



## AYLESBURY VALE DISTRICT COUNCIL

### Democratic Services

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25 August 2017

### FINANCE AND SERVICES SCRUTINY COMMITTEE

A meeting of the Finance and Services Scrutiny Committee will be held at **6.30 pm on Tuesday 5 September 2017** in **The Olympic Room, Aylesbury Vale District Council, The Gateway, Gatehouse Road, Aylesbury, HP19 8FF**, when your attendance is requested.

**Membership:** Councillor M Rand (Chairman); Councillors B Everitt (Vice-Chairman), J Bloom, J Chilver, S Lambert, R Newcombe, E Sims, M Smith, M Stamp, R Stuchbury and M Winn

Contact Officer for meeting arrangements: Craig Saunders; [csaunders@aylesburyvaledc.gov.uk](mailto:csaunders@aylesburyvaledc.gov.uk);

### AGENDA

**1. APOLOGIES**

**2. TEMPORARY CHANGES TO MEMBERSHIP**

Any changes will be reported at the meeting.

**3. MINUTES** (Pages 5 - 16)

To approve as correct records the Minutes of the meetings held on 4 April 2017 and 17 May 2017, copies attached as appendices.

**4. DECLARATION OF INTEREST**

Members to declare any interests.

**5. CORPORATE HEALTH AND SAFETY POLICY / STRATEGY** (Pages 17 - 100)

To consider the attached report.

Contact Officer: Joanne Crosby (01296) 585194

**6. HOUSING BENEFITS - RISK BASED VERIFICATION POLICY** (Pages 101 - 112)

To consider the attached report.

Contact Officer: Debbie White (01296) 585021

**7. TREASURY MANAGEMENT 2016-17 YEAR END AND 2017-18 MID YEAR REVIEW**  
(Pages 113 - 120)

To consider the attached report.

Contact Officer: Simon Wasteney (01296) 585164

**8. BUSINESS RATES - DISCRETIONARY RELIEF SCHEME 2017** (Pages 121 - 146)

To consider the attached report.

Contact Officer: Andrew Small (01296) 585507

**9. COMMERCIAL PROPERTY INVESTMENT STRATEGY** (Pages 147 - 150)

To consider the attached report.

Contact Officer: Teresa Lane (01296) 585006

**10. WORK PROGRAMME**

To consider the future work programme. Meetings are scheduled as follows:-

**3 October 2017**

1. Quarterly Finance Digest

**30 November 2017**

1. Leisure Centres Management Contract
2. Connected Knowledge
3. Vale Commerce Business Plan
4. Draft Budget Proposals for 2018/19

**10 January 2018**

1. Budget scrutiny (if required)

**11. EXCLUSION OF THE PUBLIC**

The following matter is for consideration by Members "In Committee". It will therefore be necessary to

RESOLVE –

That under Section 100(A)(4) of the Local Government Act, 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in the Paragraph indicated in Part 1 of Schedule 12A of the Act:-

Item No. 12 – Commercial Property Investment Strategy

The public interest in maintaining the exemptions outweigh the public interest in disclosing the information because the reports contain information relating to the financial or business affairs of organisations (including the Authority holding that information) and disclosure of commercially sensitive information would prejudice negotiations for contracts and land disposals or transactions.

**12. COMMERCIAL PROPERTY INVESTMENT STRATEGY (Pages 151 - 178)**

To consider the attached confidential report.

Contact Officer: Teresa Lane (01296) 585006

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# Public Document Pack Agenda Item 3

## FINANCE AND SERVICES SCRUTINY COMMITTEE

4 APRIL 2017

**PRESENT:** Councillor M Rand (Chairman); Councillors B Chapple OBE (Vice-Chairman), B Everitt, N Glover (In place of J Chilver), A Huxley, S Lambert, C Poll (In place of J Bloom), E Sims, M Stamp and M Winn. Councillors Mrs A Macpherson and H Mordue attended also.

**APOLOGIES:** Councillors Mrs Bloom, J Chilver and M Smith.

### 1. MINUTES

RESOLVED –

That the minutes of the meeting held on 9 January 2017 be approved as a correct record.

### 2. LEISURE CENTRES MANAGEMENT CONTRACT

The leisure management contract for the management and operation of the council's two leisure centres (Aqua Vale Swim and Fitness centre, Aylesbury and Swan Pool and Leisure Centre, Buckingham) were awarded to Sport and Leisure Management Ltd, trading as Everyone Active (EA) from April 2013 for an initial period of ten years with an option to extend the contract, by mutual agreement for up to a further five years. EA paid the Council approximately £510,000 each year to manage the council's leisure centres.

Formal contract monitoring was undertaken by the AVDC client officer through a monthly contract meeting with EA Contract managers and site visit together with ad-hoc contract meetings with the Regional Director of EA. In addition, any complaints received by the Council were followed up with EA to ensure that they were resolved in a satisfactory manner. Furthermore, AVDC Environmental Health Officers reviewed the water quality test results if there were any concerns regarding the water quality.

Concerns and reports of poor standards of cleanliness were received from time to time and were usually swiftly handled by EA. However, more recently concerns appeared to be of a recurring nature. Some Councillors had also expressed some concerns at the October 2016 Council meeting, and again in December 2016, on negative feedback received from users of Aqua Vale about the poor quality of cleanliness experienced. The Cabinet Member for Community, Leisure and Civic Amenities have given Members an undertaking to visit Aqua Vale in January 2017 and to meet with EA. She had also extended an invitation to all Councillors to come along and visit Aqua Vale with her.

Councillor Mrs Macpherson had met with the Regional Director of EA and local contract management in December 2016 to discuss her concerns and to seek assurances that quality standards would be greatly improved. An action plan had been proposed by EA and agreed by the Council to implement a series of immediate actions and improvements.

As a consequence of the poor standards experienced, monitoring of the contract had been stepped up and a significant increase in unannounced site visits now took place to ensure standards continued to improve.

Councillor Mrs Macpherson and approximately ten Councillors had visited Aqua Vale in January 2017 to see first hand the progress made to date and the current state of the centre. Improvements to the standards of cleanliness were clearly apparent and further

changes were planned to continue to raise standards in the near future. It was important to note however, that there were no significant cleanliness or service concerns at Swan Pool and Leisure Centre, Buckingham.

An internal audit of contract monitoring was currently underway as part of the audit work programme to review existing arrangements and to seek any best practice recommendations that would strengthen the process and give Members greater confidence.

Councillor Michael Rand (Chairman of the Scrutiny Committee) and Councillor Mrs Macpherson have invited EA to attend the scrutiny committee to enable Members to seek assurances and to learn directly of EA's commitment to continuous improvement to cleanliness standards and to ensure customers received a quality experience on every visit to the centre.

Members had asked a number of questions of Everyone Active and AVDC's Partnerships and Projects Manager in advance of the meeting and a copy of the questions and the responses were circulated at the meeting.

Everyone Active (EA) representatives at the meeting included the Regional Director, Area Contract Manager, General Manager of the Swan Pool (who was now based at Aqua Vale) and the new AVDC Contract Manager.

EA acknowledged that the overall standards at Aqua Vale had not been up to scratch or as they would expect to provide and that they should have been more proactive in responding to issues that had arisen. The Council's Officers also commented that they could have been more proactive in managing the contract and in addition to the monthly review meetings and inspections they had now substantially increased the number of unannounced inspection visits to ensure that standards were acceptable and continued to improve. Members were informed by EA that a number of changes had been made including changes to the senior staffing structure, and the cleanliness and maintenance regimes as follows:-

- contract cleaners had been cleaning Aqua Vale since January 2017. This had resulted in a dramatic improvement in cleanliness and no complaints had been received during February-March. This cleaning regime would continue for the remainder of the contract.
- 3 new senior managers had been brought into Aqua Vale. These people were experienced at running facilities for EA at other leisure centres and included a new Operations Manager, a Technical Manager and a Health and Safety Manager.
- new front of house managers had been appointed to deal with peak holiday periods. A concierge type system would operate along entrance queues at peak times to assist with admitting Members quicker to the centre.
- the rates of pay for lifeguards had been increased and was assisting with recruitment.
- the maintenance programme, schedule and plant had been reviewed. EA was confident that the future maintenance programme was robust, but would also continue to be proactive in response to any issues that arose.

It was explained that the main cause of queues at peak times was to refund people their car parking charge. EA and Council Officers would be meeting soon to discuss how this situation might be improved. This would also need to consider issues such as car parking orders that were in force for the Aqua Vale car park.

Members sought additional information and were informed:-

- (i) that lifeguard positions were publicised with local colleges and schools to assist with recruitment. Part-time lifeguard positions were also available.
- (ii) that the importance of managing the Aqua Vale facility to a high standard was recognised, including the reputational impact of not doing so on both EA and for AVDC.
- (iii) that the additional costs of cleaning and management at Aqua Vale would be borne by EA.
- (iv) that the management of Aqua Vale was more complex than the Swan Pool, mainly due to the larger throughput of people using the Aqua Vale swim facilities. This also made it easier to react to issues when they arose at the Swan Pool.
- (v) on how the Help Desk / monitoring system worked, and complaints/issues were then responded to. It was explained that the management contract included standards and timescales that the Council expected the operator to adhere to in rectifying problems when they occurred, e.g. health and safety issues would be resolved within one hour. It was further explained that the operator needed to be given a reasonable time to put things right before the Council considered imposing any penalties provided for in the contract.
- (vi) by the Area Contract Manager that a review of all internal procedures at Aqua Vale had been undertaken, including looking at the best and most appropriate times to undertake maintenance activities. An explanation was also provided of how the additional staffing would assist in the operation of the centre and that EA staff who were visiting Aqua Vale for a particular reason were now also asked to walk through the centre and report on any issues they might identify.
- (vii) that Aqua Vale would be re-assessed again soon against ISO 14001 (Environmental Management) and ISO 18001 (Health and Safety Practice), which was a requirement of the contract. A copy of the inspection reports would be provided to Members in due course.

Members also commented:-

- that they were pleased that EA and the Council Officers had been honest in acknowledging that the management of Aqua Vale needed to improve. Members were also satisfied that the actions outlined were sensible and would ensure that standards were acceptable and continued to improve. However, concerns were also expressed that there had been management failure and matters had been allowed to deteriorate before actions /intervention had taken place to improve standards to an acceptable level.
- that the unannounced site inspections should be carried out at different times of the day and week, and not just during normal working hours.
- that the centre may wish to re-look at how the Customer Panel operating at Aqua Vale was constituted and its effectiveness in reporting customer views of the centre and services provided.

RESOLVED –

- (1) That the representatives from EA be thanked for attending the meeting and explaining the action plan regarding the management of Aqua Vale.

- (2) That the Action Plan for the management of Aqua Vale to ensure that standards were acceptable and continued to improve be noted.
- (3) That EA be invited back to the scrutiny committee meeting on 3 October 2017 regarding monitoring the Leisure Centres management contract.

### **3. TREASURY MANAGEMENT STRATEGY**

The Committee received a report that had been submitted to full Council on 22 February, 2017, on the Treasury Management Policy Statement for 2017/18. The statement, as well as the Treasury Management Strategy Statement and the Annual Investment Strategy were attached as appendices to the report.

Under the terms of the Statutory Code of Practice for Treasury Management, the Council was required each year to consider its treasury management performance before 1 April and to determine its Treasury Management Strategy for the succeeding year. As such, the strategy was being reported to scrutiny following approval by Council.

The annual Treasury Management Strategy included the Prudential Indicators that were used as part of the self governance framework. The Prudential Indicators that needed to be determined along with some changes were highlighted and were as follows:-

#### **Capital and Debt Indicators**

- |                                 |   |
|---------------------------------|---|
| Capital Expenditure -           | Represented the agreed Capital Programme and set out the planned capital expenditure over the next three years.   |
| Affordability Index -           | This was the proportion of the Authority's income which was taken up by loan repayments and interest. The more the Authority borrowed the less was available for delivering services. |
| Capital Financing Requirement - | The amount the Authority needed to borrow in order to deliver its Capital Expenditure plans.  |
| Authorised Limit -              | The combined maximum amount the Authority could take in borrowing to finance its capital expenditure plans and its day to day cash flow purposes.                                     |
| Operational Limit -             | The amount the Authority realistically expected to borrow and represented the figure that the Authority would not expect to exceed on a day to day basis.                             |

#### **Treasury Management Indicators**

- |                                  |   |
|----------------------------------|---|
| Exposure to Interest Rate Risk - | The maximum proportion of borrowing which could be on either fixed or variable interest rates. By setting a maximum proportion a limit was placed on the amount by which the Authority's finances would be affected by movements in base rates. |
| Maturity Profile -               | The maximum length of time over which borrowing could be taken. Authorities could borrow for any length providing that they could afford to do so.  |



There had been a couple of changes to the 2017/18 strategy to take account of the changes to the Capital Programme and the need to increase the number of potential counter parties.

The Capital Programme now included the scheme to refurbish the Pembroke Road depot, the cost of which was to be met from borrowing. As a result there was a need to increase both the Operational and Authorised Limits otherwise the total borrowing would exceed the current limits. Increasing the limits would also allow for any short term borrowing that might be required as a result of changes in cash flow. It was not envisaged that there would be a need to take any short term borrowing in 2016/17 and 2017/18.

Members were informed of the increase in limits, as detailed in the table below:

<b>£'000s</b>	<b>2016/17 Estimate</b>	<b>2017/18 Estimate</b>	<b>2018/19 Estimate</b>	<b>2019/20 Estimate</b>
Authorised Limit	50,000	70,000	70,000	70,000
Operational Boundary	35,000	50,000	50,000	50,000
Capital Financing Requirement	35,321	50,500	49,277	47,827
External Debt	23,080	35,705	30,525	30,340

The strategy had been updated to allow the Council to lend to parish councils. Parish councils expenditure had grown in recent years and an increasing number were making use of Money Market Funds for investing their surplus cash. As such, there might be a need for them to borrow short term to meet their cash flow requirements. The strategy had set a £500,000 and six month limit, if the opportunity arose.

