members of the Regulatory Services Partnership have also been interviewed and taken part in workshops to contribute to the data sharing evaluation undertaken by Cambridge University, commissioned by the BRDO.
- Age Restricted Sales of Tobacco and Alcohol – Sponsored by BRDO and in partnership with partners including the Tobacco Association, an Age Restricted Sales project was undertaken by Leicestershire Trading Standards Service to support and provide advice for ethnic businesses. The project's primary focus was with regards to poor compliance in underage sales of alcohol and tobacco, with the majority of occurrences taking place within Asian and other ethnic minority owned businesses, which were verified by test purchases. One of the findings highlighted persistent underage purchasers who were aggressive and abusive and it confirmed that there was a lack of confidence with businesses reluctant to admit that they have problems with this issue; due to the implications reporting would potentially have on their licences, etc.

The project has been completed and most of the recommendations made were now in place and working. The final report and recommendations were submitted and approved by the Business Steering Group in January 2015.



Steven Merry, Environmental Health Manager (Commercial) and Bill Cullen, Deputy Chief Executive (Community Direction) signing the Charter at the Better Business for All launch event.

4. Current Initiatives in Progress

Supporting Food and Drink Start-up Businesses – A Task and Finish group, including a representative from Hinckley and Bosworth Borough Council has been established to: -

- Explore existing material for start-up businesses
- Consider the business demographics
- Consider what works and what doesn't
- Network with start-up agencies

Led by a Chair from business, a review of regulatory support information is being undertaken with an easy to follow one page regulatory advice guide for a food and drink business is in development and FSA tools have been made available on the Business Gateway.

The Food and Drink Task and Finish Group have met with lead on the Growth Sector Plan for Food to ensure that regulatory support and advice forms a key part of the development of the plan.

MIRA Enterprise Zone – An offer was made to MIRA Enterprise Zone for regulatory partners to provide regulatory advice and support for the development of the site back in 2013. As the infrastructure is now in place, and changes to the way regulatory partners are able to interact with business, the offer is being re-evaluated, with Hinckley & Bosworth Borough Council acting as a lead authority. Meetings are on-going to develop this approach, with meetings with the LLEP lead for the Enterprise Zone and MIRA.

Development of the Business Gateway (Growth Hub) - Members of the Regulatory Services Partnership and Business Steering group sit on the Growth Hub Project Board to support development of the new 'Business Gateway' site. The Regulatory Services Partnership, have reviewed and developed the advice and resources available within the regulatory advice pages of the Business Gateway, ensuring that there is a more interactive and user-friendly approach. The gateway may be assessed through:

www.llepbizgateway.co.uk

As part of the information review for the Growth Hub , the BBfA Advice Pack (formerly the BBFA Start-up brochure has, with input from a Hinckley and Bosworth representative, been revised to be an easy to follow generic advice guide for all businesses and the updated format, information and advice is available on the Business Gateway, at :

www.llepbizgateway.co.uk/wp-content/uploads/2015/03/N0879_BETTER_BUSINESS_FOR_ALL_FEBRUARY-2015_FINAL-INTERACTIVE_160215.pdf

9. Review

9.1 Review

Procedures are in place to review the service plan on an ongoing basis, and annually.

The plan is regularly monitored during its year of operation by the Environmental Health Manager (Commercial) who subsequently reports progress at service management meetings. Each quarter a report is produced for all members highlighting the performance of all services in Environmental Health. In these, performance of the Commercial Section is annotated and any issues highlighted. The Executive Member responsible for the Environmental Health portfolio regularly meets with the Environmental Health managers and may also take periodic monitoring reports to the Executive. Any service adjustments required during the year may then be instigated to ensure if possible that the targets set can be met.

At the end of the year the Environmental Health Manager (Commercial) will review the Commercial Sections activities during that year. The review will report through this Service Plan information on the previous year's performance against the service plan, and any other specified performance target, and performance standards and targeted outcomes. Any identified variance from the service plan and where appropriate the reasons for that variance, will be brought to the attention of the appropriate Executive member.

The Scrutiny Commission of the council has a function to review service delivery plans. The Commission may call for the plan at any time and make comment or recommendations to the executive or the council.

9.2 Identification of variance from the Service Plan 2014/15

9.2.1 Interventions

In total the Section made 736 interventions during 2014/15, representing 85% of the target of 865 for the year.

a) Food Hygiene

The section has inspected 473 food premises for food safety and received 45 self-assessment questionnaires, totalling 518 interventions for 2014/15.

The Food Safety Enforcement Service Delivery Plan of 2014/15 required 515 premises to be inspected and 77 premises dealt with by way of self-assessment questionnaire, totalling 592 interventions for the year; hence 87.5 % of the food safety inspection programme was achieved. The number of inspections achieved was 91.8% of the programme target, with questionnaires to low risk premises only achieving 58.4 % of target.

The resultant enforcement actions are described in the table below.

