



## **AGENDA**

## **Page No**

1. MINUTES

To confirm the decisions of the meeting held on 6 May 2014 (CA.112 - CA.115), previously circulated.

2. APOLOGIES FOR ABSENCE

Resources Management

3. FINANCIAL STRATEGY 2014/15 TO 2023/24 (REVISED)

1 - 6

This report seeks approval for a revised Financial Strategy 2014/15 to 2023/24, the report also seeks approval to fund the costs associated from the corporate restructure from the One-Off Fund and the establishment of a £5,000,000 Economic Development Reserve. The detailed Financial Strategy in Annex 'A' of this report demonstrates the affordability of both of these recommendations.

In accepting the recommendations, Cabinet will approve and recommend to Council the revised Financial Strategy 2014/15 to 2023/24; the funding of costs associated with the Corporate Restructure from the One-off Fund, with the allocation of an additional £389,200 and the establishment of a £5,000,000 Economic Development Fund.

**Relevant Ward(s): All Wards**

4. COUNCIL PERFORMANCE 2013-14 (QUARTER 4)

7 - 28

This report provides details on progress against the Council's priorities and information on actions to address under performance.

In accepting the recommendation, progress made against the Council Plan as detailed in Annex 'A' of the report will be endorsed.

**Relevant Ward(s): All Wards**

5. WASTE SERVICES COMPREHENSIVE REVIEW

29 - 34

This report seeks Cabinet approval for a comprehensive review of the Council's waste services to inform future strategic delivery. The preparation of a new Waste Management Strategy is an action in the Council's Business Plan.

In accepting the recommendation, a comprehensive review of waste services and the production of a Waste Management Strategy for the Council will be undertaken and the funding to facilitate this process will be agreed and provision will be made for £98,000 from the Council's One-Off Fund.

**Relevant Ward(s): All Wards**

6. ESTABLISHMENT OF LOCAL AUTHORITY ECONOMIC DEVELOPMENT COMPANY

35 - 38

This report seeks approval to investigate the potential establishment of a Council controlled company for the purpose of economic development.

In accepting the recommendation, Cabinet will approve an investigation into the establishment of a Local Asset Backed Vehicle and that £25,000 for this purpose be allocated from the One-Off Fund.

**Relevant Ward(s): All Wards**

Policy Implementation

7. REVIEW OF POLLING DISTRICTS AND POLLING PLACES - RESULTS OF CONSULTATION 39 - 52

The Council currently designates polling districts and polling places for use at all elections taking place within its area, i.e., Parliamentary, County and Parish elections. The Electoral Administration Act 2006 introduced a requirement to review polling districts and polling places used for Parliamentary elections. The next review must take place by 31 January 2015. Following the decision of the Boundary Commission for Local Government to reduce the number of District Wards from 2015 there is a need to review electoral arrangements.

In accepting the recommendation, Cabinet will approve and recommend to Council that the polling districts and polling places as shown in Annex 'C' of the report be confirmed for the purpose of Parliamentary elections.

**Relevant Ward(s): All Wards**

8. POLICY FOR THE PROVISION OF SANITARY ACCOMMODATION FOR THE PUBLIC 53 - 62

This report seeks approval of a policy for the provision of sanitary accommodation for the public.

In approving the recommendation, Cabinet will approve and recommend to Council the standards of sanitary accommodation as set out in the appendix to the report.

**Relevant Ward(s): All Wards**

9. FOOD SERVICE PLAN 2014/2016, FOOD AND ENVIRONMENT SAMPLING POLICY AND FOOD SAFETY ENFORCEMENT POLICY 63 - 94

This report is required to demonstrate that food safety services and their enforcement within Hambleton are properly organised in order to minimise the risk of food poisoning or harm to consumers within Hambleton and beyond.

In accepting the recommendations, Cabinet will approve and recommend to Council that the Food Service Plan 2014-2016, the Food and Environment Sampling Policy v2.1 and the Food safety Enforcement Policy be approved.

**Relevant Ward(s): All Wards**

10. ENVIRONMENTAL HEALTH ENFORCEMENT STRATEGY AND POLICY 95 - 116

This report seeks approval for the latest revisions to the Environmental Health Enforcement Strategy and Policy.

In accepting the recommendation, the revisions included in the Environmental Health Enforcement Strategy and Policy v4.0 will be approved.

**Relevant Ward(s): All Wards**

11. HEALTH AND SAFETY ENFORCEMENT POLICY - REVISION 117 - 130

This report presents the latest revisions to the Health and Safety Enforcement Policy for approval.

In accepting the recommendation, Cabinet will approved and recommend to Council that the Health and Safety Enforcement Policy v1.2 be approved.

**Relevant Ward(s): All Wards**

12. PUBLIC OPEN SPACE, SPORT AND RECRETATION PLANS

131 - 134

This report seeks endorsement of the refreshed Public Open Space, Sport and Recreation Action Plan for Dalton.

In accepting the recommendation, the Public Open Space, Sport and Recreation Action Plan in Annex B of the report will be endorsed.

**Relevant Ward(s): Topcliffe**

## **HAMBLETON DISTRICT COUNCIL**

**Report To:** Cabinet  
10 June 2014

**Subject:** FINANCIAL STRATEGY 2014/15 TO 2023/24 (REVISED)

**All Wards**  
**Portfolio Holder for Economic Development and Finance: Councillor Peter Wilkinson**

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### **1.0 PURPOSE AND BACKGROUND:**

- 1.1 The Financial Strategy 2014/15 to 2023/24 was originally approved by Council in December 2013. However, there have been a number of significant changes in terms of both projected expenditure and income streams that have resulted in a requirement to refresh the Strategy.
- 1.2 The key issues that have impacted upon the Financial Strategy resulting in this revision are summarised below:
  - Increased Business Rate income from the Council's pooling arrangements.
  - Additional grant funding from Central Government to compensate the Council for the national extension of the Small Business Rate Relief Scheme.
  - Anticipated savings resulting from the corporate restructure.
- 1.3 In addition to seeking approval for a revised Financial Strategy 2014/15 to 2023/24, the report also seeks approval to fund the costs associated from the corporate restructure from the One-Off Fund and the establishment of a £5,000,000 Economic Development Reserve. The detailed Financial Strategy in Annex 'A' of this report demonstrates the affordability of both of these recommendations.

### **2.0 BUSINESS RATE INCOME**

- 2.1 In setting the Council's budget for 2014/15 the Council agreed to enter into a pooling arrangement for business rates with North Yorkshire County Council and all of the other District Councils in North Yorkshire, with the exception of Harrogate Borough Council and Selby District Council. The financial benefit to the Council of this relationship is approximately £150,000 per year.

### **3.0 CENTRAL GOVERNMENT FUNDING**

- 3.1 In the Autumn Statement the Chancellor announced an extension of the Small Business Rate Relief Scheme which gives a discount of up to £1,000 per small business. At the time of setting the Financial Strategy it was envisaged that the Council would be required to fund this scheme at an estimated cost of £200,000. However, in the final grant settlement announced in February 2014 the Council will receive an ongoing grant to fully offset the cost of this scheme.

#### **4.0 CORPORATE RESTRUCTURE:**

- 4.1 The corporate restructure has exceeded the financial savings target set by the Leader by £11,000, with an ongoing annual saving of £511,000. The costs associated with this for both redundancy payments and pension contributions amount to £918,000. This equates to a payback period of 1.8 years and represents excellent value for money; Council policy in respect of payback period allows up to 5 years.
- 4.2 Council has already approved funding for the restructure of the Senior Management Team of £528,800. An additional £389,200 will be required to be allocated from the One-off Fund to fund the cost of the entire restructure. Presently it is envisaged that the full cost of the restructure can be paid for from an underspend against the revenue budget in 2013/14.

#### **5.0 REVISED FINANCIAL STRATEGY:**

- 5.1 The detailed Financial Strategy is presented in Annex 'A'. However, the overall impact of these changes is to increase the reserves of the Council over the 10 years of the Strategy by £5,262,921.
- 5.2 A key strategic priority for the Council is economic development and increasing business within the District. It is therefore proposed to use this additional resource to establish a £5,000,000 Economic Development Fund.

#### **6.0 LINK TO CORPORATE PRIORITIES:**

- 6.1 A robust Financial Strategy can assist with the Council's priorities of reducing costs and improving the productivity of services.

#### **7.0 RISK ASSESMENT:**

- 7.1 There are no risks associated with approving these recommendations.

#### **8.0 RECOMMENDATIONS:**

- 8.1 It is recommended that Cabinet recommend to Council approval of:-
- (1) the revised Financial Strategy 2014/15 to 2023/24;
  - (2) the funding of costs associated with the Corporate Restructure from the One-off Fund, with the allocation of an additional £389,200.
  - (3) the establishment of a £5,000,000 Economic Development Fund.

JUSTIN IVES

Background papers: Financial Strategy 2014/15 to 2023/24 Cabinet Report November 2013 - Item1.

Author ref: JI

Contact: Justin Ives  
Director of Support Services and Deputy Chief Executive  
Direct Line No: 767022

100614 Revised Financial Strategy

FINANCIAL STRATEGY

ASSUMPTIONS

	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
<b><u>Inflation</u></b>										
Council Tax base	1.10	0.60	0.60	0.60	0.60	0.60	0.60	0.60	0.60	0.60
Government support	-11.00	-10.00	-6.00	-5.00	-5.00	-5.00	0.00	0.00	0.00	0.00
Interest rates	0.25	0.50	0.75	1.50	1.50	2.00	2.00	2.00	2.00	2.00
Budget increase	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50
<b><u>Council tax</u></b>										
Retained business rate increase above RPI	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Council tax increase	0.00	0.00	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50
Council Tax per household	89.48	89.48	91.72	94.01	96.36	98.77	101.24	103.77	106.36	109.02
Number of band D properties	34,021	34,225	34,430	34,637	34,845	35,054	35,264	35,476	35,689	35,903
Increase in Band D Properties	579	204	205	207	208	209	210	212	213	214
<b><u>Government Support</u></b>										
Retained Business Rates - Additional	300,000	300,000	300,000	300,000	300,000	300,000	300,000	300,000	300,000	300,000
Retained Business Rates - S31 grant	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000
Retained Business Rates	1,859,240	1,910,557	1,955,900	1,995,100	2,042,383	2,075,700	2,117,200	2,159,500	2,202,700	2,202,700
New RSG	2,185,623	1,512,196	1,267,300	1,044,400	1,000,000	516,400	474,900	432,700	389,400	389,400
Council Tax	3,044,199	3,062,464	3,157,860	3,256,227	3,357,659	3,462,250	3,570,099	3,681,308	3,795,980	3,914,225
	7,589,062	6,985,217	6,881,060	6,795,727	7,900,042	6,554,350	6,662,199	6,773,508	6,888,080	7,006,325

**REVENUE BUDGET and COUNCIL TAX**

	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
<b>NET REVENUE BUDGET</b>	7,237,347	7,344,080	7,567,682	7,606,874	7,647,046	7,838,222	8,034,178	8,235,032	8,440,908	8,651,931

FINANCED BY :

External support	4,544,863	3,922,753	3,723,200	3,539,500	4,542,383	3,092,100	3,092,100	3,092,200	3,092,100	3,092,100
Council tax	3,044,199	3,062,464	3,157,860	3,256,227	3,357,659	3,462,250	3,570,099	3,681,308	3,795,980	3,914,225
Contribution (to)/from Council Taxpayer Reserve	(351,716)	358,863	686,622	811,147	(252,996)	1,283,872	1,371,979	1,461,525	1,552,828	1,645,606
	7,237,347	7,344,080	7,567,682	7,606,874	7,647,046	7,838,222	8,034,178	8,235,032	8,440,908	8,651,931

**STATEMENT of RESERVES**

	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
<b>Council Taxpayer</b>										
Opening balance	7,717,794	4,182,844	5,231,532	6,247,184	5,216,428	7,160,372	7,656,863	7,043,579	6,319,226	6,477,011
Add : New homes bonus	1,063,116	1,307,861	1,556,093	1,490,593	1,400,000	1,400,000	1,400,000	1,400,000	1,400,000	1,400,000
Add : Interest on balances	50,218	99,690	146,181	289,798	290,948	380,364	358,694	337,172	310,612	280,731
	8,831,128	5,590,395	6,933,806	8,027,575	6,907,376	8,940,736	9,415,557	8,780,751	8,029,838	8,157,742
Less: Transfers to support Council Tax	(351,716)	358,863	686,622	811,147	(252,996)	1,283,872	1,371,979	1,461,525	1,552,828	1,645,606
Less: Transfers to One Off Fund	0	0	0	0	0	0	0	0	0	0
Less: Transfers to R&M Fund	0	0	0	1,000,000	0	0	0	1,000,000	0	0

Less: Transfers to Computer Fund 0 0 0 1,000,000 0 0 1,000,000 0 0 0  
 Less: Transfers to Grants Fund 0 0 0 0 0 0 0 0 0 0  
 Less: Transfers to Economic Development Fund 5,000,000 0 0 0 0 0 0 0 0 0  
 4,182,844 5,231,532 6,247,184 5,216,428 7,160,372 7,656,863 7,043,579 6,319,226 6,477,011 6,512,136

**Repairs and Renewals Fund**  
 Opening balance 3,790,596 3,279,246 2,733,287 2,200,455 2,647,476 2,107,073 1,510,980 946,844 1,346,425 757,396  
 Add: Transfers from Taxpayers Reserve 0 0 0 1,000,000 0 0 0 1,000,000 0 0

Less: Repairs 3,790,596 3,279,246 2,733,287 3,200,455 2,647,476 2,107,073 1,510,980 1,946,844 1,346,425 757,396  
 424,350 434,959 445,833 456,979 468,403 480,113 492,116 504,419 517,029 529,955  
 Less: Renewals - Housing and Planning 36,000 36,000 36,000 36,000 36,000 36,000 36,000 36,000 36,000 36,000  
 Less: Renewals - Leisure 0 24,000 0 24,000 0 44,000 0 24,000 0 0  
 Less: Renewals - Corporate 51,000 51,000 51,000 36,000 36,000 36,000 36,000 36,000 36,000 36,000  
 3,279,246 2,733,287 2,200,455 2,647,476 2,107,073 1,510,980 946,844 1,346,425 757,396 155,441

**Computer Fund**  
 Opening balance 1,698,000 1,223,000 923,000 623,000 1,323,000 1,023,000 723,000 1,423,000 1,223,000 1,023,000  
 Add: Transfers from Council Taxpayers Reserve 0 0 0 1,000,000 0 0 1,000,000 0 0 0  
 1,698,000 1,223,000 923,000 1,623,000 1,323,000 1,023,000 1,723,000 1,423,000 1,223,000 1,023,000  
 475,000 300,000 300,000 300,000 300,000 300,000 300,000 200,000 200,000 200,000  
 1,223,000 923,000 623,000 1,323,000 1,023,000 723,000 1,423,000 1,223,000 1,023,000 823,000

**Grants Fund**  
 Opening balance 520,508 420,508 320,508 220,508 120,508 0 0 0 0 0  
 Add: Transfers from Council Taxpayers Reserve 0 0 0 0 0 0 0 0 0 0  
 520,508 420,508 320,508 220,508 120,508 0 0 0 0 0  
 100,000 100,000 100,000 100,000 100,000 120,508 0 0 0 0  
 420,508 320,508 220,508 120,508 0 0 0 0 0 0

**Economic Development Fund**  
 Opening balance 0 4,500,000 4,000,000 3,500,000 3,000,000 2,500,000 2,000,000 1,500,000 1,000,000 500,000  
 Add: Transfers 5,000,000 0 0 0 0 0 0 0 0 0  
 5,000,000 4,500,000 4,000,000 3,500,000 3,000,000 2,500,000 2,000,000 1,500,000 1,000,000 500,000  
 500,000 500,000 500,000 500,000 500,000 500,000 500,000 500,000 500,000 500,000  
 4,500,000 4,000,000 3,500,000 3,000,000 2,500,000 2,000,000 1,500,000 1,000,000 500,000 0

**One Off Fund**  
 Opening balance 2,092,419 1,392,772 1,252,772 1,252,772 1,252,772 1,252,772 1,112,772 1,112,772 1,112,772 1,112,772  
 Add: Transfers 0 0 0 0 0 0 0 0 0 0  
 2,092,419 1,392,772 1,252,772 1,252,772 1,252,772 1,252,772 1,112,772 1,112,772 1,112,772 1,112,772  
 699,647 140,000 0 0 0 140,000 0 0 0 140,000  
 1,392,772 1,252,772 1,252,772 1,252,772 1,252,772 1,112,772 1,112,772 1,112,772 1,112,772 972,772

**General Fund Working Balance**  
 2,000,000 2,000,000 2,000,000 2,000,000 2,000,000 2,000,000 2,000,000 2,000,000 2,000,000 2,000,000

	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2022/24
Resources brought forward	3,492,804	3,330,804	3,085,804	3,390,804	3,644,804	3,544,804	3,444,804	3,394,804	3,294,804	2,894,804
<b>PLUS : New Receipts</b>										
Sale of land - Learning Bar	658,000	355,000	355,000	354,000	0	0	0	0	0	0
Sale of Assets	100,000	250,000	150,000	0	0	0	0	0	0	0
Grants	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
	858,000	705,000	605,000	454,000	100,000	100,000	100,000	100,000	100,000	100,000



	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2022/24
<b>LESS : Capital Expenditure</b>	1,020,000	950,000	300,000	200,000	200,000	200,000	150,000	200,000	500,000	150,000
Total resources available	3,330,804	3,085,804	3,390,804	3,644,804	3,544,804	3,444,804	3,394,804	3,294,804	2,894,804	2,844,804
<b>Revenue reserves</b>										
Council taxpayers	4,182,844	5,231,532	6,247,184	5,216,428	7,160,372	7,656,863	7,043,579	6,319,226	6,477,011	6,512,136
Repairs and Renewals Fund	3,279,246	2,733,287	2,200,455	2,647,476	2,107,073	1,510,960	946,844	1,346,425	757,396	155,441
Computer Fund	1,223,000	923,000	623,000	1,323,000	1,023,000	723,000	1,423,000	1,223,000	1,023,000	823,000
Grants Fund	420,508	320,508	220,508	120,508	0	0	0	0	0	0
One Off Fund	1,392,772	1,252,772	1,252,772	1,252,772	1,252,772	1,112,772	1,112,772	1,112,772	1,112,772	972,772
	14,998,370	14,461,099	14,043,919	13,560,184	14,043,217	13,003,595	12,026,195	11,001,424	9,870,179	8,463,349
<b>Capital Receipts</b>										
Resources available	3,330,804	3,085,804	3,390,804	3,644,804	3,544,804	3,444,804	3,394,804	3,294,804	2,894,804	2,844,804
	3,330,804	3,085,804	3,390,804	3,644,804	3,544,804	3,444,804	3,394,804	3,294,804	2,894,804	2,844,804
<b>General Fund Working Balance</b>										
	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000
<b>Total Balances</b>	20,329,174	19,546,903	19,434,723	19,204,988	19,588,021	18,448,399	17,420,989	16,296,228	14,764,983	13,308,153

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## **HAMBLETON DISTRICT COUNCIL**

**Report To:** Cabinet  
10 June 2014

**Subject:** **COUNCIL PERFORMANCE 2013-14 (QUARTER 4)**

**All Wards**  
**Portfolio Holder for Support Services: Councillor N Knapton**

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### **1.0 PURPOSE AND BACKGROUND:**

- 1.1 The Council Plan sets out the direction for the Council for the next two years and has been updated to reflect changes to community needs. It shows the Council's goals and gives measurable outcomes. The Council's approach to performance management is designed to ensure that priorities are effectively implemented, monitored and managed to achieve real improvements in the quality of life in the local community.
- 1.2 The Council's performance and strategic risks are reported quarterly to the Management Team and Review Boards. The public has access to performance information through these quarterly Performance Reports. This report provides details on progress against the Council's priorities and information on actions to address under performance.

### **2.0 LINK TO COUNCIL PRIORITIES:**

- 2.2 An overview of performance against each Council Priority is attached at Annex 'A'.
- 2.3 In summary, performance at the end of the year against the Council Plan was 78% on or above target, 10% were within the tolerance range set and 12% did not meet the in-year target.
- 2.4 The indicators not meeting performance in the fourth quarter are:-
  - 2.4.1 The Investing in Communities Fund and Community Grants Programme whilst not meeting the profiled target for receipt of claims, saw many projects commenced. Approval has been given to roll forward the remaining funds to enable work to be completed during the coming year.
  - 2.4.2 During Q4 49 dwellings have been completed giving a cumulative performance for 2013/14 of 166 new homes. This falls significantly below the in-year increased target of 420 but shows a slight improvement on last year (151 new dwellings) which is the lowest rate in 20 years. Council on 10 December 2013 approved a change to the Local Development Framework phasing which should assist housing construction.
  - 2.4.3 In Q4 10 affordable homes were completed of which 4 are rural affordable homes. This gives a total of 60 affordable homes delivered during 2013/14, of which 51 are rural affordable homes against the target of 130 for the year.

2.4.4 The average time taken to process a new benefit claim is 22 days, this falls behind the target of 16 days. During 2013/14 action has been taken to improve performance and despite the impact of the changes to Welfare Reform and increase in demand for the service, performance continues to improve.

2.4.5 Employment land applications remains low with 1.4 hectares of additional employment land being approved in Q4 giving an in-year total of 3.6 hectares. A proactive approach in discussion with developers continues to be adopted.

2.5 Targets this quarter showing significant progress include:-

2.5.1 Customer satisfaction in dealing with the Council through face to face contact, telephone calls and via the web site continues to improve and exceeded the targets set.

2.5.2 The number of homeless preventions due to actions taken by the Council continued the in-year trend of performance exceeding target. The total for the year was 380 against the target of 120.

2.5.3 Supporting the community to participate in sport and active recreation by securing developer contributions and external funding for public open space schemes continued to significantly exceed the annual target.

2.5.4 The range of support initiatives for local business continues to expand and receive positive feedback from the local business community.

2.5.5 The number of apprentice places secured within the business community and the Council exceeded target and will be further supported during the coming year.

### **3.0 CONCLUSIONS:**

3.1 Performance against the refreshed Council Plan key priorities within the year has been managed and action plans have been developed to address areas of weak performance.

3.2 The number of new homes and employment land delivered continues to be impacted by the current economic situation. Actions to encourage building to commence are in place and the economic study of the District will help to inform further actions.

### **4.0 RISK ASSESSMENT:**

4.1 There are no risks directly associated in approving this report.

### **5.0 FINANCIAL IMPLICATIONS:**

5.1 There are no direct financial effects from this report.

### **6.0 LEGAL IMPLICATIONS:**

6.1 There are no direct legal implications arising from this report.

### **7.0 EQUALITY/DIVERSITY ISSUES**

7.1 An Equalities Impact Assessment was not completed in compiling this report as no service changes are recommended within it.

**8.0 RECOMMENDATION:**

- 8.1 It is recommended that progress made against the Council Plan as detailed in Annex 'A' is endorsed.

JUSTIN IVES

**Background papers:** Council Plan 2011 to 2015 Performance Report 2013/14 for Quarter 4

**Author ref:** SS

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# **Hambleton District Council**

## **COUNCIL PLAN 2013 to 2014**

### **Performance Quarter 4**

### **(01 January to 31 March 2014)**

#### **Introduction**

The following information provides the details of performance against the Council Plan Priorities for the fourth quarter of 2013/14, as reported at the Quarterly Review Boards held in April 2014.

**Key Priorities:**

- Customer Services and Asset Management
- Housing, Planning and Waste Management
- Leisure and Health
- Support Services and Economic Development

## Customer Services & Asset Management

### AIM (1) : To put our customers first and provide high quality, value for money services that meet the needs of our communities

We will meet this aim by monitoring customer feedback and satisfaction levels to ensure the delivery of an easy to use, easy to access, responsive service.

Indicator	Target	Quarter 1	Quarter 2	Quarter 3 (to end Nov'13)	Quarter 4	Q4 Actions/comment
a) Increase resolution of enquiries at the first point of contact via – <ul style="list-style-type: none"> <li>• Face to face</li> <li>• Telephone</li> </ul>	<p>80%</p> <p>50%</p> <p>Average 65%</p>	<p>78% (Footfall 14438)</p> <p>45% (Calls 23042)</p> <p>Average 62%</p>	<p>79% (Footfall 14,333)</p> <p>38.5% (Calls 23,803)</p> <p>Average 58.8%</p>	<p>79.4% (Footfall 30,589)</p> <p>38% (Calls 23,517)</p> <p>Average 58.7%</p>	<p>80.4% (43,411)</p> <p>38% (33,962)</p> <p>Average 59.2%</p>	<p>Target met for face to face enquiries and was within tolerance for enquiries via the telephone.</p> <p>High levels of customer contact have continued throughout the year resulting in a 10.4% increase in telephone calls and 4.8% in visitors to the Council offices on the previous financial year.</p> <p>A new peak in demand was reached in March 2014 with 8,416 telephone calls being received. On 13 March 1,000 calls were received in the day.</p>
b) Improve and ensure consistently high levels of customer satisfaction through – <ul style="list-style-type: none"> <li>• Face to Face</li> <li>• Telephone</li> <li>• Website</li> </ul>	<p>90%</p> <p>85%</p> <p>45%</p>	<p>94% (1061 feedback)</p> <p>94% (284 feedback)</p> <p>58% (281 feedback)</p>	<p>94% (959 feedback)</p> <p>98% (2638 feedback)</p> <p>55% (211 feedback)</p>	<p>93.3% (2,590 feedback)</p> <p>96.8% (4,137 feedback)</p> <p>57% (627 feedback)</p>	<p>93% (3,438 feedback)</p> <p>98% (6,469 feedback)</p> <p>53% (944 feedback)</p>	<p>Target exceeded.</p> <p>High levels of customer contact have continued throughout the year, resulting in a 10.4% increase in telephone calls and 4.8% in visitors to the Council offices on the previous financial year.</p> <p>The feedback requested by the Customer Services Team confirms that customer satisfaction levels for both telephone and face to face services are consistently high.</p> <p>A total of 11,000 customers providing a rating of the Council's services in the first year using the GovMetric system.</p>

c) Upheld complaints leading to service improvements	95%	94.8% (29 complaints)	100% (18 complaints)	95% (21 complaints)	94% (cumulative 89 complaints 101 compliments)	Target met.
d) Improve the total number of contacts by Web (monthly):		56,350	53,748	Not available	65,000	Performance reported to show the "trend" to enable monitoring of the impact of actions to improve information provided on the web site.
e) Track the total number of contacts by channel to monitor channel shift. Face to face Telephone Self services N(excluding web site)		face to face 35% (14,418) telephone 55.9% (23,027) self-serve 9.1% (3,749) Total:41,1194	face to face 34.3% (14,312) telephone 57.1% (23,826) self- service 8.9% (3,589) Total:41,727	face to face 35% (9,497) telephone 56.2% (15,249) self-service 8.8% (2,387) Total:36,907	face to face 34.3% (12,794) telephone 56.9% (15,249) self-service 8.8% (3,282) Total:37,299	Work is ongoing to increase first point resolution by the use of improved technology and task analysis to expand the number of services provided through the Contact Centre.  The ongoing web improvement project will be instrumental in the increased use of automated self-service options.

<b>AIM (2): Encouraging our residents to become more involved in making decisions and delivering services which impact on their local communities. We will meet this aim by :-</b>	
<b>Indicator</b>	<b>Quarter 1 - 4</b>
Work with our communities so that they can protect and provide local services, facilities and open spaces.	<p>1. Provided advice &amp; guidance on a number of initiatives including the proposed Community Shop &amp; Post Office in East Cowton, Neighbourhood Planning in Ingleby Arncliffe, questionnaires for the Sessay Community Plan. Other activities include a Summer Events calendar and 'Green Strategy' for Northallerton in partnership with NYCC and local businesses, and the co-ordination of a successful Development Officer Network for Hambleton &amp; Richmondshire.</p>
	Target met.