The Council's treasury advisor, Capita Asset Services, as part of their service had provided a view on the future forecast rates for Base Rate and PWLB:

	<b>Q1 17</b>	<b>Q2 17</b>	<b>Q3 17</b>	<b>Q4 17</b>	<b>Q1 18</b>
Base Rate	0.25%	0.25%	0.25%	0.25%	0.25%
PWLB - 5yr Rate	1.60%	1.60%	1.60%	1.60%	1.70%
PWLB - 10yr Rate	2.30%	2.30%	2.30%	2.30%	2.30%
PWLB - 25yr Rate	2.90%	2.90%	2.90%	3.00%	3.00%
PWLB – 50yr Rate	2.70%	2.70%	2.70%	2.80%	2.80%

The Monetary Policy Committee, (MPC), had cut the Base Rate from 0.50% to 0.25% on the 4 August 2016 in order to counteract what it forecast was going to be a sharp slowdown in growth in the second half on 2016. It had also given a strong steer that it was likely to cut the Base Rate again by the end of the year. However, economic data since August had indicated much stronger growth in the second half of 2016 than forecast. As well, inflation forecasts had risen substantially as a result of a continuation of the sharp fall in the value of sterling since early August. Consequently, the Base Rate had not been cut again in December and, on current trends, another cut or move again appeared unlikely until 2019.

Interest rate forecasting remained difficult with so many external influences weighing on the UK. The above forecasts would be liable to further amendment depending on

economic data and developments in financial markets. Geopolitical developments, especially in the EU, would also have a major impact. Forecasts for average investment earnings beyond the three-year time horizon would be heavily dependent on economic and political developments.

The overall longer trend was for PWLB rates to rise, albeit gently. PWLB rates had been experiencing exceptional levels of volatility, highly correlated to geo-political, sovereign debt crisis and emerging market developments. It was likely that these exceptional levels of volatility would continue in the foreseeable future.

The EU was introducing legislation to regulate firms who provided services to clients linked to financial instruments and the way they were traded. The “Markets in Financial Instruments Directive” (MIFID 2) was set to commence on the 3 January, 2018. Within the directive there was a key change that affected Local Authorities who would be deemed to be “Retail” clients by default as opposed to “Professional” as they were now. This would reduce the ability of Local Authorities to invest funds in certain products and so could further reduce interest achieved through investments.

There would be an option to opt-up to “Professional” if a number of qualitative and quantitative test criteria could be satisfied. The opt-up process was not a one off exercise and would also need to be undertaken with every counter party / fund manager that the council dealt with. One of the tests was that councils would need to have £15m or more in their investment portfolio, which currently Aylesbury Vale would meet.

Until it was clear what investment options were available under each status, it is too early to say which of the counter parties / fund managers would require the opt-up exercise to be undertaken. However, the majority of local authorities’ investment was through bank and building society deposits and fell outside the scope of the directive.

The Council’s treasury advisors, Capita Assets, the Local Government Association (LGA) and other financial institutions were responding to the consultation from the Financial Conduct Authority (FCA), arguing that Local Authorities must be able to continue to invest as they did now and that the new classification should not be applied. The consultation process was still on going so any significant changes would be reported to Members at the earliest opportunity.

Last year the use of Property Funds was included within the strategy as an alternative long term deposit to the use of Fund Managers. During the year there was no proposal to invest in a property fund. If this did happen in 2017/18 then it would be reported to Members before any decision was made.

RESOLVED –

That the Treasury Management Strategy for 2017/2018, Prudential Indicators and Minimum Revenue Provision policy statements, as detailed in the appendices to the Council report, that had been approved by Council be noted.

#### **4. WORK PROGRAMME**

The Committee considered the work programme for the period up until December 2017.

The list of updated agenda items for meetings would be:-

- (i) 10 July 2017 – Investment Strategy, Vale Commerce Business Plan, Quarterly Finance Digest (March 2017)

- (ii) 3 October 2017 – Leisure Centres Management Contract, Quarterly Finance Digest (June 2017)
- (iii) 30 November 2017 – Draft Budget Proposals for 2018/19, Quarterly Finance Digest (September 2017), Connected Knowledge Strategy (implementation).

It was also commented that future agenda items could include an update on the new business rates system and on preparations AVDC were taking regarding modernising local government in Buckinghamshire.

RESOLVED –

That the work programme be agreed, as discussed at the meeting.

## **5. CONNECTED KNOWLEDGE INVESTMENT PROPOSAL**

The Council's IT Strategy for 2017 – 2022 (under the banner of "Connected Knowledge") had been approved by full Council on 22 February, 2017. It had been noted that the Strategy would be implemented in phases. A report similar to that which would be considered by Cabinet on 11 April 2017 was considered which detailed the funding requirements for, and the expected benefits from, the first phase and an indication of the costs of subsequent phases.

Delivery of the Connected Knowledge Strategy would enable AVDC to continue to be at the vanguard of innovative thinking, delivering excellent customer service, making savings in service delivery and generating income by both supporting general commercial opportunities, and providing consultancy services to other councils.

The Strategy would be delivered over a five year period. Phase one covered the period up to the end of 2017. The learning from phase one would be factored into the proposals for subsequent phases. A further update would be submitted in December, 2017, at which time proposals for the implementation, funding and expected benefits of future phases would be presented.

AVDC had a good track record of delivering large scale, strategic projects of this type, e.g. the Waterside Theatre, and the "Right Here Right Now" programme. These were high profile transformational programmes delivered successfully. Phase one of the Connected Knowledge Strategy would require investment in three key areas:-

- The introduction of process automation and customer self service.
- The removal of legacy technology and the introduction of more flexible systems that would further support integration of data to enable customer needs to be anticipated.
- The introduction of innovative new solutions such as voice recognition.

Experience gained in connection with earlier major change programmes was that strong governance processes were required both to ensure that the programme delivered on time and on budget and that any variations in scope or costs were closely scrutinised. This also ensured that the predicted benefits were achieved and banked. Accordingly, the release of funds during the course of implementing the programme would be closely monitored. As with any major change programme of this type there would inevitably be changes in circumstances. Phase one covered the foundational projects required to deliver future strategic and visionary elements.

A programme of this scale and complexity required dedicated support to ensure focus on delivery was maintained throughout the life cycle of the project:-

- A programme manager (1) to manage and control the overall programme and ensure that it focussed on the anticipated outcomes.
- Project managers (5) to deliver individual projects and outputs. It was envisaged that one of these individuals would be a senior project manager.
- Business analysts (5) to complete detailed analysis into current processes, costs, technology solutions and costs.

AVDC staff would wherever possible be used to fill programme roles and would be supplemented by external resource where there was insufficient internal resource or there was a requirement for a specific skills set which was not available internally within AVDC. Additional non-dedicated resource would also be required from other internal teams such as Communications and marketing, Sales, Finance and Legal. Member involvement was essential to assist with the direction and benefits realisation of the programme.

Details of the costings were included in the confidential part of the agenda.

Members requested additional information on the Strategy's phases and costs and were informed:-

- (i) that Members were being asked to approve a strategy that would be delivered over a 5 year period, and funding relating to implementing Phase One of that strategy. A further report would be brought to Members in approximately 9 months time when proposals could be discussed for the investment for future years. The report would also look at issues such as monitoring savings made and that the Council was getting a return on the investment into the new technologies and ways of working.
- (ii) that while the Council was increasingly asking customers to access Council services on-line, it would still need to be reactive to other queries.
- (iii) that broader concerns regarding change, risk and business continuity would be picked up as part of the Commercial AVDC programme.
- (iv) that the Council was confident that the new arrangements complied with data protection legislation.
- (v) that the Right Here Right Now programme was being incorporated into Connected Knowledge
- (vi) that it was currently difficult to quantify the amount of additional revenue that would be generated through the ideas and being able to then sell on these services and ways of working to others.

RESOLVED –

- (1) That the scrutiny committee was supportive of the investment specified in section 1.0 of Appendix B attached to the confidential part of the agenda, and for the funding to be approved so that work could continue on delivering a leading edge, forward thinking platform to enable AVDC to develop customer first processes, a streamlined internal operation and a framework for increased opportunities for external commercial sales.

- (2) That the indicative costs and benefits of implementing the full five year Strategy outlined in section 2.0 of Appendix B be noted, it being appreciated that at this stage both costs and benefits were expected to change as work continued on developing plans for future years.

## **6. EXCLUSION OF THE PUBLIC**

RESOLVED –

That under Section 100(A)(4) of the Local Government Act, 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in the Paragraph indicated in Part 1 of Schedule 12A of the Act.

Connected Knowledge Investment Proposal (Part 3)

The public interest in maintaining the exemptions outweighed the public interest in disclosing the information because the documents contained information relating to the financial or business affairs of organisations (including the authority holding that information), and disclosure of commercially sensitive information would prejudice negotiations for contracts and land disposals/transactions.

## **7. CONNECTED KNOWLEDGE INVESTMENT PROPOSAL**

As part of the discussions at Minute 5, consideration was given to the information contained in the confidential appendix.

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## **FINANCE AND SERVICES SCRUTINY COMMITTEE**

**17 MAY 2017**

**PRESENT:** Councillors Bloom, Chilver, Everitt, Lambert, Newcombe, Rand, Renshell, Sims, Smith, Stuchbury and Winn.

**APOLOGY:** Councillor Stamp

### **1. ELECTION OF CHAIRMAN**

RESOLVED –

That Councillor Rand be elected Chairman of the Committee for the ensuing year.

### **2. APPOINTMENT OF VICE CHAIRMAN**

RESOLVED –

That Councillor Everitt be appointed Vice-Chairman of the Committee for the ensuing year.

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## CORPORATE HEALTH AND SAFETY POLICY / STRATEGY

### 1 Purpose

- 1.1 To enable the Committee to comment on the refresh of the Corporate Health and Safety Policy / Strategy. A similar report will be considered by Cabinet on 6 September 2017.

### 2 Recommendations/for decision

- |     |   |
|-----|---|
| 2.1 | To consider what, if any, comments the Committee wish Cabinet to take into account in approving the refresh to the Corporate Health and Safety Policy / Strategy. |
|-----|---|

### 3 Background Information

- 3.1 Cabinet will be considering the report attached as an Appendix concerning a comprehensive refresh of the Council's Corporate Health and Safety Policy / Strategy on 6 September, 2017.
- 3.2 This is a policy framework issue and, as such, the Committee is invited to consider any views they might wish Cabinet to take into account. The final approval of the Policy / Strategy is a matter for full Council.

### 4 Reasons for Recommendations / Alternative Options / Resource Implications

- 4.1 These are set out in the attached report

Contact Officer

Joanne Crosby, Corporate Health and Safety Manager  
(01296) 585194

Background Documents

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**Cabinet**  
**5 September 2017**

**CORPORATE HEALTH AND SAFETY POLICY / STRATEGY**  
**Councillor Sir Beville Stanier**  
**Cabinet Member for Environment and Waste**

**1 Purpose**

1.1 To advise Members of the work undertaken to update the Council's Corporate Health and Safety Policy and to recommend Council adopt the revised document and the accompanying strategy/action plan for its implementation.

1.2 The Policy is a 'Policy Framework' issue as defined in the Council's Constitution and will therefore require formal approval by full Council.

**2 Recommendations**

That Council be recommended to:

- Approve the updated Health and Safety Policy and Strategy for its implementation and;
- Authorise the Assistant Director Business Support and Enablement, after consultation as necessary with the Corporate Health and Safety Board and/or Cabinet Member for Environment and Waste to make any changes to reflect:
  - Changes in legislation and Statutory Requirements
  - Changes in British Standards
  - The introduction of 'new machinery or technology'
  - Changes in nominated responsible persons
  - Changes in the responsibilities of nominated persons
  - Changes in Management Policy and/or procedures

**3 Supporting Information**

**3.1 The Policy**

(Attached as Appendix A)

3.2 The Policy will apply to all staff employed by the Council, either directly or indirectly and to any other person or organisation that uses Council services or premises for any purpose. The existing Policy has not been subject of a comprehensive refresh since 2014. The Policy will also apply to temporary staff, young workers, staff working from home and contractors working on Council business.

The principles of the Policy will apply to all Council work activities, regardless of who has or is supplying or providing them.

3.3 The aims of the policy are to:

- Outline the requirements of Health and Safety Regulations
- Outline Health and Safety Guidance and Approved Codes of Practice that apply to the Council
- Inform Managers, Supervisors and Staff as to their roles and responsibilities in relation to health and safety
- Demonstrate the Council's commitment to reducing accidents and incidents causing ill-health, as well as other environmental hazards and risks in the workplace
- Set out clearly and unambiguously the organisation's arrangements for health and safety in accordance with the Health and Safety Executive's (HSE) Guidance – HSG65, Managing for Health and Safety
- Set out the organisation's training requirements for health and safety

3.4 The Policy identifies the roles and responsibilities of Directors, Assistant Directors, Managers, Supervisors and Staff and reflects legislative changes that have occurred since it was last reviewed.

3.5 The Policy should result in the following outcomes;

- To ensure that there is a standardised approach to the Council's health and safety management system
- To prevent foreseeable accidents or incidents so far as is reasonably practicable by undertaking suitable and sufficient risk assessments
- To demonstrate how the Council complies with its statutory health and safety compliance against Legislation, Regulations, Approved Codes of Practice (ACOP's), best practice etc.
- The prevention of reoccurrence of adverse events so far as is reasonably practicable

3.6 The Council has a Corporate Health and Safety Board and in accordance with HSG65 – Managing for Health and Safety, the Board will review the policy and performance against the Policy annually.

### **3.7 The Strategy**

(Attached as Appendix B)

3.8 The Strategy sets out the Council's approach to managing a positive health and safety culture. It will put in place a defined and coordinated process for health and safety performance. The Strategy was last reviewed in 2015.

3.9 A corporate health and safety action plan will be prepared to support the Strategy. This will be monitored by the Corporate Health and Safety Manager and the Corporate Health and Safety Board. The targets will be reviewed and updated annually by the Corporate Health and Safety Board.