Food safety enforcement actions

Type of premises	Premises issued with informal notices	Premises issued with improvement notices	Voluntary / emergency closure	Prosecution/ formal caution
Primary producers	3	0	0	0
Manufacturers and packers	6	0	0	0
Importers/exporters	0	0	0	0
Distributors/transporters	1	0	0	0
Retailers	153	3	0	0
Restaurants/caterers	250	0	0	0
TOTALS	413	3	0	0

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There was no significant enforcement action taken for food safety in 2014/15.

b) Occupational health and safety

The section has inspected three Category A rated premises for occupational health and safety, received 91 questionnaire responses, carried out 124 advisory visits, totalling 218 interventions for 2014/15.

The Health and Safety Enforcement Service Delivery Plan of 2014/15 required 273 interventions for the year; hence 80 % of the health and safety intervention programme was achieved.

The intervention programme produced no significant enforcement action being required.

9.2.2 Courses and campaigns

During 2014/15 the service took part in several Food and Health and Safety initiatives as listed below:

- Continued to embed and promote the national Food Hygiene Rating Scheme in the borough. 817 registered food premises in the borough within the scope of the scheme now have a rating and on the national website.

- Conducted a campaign during Food Safety Week on the theme of 'Don't wash raw chicken'.
- Concluded health and safety campaigns on legionella and within the residential care homes sector and conducted a campaign in the tyre and exhaust fitting sector.
- Monitored 13 poorly hygiene rated food businesses following one to one coaching in order to improve their rating. 54% of these premises improved their rating, 31% by 2 or more ratings and thereby their business prospects and public protection.

9.2.3 Service requests

In total the Section investigated 153 service requests during 2014/15. This represented 45 for health and safety and 108 food related.

9.2.4 Sampling

The 2014/15 sampling programme in which 244 food, 13 water samples and 74 environmental swabs were taken, was achieved in full.

9.2.5 Infectious diseases

The Section carried out 30 food poisoning investigations in 2014/15.

9.2.6 Areas of improvement 2014/15

The service was able to progress all of the key service improvements and objectives for 2014/15 except the revision of service specific enforcement policies, progress on which is dependent on adoption of corporate policies, and the revision of existing food and health and safety procedure notes. These tasks will be completed in 2015/16.

9.3 Areas of improvement for 2015/16

Key service improvements and objectives for 2015/16 are:

1. Draft and have approved revised enforcement policies which are in line with the regulators code along with service standards
2. Keep a watching brief on the new government policy reviews and initiatives with respect to food safety enforcement and health and safety and assess their implications on the councils enforcement service
3. Keep a watching brief on the LLEP development and its implications for the 'Better Business for All' project within the borough to improve the confidence of business in approaching the council for advice and guidance on regulation
4. Review administrative arrangements to improve efficiency and consistency in food safety and health and safety activities in particular to revise existing food and health and safety procedure notes
5. Ensure data continues to improve, in reliability, and robustness

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EXECUTIVE – 12TH AUGUST 2015

CORPORATE SUNDRY DEBT RECOVERY POLICY REPORT OF DEPUTY CHIEF EXECUTIVE (CORPORATE DIRECTION)

WARDS AFFECTED: ALL WARDS

1. PURPOSE OF REPORT

- 1.1 To present to Executive the revised Corporate Sundry Debt Recovery Policy (the Policy)

2. RECOMMENDATION

- 2.1 That Executive approve the revised Corporate Sundry Debt Recovery Policy

3. BACKGROUND TO THE REPORT

- 3.1 The Council's sundry debt function deals with the administration of sundry debtors. Sundry debtors relates to monies due to the Council for all income streams excluding revenues, benefits and housing rents. Responsibility for recovery of these debts is shared between the Council's finance and legal sections.

- 3.2 The Corporate Sundry Debt Recovery Policy (the Policy) outlines the main principles relating to the administration and recovery of sundry debts. The primary aim of the Policy is detailed below and reflects the need for the Council to generate income, whilst acknowledging that activities should be structured in a way that is equitable and empathetic to need:

"In order to maximise income for the provision of services, the Council will issue debt punctually and correctly. The Council will collect all sundry debt owing to it promptly, effectively, efficiently and impartially, ensuring fair treatment of all customers and showing due regard to their social welfare"

- 3.3 The Policy has been reviewed and refreshed in 2014/2015 by officers in finance, legal services and community planning. The main changes are detailed below for reference:

- The primary aim of the Policy (detailed in section 3.2) has been expanded to reflect the need for the Council to maximise income in order to fund service provision
- The Policy has been updated to reflect legislation issued since the previous Policy was produced (e.g. Taking Control of Goods: National Standards April 2014)
- The Policy now only covers principles relating to sundry debtors. Separate policies are in place for revenues, benefits and rent income, as referenced in section 5 of the Policy
- An additional section (section 3) has been included to outline the respective roles and responsibilities in relation to sundry debtors. It is clearly emphasised throughout the Policy that budget holders are the ultimate "owner" of sundry debts
- The Policy reflects the Council's commitment achieving efficiency through technology. Paragraph 6.14 details the Council's preference that invoices should be emailed
- A specific section (section 11) has been included detailing how the social welfare of debtors should be considered. The Policy is underpinned by the Anti Poverty Policy Statement, which sets out the Council's corporate commitment and approach in working towards mitigating the impact of poverty and deprivation in our community

- Further detail is provided on the different methods of enforcement that may be used in recovering debt
- A dedicated section (section 10) has been included to reflect how aged debt is monitored and reported

4. FINANCIAL IMPLICATIONS [KP]

- 4.1 There annual budget for the debtors function for 2015/2016 is £63,590
- 4.2 The non recovery of debtors will impact on the cashflow of the Council and the ability to finance service provision.