	<p>2. Members of the Area Partnerships took part in a consultation event to determine future LEADER priorities for 2015-20.</p> <p>3. A number of priority projects have been completed in Q4, including Bedale Scout &amp; Guide Hut, Kyle Valley Scout Hut near Easingwold and the first phase of the Swainby Playing Field Enhancement project.</p> <p>4. Work started to organise community activities to celebrate the visit of the Tour de France in July 2015. Funding for an 'Events Co-ordinator' post has been secured in Bedale with match funding from Bedale Town Council and local businesses.</p>	
<p>Provide direct support to the five Area Partnerships so that during 2013/14 they can refresh their Local Action Plans and determine community priorities.</p> <p>We will support the Community led Forums to publish 5 local action plans by April 2014.</p>	<p>Work to publish Action Plans for 4 of the 5 Area Partnerships is ongoing as local priorities are being revisited as part of the annual report process</p>	<p>Performance did not meet the end of year schedule, however progress in developing and publishing plans is positive and community projects are underway in each area.</p>
<p>Provide £100,000 funding to implement the Big Society at a local level. Consult and engage with our communities to identify needs and support them through the delivery of these initiatives.</p> <p>We will allocate £50,000 by April 2014 through our Investing in Communities fund in 2013-14 and a further £50,000 in 2014-15 to projects which enable communities to identify and meet their own needs – “helping them to help themselves”</p>	<p>At year-end £28,030 of the £50,000 has been allocated to projects through Supporting Area Action &amp; Prepared Parishes Grants.</p> <p>£7441.11 claimed from Investing in Communities Scheme in Q4 &amp; £20,605.83 from Community Grants Programme ensuring successful completion of 6 capital projects including: resurfacing West Tanfield tennis courts, Seamer Village Hall refurbishment and 7 revenue projects e.g. Crash, Bang Wallop Youth Theatre, 'Meals on Wheels' scheme operated by Thirsk &amp; District Community Care Association.</p>	<p>Performance is below target for this year, but reliant on community bids..</p> <p>Remaining funds are ring-fenced to support community asset transfer projects; discussions started with 4 communities, although no grants have been allocated at this stage. Therefore the funding will be rolled forward to 2014/15 to enable the work to be completed during the next financial year.</p>

	<p>£750 awarded from Council's 'Prepared Parishes' grant scheme to support emergency plans drafted by Bedale Town Council, Newton-On-Ouse Parish Council &amp; Brompton Flood Group.</p> <ul style="list-style-type: none"> <li>Investing in Communities Fund - £21,235 spent &amp; claimed by 31-3-14</li> <li>Community Grants Programme - £33,791 spent &amp; claimed by 31-3-14</li> </ul>	
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### AIM (3) : Improving the performance and productivity of our services

We will improve our procurement process to ensure value for money and efficiencies are maximised.

Indicator	Quarter 1 - 4	Q4 Actions/comment
<p>Provide information to be reported as part of the YORprocure annual performance data which will enable benchmarking information to be established.</p>	<p>The local business indicator which has been selected as the key benchmark is "spend by the Council with businesses in the District". The aim is to compare this spend with the other District authorities within the region to be able to accurately reflect performance and look for ways of improving. Annual spend data for 2013-14 required before results can be reported.</p>	<p>Performance is within target.</p>
<p>Agreed forward plan of procurement projects with identified lead and reported savings/efficiencies via management team.</p>	<p>The Procurement Forward Plan includes the Capital Programme projects and other significant procurements. A draft Plan has been presented to Management Team.</p>	<p>Target met.</p>
<p>Quarterly up-dated details of contracts (over £10,000) published on the web site, including start/end dates and any currently being procured/dates process to commence.</p>	<p>The first version published on the web site and is subject to continuous review to ensure all contract opportunities are identified and meets the requirements of the National Transparency agenda.</p> <p>The Information for Businesses section of the web site is being expanded and updated to provide links to further opportunities within the public sector.</p>	<p>Target met.</p>

Develop procurement strategy to include a programme of training and toolkits/information to ensure efficiencies maximised through procurement and contract management.	A Procurement Strategy has been developed. As part of the development of the Strategy the information and guidance to Officers has been reviewed. The information includes business advice and standard terms and conditions for those companies who do not have their own. Training will be organised in the first quarter of 2014.	Target met.
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#### AIM (4) : To reduce the carbon footprint of the council

Develop and implement further actions to deliver the Carbon Management reduction target for the Council.

Indicator	Quarter 1 - 4					Q4 Actions/comment		
Q1 Report 2012/13 data Q2 Report on any actions Q3 Report projected profile to end of year Q4 Report any significant issues/actions and project actual out turn.	Based on previous year's figures and actions, the indicator set for 2013-14 is for a further 4% reduction from 2012/13, which will primarily come from the Combined Heat and Power boilers installed in Hambleton leisure centres.  An assessment of current carbon reduction, sustainability and energy saving methods utilised within the Council premises has been completed.					Target met.  A Cabinet report recommending possible actions that could be taken to improve energy saving was being prepared. Any projects to be included on the Capital Programme would have a business case prepared to ensure return on investment was acceptable and any new technology was not imminent e.g. the Combined Heat and Power unit at the Hambleton Leisure Centre had not been installed as the return for investment period exceeded 9 years, whilst the 4 year return on investment at Leisure Centres in Thirsk, Bedale and Stokesley was felt to represent good value for money.		
<b>Council's carbon emissions in tonnes</b>	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14		
Scope 1: Buildings gas & vehicle fuel	2,187	2,203	2,078	1,948	2,080*	2,200**		
Scope 2: Buildings and public lighting electricity (public lighting on green tariff)	2,133	2,027	1,989	1,918	1,735*	1,584^		
Scope 3: Business mileage (not fully monitored)	104	107	95	87	71*	71^		
<b>Total gross CO<sub>2</sub> emissions</b>	<b>4,424</b>	<b>4,337</b>	<b>4,162</b>	<b>3,953</b>	<b>3,886*</b>	<b>3,855^</b>		
% reduction from 2008/9		2.0	5.9	10.6	1.7	3.0%^		

**Other activity Reported to the Customer Services and Asset Management Review Board in quarter 4:**

- As of the 12 March 2014 the District Council will only use “01609 779977” as the published contact number.
  - Ingleby Arncliffe and Ingleby Cross were able to make enhancements by designing and installing signs and information boards thanks to grants from the Council and the LEADER funding programme.
  - Thirsk and District Minibuses were able to purchase and install a new computer system to help plan routes more efficiently thanks to the community grants fund awarded by the Council. In addition Thirsk and Sowerby Meals on Wheels Scheme was able to employ a coordinator to help ensure more of those in need could benefit from the service.
  - Crash Bang Wallop Youth Theatre from Stokesley received over £4,000 in grant funding to help improve facilities to enable them to continue to provide the facilities and hold productions in the future.
  - A community grant for the Dales Care Centre in Bedale enabled a programme of activities to be complemented by holding live music events at the centre every week.
- Hambleton Food Share scheme appointed a project coordinator to help manage the volunteer team and donations to ensure those most in need in the District can be supported by the scheme.
- In a joint project by Northallerton Retail & Business Forum, Northallerton Town Council and Hambleton District Council shoppers and visitors can now benefit from free access to wi-fi in Northallerton High Street

## Housing Planning & Waste Management

### Aim (1) : Meeting Local Housing Needs

To meet the housing needs of all sections of the local community by providing an adequate amount and range of housing, including affordable housing

Indicator	Quarter 1 - 4	Q4 Actions/comment
New Dwellings - 420 in 2013/14	In Q4 49 dwellings have been completed giving a cumulative performance for 2013/14 of 166 new homes completed. This falls significantly below the increased target but shows a slight improvement on last year (151 new dwellings) which is the lowest rate in 20 years.  There are signs of an increase in house-building, with 64 sites under construction at the end of March 2014 which will provide about 1,400 dwellings.	Target not met.  Council on 10 December 2013 approved a relaxation of the LDF phasing to enable the Council to be able to demonstrate a robust 5 year supply of deliverable housing sites, (a requirement of the National Planning Policy Framework). This should boost housing construction but it will take some time before the impact is seen.
Affordable Homes - 130 in 2013/14	In Q4 10 affordable homes have been completed – 6 at Easingwold and 4 rural affordable homes at Aiskew. In 2013/14 60 affordable homes have been delivered including 51 rural affordable homes.	Target not met.

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### Aim (2) : Homelessness Preventions To reduce homelessness by providing direct support to District residents in need.

Indicator	Quarter 1 – Q4	Q4 Actions/comment
120 preventions by Council intervention in 2013/14	The number of Council homeless preventions for Q4 is 86, giving a total of 380 for the year.	Target exceeded.

**Aim (3) : Collecting Household Waste and Recycling**

To minimise the impact of waste on the environment by increasing the amount of household waste that is recycled.

Indicator	Quarter 1 – Q4	Q4 Actions/comment
48% by March 2014	The estimated recycling rate for 2013/14 is 45.3%; at this point not all the recycling tonnages have been confirmed so this figure will change.	Target not met, however this is based on estimates and is subject to change.  There has been an increase in kerbside tonnages compared with Q4 for last year; this is due again to the enhanced paper collection which has exceeded expectations. Work is being undertaken to increase the tonnages further.

**Aim (4) : Supporting Development**

To ensure that the Planning Service supports the sustainable economic growth and development of the District.

Indicator	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Q4 Actions/comment
Major applications determined in 130 weeks – 60% in 2013/14	80%	16%	67%	86%	Target met with an average for the year of 62%

100

**Other activity in Quarter 4:**

- A new drop-in housing advice service aimed at homeless prevention opened in Thirsk.
- Residents were asked to give their views on a proposed housing and health scheme which identifies some of the impacts on the health of residents and how Environmental Health Services can help to improve the situation where it is needed most.
- Consultation was held on the proposed Community Infrastructure Levy Charges (CIL) that would be charged on new developments.
- Huby residents were asked to register their current and future housing needs to help the Council assess the need for local homes for local people.
- Plans for Central Northallerton were put on show as part of the consultation for proposals for the new master plan for Northallerton. This seeks views on proposals for the redevelopment of the former prison and Rural Payments Agency.
- Developers for the 900 new homes in Sowerby are recruiting apprentices to help build their workforce from the local community.
- A competition for any child at school in the Hambleton area was run by YorWaste to help increase the amount of recycling we do. The winning picture will be displayed on one of the District's waste lorries.
- Following the success in Hambleton's market towns, Recycling Officers have now put in place new recycling bins - for cans and plastic bottles, outside the Leisure Centres in Northallerton, Bedale, Thirsk and Stokesley.

## Leisure and Health

### Aim (1) : Promote healthy lifestyles by promoting Council leisure facilities so that more people are participating in physical activity and who feel they are in good health

Promote the Council leisure facilities to encourage attendance from all age groups such that attendance matches the demographic profile of the District.

Indicator	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Q4 Actions/comment
Usage against demographic profile (from 2011 Census):					Performance was within tolerance.
9.9% of all visits by 0-10yrs	23.83%	26.21%	27.1%	23.5%	Participation amongst the higher age band is improving and actions are being taken to encourage greater participation e.g. Capital Improvement Scheme planned at Northallerton to create a studio to enable low intensity sessions to be scheduled, in addition a programme of events to encourage exercise has been implemented and is reviewed on an on-going basis.
11.6% of all visits by 10-19yrs	12.9%	10.5%	9.7%	8.2%	
19.4% of all visits by 60-74yrs	14.15%	15.22%	14.8%	16.1%	

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12  
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### Aim (2) : Supporting the community to participate in sport and active recreation

Indicator	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Actions/comment
Allocation and release of £100,000 of developer contribution money to public open space, sport and recreation projects.	£8,410 allocated in Q1.	£22,591 allocated (cumulative) £76,330 released (cumulative)	£53,765 allocated (cumulative) £76,330 released (cumulative)	£193,704.33 allocated (cumulative) £106,227 released (cumulative)	Target exceeded.
Support the community/voluntary sector to secure £50,000 of external funding for public open space, sport and recreation projects.	£15,000 secured in Q1	£41,580 secured (cumulative)	£105,500 secured (cumulative)	£114,736 secured (cumulative)	Target exceeded.

**Aim (3) : To improve the way we communicate**

Indicator	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Q4 Actions/comment
Develop and implement an external communications strategy for the Council.	The draft strategy is due for consideration by Cabinet.	Report to be tabled at Cabinet this year.	Awaiting report	Report tabled for Cabinet to consider 06 May 2014.	Target not met.

**Other activity in Leisure and Health Services Portfolio during Quarter 4:**

- Tour de France preparations for the Hambleton section of the route are well under-way and the village of West Tanfield is preparing to host approximately 12,000 visitors. The call for volunteers to help has been sent out to help on the 05 July when the event comes to West Tanfield.
  - Leisure Centres marked 150 days to the Grand Depart with a 12 hour sponsored spinning event and a Tour de France 4.5 km race (on gym bikes) in each Centre. People visiting Town Centres were be given the chance to show off their cycling skills by spinning as far as they could in 30 minutes.
- The Leisure Centres have been awarded funds which have been supported by additional funding from Sport England to upgrade facilities.
- Two lifesavers from Bedale Leisure Centre have qualified to compete in the Lifesaving World Championships in Montpellier, France.
- A new class for competitive swimmers was introduced. "Race Pace" is a twelve week course to make them more effective in their technique.
- Primary schools from around Northallerton and Thirsk battled it out for the first time in two swimming galas. The "town event" has now been renamed the "White Horse League" where nine schools compete against each other.
- Hambleton unsung heroes have been recognised in a special awards ceremony. Ten awards were made in the District Council's 'Hambleton Community Awards' night (March 27) compered by Russell Walker from Radio York.
  - Incentives to get fit and join the Zest Freedom membership before the clocks changed were promoted at the leisure centres.
  - The Sainsbury's Sport Relief Mile took place at Hambleton Leisure Centre hundreds of people participated in the fundraising event, taking in one of three routes of one, three or six miles.



### Support Services & Economic Development

#### Aim (1) : To provide financial sustainability.

We will meet this aim by implementing arrangements to ensure the Council's financial sustainability throughout the period of the current spending review and beyond.

Indicator	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Q4 Actions/comment
Collection of Business Rates	36.55% collected compared to 37.25% in Q1 for 2012/13.	62.56% collected compared to 63.34% in Q2 for 2012/13	81.28% collected compared to 81.33% in Q3 for 2012/13.	98.47% collected compared to 91.59% in Q4 for 2012/13.	Target met
Council Tax Collection	30.86% collected compared to 30.87% in Q1 2012/13.	59.24% collected compared to 59.49% in Q2 2012/13.	78.24% collected compared to 78.64% in Q3 2012/13.	98.68% collected compared to 98.46% in Q4 2012/13.	Target met
Capital Programme	100% of the in year capital programme has been approved.	Target met	Target met	Target met	Target met

**Aim (2) : To minimise the impact to the Council and community of the changes to Welfare Reform.**

The changes will be significant and pose significant risks to the Council and the Community. In order to monitor and manage this impact performance against the following will be monitored and managed.

Indicator	Quarter 1 – 4	Q4 Actions/comment
<p>To ensure we deliver a high quality service to our citizens we will improve processing times in line with North Yorkshire Authorities.</p> <p>Monthly processing time targets:</p> <ul style="list-style-type: none"> <li>• 16 days for new claims</li> <li>• 7 days for changes in circumstances</li> </ul> <p>Compare with other Districts in North Yorkshire</p>	<p>In Q1 processing time (monthly)</p> <ul style="list-style-type: none"> <li>• New claims 33.37 days</li> <li>• Changes in circumstances 14.34 days.</li> </ul> <p>In Q2 processing time (monthly)</p> <ul style="list-style-type: none"> <li>• New claims 33.55 days</li> <li>• Changes in circumstances 18.90 days.</li> </ul> <p>In Q3 the number of claims and changes in circumstances was reported to show the backlog being managed through out-sourcing of some work:</p> <ul style="list-style-type: none"> <li>• New claims backlog 5</li> <li>• Changes in circumstances backlog 298</li> </ul> <p>In Q4 processing time (monthly)</p> <ul style="list-style-type: none"> <li>▪ New claims 22.3 days (3rd below Selby top at 17.74), continuing the improving trend.</li> <li>▪ Change in circumstances 6.39 days (4th behind Selby to at 2.48).</li> </ul>	<p>Performance did not meet target for processing new claims.</p> <p>Performance did not meet target for processing changes in circumstances.</p> <p>2013-14 has seen a vast amount of change. Welfare Reform required reassessment of customers entitlement which led to increases in enquires and a demand for more support as well as a continuing increase in new customers.</p> <p>Requests for Discretionary Housing payments increased threefold compared to previous years. In addition the service was affected by vacancies and the splitting of shared services.</p>
<p>To maximise the opportunities to detect and prevent fraud</p>	<p>Q1 £38,000 of fraud was identified.            Q2 £62,037 identified (cumulative).            Q3 £85,867 identified to 30 Nov'13 (cumulative).            Q4 £82,973 identified in Q4.            Total for 2013-14 £168,640</p>	<p>Target met.</p>

**Aim (3) : To implement the Local Tax scheme and ensure all properties are taxed to minimise impact to the community and Council.**

To ensure the best financial outcome for the Council in this and following years the following measures will be taken:-

Indicator	Quarter 1 - 4	Q4 Actions/comment
<p>We will monitor the amount of Council Tax Reduction we pay out versus the amount estimated for the year to ensure the best possible outcome in future years.</p>	<p><b>Quarter 1 - 4</b></p> <p>The end of year budget figure (annual) is £4,466,000. The figure for Council Tax Reduction (CTR) on 01 April 2013 (annual billing) is £4,268,265. Variation from Council Tax Reduction figure at 01 April 2013 (monthly) = Q1 £4,323,758.</p> <p>Q2 The amount of CTR awarded levelled off as the backlog of claims was addressed. Based on the initial profiling there was £204,074 that could be allocated.</p> <p>Q3 Performance to 30 November 2013: The amount of CTR awarded reduced. This may still be the effect of seasonal work. December normally shows an increase in the level of benefit awarded so the figure of £4,466,000.00 needs to be seen with a word of caution as December is not included in this figure.</p> <p>Q4 the amount paid out in Council Tax Reduction has reduced by further £17,800. However some awards and changes will be a carried forward into 2014-15.</p>	<p>Target met.</p>
<p>We will monitor the ratio between the total rateable value and the number of businesses in the area to ensure that any changes to this are reflected in the target set by Government for future years.</p>	<p>The total rateable value (monthly) as at 31 March 2013 was £66,274,934 compared to the Q1 figure of £66,267,619.</p> <p>Q2 has seen a reduction in the total Rateable Value of £110,425 (0.166%). Due to 2 properties:</p> <ul style="list-style-type: none"> <li>• one reduced by £47,500</li> <li>• one from £67,000 reduced to £0 – property undergoing major renovations.</li> </ul> <p>Q3 The actual number of properties in rating has increased slightly. Performance to 30 November 2013:</p> <p>The total Rateable Value increased by £170,000 over the last 2 months and is now £67,000 higher than the base figure as at 01 April 2013. The increase relates to a number of properties. The actual number of properties in rating has increased slightly.</p>	<p>Target met.</p>

	Q4 The total rateable value has decreased since the last quarter by £184K due to changes in property valuations. However, the number of properties has increased by 26.	
<b>Aim (4) : To support local economic growth.</b>		
To support local economic growth by:-		
<p><b>Indicator</b></p> <p>Through the local planning processes approving 40 hectares of employment land by March 2015 mainly in the five Market Towns to facilitate opportunities for local economic growth.</p>	<p><b>Quarter 1 - 4</b></p> <p>Q1 0.113 of a hectare approved. .</p> <p>Q2 over 2 hectares of additional employment land was approved (20,369 m2). This was mainly from an expansion of Stokesley Business Park (19,674 m2), a site which is allocated in the Local Development Framework. A total of 541 m2 however will be lost at Leeming Bar as part of the village centre regeneration under allocation BM4. This results in a District wide net gain figure of 19,828 m2.</p> <p>Q3 the net additional floor space provided, between 01/10/2013 and 18/12/2013 is <b>1,439.2 square metres</b>. This includes an extension to a workshop at Sutton on the Forest, construction of an industrial building at Aiskew and construction of a warehouse extension in Topcliffe.</p> <p>Q4 the amount of additional land approved in Q4 is 1.3972 ha. giving a total of 3.6317 ha. for the year.</p>	<p><b>Q4 Actions/comment</b></p> <p>Performance remains below target.</p> <p>The approval of employment land fell below target. The actions to increase employment in the District forms part of the Economic Strategy and will be incorporated into the action plan that is being developed.</p>
<p>Providing workspaces and improving the average occupancy levels in the industrial and managed workspaces.</p>	<p>Q1 90.5% occupancy rates on industrial premises has been achieved against the target of 95% and for Managed Workspaces 77% against the target of 75%.</p> <p>Q2 92.9% occupancy rates on industrial premises has been achieved against the target of 95% and Managed Workspaces achieved 77% occupancy against the target of 75%.</p> <p>Q3 occupancy rates on industrial premises was 88.6% (target 95%)</p>	<p>Performance was within accepted tolerance.</p> <p>The occupancy levels for work spaces was within accepted tolerance of meeting the target for the year. The managed workspace at the Evolution premises is under on-going review, additional car parking has been secured for a 2 year period to help encourage tenants. This will remain under review to ascertain viability of maintaining the premises as a Council asset.</p>

	<p>Q3 occupancy in Managed Workspace was 76.7% (target 75%)</p> <p>A slight drop on the previous quarter due to 3 suites being vacated at Evolution – income continues to be supported by room bookings. Unfortunately 2 suites will become vacant at Momentum in February which will contribute to a further downward trend.</p> <p>Q4 Council (Industrial) workspaces Q4 = 92.9% (target 95%) Managed workspaces Q4 = 72.4% (target 75%)</p>	
<p>Enabling young people to get into work by providing apprenticeships within the Council. Providing support to small businesses, in particular micro businesses, for apprenticeships.</p>	<p>Q2 there are 15 apprentices within the Council and 7 apprentices in local assistance and are searching for apprentices.</p> <p>Q3 15 within the Council; 12 Business Apprentices in place; and 6 businesses approved grants searching for apprentices.</p> <p>Q4 15 Council and 14 Business apprentices in place; 10 businesses approved and searching for apprentices</p>	<p>Target exceeded.</p> <p>The on-going support for apprenticeships received additional funding for 2014-15. Increased support for apprenticeships by local businesses continues to show positive results.</p>
<p><b>Aim (5) : To become more ‘business friendly’ as a Council and help businesses to locate, stay and grow in Hambleton.</b></p> <p>To achieve this aim the following measures will be taken:-</p>		
<p><b>Indicator</b></p>	<p><b>Quarter 1 - 4</b></p>	<p><b>Q4 Actions/comment</b></p>
<p>Improve communication and engagement with businesses through local business forums, networking and using a range of communication methods.</p>	<p>Q1 baseline position for the Council in relation to engagement with business across the District has been completed.</p> <p>Q2 see actions taken in “Networks and Forums” below</p> <p>Q3 The business engagement strategy has been completed and following consultation with other Council teams and a small group of businesses for their input, the strategy is now to be discussed by Management Team.</p> <p>Engaged with 10 larger companies (key accounts) and 88 individual companies. See target b) for examples of engagement.</p> <p>The Business Engagement Officer has contacted teams with specific business queries to be resolved.</p>	<p>Performance is on target against the action plan.</p> <p>Feedback from businesses and the LEP regarding the role of the Council in supporting the local economy is positive and the officer engagement with business is well received. Meetings with the Federation of Small Businesses are positive and the Council has received positive feedback on the development of a commercial properties list.</p>

<p>Q4 The Business Engagement Strategy has been completed and approved by Management Team and following consultation with other Council teams and a small group of businesses for their input, the strategy is now in place. New targets for 2014-15 being agreed and will be available on website &amp; circulated to all services during Q1 2014/15</p> <ul style="list-style-type: none"> <li>▪ Engaged with 7 larger companies (key accounts) and 60 individual companies (see target b) for examples of engagement. In addition a further 77 were contacted to join the new Thirsk Industrial Park Business Group.</li> <li>▪ The Business Engagement Officer has contacted teams with specific business queries to be resolved.</li> <li>▪ Development of a range of measures to support the sustainability of micro-businesses in the District.</li> </ul> <p><b>Networks and Forums:</b> In this period 9 business networks have been supported including the establishment of the Thirsk Industrial Park Business Group which held its first meeting in January hosted by HDC and a key account business.</p> <p>Five Tour de France roadshows are being delivered across the Market Towns, with the first delivered in March. Aimed at micro-businesses to ensure they are prepared and can benefit from the Grand Depart, they build on the first roadshows in 2013.</p> <p>The Hambleton Strategic Business Forum Spring Conference has been launched and marketed across the area.</p> <p><b>Individual business support:</b> Engaged with 60 individual companies, with an additional 77 businesses contacted personally to join new Thirsk group. Engaged with all businesses in Stokesley to discuss their engagement with the WiFi project.</p>	
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<p>Action will be taken across the Council to ensure that we understand and are responsive to business needs by developing and implementing a business engagement strategy by September 2013.</p>	<p>Q2 The business engagement strategy has been completed and meetings are being set up with other Council teams to share this for input and comments. At the same time the strategy will be shared with a small group of businesses for their input.</p> <p>Q3 Consultation on the strategy completed.</p> <p>Q4 Strategy approved by Management Team and will be available on the web site and circulated to all services during Q1 2014/15.</p>	<p>Target did not meet scheduled deadline, however the strategy is complete and due for distribution.</p>
<p>Development of a range of measures to support the sustainability of micro-businesses in the District.</p>	<p><b>Networks and Forums:</b>  Five mini Tour de France road shows have been delivered across the market towns with over 150 businesses attending. Aimed at microbusinesses to ensure they are prepared and can benefit from the Grand Depart. A further 5 road shows will be delivered in the Spring of 2014.</p> <p>Hambleton Women's Business Zone has been established; the first meeting was at Evolution Business Centre in Northallerton on 9<sup>th</sup> October.</p> <p>The North Northallerton Business group has now held 2 meetings where 80 businesses attended; this complements the Northallerton Retail and Business Forum, which focusses on the town centre.</p> <p>The Hambleton Strategic Business Forum hosted a meeting in November 2013 which was attended by 25 businesses (this was maximum capacity for the room available).</p> <p><b>Individual business support:</b>  Engaged with 88 individual companies; retail display workshops successfully involved Lewis and Cooper, the Save the Children shop in Northallerton, Rural Arts North Yorkshire, House and Home, Chapman's Pets and Arty Party; 14 attendees at Evolution workshop.</p>	
<p>Support will be provided to businesses with tendering and procurement opportunities within the Council and locally and a local contracts register will be delivered</p>	<p>To advertise opportunities to do business with the Council the Contracts Register has been published. As contracts are reviewed, the register is updated to reflect clearly the goods and services that are required and when information on these will be available for potential suppliers to be able to quote.</p> <p>The Information for Businesses section of the web site is being expanded and updated to provide links to further opportunities within the public sector.</p> <p>Q4 To advertise opportunities to do business with the Council the Contracts Register has been published. As contracts are reviewed, the register is updated to reflect clearly the goods and services that are required and when information on these will be available for potential suppliers to be able to quote.</p> <p>The Information for the Businesses section of the website is being expanded and updated to provide links to further opportunities within the public sector.</p>	

**Other activity in quarter 4:**

- Council Tax was agreed to be frozen for 2014-15.
- A tenancy fraud awareness week was organised to make people aware of the burdens fraudsters cause and to encourage reporting of this crime.
- Hambleton residents were given the opportunity to have their say on the Council's budget and how it is spent.
- The Council is seeking views on the current polling districts and polling places in its area.
- Councillors agreed a grant for £92,000 to be passed to parishes most affected by changes to the Welfare Reform Bill.



## **HAMBLETON DISTRICT COUNCIL**

**Report To:** Cabinet  
10 June 2014

**Subject:** **WASTE SERVICES COMPREHENSIVE REVIEW**

**All Wards**  
**Portfolio Holder for Environmental and Planning Services: Councillor B Phillips**

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### **1.0 PURPOSE AND BACKGROUND:**

- 1.1 This report seeks Cabinet approval for a comprehensive review of the Council's waste services to inform future delivery. The preparation of a new Waste Management Strategy is an action in the Council's Business Plan.
- 1.2 Expenditure on waste management by the Council forms a significant proportion of the Council's overall budget. The net costs of waste collection currently amount to £1.68M pa (refuse plus garden waste) and recycling (dry recycling) £265K pa. In perception surveys waste collection frequently scores as a key service that the public associates with Councils and they often treat the reliability of their refuse and recycling collection as an indicator of the overall performance of their Council.
- 1.3 Approval is sought to procure external technical expert support as the Council does not have the internal technical expertise or resources for this work.
- 1.4 The benefits of carrying out the review are as follows:
- Building on the work already done to improve recycling tonnages and therefore environmental outcomes; options will include modelling of materials that could be collected.
  - Improve the efficiency of collections, through the procurement of appropriate vehicles and examining collection methodologies to reduce the collection time per property.
  - To improve customer satisfaction.
  - To ensure that Health and Safety is a core consideration in any future proposed service operation for both residents and the Council's operatives.
  - To identify possible cost efficiencies that will be realised through having a joined up strategic approach for the delivery of waste management services by the Council.