3.10 The aims and objectives of the Strategy are to:

- Ensure that there is a standardised approach to the Council's health and safety management system
- Regularly measure and monitor the Council's health and safety performance

- Use accident, incident and near miss software for the Council to record and consolidate accurate reports and data
- Ensure that there is an appropriate level of health and safety risk control throughout the Council
- Ensure that all Managers, Supervisors and Staff are engaged actively in the positive management of health and safety
- Ensure that there is a standardised approach for Event Safety Planning and Resilience

3.11 The following outcomes will be delivered:

- Necessary key performance indicators will promote a positive health and safety culture within the Council
- Appropriate means of cooperation and communication between Sectors and roles will be secured
- The Council will automatically audit, monitor and review all health and safety policies, guidance notes, safe systems of work and risk assessments.
- Health and Safety Management will be embedded as an integral part of the management approach to achievement of objectives
- Staff will be involved in health and safety performance within the Council

3.12 This report has also been submitted to the Finance and Services Scrutiny Committee and any views from that Committee will be reported orally at the Cabinet Meeting.

#### **4 Reasons for Recommendation**

4.1 It is essential for the Council to have a comprehensive approach to health and safety and that this is properly embedded within the organisation. The existing documents have not been reviewed for a while and that the latest refresh takes account of changes in legislation and the extensive transformational changes within the organisation.

#### **5 Alternative Options**

Not to undertake a refresh but this would be an abrogation of the Council's statutory responsibilities.

#### **6 Resource Implications**

The Policy and Strategy will be managed through existing budgetary provisions.

Contact Officer: Joanne Crosby, Corporate Health and Safety Manager (01296) 585194  
Background Documents: None



## HEALTH AND SAFETY POLICY

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## 1. Introduction

This document defines and establishes the Health and Safety Policy and Procedures for Aylesbury Vale District Council (AVDC). The document is designed to facilitate the management of health and safety within The Council and to control all areas of risk arising from The Council's activities that may affect employees, tenants, contractors or members of the public.

This Policy document includes:

- The Council's written statement of intent to ensure the health, safety and welfare of employees and others who might reasonably be affected by The Council's activities.
- The organisation within The Council for ensuring that health and safety standards are met on site.
- The arrangements in place for ensuring that health and safety standards are met on site, including safe working procedures and a system of record keeping and monitoring.

Health and Safety at all Council managed premises will be proactively monitored and an audit of the system will be carried out at least annually to ensure that all necessary steps are being taken to ensure a safe and healthy working environment.

This Policy document is produced in accordance with the Health and Safety at Work etc. Act 1974 and The Management of Health and Safety at Work Regulations 1999.

## Amendments and Updating

Amendments and updating of the manual may be required under the following circumstances:

- a) Changes in legislation and statutory requirements
- b) Changes in British Standards
- c) Substantial changes to The Council's undertaking
- d) The introduction of new machinery or technology
- e) Changes in nominated responsible persons
- f) Changes in the responsibilities of nominated responsible persons
- g) Changes in Management Policy and Procedures.

These updates enable the Health and Safety Policy to become a "Controlled Document".

Any amendments made must be recorded on the individual revision / amendment table within this Policy. A description of the update will be entered, dated and signed with a section to be approved by The Council, in order that the document may be controlled.

Delegated authority is given to the Health and Safety Board to make any of the named changes. Where there is any material change the Portfolio Holder may approve such changes.

### 1.1. General Statement

The Council recognises and accepts its responsibilities and duties to all its employees and others that may be affected by its work activities (both under its control and elsewhere) in respect of the Health and Safety at Work etc. Act 1974.

The Council will, so far as is reasonably practicable:

- a) Provide and maintain “safe and healthy” working environment,
- b) Identify the hazards of its work activities and assess the resulting risks to the health and safety of employees and non-employees,
- c) Introduce preventative and protective measures to control the above risks and record the management action taken to achieve this,
- d) Make arrangements for controlling the risk to health and safety in connection with the use, handling, storage and transport of articles and substance,
- e) Ensure all employees are competent to do their tasks through suitable and sufficient provision of information, instruction and training,
- f) Seek to prevent accidents and cases of work-related ill health and thoroughly investigate them when they occur,
- g) Take action against unsafe or negligent behaviour,
- h) Only use competent and approved contractors,
- i) Take timely action to address reported defects,
- j) Adopt a positive culture of working safely.

The Council consults with its employees on matters affecting health and safety and co-operates fully in the appointment of those from recognised trade unions and staff representatives. The Council also supports and participates with a Health and Safety Board and Committee.

The Council discharges its responsibilities in matters of health, safety and welfare through the normal system of management and supervision within the various Sectors and through approved systems of work.

The Council reminds all its employees, whatever their status, of their duties under the Health and Safety at Work etc. Act 1974 to take care of “their own safety and that of others” safety. They should also co-operate with management to enable them to carry out their responsibilities successfully.

This Policy will be reviewed annually to ensure that it remains relevant in the light of changes in statutory requirements and/or best practice.

**Andrew Grant**

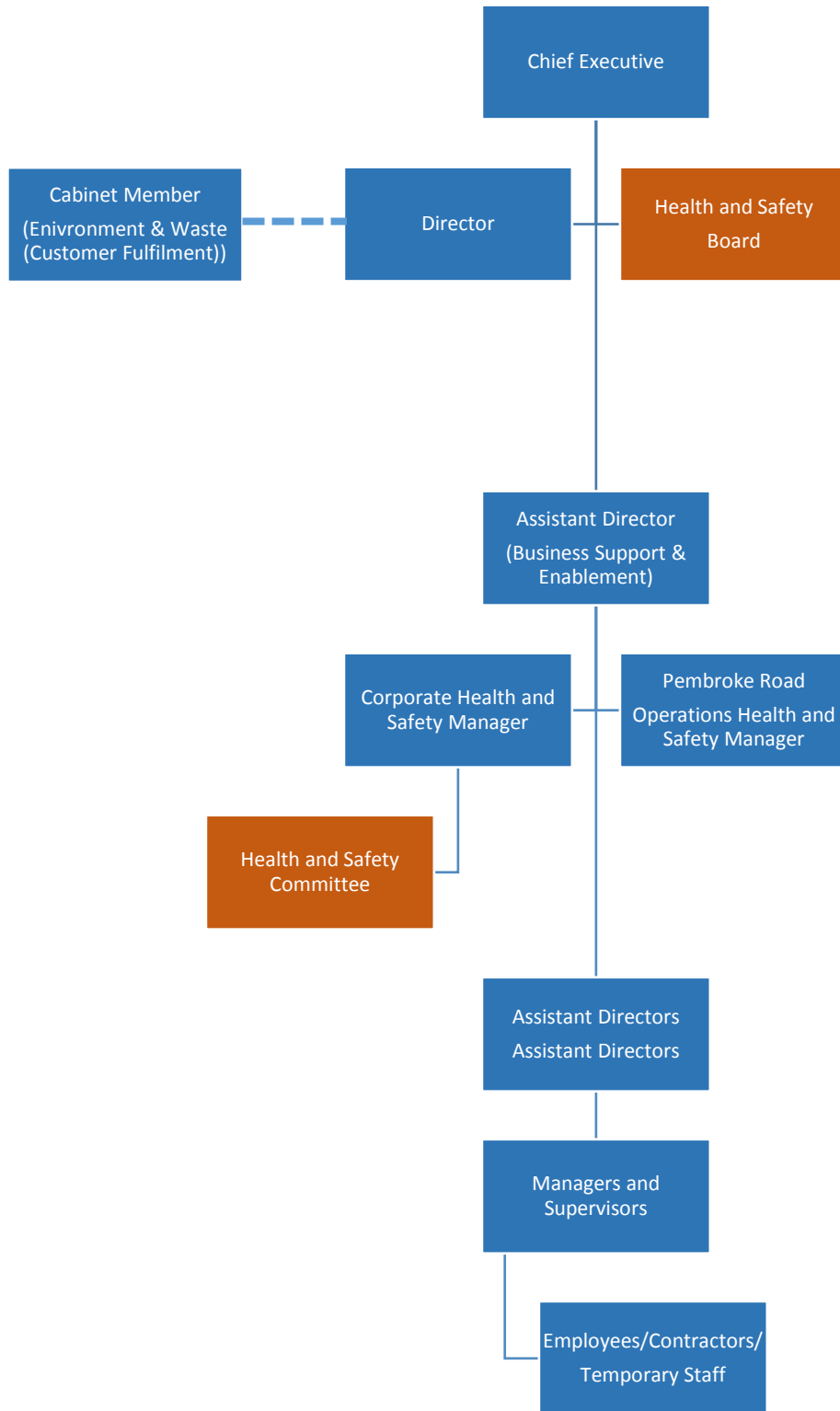
**Chief Executive,  
Aylesbury Vale District Council**

Dated:

2. Responsibilities

2.1. Health and Safety Management Structure

The structure below outlines the management structure with respect to Health and Safety within Aylesbury Vale District Council:



## 2.2. The Chief Executive

Overall and final responsibility for health and safety within The Council is that of The Council (Corporate Body), who have appointed a Chief Executive to ensure systems are in place to fully implement the requirements of the Health and Safety Policy at all levels.

The Chief Executive will:

- Hold overall accountability for the health and safety of staff and others affected by the work activities of The Council.
- Ensure that sufficient funds and resources are provided to meet health and safety needs.
- Appoint a Director with overall responsibility, and others to be responsible for implementing, monitoring and supervising this Policy.
- Ensure that all members and staff within The Council co-operate in meeting the aims of this Policy and to oversee any disciplinary procedures in relation to Health and Safety matters.

## 2.3. Director Responsible for Health & Safety

The Director responsible for health & safety, will ensure the policy is implemented at a strategic level, with the necessary competence, resources and support to ensure that systems are in place to implement the requirements of the Health and Safety Policy.

The Director responsible for health & safety will:

- Chair the Board
- Ensure that funds, within The Council's budget, are reviewed and the necessary funds allocated to meet Health and Safety requirements.
- Ensure appropriate and adequate resources are made available for the implementation of the Health and Safety Policy.
- Ensure that adequate insurance cover for both statutory and The Council's needs.

## 2.4. The Cabinet Member

The Cabinet Member for Environment and Health has responsibility for ensuring that health and safety matters are dealt with in accordance with The Council's policies in this field.

## 2.5. The Assistant Director (Business Support and Enablement) responsible for health and safety

The Assistant Director will:

- Chair the Health and Safety Committee
- Ensure appropriate and adequate resources are made available for the implementation of the Health and Safety Policy.
- Strive to maintain objectives and targets by ensuring continual improvement in health, safety and welfare performance by adopting best practice and providing a safe working environment.
- Report to the Executive Board, health and safety performance.
- Be responsible for overseeing the implementation of The Council's Health and Safety Policy and strategy.
- Ensure that arrangements are in place for long term Health and Safety plans.
- Monitor and review standards that are designed to achieve these plans.
- Ensure effective planning through elimination and control of risks and hazards throughout The Council.
- Review and approve any minor amendments or changes to Corporate Health and Safety Policy and Strategy.

## 2.6. Corporate Health and Safety Manager

The Corporate Health and Safety Manager will act principally, as the competent person to provide advice and assistance on health, safety and welfare matters, for The Council to enable employees to meet their statutory obligations and ensure consistent application of The Council's safety policy.

The Corporate Health and Safety Manager will:

- Report to the Assistant Director Responsible for Health & Safety to ensure a regular and effective review of the Health and Safety Strategy, ensuring it remains up to date with business direction, legislative and regulatory need.
- Build effective, proactive working relationships with all Sectors, such that all elements of the H&S Strategy are understood and effectively communicated.
- Maintain, amend and distribution of the Safety Policy Document.
- Provide and/or procure education, training, and coaching in conjunction with the Learning and Development Team as appropriate to ensure local competence in delivery of H&S.
- Integrate Health and Safety requirements into the appropriate procedures, ensuring document control and recording of H&S related training.

- Work closely with Assistant Directors, Managers and Supervisors, to ensure compliance requirements are being controlled, documented and maintained in accordance with the appropriate regulations / guidelines (e.g statutory Inspections, Legionella, Asbestos, and Fire) and the Health and Safety Strategy.
- Meet regularly and formally with Sectors Leads, Managers and Supervisors providing the level of support necessary for local empowerment and action completion by the appropriate actionee(s) to the agreed timescales.
- Overseeing the audit program for all premises, work areas and sections at each facility, to ensure effective audit and feedback to the Sector Lead regarding (a) Action prioritisation and completion, (b) Use of Health and Safety systems / processes and (c) workplace practices.
- Overseeing the risk assessment program for all premises, work areas and Sectors at each facility, to ensure effective assessment and control is identified by the Sector Lead regarding (a) Action prioritisation and completion, (b) Use of Health and Safety systems / processes and (c) workplace practices.
- Carry out follow-up investigations of accidents or dangerous occurrences where necessary and report/record these incidents where required to the Health and Safety Executive.
- Provide six monthly summary reports for The Council, detailing accident statistics, trends, compliance with KPIs, action completion rates, audit outcomes, and areas for improvement.
- Provide a Quarterly summary report for inclusion within the H&S Committee Report.
- Establish a structure of active Health and Safety Representatives across all areas of the business, encouraging cross-site sharing of information, and engagement / ownership of Health and Safety topics at all levels.
- Promote engagement, full use and optimisation of existing processes.
- Remain up to date with developments and best practice within the industry such that they can be suitably understood, assessed, and acted upon.
- Advise on and assist with The Councils contractor selection process.
- Ensure The Council remains fully up to date and conversant with any changes to legislation, guidance, or best practice where relevant and ensuring the appropriate updates to procedures.
- Provide technical and regulatory support and advice in conjunction with external health & safety support to all members of the management team when required.
- Act as a liaison for any regulatory inspection or enforcement agency notification.