5. LEGAL IMPLICATIONS [JB]

- 5.1 The Policy has been updated to reflect legislation issued since the previous Policy was produced.

6. CORPORATE PLAN IMPLICATIONS

- 6.1 The recovery of debt will ultimate generate income to enable achievement of all of the Corporate Plan Aims.

7. CONSULTATION

- 7.1 Officers in all affected departments have been consulted in the refresh of this Policy.

8. RISK IMPLICATIONS

- 8.1 It is the Council’s policy to proactively identify and manage significant risks which may prevent delivery of business objectives.
- 8.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer’s opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.
- 8.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
None		

9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

- 9.1 This Policy is underpinned by the Anti Poverty Policy Statement, which sets out the Council’s corporate commitment and approach in working towards mitigating the impact of poverty and deprivation in our community

10. CORPORATE IMPLICATIONS

- 10.1 By submitting this report, the report author has taken the following into account:
- Community Safety implications
 - Environmental implications
 - ICT implications
 - Asset Management implications

- Procurement implications
 - Human Resources implications
 - Planning implications
 - Data Protection implications
 - Voluntary Sector
-

Background papers: None

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Executive Member: Cllr M Surtees

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Hinckley & Bosworth
Borough Council

A Borough to be proud of

CORPORATE SUNDRY DEBT RECOVERY POLICY

“In order to maximise income for the provision of services, the Council will issue debt punctually and correctly. The Council will collect all sundry debt owing to it promptly, effectively, efficiently and impartially, ensuring fair treatment of all customers and showing due regard to their social welfare”

Contents

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- 9 Policies Relating to the Write Off of Sundry Debts
- 10 Policies Relating to the Monitoring of Sundry Debt
- 11 Policies relating to the Social Welfare of Debtors

1. Introduction

- 1.1 The Council believes there is a need to develop a Corporate Sundry Debt Recovery Policy (the Policy) that is fair to everyone, including those customers on low incomes. The method for the billing and recovery of the statutory debts is tightly prescribed by Statute and our enforcement practices must take account of this diversity.
- 1.2 Wherever possible the Council will distinguish between those who cannot pay their debts and those who will not pay them. Where genuine hardship exists, the Council's officers will adopt a sympathetic and reasonable approach. It is the Council's policy both to ensure that money owed to the Council is recovered so far as possible and to ensure that people receive benefits to which they are properly entitled
- 1.3 This Policy is intended to ensure that all debtors are treated in a fair and consistent way, taking account of individual circumstances. People with serious debt problems will be encouraged to contact or seek advice from debt counselling agencies as appropriate.
- 1.4 The Council recognises that prompt, firm but fair action in collecting money is essential to ensure efficient and cost effective collection of money due. The Council recognises that full and prompt recovery of income due is essential in order to fund the provision of services delivered by the Council.
- 1.5 This Policy sets out the general principles to be applied in relation to sundry debt management across all services provided by this Council. It is to be used together with more detailed procedural guidance for staff. All budget holders must take note of this Policy to ensure that the Council maximises the collection of debts and income in the most efficient, fair and cost effective manner.
- 1.6 This Policy covers procedures relating to the sundry debt only. Additional policies relating to rent and revenues and benefits are in place and are highlighted for reference in section 5.1

2. Aims of the Policy

- 2.1 The primary aim of the Policy is as follows:

“In order to maximise income for the provision of services, the Council will issue debt punctually and correctly. The Council will collect all sundry debt owing to it promptly, effectively, efficiently and impartially, ensuring fair treatment of all customers and showing due regard to their social welfare”

- 2.2 In order to achieve this aim the Council will:

- Raise debt promptly and provide full information to debtors on the reasons for the debt and requirements to pay
- Provide a service that works and takes people's needs into account
- Dedicate resource to the raising and recovery of sundry debt
- Consider customers' rights to a reasonable standard of living, other debts and outgoings when setting up arrangements

- Take action against deliberate non-payers or those who delay payment without good reason
- Ensure we make early contact to provide support and advice to avoid debts increasing;
- Encourage and enable customers to contact us for support and/or signpost them to relevant support agencies as soon as there is a problem and to encourage the use of external agencies to assist individuals.
- Work with people in debt, or at risk of getting into debt, to set payments they can afford and to stay in touch with customers until their debts are cleared.