### **2.0 THE PROCESS**

- 2.1 A new Waste Management Strategy will be the overarching document resulting from this work. The strategy will set out the aims, objectives and targets for the delivery of waste management services by the Council over the period of the plan.
- 2.2 The process and timescales are set out in Annex 'A'. The project will run from June 2014 and be completed by January 2016, at which time a new contract for the sale of dry recyclate will need to be in place. The existing recycling contract finishes in January 2016 and a new contract will need to be procured during 2015. In addition, the existing recycling vehicles are nearing the end of their life and will need to be replaced. The proposed comprehensive review of waste services will explore all options that link recycling and disposal/treatment of refuse to arrive at the best solution.

- 2.3 The development of the Strategy will build on work already done and in close consultation with Members through a series of workshops and public consultation with residents.
- 2.4 The review of recycling services will involve detailed scenario modelling looking at the scope of material types and methodologies for collection of dry recyclables at kerbside. This will include identifying all necessary infrastructure and a costs/benefits appraisal of the various options. The scenarios selected for modelling will be informed through consultation with Members at the start of the project.
- 2.5 The procurements shown in Annex 'A' cover a new contract for the collection and treatment of dry recyclables and the purchase of waste service collection vehicles. Both procurements will be informed by the new Waste Strategy.
- 2.6 It is anticipated that the project will result in comparative cost efficiencies compared to a 'business as usual' approach. These cost efficiencies will be calculated through the proposed review for recycling and refuse services and associated modelling. It is not possible to comment on the likely costs/benefits outcome of the recycling contract procurement because this will be determined in part by the market prices at the time of the procurement in 2015. It is proposed to report back to the Cabinet on these aspects when this information comes to light.
- 2.7 The review will enable plans to be made for the increase in the number of homes built over the next few years ensuring that these are fed into the overall modelling and options appraisal. There are 2,735 new dwellings planned by 2020.
- 2.8 The review will also consider the likely impacts of the County Council's proposed Allerton Waste Recovery Park facility and any planned work by the County on increasing Waste Transfer Stations. The Allerton Waste Recovery Park project is to be operational in 2017/18.
- 2.9 In respect of the planned procurements, officers will seek to bring partners on board in order to make savings through sharing procurement costs and getting best value for money for goods and services through 'economies of scale'. This approach has worked successfully in the past and the possible financial benefits are shown in Section 5.0.
- 2.10 The comprehensive review of waste services will take account of the latest regulatory requirements and in particular the Waste Regulations for England and Wales 2011 (amended 2012) affecting the collection of dry recycle, which comes into effect on 1 January 2015. This requires entirely separate collection of paper, metal, plastic and glass unless it is not technically, environmentally or economically practicable to do so. This is known as 'TEEP' criteria. The Council will need to demonstrate compliance with respect to its existing system and/or any possible service redesign e.g. the collection and downstream processing of materials is of high quality. It is important to note that this is a new requirement that previous work in this area has not covered and is vital to ensure that recycling services are compliant and robust in respect of the latest national regulations and policy.

### **3.0 LINK TO COUNCIL PRIORITIES:**

- 3.1 The proposal links to the Council Priorities by supporting the following aims and objectives of the Council's Business Plan:
- To put our customers first and provide access to high quality, value for money services that meet the needs of our communities.

- To minimise the impact of waste on the environment by increasing the amount of household waste that is recycled.

#### 4.0 **RISK ASSESSMENT:**

##### 4.1 **Risk in approving the recommendation.**

<b>Risk</b>	<b>Implication</b>	<b>Prob*</b>	<b>Imp*</b>	<b>Total</b>	<b>Preventative action</b>
Full costs of the project procurement elements fall to the Council due to lack of partner participation.	Procurement costs will be higher for the Council than if a partnership approach was taken; cost benefits due to economies of scale from putting higher relative tonnages of dry recyclates on to the market place at the same time would not be realised.	3	4	12	Head of Environmental Services to take an early lead and advocate the benefits of a joint procurement approach through the regular Waste Partnership meetings.

##### 4.2 The key risks in not approving the recommendation are as shown below:-

<b>Risk</b>	<b>Implication</b>	<b>Prob*</b>	<b>Imp*</b>	<b>Total</b>	<b>Preventative action</b>
The operation of waste management does not support opportunities for an improved service.	The anticipated benefits of improved recycling; improved customer satisfaction; improved Health and Safety; and to achieve cost efficiencies will not be realised.	4	5	20	Engage technical expert support to undertake detailed modelling and options appraisal for the Council so that decisions taken on future service design are in the best interests of the Council and Council Tax payers.
The Council is not prepared for future developments that will impact on waste management, such as: increased dwelling stock, changes to the Waste Regulations and Allerton Waste Recovery Park.	The Council is potentially exposed to higher costs for its waste management services. Failure to follow a process that demonstrates regulatory compliance puts the Council at risk of challenge.	3	5	15	These aspects will form part of the project brief to mitigate as far as possible these risks to the Council.

Prob = Probability, Imp = Impact, Score range is Low = 1, High = 5

##### 4.3 Overall the risk of agreeing with the recommendations outweighs the risks of not agreeing them and is considered acceptable.

## 5.0 **FINANCIAL IMPLICATIONS:**

5.1 Overall the revenue effects of the comprehensive review of Waste Services are as described below.

Revenue Effects	2014/15	2015/16		
	£	£		
	Total Cost	Total Cost	1 Partners	4 Partners
Cost of:				
- Review of recycling services	10,000			
- Review of refuse services	7,500			
- Consultation (technical support costs are not factored in for the proposed public consultation as it is assumed that Council will organise this element).	10,000	5,000	5,000	5,000
- Preparation of the Waste Strategy	7,500			
- OJEU level procurements		48,000	24,000	9,600
- Contingency		10,000	10,000	10,000
<b>Total approx. costs</b>	<b>35,000</b>	<b>63,000</b>	<b>39,000</b>	<b>24,600</b>
Financed by:				
One-Off Fund				
	<b>35,000</b>	<b>63,000</b>	<b>39,000</b>	<b>24,600</b>

5.2 Another partner Council has expressed an interest in reviewing its own recycling services (including TEEP compliance). If this does proceed there could be a slight discount (5%) in respect of the total cost for the review of recycling services package. One area of opportunity to significantly reduce costs would be through joint (OJEU level) procurements with other partner Councils. This is a likely and realistic outcome as in 2012 the Council undertook a joint procurement with Harrogate, Craven and Richmondshire Councils to secure the present recycling contract, realising significant efficiencies. Preliminary talks with partner authorities have shown an appetite for further shared procurements and hence reduced costs are shown in the table above for one partner or four partners.

## 6.0 **LEGAL IMPLICATIONS:**

6.1 There are no legal implications as a result of this proposal.

## 7.0 **EQUALITY/DIVERSITY ISSUES:**

7.1 There are no significant equality issues associated with this proposal.

## **8.0 HEALTH AND SAFETY ISSUES:**

8.1 The review will examine the potential to mitigate possible health and safety issues surrounding different collection methodologies. Under the present arrangement each Recycling Loader can expect to lift around 400 boxes per day and sort the material at the kerbside, some boxes can weigh up to 20kg. In 2013/14 there were 72 working days lost to musculo-skeletal/back issues in the recycling service, there were also incidents of cuts due to broken glass being deposited in boxes. Whilst risk assessments and personal protective equipment can mitigate these risks to a degree, the potential to eliminate these risks should be considered first.

## **9.0 RECOMMENDATIONS:**

9.1 It is recommended that:-

- (1) Cabinet approve the recommendation to undertake a comprehensive review of waste services and the production of a Waste Management Strategy for the Council and agree the funding to facilitate this process;
- (2) provision be made for £98,000 from the Council's One-Off Fund.

MICK JEWITT

**Background papers:** Annex A Draft Project Plan for the Comprehensive Review of Waste Services.

**Author ref:** PS

**Contact:** Paul Staines  
Head of Environmental Services  
01609 788103

**Draft Project Plan for Review of Refuse and Recycling Services and Preparation of a Waste Management Strategy**

ANNEX 'A'

Stage	Description	June 2014	July 2014	August 2014	September 2014	October 2014	November 2014	December 2014	January 2015	February 2015	March 2015	April 2015	May 2015	June 2015	July 2015	August 2015	September 2015	October 2015	November 2015	December 2015	January 2016
Consultation and preparation of Waste Management Strategy	Cabinet report - project approval for comprehensive waste services review																				
	First Members workshop																				
	Second Members workshop																				
	Generate background information in an easy-to-read format to assist with public consultation																				
	Assimilate decisions for the future waste management services																				
	Agree targets to measure the success or otherwise of the Waste Management Strategy (plan)																				
	Agree length of Waste Management Strategy and review dates / triggers																				
	Prepare first draft Headline Waste Management Strategy (plan) (high level targets)																				
	Appraise fit of draft plan with sub-regional Waste Strategy (NYWMP)																				
	Public consultation (allow 12 weeks)																				
Post consultation review to inform Headline Waste Management Strategy																					
Produce final draft Headline Waste Management Strategy underpinned with a detailed Action Plan																					
Members seminar - Feedback on public consultation & present proposed draft Headline Waste Management Strategy																					
Cabinet report - adoption of Waste Management Strategy for Hambleton District Council																					
Members seminar - feedback on project progress and next steps																					
Members seminar - feedback on actions completed from previous Members seminar; lead-in to new recycling contract																					
Modelling work - how waste is / could be collected																					
Waste Regulations - TEEP Compliance																					
Operational requirements (scenarios analysis)																					
Collection service costs																					
Risks Analysis																					
Timing of any service design changes)																					
Sale of dry recyclates - review of recyclates values and current view of the market																					
Operational requirements																					
Review delivery points (possible effects of Allerton Waste Recovery Park coming on-line)																					
Collection service costs (in-house)																					
Risks Analysis																					
Decision on timing of any service design changes)																					
Establish Project Team																					
Scoping and drafting OJEU notice																					
Preparation of contract documentation including evaluation model																					
Go to Tender / Tenderers prepare and submit their bids																					
Tender evaluation																					
Moderation																					
Contract award																					
Vehicles delivery lead-in																					
Vehicles delivery																					
Establish Project Team																					
Scoping and drafting OJEU notice																					
Preparation of contract documentation including evaluation model																					
Go to Tender / Tenderers prepare and submit their bids																					
Tender evaluation																					
Moderation																					
Contract award																					
Contract lead-in (mobilisation)																					
Contract commences																					

## **HAMBLETON DISTRICT COUNCIL**

**Report To:** Cabinet  
10 June 2014

**Subject:** **ESTABLISHMENT OF LOCAL AUTHORITY ECONOMIC DEVELOPMENT COMPANY**

**All Wards**

**Portfolio Holder for Economic Development and Finance: Councillor P Wilkinson**

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### **1.0 PURPOSE AND BACKGROUND**

- 1.1 This report seeks Cabinet approval to investigate the potential establishment of a Council controlled company for the purpose of economic development.
- 1.2 The Local Government Act 2003 provided the power for Local Authorities to trade and generate profit through the establishment of local authority owned companies.
- 1.3 There are a number of forms that such companies can take but they all fall into two categories a Local Authority Trading Company (LATC) or a Local Asset Backed Vehicle.
- 1.4 Local Authority Trading Companies are established to enable Councils to trade services beyond both their sector and their geographic boundaries. Their relevance in an economic development context would be limited. A more suitable vehicle would be a Local Asset Backed Vehicle.

### **2.0 LOCAL ASSET BACKED VEHICLES (LOCAL ASSET BACKED VEHICLE)**

- 2.1 A Local Asset Backed Vehicle is a medium to long term joint venture equity partnership between a Local Authority (or a number of public sector bodies) and a private sector investment partner, who may or may not be a building or development contractor. A Local Asset Backed Vehicle can also be set up as a Public/Public partnership procuring private sector expertise as and when required in order to deliver specific projects.
- 2.2 There is no prescribed or standardised model for Local Asset Backed Vehicles. Each solution requires bespoke configuration in order to ensure that each public body's outcomes are delivered in accordance with their local economic requirements. See Annex 'A' for potential Hambleton District Council model.
- 2.3 The Council or possibly with its Public Sector Partners contribute land/assets. The investment partner contributes capacity to deliver skills, experience and funds to develop projects. Projects could include residential, operational public buildings, retail, community, office and/or industrial and commercial property.

Outcomes are agreed between the Council and the investment partner through a robust business plan, budget and approval procedure. The financing of projects can be structured to ensure that both parties receive an acceptable level of capital and revenue return.

2.4 There are a number of reasons why Local Authorities use Local Asset Backed Vehicles, some of which would not be appropriate to Hambleton. These include:

- In times of attrition, using a Local Asset Backed Vehicle structure to get the maximum return from the asset portfolio through a strategic medium to long term partnership.
- Rationalising the asset portfolio to ensure that the Council's accommodation is fit for purpose.

However, what is appropriate to Hambleton is the use of a Local Asset Backed Vehicle to deliver economic regeneration. If structured correctly, the Council could incentivise the private sector to create local job opportunities and unlock regeneration by delivering developments that have previously been passed over by the private sector. The Council, as an equal participant in a Local Asset Backed Vehicle, can control the pace, location, timing and type of development.

Local Asset Backed Vehicles should not be seen as 'selling the family silver', they create a development portfolio of assets which are fit for purpose ensuring that the Council receive maximum, financial, regeneration and economic returns from any disposal or revenue income.

2.5 The principle advantages of setting up Local Asset Backed Vehicles include:

- Economic Leadership – maximise financial returns, generate and sustain local jobs construction and enhance local economies.
- Flexibility – Local Asset Backed Vehicles can react to the market to allow proposals to be developed between the public bodies and investment partner to deliver optimal financial and regeneration outcomes.
- Investment partner revenue support – capacity and skills to deliver master plans, LDF's and viability studies at no or minimal cost to the Council.
- Significant procurement cost and time savings – procure once to deliver multiple sites over the medium to long term. This delivers sustainable cost and time savings to both the Council and the private sector partner.

2.6 Some of the issues the Council would need to consider in setting up a Local Asset Backed Vehicle include:

- Ensure that procurement is scoped carefully.
- Understand the commercial objectives of the Local Asset Backed Vehicle.
- Ensure that Members fully understand their role and the joint venture relationship.
- Ensure that the structure of the Local Asset Backed Vehicle provides accountability back to the Council.
- Agree a communication strategy between all parties and the public.
- Protect the position of the Council as planning authority and its other statutory functions.



- Ensure that property and corporation tax have been fully considered.
- Ensure that exit strategies are inserted into the contracts.
- Director appointments and mandates.

### **3.0 LINK TO CORPORATE PRIORITIES**

3.1 Improving the economy of Hambleton is a key corporate priority.

### **4.0 LEGAL IMPLICATIONS**

4.1 As stated in paragraph 1.2, the Local Government Act 2003 provided the power for Local Authorities to trade and generate profit through the establishment of Local Authority owned companies.

### **5.0 FINANCIAL IMPLICATIONS**

5.2 The Council will need to procure specialist legal, financial and taxation advice in respect of producing a robust business case for the establishment of a Local Asset Backed Vehicle. It is estimated that this will cost around £25,000.

### **6.0 RISK ASSESMENT**

6.1 There are no significant risks associated with this report.

### **7.0 RECOMMENDATION**

7.1 It is recommended that Cabinet approve an investigation into the establishment of a Local Asset Backed Vehicle and that £25,000 for this purpose be allocated from the One-Off Fund.

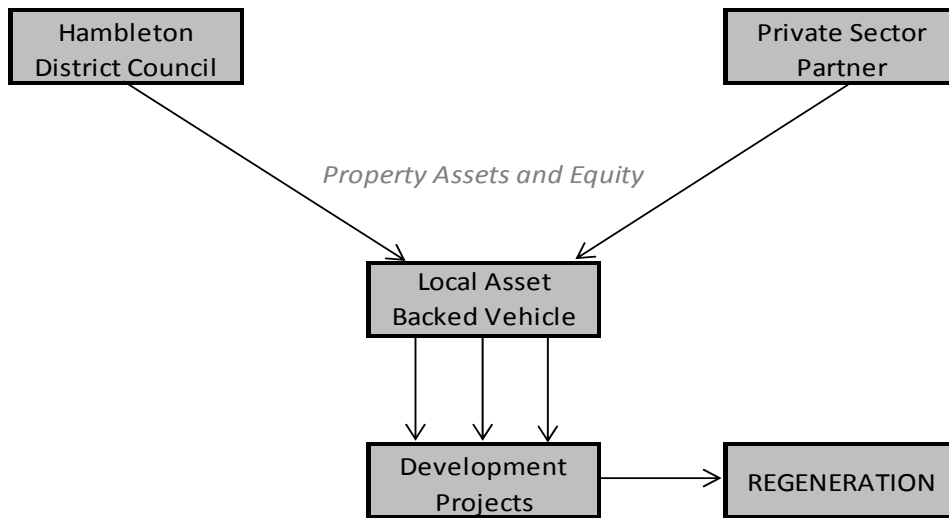
JUSTIN IVES

Background Papers: None

Author Ref: JI

Contact: Justin Ives  
Director of Support Services and Deputy Chief Executive  
Direct Line No: 767022

***Possible Structure for a Hambleton Local Asset Backed Vehicle***



## **HAMBLETON DISTRICT COUNCIL**

**Report To:** Cabinet  
10 June 2014

**Subject: REVIEW OF POLLING DISTRICTS AND POLLING PLACES – RESULT OF CONSULTATION**

**All Wards**  
**Portfolio Holder for Support Services: Councillor N Knapton**

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### **1.0 PURPOSE AND BACKGROUND:**

- 1.1 The Council currently designates polling districts and polling places for use at all elections taking place within its area, i.e., Parliamentary, County and Parish elections.
- 1.2 The Electoral Administration Act 2006 introduced a requirement to review polling districts and polling places used for Parliamentary elections. The next review must take place by 31 January 2015. Following the decision of the Boundary Commission for Local Government to reduce the number of District Wards from 2015 there is a need to review electoral arrangements.

### **2.0 THE REVIEW:**

- 2.1 The review process and details of representations received are outlined in Annex 'A'.
- 2.2 The representations received do not raise any significant points which would suggest the need to change the list of polling districts and polling places shown in Annex 'C'.

### **3.0 RISK ASSESSMENT:**

- 3.1 There are no significant risks relating to this report.

### **4.0 SUSTAINABILITY IMPLICATIONS:**

- 4.1 None.

### **5.0 FINANCIAL IMPLICATIONS AND EFFICIENCIES:**

- 5.1 There are no significant financial implications or efficiencies.

### **6.0 LEGAL IMPLICATIONS:**

- 6.1 The Council has a legal duty under the Electoral Administration Act 2006 to conduct this review and to hold regular reviews within four years of the completion of the previous review.

### **7.0 SECTION 17 CRIME AND DISORDER ACT 1998:**

- 7.1 None.

**8.0 EQUALITY/DIVERSITY ISSUES**

8.1 The designation of polling places which are accessible to electors who are disabled will enhance their participation in the democratic process.

**9.0 RECOMMENDATION:**

9.1 That Cabinet approves and recommends to Council that the polling districts and polling places as shown in Annex 'C' be confirmed for the purpose of Parliamentary elections.

JUSTIN IVES

**Background papers:** Correspondence from Parliamentary Acting Returning Officers and the public.

**Author ref:** JI

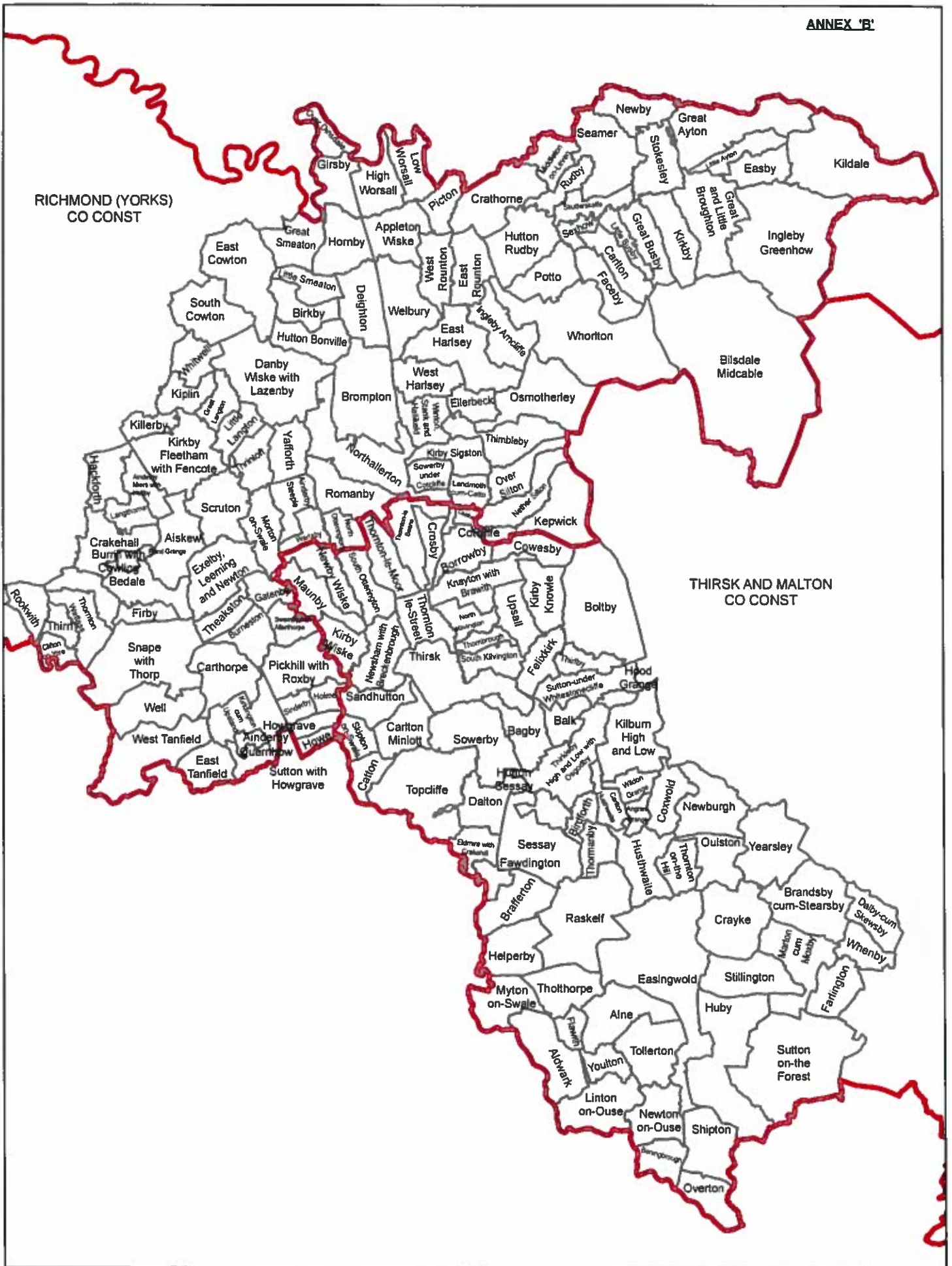
**Contact:** Justin Ives  
Director of Support Services & Deputy Chief Executive  
Direct Line No: (01609) 767022

**REVIEW PROCESS AND REPRESENTATIONS RECEIVED**

- 1.1 The relevant legislation requires polling districts to be agreed for the Council's area. These have to be based on parish boundaries unless there is a good reason to depart from this rule. The polling districts are combined for the purposes of elections – Parish, District, County, Parliamentary, European, etc. A plan showing current Parliamentary and parish boundaries within the district is attached as Annex 'B'.
- 1.2 The legislation also requires a polling place to be designated for each polling district and the polling place should normally be within that district. This does not apply if the size or other circumstances of a polling district are such that the situation of the polling place does not materially affect the convenience of the electors or any body of them. In addition:-
  - a) all electors must have such reasonable facilities for voting as are practicable in the circumstances
  - b) so far as is reasonable and practicable, every polling place must be accessible to electors who are disabled
  - c) accessibility to disabled electors must be taken into account when designating a polling place
- 1.3 The reduction in the number and the change of names of district wards with effect from 2015 has prompted a re-think of the structure of the polling districts in Hambleton. Revised polling districts are shown in Annex 'C'. They are largely based on parishes and combinations of parishes.
- 1.4 There are currently 79 buildings within Hambleton which are designated as polling places. Several of these buildings are used for more than one polling station (ballot box). These buildings were inspected prior to the review in 2007 in relation to access and facilities for voters and election staff. In addition, the appropriateness of polling places has been considered after each subsequent election using feedback from election staff.
- 1.5 The key issues in relation to the identification of polling places are:-
  - (a) physical access to the building; and
  - (b) the convenience of the building for the majority of electors.
- 1.6 There have been a small number of changes since the last review in 2011 due to the fact that existing polling places are no longer available or more suitable ones have been found. Replacements which have been identified are included within the list in Annex 'C'.
- 1.7 Officers are of the opinion that the polling districts and polling places in Annex 'C' meet the requirements of the Parliamentary Constituencies and the District.
- 1.8 This review is required in relation to a duty to designate polling places for Parliamentary elections. However, it is good practice to adopt the same polling places for all other elections. If the recommendations in Annex 'C' are approved this will mean that the proposed polling places will be used for all elections. The proposals in relation to polling places for Parliamentary elections are subject to public consultation and, potentially, a right of objection to the Electoral Commission (which can make changes).