## 2.7. Operations Health and Safety Manager (Pembroke Road)

The Operations Health and Safety Manager will:

- Report directly to the Operations and Waste Manager.
- Cooperate with the Corporate Health and Safety Manager by providing regular accident statistics, audit reports, workplace inspections and any other required site specific health and safety information.
- Report any significant findings following any risk assessment or procedural matters that give serious rise to concern at site level to the Corporate Health and Safety Manager.
- Ensure AVDC's Health and Safety Strategy and Policy is being implemented at site level.
- Ensure corporate health and safety procedures are being followed and monitored at site level.
- Build effective, proactive working relationships with all staff, such that all elements of the H&S policy are understood and effectively communicated.
- Carry out investigations of accidents or dangerous occurrences where necessary and report/record these incidents where required to the Health and Safety Executive.
- Ensure that employees receive adequate health and safety information, instruction and training in specific tasks and processes.
- Ensure a systematic approach towards risk assessments is carried out on site to control and identify hazards, and those at risk from hazards. This will include identification of all activities, the hazards and risks associated with them, and a review of the method by which they are controlled.
- Provide technical and regulatory support and advice in conjunction with external health and safety support to all members of the management team when required.
- Ensure suitable protective clothing or safety equipment is provided and that employees wear or use it and necessary arrangements are in place to store, issue and maintain it and that records are kept of its issue.
- Act as a liaison for any regulatory inspection or enforcement agency notification.
- Attend Health and Safety Committee and Board Meetings.
- Remain up to date with developments and best practice within the industry such that they can be suitably understood, assessed, and acted upon.

## 2.8. Assistant Directors

Assistant Directors will:

- Ensure appropriate and adequate resources are made available for the implementation of the Health and Safety Policy within their Sector.
- Strive to maintain objectives and targets by ensuring continual improvement in health, safety and welfare performance by adopting best practice and providing a safe working environment.
- Ensure AVDC's Health and Safety Strategy and Policy is being implemented within their Sector.
- Ensure corporate Health and Safety procedures are being followed and monitored within their Sector.
- Ensure staff within their Sector receive information, instruction and training regarding health and safety and that any necessary training is attended.
- Regularly attend Health and Safety Board Meetings.

## 2.9. Management and Supervisory Staff

Responsibility for health and safety within The Council is that of Management and Supervisory Staff who report to the Assistant Directors. Management and Supervisory Staff will ensure that systems and procedures are in place to implement the requirements of the Health and Safety Policy at an operational level.

Management and Supervisory Staff will:

- Assist in the implementation of The Council's Health and Safety Policy within The Council.
- Ensure that all employees and contractors are aware of and understand the Council's Health and Safety Policy statement.
- Ensure that effective communication channels are maintained in order that all health and safety matters may be resolved.
- Provide a forum for the discussion of health and safety issues within area of control.
- Ensure that safe systems of work are complied with.
- Ensure safety checks are carried out in the area of control and attend safety meetings as required.
- Ensure that an adequate fault reporting system is in operation in order that fault may be reported quickly and effectively by both employees and contractors. Any faults reported must be rectified as soon as possible.
- Ensure that suitable risk assessments are carried out on the premises for which they are responsible, as required by the Management of Health and Safety at Work Regulations 1999.
- Ensure that both themselves and staff under control know the fire and first aid arrangements in the premises.



- Ensure that all accidents and dangerous occurrences are logged and reported using the Council's accident reporting system.
- Institute accident investigations, where necessary, and take prompt action in reporting and appropriate action to avoid a recurrence.
- Ensure that all facilities are maintained in a safe working condition, all welfare facilities monitored and access and egress maintained clear at all times.

#### 2.10. All Employees / Contractors

All employees/contractors must: -

- Comply with The Council's Health and Safety Policy and ensure they comply with their duty of care towards themselves, their colleagues, visitors and members of the public.
- Co-operate with other occupiers of the site to enable The Council to comply with any legal duties or requirements.
- Report any safety hazard within their work area or malfunction of any item or plant and equipment to their immediate Supervisor.
- Inform your Supervisor of any possible breaches in health and safety legislation noted or any possible improvements in safety that can foreseeably be achieved.
- Fully conform to all written or verbal instructions given to them to ensure their personal safety and the safety of others.
- Dress sensibly and safely for their particular working environment or occupation.
- Conduct themselves in a responsible manner in the work place and take reasonable care for the health and safety of themselves and others.
- Use all safety equipment and/or protective clothing as may be provided.
- Avoid any improvisations of any form that could create an unnecessary risk to their personal safety and to the safety of others.
- Maintain all equipment in good condition and report any defects to Management when they occur.
- Use only those items of equipment or machinery they have been trained and authorised to use and use in accordance with the manufacturer's instructions.
- Report all accidents to their Supervisor whether injury is sustained or not.
- Attend as requested any training course designed to further the needs of health and safety.
- Observe all laid down procedures concerning processes, procedures and substances used.
- Familiarise themselves with the fire evacuation procedure and the position of all fire equipment and exit routes.
- Familiarise themselves with the names and locations of first aid personnel and appointed persons as well as the position of first aid kits.
- Not interfere with or misuse anything provided in the interests of health, safety or welfare.

### 3. Management

#### 3.1. Communication & Consultation

##### Scope

To ensure effective communication and consultation is in place alongside procedures for keeping staff up to date on issues affecting their health and safety at work.

##### References

The Management of Health and Safety at Work Regulations 1999

##### Responsibilities

The Chief Executive assisted by the Director Responsible for Health & Safety are responsible for ensuring measures are in place to ensure effective channels of communication and consultation within The Council at all levels.

Assistant Directors, Managers and Supervisors are responsible for ensuring that staff within their areas of responsibility are kept up to date on issues affecting their health and safety at work through communication and consultation.

##### Procedure

1. Information will be received via communication and consultation through:
  - The Health and Safety Board
  - The Health and Safety Committee
  - Staff meetings
  - Connect
  - Internal publications
  - Guidance & external publications
2. Staff will be informed of any changes or information, which could affect their work activities and if necessary a formal consultation will be carried out and documented.
3. The following information is made available or displayed throughout The Council:
  - A Health and Safety Law Poster / Leaflet
  - A copy of the Employers' Liability Insurance
  - A copy of the Health and Safety Policy Statement - this will be made available to all staff, as well as any other interested parties.
4. Managers and Supervisors will ensure that all staff are consulted should there be any changes to their working arrangements, equipment etc. that may affect their health and safety at work.

### 3.2. Health and Safety Risk Assessments

#### Scope

To ensure that Risk Assessments are carried out in respect of Council premises and all activities carried out by The Council such that steps can be taken to reduce the risks identified.

#### References

The Management of Health and Safety at Work Regulations 1999

#### Responsibilities

Assistant Directors, Managers, Supervisors are responsible for ensuring that Risk Assessments are carried out in respect of all activities carried out by staff on site and that the action plan identified is implemented.

#### Procedure

1. Risk assessments will be carried out in respect of all activities carried out by The Council at their premises and activities. These assessments will be reviewed and updated under the following circumstances:
  - the purchase of a new equipment
  - changes to equipment or processes on site
  - changes in legislation
  - annually
2. The *AVDC General Risk Assessment Format* and *Risk Matrix* shall be used for all general risk assessments.
3. Assistant Directors, Managers and Supervisors will ensure that risk assessments are carried out within buildings under their control. Where works are required to be carried out to comply with current legislation or safe systems of work, it be will ensured that such works are carried out within the time period specified in within the Risk Assessment Action Plan.
4. Where the works are to be carried out by a contractor they must be carried out by a one that is on the Council's Approved List of Contractors.
5. On completion of the works required a reassessment will be carried out and recorded.
6. The significant findings of the risk assessment will be brought to the attention of those affected.
7. All assessments will be reviewed on a regular basis and at least once in every 12 month period.

	Appendices Reference:
6.1	General Risk Assessment Format
6.2	Risk Assessment Matrix

### 3.3. Fire Safety Risk Assessments

#### Scope

To ensure that Fire Safety Risk Assessments are carried out in respect of The Council and reviewed on a regular basis.

#### References

The Regulatory Reform (Fire Safety) Order 2005

The Management of Health and Safety at Work Regulations 1999

#### Responsibilities

The Estates and Property Services Operations Manager and The Health and Safety Manager are responsible for ensuring that a Fire Safety Risk Assessment is carried out at Council managed premises and reviewed as necessary.

#### Procedure

1. A Fire Safety Risk Assessment will be carried out on site and will be reviewed and updated under the following circumstances:
  - Changes to equipment or procedures on site
  - Changes in legislation
  - Annually
2. It shall be ensured that competent persons are appointed and instructed to carry out the Council's Fire Safety Risk Assessments.
3. Tenants monitoring will be carried out as part of the risk assessment process and copies of tenants' fire safety risk assessments will be requested in order to cooperate and communicate fire safety issues effectively.
4. Where works are required to be carried out to comply with current legislation or best practice, such works shall be carried out within the time period specified within the Risk Assessment Action Plan.
5. Where the works are to be carried out by a contractor they must be carried out by a contractor who has undergone the approval system and is on the "The Council Approved List of Contractors".
6. On completion of the works required a re-assessment will be carried out and recorded.
7. The Fire Safety Risk Assessments will be reviewed as necessary and at least once in every 12-month period.

### 3.4. Staff Training

#### Scope

To ensure that all employees of The Council are appropriately trained to carry out their duties in respect of Health and Safety, First Aid, Fire Safety and associated areas relevant to their work activities.

#### References

The Management of Health and Safety at Work Regulations 1999

The Regulatory Reform (Fire Safety) Order 2005

The Health and Safety (First Aid) Regulations 1981

The Health and Safety at Work etc. Act 1974

#### Responsibilities

The Director Responsible for Health and Safety will ensure that a system is in place to identify and assess training needs at all levels within The Council.

Assistant Directors, Managers and Supervisors are responsible for identifying and assessing training needs and ensuring all staff have the necessary training in order to carry out their duties in a safe manner.

#### Procedure

1. Upon the recruitment of new members of staff it shall be ensured that induction training is carried out in accordance with *AVDC's Learning and Development Policy*. Assistant Directors, Managers and Supervisors, guided by the *Health and Safety Training Matrix* will also ensure that a training needs assessment is carried out for all staff. This will determine when the following training will be required to be carried out:
  - Basic Health and Safety
  - Fire Safety and Emergency Procedures
  - First Aid/Emergency Aid Training
  - Job specific health and safety issues
2. The training needs assessment will take account of Council requirements as well as individual requirements.
3. Additional training will be provided as required.
4. Refresher and update training will also be provided periodically.
5. Training records will be stored via The Council's Human Resources Department.

	<a href="#">Appendices Reference:</a>
6.3.	Health and Safety Training Matrix

### 3.5. First Aid Assessments

#### Scope

To ensure that First Aid Assessments are carried out in respect of premises and activities throughout The Councils portfolio and activities to ensure that adequate first aid arrangements are in place.

#### References

The Management of Health and Safety at Work Regulations 1999

The Health and Safety (First Aid) Regulations 1981

#### Responsibilities

The Health and Safety Manager will ensure that adequate First Aid arrangements are in place on site, adequate personnel are suitably trained to administer first aid and that the contents of all first aid kits are maintained up to date.

First aiders will be responsible for administering first aid treatment, maintaining first aid kits and facilities, summoning medical assistance and maintaining first aid records.

Appointed Persons will not administer first aid but will take charge of an emergency situation, summon medical assistance etc., in the absence of a first aider.

#### Procedure

1. Managers and Supervisors will ensure that a First Aid Assessment is carried out and reviewed on an annual basis. The assessment will cover The Council sites and activities. First aid cover will also be provided for members of the public and contractors within Council premises.
2. It shall be ensured that an adequate number of personnel are trained to administer first aid and emergency aid in accordance with the First Aid Risk Assessment.
3. First aid boxes will be made of suitable materials, capable of protecting the contents from damp and dust and must be clearly identified; the marking used should be a white cross on a green background in accordance with the Health and Safety (Safety Signs and Signals) Regulations 1996.
4. First-aid boxes shall contain only those items, which the first-aider has been trained to use.
5. Contents of kits shall be based on a risk assessment, but a suggested list is issued by the HSE in The Health and Safety (First-Aid) Regulations 1981 (L74 Third Edition Published 2013).
6. First aiders will check the contents of the first aid kits on a weekly basis and replenish as necessary.
7. First aid arrangements shall be reviewed at least annually.

### 3.6. Accident Reporting

#### Purpose

To describe when to record and report accidents and incidents that occur within The Council's premises and when carrying out work on behalf of The Council away from Council premises.

#### Scope

To ensure that all accidents, incidents and near misses are recorded and reported and appropriate steps taken to prevent recurrence.

#### References

The Management of Health and Safety at Work Regulations 1999

The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013

#### Responsibilities

The Health and Safety Manager will oversee that all reportable accidents incidents and near misses are reported in accordance with RIDDOR and investigated. They also will ensure that central records are kept, incidents are investigated thoroughly and that corporate accident statistics are collated and communicated at Board Level.

#### Procedure

1. Managers, Supervisors or First Aiders will ensure that all accidents that occur on site, or when working on behalf of The Council but away from Council premises that result in an injury, are recorded on The Council's Accident Reporting System.

These include any accident to a member of public, employees, contractors or visitors if occurring within The Council premises. Tenants are responsible for recording any accidents / incidents occurring within their own demised areas.

2. All accidents and incidents will be reported on The Council's Accident Reporting System. The Manager or Supervisor of the injured person (where an employee) shall be immediately notified. The Manager or Supervisor shall then carry out an accident investigation and take remedial action where deemed necessary.
3. The Health and Safety Manager will ensure that central records are kept and that accident statistics are collated.
4. Managers, Supervisors and/or First Aiders will ensure that the site of the incident (where serious) is made safe and remains undisturbed until completion of an investigation (if performed). Photographs will be taken, if necessary. The name(s) of witness (es) and those present at the scene should be collected and witness statements taken as necessary.
5. The Health and Safety Manager and the relevant sector Assistant Director (where no relevant sector director is available the H&S Assistant Director will be called upon) they will be responsible for notifying the Enforcing Authority (The Health and Safety Executive, HSE) of any reportable incidents that occur within Council premises or as a result of work being carried out away from Council premises (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 known as RIDDOR).