3. Roles and Responsibilities

- 3.1 The **Deputy Chief Executive (Corporate Direction)** is the Council's Chief Financial Officer (section 151 officer) in accordance with the Local Government Finance Act. The Deputy Chief Executive (Corporate Direction) is responsible for the organisation and supervision of all income arrangements, which includes proper accounting, management reporting, and collection arrangements. To achieve this, the Deputy Chief Executive (Corporate Direction) assigns responsibility to budget holders of the team whose service provision gives rise to the debt or potential income with appropriate support provided by the Accountancy Manager and Income Officer.
- 3.2 **Budget holders** are responsible for notifying the finance team of any debt that is due. As the ultimate "owner" of the debts, budget holders should advise finance and legal of any circumstances relating to the debt or the debtors position in order to inform them of the most effective method of debt recovery. Budget holders are responsible for requesting write offs of debts when deemed irrecoverable.
- 3.3 Within the Council's finance team, the **Income Officer**, under the supervision of the **Accountancy Manager** hold responsibility for administering the raising of debts and maintaining appropriate records. The finance team are responsible for the initial stages of debt recovery, as well as monitoring and reporting on the Council's aged debt position. The existence of dedicated finance officers in maintaining the necessary separation of invoicing / pursuit of payment duties from the actual receipt of monies. All managers should be aware of the need to keep these two roles separate (segregation of duties)
- 3.4 A designated member of the Council's **legal team** is responsible for evaluating and administering all legal proceedings relating to aged debt, as deemed appropriate.

4. Regulations and Legislation

- 4.1 The following are the primary regulations governing debt and debt collection and have been considered in production of this Policy:
- Taking Control of Goods: National Standards April 2014
 - Regulation 20, Taking Control of Goods Regulations 2013 (SI 2013/1894)
 - The Local Government Finance Act 1992 and the Council Tax (Administration and Enforcement) Regulations 1992
 - The Local Government Finance Act 1988 and the Non Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989

- Social Security (Claims and Payments) Regulations 1987 (SI 1987/1968)
- Social Security Administration Act 1992
- The Civil Procedure Rules 1999
- The Insolvency Act
- Charging Orders Act 1979
- Attachment of Earnings Act 1971
- The Local Government Act 1972.

5. Links to other Policies and Strategies

5.1 A number of Council policies and strategies contribute to and compliment the Corporate Sundry Debt Recovery Policy and should be read in conjunction. These include:

- Council Tax, Non Domestic Rates (Business Rates) and Benefits Overpayments Recovery Policy
- Rent arrears Policy
- Financial Procedure Rules
- Corporate Anti Fraud Policy
- Whistle Blowing Policy
- Anti Poverty Policy Statement
- Single Equality Policy

6. Policies Relating to the Raising of Sundry Debts

6.1 Budget holders are responsible for raising debtor invoices in their own service areas or notifying finance of the debt that is to be raised. When notifying finance, the following information should be provided:

- The name and address of the debtor
- The amount of debt to be raised
- Narrative to include on the invoice outlining the nature of the debt and which period (if applicable) the charge relates to
- The purchase order reference as issued by the debtor (if applicable)
- The cost centre to which income should be receipted
- Any VAT rate should be applied

6.3 All fees and charges should be raised in accordance with the Council's published Fees and Charges booklet

6.4 Budget holders MUST endeavour to obtain payment in advance or at the time of service delivery wherever permissible. Sundry debt accounts should ONLY be raised where payment in advance for a service is inappropriate.

6.5 There is currently no minimum level for invoices. That said, budget holders should pay due to regard to whether debts can be combined to achieve efficiency of processes.

6.6 Debtor's invoices must be raised promptly and within one calendar month of the service provision. Budget holders must notify the Accountancy Manager when any contract, lease or arrangement is made, whose terms provide that the Council should receive money.

- 6.7 Where a continuing supply is involved invoices should be issued periodically, within five working days of the end of each period or, if payment in advance is appropriate, five working days in advance of the end of each period. The timing of invoices needs to take account of the Council's legal obligations under relevant legislation. In the case of accumulated invoices these should be raised, as far as possible, within 5 days of the last service date being charged.
- 6.8 Where the potential for a statutory benefit or discount exists in relation to the debt, the budget holder is responsible for making the debtor aware of such opportunities and they will be assisted and encouraged to apply for these.
- 6.9 Budget holders must ensure the Council is not breaching legislation by levying a charge for a service, or by pursuing recovery of sums arising from a service provision.
- 6.10 The Civica system will be used to raise invoices (and subsequent reminder letters), using approved Council Stationery.
- 6.11 Every demand for money will be correctly addressed to the person who is liable to pay it. The name on the demand will be that of a person or body possessing "legal personality"
- 6.12 Demands will, wherever possible, be issued on the day of production.
- 6.13 All invoices issued by the Council will comply with the corporate style guidance and be readily identifiable as being from the Council. All bills and notices will be clear, accurate and timely indicating what must be paid and when.
- 6.14 In the interest of economy and where appropriate all demands, reminders and final notices shall be issued by email as a preference or by 2nd class post unless contrary to regulations or other statutory or legal requirements
- 6.15 All relevant information relating to a demand will be kept either in paper or scanned image format until at least six years after the demand is raised. If at the end of that six-year period the demand still remains unpaid, the supporting documentation will be retained until either the bill is paid or the debt is written off.