1.9 Following approval in principle by the Council, public notice has been given of the review and the draft proposals. The representations received can be summarised as follows:-

- |   |   |
|---|---|
| Richmond Liberal Democrats                                  | - support the suggested polling districts and polling station                       |
| Acting Returning Officer for Thirsk and Malton Constituency | - no objection to proposals.  |
| Acting Returning Officer for Richmond (Yorks) Constituency  | - no objection to proposals.  |
| Sutton-under-Whitestonecliffe Parish Council                | - no objection to proposals, but unhappy with name of new District Ward             |
| Timothy Kirkhope MEP  | - no objection to proposals.  |
| Royal National Institute for the Blind                      | - No objection to proposals. General comments on accessibility to polling stations. |



New Ward 2015	Parish	Proposed Polling District Name	Proposed Polling Place
Appleton Wiske and Smeatons	Appleton Wiske	Appleton Wiske	Appleton Wiske Village Hall
Appleton Wiske and Smeatons	Picton	Appleton Wiske	* Appleton Wiske Village Hall
Appleton Wiske and Smeatons	Birkby	East Cowton	East Cowton Village Hall
Appleton Wiske and Smeatons	East Cowton	East Cowton	East Cowton Village Hall
Appleton Wiske and Smeatons	South Cowton	East Cowton	East Cowton Village Hall
Appleton Wiske and Smeatons	East Rounton	East Rounton	Rounton Village Hall
Appleton Wiske and Smeatons	West Rounton	East Rounton	Rounton Village Hall
Appleton Wiske and Smeatons	Deighton	Great Smeaton	Great Smeaton Village Hall
Appleton Wiske and Smeatons	Girsby	Great Smeaton	Great Smeaton Village Hall
Appleton Wiske and Smeatons	Great Smeaton	Great Smeaton	Great Smeaton Village Hall
Appleton Wiske and Smeatons	Hornby	Great Smeaton	Great Smeaton Village Hall
Appleton Wiske and Smeatons	Hutton Bonville	Great Smeaton	* Great Smeaton Village Hall
Appleton Wiske and Smeatons	Little Smeaton	Great Smeaton	Great Smeaton Village Hall
Appleton Wiske and Smeatons	Over Dinsdale	Great Smeaton	Great Smeaton Village Hall
Appleton Wiske and Smeatons	Welbury	Welbury	Welbury Village Hall
Appleton Wiske and Smeatons	High Worsall	Worsall	Worsall Village Hall
Appleton Wiske and Smeatons	Low Worsall	Worsall	Worsall Village Hall



New Ward 2015	Parish	Proposed Polling District Name	Proposed Polling Place
Bagby and Thorntons	Bagby	Bagby	Bagby Church Hall
Bagby and Thorntons	Balk	Bagby	Bagby Church Hall
Bagby and Thorntons	Borrowby	Borrowby	Borrowby Village Hall Institute
Bagby and Thorntons	Leake	Borrowby	Borrowby Village Hall Institute
Bagby and Thorntons	Cowesby	Knayton	Knayton Village Institute
Bagby and Thorntons	Knayton with Brawith	Knayton	Knayton Village Institute
Bagby and Thorntons	Upsall	Knayton	Knayton Village Institute
Bagby and Thorntons	Kepwick	Nether Silton	Nether Silton Village Hall
Bagby and Thorntons	Landmoth-cum-Catto	Nether Silton	* Nether Silton Village Hall
Bagby and Thorntons	Nether Silton	Nether Silton	Nether Silton Village Hall
Bagby and Thorntons	Over Silton	Nether Silton	Nether Silton Village Hall
Bagby and Thorntons	North Kilvington	South Kilvington	** South Kilvington - Old Oak Tree
Bagby and Thorntons	South Kilvington	South Kilvington	** South Kilvington - Old Oak Tree
Bagby and Thorntons	Thornbrough	South Kilvington	** South Kilvington - Old Oak Tree
Bagby and Thorntons	Boltby	Sutton	Sutton New Village Hall
Bagby and Thorntons	Felixkirk	Sutton	Sutton New Village Hall
Bagby and Thorntons	Hood Grange	Sutton	Sutton New Village Hall
Bagby and Thorntons	Kirby Knowle	Sutton	Sutton New Village Hall
Bagby and Thorntons	Sutton-under-Whitstonecliffe	Sutton	Sutton New Village Hall
Bagby and Thorntons	Thirlby	Sutton	Sutton New Village Hall
Bagby and Thorntons	Cotcliffe & Crosby	Thornton-Le-Beans	Thornton-le-Beans Village Hall
Bagby and Thorntons	Cotcliffe & Crosby	Thornton-Le-Beans	Thornton-le-Beans Village Hall
Bagby and Thorntons	Thornton-Le-Beans	Thornton-Le-Beans	Thornton-le-Beans Village Hall
Bagby and Thorntons	Thornton-Le-Moor	Thornton-Le-Beans	Thornton-le-Beans Village Hall
Bagby and Thorntons	Thornton-Le-Street	Thornton-Le-Beans	Thornton-le-Beans Village Hall

New Ward 2015	Parish	Proposed Polling District Name	Proposed Polling Place
Bedale	Aiskew (Aiskew Ward)	Aiskew	Aiskew Methodist Hall
Bedale	Aiskew Leeming Bar	Aiskew Leeming Bar	Leeming Garth Care Home
Bedale	Bedale	Bedale	Bedale Hall
Bedale	Burneston	Burneston	Burneston C.E School
Bedale	Swainby with Allerthorpe	Burneston	Burneston C.E School
Bedale	Theakston	Burneston	Burneston C.E School
Bedale	Ainderby Mires with Holtby	Crakehall	Crakehall Village Hall
Bedale	Crakehall	Crakehall	Crakehall Village Hall
Bedale	Hackforth	Crakehall	Crakehall Village Hall
Bedale	Langthorne	Crakehall	Crakehall Village Hall
Bedale	Rand Grange	Crakehall	Crakehall Village Hall
Bedale	Exelby, Leeming & Newton	Exelby, Leeming And Newton	Exelby Leeming Village Hall
Bedale	Gatenby	Exelby, Leeming And Newton	Exelby Leeming Village Hall
Easingwold	Aldwark	Aine	Aine Village Hall
Easingwold	Aine	Aine	Aine Village Hall
Easingwold	Flawith	Aine	Aine Village Hall
Easingwold	Youlton	Aine	Aine Village Hall
Easingwold	Crayke	Crayke	Crayke Sports Club
Easingwold	Easingwold	Easingwold	Easingwold Methodist Schoolrooms
Easingwold	Linton on Ouse	Linton-On-Ouse	Linton-on-Ouse Village Hall
Easingwold	Newton on Ouse	Newton-On-Ouse	Newton-on-Ouse Parish Hall
Easingwold	Beningbrough	Shipton	Shipton Methodist Schoolroom
Easingwold	Overton	Shipton	Shipton Methodist Schoolroom
Easingwold	Shipton	Shipton	Shipton Methodist Schoolroom
Easingwold	Tollerton	Tollerton	Tollerton War Memorial Institute

New Ward 2015	Parish	Proposed Polling District Name	Proposed Polling Place
Great Ayton	Bilsdale Midcable	Bilsdale Midcable	Chopgate Village Hall
Great Ayton	Great Ayton	Great Ayton (Marwood)	Great Ayton Parochial Church Hall
Great Ayton	Great Ayton	Great Ayton (Roseberry)	Great Ayton WI Hall
Great Ayton	Little Ayton	Great Ayton (Roseberry)	Great Ayton WI Hall
Great Ayton	Ingleby Greenhow	Ingleby Greenhow	Ingleby Greenhow and Easby Village Hall
Great Ayton	Easby	Kildale	Kildale Village Hall
Great Ayton	Kildale	Kildale	Kildale Village Hall
Huby	Brandsby-Cum-Stearsby	Brandsby	Brandsby Cholmeley Hall
Huby	Dalby-Cum-Skewsby	Brandsby	Brandsby Cholmeley Hall
Huby	Whenby	Brandsby	Brandsby Cholmeley Hall
Huby	Yearsley	Brandsby	Brandsby Cholmeley Hall
Huby	Huby	Huby	Huby Methodist Church
Huby	Farlington	Stillington	Stillington Village Hall
Huby	Marton-Cum-Moxby	Stillington	Stillington Village Hall
Huby	Stillington	Stillington	Stillington Village Hall
Huby	Sutton-on-the-Forest	Sutton-on-the-Forest	Sutton Grey Village Hall

New Ward 2015	Parish	Proposed Polling District Name	Proposed Polling Place
Hutton Rudby	Crathorne	Crathorne	Crathorne Reading Room
Hutton Rudby	Hutton Rudby	Hutton Rudby	* Hutton Rudby Village Hall
Hutton Rudby	Middleton-on-Leven	Hutton Rudby	* Hutton Rudby Village Hall
Hutton Rudby	Rudby	Hutton Rudby	* Hutton Rudby Village Hall
Hutton Rudby	Sexhow	Hutton Rudby	* Hutton Rudby Village Hall
Hutton Rudby	Skutterskelfe	Hutton Rudby	* Hutton Rudby Village Hall
Hutton Rudby	Newby	Seamer	Seamer Village Hall
Hutton Rudby	Seamer	Seamer	Seamer Village Hall
Morton-on-Swale	Danby Wiske with Lazenby	Danby Wiske	Danby Wiske Village Hall
Morton-on-Swale	Great Langton	Great Langton	Great Langton - The Old School
Morton-on-Swale	Kiplin	Great Langton	Great Langton - The Old School
Morton-on-Swale	Little Langton	Great Langton	Great Langton - The Old School
Morton-on-Swale	Whitwell	Great Langton	Great Langton - The Old School
Morton-on-Swale	Killerby	Kirkby Fleetham	Kirkby Fleetham Village Hall
Morton-on-Swale	Kirkby Fleetham with Fencote	Kirkby Fleetham	Kirkby Fleetham Village Hall
Morton-on-Swale	Ainderby Steeple	Morton-On-Swale	Morton-on-Swale Village Hall
Morton-on-Swale	Morton-on-Swale	Morton-On-Swale	Morton-on-Swale Village Hall
Morton-on-Swale	North Otterington	Morton-On-Swale	Morton-on-Swale Village Hall
Morton-on-Swale	Thrintoft	Morton-On-Swale	Morton-on-Swale Village Hall
Morton-on-Swale	Wariaby	Morton-On-Swale	Morton-on-Swale Village Hall
Morton-on-Swale	Yafforth	Morton-On-Swale	Morton-on-Swale Village Hall
Morton-on-Swale	Scruton	Scruton	Scruton Coore Memorial Hall
Morton-on-Swale	Maunby	South Otterington	South Otterington Village Institute
Morton-on-Swale	Newby Wiske	South Otterington	South Otterington Village Institute
Morton-on-Swale	South Otterington	South Otterington	South Otterington Village Institute

New Ward 2015	Parish	Proposed Polling District Name	Proposed Polling Place
Northallerton North and Brompton	Brompton	Brompton	Brompton Methodist Church
Northallerton North and Brompton	Northallerton North East	Northallerton North East	Northallerton The Forum
Northallerton North and Brompton	Northallerton North West	Northallerton North West	Northallerton The Forum
Northallerton South	Northallerton Central	Northallerton Central	Northallerton The Forum
Northallerton South	Northallerton South	Northallerton South	Northallerton The Forum
Osmotherley and Swainby	Carlton	Carlton	Carlton Village Hall
Osmotherley and Swainby	Faceby	Carlton	Carlton Village Hall
Osmotherley and Swainby	Great Busby	Carlton	Carlton Village Hall
Osmotherley and Swainby	Little Busby	Carlton	Carlton Village Hall
Osmotherley and Swainby	East Harlsey	East Harlsey	East Harlsey Village Hall
Osmotherley and Swainby	Ingleby Arncliffe	Ingleby Arncliffe	Ingleby Cross Village Hall
Osmotherley and Swainby	Kirby Sigston	Kirby Sigston	Kirby Sigston & District Village Hall
Osmotherley and Swainby	Sowerby-under-Cotcliffe	Kirby Sigston	Kirby Sigston & District Village Hall
Osmotherley and Swainby	Ellerbeck	Osmotherley	Osmotherley Village Hall
Osmotherley and Swainby	Osmotherley	Osmotherley	Osmotherley Village Hall
Osmotherley and Swainby	Thimbleby	Osmotherley	Osmotherley Village Hall
Osmotherley and Swainby	West Harlsey	Osmotherley	Osmotherley Village Hall
Osmotherley and Swainby	Winton, Stank & Hallikeld	Osmotherley	Osmotherley Village Hall
Osmotherley and Swainby	Potto	Potto	Potto Village Hall
Osmotherley and Swainby	Whorlton	Whorlton	Swainby New Church Hall

New Ward 2015	Parish	Proposed Polling District Name	Proposed Polling Place
<b>Raskelf and White Horse</b>	<b>Angram Grange</b>	<b>Carlton Husthwaite</b>	<b>#Carlton Husthwaite Village Hall</b>
<b>Raskelf and White Horse</b>	<b>Carlton Husthwaite</b>	<b>Carlton Husthwaite</b>	<b>#Carlton Husthwaite Village Hall</b>
Raskelf and White Horse	Coxwold	Coxwold	Coxwold Village Hall
<b>Raskelf and White Horse</b>	<b>Kilburn High &amp; Low</b>	<b>Coxwold</b>	<b>#Coxwold Village Hall</b>
Raskelf and White Horse	Newburgh	Coxwold	Coxwold Village Hall
Raskelf and White Horse	Oulston	Coxwold	Coxwold Village Hall
<b>Raskelf and White Horse</b>	<b>Wildon Grange</b>	<b>Coxwold</b>	<b>#Coxwold Village Hall</b>
Raskelf and White Horse	Brafferton	Helperby	Helperby Millennium Hall
Raskelf and White Horse	Fawdington	Helperby	Helperby Millennium Hall
Raskelf and White Horse	Helperby	Helperby	Helperby Millennium Hall
Raskelf and White Horse	Myton-on-Swale	Helperby	Helperby Millennium Hall
Raskelf and White Horse	Husthwaite	Husthwaite	Husthwaite Village Hall
Raskelf and White Horse	Thornton-on-the-Hill	Husthwaite	Husthwaite Village Hall
Raskelf and White Horse	Birdforth	Raskelf	Raskelf Village Hall
Raskelf and White Horse	Raskelf	Raskelf	Raskelf Village Hall
Raskelf and White Horse	Thormanby	Raskelf	Raskelf Village Hall
Raskelf and White Horse	Thirkleby High & Low with Osgodby	Thirkleby	* Thirkleby Village Hall
Raskelf and White Horse	Tholthorpe	Tholthorpe	Tholthorpe Village Hall

<b>New Ward 2015</b>	<b>Parish</b>	<b>Proposed Polling District Name</b>	<b>Proposed Polling Place</b>
Romanby	Romanby Broomfield	Romanby	Broomfield Sacred Hearts RC School
Romanby	Romanby Romanby	Romanby	Romanby Methodist Church Hall
Sowerby and Topcliffe	Dalton	Dalton	Dalton Village Hall
Sowerby and Topcliffe	Eldmire with Crakehill	Dalton	Dalton Village Hall
Sowerby and Topcliffe	Hutton Sessay	Sessay	Sessay Village Hall
Sowerby and Topcliffe	Sessay	Sessay	Sessay Village Hall
Sowerby and Topcliffe	Sowerby	Sowerby	Sowerby Scout Hut
Sowerby and Topcliffe	Topcliffe	Topcliffe	Topcliffe Village Hall
Stokesley	Great & Little Broughton	Great And Little Broughton	Great Broughton Village Hall
Stokesley	Kirkby	Great And Little Broughton	Great Broughton Village Hall
Stokesley	Stokesley	Stokesley	Stokesley Town Hall

New Ward 2015	Parish	Proposed Polling District Name	Proposed Polling Place
Tanfield	Carthorpe	Carthorpe	Carthorpe Community Hall
Tanfield	Howgrave & Sutton with Howgrave	Kirklington	Kirklington Village Hall
Tanfield	Howgrave & Sutton with Howgrave	Kirklington	Kirklington Village Hall
Tanfield	Kirklington Cum Upsland	Kirklington	Kirklington Village Hall
Tanfield	Pickhill with Roxby	Pickhill With Roxby	Pickhill Primary School
Tanfield	Ainderby Quernhow	Sinderby	Sinderby and District Village Hall
Tanfield	Holme	Sinderby	Sinderby and District Village Hall
Tanfield	Howe	Sinderby	Sinderby and District Village Hall
Tanfield	Sinderby	Sinderby	Sinderby and District Village Hall
Tanfield	Firby	Snape With Thorp	Snape Village Institute
Tanfield	Snape with Thorp	Snape With Thorp	Snape Village Institute
<b>Tanfield</b>	<b>East Tanfield</b>	<b>Tanfield</b>	<b>#West Tanfield Memorial Hall</b>
<b>Tanfield</b>	<b>West Tanfield</b>	<b>Tanfield</b>	<b>#West Tanfield Memorial Hall</b>
Tanfield	Burrill with Cowling	Thornton Watlass	Thornton Watlass Village Hall
Tanfield	Clifton-on-Yore	Thornton Watlass	Thornton Watlass Village Hall
Tanfield	Rookwith	Thornton Watlass	Thornton Watlass Village Hall
Tanfield	Thirn	Thornton Watlass	Thornton Watlass Village Hall
Tanfield	Thornton Watlass	Thornton Watlass	Thornton Watlass Village Hall
Tanfield	Well	Well	Well Village Institute
Thirsk	Carlton Miniott	Carlton Miniott	Carlton Miniott - Vale of York
Thirsk	Catton	Sandhutton	* Sandhutton Village Hall
Thirsk	Kirby Wiske	Sandhutton	Sandhutton Village Hall
Thirsk	Newsham with Breckenbrough	Sandhutton	Sandhutton Village Hall
Thirsk	Sandhutton	Sandhutton	Sandhutton Village Hall
Thirsk	Skipton on Swale	Sandhutton	* Sandhutton Village Hall
Thirsk	Thirsk	Thirsk (East Of Cod Beck)	East Thirsk Community Hall
Thirsk	Thirsk	Thirsk (West Of Cod Beck)	Thirsk Friends Meeting House

\* Proposed changes to Polling Places

\*\* If the Old Oak Tree is unavailable South Kilvington School will be used # Polling Stations are correct (not being changed) errors on previous Annex C



## **HAMBLETON DISTRICT COUNCIL**

**Report To:** Cabinet  
10 June 2014

**Subject: POLICY FOR THE PROVISION OF SANITARY ACCOMMODATION FOR THE PUBLIC**

**All Wards**

**Portfolio Holder for Environmental and Planning Services: Councillor B Phillips**

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### **1.0 PURPOSE AND BACKGROUND:**

1.1 To establish standards of sanitary accommodation provision in premises servicing food and drink to which the public resort.

### **2.0 BACKGROUND**

2.1 Sanitary accommodation needs to be made available at premises to which the public resort. This is in order to

- a) protect the health and welfare of the public;
- b) protect and enhance the environmental quality of the area; and
- c) to enhance the experience of both residents and visitors to the area.

Historically, the Environmental Health Service has applied various standards during scheduled inspections, in response to enquiries or complaints, when giving advice regarding new premises or during the planning consultation process.

2.2 Legislation exists that requires suitable and sufficient sanitary accommodation for staff under the Workplace (Health, Safety and Welfare) Regulations 1992. In most circumstances this provision can also be used by the public too if the accommodation is accessible.

2.3 Facilities for the public can be required by the Local Authority under section 20 of the Local Government (Miscellaneous Provisions) Act 1976. This may follow evidence of need or complaints from customers.

2.4 Different standards can apply to new premises, premises undergoing conversion or alteration or existing premises. Standards can be applied more rigorously when planning applications are made whereas standards may be more difficult to achieve in existing premises, especially where space or the type of construction and layout prevents a desirable solution. The standards set out in British Standard BS 6465-1 – Sanitary Accommodation are not always applicable, particularly in relation to small catering businesses.

2.5 Standards of temporary facilities should be applied to outdoor or temporary events according to a risk assessment of their needs. Chapter 18 of the Purple Guide to Health and Safety and Welfare at Music and Other Events, which deals with issues relating to welfare and sanitary provision for those attending an event, will be relied upon to determine the suitability and sufficiency of sanitary and welfare facilities for workers and for the audience

at outdoor events. The provision of welfare facilities for the audience has positive benefits in controlling health risks and contributing to audience wellbeing and behaviour.

- 2.6 Account needs to be taken of the nature of many small businesses in buildings which are not readily suitable for alteration or addition of sanitary accommodation or where asking for extra facilities may jeopardise the viability of the business.
- 2.7 Facilities for disabled people must be provided in new or altered premises under the provisions of the Equality Act 2010. These facilities are taken into account when determining the total provision. Facilities for the disabled should also be provided in other premises where this is reasonable or practicable.
- 2.8 Facilities for staff should, where possible, only be used by them, especially in premises where they are handling open food. This need not apply to small premises with less than 20 covers.
- 2.9 Standards will be applied consistently. If a business or developer feels they have a justified reason why they cannot comply with the standards outlined in this Policy, they can apply in writing to the Environmental Health Manager for a waiver. This should be done before planning or building control permission is gained and before any works are undertaken or the application may be refused. In these cases, and those mentioned in paragraph 6 above, written agreements with neighbouring businesses may be taken into account. However, in the event that a sharing agreement ends then alternative arrangements may be required.
- 2.10 Businesses providing sanitary accommodation for public use may be able to levy a reasonable charge for their use.

### **3.0 LINK TO COUNCIL PRIORITIES:**

- 3.1 This Policy supports the Council Priorities by:-
- Improving the performance and productivity of our services - by delivering high quality services through the implementation of reasonable standards in a transparent and consistent way.
  - Ensuring the Planning Service supports the sustainable economic growth and development of the District – by setting clear and consistent standards for new development.

### **4.0 RISK ASSESSMENT:**

- 4.1 There are no significant risks associated with this Policy.

### **5.0 FINANCIAL IMPLICATIONS:**

- 5.1 There are no financial implications for the Council.

### **6.0 LEGAL IMPLICATIONS:**

- 6.1 The Local Authority has the power to require suitable and sufficient sanitary accommodation in premises to which the public can resort.

**7.0 RECOMMENDATION:**

7.1 That Cabinet approves and recommends to Council the Sanitary Accommodation Standards.

MICK JEWITT

**Background papers:** Local Government (Miscellaneous Provisions) Act 1976  
British Standard BS 6465-1 – Sanitary Accommodation Equality Act 2010  
The Purple Guide. Events Industry Forum. 2014

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100614 sanitary accommodation



HAMBLETON DISTRICT COUNCIL  
ENVIRONMENTAL HEALTH SERVICE

# SANITARY ACCOMMODATION STANDARDS

Date of Issue: July 2014

## Version Control

<i>Version No.</i>	<i>Amended by</i>	<i>Date</i>
1.0	Philip Mepham	2 <sup>nd</sup> April 2014

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### **1.0 Introduction & Background**

- 1.1. Sanitary accommodation needs to be made available at premises to which the public resort. This is in order to
  - a) protect the health and welfare of the public;
  - b) protect and enhance the environmental quality of the area; and
  - c) enhance the experience of both residents and visitors to the area.
- 1.2. Provisions exist in the Workplace (Health, Safety and Welfare) Regulations 1992 that require suitable and sufficient sanitary accommodation for staff. In many circumstances this provision can also be used by the public if the accommodation is accessible.
- 1.3. Facilities for the public can be required by the Local Authority under section 20 of the Local Government (Miscellaneous Provisions) Act 1976. This may follow evidence of need or complaints from customers.
- 1.4. Different standards can apply to new premises, premises undergoing conversion or alteration or existing premises. Standards can be applied more rigorously when planning applications are made whereas standards may be more difficult to achieve in existing premises, especially where space or the type of construction and layout

prevents a desirable solution. The standards set out in British Standard BS 6465-1 – Sanitary Accommodation are not always applicable, particularly in relation to small catering businesses or premises to which listed building consent or conservation area restrictions apply.

- 1.5. Standards of temporary facilities should be applied to outdoor or temporary events according to a risk assessment of their needs. Chapter 18 of the draft Purple Guide will be relied upon to determine the suitability and sufficiency of sanitary and welfare facilities for workers and for the audience at outdoor events. The provision of welfare facilities for the audience has positive benefits in controlling health risks and contributing to audience wellbeing and behaviour.
- 1.6. Account will be taken of the nature of many small businesses in buildings which are not readily suitable for alteration or addition of sanitary accommodation or where asking for extra facilities may jeopardise the viability of the business.
- 1.7. Facilities for staff should, where possible, only be used by them, especially in premises where they are handling open food. This need not apply to small premises with less than 20 covers.
- 1.8. Standards will be applied consistently. If a business or developer feels they have a justified reason why they cannot comply with the standards outlined in this Policy, they can apply in writing to the Environmental Health Manager for a waiver. This should be done before planning or building control permission is gained and before any works are undertaken or the application may be refused. In these cases, and those mentioned in paragraph 1.4 above, written agreements with neighbouring businesses may be taken into account. However, in the event that a sharing agreement ends then alternative arrangements may be required.
- 1.9. In the absence of more reliable information, it is assumed that 50% of customers are male and 50% female.
- 1.10. Occupancy of licensed premises should be calculated at the rate of 4 people per 3m<sup>2</sup> of Effective Drinking Area (EDA).
- 1.11. Where unisex toilets are provided, W.Cs should be in self-contained toilets with full height walls and doors.
- 1.12. Although BS6465-1:2006 contains standards for the provision of sanitary accommodation, it is considered excessive in relation to the standards required of small catering businesses.
- 1.13. Businesses providing sanitary accommodation for public use may be able to levy a reasonable charge for their use.

## 2.0 **Equality Act 2010**

- 2.1 Facilities for disabled people must be provided in new or altered premises under the provisions of the Equality Act 2010 and Building Regulations where reasonable and practicable. These facilities will be taken into account when determining the total provision. Facilities for the disabled should also be provided in other premises where this is reasonable and practicable.

- 2.2 The Equality Act 2010 applies to premises that supply goods or services by imposing a duty to make changes to overcome barriers created by the physical features of their premises.
- 2.3 Where a physical feature, including toilets and washing facilities, puts disabled people using a service at substantial disadvantage, the business must take reasonable steps to:-
- Remove the feature (this may not be an option if sanitary accommodation are required);
  - Alter it so that it no longer has that effect;
  - Provide a reasonable means of avoiding the feature; or
  - Provide a reasonable alternative method of making the service available to disabled people.
- 2.4 The facilities themselves also need to be readily accessible as well as being adequately set out internally. These two aspects may require the landlord's permission to alter rented premises. Planning and Building Control permission or consent may also be needed.
- 2.5 The business must be aware that disabled people are a diverse group with different requirements. Businesses are not expected to anticipate the needs of every individual who may use their premises. However businesses are required to think about and take reasonable steps to overcome features that may create a disadvantage for people with particular kinds of impairment e.g. mobility.

### Tables

<b>Table 1 – Restaurants, cafes, canteens and catering premises (non-liquor licensed premises) – less than 20 covers</b>		
Appliances	For male customers	For female customers
WC		1
Wash hand basin		1

<b>Table 2 – Restaurants, cafes, canteens and catering premises (non-liquor licensed premises) – 20 to 50 covers</b>		
Appliances	For male customers	For female customers
WC	1	1
Wash hand basin	1	1

<b>Table 3– Restaurants, cafes, canteens and catering premises (non-liquor licensed premises) – 50 - 100 covers</b>		
Appliances	For male customers	For female customers
WC	1	2
Urinal	1	
Wash hand basin	2	2

<b>Table 4 – Restaurants, cafes, canteens and catering premises (non-liquor licensed premises) – over 100 covers</b>		
Appliances	For male customers	For female customers
WC	1 per 100 up to 400 males plus 1 for every additional 250 (or part of 250) males	2 per 50 up to 200 females plus 1 for every additional 100 (or part of 100) females
Urinal	1 per 50 males	
Wash hand basin	1 per WC plus 1 per 5 (or part of 5) urinals	1 per WC
Cleaners sink	Adequate provision should be made for cleaning facilities including at least one cleaner's sink.	

<b>Table 5 – Buildings used for public entertainment or similar (non-liquor licensed premises)</b>		
In single screen cinemas, theatres, concert halls and similar premises without licensed bars		
Appliances	For male customers	For female customers
WC	1 for up to 250 males plus 1 for every additional 500 (or part of 500) males	2 for up to 40 females 3 for 41 to 70 females 4 for 71 to 100 females Plus 1 for every additional 40 (or part of 40) females
Urinal	2 for up to 100 males plus 1 for every additional 80 (or part of 80) males	
Wash hand basins	1 per WC plus 1 per 5 (or part of 5) urinals	1 plus 1 per 2 (or part of 2) WCs
Cleaners sink	Adequate provision should be made for cleaning facilities including at least one cleaners sink.	
Notes: Where buildings for public entertainment or similar have licensed bars, facilities should also be provided in accordance with table 6, based on the capacity of the bar		

<b>Table 6 – Public houses and Licensed Bars</b>		
Appliances	For male customers	For female customers
WC	1 for up to 150 males plus 1 for every additional 150 (or part of 150) males	1 for up to 12 females plus 1 for 13 to 30 females plus 1 for every additional 25 (or part of 25) females.
Urinal	2 for up to 75 males plus 1 for every additional 75 (or part of 75) males	
Wash hand basins	1 per WC and an additional 1 per 5 (or part of 5) urinals	1 per 2 WCs
Cleaners sink	Adequate provision should be made for cleaning facilities including at least one cleaners sink.	
Notes:	In public houses you may assume a ratio of 75% male customers to 25% female customers unless the proposed clientele is known to be different.	



<b>Table 7 – Place of work – for staff</b>			
Sanitary appliances for any group of staff			
Number of persons at work	Number of WCs	Number of wash hand basins	
1 to 5	1	1	
6 to 25	2	2	
26 to 50	3	3	
51 to 75	4	4	
76 to 100	5	5	
Above 100	One additional WC and washing station for every 25 (or part of 25) persons		
Alternative scale of provision of sanitary appliances for use by male staff only			
Number of males at work	Number of WCs	Number of urinals	Number of wash hand basins
1 to 15	1	1	1
16 to 30	2	1	2
31 to 45	2	2	2
46 to 60	3	2	3
61 to 75	3	3	3
76 to 90	4	3	4
91 to 100	4	4	4
Above 100	One additional WC for every 50 (or part of 50) males plus at least one additional urinal for every one extra WC.		
Note 1: You should also see the Workplace (Health, Safety and Welfare) Regulations 1992			
Note 2: Where work activities result in the heavy soiling of hands and forearms, wash hand basins should be provided for the staff as follows:			
a) One wash hand basin per 10 (or part of 10) people at work up to 50 people			
b) For more than 50 people, one additional wash hand basin for every further 20 (or part of 20) people.			
Note 3: Where sanitary conveniences provided for staff are also used by the public, the numbers given in table 7 should be increased by at least one for each sex so that staff can use the facilities without undue delay.			