Accidents which must be reported under RIDDOR include:

- deaths
  - fractures, other than to fingers, thumbs and toes
  - amputations
  - any injury likely to lead to permanent loss of sight or reduction in sight
  - any crush injury to the head or torso causing damage to the brain or internal organs
  - serious burns (including scalding) which covers more than 10% of the body
  - causes significant damage to the eyes, respiratory system or other vital organs
  - any scalping requiring hospital treatment
  - any loss of consciousness caused by head injury or asphyxia
  - any other injury arising from working in an enclosed space
6. Accidents to members of the public if they result in an injury and the person is taken directly from the scene of the accident to hospital for treatment to that injury must be reported, as soon as possible.
7. The Health and Safety Manager of The Council and HSE must be contacted in the event of a Dangerous Occurrence.

A dangerous occurrence is:

- The collapse, overturning or failure of load-bearing parts of lifts and lifting equipment.
- Plant or equipment coming into contact with overhead power lines.
- The accidental release of any substance which could cause injury to any person.
- The failure of any closed pressure system/vessel or of any associated pipework forming part of a pressure system where that failure could cause the death of any person.
- Any explosion or fire caused by an electrical short circuit or overload.
- explosion or ignition of explosives.
- Any accident or incident which results or could have resulted in the release or escape of a biological agent likely to cause severe human infection or illness.
- The complete or partial collapse of scaffold.
- The unintentional collapse or partial collapse of any structure, which involves a fall of more than 5 tonnes of material.

	<a href="#">Appendices Reference:</a>
6.5	Pembroke Road Accident Reporting Flow Chart



### 3.7. Permits to Work

#### Purpose

To describe the procedure for issuing Permits to Work for high risk activities undertaken by Contractors on Council premises.

#### Scope

To ensure that all appointed Contractors carrying out high risk activities are issued with a suitable Permit to Work at The Council premises.

#### References

The Management of Health and Safety at Work Regulations 1999

#### Responsibilities

The Estates and Property Services Operations Manager and/or The Operations Health and Safety Manager (Pembroke Road) is responsible for ensuring that persons authorised to issue Permits to work have received adequate training and instruction.

The Estates and Property Services Supervisor is responsible for supervising the issue and use of a permit to work system in respect of all contractors carrying out high risk activities on site and carrying out spot checks and for supervising the activities of contractors.

#### Procedure

1. All contractors involved in such work must be registered on The Council's Approved List of Contractors.
2. All persons involved in the use of the permit-to-work system shall be instructed in its purpose and application. This includes any contractors who may be engaged to carry out specific tasks operate and conform to the permit-to-work system in operation.
3. All contractors as part of The Council Contractor approval scheme are requested to provide copies of permits to work in respect of any high risk activities they have selected in their application.
4. Any Contractors engaged to carry out work involving any high risk / dangerous activities for The Council as listed below, shall be issued with and operate under a Permit to Work system:

Examples of such works include:

- Hot work (e.g. welding, flame cutting, grinding)
- Work that may generate sparks or other source of ignition
- Entry into any confined space
- Specified work on electrical equipment
- Specified work on machinery
- Other specified conditions through Risk Assessment

5. Permit-to-Work Forms must be completed in duplicate or copied immediately before the work begins and signed by the appropriate persons. One copy is to be retained by the Contractor and the other is to be retained on site.
6. On completion of the work the permit must be cancelled after all personnel and materials have been withdrawn. The Cancellation Section of both copies of the Permit-to-Work Form must also be signed and a finish time inserted after all personnel and materials have been withdrawn and all systems have been re-instated.
7. At least one copy of the cancelled Permit and one copy of the Permit-to-Work Form must be retained by the issuer.

	<a href="#">Appendices Reference:</a>
6.6	Permit to Work – Confined Spaces
6.7	Permit to Work - Hot Work
6.8	Permit To Work – Electrical
6.9	Permit to Work – General

### 3.8. Workplace Audits and Monitoring

#### Purpose

The Council will adopt the principle of HSE's, *HS(G)65 Successful Health and Safety Management* in the delivery of its auditing and monitoring arrangements. This will provide an objective assessment to the Council's Health and Safety Committee and Board of the adequacy and effectiveness of the internal systems of control.

#### Scope

To ensure that workplace audits and monitoring are carried out on a regular basis and that all defects identified are recorded and remedied as soon as possible.

#### References

The Management of Health and Safety at Work Regulations 1999

The Workplace (Health, Safety and Welfare) Regulations 1992

The Health and Safety at Work etc. Act 1974

#### Responsibilities

The Estates and Property Services Operations Manager, The Health and Safety Manager and The Operations Health and Safety Manager (Pembroke Road) will ensure that workplace audits are carried out on a regular basis and that all defects identified are recorded, reported and remedied forthwith.

Managers and Supervisors will ensure that any unsafe / defective equipment or areas are reported to The Estates and Property Services Team, cordoned off and taken out of use, and ensure that appropriate repairs/replacement to be carried out. They will also carry out and record regular workplace inspection, for areas under their control.

#### Procedure

1. The auditing of health and safety systems within the Council will be arranged and carried out by Managers, Supervisors and the Health & Safety Manager in line with a programme agreed by the Council's Health and Safety Committee.
2. The timing and frequency of the audits will take into account departmental risk profiles and the standard of health and safety management currently (i.e accident reports) in place.
3. Where an audit identifies significant problems it may be appropriate to repeat the audit outside the normal frequency to assess and verify progress.
4. Regular monitoring shall involve requests for Managers and Supervisors to provide workplace inspection reports, training records and any other relevant information and records for review.
5. Regular meetings shall be held with Managers, Supervisors and various other employees to qualify the health and safety management systems that are in place.
6. Workplace inspections shall be carried out regularly by Managers, Supervisors and The Health and Safety Manager.

### 3.9. Fire & Emergency Procedures

#### Purpose

To eliminate or minimise so far as is reasonably practicable, the risk of injury to all Council employees and non-employees of the Council, including the general public, visitors to Council premises, and any other person who may be affected by the activities or undertakings of the Council.

#### References

The Management of Health and Safety at Work Regulations 1999  
The Control of Substances Hazardous to Health Regulations 2002  
The Regulatory Reform (Fire Safety Order) 2005

#### Responsibilities

The Estates and Property Services Operations Manager and The Health and Safety Manager are responsible for ensuring that appropriate emergency procedures are in place on site and coordinated with tenants and contractors.

#### Procedure

1. Fire risk assessments shall be conducted by a competent assessor and kept under regular annual review
2. Identified remedial measures are implemented in accordance with risk assessment recommendations
3. All means of escape are clearly marked and kept free from obstruction.
4. Robust evacuation and emergency procedures are developed
5. Appropriate training and instruction is provided to staff, visitors , service users, and contractors
6. Drills/practices are arranged to a set schedule
7. Personal Emergency Evacuation Plans are developed and implemented
8. Appropriate fire alarm, fire fighting, and fire detection equipment is installed in all workplaces and regularly inspected, tested and maintained.
9. A separate *AVDC Fire Safety Management Policy and Procedures* shall be held and referred to.

### 3.10. Home Working

#### Purpose

To describe the process for identifying home workers and ensuring risk assessments are carried out as appropriate.

#### Scope

To ensure that home workers are identified as those who have been designated as home workers and subject to a contractual arrangement. Risk assessments will be carried out as appropriate.

#### References

The Management of Health and Safety at Work Regulations 1999

#### Responsibilities

Managers and Supervisors are responsible for ensuring that home workers have been identified and suitable and sufficient risk assessments on the home workers are carried out, as appropriate.

#### Procedure

1. HR shall be notified as soon as a home worker has been identified.
2. Individuals will be issued with a self-assessment form for Display Screen Equipment usage.
3. The Council are only responsible for work equipment used at home supplied by The Council.
4. If a home worker is required to carry out work at home other than computer work or administration activities, then a home visit will be undertaken and a risk assessment undertaken.
5. A separate assessment shall be undertaken for new and expectant mothers.

### 3.11. Event Safety Planning

#### Purpose

To describe the process for producing an effective Event Safety Plan and risk assessment for AVDC organised public events (those with an anticipated footfall of 2,000 persons or more).

#### Scope

This policy applies to organised events which occur anywhere owned or otherwise under the direct control of the Council. Duty holders are required to carry out specific duties in respect of events, as set out below. Each duty can be delegated, but the responsibility for achieving them cannot be delegated and remains assigned to the relevant duty holder.

#### References

- The Health and Safety at Work etc. Act 1974
- The Management of Health and Safety at Work Regulations 1999
- The Regulatory Reform (Fire Safety) Order 2005
- The Health and Safety (First Aid) Regulations 1981

#### Responsibilities (Duty Holders)

The Aylesbury Vale Safety Advisory Group (SAG):

- The SAG is a non-statutory group of multi-agency representatives formed to promote safety at public events. The role of the SAG is to enable event organisers to share information with public health and safety agencies regarding the particular event, specifically the risks and the intended management arrangements to ensure public and employee safety. The public health and safety agencies making up the SAG.

Event Organiser(s) / Manager(s) shall:

- Ensure that an Event Safety Plan (*using the provided template held within the AVDC Policy Hub*) and a suitable and sufficient risk assessment has been created, with suitable control measures in place.
- Organise and liaise pre-event planning meetings with any other Sectors, Services and other interested parties who are in any way involved in, or are impacted upon, by the event.
- Ensure that appropriate people are aware of the Event Safety Plan, risk assessments and control measures and that health and safety training, and necessary notifications and briefings required take place before the event.
- Select suitable Contractors and where possible approved suppliers/contractors.
- Ensure that risk assessments, method statements, employers/public liability insurance certificates and any other documentation is obtained from Contractors
- Ensure a clear chain of command is identified and agreed for the event and where possible personally attend the event.

- Where deemed necessary by the event risk assessment, carry out a post-event review/debrief, in order to share lessons learned and ensure relevant staff are aware of any health and safety arising out of the event.
- Evidence that organisers have taken appropriate steps to protect the health and safety of the public

#### The Corporate Health and Safety Manager

- Support all those with responsibilities and duties in connection with this policy.
- Offer advice, guidance training and support to Event Organisers / Managers managing events, e.g. scrutinise event safety plans, risk assessments etc..
- Shall sign off the Event Safety Plan and Risk Assessments
- Consult with the Emergency Planning Team where necessary, in relation to the event
- Share information on health and safety issues raised by Event Organisers and Managers. Particularly those others involved in event management.

#### Procedure

Before an event goes ahead, The Health and Safety Manager and SAG shall ensure that:

1. Any necessary approval, or any required permissions have been provided in writing to the relevant Event Organiser / Manager, and that;
2. Risk assessments are suitable and sufficient
3. The Event Safety Plan is suitable and sufficient
4. Any necessary licenses have been applied for and are in date
5. If external contractors are used, that the required safety documents have been checked and are satisfactory, e.g. proof of competence, risk assessments, method statements etc. and inductions have been undertaken. (Records must be maintained in the event safety file).

## 4. Operations

### 4.1. Control of Legionella

#### Purpose

To recognise the Council's duties under the *HSE L8 Approved Code of Practice*, The Control of Legionella Bacteria in Water Systems extending to risks from legionella bacteria which may arise from work activities.

#### Scope

To ensure that a Legionella Risk Assessment is carried out in respect of the hot and cold water services within Council managed premises and that appropriate water hygiene regimes are implemented in accordance with the requirements of the risk assessment.

#### References

The Control of Substances Hazardous to Health Regulations 2002 (as amended)

Approved Code of Practice L8 - Legionnaires' disease: The control of legionella bacteria in water systems

#### Responsibilities

The Estates and Property Services Operations Manager is responsible for ensuring that a Legionella Risk Assessment is carried out in respect of the hot and cold water services installed at Council managed premises and a suitable water hygiene regime is implemented.

#### Procedure

1. The Estates and Property Services Operations Manager and The Estates and Property Services Supervisor will ensure a legionella risk assessment is carried out by a competent person and a report issued.
2. Upon receipt of the report The Estates and Property Services Supervisor will ensure all works that are identified as necessary are carried out and an appropriate water hygiene regime implemented in accordance with the risk assessment and current Code of Practice. Records of which must be obtained and made readily available for inspection by the enforcing authority.
3. Where the works are to be carried out by a contractor they must be carried out by a contractor who has undergone the approval system and is on the "The Council Approved List of Contractors".
4. A reassessment of the system will be carried out regularly, or following a significant change in the water system or use of the building which may affect the water system i.e. becomes vacant or part tenanted etc.
5. A copy of the assessment must be made readily available for inspection by the enforcing authority. Copies of all records in respect of the water hygiene regime must also be held and made available for inspection.



## 4.2. Control of Asbestos

### Purpose

To recognise the Council's duties under The Control of Asbestos Regulations 2012 extending to risks from asbestos which may arise from work activities.

### Scope

To ensure that an Asbestos Survey is carried out at Council premises and any asbestos containing materials are effectively managed and that a suitable and sufficient assessment is carried out.

### References

The Control of Asbestos Regulations 2012.

### Responsibilities

The Estates and Property Services Operations Manager is responsible for ensuring that Asbestos Surveys are carried out, as above, at Council premises and any asbestos containing materials are effectively managed.

### Procedure

1. An asbestos management survey shall be carried out on all areas of Council Premises, including tenanted areas.
2. Where refurbishment works or dilapidations are carried out a refurbishment / demolition survey will be carried out prior to the commencement of work and any asbestos containing materials removed by a licensed contractor.
3. A Building Asbestos Register will be compiled and an Asbestos Management Plan will be drafted as part of the survey.
4. The Management Plan prepared will recommend the following action in respect of any asbestos containing materials identified:
  - Asbestos containing materials considered to be in poor condition to be removed by licensed contractors.
  - Remaining asbestos containing materials, considered to be a manageable risk, are labelled and / or sealed/encapsulated where practical.
  - Asbestos containing materials being managed in situ will be monitored in accordance with the risk rating determined by the Asbestos Survey, and removed when appropriate i.e. on refurbishment or when noted to be deteriorating unacceptably.
5. A copy of the report and register is held on site and made readily available to tenants, contractors and brought to the attention of any other relevant parties.
6. Maintenance contractors will be required to consult the Building Asbestos Register prior to the commencement of work on site. Any asbestos containing materials must not be disturbed.
7. In particular Asbestos surveys do not normally include the internal workings of electrical switchgear or the lift shaft and lift car. Contractors working with these appliances **must** adequately assess the risks of working with asbestos as part of their method statements.