7. Policies Relating to the Payment of Sundry Debts

- 7.1 The Council will encourage the most cost effective payment methods with the emphasis being on unmediated electronic means where possible. "Unmediated" in the context of electronic payment methods means a method of payment that requires no human intervention by officers of the Council to achieve its crediting to the account in question.
- 7.2 Customers may request an instalment arrangement, even when they are not generally available. The Council will consider each request fully, the instalment amount offered, frequency of the payments, and the likelihood of a customer meeting the arrangement and apply the Council's general terms in each case. If the Council is unable to accept an instalment arrangement the officer must give a clear explanation of this to the customer.

- 7.3 An agreed payment plan should be a realistic representation of what the debtor can afford to pay over the period agreed, but should at the same time mean that the Council is recovering some of the debt. Agreed payment plans are mutually beneficial for both parties because:
- The Council is able to recover the debt, albeit over a longer period of time, and at the same time avoid the costs associated with enforcement action.
 - The debtor can make repayments that are within their means and at the same time avoid becoming involved in any more serious debt enforcement action.
- 7.4 All debts should be paid in full by the due date. Therefore, if officers agree to an arrangement and the customer defaults, without having made contact with the in advance, the balance becomes due.

8. Policies Relating to the Recovery of Sundry Debts

- 8.1 The Council recognises that prompt recovery action is key in managing its debt and maximising income.
- 8.2 In carrying out recovery action the Council will follow the principles outlined below.
- **Proportionality** – Proportionality allows for a balance to be struck between the potential loss of income to the Council and the costs of compliance.
 - **Consistency** – Consistency means taking a similar approach in similar circumstances to achieve similar ends. The Council aim to achieve consistency in
 - The advice the Council gives.
 - The use of our powers.
 - The recovery procedures used.The Council recognise that consistency does not mean simple uniformity. Officers need to take account of many variables such as:
 - The social circumstances of the debtor.
 - The debtor's payment history.
 - The debtor's ability to pay.
 - **Transparency** – Transparency is important in maintaining public confidence. It means helping people to understand what is expected of them and what they should expect from the Council. It also means explaining clearly the reasons for taking any recovery/enforcement action. Transparency is a key part of the Council Officer's role. If action is required, the reasons why must be clearly explained, in writing, where required. If action is required time scales must be clearly stated. A distinction must be made between advice and legal requirements.
- 8.3 All statutory methods of enforcement of debts shall be available for use. These include:
- Attachments of Earnings
 - Warrants of Execution (taking possession of goods/charging order on land/securities)
 - Garnishee Orders
 - Insolvency
 - Possession proceedings

- 8.4 Except in the case of a demand payable by instalments or as otherwise contractually agreed, the generic recovery action (carried out by finance) for all demands is as follows:
- If no payment is received within 14 days, a first stage reminder letter will be issued giving a further 7 days notice.
 - If not payment is received within 7 days a second reminder letter will be issued giving a further 7 days to pay
 - If no payment is received within 7 days, a final written letter will be issued
 - If no payment is received within 7 days, the debt will be passed to legal services to consider further action
 - Where legally permissible, the provision of future services to the debtor will be suspended until outstanding debts are settled
 - We will encourage people with payment problems to come forward early to discuss their individual circumstances.
- 8.5 Ownership of all sundry debts rests with the originating services and they can issue an instruction to cancel an invoice. It is the responsibility of the originating services to correspond with or discuss with the debtor issues relating to the validity of the debt.
- 8.6 We will ensure that all recovery documentation is clear and informative so that debtors are fully aware of the procedures and consequences and options available.
- 8.7 When dealing with all debt enforcement and collection cases, local authorities should ensure that accurate records are kept of:
- A debtor's details including their personal circumstances and anything that could impact on their ability to repay the debt.
 - Any other agencies that could be involved, such as social services or mental health teams.
 - The total debt including any additional costs incurred, for example, enforcement agent costs or court fees.
 - Any discussions with the debtor concerning repayment.
 - Any payment plans that have been agreed and the debtor's compliance (or lack of compliance) with any such plan.
 - Any enforcement action taken.
 - Any other relevant correspondence with the debtor including anything that they have sent, such as bank statements or income and expenditure forms.
- 8.8 Keeping full and comprehensive records of all aspects of a debt recovery case will also:
- Enable cases to be dealt with quickly.
 - Ensure that the Council has a detailed picture of a debtor's circumstances and will be able to consider the best method of recovering a debt from them.
 - Assist a debtor makes a formal complaint to the Council or the Local Government Ombudsman (LGO) about how their case has been dealt with, as the background to the complaint can be easily investigated.