<b>Table 8 – Hotels</b>			
Type of accommodation	Appliances/facilities	Number required	Remarks
Hotel with en-suite accommodation	En suite	1 per residential guest bedroom	Containing bath/shower, WC and wash hand basin
	Staff bathroom	1 per 9 residential staff	Containing bath/shower, WC and wash hand basin
	Bucket/cleaners sink	1 per 30 bedrooms	At least 1 on every floor
Hotels and guest houses without en-suite accommodation	WC Wash hand basin Bathroom	1 per 9 guests 1 per bedroom 1 per 9 guests	Containing bath/shower, WC and wash hand basin

	Bucket/cleaners sink	1 per floor	
Tourist hostels	WC	1 per 9 guests	Containing bath/shower, WC and wash hand basin
	Wash hand basin	1 per bedroom or 1 for every 9 guests in a dormitory	
	Bathroom	1 per 9 guests	
	Cleaner's sink	1 per floor	

**Table 9 – Residential homes and Nursing Homes for elderly people**

Type of accomm.	Appliances	Number recommended	Remarks
Residents	WC	1 per 4 persons	An adequate wash hand basin is also required
	Bath	1 per 10 persons	
	Wash hand basin	1 to each bedsitting room	
Staff	WC	At least 1 for staff	
	Wash hand basin	1	In WC compartment
Visitors	WC	1	
	Wash hand basin	1	In WC compartment
Kitchen	Sink	As appropriate	
Cleaners room	Cleaner's sink	1	In each cleaners room
Other	Bed cleaning/disposal pan	As appropriate	Service area

**Table 10 – Outdoor music and similar events**

For events with a gate opening time of 6 hours or more		For events with a gate opening time of less than 6 hours	
Male	Female	Male	Female
1 WC per 500 males plus 1 urinal per 150 males	1 WC per 100 females	1 WC per 600 males plus 1 urinal per 175 males	1 WC per 120 females
1 wash hand basin per 5 (or part of 5) WCs plus 1 per 5 (or part of 5) urinals		1 wash hand basin per 5 (or part of 5) WCs	

**Table 11 – Nursery Schools and Play Schools**

WCs	1 per 10 pupils (not less than 4)
Wash hand basins	1 per WC/urinal
Deep sink, bath or shower	1 per 40 pupils

## **HAMBLETON DISTRICT COUNCIL**

**Report To:** Cabinet  
10 June 2014

**Subject:** **FOOD SERVICE PLAN 2014/2016, FOOD AND ENVIRONMENT SAMPLING POLICY and FOOD SAFETY ENFORCEMENT POLICY**

All Wards  
Portfolio Holder for Environmental and Planning Services: Councillor B Phillips

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### **1.0 PURPOSE AND BACKGROUND:**

- 1.1 This report is required to demonstrate that food safety services and their enforcement within Hambleton are properly organised in order to minimise the risk of food poisoning or harm to consumers within Hambleton and beyond.
- 1.2 The Plan is required to comply with the requirements of the Food Standards Agency and the Regulators' Code in relation to the development of food enforcement services and their enforcement.

### **2.0 INFORMATION AND ANALYSIS**

- 2.1 A Code of Practice was issued under section 40 of the Food Safety Act 1990, regulation 26 of the Food Safety and Hygiene (England) Regulations 2013 and regulation 6 of the Official Feed and Food Controls (England) Regulations 2009. This prescribed how food legislation must be enforced by Food Authorities.
- 2.2 As part of the Food Standards Agency's (FSA) work to strengthen and develop links with local authority enforcement, an Enforcement Liaison Group was established. This group developed a Framework Agreement on Official Feed and Food controls by Local Authorities. The 5<sup>th</sup> amendment was published in April 2010. This takes into account the Government's better regulation agenda and the principles of good regulation.
- 2.3 The Framework Agreement requires that three principle policy documents should receive member approval:-
  - a) The Food Service Plan (appendix 1) ensures that national priorities and standards are addressed and delivered locally. It also enables services to reflect local needs and priorities and provides a means for monitoring compliance with the Code of Practice.
  - b) The Food and Environment Sampling Policy (appendix 2) is required to indicate the Authority's basis for the sampling programme and an estimate of the numbers and types of samples that will be taken from establishments, or submitted in relation to complaints.
  - c) The Food Safety Enforcement Policy should be up to date, available to food business operators and should cover all areas of food law that the Food Authority has a duty to enforce and include criteria for the use of all the enforcement options that are available. A generic Environmental Health Enforcement Policy has been produced which covers general issues. The Food Safety Enforcement Policy has been amended to take into account minor changes in legislation since 2012.

**3.0 LEGAL IMPLICATIONS:**

3.1 These are contained within the body of the policies and plans.

**4.0 FINANCIAL IMPLICATIONS:**

4.1 There are no financial implications in this report. All services will be provided from within existing budgets.

**5.0 RISK ASSESSMENT:**

5.1 There are no risks associated with this report.

**6.0 EQUALITY AND DIVERSITY:**

6.1 Equality issues will be taken into account during future Service Plans once the levels of representation of minority communities and the perceptions of communities have been ascertained.

**7.0 RECOMMENDATIONS:**

7.1 That Cabinet approves and recommends to Council the Food Service Plan 2014-2016, the Food and Environment Sampling Policy and the Food Safety Enforcement Policy.

MICK JEWITT

**Background papers:** The Framework Agreement on Official Feed and Food Controls by Local Authorities – amendment 5, April 2010 – Food Standards Agency Regulators’ Code. BRDO. July 2013.

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100614 food service plan



HAMBLETON DISTRICT COUNCIL  
ENVIRONMENTAL HEALTH SERVICE

# FOOD SERVICE PLAN

## 2014/16

Date of Issue

Version Control

<i>Version No.</i>	<i>Amended by</i>	<i>Date</i>
1.0	Philip Mepham	26/3/14

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## 1.0 Introduction

The Council, being a Food Authority, is responsible for the enforcement of food safety in approximately 1,117 premises within Hambleton District Council (HDC). This includes premises at all stages in the food chain ranging from farm producers of food, food manufacturers and processors through to retail food premises, food vehicles restaurants and other premises involving catering.

The Food Standards Agency (FSA), amended its Framework Agreement in April 2010 to take into account the Agency's new Vision for food law enforcement, and the FSA Framework for Regulatory Decision Making, which takes account of the Government's better regulation agenda and principles of good regulation. This Framework Agreement requires all local authorities to prepare a Food Service Plan which reviews the implementation of the previous year's plan and details the delivery of their food safety enforcement responsibilities for the current year.

This plan is seen as an important document ensuring that national priorities and standards are addressed and delivered locally. This service plan will also:

- Focus debate on key delivery issues;
- Provide an essential link with financial planning;
- Set objectives for the future, and identify major issues that may cross service boundaries;
- Provide a means of managing performance and making performance comparisons.

This Food Service Plan has been drafted having regard to the FSA "Standard" and guidance and has been produced by the Environmental Health Service.

The plan seeks to ensure that all national priorities and standards are delivered locally and provides a balanced approach to local food safety enforcement. This is achieved by not merely directing resources towards the programmed inspection and intervention process, but also by ensuring that adequate provision is made to address food complaints, food poisoning notifications and other reactive work, advice to businesses, and also the ability to follow-up intelligence driven areas of work such as sampling and targeted inspections.

Local authorities are permitted to select the most appropriate action to be taken to drive up levels of compliance by food establishments with food law.

## 2.0 Service Objectives and Links

### 2.1 Aim and Objectives

The Aim is to ensure the safe and hygienic production, storage, distribution and sale of food and drink through the enforcement of legislation, the provision of advice and information to consumers and the operators of food businesses, and the collection of information about the microbiological quality of food produced or bought within the District through achievement of the following objectives:-

- Delivery of an annual programme of food hygiene interventions including inspections and enforcement in accordance with statutory requirements, codes of practice and guidance.

- Supporting the annual interventions programme with an annual microbiological food and water sampling programme.
- Investigating complaints within service standards and to take appropriate action in accordance with Codes of Practice and Guidance.
- Supporting food businesses and consumers with targeted promotional advice and educational initiatives together with providing information and advice on food safety to food businesses and consumers and co-ordinating training.
- Taking appropriate enforcement action in accordance with the Council's Food Safety Enforcement Policy.
- Investigating cases and outbreaks of food borne infections in close co-operation with Public Health England and, where appropriate, other health care professionals.
- Ensuring that public and private drinking water supplies are safe and wholesome.
- Investigating and assessing the fitness of food and the hygienic conditions of food premises, practices and personnel.
- The inspection of hygiene on food vehicles and mobile food premises trading within the District.
- Providing information about the hygienic standards of food premises through the Food Hygiene Rating Scheme
- Working with others to encourage healthy eating
- Improving the way information is collected, analysed and used.
- Ensuring that food imported from outside the EU, complies with the EC Regulations and, where this is found not to be case, taking appropriate action.

## **2.2 Links to corporate priorities**

- The Food Service is linked to the Council's Business Plan
- The Food Service is an integral part of the Environmental Health Service.

## **3.0 Background**

### **3.1 Profile of the Local Authority**

<p>Hambleton District Council</p> <p>87,300 population</p> <p>131,117 hectares</p> <p>44 Local District Councillors</p> <p>177 Parishes</p> <p>78 Parish Councils</p> <p>5 market towns</p> <p>2 Parliamentary Constituencies</p>
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The District is a mixed area of urban and rural landscape. Predominant employment is associated with rural/farming and tourism.

### **3.2 Political Arrangements**

Under the Constitution of the Council the Director of Environmental and Planning Services has delegated authority for all enforcement including food safety.



This Food Service Plan is reported to the HDC Cabinet whose minutes are approved by the Council.

### 3.3 The Scope of the Environment Health Service

In April 2013 the District signed a service level agreement with Richmondshire District Council which provides an Environmental Health Service for both Districts. As a District Council the Authority is responsible for the full range of food hygiene duties under the Food Safety Act 1990, Food Safety and Hygiene (England) Regulations 2013 and associated EC Regulations.

Primary Production, Food Standards and Animal Feeding Stuffs are the responsibility of the North Yorkshire County Council Trading Standards Service.

### 3.4 Specialist External Services/Partners

Food Analytical Services	West Yorkshire County Analysts plus specialist service providers as necessary
Food Examiner	Public Health England - Food, Water and Environment Microbiology Laboratory at York
Proper Officer	Public Health England – Yorkshire and the Humber Consultant in Communicable Disease Control
Public Health	Director of Public Health, North Yorkshire County Council

### 3.5 Service Delivery Point:

Hambleton District Council Civic Centre Stone Cross NORTHALLERTON North Yorkshire DL6 2UU  Tel: 01609 779977 Fax: 01609 767248 Website: <a href="http://www.hambleton.gov.uk">www.hambleton.gov.uk</a> Email: <a href="mailto:ehs@hambleton.gov.uk">ehs@hambleton.gov.uk</a>
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### 3.6 Demands on the Environmental Health Service

The area contains a mix of manufacturing, retail and catering premises. Catering and retail are the dominant sectors within this mix. The businesses are predominantly small to medium sized establishments.

<i>Types of Premises</i>		<i>Estimated Number of premises at May 2013</i>	
Laems cat.	Laems description	HDC	RDC
A	Primary producers	13	8
C	Manufacturers etc	62	39
E	Importers/exporters	5	0
F	Distributors/transporters	22	11
G	Retailers	221	129
H	Restaurants & caterers	794	620
<b>Total</b>		<b>1117</b>	<b>807</b>
Of which:			
Approved premises (including egg packing establishments)		24	8
Premises where the Service acts as Primary Authority		0	0

### 3.7 Enforcement Policy

HDC has a written and Member approved Food Safety Enforcement Policy that incorporates all enforcement activity. The Food Law Code of Practice describes the interventions that can be used and the circumstances in which they should be used. The Food Service will use the range of official controls as detailed in that Code.

All enforcement action will be undertaken having regard to the Food Safety Enforcement Policy. This may range from informal action, through to the service of formal hygiene improvement or hygiene emergency prohibition notices, or ultimately the issue of simple cautions or recommendations for prosecution. The main aim is to ensure that all food businesses within the District produce food that is safe to eat and that they comply with the requirements of food safety legislation. This enforcement policy is available through the Council's website.

The Food Standards Agency is currently completing a consultation exercise of the Framework for Policy Making in the FSA and propose to revise it as required, taking into account the views of stakeholders.

### 4.0 Service Delivery

#### 4.1 Food Premises Interventions

The Council's policy is to carry out programmed interventions in accordance with the minimum inspection frequencies specified in the current Food Law Code of Practice. The Council will choose the most appropriate action to be taken to drive up levels of compliance with food law by food establishments.

Interventions are all prioritised in accordance with the food safety ratings derived from risks posed by the premises. This is assessed in relation to the nature of the food handling involved, the standards maintained, and the quality of management.

Premise Profile (Risk Categories A-E)	Estimated Number of Premises (as at 01/04/14)		Estimated number of inspections/audits required annually	
	HDC	RDC	HDC	RDC
Category A	2	1	1	0
Category B	39	23	36	23
Category C	373	248	233	170
Category D	176	121	52	39
Category E *	221	289	50	75
Unrated and others not recently visited	179	125	(179)	(125)
Childminders (removed from the inspection programme 2014)	(127)	n/a		
<b>Total</b>	<b>990</b>	<b>807</b>	<b>372**</b>	<b>307**</b>

\*Alternative enforcement strategies will be implemented for the majority of these low risk food premises in accordance with the Food Safety Act Code of Practice, and the North Yorkshire Chief Environmental Health Officers' Quality Management System procedures.

\*\* Not including unrated premises

	HDC	RDC
Estimated number of revisits	100	100
Estimated number of additional inspections to new premises	250	150

Performance Indicators:	100% Category A premises 90% Category B premises 85% Category C premises 70% Category D
-------------------------	--

## 4.2 Food Complaints

Requests for service about the condition of food, food premises, practices or personnel are investigated. The Council's policy is to give a first response within 3 working days to all food and food premises complaints. The performance standard is to respond to 95% of complaints within 3 days.

	HDC		RDC	
	12/13	13/14	12/13	13/14
Estimated number of food complaints per annum	34	27	12	9

## 4.3 Home and Primary Authority Scheme

The operation of the Primary Authority scheme is a statutory responsibility of the Better Regulation Delivery Office (BRDO). The Primary Authority scheme ensures that businesses trading across authority boundaries are regulated in a consistent way. Companies have the legal right to form a partnership with a 'primary authority', providing robust and reliable advice on compliance that other councils must take into account, and setting inspection plans to guide and coordinate activity. The Council will continue to comply with the requirements of the Home Authority Scheme. The

Council has not been requested to enter into a formal agreement with any local company for either Home or Primary Authority status.

#### 4.4 Advice to Business

The Council has a policy of offering advice to any business that has trading premises within our area unless the trader has a Primary Authority arrangement with another Local Authority.

Advice is also given when planning applications are submitted relating to new food businesses

The Council is continually developing its website in order to improve, in particular, the access to specialist food safety advice.

	HDC		RDC	
	12/13	13/14	12/13	13/14
Estimated number of advice contacts per annum:	375	444	60	160

#### 4.5 Food and Environment Sampling and Inspection

The Council has a written and approved Food and Environment Sampling Policy in compliance with the Food Law Code of Practice. The Policy is to sample food and drink supplied, produced and sold within the District, in accordance with a planned sampling programme, to assess its safety and quality and where necessary in response to food complaints/investigations. The Council will also participate in North Yorkshire-wide, national and European sampling programmes where relevant.

	HDC	RDC
Estimated number of routine food samples as part of the sampling programme per annum	250 in the two districts	
Estimated number of complaint samples which will be submitted for examination/analysis	1 or 2	1 or 2
Estimated number of surrender visits	2	2

All formal food samples will be submitted to the West Yorkshire County Analyst for analysis or to Public Health England, Microbiological Services, Food, Water and Environment Microbiology Laboratory at York for examination.

#### 4.6 Control and investigation of Outbreaks and Food Related Infectious Disease

The Council investigates all outbreaks and notifications of food related disease in accordance with procedures agreed with its North Yorkshire partners and advice from its Proper Officer. Close working links exist with North Yorkshire & York Community Infection and Control service, and other health organisations and groups in the region.

	HDC		RDC	
	12/13	13/14	12/13	13/14
Estimated number of notifications of food related infectious diseases per annum*	186	41	96	24
Estimated number of outbreaks	1		1	

\* Numbers reduced due to reduction in notification of Campylobacter isolations.

#### 4.7 Food Safety Incidents

The Council will comply with the Food Law Code of Practice in relation to the handling of national food safety incidents and alerts. This now includes Allergy Alerts. To improve the communication of incidents and alerts a specific link with the Food Standards Agency website has been created on the Council's website.

	HDC and RDC
Estimated number of food alerts where action is required p.a.	12

#### 4.8 Liaison with other organisations and partnership working

The Council participates in the following liaison groups or organisations related to food safety issues in an endeavour to ensure that the service and/or any enforcement action taken within the District is consistent with those of neighbouring local authorities, that service improvements can be identified, and that competence based training can be assessed.

- North Yorkshire and York Community Infection Prevention Team
- Public Health England – Yorkshire and the Humber team
- North Yorkshire Chief Environmental Health Officers Group and Associated Food Liaison Groups
- Uni-form User Group (Environmental Health IT system)
- Care Quality Commission (CQC)
- North Yorkshire District Control of Infection Committee (NYDCIC)
- North Yorkshire Health Protection Board
- Yorkshire Zoonoses Group
- Public Health England, PHE Food, Water and Environment Microbiology Laboratory, York Sampling Liaison Group
- Yorkshire Water
- Northumbria Water
- OFSTED
- Better Regulation Delivery Office

The resources required for this work depends on the nature of issues discussed and frequencies of meetings, which are largely beyond the control of the Council.

We will work with other organisations to undertake joint initiatives and extend our effectiveness through this increased capacity.

#### 4.9 Food Safety Promotion

We will be considering bidding for funds to undertake food safety promotions. The Service aims to be active in food safety promotions and tries to employ innovative approaches to ensure the food safety message reaches the widest possible target audience.

Food hygiene training through local service providers will be promoted through the Council's website.

To assist proprietors of small businesses in meeting the legal requirements which came into force in January 2013, the Food Standards Agency introduced a simplified food safety management system, "Safer Food Better Business", that they suggest should be promoted to catering businesses that need help. In 2014/15 we will continue to promote the uptake of this food safety management model within the District.

We promote food safety with messages on the Council's website and with leaflets available from the Council offices. This includes Food Safety Week. Since 2011/12 40 Leaflets have been developed and publicised concerning food hygiene and safety and we will continue to develop this source of advice to the food trade and consumers.

#### 4.10 Food Hygiene Rating Scheme

The Council implemented the national scheme during 2011. In the first 2.5 years of operation the profile of award holders was as shown below:-

Score	5th September 2011		8 <sup>th</sup> March 2012		20 <sup>th</sup> March 2014	
	HDC	RDC	HDC	RDC	HDC	RDC
0	2	0	3	2	0	0
1	34	13	21	15	15	7
2	16	8	16	10	11	9
3	117	39	95	28	54	18
4	94	53	131	65	105	57
5	217	233	302	275	445	322
Exempt premises					4	12
Total on FSA website	480	346	568	395	634	425

Requests for revisits to check changes in score

Hambleton		Richmondshire	
12/13	13/14	12/13	13/14
19	32	18	27

#### 4.11 Food and Nutrition

The development of the new Public Health arrangements will result in opportunities for Local Authorities to develop food nutrition initiatives. These are especially valuable in this District because of the high levels of obesity and comparatively low levels of consumption of fruit and vegetables.

## 5.0 Resources

### 5.1 Financial Allocation

The Food Safety Service financial costs are contained within the 'Food Safety' cost centre. Further work will be undertaken during 2014/15 to ascertain the true cost of the service. The budget for the total food hygiene service is as follows.

Food Safety Service	2014/2015 budget
Staff costs	117,000
Transport costs	3,231
Supplies & services	1,026
Recharges	355
Total costs	121.612
Income	12,000
Net costs	109.612

### 5.2 Staffing Allocation

The Environmental Health Service is responsible for the delivery of a range of services in addition to food safety i.e. health and safety, health promotion, licensing, pollution control, air quality, contaminated land, pest control & abatement of nuisance.

	f.t.e
The total resource currently available	27
EH Tech Support	0.9
Of the above, the estimated in-house resource to deliver the food safety service	4.6

### 5.3 Staff Development Plan

A staff competency scheme has been prepared to incorporate the existing national food competency schemes and to conform with the Council's Competency Scheme. This will be reviewed during 2014/15 to incorporate the RDNA initiative on the BRDO website.

The Council's policy is to comply fully with the requirements of the Food Law Code of Practice in relation to staff training and the qualifications of Authorised Officers. This requires that food safety work is only undertaken by appropriately trained and experienced officers. This necessitates access to external training on specialist topics, supplemented by regular in-house and liaison group arranged update training for authorised food safety officers.

The Authority has a Staff Development Scheme and general staff development is subject to annual appraisal and ongoing monitoring. In addition the Environmental Health Service subscribes to the North Yorkshire Chief Environmental Health Officers' Training Group and are able to influence training delivery based upon known training needs.

## **6.0 Quality Assessment**

### **6.1 Quality Management and Internal Monitoring**

The Council is a signatory to the North Yorkshire Chief Environmental Health Officers' Food Safety Quality Management System. The Council's policy is to carry out all areas of food service delivery in accordance with this system and in particular to fulfil the inter- and intra-authority audit requirements as set out in the quality system. The system received initial accreditation by ISOQAR in accordance with ISO 9002:1994 on 13 November 2002 and was updated to the 9001:2000 standard in March 2004. This quality management system was revised to bring it into line with ISO 9001:2008 in November 2010 and version 4 of the Quality Manual was published on 20<sup>th</sup> September 2010. Re-evaluation of the QMS was undertaken in January 2012 and the system re-accredited.

## **7.0 Review**

### **7.1 Reviews against the Service Plan**

The Service Plan will be reviewed by the Environmental Health Manager against the 9 key service monitoring indicators identified in Section 4 of this Service Plan at least annually and results reported to the Portfolio Holder. The review will be linked with the annual budgetary process and the review of service performance.

Performance is monitored monthly within the service with a quarterly management review of progress reported to the appropriate Performance Board.

This plan will be reviewed annually in the light of previous performance, feedback from food businesses, consumers, other stakeholders and partners. A revised plan will be published for consultation during each autumn prior to subsequent consideration by the Licensing Committees of the District.

### **7.2 Identification of Any Variance from Service Plan 2013/14**

Last year has again been another exceptionally busy year with the staff involved in working on developing the District's services and developing processes.

Our involvement in work associated with the approval of new manufacturing premises under the product specific legislation, has continued. This work requires a high level of technical skill and is very demanding on resources.

### **7.3 Key Service Achievements 2013/14**

Key service achievements over the period of the plan included:-

- Produced information leaflets to help food businesses during Tour de France in July 2014.
- Changes all documents, letters and notices following changes in food hygiene legislation;
- Whistleblowing Policy created and approved;
- Joint investigation carried out with other North Yorkshire Authorities, Police, Trading Standards into alleged illegal food animal slaughter. 0.75 tonnes of



meat was seized and condemned by magistrates. This operation involved the whole food service team;

- Increasing number of changes to food businesses followed up within 28 days by visit and offer of advice on compliance;
- Promotions undertaken in relation to food hygiene in Village Halls and the dual use of vacuum packing machines;
- Participation in North Yorkshire exercise in relation to theft and illegal slaughter of sheep;
- Work started with Fire and Rescue Service promoting joint issues in bed and breakfast premises;
- Food Safety Week supported with promotion on domestic kitchen hygiene;
- Many situations found in various food premises where Hygiene Improvement Notices served due to filthy conditions – resolved without further legal proceedings.
- At 24<sup>th</sup> March no premises were rated 0 in the Food Hygiene Rating Scheme and the proportion of premises scoring 5 increased to 70% from 53% in March 2012.

#### 7.4 Customer Satisfaction Survey (to be checked)

Business perception of the service was surveyed during Q4 of 2013/14. The responses were as follows:-

Q1	How satisfied were you with the following:							
		Very satisfied	Fairly satisfied	Fairly dissatisfied	Very dissatisfied	Don't know	N/A	No reply
	The service provided	8 (88.9%)	1 (11.1%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
	How regularly you received updates	5 (55.6%)	2 (22.2%)	1 (11.1%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	1 (11.1%)
	How fairly you were treated	8 (88.9%)	1 (11.1%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
	How you were informed of the outcome	8 (88.9%)	0 (0.0%)	1 (11.1%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)

#### 7.5 Areas for Improvement 2014/16

The following areas of service development have been identified for 2014/16:-

- Deliver a planned program of food safety interventions in accordance with the requirements of the Food Standards Agency Code of Practice.
- Deliver a co-ordinated food sampling program in support of the above taking full advantage of the Public Health England laboratory's credit allocation.
- Implement customer satisfaction surveys for relevant food service activities.
- Improve the accuracy of the food premises database
- Review and further develop the content of the website
- Improve the collection and recording of information by enforcement staff

- Develop and implement a programme of food hygiene promotions
- Develop and promote food nutrition initiatives and other initiatives as part of the newly emerging public health arrangements
- Revise and update the quality management system.
- Develop improved communications with food businesses
- Improve communications and collaborative working with Trading Standards and other enforcement agencies.
- Improve access to food hygiene training for businesses.

## **8.0 Glossary of Terms**

### **Duty Holder**

The individual or corporate body with the primary responsibility for meeting the legal requirements in the area under consideration.

### **Food Hygiene Interventions**

Food hygiene interventions are activities which are designed to monitor, support and increase Food Law compliance within a food establishment. These include 'official controls' such as monitoring, surveillance, verification, audit, inspection and sampling. In addition, there are other interventions which are not classed as 'official controls' which should assist in supporting food businesses achieve compliance with Food Law. These include the provision of targeted educational and advisory visits that take place at food establishments and also information and intelligence gathering.

### **North Yorkshire Chief Environmental Health Officers (NYCEHO) Food Safety Quality Management System**

A quality system developed through the Chief Environmental Health Officers Group within North Yorkshire in order to raise standards and consistency of food safety enforcement within the region.

### **Primary Authority**

The operation of the Primary Authority scheme is a statutory responsibility of the Better Regulation Delivery Office. The Primary Authority scheme ensures that businesses trading across council boundaries are regulated in a consistent way. Companies have the legal right for the first time to form a partnership with a 'primary authority', providing robust and reliable advice on compliance that other councils must take into account, and setting inspection plans to guide and coordinate activity.

### **Portfolio Holder**

Elected Councillor with specific responsibility for food safety matters.

### **Regulators' Code**

A code of practice developed by the Better Regulation Delivery Office (BRDO) intended to promote efficient and effective approaches to regulatory inspection and enforcement which improve regulatory outcomes without imposing unnecessary burdens on businesses, charities, public sector bodies and other regulated entities.

### **“Safer Food Better Business” (SFBB)**

A food safety model which has been adopted by the FSA in England, to assist small businesses with the implementation of suitable management arrangements to control food safety within their business.

### **Simple Caution**

An alternative to prosecution which aims to:-

- deal quickly and simply with less serious offenders,
- divert offenders where appropriate from appearing in the criminal courts, and
- reduce the chances of people re-offending.

### **Stakeholder**

A person or body, both within the community or the organisation in question, who either uses, or is affected by, or has some interest in, the service in question.

## **9.0 Service Review**

This Service Plan is prepared by the Lead Officer for the Commercial team together with the Environmental Health Manager. The draft plan is then agreed with the appropriate Director and submitted for approval by Hambleton District Council's Cabinet

The Plan is reviewed every two years or whenever legislation or Guidance is published that affects the content of the plan.