8. Should contractors, tenants or staff disturb any asbestos containing materials or suspected asbestos containing materials they should follow the following procedure:

**Procedure for discovery of Asbestos/Uncontrolled Fiber Release**

- Stop work to the area immediately
- The area should be immediately evacuated and steps taken to secure the affected area from re-entry of unauthorised persons.
- Inform the person in charge as soon as possible.
- The Estates and Property Services Operations Manager will arrange for Specialist contractors to undertake microscopic examination / air sampling to determine the type of asbestos fibres - if any and the fibre in air levels.
- If examination and sampling is positive specialist contractors will be instructed to thoroughly clean all visible debris and dust.
- On completion, air sampling will again be carried out and if satisfactory a clearance certificate will be issued.
- A health records for the affected persons will be recorded. Such records must be kept for at least 40 years by the employer.

### 4.3. Contractor Approval and Management

#### Purpose

To describe the procedure for the Approval of Contractors working for The Council.

#### Scope

To ensure that all appointed Contractors have undergone the Approval procedure prior to the commencement of work for The Council.

#### References

The Management of Health and Safety at Work Regulations 1999

#### Responsibilities

Assistant Directors, Managers and Supervisors are responsible for ensuring that only contractors on the Council's Approved List of Contractors are permitted to work for The Council.

They shall also ensure that an exchange of health and safety information has been carried out with all contractors that carry out work for The Council and that all contractors are competent, in terms of health and safety, to carry out the work required.

#### Procedure

1. Prior to the appointment of a contractor to undertake work for The Council the contractor must be "Approved" by Estates and Property Services Team.
2. The contractor will be required to complete a questionnaire and submit health and safety documents for approval.
3. The contractor is required to complete the questionnaire and forward all relevant information for approval. Such information includes:
  - Health and Safety Policy
  - Risk Assessments
  - Method statements
  - Accident statistics / data
  - Copy of insurance documents
  - Copies of training certification / licences
  - Copy of CIS accreditation
  - Other documentation, as appropriate.
4. The information received will be reviewed by a competent person (someone with suitable knowledge, experience and training) within the Estates and Property Services Team.
5. Once all information has been reviewed and approved the Contractor will be placed on The Council Approved List of Contractors data base. The Contractor may then be used to carry out work for The Council.
6. The Council will use only approved contractors off The Council Approved List of Contractors database system.

7. The Manager or Supervisor will carry out regular checks on contractors working on site.
8. It will also be ensured that appropriate appointments, notifications and resources are made for works that fall under the Construction (Design and Management) Regulations (CDM) 2015.

#### 4.4. Electrical Safety

##### Purpose

To describe when to carry out testing of the mains electrical installation at Council premises and the procedures to ensure all electrical equipment and installations are in a safe condition at all times as to prevent danger.

##### Scope

To ensure that The Council complies with the requirements of the Electricity at Work Regulations and ensure that action is taken on discovering of defects, systems are in place for the inspection and repair of electrical installations and equipment and the testing of Council Mains Electrical Installations is carried out on a regular basis.

##### References

The Electricity at Work Regulations 1989

The IEE Wiring Regulations (BS 7671:2008 Requirements for Electrical Installations)

##### Responsibilities

The Estates and Property Services Operations Manager is responsible for ensuring the electrical installation and fixed wiring is subject to a five-year Electrical Installation Conditioning Report in accordance with IEE regulations BS 7671:2008.

The Electrical Installation Conditioning Report must be carried out by an NICEIC (National Inspection Council for Electrical Contracting) or a member of the ECA (Electrical Contractors Association).

##### Procedure

1. Thorough Test and Examination of the Main Electrical Installation on all Council managed sites shall be carried out by a competent person at least once in every five-year period or as stated in the Electrical Installation Conditioning Report.
2. Where such a test is due, it will be ensured that arrangements are made for the test to be carried out by a competent electrical contractor who is a member of NICEIC (National Inspection Council for Electrical Contracting) or a member of the ECA (Electrical Contractors Association). The contractor must have undergone The Council Contractor Approval system and be on the List of Approved Contractors.
3. Where the test indicates that remedial work is required such work must be carried out by a competent contractor.
4. On completion of the test and associated remedial work a Certificate of Test and Examination must be obtained from the electrical contractor. The Certificate will indicate when the next test should be carried out. The maximum period for retesting is five yearly although a shorter time period may be recommended, particularly in an aging system.
5. A copy of the Certificate must be held on site for inspection by the enforcing authority and a copy of the full report will be retained by the Estates and Property Services Supervisor.
6. The thorough Test and Examination of the Mains Electrical Installation will be repeated at the interval determined on the Test Certificate by the competent person carrying out the test.

7. All portable electrical appliances issued for use at Council premises or by use by Council staff will be regularly inspected and where required, PAT tested.
8. Testing of portable electrical appliances shall be carried out by a suitable trained qualified member of staff or a Contractor on The Council Approved List of Contractors.
9. The current test date will be displayed on each portable electrical appliance.
10. Privately owned electrical appliances will not be permitted to be used on the premise unless specifically approved and confirmed as electrically safe.
11. Contractors are to provide written evidence on request that their portable appliances are PAT tested.
12. Contractors are required to supply their own rubber matting when working on electrical appliances and installations.
13. Contractors are responsible for carrying out risk assessments and method statements prior to carrying out work on electrical installations.
14. All Employees are responsible for carrying out a visual inspection of electrical equipment that they use and reporting any defects to their Manager or Supervisor.

#### 4.5. Work Equipment Safety

##### Purpose

To describe when to carry out assessment and maintenance of work equipment provided to staff working for The Council and ensure that all work is maintained in good working order and safe working condition.

##### Scope

Examples of work equipment include ladders, power tools, forklift trucks, a shredder etc.

##### References

The Provision and Use of Work Equipment Regulations 1998

##### Responsibilities

Managers and Supervisors are responsible for ensuring that all work equipment used on site is maintained in a safe working condition and used in accordance with identified safe systems of work

##### Procedure

1. Suitable and sufficient risk assessments shall be carried out on all identified work equipment and appropriate control measures implemented.
2. All persons involved with the use of work equipment shall receive suitable information, instruction and training.
3. An inventory of work equipment shall be compiled for work equipment in all areas
4. Checks of all work equipment shall be carried out as per the manufactures requirements and records kept.
5. All work equipment used shall be suitable for the task and in good working order. Equipment will bear the CE mark where appropriate.
6. Contractors working on site will be responsible for checking their own tools and equipment and ensuring that any defective tools or equipment are repaired or replaced as and when required.
7. Specialist equipment may require a formal check or test by a competent person. Where such testing is to be carried out by a contractor the contractor must be on The Council Approved List of Contractors.
8. Where the check indicates that the equipment requires repair or replacement this must be carried out prior to use.
9. A record of the check must be kept on site for inspection by the enforcing authority and will be held with the Health and Safety Records.
10. The inventory of equipment and record of checks must be kept up to date. New equipment will be added to the inventory as and when purchased.

## 4.6. Lifting Equipment

### Purpose

The Council recognises its duties under the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) and in discharging its duties will ensure that lifting operations are properly controlled and that lifting equipment provided for use at work is fit for purpose and safe in use.

### Scope

Lifting equipment includes any equipment used within The Council for lifting or lowering loads, including attachments used for anchoring, fixing or supporting it. The Regulations cover a wide range of equipment including, cranes, fork-lift trucks, lifts, hoists, mobile elevating work platforms, and vehicle inspection platform hoists.

### References

The Lifting Operations and Lifting Equipment Regulations 1998  
The Health and Safety at Work etc. Act 1974

### Responsibilities

Managers and Supervisors are responsible for ensuring that all lifting equipment used on site is maintained in a safe working condition and used in accordance with identified safe systems of work.

### Procedure

1. Suitable and sufficient risk assessments shall be carried out on all identified lifting equipment and appropriate control measures implemented.
2. All persons involved with the use of lifting equipment shall receive suitable information, instruction and training.
3. Lifting equipment shall be sufficiently strong, stable and suitable for the proposed use.
4. The load and anything attached (e.g. timber pallets, lifting points) shall be suitably positioned or installed to prevent the risk of injury from the equipment or the Load falling or striking people.
5. Lifting equipment shall be visibly marked with any appropriate information to be taken into account for its safe use, e.g. safe working loads.
6. Accessories, e.g. slings, clamps etc., shall be similarly marked.
7. Lifting operations shall be planned, supervised and carried out in a safe manner by people who are competent.
8. Where appropriate, before lifting equipment (including accessories) is used for the first time, it is thoroughly examined.
9. Six-monthly inspections for accessories and equipment used for lifting people shall be carried out
10. All other lifting equipment shall be inspected annually, or at intervals laid down in an examination scheme drawn up by a competent person.
11. All examination work shall be performed by a competent person



## 4.7. Lone Working

### Purpose

To set out The Council policy on lone working.

### Scope

To describe the procedure to be followed by staff carrying out lone work to ensure their health and safety.

### References

The Management of Health and Safety at Work Regulations 1999  
The Health and Safety at Work etc. Act 1974

### Responsibilities

Managers and Supervisors will ensure that;

- All employees of The Council follow the agreed lone working procedure whilst working for The Council
- All staff are trained and familiar with the lone working procedure
- Provide Lone Working devices where appropriate
- That where contractors are working within The Council premises that they are familiar with the emergency procedures for the site and that procedures are in place for regular checks to be made whilst lone contractors are on site to ensure their safety.

Employees and any other persons working for the Council shall;

- Ensure that another member of staff is informed of where they are working and how long they expect to be.
- Take a mobile phone, in order that they can be contacted, and they can contact others.
- Consider the risks and their own personal safety and if necessary, restrict access to a work area to authorised persons only.
- Ensure that they know how to raise the alarm in the event of a situation occurring.
- To raise any concerns about any aspect of lone working report this to their Manager or Supervisor.
- Never carry out any work, which could place them at risk of injury. Such work could include: lifting heavy items, using ladders using any machinery or chemicals for which they are not suitably trained etc.

### Procedure

1. Employees shall be involved when considering potential risks and measures to control them
2. Steps are taken to ensure risks are removed where possible;
3. Or control measures are put in place, eg carefully selecting work equipment to ensure the worker is able to perform the required tasks in safety
4. Suitable instruction, training and supervision shall be provided to all employees identified as lone workers
5. Risk assessments shall be reviewed periodically or when there has been a significant change in working practice.

## 4.8. Working at Height

### Purpose

For the Council to ensure that all Working at Height activities are conducted in a safe manner and do not expose employees, contractors and members of the public to unnecessary risks to their health and safety.

### Scope

Working at Height is work in any place, including;

- A place at, above or below ground level (including means of access and egress to a place of work) such as onto roof;
- Fall through a fragile surface;
- Fall into an opening in a floor or a hole in the ground.

### References

The Management of Health and Safety at Work Regulations 1999

The Working at Height Regulations 2005

### Responsibilities

Managers and Supervisors will, so far as is reasonably practicable avoid working at height. Where this is not possible, they are responsible for ensuring that all work at height carried out at height for The Council is suitable planned and the control hierarchy in the Working at Height Regulations 2005 is applied.

### Procedure

1. All Working at Height shall be avoided, where reasonably practicable.
2. Where Working at Height cannot be avoided, a suitable and sufficient risk assessment shall be undertaken by a competent person to identify significant risks.
3. All Work at Height shall be properly planned, appropriately supervised, and carried out in as safe a way as is reasonably practicable. The planning must include consideration of emergency situations, rescues and weather conditions.
4. Adequate control measures shall be implemented to reduce the risks associated with identified hazards.
5. All control measures shall be communicated to the relevant persons, implemented and monitored by management.
6. Suitable information, instruction and training shall be provided for employees who are expected to Work at Height, as identified by the risk assessment and that supervision will be provided by a competent person.
7. Only competent contractors will be used by the Council to carry out Work at Height on its behalf.

#### 4.9. Personal Protective Equipment (PPE)

##### Purpose

To describe when to provide personal protective equipment and how to select the most appropriate equipment for the task.

##### Scope

To ensure that the most appropriate personal protective equipment is selected where the risks to the health of employees cannot be reduced at source or by engineering controls.

##### References

The Management of Health and Safety at Work Regulations 1999

The Personal Protective Equipment Regulations 1992

##### Responsibilities

Managers and Supervisors are responsible for ensuring that the most appropriate personal protective equipment is selected where the risks to the health of employees cannot be reduced at source or by engineering controls.

All staff have a legal duty to co-operate with their employer and to wear any PPE provided as instructed.

All employees must:

- Wear or use the PPE provided as instructed.
- Look after the PPE issued to them, either individually or collectively.
- Check for any defects or damage to PPE.
- Report any defects or damage to the Building Manager, who will record in the defects log.
- Use the storage provided when not in use.
- Do not misuse PPE.

##### Procedure

1. It will be ensured that the risk assessment process is carried out to ensure that all risks to the health and safety of employees is reduced as far as possible. This may be by elimination of the hazard, substitution, engineering controls etc.
2. Where the risk cannot be eliminated the issue of personal protective equipment (PPE) will be considered as a last resort.
3. Appropriate PPE will be selected, the specification of which will be dependent upon the risk to which employees are exposed. Where a variety of styles are available trials may be carried out on site to determine the most suitable/comfortable design.
4. All PPE will meet the relevant British or European Standards or HSE Approvals and are CE marked.
5. All staff will be trained in the correct use and care of all PPE.

6. PPE must be checked by users before use and annually and any maintenance carried out arising from these checks or in accordance with manufacturer's instructions.
7. All PPE will be replaced as and when required, in accordance with necessary requirements.
8. The PPE assessment will be reviewed on a regular basis to ensure that the PPE provided is the most appropriate for the task.
9. Contractors are responsible for the provision, maintenance and use of their own PPE in relation to their work activities.

## 5. Occupational Health

### 5.1. Violence Policy

#### Purpose

To describe the procedure for managing violent incidents within Council premises or whilst working for The Council.

#### Scope

To ensure that employees are protected from the risks of violence and assaults at within The Council, and measures to reduce the risks of violence are in place.