- 8.9 Debts should be collected within the accounting period and before the next amount due. Anything other than this will lead to more hardship and perhaps start a downward spiral on the ability of the debtor to manage all debts.
- 8.10 In cases of multiple debts there must be close liaison between services. Multiple debts are where a debtor has significant debts in more than one service area. Such cases can present problems in determining the relative priority of the individual debts for both the individual concerned and the staff preparing settlement. In such cases staff are expected to liaise and agree an appropriate means of coordinated recovery, which reflects these policy aspirations together with the need to balance repayment profiles across all debts due to the Council. Overall our approach will be a proactive one to provide for multiple debt payment. In assessing the payment we will have regard to:
- The size of the debt
 - Its relative priority
 - Consequences of failure to pay
 - Circumstances of debtor
 - Increases in the debt
- 8.11 Once a debt has reached a final written warning stage it is passed to legal services to consider further action. Before commencing enforcement of a judgment debt legal officers will consider if it is worth enforcing and if the debtor has any assets against which the judgment can be enforced. Legal services will consider this when first contemplating court proceedings, but also reconsider it at the time of enforcement. If the judgment debtor does not have any assets, it is probably not worth proceeding as money on enforcement proceedings might simply be thrown away to no purpose. The Council should not commence bankruptcy proceedings or instruct enforcement agents as soon as a debt arises. It is cheaper for the Council and for a debtor if other less serious, voluntary methods are tried initially, for example, agreeing a payment plan with the debtor.
- 8.12 If the judgment debtor has assets, legal will consider what they are and where they are, as this will affect their decision regarding which enforcement method to choose. There are various methods of enforcing a judgment debt, and not all methods enforce against the same types of assets
- 8.13 If legal services lack information about the judgment debtor's assets, then there are ways of obtaining this. For example:
- Ask the judgment debtor, who may respond voluntarily. Otherwise, you can apply (without notice to the judgment debtor) for an order to obtain information from a judgment debtor.
 - Instruct an enquiry agent. However, ensure that their enquiries are conducted legally.
 - Check the Insolvency Register to see if an individual judgment debtor is bankrupt or subject to an individual voluntary arrangement, debt relief order or any bankruptcy restriction order and undertaking
 - Conduct a land registry search to establish ownership regarding any address you have for the judgment debtor. Inspection of the charges register will also ascertain whether the property is charged and to whom.
 - Consult the Attachment of Earnings Index.

- Check the Register of Judgments, orders and fines via [Trust online](#). All County Court and High Court judgments from 6 April 2006 for the payment of money are contained in this public register (unless exempt judgments), and remain on it for six years from the date of the judgment unless the judgment is set aside or reversed or paid in full within one calendar month.
- Conduct a search regarding a company or limited liability partnership at [Companies House](#), the official UK government register of UK companies, and get copies of the basic information about the company and their latest filed accounts.
- Check for any insolvency procedures against companies by searches of the Bankruptcy and Companies Court, Companies House and the [London Gazette](#). By using the WebCheck service on the [Companies House](#) website, you can search by the name or number of the company.
- Ask third parties (such as government departments, banks or building societies) for information about the judgment debtor. However, be aware that they may be unwilling to give you this information and may raise [data protection](#) issues.
- There may be information available from the internet, the media or others in the judgment debtor's business sector.

8.14 The following information will be sought regarding an individual judgment debtor and their assets:

- Is he employed? If so, by whom? When and how does his salary get paid?
- Does he own any land? If so:
 - where is it?
 - what is its likely value?
 - is it charged?
 - are there amounts outstanding?
- What goods of significant value does he own (for example, a car, boat, computer equipment)? How much are they likely to be worth and where are they situated? Are they subject to any finance arrangements? Does he have any other non-tangible assets in his name?
- Does he own or have a stake in a business? If so, where is it based and what is its financial position?
- Does he have a bank account? If so, with whom? What are the details (for example, account number and sort code)?
- Is he owed money by third parties? If so, who are they and what is the likelihood of them paying him back or having assets?
- What debts does he have? To whom? What are the amounts? Are they secured?
- Are there any court judgments against him? What are the amounts?
- Does an Attachment of Earnings Order exist against him? What are the details?
- Has a writ of control been issued allowing his goods to be taken control of by an enforcement officer? What are the details?
- Has anyone issued a bankruptcy petition against him?
- Has a debt management order been made (under Part 5 of TCEA 2007)?
- Does he have insurance covering liability to you?

8.15 Legal services will be mindful of the risk that a judgment debtor may become insolvent during enforcement proceedings for various reasons including:

- If preliminary enquiries show that a judgment debtor is (or is likely to become) insolvent, it may not be worth taking steps to enforce in any event.

- If the debtor goes into some form of insolvency procedure (such as administration or liquidation for companies, or bankruptcy for an individual), and you are not a secured creditor, your debt will rank alongside other unsecured creditors in an insolvency, behind preferential payments, the expenses of winding up and secured creditors. You are very unlikely to get back the full amount of the judgment debt. Therefore, to start enforcement of the judgment will only lead to wasted time and costs.