### Food Service Plan - Monitoring Criteria

	Service Plan Section	Indicator	Standard	Target	Monitoring link to North Yorkshire Quality System
1	4.1	To deliver the required number of premises inspections while maintaining quality.	Sec 7 – FSA*	100% A , 90% B, 85% C, 70% D All within the reporting year (April to March)	Sec 13 – NYQMS
2	4.2	To resolve all food complaints and food premises complaints.	Sec 8 – FSA	95% first response within 1 working day 95% resolved within 3 months	Sec 25 – NYQMS Sec 14 – NYQMS
3	4.3	To pursue the Home and Primary Authority Principle.	Sec 9 – FSA	To provide advice to all food businesses where Home and Primary Authority arrangements are in place.	Sec 19 - NYQMS Documentary evidence
4	4.4, 4.9	To promote safe food through advice to business and promotional activity.	Sec 10 - FSA Sec 21 – FSA	To include each year at least 1 of the FSAs examples within their enforcement mix.	Documentary evidence
5	4.5	To achieve the target demanded by the food sampling programme.	Sec 12 – FSA	90% of target within the local food sampling plan of which 10% is of imported food.	Sec 21 – NYQMS
6	4.6	To investigate all incidents of food borne illness notified to the authority.	Sec 13 – FSA	To be determined by North Yorkshire Infectious Disease sub group (reporting to the North Yorkshire Food Liaison Group).	Sec 21 – NYQMS
7	4.7	To investigate and take action on all food hazard warnings.	Sec 14 – FSA	100% actioned in accordance with local decisions.	Sec 3 – NYQMS
8	4.8	To promote liaison with other key organisations.	Sec 18 – FSA	Each authority will be represented at the North Yorkshire Food Liaison Group, have liaison arrangements with their Public Health England Laboratory Service and the North Yorkshire Control of Infection Committee.	Documentary Evidence
9	3.7	To monitor compliance of enforcement decisions with Enforcement Policy		To be fully developed following revision of the Food Safety Enforcement Policy	



HAMBLETON DISTRICT COUNCIL  
ENVIRONMENTAL HEALTH SERVICE

# FOOD AND ENVIRONMENT SAMPLING POLICY

## 2014/2016

Date of Issue

### Version Control

<i>Version No.</i>	<i>Amended by</i>	<i>Date</i>
1.0	Philip Mepham	
2.0	Maria Bentley	19.04.12
2.1	Philip Mepham	7 <sup>th</sup> April 2014

## **1.0 Introduction**

- 1.1 The purpose of this document is to state the policy of Hambleton District Council in respect of food and environment sampling.
- 1.2 This Policy has been prepared in accordance with the requirements of the Food Standards Agency as part of the Framework Agreement on Local Authority Food Law Enforcement and the Food Law Code of Practice (April 12) and Practice Guidance (April 2012).
- 1.3 This Policy has been drawn up in consultation with Public Health England (PHE)(Yorkshire and the Humber Team) North Yorkshire Health Protection Team, Public Health England Food, Water and Environment Microbiology Laboratory at York, PHE Cross Regional Group, North Yorkshire Sampling Group and the North Yorkshire Food Liaison Group.
- 1.4 When drawing up this Policy, account has been taken of the requirements of the Food Safety Act 1990 as amended and Regulations made thereunder, European Communities Act 1972, and EC Regulations made thereunder and approved Food Law Code of Practice.
- 1.5 This Policy relates to all food, water and environment samples taken by the Authority including those not covered by the Food Law Code of Practice.
- 1.6 The Authority recognises that:
  - i The microbiological sampling and examination of food and water is an essential part of food safety enforcement which enables authorised officers to gain an insight into the microbiological safety of food and which may reveal shortcomings in its safe handling, preparation and storage.
  - ii The analysis and microbiological examination of complaint samples can assist the investigation of consumer complaints.

## **2.0 Policy**

- 2.1 The Authority will maintain a Service Level Agreement with an Official Food Control Laboratory for the microbiological examination of food samples. The PHE Food, Water and Environment Microbiology Laboratory at York is the Authority's Official Food Control Laboratory.
- 2.2 In consultation with the Food Examiner the Authority will draw up an annual food and environment sampling programme which will detail the Authority's intended food sampling priorities. The programme will take into account the number, type and risk ratings of the food businesses in the area, the Authority's Home and Primary Authority responsibilities, when relevant, and the need to ensure that the provisions of the food law are adequately enforced.

- 2.3 The food and environment sampling programme will be kept under review to take into account any variation in circumstances.
- 2.4 Food and environment samples may be taken:
- i. As part of a food poisoning or food contamination investigation.
  - ii. When an authorised officer has concerns about the safety of food because of the food handling/cooking/preparation practices and procedures observed during the inspection of food businesses.
  - iii. As part of a complaint investigation.
  - iv. As part of the controls exercised under the Home or Primary Authority Principle.
  - v. In order to verify process monitoring undertaken by a food manufacturer/processor and in particular in relation to approved premises.
  - vi. As part of a national, regional or locally conducted survey organised by PHE, PHE UK Study Programme and PHE Cross-Regional Survey Steering Group or Local Authority Food Liaison Group.
  - vii. In order to assess the microbiological quality of food that has been imported.
  - viii. In order to gather information to help prepare advice and guidance on food hygiene.
  - ix. As part of a routine programmed food hygiene inspection or in any other circumstances deemed appropriate by the specialist officer for Food Safety.
  - x. As part of the controls on Food imported from third countries.
- 2.5 All food and water samples will be taken in accordance with the Food Law Code of Practice and the Code of Practice Guidance having regard to further advice from the PHE laboratory or other official guidance and the Authority's documented food sampling procedures.
- 2.6 All food and water samples and the results of examination/analysis will be recorded and, where sample results are considered to be unsatisfactory, the Authority will take investigative and appropriate enforcement action in accordance with the Authority's enforcement policy and North Yorkshire Quality Management System.
- 2.7 This Policy will be published and made available to all interested parties on request.

- 2.8 Samples will normally be taken on an informal basis unless enforcement action is to be considered in line with the Council's Enforcement Policy.
- 2.9 This Policy will be reviewed regularly to take into account any changes made by legislation, revised Code of Practice or Guidance from the Food Standards Agency or other changed circumstances.
- 2.10 This Policy is a controlled document and may not be altered without the approval of Hambleton District Council.

Any query regarding this Policy should be addressed to the, Environment Health Manager, Environmental Health Service or the Lead Officer appointed for Food Safety.





HAMBLETON DISTRICT COUNCIL  
ENVIRONMENTAL HEALTH SERVICE

# FOOD SAFETY ENFORCEMENT POLICY

Date of issue: 26<sup>th</sup> November 2012

## Version Control

<i>Version No.</i>	<i>Amended by</i>	<i>Date</i>
1.0	Philip Mepham	27/6/2011
2.0	Philip Mepham	15/7/2011
3.0	Philip Mepham	14/2/2012
3.1	Philip Mepham	3/4/2012
3.2	Maria Bentley	18/04/12
3.3	Philip Mepham	05/10/2012
3.4	Philip Mepham	07/04/2014

## **1.0 Introduction**

- 1.1 Hambleton District Council is an enforcement authority in relation to food hygiene and safety and has powers and duties in the Food Safety Act 1990, relevant EU Regulations and associated legislation.
- 1.2 This enforcement policy builds on the overall Environmental Health Enforcement Strategy and Policy and explains its interpretation in relation to food hygiene and safety.
- 1.3 This policy applies to all aspects of the food hygiene and safety service within the boundaries of Hambleton District Council.

## **2.0 Relevant Documents**

- Food Safety Act 1990 (as amended) and any relevant regulations or codes of practice made thereunder.
- The Framework Agreement (5<sup>th</sup> amendment published April 2010).
- Relevant EU regulations made under The European Communities Act 1972.
- Current relevant guidance or codes of practice from the Food Standards Agency and other Government departments or agencies.
- Police and Criminal Evidence Act 1984.
- Criminal Procedure and Investigation Act 1996.
- Government's Regulators' Code.
- The Environmental Health Service Enforcement Strategy and Policy.

## **3.0 Responsibility**

- 3.1 All authorised officers are responsible for compliance with this policy in relation to the use of their enforcement powers.

## **4.0 The Food Safety Enforcement Policy Statement**

- 4.1 Hambleton District Council's Policy is to take all necessary steps to ensure that food and drink intended for sale within or without the District is produced, stored, distributed or handled in such a manner that it does not represent a risk to the health or safety of the consumer.
- 4.2 The policy is made in the context of current legislation and it supports associated Codes of Practice, Better Regulation Delivery Office (BRDO) guidance, The Government's Enforcement Concordat and Regulators' Code, other Government circulars, and current Technical knowledge.
- 4.3 The policy is subject to annual review and at any other relevant time when circumstances require its amendment.
- 4.4 The policy and its associated procedural documents must be adhered to by all enforcement staff.

4.5 The policy is based upon a commitment by the authorities to train enforcement staff in the practices necessary for the efficient and effective implementation of the policy.

## **5.0 Authorisations and Delegations**

5.1 Decisions about food safety enforcement are delegated to officers of the Council as follows:-

### **5.1.1 Environmental Health Manager**

- appointment and/or authorisation of officers to exercise statutory functions
- exercise of powers of entry
- service of notices, exercise of powers in default and recovery of expenses
- in consultation with the Head of Legal Services, the institution of legal proceedings, and approval and amendment of any grant, licence, permit, authorisation or approval.

N.B. In the absence of the Environmental Health Manager (EHM), the duty will be undertaken by the Environmental Health Team Leader.

### **5.1.2 Legal Officer**

To institute and prosecute on behalf of the Council proceedings in respect of any offence against any legislation, including byelaws, which the Council is authorised to enforce.

### **5.1.3 Authorised Officers**

5.2 All Environmental Health Officers who are suitably qualified and experienced are empowered to inspect food premises and serve Hygiene Improvement Notices under the Food Safety and Hygiene (England) Regulations 2013.

5.3 Technical Officers – authorisation to inspect food premises and serve Hygiene Improvement Notices is linked to the qualifications held and post qualification experience. Three levels are available:-

- a) Ordinary Certificate in Food Premises Inspection – inspect premises C to E.
- b) Higher Certificate in Food Premises Inspection – 0-2 years experience inspect premises C to E, 2 years and over experience inspect premises A to E.
- c) Professional Diploma in Food Premises Inspection – 0-2 years experience inspect premises C to E, 2 years and over inspect premises A to E.

5.4 Hygiene Emergency Prohibition Notices may be served by Environmental Health Officers who are suitably qualified and experienced. In any event an officer authorised to serve a Hygiene Emergency Prohibition Notice should endeavour to discuss the circumstances with another authorised officer prior to service of the notice.

5.5 Remedial Action Notices may only be served by Environmental Health Officers who are suitably qualified and experienced

- 5.6 Food complaints which may lead to formal action must be investigated by qualified and experienced Environmental Health Officers or suitably experienced Technical Officers.
- 5.7 Seizure and Detention of Food may be carried out by all Environmental Health Officers who are suitably qualified and experienced and are authorised to exercise the powers contained in
- Regulation 29 of the Food Safety and Hygiene (England) Regulations 2013
  - Section 9 of the Food Safety Act 1990 (as amended)
  - Regulation 34 of the Trade in Animals and Related Products Regulations 2011, and
  - Regulation 23 of the Animal By-Products (Enforcement) (England) Regulations 2013
- 5.8 Samples may be procured by all Environmental Health and Technical Officers who are suitably qualified and experienced and are authorised to exercise the powers contained in
- Regulation 14 of the Food Safety and Hygiene (England) Regulations 2013,
  - Section 29 of the Food Safety Act 1990 (as amended), and
  - Regulation 23 of the Animal By-Products (Enforcement) (England) Regulations 2013.
- 5.9 Powers of Entry - all Environmental Health Officers who are suitably qualified and experienced are authorised to exercise the powers contained in:-
- Regulation 16 of the Food Safety and Hygiene (England) Regulations 2013,
  - Section 32 of the Food Safety Act 1990 (as amended),
  - Regulation 34 of the Trade in Animals and Related Products Regulations 2011,
  - Regulation 23 of the Animal By-Products (Enforcement) (England) Regulations 2013, and
  - Regulation 39 of the Official Feed and Food Controls (England) Regulations 2009.

## **6.0 Enforcement**

- 6.1 When determining food enforcement options, our Policy is to give paramount consideration to the protection of public health and safety and in determining this it will be necessary to:
- i. Identify Hazards and Assess Risks
  - ii. Assess business management effectiveness
  - iii. Identify contravention of relevant legislation and have regard to Codes of Practice, enforcement-related correspondence (ENF) from the Food Standards Agency, Communities of Practice, other government guidelines and the Primary and Home Authority Principles.

- 6.2 All available steps shall be taken to ensure consistent, balanced and fair enforcement.
- 6.3 In the event of alleged inconsistencies it will be the duty of the Lead Officer (Commercial) to resolve the matter.
- 6.4 In the event of the Lead Officer (Commercial) failing to resolve inconsistencies they should be referred to the Environmental Health Team Leader (EHTL) or EHM.
- 6.5 When inconsistencies cannot be resolved by the EHTL or EHM they should be referred to the North Yorkshire Food Liaison Group for their consideration.

## **7.0 The Enforcement Options**

- 7.1 After having due regard to all relevant information and evidence, the following enforcement options will be considered:
- a) To take no action
  - b) To take informal action
  - c) To take statutory action
  - d) To use simple cautions
  - e) To prosecute
  - f) Voluntary closure
  - g) Seizure and detention

## **8.0 No Action**

- 8.1 This course of action is only considered appropriate where, in the officers' opinion, all relevant statutes and guidelines are satisfactorily complied with.

## **9.0 Informal Action**

- 9.1 Informal action is the first enforcement action to be considered by an officer where food hazards or contraventions are discovered.
- 9.2 Informal action is action which will, in the officers' opinion, secure compliance with legislation by offering advice, issuing verbal warnings, and the issue of letters, and food hygiene reports.
- 9.3 Officers may recommend informal action where:
- a) The act or omission is not serious enough to warrant formal action.
  - b) The previous record of the business/individual is such that it would be reasonable to expect compliance when informal action is taken.
  - c) Confidence in the business's management is high.
  - d) The risk to public health as a result of non compliance is not significant.
  - e) There are special circumstances involving volunteer workers where formal action would be counter-productive.
  - f) The action is part of an ongoing project to improve standards.
- 9.4 At the conclusion of every inspection visit or investigation the officer will discuss the result of the inspection of the premises or investigation with the proprietor or manager and issue a report of the inspection or investigation.

9.5 When taking informal action the officer will:

- a) Give all the necessary information to enable the proprietor/manager to understand what is required to remedy contravention and why the action is necessary.
- b) Indicate the legislation contravened and indicate that any other means that achieve the objectives of compliance will be equally acceptable.
- c) Clearly differentiate between legal requirements and recommendations of good hygienic practice.
- d) Arrange to carry out follow-up visits to food businesses to monitor compliance where revisits are necessary to confirm compliance. The timing of these visits will be determined by the significance of the breaches and should, wherever possible, be carried out by the original inspecting officer.

## **10.0 Statutory Action - Hygiene Improvement Notices**

10.1 The service of statutory Hygiene Improvement Notices will not be considered until an officer is satisfied that the same effect could not be achieved by informal means. In any event due consideration will be given to the officer's level of authorisation.

10.2 In using Hygiene Improvement Notices due regard will be taken of Food Safety Legislation, Codes of Practice, Communities of Practice for the public sector and PACE procedures.

10.3 Hygiene Improvement Notices would be considered by officers when:

- a) There are significant contraventions of legislation.
- b) There are significant risks to health.
- c) There is a lack of confidence in the ability or will of the business to respond to informal action.
- d) There is previous history of non compliance with informal action.
- e) Standards are generally poor and there is low management awareness.

10.4 Hygiene Improvement Notices will be signed by the authorised inspecting officer in person and must not be signed on behalf of an unauthorised officer unless the signatory has witnessed the contraventions and is satisfied that they fulfil the relevant Hygiene Improvement Notice criteria.

10.5 When serving Hygiene Improvement Notices officers will set realistic time limits and it will discuss these limits with proprietors.

10.6 Failure to comply with a Hygiene Improvement Notice will generally result in Court Proceedings being implemented.

10.7 Officers must have obtained sufficient evidence to satisfy the court and also be satisfied that such proceedings would not be jeopardised by any omission or failure in procedure or evidence gathering. PACE procedures must be adhered to.

10.8 Where relevant, officers will liaise with the appropriate Primary, Home or Originating Authorities and the guidance from the BRDO on Primary and Home Authority Principle will be adhered to.

## **11.0 Statutory Action - Food Complaint Investigations**

- 11.1 All food complaints will be investigated. Prosecution will not be considered as the first course of action unless the officer is satisfied that the same effect could not be achieved by informal means.
- 11.2 When investigating food complaints due regard will be taken of the relevant documents at 2.0.
- 11.3 When investigating food complaints due regard should be given to the Food Service's food complaint procedure (F.D.8).

## **12.0 Statutory Action – Remedial Action Notices (RANs)**

- 12.1 Remedial Action Notices will only be considered at premises subject to approval under EC Regulation 853/2004. The Food Standards Agency has agreed to extend the use of RANs to all UK establishments from 1<sup>st</sup> April 2012. The use of RANs for all premises will be implemented in the two Districts when the necessary legislative changes have been completed.
- 12.2 Remedial Action Notices will not be considered until an officer is satisfied that the same effect could not be achieved by informal means and, in any event, due consideration must be given to the officer's level of authorisation.
- 12.3 Authorised officers will give due consideration to the other formal enforcement options including Hygiene Improvement Notices and Hygiene Emergency Prohibition Notices before issuing a Remedial Action Notice.
- 12.4 The issue of a Remedial Action Notice will be proportionate and linked to a risk to public health and such a notice may be used for a continuing offence which requires urgent action.
- 12.5 As soon as an officer is satisfied that action has been taken by a business owner or operator to comply with a Remedial Action Notice, the notice will be withdrawn.
- 12.6 Authorised officers will give due regard to the relevant documents referred to at 2.0 of this policy.

## **13.0 Statutory Action – Hygiene Emergency Prohibition Notices**

- 13.1 The use of Hygiene Emergency Prohibition Notices will only be considered where the following criteria are fulfilled:
  - a) The consequences of not issuing a Hygiene Emergency Prohibition Notice immediately would represent an unacceptable and imminent risk to Public Health.
  - b) The imminent risk can be demonstrated. This might involve evidence from relevant experts such as food examiners or food analysts.
  - c) The criteria specified in the Food Law (England) Code of Practice are fulfilled and all other guidelines are followed.

- d) There is no confidence in the proprietors' integrity even when an unsolicited offer to cease using premises or equipment has been voluntarily offered.
  - e) A proprietor is unwilling to confirm in writing his unprompted offer to voluntarily cease to use premises or a practice.
- 13.2 When an authorised officer becomes aware that any premises is in such a condition that a Hygiene Emergency Prohibition Notice may be the only appropriate course of action, (s)he will endeavour to discuss the issue with another authorised officer prior to service of the Notice. Authorised officers will not compromise on food safety considerations but will be mindful of the financial penalties should the Notice be served inappropriately.
- 13.3 If any unauthorised officer becomes aware of conditions which may warrant service of a Hygiene Emergency Prohibition Notice, (s)he should alert an Authorised Officer immediately.
- 13.4 Where chemical contamination is suspected the officer will seek the guidance of a Food Examiner, Food Analyst or other expert prior to taking an enforcement decision.
- 13.5 Once an Emergency Prohibition Notice has been served, an application for an Emergency Prohibition Order will be made by the authorised officer to a Magistrates Court as soon as is reasonably practicable and, in any event, within three days. This is vital to protect the Authority from possible compensation claims. In addition, authorised officers must have obtained sufficient evidence to satisfy the court and be satisfied that such proceedings would not be jeopardised by any omission or failure in procedure or evidence gathering. PACE procedures should be adhered to.
- 13.6 Where relevant, officers will liaise with the appropriate Primary, Home or Originating Authorities and the guidance from BRDO on Primary and Home Authority Principles should be adhered to.

#### **14.0 Prosecution**

- 14.1 The decision to prosecute is a serious matter and will only be considered after consultation with the Environmental Health Team Leader or EHM. The case and the available evidence would be discussed with the Council's Legal Officer prior to any decision regarding the institution of legal proceedings
- 14.2 The relevant criteria to be considered by officers when prosecution is being contemplated are one or more of the following:
- a) Where the alleged offence involves a flagrant breach of the law where public health and safety are jeopardised.
  - b) Where the alleged offence involves a failure by the suspected offender to correct an identified serious potential risk to food safety after having been given reasonable opportunity to do so by the authority.



- c) Where the offence involves a failure either in full or in part with the requirements of a statutory notice.
  - d) Where there is a history of similar offences related to risk to public health.
- 14.3 Before a prosecution proceeds the EHM or Environmental Health Team Leader must be satisfied (by the authorised officer) that there is relevant, admissible, substantiated and reliable evidence that the offence has been committed by an identifiable body.
- 14.4 There must be a realistic prospect of conviction.
- 14.5 Where there is insufficient evidence to prosecute other formal actions such as Simple Cautions will also be discounted.
- 14.6 The current Code for Crown Prosecutors issued by the Crown Prosecution Service and the relevant Codes of Practice must be followed.
- 14.7 In addition to being satisfied that there is sufficient evidence a positive decision must be made by the officer based on the factors detailed in section 8 of the Environmental Health Enforcement Strategy and Policy.
- 14.8 The decision to prosecute will be based upon fact and fairness and not upon arbitrary rules not embodied in this policy and the Environmental Health Enforcement Strategy and Policy.
- 14.9 Once the decision to prosecute has been taken the matter and all relevant documents will be referred to the Council's Legal Officer without delay.
- 14.10 Consideration will be given by the officer to the criteria on prohibition of premises and persons when they are successfully convicted. The relevant Code of Practice will be consulted prior to a court appearance in order to establish whether an application should be made to the court for a prohibition. Such a decision will revolve around the court deciding the degree to which the risk of injury to health exists.
- 14.11 Where relevant, officers will liaise with the appropriate Primary, Home or Originating Authorities and the guidance from BRDO on Primary and Home Authority Principles should be adhered to.

## **15.0 Statutory Action - Simple Cautions**

- 15.1 A Simple Caution is an option which officers may consider using Home Office Circular 016/2008. Simple Cautions are an alternative to a prosecution that may be considered where circumstances described in section 7.14 – 7.21 of the Environmental Health Enforcement Strategy and Policy exist.

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## **HAMBLETON DISTRICT COUNCIL**

**Report To:** Cabinet  
10 June 2014

**Subject:** **ENVIRONMENTAL HEALTH ENFORCEMENT STRATEGY AND POLICY**

All Wards  
Portfolio Holder for Environmental and Planning Services: Councillor B Phillips

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### **1.0 PURPOSE OF THE REPORT**

1.1 The purpose of this report is to seek approval of the Environmental Health Enforcement Strategy and Policy v4.0.

### **2.0 BACKGROUND**

2.1 The current Environmental Health Enforcement Strategy and Policy v2.2 received Council approval in July 2011. Version 4.0 has now been produced following some minor redrafting during 2012 and the requirement to comply with the Regulators Code, published in July 2013. The following amendments have been made in the latest version:-

- a) Paragraph 3.3 – updated to include further previously approved function-specific Enforcement Policies.
- b) Section 4.0 has been rewritten following the replacement of the Regulators' Compliance Code, which was voluntary, with the Regulators' Code, which became mandatory on 6<sup>th</sup> April 2014. This new code sets out how the enforcement activity must be carried out but makes no practical difference to individual enforcement decisions e.g. whether to prosecute or not. These will always be based on the Evidential and Public Interest tests in the Code for Crown Prosecutors, which is unchanged.
- c) Section 5.0 – the Priority Regulatory Outcomes are unchanged.
- d) Section 6.0 onwards – the Enforcement Options are unchanged.
- e) The Enforcement Reference Documents have been updated.

### **3.0 LEGAL IMPLICATIONS:**

3.1 The Code has been laid before Parliament in accordance with section 23 of the Legislative and Regulatory Reform Act 2006 ("the Act"). Regulators whose functions are specified by order under section 24(2) of the Act **must** have regard to the Code when developing policies and operational procedures that guide their regulatory activities.

### **4.0 FINANCIAL IMPLICATIONS AND EFFICIENCIES:**

4.1 There are no financial implications in this report.

**5.0 RISK ASSESSMENT:**

5.1 There are no significant risks associated with this report.

**6.0 DIVERSITY:**

6.1 There are no equality or diversity implications.

**7.0 RECOMMENDATIONS:**

7.1 That Cabinet approves and recommends to Council the Environmental Health Enforcement Strategy and Policy v4.0.

MICK JEWITT

**Background papers:** Regulators' Code. BRDO. July 2013

**Author ref:** PM  
**Contact:** Philip Mepham  
Environmental Health Manager  
Direct Line No: (01609) 767037

100614 environmental health enforcement policy



**HAMBLETON DISTRICT COUNCIL  
ENVIRONMENTAL HEALTH SERVICE**

**ENVIRONMENTAL HEALTH  
ENFORCEMENT STRATEGY AND POLICY**

**Date of Issue:**

Version control

Version	Date	Author
1.0	22 <sup>nd</sup> June 2010	Philip Mepham, Environmental Health Manager
2.0	2 <sup>nd</sup> June 2011	Philip Mepham, Environmental Health Manager
2.1	6 <sup>th</sup> June 2011	Philip Mepham, Environmental Health Manager
2.2	27 <sup>th</sup> June 2011	Philip Mepham, Environmental Health Manager
3.0	3 <sup>rd</sup> April 2012	Philip Mepham, Environmental Health Manager
3.1	19 <sup>th</sup> July 2012	Philip Mepham, Environmental Health Manager
4.0	25 <sup>th</sup> November 2013	Philip Mepham, Environmental Health Manager

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## 1.0 BACKGROUND

1.1 Hambleton District Council (the Council) carries out a wide range of legal duties under various Acts and regulations. This Strategy and Policy outlines the approach we take when considering and carrying out enforcement action and applies to a variety of functions, including:

- Food Safety including infectious disease and water supplies
- Health and Safety including skin piercing and animal welfare
- Licensing, including alcohol licensing, gambling, taxi and private hire vehicle licensing, charitable collections and street trading
- Pest Control
- Environmental Protection including Noise, Land and Air Pollution
- Residential Services including private sector housing, nuisance and caravan sites.

1.2 The purpose of enforcement is to ensure that preventative or remedial action is taken to protect public health and the environment by securing compliance with regulatory systems. Whilst the Council seeks to ensure full voluntary compliance with relevant legislative requirements wherever possible, it will not hesitate to institute legal proceedings where necessary.

1.3 “Enforcement” includes inspection, investigation, intelligence and education and promotion activities.

- Inspection includes the proactive review of premises, practices or activities to determine levels of compliance with legislation.
- Investigation includes reactive activities to determine whether unsatisfactory situations exist where formal action is required.
- Intelligence covers services that monitor activities, levels of pollution, food and drinking water quality etc to determine whether action is required on the basis of that evidence.
- Education and promotion involves the provision of information or advice on how people and organisations can comply with requirements and good practice.

1.4 Enforcement is a means for achieving Corporate Priorities. Environmental Health Services also make a significant contribution to Local Strategic Partnership plans and other outcome-based indicators.

## 2.0 HUMAN RIGHTS

2.1 The Council is a public authority for the purposes of the Human Rights Act 1998. We therefore apply the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

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2.2 Human rights are rights and freedoms that belong to all individuals regardless of their nationality and citizenship. The Act identifies 16 rights – some absolute, some limited and some qualified.

2.3 There are situations where a balance can be made between individual rights and those of the community e.g. if a restriction of a qualified right has a legitimate aim, such as public safety, and the restriction itself does not go any further than necessary to protect this aim, then it is likely that it will be compatible with the Convention. This Policy and all associated enforcement decisions take account of the provisions of the Human Rights Act 1998. In particular, due regard is had to the right to a fair trial and the right to respect for private and family life, home and correspondence.

### 3.0 **POLICY STATEMENT**

3.1 The Council aims to secure a safe and healthy environment for everyone living, working or visiting the District. This will be achieved through a combination of education, provision of advice, investigation of issues raised by customers and regulation of the activities of others. Securing compliance with legal regulatory requirements using enforcement powers, including prosecution, is an important part of achieving this aim.

We will exercise our regulatory activities in a way which is:-

- i) Proportionate – our activities will reflect the level of risk to the public and enforcement action will relate to the seriousness of the offence;
- ii) Accountable – our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures;
- iii) Consistent – our advice to those we regulate will be robust and reliable and we will respect advice provided by others. Where circumstances are similar, we will endeavour to act in similar ways to other local authorities;
- iv) Transparent – we will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return; and
- v) Targeted – we will focus our resources on higher risk enterprises and activities, reflecting local need and national priorities.

3.2 In particular, the Council will:-

- adhere to the provisions of the Regulators' Code in respect of all enforcement decisions
- ensure the interests of regulated entities and consumers are taken into account in the design and delivery of enforcement services
- adhere to function-specific policies, guidance and codes of practice related to enforcement
- work with other enforcers to achieve greater effectiveness and economy
- carry out enforcement activities in a fair, consistent and transparent way
- comply with requirements on the way enforcement activity should be undertaken



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- ensure enforcement staff are properly equipped, trained and supported to perform their functions.

3.3 This strategy and policy covers general enforcement issues relating to all Environmental Health Services. This explained further in a series of function specific Enforcement Policies. These are subject to consultation with appropriate organisations and individuals as well as the community, and then approved by Licensing and Environmental Protection Committee.