#### References

The Management of Health and Safety at Work Regulations 1999

The Health and Safety at Work etc. Act 1974

#### Responsibilities

Managers and Supervisors will maintain detailed records of all incidents and near misses in order that any problems can be identified and dealt with. They will also ensure the incident is investigated and measures put in place to prevent a reoccurrence.

#### Procedure

1. Any violent incidents or near misses shall be recorded using the AVDC Hornbill Reporting System.
2. Where appropriate, incidents must be reported to the enforcing authority .
3. Following an incident, investigation shall take place and consideration given to additional measures as required in order to prevent a reoccurrence.
4. All Incidents involving physical violence or threat of physical violence by a member of the public shall be reported to the Police.
5. All employees are responsible for informing their Manager or Supervisor of all Incidents involving physical violence or threat of physical violence.
6. Anyone who is a victim of violent attack will be given the full support of The Council.
7. All relevant employees shall be notified of the Council's Incident Reporting Procedure.
8. Individuals who are likely to be exposed to potentially violent situations shall receive appropriate training in how to react/handle confrontational situations.
9. Human Resources Department shall recording details of any training carried out.

## 5.2. Smoking Policy

### Purpose

To set out The Council's smoke free policy, in order to ensure the health and safety of all staff and others.

### Scope

To ensure The Council's smoke free policy is implemented at all workplaces, for which they are in control. This policy applies to all employees, contractors, tenants, consultants and visitors.

### References

The Health Act 2006

### Responsibilities

Managers and Supervisors will ensure that The Council smoking policy is enforced within Council premises and within Council vehicles.

### Procedure

1. Council employees must refrain from smoking at all times within Council vehicles and Council Premises.
2. Prescribed 'No Smoking Signage' shall be displayed at Council premises.
3. All building users shall be made aware of The Council's smoke free policy.
4. Smoking on Council premises is only permitted within designated out door smoking areas.
5. Any staff member that suspects people are smoking either in Council premises or Council vehicles should report the incident to their Manager or Supervisor.
6. Disciplinary procedures will be followed if a member of staff does not comply with The Council's Smoke Free Policy.

### 5.3. Display Screen Equipment

#### Purpose

Establish a procedure for the use Display Screen Equipment within the Council.

#### Scope

The Council recognises that Display Screen Equipment (DSE) is a device or equipment that has an alphanumeric or graphic display screen, regardless of the display process involved; it includes both conventional display screens and those used in emerging technologies such as laptops, touch-screens and other similar devices.

#### References

The Management of Health and Safety at Work Regulations 1999  
The Health and Safety (Display Screen Equipment) Regulations 1992

#### Responsibilities

Managers and Supervisors are responsible for ensuring that Display Screen Equipment Assessments are carried out in respect of Display Screen equipment used by staff within The Council.

#### Procedure

1. Display Screen Equipment Assessments shall be carried out in respect of all workstations provided for use by employees of The Council. This will include any temporary staff or agency staff under the direct control of The Council.
2. Any measures identified as necessary to reduce risks shall be implemented within a timely manner.
3. A record will be kept of the assessment by the Human Resources Department and any measures taken.
4. Human Resources Department will ensure that eye and eyesight tests are made available to all operators free of charge and documented. Where corrective appliances are required specifically for use with display screen equipment an employer's contribution will be made.
5. Daily routine of users should be of such that they are able to take regular breaks from display screen work.
6. A copy of the display screen assessment will be made available to all operators.
7. Appropriate training will be provided to all operators and will include the use of display screen equipment, workstation set up, posture, breaks etc.
8. All workstations shall be reassessed on an annual basis and that records are kept.
9. All employees are required to complete the on line assessment of their work station at least annually, or more frequently if there are any significant changes.
10. Issues arising as a result of the on line assessment will be investigated by an employee who has received specialist training as a workstation assessor.



11. In the event of the issue not being able to be resolved by the workstation assessor, Human Resources Department must be notified. Human Resources Department will then contact an appropriate health professional for further guidance.

## 5.4. Occupational Road Risk

### Purpose

Establishes procedures for Council car drivers and staff driving on Council business.

### Scope

Procedures apply to all staff issued with a Council vehicle or those driving on Council business, as well as staff travelling to and from work.

### References

The Management of Health and Safety at Work Regulations 1999

### Responsibilities

All Council car users and staff driving on Council business should adopt the following procedures and advice to ensure personal safety when driving.

### Procedure

1. Suitable and sufficient Risk Assessments shall be carried out, where appropriate, kept up to date, and the results communicated to the employee.
2. Staff shall be made aware of the arrangements for safe driving, accident reporting, use of mobile phones and 'out of office' contact /personal safety issues.
3. All employees are advised to plan their journey by checking the vehicle, weather reports and traffic information. Where possible, avoid travel during severe weather or traffic warnings.
4. All employees must ensure the vehicle is serviced and maintained up to date with an in date MOT certificate and Insurance.
5. All employees are advised on a long journey to take regular breaks to help you relax and to reduce tiredness. Staff are advised to take a break at least every two hours of driving.
6. In the event of breakdown staff are advised to pull over to the hard shoulder, or an alternative safe location and call the breakdown recovery organisation.
7. Staff are advised to set up a reflective triangle (if safe to do so), switch on the vehicle hazard lights and wear a hi - visibility jacket. In the event of breaking down on the motorway hard shoulder, staff are advised to exit their vehicle and stand behind the protective barriers, in accordance with current guidance.

## 5.5. New and Expectant Mothers

### Purpose

To describe the procedure for new and expectant mothers, including those who are breastfeeding.

### Scope

To identify those employees who are new and expectant mothers and ensure that a risk assessment of their work activities is undertaken.

### References

The Management of Health and Safety at Work Regulations 1999

The Workplace (Health, Safety and Welfare) Regulations 1992

The Equality Act 2010

### Responsibilities

Managers and Supervisors are responsible for ensuring that all new and expectant mothers identified, have a risk assessment carried out of their work activities and to ensure that suitable arrangements are in place to protect the health, safety and welfare of such individuals.

### Procedure

1. Once notified of an employee who is a new or expectant mother, their Manager or Supervisor shall notify Human Resources who will arrange a specific risk assessment for the employee.
2. The risk assessment must be carried out with the specific employee and take account of any medical advice that has been provided by her doctor.
3. Once the risk assessment is complete any required actions/recommendations should be fully considered by the Service Manager or Supervisor.
4. The risk assessment shall be reviewed on a regular basis as the employee's condition changes. Any change to the risk assessment must be fully documented and communicated to the employee.

## 5.6. Young & Inexperienced Workers

### Purpose

To describe when to carry out and record a young and inexperienced worker risk assessment.

### Scope

To ensure that young and inexperienced workers are identified before any activities take place and to ensure that any such activities are appropriate and suitable arrangements are in place to protect the health, safety and welfare of such individuals.

### References

The Management of Health and Safety at Work Regulations 1999

The Provision and Use of Work Equipment Regulations 1998

Workplace (Health, Safety and Welfare) Regulations 1992

### Responsibilities

Managers and Supervisors will ensure that any young and inexperienced worker (a young person is anyone under eighteen years of age) will be supervised by a competent person and will not be allowed to undertake any restricted task, work with any restricted machinery and materials or work in restricted areas.

They will ensure that a risk assessment has been carried out and all reasonable practical controls implemented in accordance with the Management of Health & Safety at Work Regulations.

### Procedure

1. Prior to employing any young person, a risk assessment shall be carried out and all reasonable practical controls implemented in accordance with the Management of Health & Safety at Work Regulations.
2. Advice on the selection and initial recruitment and of young persons shall be sought from the Human Resources Department.
3. All work placements (i.e. from local schools) must be organised through the Human Resources Department.
4. The consent of each of the key partners in the work experience arrangement, the parent/guardian/carer, the placement provider and the young person shall be obtained.
5. All those under the age of 18 shall be given details and explanation to ensure the understanding of any applicable Safe Systems of Work and Guidance Notes. Additional copies should be given to the parents/guardians of any young person.
6. All young persons must go through a health and safety induction relevant to their place of work.
7. Young persons shall be provided with appropriate information, instruction and training, taking into consideration they are very likely to need more supervision than adults.

## 5.7. Manual Handling

### Purpose

To ensure the provisions of the Manual Handling Operations Regulations 1992 are complied with as far as is reasonably practicable and the need for the Council's employees to undertake any manual handling operations at work which involve risk of their being injured, is avoided where reasonably practicable.

### Scope

The Council recognises that "Manual handling operations" means any transporting or supporting of a load (including the lifting, putting down, pushing, pulling, carrying or moving thereof) by hand or by bodily force.

### References

The Manual Handling Operations Regulations 1992  
The Management of Health and Safety at Work Regulations 1999

### Responsibilities

Managers and Supervisors will ensure that Manual Handling Assessments are carried out in respect of the movement of all substances, goods and equipment used by employees of The Council.

### Procedure

1. An assessment shall be carried out in respect of all manual handling operations carried out by Council employees. The assessment will include consideration of the task, the load to be handled, the working environment and the individual's capability to carry out the task.
2. All employees identified at risk, shall complete appropriate Manual Handling awareness/training courses and a record of the training is kept.
3. Steps shall be taken to ensure that the risk of injury is reduced as far as is possible. This will be achieved by removing the need to handle loads, the provision of mechanical lifting aids and reducing the size and weight of the object to be handled, etc.
4. Where manual handling cannot be avoided, steps will be taken to ensure that a safe system of work is carried out at all times.
5. Appropriate PPE (personal protective equipment) for the safe handling of all objects is where the risks cannot be reduced by other means shall be provided.
6. All employees are responsible for the correct use of the appropriate (Personal Protective Equipment) PPE when provided for manual handling tasks.

## 5.8. Hazardous Substances

### Purpose

To ensure the provisions of The Control of Substances Hazardous to Health Regulations 2002 are complied with so far as reasonably practicable to prevent, or where that is not possible, to minimise the risk of harm or adverse effects from hazardous substances and to set appropriate standards for the control of the residual risk

### Scope

The Council recognises that substances hazardous to health are defined under COSHH as those that are: 'Very Toxic, Toxic, Corrosive, Harmful or Irritant.' They include all substances such as dust and certain biological agents connected with work.

### References

The Control of Substances Hazardous to Health Regulations 2002 COSHH (as amended)  
The Management of Health and Safety at Work Regulations 1999

### Responsibilities

Managers and Supervisors are responsible for ensuring that COSHH Assessments are carried out in respect of all substances used by employees of The Council that fall within the scope of the Regulations.

### Procedure

1. Material Safety Data Sheets in respect of all hazardous substances used on site shall be obtained from the manufacturer or supplier.
2. A risk assessment of all chemicals in use shall be carried out in accordance with the Control of Substances Hazardous to Health Regulations 2002 (as amended). This assessment takes account persons exposed to the chemical and/or waste product, the use of the chemical and the precautions taken during use, etc.
3. Steps shall be taken to ensure that the risks to employees from such substances are minimized, as far as is reasonably practicable.
4. Appropriate PPE for the safe handling of all hazardous substances shall be provided where the risks cannot be reduced by other means.
5. All employees are responsible for the correct use of PPE when provided.
6. Procedures shall be in place for the clearing of any spillages of hazardous substances.
7. All employees shall receive, where necessary information, instruction and training in the procedures and precautions to be taken.

## 5.9. Noise

### Purpose

To ensure the provisions of The Noise at Work Regulations 2005 are complied with so far as reasonably practicable to prevent, or where that is not possible, to minimise the risk of harm from exposure to noise or adverse effects and to set appropriate standards for the control of the residual risk.

### Scope

To ensure that foreseeable working activities where individuals have the potential to come into contact with significant noise levels are identified and suitable and sufficient risk assessments are in place along with suitable control measures.

### References

The Noise at Work Regulations 2005

The Management of Health and Safety at Work Regulations 1999

### Responsibilities

Managers and Supervisors are responsible for ensuring that a Noise Risk Assessment will be carried out on all employees of The Council who may come into contact with activities which may expose them to noise levels above the second action level as defined in the Noise at Work Regulations 2005.

### Procedure

1. Where necessary noise surveys shall be carried out to identify any area where levels may adversely affect persons' health and safety.
2. Any noise survey that is undertaken will, Identify which areas are affected, who is affected, the frequency of the noise, engineering controls that could be implemented to reduce the noise levels and where necessary establish ear protection zones. Where reasonably practicable, engineering controls to eliminate, or reduce the effect of noise will be implemented by The Service Manager or Supervisor.
3. Where noise levels cannot be reduced below the second action level, ear protection zones will be defined and marked.
4. All persons entering an ear protection zone will be required to wear suitable ear protection.

## 5.10. Vibration

### Purpose

To ensure the provisions of The Control of Vibration at Work Regulations 2005 are complied with so far as reasonably practicable to prevent, or where that is not possible, to minimise the risk of harm from exposure to vibration or adverse effects and to set appropriate standards for the control of the residual risk

### Scope

To ensure that foreseeable working activities where individuals have the potential to come into contact with work equipment that may create a risk of hand arm vibration (HAV) or whole body vibration (WBV) are identified and suitable and sufficient risk assessments are in place along with suitable control measures.

### References

The Control of Vibration at Work Regulations 2005.  
The Provision and Use of Work Equipment Regulations 1998.  
The Management of Health and Safety at Work Regulations 1999

### Responsibilities

Managers and Supervisors are responsible for identify equipment that may create a risk of hand arm vibration (HAV) or whole body vibration (WBV) and suitable and sufficient risk assessments are in place along with suitable control measures.

### Procedure

1. Injury and ill health shall be avoided to employees by establishing, monitoring (including health surveillance) and managing the risks and level of exposure of employees to vibration.
2. A list of equipment shall be established to identify equipment that may create a risk of HAV/WBV and the level of risk to employees together with their vibration ratings.
3. Any work equipment purchased by The Council shall be suitable and appropriate for the required task and that vibration levels have been identified and assessed prior to purchase.
4. All work equipment shall be maintained to reduce vibration levels to a minimum.
5. All employees required to operate work equipment shall be suitably trained in the safe use/risks associated with the equipment.