8.16 Legal services will consider the use of the following methods to recover debts due:

- **Taking control of goods using writs and warrants of control** - Taking control of goods replaced execution against goods from 6 April 2014. Like its similar predecessor, taking control of goods should be a very popular method of enforcing a judgment debt as it can be done quite speedily. It requires the issue of a court document (in the High Court, a writ of control and in the County Court, a warrant of control (these replaced writs of fieri facias and warrants of execution)), which commands an enforcement officer to take control of and sell a judgment debtor's goods (provided they are not exempt goods or do not belong to a third party), and raise funds to satisfy a judgment debt. Obviously, this method depends on the judgment debtor having goods of sufficient value.
- **Third party debt order** - By third party debt orders, sums owed to a judgment debtor that are in the hands of a third party (for example, a bank) are frozen and seized for the benefit of the judgment creditor. Third party debt orders are not the most popular method of enforcement, as they depend on there being a third party debt. However, they can be useful where the judgment creditor knows that the judgment debtor has a bank account into which his salary is paid.
- **Charging orders** - A charging order is a way of securing a judgment debt by imposing a charge over a judgment debtor's beneficial interest in land, securities or certain other assets. This usually prevents the judgment debtor from selling the land without paying what is owed to the judgment creditor, provided that there is enough equity after payment of prior creditors. An application for a charging order calls for the court to exercise discretion and it will be looking to see that enforcement by this method is proportionate. Therefore, the court may not choose to secure a small judgment (for instance, £100), when this could be enforced by another method. A charging order is most effective when there is substantial equity in a property and the judgment debtor is the sole owner. The process for obtaining a charging order can be slow, and a charging order of itself does not realise funds to satisfy a judgment debt as that requires a sale of the property, which does not automatically flow from obtaining a charging order. The judgment creditor has to subsequently apply for an order for sale of the property, or simply await its sale in due course by the owners, or following an order obtained by other creditors.
- **Attachment of earnings** - An attachment of earnings order provides that a proportion of a judgment debtor's earnings is deducted by his employer and paid to the judgment creditor until the judgment debt is paid. The basis of deduction is guided by set rates applied to the judgment debtor's resources. It is only available against individuals and in the County Court, although a judgment can be transferred from the High Court to the County Court for the purposes of obtaining an order. It is a popular method of enforcement, as it is inexpensive and fairly easy to do. Automatic deduction from wages means

that you do not have to rely on the debtor making payment. However, it depends on the judgment debtor being in employment and it can take a long time to pay off a large judgment debt by this method.

- **Insolvency proceedings: bankruptcy and company liquidation** - If the amount you are owed by an individual judgment debtor is more than £750, you can apply to make him bankrupt. (However, note that the threshold is being increased to £5000 from October 2015) Legal can also apply for a company to be wound up. A prior step is the service of a [statutory demand](#). After a bankruptcy or winding-up order is made, the judgment debtor's assets will be collected in by a trustee in bankruptcy or liquidator and distributed among all the creditors in accordance with insolvency law. However, this can be expensive and time-consuming, and may not ultimately lead to any recovery. The threat of insolvency can sometimes lead to judgment debtors making payment, but the courts discourage the use of insolvency procedures as a debt collection exercise. The courts can dismiss petitions, and also penalise judgment creditors in costs if the debt is genuinely disputed or if the judgment debtor has a genuine cross-claim or right of set-off.

8.17 The costs of enforcement action/litigation to recover sundry debtor invoices will be charged against the budget of the service raising the invoice. Any costs recovered from the debtor will be credited against these sums. Where legislation permits, the Council will seek to levy and recover from the debtor any and all costs/fees that are legitimately due from the debtor to the Authority or its agents. Only in exceptional cases, where it would not be in the public interest to pursue costs/fees will they be waived.

8.18 Bailiffs are employed as a last resort and follow a strict code of conduct agreed with the council and in accordance with the Taking Control of Goods: National Standards April 2014. The Regulations set out when enforcement agents can recover their fees and disbursements from the debtor in proceedings to take control of goods under Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 (TCEA 2007), and how those fees are to be calculated. Fees are recoverable at a fixed rate, based on the stage of the enforcement procedure (as specified in the Schedule to the Regulations). Additional fees can be recovered as a percentage of the value of the goods over which control is taken.

8.19 After all attempts to gain payment have failed, a debtor's account will be passed to the bailiffs for collection. The bailiff is employed to obtain goods belonging to the debtor and sell them to pay off the debt. Bailiffs will make arrangements for payment under guidelines provided by the council. Bailiffs' charges are substantial, but are not discretionary. They are laid down in legislation.

8.20 Once an account is passed to the bailiffs, all future payments must be made directly to them. Unless there are exceptional circumstances no arrangements or payments will be accepted by the Council. The bailiffs strict Code of Practice, ensures that approval to remove must be sought from the Council prior to the removals of goods from the debtors homes. The Taking Control of Goods Regulations 2013 details the following relating to this process:

- The enforcement process is set out in four stages, each with defined fees

- The first stage, the compliance stage, requires that HCEOs (High Court Enforcement Officers) must serve a Notice of Enforcement, giving the debtor seven clear days to pay in full
 - Tools of the trade are only exempt to a maximum value of £1,350
 - Vehicles must be immobilised for two hours before they can be removed
 - The debtor must be given seven days' notice of a sale (previously it was four days)
 - The abortive fee, payable by the creditor when enforcement is unsuccessful, is renamed the Compliance fee and is triggered each time a Notice of Enforcement is served
- 8.21 Where an external agency is procured to assist with the delivery of a service the flow of information between the Council and the agency should, wherever possible, be in a secure electronic format and strictly in accordance with the national standards for enforcement agents.
- 8.22 We will ensure enforcement staff are adequately trained to deal with the public or their representatives and provide clear advice on recovery matters and general advice on benefits.