Specific policies have been produced in relation to:-

- Food Safety
- Health & Safety
- Domestic Services
- Environmental Permitting
- Licensing
- Taxi and Private Hire Vehicle
- Caravan sites
- Animal Welfare
- Housing Standards
- Skin Piercing
- Water Supplies

3.4 Where there is a need for the Council to share enforcement information with other agencies, we will follow the provisions of the Data Protection Act 1988.

3.5 The Council will protect the identity of people making a protected disclosure in relation to food hygiene and health & safety.

#### 4.0 **REGULATORS' CODE**

4.1 The Regulators' Code provides a flexible, principles based framework for regulatory delivery. The Code was made under section 23 of the Legislative and Regulatory Reform Act 2006 and regulations must have regard to the Code when developing policies and operational procedures that guide their regulatory activities.

If we conclude, on the basis of material evidence, that a specific provision of the Code is either not applicable or is outweighed by another relevant consideration, we are not bound to follow that provision, but should record that decision and the reasons for it.

4.2 The Code contains six main provisions:-

1. Regulators should carry out their activities in a way that supports those they regulate to comply and grow;
2. Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views;
3. Regulators should base their regulatory activities on risk;

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4. Regulators should share information about compliance and risk;
5. Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply;
6. Regulators should ensure that their approach to their regulatory activities is transparent.

4.3 The Council will avoid imposing unnecessary regulatory burdens through our regulatory activities and will assess whether similar social, environmental and economic outcomes could be achieved by less burdensome means. The Council will choose proportionate approaches to those it regulates, based on relevant factors including, for example, business size and capacity.

4.4 In responding to non-compliance, the Council will clearly explain what the non-compliant item or activity is, the advice being given, actions required or decisions taken, and the reasons for these. We will consult with regulated bodies to ensure that advice, requirements and decisions are proportionate and consistent. This may not apply to situations where immediate enforcement action is required.

4.5 The Council will provide a timely explanation in writing of any right to representation or right to appeal. This explanation will be in plain language and include practical information of the process involved.

4.6 The Environmental Health Service will take an evidence-based approach to determining the priority risks and allocate resources where they would be most effective in addressing those priority risks. Risk will be considered at every stage of our decision-making process.

4.7 The Environmental Health Service will aim to create an environment in which those who are regulated can have confidence in the advice they receive and feel able to seek advice without fear of triggering enforcement action.

4.8 The Environmental Health Service will work collaboratively to assist those regulated by more than one regulator.

## 5.0 **PRIORITY REGULATORY OUTCOMES**

5.1 The Better Regulation Delivery Office (BRDO) has a statutory duty under the Regulatory Enforcement and Sanctions Act 2008 to 'prepare and publish a list specifying those matters to which a local authority should give priority when allocating resources'. Local Authorities must have regard to the priorities in allocating resources to their regulatory service functions. The BRDO has published new priorities to replace those previously published by the Rogers Review in 2007.

5.2 The current priority set published by the BRDO are as follows:-

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Priority 1: Support economic growth, especially in small businesses, by ensuring a fair, responsible and competitive trading environment

Priority 2: protect the environment for future generations including tackling the threats and impacts of climate change

Priority 3: Improve quality of life and wellbeing by ensuring clean and safe neighbourhoods

Priority 4: Help people to live healthier lives by preventing ill health and harm and promoting public health

Priority 5: Ensure a safe, healthy and sustainable food chain for the benefits of consumers and the rural economy.

5.3 The Council will select the most appropriate tool from those included in the Priority Regulatory Outcomes Final Report (LBRO. November 2011) to drive better regulatory outcomes and build these tools into service designs.

## 6.0 ENFORCEMENT OPTIONS

6.1 Enforcement officers must seek to secure compliance with the law. The following applies to all Officers' dealings with duty holders or other stakeholders, whether formal or informal, in ensuring compliance.

6.2 In most cases compliance is achieved using informal action. We believe the first step in enforcement is to help prevent contravention of the law by raising awareness and promoting good practice. Methods of achieving this include: offering advice, information, guidance and support, both verbally and in the written form. In responding to requests for advice our primary concern will be to provide advice necessary to support compliance, and to ensure that the advice can be relied on.

6.3 Formal enforcement mechanisms are also available, as set out in the law, these include:

- Issuing of statutory notices to remedy a legal contravention or prohibition, where there is a risk of injury to health, serious personal injury, or damage to the environment;
- Withdrawal of approvals;
- Revocation of authorisations or permits;
- Refusal of registration, variations to licences or conditions; or,
- Prosecution
- Simple Caution

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- 6.4 The Council is committed to protecting the public, the environment and groups such as consumers and workers. We are also committed to making enforcement decisions that are consistent and ensuring that businesses and individuals are treated in a fair, transparent and proportionate manner.
- 6.5 The Council will consider the following factors when deciding whether or not to prosecute:
- The seriousness and effect of the offence;
  - The previous history of the party concerned;
  - Confidence in management;
  - The intent and attitude of the offender;
  - The willingness of the alleged offender to prevent a recurrence;
  - The consequence of non-compliance;
  - The deterrent effect of a prosecution on offenders and others
  - Whether there is enough evidence to prove the offence; and,
  - Whether other enforcement options would be more appropriate.
- 6.6 The factors are not exhaustive and will depend on the particular circumstances of each case. Each case is unique and must be considered on its own merits. There are, however, general principles that apply in the way each situation must be approached.
- 6.7 Where enforcement is felt to be appropriate, then the Council has the following options available:
- Take no action;
  - Take informal action;
  - Issue a statutory notice;
  - Issue a Simple Caution;
  - Use seizure and detention powers;
  - Revoke a licence, approval or authorisation;
  - Refuse a registration, licence, approval, permit or authorisation;
  - Carry out work in default;
  - Prohibition notice
  - Require action or compliance with standards
  - Seek an injunction;
  - Issue a Fixed Penalty Notice
  - Prosecute
  - Administration penalty
  - Voluntary Undertakings
- 6.8 Should the Council decide on enforcement action, which goes against the advice of the Home, Lead, Primary or originating authority, then Officers will discuss the action with the relevant authority before taking any action. The

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Council will implement the Primary Authority framework for the operation of the Primary Authority Scheme, managed by the BRDO) where appropriate.

## **7.0 LEVELS OF ENFORCEMENT ACTION**

7.1 The following paragraphs detail the enforcement actions available and circumstances where they would be applied.

### **TAKE NO ACTION**

7.2 Following investigation, if the situation is found to be largely satisfactory, then no further action would be taken. The business or individual concerned would be informed of this, as would any complainant where applicable.

### **INFORMAL ACTION**

7.3 Informal action to secure compliance with legislation includes: offering advice, verbal warnings and requests for action, letters and the issue of technical inspection reports, including those generated on the premises following an inspection. We will use compliance advice and support as a first response in the case of many breaches of legislation that are identified.

7.4 Informal action will be considered where:

- The act or omission is not serious; and
- Confidence in the management is high; and
- The past history demonstrates that informal action would achieve compliance; and
- The consequences of non-compliance do not pose a significant risk to public health, safety, or welfare; or
- Where a business is operated by a voluntary or charitable organisation using volunteers, informal action will always be considered as the first option.

7.5 When taking informal action Officers will clearly differentiate between legal requirements and recommendations of good practice. This includes the provision of oral advice. If a similar breach is identified in the future, written advice will be persuasive in considering the most appropriate enforcement action to take on that occasion.

7.6 Where letters or other reports are sent to a business or individual these will:

- Clearly specify what work is required and why,
- Indicate legislation which is being or is likely to be contravened and methods of compliance, including alternatives that may achieve the same effect
- Clearly indicate recommendations of good practice, as distinct from legal requirements;

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- Detail time scales to achieve compliance.

#### **STATUTORY NOTICES**

7.7 Statutory notices will be considered where one or more of the following criteria apply:

- There is a specific legal requirement to serve a notice;
- There are significant contraventions of legislation;
- There is a lack of confidence in the recipient to respond positively to an informal approach;
- There is a history of non-compliance with informal action;
- Standards are generally poor with little management awareness of statutory requirements;
- The consequence of non-compliance could be potentially serious to public health, safety or welfare and,
- Although it is intended to prosecute, effective action also needs to be taken to remedy conditions that are serious or deteriorating.

Notices will be served for matters where there is a risk to public health, safety, or the environment and not for minor technical contraventions.

7.8 Notices will be in the prescribed form where this has been specified.

7.9 The notice will explain the contraventions (i.e. what is wrong), what is required to put things right and what the likely consequences are if the notice is not complied with.

7.10 The time limit on notices will be realistic and recipients of notices will be given the opportunity, should they wish, to discuss the requirements. Alternative ways of complying with the notice will be considered.

7.11 Compliance with the requirements of all notices will be checked as soon as is practicable after expiry.

7.12 Failure to comply with a statutory notice will, in general, result in prosecution and/or work in default. Officers must have sufficient evidence to justify service of a statutory notice, and be prepared to pursue non-compliance through the courts. Work in default will be undertaken where there is a continuing need for the works to be carried out. Not all statutory notices can be followed by work in default.

7.13 Where a formal notice is served the method of appealing against the notice and the time scale for doing so will be provided in writing at the same time as the notice is served.

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### **SIMPLE CAUTION**

- 7.14 The issue of a Simple Caution will be considered as an alternative to prosecution in accordance with the Home Office Circular 016/2008.
- 7.15 Where there is a criminal offence, but the public interest does not require a prosecution, a Simple Caution may be an appropriate course of action. Home Office Circular 016/2008 states that the purpose of a Simple Caution is to:
- To deal quickly and simply with less serious offences where the offender has admitted the offence;
  - To divert offenders where appropriate from appearing in the criminal courts;
  - To record an individual's criminal conduct for possible reference in future criminal proceedings or relevant security checks; and
  - To reduce the chances of them re-offending
- 7.16 Simple Cautions will be used in accordance with the Home Office Circular and relevant official guidance. Before administering a caution the following conditions must be satisfied:
- The suspected offender must make a clear and reliable admission of the offence, either verbally or in writing;
  - There must be a realistic prospect of conviction if the offender were to be prosecuted;
  - It should be in the public interest to use a simple caution as a means of disposal;
  - The offender should be 18 years of age or older at the time the caution is administered; and
  - The offender must understand the significance of the formal caution and consent to it;
- 7.17 The decision to refer matters to the Council's Solicitor for Simple Caution will be taken by the Environmental Health Manager who will consider all relevant evidence and information.
- 7.18 Alternative enforcement action will be considered by the Environmental Health Manager, where the offer of a Simple Caution is refused or is not appropriate. Again all evidence and information will be considered.
- 7.19 In most cases, but not necessarily all, refusal of a Simple Caution will result in a referral for prosecution.
- 7.20 A Simple Caution is a serious matter, which will influence any future decision should the company or individual offend again. It can be referred to in any

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subsequent court proceedings, but this will not apply if the caution was issued more than three years before.

- 7.21 Home, Lead, Primary and Originating Authorities will be notified of formal action. The details of Simple Cautions must be forwarded to the Central Register of Convictions, operated by the Office of Fair Trading, together with a copy of the countersigned letter accepting the caution.

#### **SEIZURE POWERS**

- 7.22 Enforcement Officers may use appropriate statutory powers to take possession of and detain articles, substances or equipment where:
- There are reasonable grounds for suspecting that the article, substance or equipment is a cause of imminent danger, serious personal injury or pollution of the environment; or,
  - Food is suspected to fail to meet the requirements of the relevant food safety legislation; or,
  - To secure the abatement of a statutory nuisance.

#### **PROHIBITION**

- 7.23 Prohibition notices will only be considered where:
- The consequence of not taking immediate and decisive action to protect public health, safety and the environment would be unacceptable;
  - An imminent risk of injury or to health or to the environment can be conclusively demonstrated;
  - The requirements of the relevant statutory guidance criteria regarding the use of such notices are fulfilled;
  - There is no confidence in the integrity of an unprompted offer made voluntarily;
  - A proprietor is unwilling to confirm in writing his/her unprompted offer of voluntary prohibition.
- 7.24 Officers authorised to issue prohibition notices will be suitably qualified and experienced, as described in the relevant statutory official guidance and in-house procedures.

#### **REQUIREMENT OF ACTION, STANDARDS OR CONDITIONS**

- 7.25 Orders can be considered where action or standards are required as an alternative form of action. This includes powers such as:-
- An order to comply with conditions attached to a licence, approval, registration or permit;



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- Provision of checklists prior to consideration of delivery of a service.

These actions are specific to particular legislation and their use is described in service specific policies.

#### **REFUSAL/REVOCAION OF A REGISTRATION, LICENCE, APPROVAL, PERMIT OR AUTHORISATION**

- 7.26 Registrations, licences, prior approvals, permits and authorisations will only be refused or revoked by the Council in line with appropriate procedures and after consideration of all relevant evidence.

In order to take this step the following criteria should be considered in relation to the individual or organisation who :

- a) engages in fraudulent activity
- b) deliberately or persistently breaches legal obligations
- c) deliberately or persistently ignores written warnings or formal notices
- d) endangers, to a serious degree, the health, safety or well being of people, animals or the environment
- e) fails to pay subsistence fees
- f) any other grounds which indicate the person is not deemed to be a fit and proper person e.g. for the purposes of licensing.

#### **WORK IN DEFAULT AND RECOVERY OF COSTS**

- 7.27 Where work is required in the interest of public health, safety or the environment and the statutory notice allows, it may be carried out by or on behalf of the Council and the cost recovered from the business, organisation or individual as appropriate, including an oncost to cover administration.

#### **INJUNCTION**

- 7.28 In exceptional circumstances where action under the relevant legislation is deemed unlikely to be effective or where there is a serious imminent risk to public health or the environment, and immediate action is considered necessary, injunctive proceedings may be considered.

#### **FIXED PENALTY NOTICE**

- 7.29 Enforcement action through fixed penalty notices will be taken against persons in circumstances permitted by specific legislation. A fixed penalty notice is not a criminal fine, and does not appear on an individual's criminal record. If a fixed penalty is not paid, the Council may commence criminal proceedings or take other enforcement action in respect of the breach.

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7.30 The intention of a fixed penalty notice is to avoid the need for Court action, though the option of simple caution or prosecution is available where the offence warrants such action or in the event of non-compliance with the notice.

7.31 If a fixed penalty is not paid within the prescribed period, legal proceedings shall be instituted.

#### **ADMINISTRATION PENALTY**

7.32 Enforcement action through administration penalties can be taken where there is sufficient evidence to prove that certain offences have occurred.

7.33 The intention of the Administration Penalty is to provide another avenue, other than prosecution, for cases that would not be in the public interest to prosecute.

7.34 If an administration penalty is not paid within the prescribed period, legal proceedings shall be instituted.

#### **VOLUNTARY UNDERTAKINGS**

7.35 The Council may accept voluntary undertakings that breaches will be rectified and/or recurrences prevented. The Council will take any failure to honour voluntary undertakings very seriously and enforcement action is likely to result.

#### **ANONYMOUS REQUESTS FOR SERVICE**

7.36 If requests for investigations are received but made anonymously, we will investigate them where:-

- It concerns an issue that we would normally investigate,
- A member of staff can witness the activity/issue without the need of input from a complainant, and
- We could take enforcement action without the evidence of the complainant.

### **8.0 LEGAL PROCEEDINGS**

8.1 The Council recognises that the decision to prosecute an individual is a serious step with implications for all involved – victims, witnesses and defendants. Circumstances where prosecution is considered appropriate are:

- Where there has been a serious breach of the law or blatant disregard for the law;
- Where there is a refusal to achieve basic minimum legal requirements, and
- Following previous contact with an Authority.

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8.2 Circumstances which warrant prosecution include:

- Where the offence involves the failure to comply in whole or in part with the requirements of a statutory notice; or
- Where the offence involves a serious or flagrant breach of the law, such that it places public health, safety or well being at risk; or
- Where the offender has been given reasonable opportunity to comply with legal requirements and where the offence involves a failure to correct an identified serious potential risk; or
- Where there has been a history of similar offences; or
- Obstruction or assault of an authorised officer; or
- Legal action shall be taken on the first occasion that certain events are witnessed because of the extreme improbability that the person once seen committing an offence would be seen on a subsequent occasion. Community benefit would also be indicated by the importance of the case, for example, whether it might establish a legal precedent.

8.3 The Officer and their line manager will consider all relevant information and evidence, when circumstances have been identified which may warrant prosecution, in order that a fair, consistent and objective decision be made, which is in line with relevant Council Policy. The case and the available evidence would be discussed with the Council's Legal Section prior to any decision regarding the institution of legal proceedings

8.4 Before a prosecution proceeds, the Officer shall refer to the Code for Crown Prosecutors which requires two stages to govern the Full Code Test decision-making process:- the Evidential Stage and the Public Interest Stage. The Threshold Test is not appropriate, as the Council has no powers of arrest.

The *Evidential Stage* requires that the prosecutor be satisfied that there is enough evidence to provide a "realistic prospect of conviction" against each defendant on each charge. The defence case must be considered and how this is likely to affect the prospects of conviction. The prosecutor must consider whether the evidence can be used and is reliable. A case which does not pass the evidential test must not proceed.

The *Public Interest Stage* follows the Evidential stage. A prosecution will usually take place unless the prosecutor is sure that there are public interest factors tending against prosecution that outweigh those tending in favour, or the prosecutor considers the public interest is properly served by an out-of-court disposal. Public interest factors that can affect the decision to prosecute usually depend on the seriousness of the offence or the circumstances of the offender. Some factors may increase the need to prosecute but others may suggest that another course of action would be better.

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8.5 When deciding whether or not to prosecute, certain factors in paragraph 4.16 and 4.17 of the CPS Code for Crown Prosecutors will be taken into consideration.

a) A prosecution is likely to be required if (briefly):-

- a conviction is likely to result in a significant sentence;
- a conviction is likely to result in an order of the court in excess of that which a prosecutor is able to secure through a conditional caution;
- the offence involved the use of a weapon or the threat of violence;
- the offence was committed against a member of the enforcement staff or other person serving the public;
- the offence was premeditated;
- the offence was carried out by a group;
- the offence was committed in the presence, or in close proximity to, a child;
- the offence involved motivation by any form of discrimination;
- the offence was committed in order to facilitate more serious offending;
- the victim of the offence was in a vulnerable situation and the suspect took advantage of this;
- there was an element of corruption of the victim in the way the offence was committed;
- there is a marked difference in the ages of the suspect and the victim and the suspect took advantage of this;
- the suspect was in a position of authority or trust and he or she took advantage of this;
- the suspect was a ringleader or an organiser of the offence;
- the suspect's previous convictions or the previous out-of-court disposals which he or she has received are relevant to the present offence;
- the defendant is alleged to have committed the offence in breach of an order of the court
- a prosecution would have a significant positive impact on maintaining community confidence.
- There are grounds for believing that the offence is likely to be continued or repeated.

b) A prosecution is less likely to be required if (briefly):-

- The court is likely to impose a nominal penalty;
- The seriousness and the consequences of the offending can be appropriately dealt with by an out-of-court disposal which the suspect accepts and with which he or she complies;
- the suspect has been subject to any appropriate regulatory proceedings, or any punitive or relevant civil penalty which remains in place or which has been satisfactorily discharged, which adequately addresses the seriousness of the offending and any breach of trust involved;
- The offence was committed as a result of a genuine mistake or misunderstanding

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- The loss or harm can be described as minor and was the result of a single incident, particularly if it was caused by a misjudgement;
- There has been a long delay between the offence taking place and the date of the trial, unless;
  - i. the offence is serious;
  - ii. the delay has been caused wholly or in part by the suspect;
  - iii. the offence has only recently come to light;
  - iv. the complexity of the offence has meant that there has been a long investigation; or
  - v. new investigative techniques have been used to re-examine previously unsolved crimes and, as a result, a suspect has been identified.
- A prosecution is likely to have an adverse effect on the victim's physical or mental health
- The suspect played a minor role in the commission of the offence;
- The suspect has put right the loss or harm that was caused;
- The suspect is, or was at the time of the offence, suffering from significant mental or physical ill health, unless the offence is serious or there is a real possibility that it may be repeated;
- A prosecution may require details to be made public that could harm sources of information, international relations or national security.

8.6 Deciding on the public interest is not simply a matter of adding up the number of factors on each side. The prosecutor must decide how important each factor is in the circumstances of each case and go on to make an overall assessment. Once a decision has been made to prosecute then action should be taken without undue delay.

8.7 When implementing legal proceedings, the requirements of the Police and Criminal Evidence Act 1984 (as amended) - Codes of Practice and the Criminal Procedures and Investigation Act 1996 (as amended) - Codes of Practice, will be adhered to.

8.8 Charges will be selected which:-

- a) reflect the seriousness and extent of the offending
- b) give the court adequate powers to sentence and impose Orders
- c) enable the case to be presented in a clear and simple way.

## 9.0 **LEGAL PROCEEDINGS PROCESS**

9.1 In order to ensure that legal proceedings are administered in a consistent and timely fashion, and to the required level of quality, a documented procedure will be used to manage the process. This will deal with all aspects of routine cases including preparation of prosecution files, dealing with cases in progress, completion of documentation after the case has been completed and dealing with abandoned or withdrawn cases and appeals.

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9.2 In order to aid consistency, a set of forms have been designed to record and present information in a consistent fashion.

## **10.0 STAFF AUTHORISATION AND DELEGATION**

10.1 The Council's constitution and scheme of delegation describe how the responsibility for enforcement is allocated and how staff are authorised to undertake duties on behalf of the Council.

10.2 Notices shall be served by officers whose opinion they reflect and who is properly authorised.

## **11.0 STAFF SUPPORT**

11.1 Staff involved in enforcement are assured of their safety and welfare by means of the implementation of policies, strategies and the provision of guidance and training. In particular, as enforcement activity is generally carried out by staff working alone, policies and practices have been adopted to secure their safety while out of the office. These include:-

- The Lone Worker Policy and Procedure, which provides a system for ensuring that contact is maintained with staff while they are working out of the office.
- An Out of Hours Lone Working Procedure provides a framework for keeping in contact and emergency support for staff working outside normal working hours, at weekends and on bank holidays.
- Training needs are assessed on an annual basis and training is made available for staff in relation to issues such as dealing with aggression and de-escalation of confrontational situations.
- Staff are provided with suitable identification documents and their authority to undertake enforcement activity is confirmed through administrative procedures linked to the Council's Constitution.
- Richmondshire District Council has adopted policies in relation to unreasonably persistent complaints and unacceptable behaviour and based on guidance produced by the Local Government Ombudsman.

## **12.0 ENSURING FAIR AND EQUAL ENFORCEMENT**

12.1 Policies and advice, produced within the Council, ensure that enforcement activity is undertaken in a professional and respectful way. Practices include:-

- Disclosure and Barring Service checks are undertaken in respect of all staff that work with or come into contact with children and vulnerable adults.
- The Council's Equalities Strategy ensures that enforcement activity is delivered in such a way that stresses the importance of fair treatment and equal access to our services.

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- Equality Impact Assessments are undertaken of all significant policies and strategies and these are published and are publicly available.
- The Code of Practice for carrying out surveillance under the Regulation of Investigatory Powers Act 2000 as amended ensures that individual's rights are protected while also ensuring that law enforcement can be undertaken effectively. It ensures that covert surveillance is only used and authorised in specific circumstances and with specific controls. This would be where the collection of evidence would otherwise be jeopardised by the visibility or prior notice of the officer collecting that evidence, where prior notice might jeopardise the collection of evidence, or where the matter is of significant local importance.

### **13.0 REVIEW, MONITORING AND REPORTING COMPLIANCE**

13.1 All regulatory services have come under increasing influence from central Government initiatives. These influences will be regularly assessed and this Strategy and Policy reviewed on not less than an annual basis to ensure it is up to date.

13.2 Monitoring of compliance with the Policy and in the implementation of the Strategy will be monitored by the Environmental Health Manager.

13.3 Staff shall use the Enforcement Policy Checklist (Form G.F.14) to record enforcement decisions that are not in compliance with the Enforcement Policy and record the agreement of that non-compliance by the relevant Lead Officer.

13.4 The outcome of regulatory service delivery will be reported on an annual basis to the Corporate Director.

### **14.0 NATIONAL POLICE COMPUTER**

14.1 The Council will co-operate, as a non-police prosecuting agency, with North Yorkshire Police in the transfer of appropriate information to and from the Police National Computer.

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## **ENFORCEMENT REFERENCE DOCUMENTS**

Regulators' Code. BRDC. 2014

The Legislative and Regulatory Reform (Regulatory Functions) Order 2007. SI 2007:3544. 6 April 2008 (the "Listing Order")

Corporate Manslaughter and Corporate Homicide Act 2007. HMSO

Regulatory Enforcement and Sanctions Act 2008. HMSO. October 2008.

Simple Cautioning of Adult Offenders. Home Office Circular 016/2008. July 2008.

The Code for Crown Prosecutors. Crown Prosecution Service. February 2010.

Human Rights and Human Lives. Ministry of Justice. October 2006.

Priority Regulatory Outcomes. A new approach to refreshing the National Enforcement Priorities for Local Authority Regulatory Services. LBRO. November 2011.

Protected Disclosures



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**Report To:** Cabinet  
10 June 2014

**Subject:** **HEALTH & SAFETY ENFORCEMENT POLICY**

All Wards  
Portfolio Holder for Environmental and Planning Services: Councillor Brian Phillips

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### **1.0 PURPOSE OF THE REPORT**

1.1 The purpose of this report is to present the Health and Safety Enforcement Policy for approval.

### **2.0 BACKGROUND**

2.1 The current Health and Safety Enforcement Policy v1.1 was approved by the Licensing and Environment Protection Committee at its meeting on 26<sup>th</sup> November 2012. Version 1.2 has now been produced following changes in national guidance and requirements. The following amendments have been made in the latest version:-

- a) Section 2.0 and paragraph 4.11 reflect the changes introduced by the replacement of the section 18 Guidance with a National Local Authority Enforcement Code. This Code was developed in response to the recommendations by Professor Lofstedt that the Health & Safety Executive take a stronger role in directing Local Authority health & safety inspection and enforcement activity. This National Code has been developed in response to this recommendation and as an outcome of the Red Tape Challenge on Health & Safety. It is designed to ensure that LA health & safety regulators take a more consistent and proportionate approach to enforcement. This required no change to our existing enforcement practices.
- b) Paragraph 5.1.6 introduces a reference to the approved Council policy in relation to Protected Disclosures. This confirms that the Council will protect the identity of employees who make protected disclosures under the Public Interest Disclosure Act 1998. The Policy was approved by Cabinet on 5<sup>th</sup> November 2013 as an amendment to the Council's existing Whistleblowing Policy covering its own employees.
- c) Paragraph 7.1.1 refers to the replacement of the Regulators' Compliance Code by the Regulators' Code. This mandatory Code, published in July 2013, comes into effect on 1<sup>st</sup> April 2014. The Council must have regard to the Code when setting standards or giving evidence. This Code did not require a change of Policy but introduced some practices in relation to the way enforcement is carried out.
- d) Paragraph 7.1.2 introduces the Environmental Health Service's Business Friendly Scheme. This scheme implements the requirements of the Regulators' Code and demonstrates how the Service will meet its requirements.
- e) Section 8 – Enforcement Options remains unchanged.
- f) Paragraph 8.6.5 again refers to the change from section 8 Guidance to the National LA Enforcement Code.

g) New paragraph 9.0 introduces the Independent Regulatory Challenge Panel. This new body will look into complaints regarding advice given by the Health and Safety Executive or Local Authority Inspectors about health and safety which a business might think is incorrect or goes beyond what is required to control risk adequately. Reference to this body will be made in our correspondence and on our website.

2.2 The overall effect of these changes is not felt to be a change of policy but a formalisation of the current service design and delivery system in Hambleton.

### **3.0 LEGAL IMPLICATIONS:**

3.1 The revisions ensure incorporation of recent Government requirements and ensure that the Health & Safety enforcement service complies with national expectations.

### **4.0 FINANCIAL IMPLICATIONS AND EFFICIENCIES:**

4.1 There are no financial implications in this report.

### **5.0 RISK ASSESSMENT:**

5.1 There are no risks associated with this report.

### **6.0 DIVERSITY:**

6.1 Approval of an up to date Enforcement Policy will ensure that all enforcement activity is undertaken based on the merits of the particular situation.

### **7.0 RECOMMENDATIONS:**

7.1 That Cabinet approves and recommends to Council the Health and Safety Enforcement Policy.

MICK JEWITT

**Background papers:** Health & Safety at Work etc. Act 1974  
National LA Enforcement Code. HSE. May 2013  
Regulators' Code. BIS. July 2013  
Business Friendly Scheme. Environmental Health Service. 2013

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HAMBLETON DISTRICT COUNCIL  
ENVIRONMENTAL HEALTH SERVICE

# HEALTH AND SAFETY ENFORCEMENT POLICY

Date of Issue:

## Version Control

<i>Version No.</i>	<i>Amended by</i>	<i>Date</i>
1.0	Philip Mepham	14/2/2012
1.1	Philip Mepham	8/10/2012
1.2	Philip Mepham	2/1/2014

## **1.0 Introduction**

- 1.1 Hambleton District Council is an enforcement authority in relation to health and safety in the workplace and have powers and duties in the Health and Safety at Work etc. Act 1974 and associated legislation.
- 1.2 This enforcement policy builds on the overall Environmental Health Enforcement Strategy and Policy and explains its interpretation in relation to health and safety at work.
- 1.3 This policy applies to all aspects of the health and safety service within the boundaries of Hambleton District Council.

## **2.0 Relevant Documents**

The following documents are relevant to this Policy:-

Health and Safety at Work etc Act 1974, and any Regulations, Approved

- Codes of Practice, or Guidance thereunder.
- Current relevant guidance from the Health and Safety Executive and
- Government Departments or Agencies
- Work Related Deaths: A Protocol for Liaison
- Police and Criminal Evidence Act 1984
- Human Rights Act 1998
- Criminal Procedure and Investigation Act 1996
- Crown Prosecution Service Guidance
- The Council's Scheme of Delegation
- National Local Authority Enforcement Code
- HSE Enforcement Policy Statement
- Regulation of Investigatory Powers Act 2000
  - Enforcement Management Model
- A Risk based Approach for Selecting Complaints about Dutyholders.
- Statutory Code of Practice for Regulators
- Legislative and Regulatory Reform Act 2006
- Regulatory Enforcement and Sanctions Act 2008

## **3.0 Responsibility**

- 3.1 All authorised officers are responsible for compliance with this policy in relation to the use of their enforcement powers.

## **4.0 Enforcement Policy Statement**

- 4.1 The Council aims to improve health and safety outcomes which includes reducing work-related ill health and accidents, and protect the health, safety and welfare of employees and to safeguard others, principally the public, who may be exposed to risks from the way work is carried out.

- 4.2 The purpose of enforcement action is to:
- Secure action by dutyholders to manage and control risks effectively, thus preventing harm
  - Ensure dutyholders take action to deal immediately with serious risks
  - Promote and achieve sustained compliance with the law
  - Hold dutyholders to account for failures to safeguard the health, safety and welfare of those to whom they owe that duty

The full range of enforcement options available is listed in Section 8. All decisions regarding enforcement action will have regard to risks to health and safety which may arise because of failures in health and safety practices.

- 4.3 The Council intends to achieve these aims using a range of targeted risk based interventions and using a variety of different methods. When carrying out these activities Authorised Officers will give due regard to current advice and guidance issued by the Health and Safety Executive (HSE), the HSE/ Local Authorities Enforcement Liaison Committee (HELA), Local Government Regulation as part of the Local Government Group, the Better Regulation Development Office, the Code for Crown Prosecutors, and any Services standards and procedures applicable to the circumstances. Information on the Environmental Health Service's standards and procedures relating to these activities can be found in the Sections 6 and 7.
- 4.4 The Council is fully committed to working in partnership, cooperating and liaising with other organisations, and co-ordinating internally with other Council Departments, in order to achieve the aims of this policy. The Council is also committed to operating under a flexible warrant scheme with the HSE and other West and North Yorkshire Local Authorities who are members of the West and North Yorkshire Health and Safety Liaison Group. In particular, where a Primary Authority Scheme exists for a business, Authorised Officers will check the scheme information and liaise with the Local Authority Partner before any intervention takes place. Also Authorised Officers will act in accordance with agreed procedures with the North Yorkshire Police in relation to the Protocol on Work-Related Deaths. Liaison arrangements will be maintained with other local authorities and the HSE's Enforcement Liaison Officer through the West and North Yorkshire Health and Safety Liaison Group. A quality management system is in operation for the health and safety enforcement function within the overall Environmental Health Service Quality Management System.
- 4.5 The Council will ensure that these services are flexible and responsive to needs in order to be equally accessible to all its citizens, and that all service users are treated equally and dealt with fairly.
- 4.6 The Council will ensure that where there is the potential for a conflict of interest to arise in premises for which the Council is the relevant enforcing authority, but for which the Council also has an ownership or management interest, these issues will be dealt with in an open and transparent way.
- 4.7 The Council is committed to consultation with stakeholders on the operation of

- this policy.
- 4.8 The Council recognises that enforcement activities must be effective and well targeted and are committed to the need to achieve objectives fairly and effectively without imposing unnecessary burdens on business by having regard to the Statutory Code of Practice for Regulators.
- 4.9 The Council will ensure that all Officers authorised under the Health and Safety at Work etc Act 1974 are competent and are subject to assessment in order to determine and maintain competency.
- 4.10 All Officers authorised under Section 19 of the Health and Safety at Work etc Act 1974 will comply with the Police and Criminal Evidence Act 1984, the Human Rights Act 1998, the Criminal Procedures and Investigations Act 1996, and the Regulation of Investigatory Powers Act 2000 when carrying out any enforcement duties.
- 4.11 This policy is consistent with:
- HSE's Enforcement Policy Statement
  - National Local Authority Enforcement Code issued to Local Authorities in accordance with Section 18 of the Health and Safety at Work Act 1974
  - Guidance to Local Authorities by the HSE on targeting interventions
  - The Statutory Code of Practice for Regulators
- 4.12 This policy will be reviewed on a regular basis.
- 4.13 This enforcement policy has been agreed by the Members of Hambleton District Council.
- 4.14 Copies of this policy will be made available on request to all parties. They can be obtained from any of the Council's offices, on the Hambleton District Council website [www.hambleton.gov.uk](http://www.hambleton.gov.uk) and will also be offered to employers during intervention visits. Other documents referred to in this policy detailing different aspects of service are also available to view on request.

## **5.0 Delivering the service**

- 5.1.1 In all cases a targeted hazard and risk based approach will be applied to all health and safety enforcement activities. Health and safety interventions will be targeted on higher risk activities and serious breaches of health and safety regulation. Where the level of risk is either inherently low and/or the dutyholders manage the residual risk well, proactive intervention may not be warranted. In deciding the level of resources to be used in the application of this policy and the type of intervention, the following factors will be considered:
- The management of significant risks
  - The risk profile of the business/sector
  - National information on accidents, priorities and inspection schemes
  - The principles of sensible risk management
  - The severity and scale of potential or actual harm
  - The seriousness of any potential breach of the law
  - Knowledge of the dutyholder's past health and safety performance

- The enforcement priorities
- The practicality of achieving results
- The wider relevance of the event, including serious public concern

5.1.2 All investigations have the same aims i.e. to determine: -

- Causes
- Whether action has been taken or needs to be taken to prevent a recurrence and to secure compliance with the law
- Whether there are lessons to be learnt
- What response is appropriate

5.1.3 Businesses can expect to receive a visit summary sheet at the time of the inspection and also for initial visits the information leaflet '*What to expect when a health and safety inspector calls*'.

5.1.4 Due regard will be given to the views of workers representatives for health and safety enforcement activities.

5.1.5 Any disclosure of information will be lawful and in accordance with HSE policy and freedom of information legislation.

5.1.6 Information provided by employees as whistleblowers will be protected in accordance with the Council's Policy on Protected Disclosures.

## 5.2 Inspection of workplaces and work activities.

A priority rating scheme coupled with enforcement guidance of national, regional and local based priorities determines the frequency and targeting of proactive inspections of workplaces and work activities. This means that this inspection programme is weighted and directed at businesses with the most serious risks. In all cases the reason for the inspection will be recorded with the inspection records. Where proactive inspections are not indicated due to a lower risk, other interventions can be considered appropriate to the risk.

## 5.3 Investigation of accidents and incidents

Each event is evaluated against criteria based on HSE guidance to determine the appropriate level of response. The criteria evaluation form will be kept with the event. A copy of the criteria for incident investigation is available on request.

## 5.4 Investigation of complaints

Officers aim to respond promptly to complaints and in any event within 3 days which is the current target in the Environmental Health Service Plan. The Council will exercise discretion in deciding the nature and extent of any investigation of incidents, cases of ill health or complaints. The speed of response may vary according to the seriousness of the risk in line with the factors listed in paragraph 5.1.1. above. In all cases the allocation of

resources will be targeted at higher risks. Any information on decisions related to the response for the investigations will be kept with the case records.

5.5 Provision of advice and responding to requests for service

Officers aim to respond promptly and in any event within 3 days to requests for advice and service. This advice can include redirecting enquiries to the appropriate enforcing authority.

5.6 Promotion of health and safety issues,

The Council aims to promote a range of issues relating to health and safety. In particular, the Council supports national campaigns on priority topics with relevance to local issues and for those businesses for which the Council is the enforcing authority.

6.0 **Delegation to Officers**

6.1 Decisions about health and safety enforcement are delegated to officers of the Council as shown in the Council's constitution. The following paragraphs illustrate the delegated powers.

6.2 Chief Executive

Overall responsibilities for the health and safety enforcement function of the Councils.

6.3 Director of Leisure and Health Services

To carry out on behalf of the Chief Executive the health and safety function of the Council. Appointment of suitably qualified, experienced and competent persons to act as Authorised Officers to carry out functions under the Act in accordance with the relevant statutory provisions and codes of practice; responsibility for ensuring that Authorised Officers maintain their competency.

6.4 Legal Officer

To assist in instituting proceedings and to prosecute on behalf of the Council in respect of any offence against any legislation which the Council is authorised to enforce.

6.5 Authorised Officers

As authorised according to their individual qualifications, experience and competency the exercise of the powers contained in Section 20 (Powers of Inspectors), 21 (Improvement Notices), 22 (Prohibition Notices), Section 25 (Power to Deal with Imminent Dangers), and Section 38 (Institution of proceedings) of the Health and Safety at Work etc Act 1974.

6.6 Any enforcement decisions which may be required and which do not fall within the limits of this policy shall be taken by the Director of Leisure and Health Services.

7.0 **Enforcement action**

7.1.1 The Council will comply with the Regulators' Code which sets out what businesses and others being regulated can expect from enforcement officers. This Code requires regulation which is effective and well targeted promoting



fairness and protection from harm, but does not impose unnecessary burdens. Also, regulation must be flexible enough to allow or even promote economic progress and at the same time deal proportionately with criminal behaviour which would have a damaging effect on legitimate businesses.

7.1.2 The Council will adopt a positive approach towards ensuring compliance by helping and encouraging businesses to understand and meet regulatory requirements more easily and will respond proportionately to regulatory breaches. This includes giving positive feedback to businesses and other regulators, to encourage and reinforce good practices. The means by which this will be achieved are set out in the EHS Business Friendly Scheme.

7.1.3 Before taking any enforcement action the circumstances encountered during inspections or following incidents or complaints will be investigated

7.2 This policy is consistent with the HSE Enforcement Policy Statement and the Enforcement Management Model, ensuring that the fair enforcement of Health and Safety law is determined by the principles of *proportionality, consistency, targeting, transparency* and *accountability* as follows:

#### 7.2.1 Proportionality

Enforcement action will be proportionate to any risks to health and safety and to the seriousness and extent of any breach, which includes consideration of any actual or potential harm arising from a breach of the law. Some duties are specific and absolute, whereas others require action 'so far as is reasonably practicable'. The principles of proportionality will be applied in relation to both kinds of duties.

#### 7.2.2 Consistency

There are always many variables in the circumstances where enforcement action is considered. In order to achieve and maintain consistency decisions about enforcement action will be taken having due regard to the information in statutory Codes of Practice and Guidance. The Council will aim to take a similar approach in similar circumstances to achieve similar ends, by giving due regard to this policy for all health and safety enforcement matters. Any departure from this policy will be made in consultation with the Environmental Health Manager and the reasons will be documented and kept with the relevant file.

#### 7.2.3 Targeting

Enforcement action will be prioritised and targeted to deal primarily with those activities which give rise to the most serious risks or where the risks are least well controlled, and focused on dutyholders who are best placed to control them.

#### 7.2.4 Transparency

The Council will aim to ensure that duty holders understand what is expected of them and what they should expect from the Council. This also means distinguishing between statutory requirements and advice or guidance about what is desirable but not compulsory. All Authorised Officers will issue a written

visit summary and, for initial visits, the HSE leaflet '*What to expect when a health and safety inspector calls*' to those duty holders they visit.

The procedures will adhere to the following principles:

- Advice from an officer will be put clearly and simply and will be confirmed in writing, on request, explaining why any work is necessary and over what time-scale and making sure that legal requirements are clearly distinguished from best practice advice or recommendations.
- Before formal enforcement action is taken, officers will provide an opportunity to discuss the circumstances of the case and, if possible, resolve points of difference, unless immediate action is required (for example, in the interests of health and safety or to prevent evidence being destroyed).
- Where immediate action is considered necessary, an explanation of why such action was required will be given at the time, and, if not in the form of a notice, confirmed in writing in most cases within 5 working days and, in all cases, within 10 working days.
- Where there are rights of appeal against Formal action, advice on the appeal mechanism will be clearly set out in writing at the time the action is taken (whenever possible this advice will be issued with the enforcement notice).

#### 7.2.5 Accountability

The Council is accountable to the public and businesses for their actions. The activities and actions of their officers are subject to procedures which are available on request. The contact details of the officer dealing with a particular issue will be included in any correspondence. Where appropriate, details of rights of appeal to an Employment Tribunal will be provided in writing to the duty holder. If you are dissatisfied, Hambleton District Council operates a Complaints Procedure for dealing with any complaints about services. Customers can make a complaint about services, including the Health and Safety service in several ways. This could be by contacting Councillors or Council staff via the Council's website or by contacting Council's service points by phone, by post or by email. The procedures are available at Council offices too and will be provided on request to all parties.

#### 8.0 Enforcement options

8.1 The choices for action are as follows:

- take no action
- take informal action
- use statutory notices
- seize, render harmless or sample any article or substance
- use formal cautions
- prosecute

The circumstances under which the various enforcement actions may be taken are described in the following sections of the policy. Written details of the reasons for the choice of action will be kept on the appropriate premises file.

## 8.2 Informal Action

8.2.1 Informal action includes giving advice and guidance, verbal and/or written warnings or requests for action and the use of letters.

8.2.2 Informal action will be considered where: -

- Circumstances do not warrant formal action
- Confidence in the operator of the business is high
- It is expected that informal action will achieve compliance.

When verbal advice is given it will, if requested, be confirmed in writing.

## 8.3 Statutory Notices - Improvements

8.3.1 Service of an Improvement Notice will be considered when: -

- In the opinion of the inspector an offence has been committed
- Standards are generally poor with little management awareness of statutory requirements.
- There is significant contravention of statutory provisions but prosecution or prohibition is not appropriate.
- Circumstances show it is likely that contraventions will continue or be repeated.
- There is little confidence that the duty holder will respond to an informal approach.
- The consequences of non-compliance could pose a serious risk to health or safety.
- Effective action needs to be taken to remedy conditions that are serious or deteriorating, even though it is intended to prosecute

8.3.2 Improvement Notices will only be issued by suitably qualified and competent officers who are authorised to do so.

8.3.3 In serving Improvement Notices relevant HSE and HELA guidance will be followed. Realistic time limits will be applied and alternative ways of complying with the notice will be considered.

8.3.4 Information on the rights of appeal against Improvement Notices will be included with the notice.

8.3.5 The originating officer will consider all written requests to extend the time limits of the notice which are received within the existing time limits.

8.3.6 Compliance with the notice will be checked as soon as practicable after the expiry of the notice, and in any case within 5 days.

8.3.7 Failures to comply with a notice within the specified time limit will, except where extenuating circumstances apply, result in prosecution.

8.3.8 Information on Improvement Notices will, where appropriate, be made publicly available.

#### 8.4 Statutory Notices - Prohibition

8.4.1 Prohibition will be considered where the Authorised Officer is of the opinion that activities pose a risk of serious personal injury and the consequences of not taking immediate and decisive action to protect persons' health or safety would be unacceptable.

8.4.2 Prohibition will be considered where there is no confidence in the integrity of an unprompted offer to voluntarily close premises or cease the use of any equipment or process.

8.4.3 Officers authorised to issue Prohibition Notices will be suitably qualified, competent, and be authorised to do so and also will have experience in a variety of health and safety enforcement situations.

8.4.4 In serving Prohibition Notices relevant HSE and HELA guidance will be followed.

8.4.5 Before issuing Prohibition Notices authorised officers will, where it is reasonably practicable to do so, consult with the Lead Officer (Commercial) or the Environmental Health Manager.

8.4.6 Information on the rights of appeal against a Prohibition Notice will be included with the notice.

8.4.7 The originating officer will consider all written requests to withdraw the notice or to extend the period specified in the notice which are received within this specified period. This will be carried out in consultation with the Environmental Health Manager.

8.4.8 Monitoring of the compliance with the notice will be take place in a timely fashion and in accordance with the period specified in the notice.

8.4.9 Failures to comply with a notice within the terms of the notice will, except where extenuating circumstances apply, result in prosecution.

8.4.10 Information on Prohibition Notices, where appropriate, will be made publicly available.

## 8.5 Seizure

8.5.1 The powers to seize, render harmless, and, where appropriate, sample any article or substance will be considered if the officer has reasonable cause to believe that such an article or substance is the cause of imminent danger of serious personal injury.

8.5.2 As soon as may be after any article or substance has been seized and rendered harmless, the officer will give a copy of a report which gives the particulars of the circumstances to the responsible person at premises where the article or substance was found, or to the owner as appropriate.

8.5.3 The powers to seize, render harmless, or sample any article or substance will only be used by suitably qualified and competent officers who are authorised to do so.

## 8.6 Prosecution

8.6.1 The Council must use discretion in deciding to bring a prosecution. Any decision to prosecute should be kept under continuous review. Where the circumstances warrant it and the evidence to support a case is available, the Council may prosecute without prior warning or recourse to alternative sanctions.

8.6.2 Prosecution will be considered where there has been a serious breach of health and safety legislation. Other enforcement actions may have taken place prior to consideration for prosecution.

8.6.3 The decision to refer matters to the Council Solicitor for prosecution will be taken by the Environmental Health Manager and the Director of Leisure and Health Services who will consider all relevant evidence and information.

8.6.4 Where decisions are taken about whether to prosecute the due regard will be given to the Enforcement Management Model, the evidence, the relevant public interest factors set down by the Director of Public Prosecutions in the Code for Crown Prosecutors and the relevant Home Office Guidance. The factors which will be considered may include the following:-

- the seriousness of the alleged offence
- the previous history of the party concerned
- the ability of any important witnesses and their willingness to co-operate
- the willingness of the alleged offender to prevent a recurrence
- the probable public benefit of prosecution and the importance of the case
- whether other enforcement action would be more appropriate
- any explanation offered by the alleged offender

8.6.5 The Council will have regard to the current Section 18 HSE Guidance to Local Authorities in that the circumstances where prosecution of offenders would be recommended include:-

- death was the result of an offence
- the gravity of an alleged offence, taken together with the seriousness of any actual or potential harm, or the general record and approach of the offender warrants it
- flagrant or reckless disregard of health and safety requirements such that persons health, safety or well being is put at risk
- work has been carried out without or in serious non compliance with an appropriate licence or safety case
- A dutyholder's standard of managing health and safety is found to be far below what is required by health and safety law and giving rise to significant risk
- where there has been a failure to comply with an enforcement notice or there has been repetition of a breach that was subject to a formal caution
- where there have been repeated breaches which give rise to significant risk, or persistent and significant poor compliance
- officers have been wilfully supplied with false information or intentionally obstructed in the lawful course of their duties

In the public interest prosecution will also be considered where: -

- a conviction may deter others from failures to comply with the law.
- a breach which gives rise to a significant risk has continued despite relevant warnings from employees, or their representatives, or from others affected by a work activity.

### 8.7 Simple Caution

A Simple Caution is an option which officers may consider using Home Office Circular 016/2008. Simple Cautions are an alternative to a prosecution that may be considered where circumstances described in section 7.14 – 7.21 of the Environmental Health Enforcement Strategy and Policy exist.

### 9.0 Independent Regulatory Challenge Panel

9.1 An Independent Regulatory Challenge Panel has been established. This body can look into complaints regarding advice given by LA Inspectors about health & safety which a person may think is incorrect or goes beyond what is required to control the risk adequately. An effort must first be made by that person to resolve the matter with the relevant Inspector and their manager. The Panel can be contacted at [www.hse.gov.uk/contact/contactchallengepanel.htm](http://www.hse.gov.uk/contact/contactchallengepanel.htm) where the process can be found.

## **HAMBLETON DISTRICT COUNCIL**

**Report To:** Cabinet  
10 June 2014

**Subject:** PUBLIC OPEN SPACE, SPORT AND RECREATION ACTION PLANS

**Topcliffe Ward**  
**Portfolio Holder for Customer and Leisure Services: Councillor Mrs B S Fortune**

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### **1.0 PURPOSE AND BACKGROUND:**

1.1 The Council's policy is to endorse Public Open Space, Sport and Recreation Sub Area Action Plans to provide a more strategic and efficient process for allocating future Section 106 monies (see Annex A) either from Local Development Framework allocations or windfall sites.

1.2 The purpose of this report is to endorse the refreshed Public Open Space, Sport and Recreation Action Plan for Dalton.

1.3 The Council's policy states that each Action Plan must comply with the following:

- Ascertain what is already provided
- Consider public open space, sport and recreation projects that are included in the local Community or Parish Plan to identify existing need
- Includes consultation with community groups that manage public open space, sport or recreation facilities to identify future need
- Includes consultation with the District Council Elected Member(s) and the local Area Partnership
- Meet the obligations of Public Open Space, Sport and Recreation Supplementary Planning Document
- Is signed off by a Council Director

The Action Plan detailed in 1.2 meet this criterion.

1.4 Copies of the Action Plans detailed in 1.2 are available at Annex B.

### **2.0 LINK TO COUNCIL PRIORITIES:**

2.1 This links primarily to the Health priority of the Council.

### **3.0 RISK ASSESSMENT**

3.1 Risk has been considered as part of this report and there are no risks identified as a result.

### **4.0 FINANCIAL IMPLICATIONS:**

4.1 The main method of delivery of Section 106 allocations is to passport external funding from developers to community groups. Funds will not be committed or released to organisations until the Council has received the monies from the developer.

4.2 Action Plans will be subject to 12 monthly reviews to determine progress to ensure that the projects are still relevant and viable.

**5.0 LEGAL IMPLICATIONS:**

5.1 There is a legal responsibility upon the Council to ensure this funding is used in a way consistent with the individual Section 106 Agreements.

**6.0 SECTION 17 CRIME AND DISORDER ACT 1998:**

6.1 Some of these projects have the potential to reduce crime and disorder through providing diversionary activity for young people.

**7.0 EQUALITY/DIVERSITY ISSUES:**

7.1 All projects in receipt of this funding should have equal access and be available for the general public to use.

**8.0 RECOMMENDATION(S):**

8.1 It is recommended that the Public Open Space, Sport and Recreation Action Plan in Annex B be endorsed.

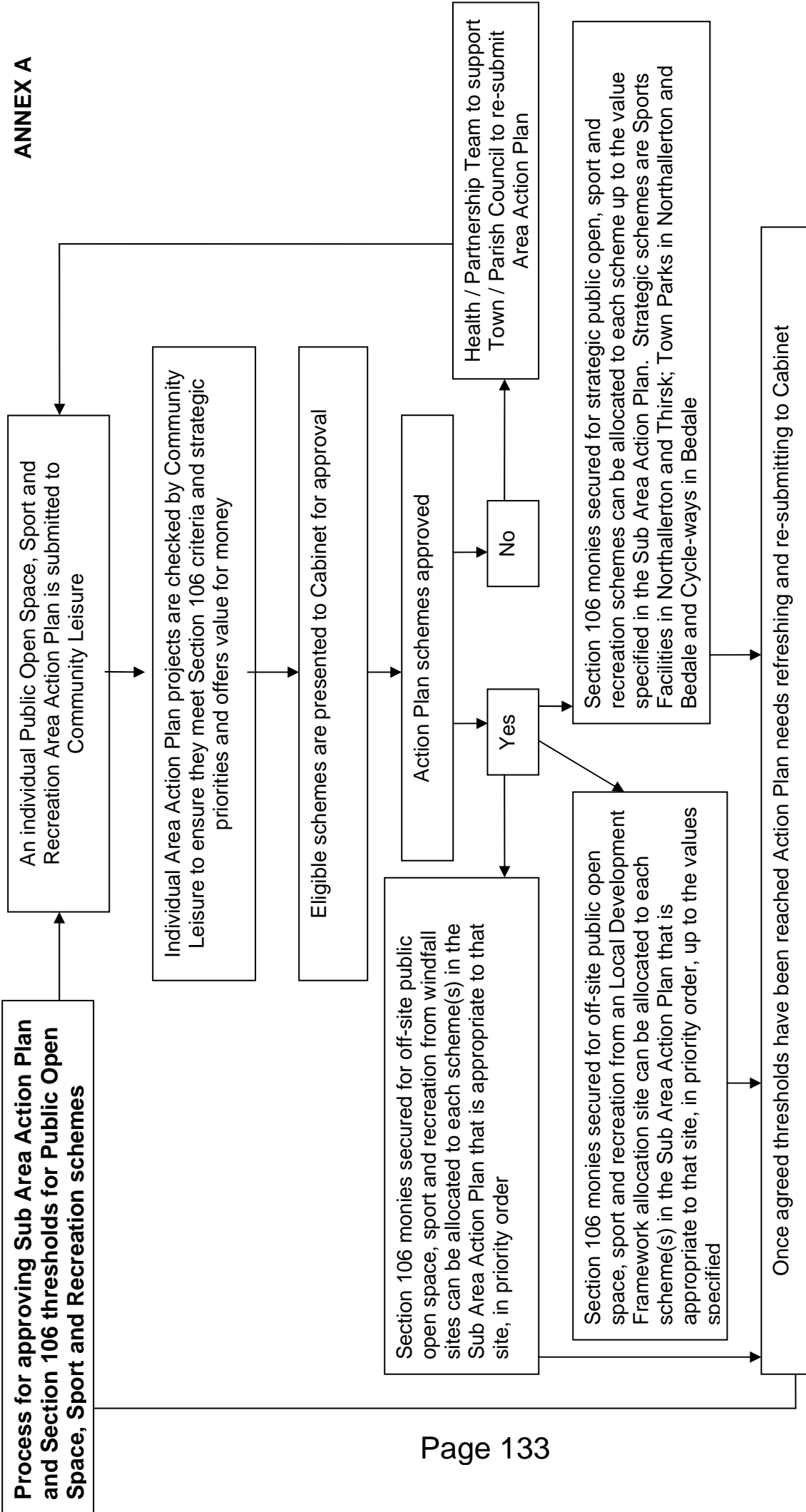
DAVE GOODWIN

**Background papers:** Hambleton Local Development Framework – Open Space, Sport and Recreation Supplementary Planning Document

**Author ref:** DRG

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Director Customer and Leisure Services  
01609 767147





**PUBLIC OPEN SPACE, SPORT AND RECREATION ACTION PLAN – DALTON (REFRESH)**

What POS / Sport / Recreation facilities do you have already?	Managing organisation and contact details	Future actions	How do you know there is a need for this project?	Estimated cost (£)	Community Priority (1 = highest priority)
Football Pitch	Parish Council	Piped drainage scheme with sand grooves to the field. Typical costs include levelling, all preliminaries, setting up, transport, installation of pipe drainage scheme, installation of sand grooves, application of fertilizers, seeding and making good	To enable the facility to be useable/sustainable	£42,350	1
Car park and services	Parish Council	We will also have to pay for water and electricity to be connected and will also have to create a car parking area	To enable the facility to be useable/sustainable	£38,000	2
Recreation field	Parish Council	All weather surface for 7-a-side football (and other sports) situated in the recreation field. Goalposts are already insitu.	To enable 7-a-side football (and other sports) to be played at all time	£45,000	3
Pavilion	Parish Council	Cost of erecting a building for use as a pavilion to include all windows, doors, locks, internal walls, showers etc.	To encourage more use of the facilities	£30,000	4