9. Policies Relating to the Write Off of Sundry Debts

- 9.1 The Council recognise that where a debt is irrecoverable, prompt and regular write off of such debts is good practice.
- 9.2 The Council will seek to minimise the cost of write-offs to the local Council Tax payers by taking all necessary action to recover what is due. All debts will be subject to the full recovery, collection and legal procedures as outlined in this policy.
- 9.3 Debts may be referred to authorised officers for write-off in the following circumstances:
- Debt remitted by a Magistrate
 - The Council has evidence to confirm the claimant is suffering a severe physical or mental illness, which renders enforcement action inappropriate.
 - The Council is unable to trace the debtor
 - The debt is not cost-effective to pursue due to small balance
 - The debt is not cost-effective to pursue due to the likelihood of payment balanced against the cost of proceedings
 - The claimant has died and there are no or insufficient funds in the estate to settle the debt
 - The claimant is subject to formal insolvency proceedings and there is little likelihood of a dividend
 - Advice that the debt is not legally recoverable
- 9.4 Authorisation of write offs are contained within the Council's Financial Regulations as follows:
- **Up to £5,000:** All members of the Corporate Operations Board (COB) may give approval to write off general debts that are proven to be unrecoverable (including where the debtor is bankrupt or being wound up) or raised in error.
 - **Between £5,001 and £10,000:** All members of SLB may give approval to write off general debts as above.

- **Between £10,001 and £25,000:** The Chief Executive or Deputy Chief Executive (Corporate Direction).
- **Between £25,001 and £50,000 Executive approval.**
- **Over £50,000:** Council approval.

9.5 All accounts that are written off will be written off against the income code against which they are raised.

10. Policies Relating to the Monitoring of Sundry Debt

- 10.1 On a monthly basis, a report showing all debts over 120 is passed to all budget holders. It is the budget holders responsibility to review this listing and to advise finance whether to write off the debt, pursue legal action against the debtor, make arrangements to get the debt cleared or cancel the debt (if inaccurate).
- 10.2 The Council has a performance indicator for debt over 90 days old as a % of aged debt. This is monitoring quarterly as part of the Performance Management Framework. Where either national or local performance indicators exist, the Council will strive for top quartile performance and will publish actual performance against these targets as required.
- 10.3 A report showing performance against the set indicator and the profile of aged debt month on month is reported to the Finance, Audit and Performance Committee on a quarterly basis.
- 10.4 In accordance with CIPFA Code of Practice on Local Authority Accounting in United Kingdom, a bad debt provision is calculated annually and accounted for as part of the Statement of Accounts. This is based on the age of the debt and factors known by budget holders affecting its recoverability.

11. Policies relating to the Social Welfare of Debtors

- 11.1 Equality and diversity considerations will be taken into account in accordance with the Council's Equalities Policy. Specifically staff seeking to recover debts will have regard to:
- Ensuring information is accessible through translations, larger print versions or sign language, as appropriate to the needs of the debtor
 - The need for home visits where the debtors are unable to access advice services
- 11.2 Budget holders will be able to intervene in the recovery cycle in appropriate circumstances to deal with hardship or dispute situations. This includes the ability to make deferred payment arrangements where immediate payment is impossible due to lack of means. Recovery procedures should not be so rigid as to cause unnecessary hardship or to prevent an individual approach and flexibility where appropriate
- 11.3 The Council welcomes the involvement of welfare agencies where authorised by the debtor in connection with debts due to the Council and recognise the benefits that these organisations can offer both the debtor and the Council in prioritising repayments to creditors and in maximising income available to the debtor.

11.4 The Council supports the provision of advice from the following agencies and will work in conjunction with them for the benefit of the debtor.

- Age UK
- [Citizens Advice Bureau \(CAB\)](#)
- [Shelter](#)
- Clockwise Credit Union
- Jobcentre Plus
- Charity Link
- Papworth Trust
- National Debt Line
- Helping Hands
- Step Change
- Pay Plan
- Turn2us
- EDF Energy Trust
- British Gas Energy Trust (open to all customers)
- Energy Savings Trust
- Severn Trent Trust Fund
- Npower Energy Fund (npower customers only)

11.5 The Language Line facility is to be used as an aid to improving verbal communications with those customers for whom English is not their first language. Language Line allows us immediate access to a professional qualified telephone interpreter in 150 languages 24 hours a day 365 days per year.

11.6 This Policy is underpinned by the authority's Anti Poverty Policy Statement, which sets out our corporate commitment and approach in working towards mitigating the impact of poverty and deprivation in our community

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