### 5.11. Workplace infections

#### Purpose

To describe the arrangements for the control of workplace infections for employees at risk from diseases such as Hepatitis A, Hepatitis B, Hepatitis C, Tetanus, Leptospirosis, Toxocariasis and HIV.

#### Scope

To ensure that foreseeable working activities where individuals have the potential to come into contact with workplace infections that may put employees at risk from diseases such as Hepatitis A, Hepatitis B, Hepatitis C, Tetanus, Weil's Disease, Toxocariasis and HIV are identified and suitable and sufficient risk assessments are in place along with suitable control measures.

#### References

The Control of Substances Hazardous to Health Regulations (COSHH) 2002  
The Management of Health and Safety at Work Regulations 1999

#### Responsibilities

Managers and Supervisors are responsible for identifying working activities where individuals have the potential to come into contact with workplace infections that may put employees at risk from diseases and that suitable and sufficient risk assessments are in place along with suitable control measures.

#### Procedure

1. A suitable and sufficient risk assessment shall be carried out on tasks/activities where there is an identified risk of workplace infections
2. Staff at risk from workplace infections whilst carrying out work activities will receive suitable information, instruction and training
3. The Human Resources Department will establish arrangements for vaccination against workplace infection for employees at risk of diseases such as Hepatitis A, Hepatitis B, Hepatitis C, Tetanus, Leptospirosis, Toxaemias and HIV.
4. Control measures and procedures for the reduction of risk of infection to employees such as the correct type and use of PPE and suitable methods of work shall be implemented.
5. In all cases of needle stick injury emphasis will be placed on the employee for the need to seek urgent medical attention.
6. The Human Resources Department will hold records of employees' immunisations and will issue reminders for boosters as and when required.

## 5.12. Stress at Work

### Purpose

To ensure the provisions of The Management of Health and Safety at Work Regulations 1999 are complied with so far as reasonably practicable to prevent, or where that is not possible, to minimise the risk of harm from stress or adverse effects and to set appropriate standards for the control of the residual risk

### Scope

The formal definition of work related stress is: "The adverse reaction people have to excessive pressures or other types of demand placed on them at work." It shall be ensured that this policy will apply to everyone in the Council.

### References

The Management of Health and Safety at Work Regulations 1999

### Responsibilities

Assistant Directors, Managers and Supervisors shall:

- Reflect the policy's principles and approaches within their own management practice.
- Ensure good communication between management and staff, particularly where there are organisational and procedural changes.
- Ensure that staff are provided with clear and realistic objectives and that performance is managed effectively and fairly.
- Conduct and implement recommendations of risk assessments/health needs analysis within their areas and provide modification of work where it is known employees are stressed.
- Ensure that bullying and harassment is not tolerated within the workplace.
- Monitor working hours and overtime to ensure that staff are not overworking.
- Monitor holidays to ensure that staff are taking their full entitlement.
- Follow the Council's procedures and use appropriate support where necessary.

Human Recourses shall:

- Give information, instruction and training to Managers and Supervisors on Managing Stress within the Workplace.
- Help monitor the effectiveness of measures to address stress by collating sickness absence statistics.

Employees shall:

- Support the Council's Health and Safety Policy and procedures for Managing Stress.
- Raise issues of concern in relation to Stress, to their Manager, Supervisor, Safety Representative or The Health and Safety Manager.

### Procedure

1. The Council accepts its duty of care towards employees encompasses any such individual who suffers from stress at work and who asks for assistance.
2. The Council will ensure, so far as is reasonably practicable, that jobs will be designed in such a manner that:
  - The responsibility and tasks are clarified and communicated to the employee
  - The demands of the job or task and the requirements of the organisation are made clear to the employee
  - The job or task is achievable
  - There is a close link will be maintained between individual targets and organisational goals
  - That employees are not placed within a job or given a task for which they do not have the ability
  - Early training and instruction with regard to the job or task, the working environment and any specific pressures is given to the employee

## 6. Appendices Table

Appendices Ref:	
6.1	General Risk Assessment Format
6.2	Risk Assessment Matrix
6.3	Staff Training Matrix
6.4	Staff Training Matrix – Pembroke Road
6.5	Accident Report Flow Chart – Pembroke Road
6.6	Permit to Work – Confined Spaces
6.7	Permit to Work – Hot Work
6.8	Permit to Work - Electrical
6.9	Permit to Work – General



# AVDC - RISK ASSESSMENT

## Part Two

In accordance with:

- The Management of Health and Safety at Work Regulations 1999
- The Provision of Fostering Regulations 2002



### RECOMMENDATIONS / ACTIONS SUMMARY

Action	Due date	Responsible person/persons

### DECLARATION

I have seen this risk assessment and been involved in the process of it's production.

Name	Signature
Position	Date

Name	Signature
Position	Date

Name	Signature
Position	Date

Name	Signature
Position	Date

Name	Signature
Position	Date

6.2. Risk Assessment Matrix

## Risk Evaluation Matrix

	1 - Minor injury	2 - First Aid	3 - Major injury, lost time or chronic ill health	4 - Fatality
4 - Highly likely	<b>Tolerable Risk</b>	<b>Moderate Risk</b>	<b>Substantial Risk</b>	<b>Intolerable Risk</b>
3 - Probable	<b>Tolerable Risk</b>	<b>Moderate Risk</b>	<b>Substantial Risk</b>	<b>Substantial Risk</b>
2 - Possible	<b>Tolerable Risk</b>	<b>Tolerable Risk</b>	<b>Moderate Risk</b>	<b>Moderate Risk</b>
1 - Improbable <small>Substantial Risk</small>	<b>Trivial Risk</b>	<b>Trivial Risk</b>	<b>Tolerable Risk</b>	<b>Tolerable Risk</b>

<b>Intolerable Risk</b>	Activity should be suspended immediately until action is taken to reduce the risk
<b>Substantial Risk</b>	Significantly high risk that where reasonably practical activity should be suspended until significant action has been taken to reduce the risk. Where this is not reasonably practicable, strict deadlines should be agreed for further action to reduce the risk.
<b>Moderate Risk</b>	Significant action should be planned in accordance with overall risk management programme to reduce the risk.
<b>Tolerable Risk</b>	Risk level is acceptable as long as all reasonably practicable controls are in place.
<b>Trivial Risk</b>	Risk level is low; no significant action required.

6.3. Training Matrix

<b>AVDC HEALTH AND SAFETY TRAINING MATRIX</b>						
	Elearning	All Staff	Sector Leads/A.D.'s	Supervisors	Perapetatic Staff	Facilities Staff
Asbestos						
Competent Persons						
Construction, Design Management						
Display Screen Equipment Use						
Fire Safety						
First Aid						
Fork Lift Truck						
Hazardous Substances						
Health & Safety Induction						
Legionella						
Lone Working						
Managing Health and Safety						
Manual Handling						
Risk Assessment						
Stress Awareness						
Violence and Aggression						
Working at Height						

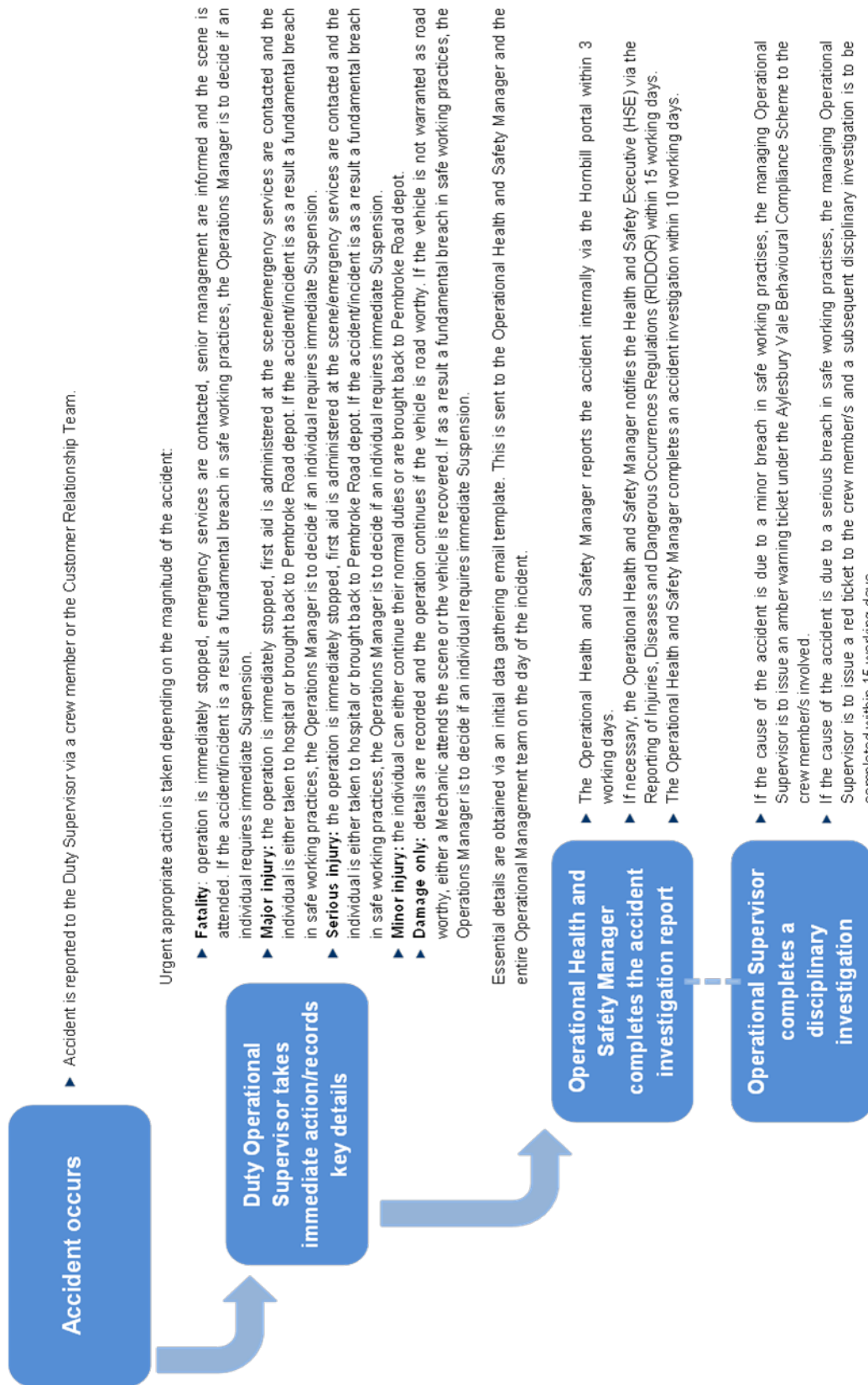


6.4. Training Matrix – Pembroke Road

<b>OPERATIONS HEALTH AND SAFETY TRAINING MATRIX</b>										
	Elearming	All Staff	Supervisors	Drivers	Loaders	Chargehands	Office Staff	Workshop		
Induction (including Health and Safety)										
Display Screen Equipment Use										
Fire Safety										
First Aid										
Fork Lift Truck										
Telehandler										
Roll on-off/Hooklift Skips										
Manual Handling										
Reverse Procedure										
Risk Assessment										
EfW Site induction										
Stress Awareness										
Working at Height										
Waste Transfer Station site induction										

6.5. Accident Reporting Flow Chart – Pembroke Road

# Recycling & Waste Operations Accident Reporting Procedure

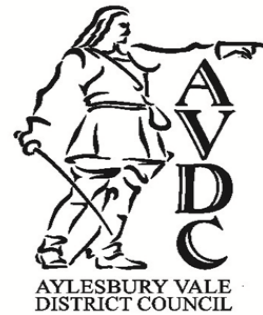


6.6. Permit to Work – Confined Spaces

# AVDC – PERMIT TO WORK (CONFINED SPACES)

## VAILD FOR ONE SHIFT ONLY

### Part One



**1. PREPARATION**

<b>Plant / Area to be worked on:</b>			
<b>Commencing at (time):</b>		<b>Hours on:</b>	

<b>Work to be completed:</b>

<b>The above plant has been withdrawn from service at:</b>		<b>Hours on:</b>	
--	--	------------------	--

<b>The Above Plant has been isolated from:</b>	Ingress of dangerous fumes	YES/NO		
	Sources of electrical power	YES/NO		
	Gar or liquids under pressure	YES/NO		
	Stream or heat	YES/NO		
	<b>At:</b>		<b>Hours on</b>	

<b>Number of workers authorised to work under this permit:</b>	
--	--

**2. ATMOSPHERIC TESTS**

<b>Atmosphere has been tested for:</b>	
The atmosphere has been found to be satisfactory for work to be carried out with/without the use of breathing apparatus.	YES /NO

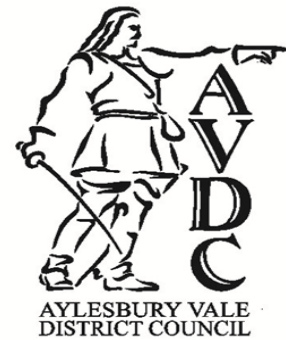
<b>The atmosphere will be retested at:</b>		<b>Hrs on:</b>	
<i>continuously whilst work is in progress.</i>			

<b>Name of competent person undertaking atmospheric test:</b>			
<b>Signature</b>	<b>Time</b>	<b>Date</b>	<b>Company</b>

--	--	--	--

# AVDC – PERMIT TO WORK (CONFINED SPACES)

## Part Two



### 3. SAFETY PRECAUTIONS

In addition to isolation procedures listed in Part One above the following safety precautions have been taken:

Breathing apparatus	YES/NO
Lifeline and rope outside on confined spaces	YES/NO
Eye protection	YES/NO
Protective clothing	YES/NO
Dust respirator	YES/NO
Non-sparking approved tools	YES/NO
Exhaust fan	YES/NO
others	YES/NO

Signature of authorised persons responsible for the work:	
<b>Date</b>	<b>Time</b>

### 4. AUTHORISATION

The precautions specified in Part 1, 2 and 3 have now been taken and it is now safe to enter the confined space.

<b>The permit is valid until:</b>	Date		Time	
Signature of authorised person responsible for the work				

### 5. ACCEPTANCE OF PERMIT

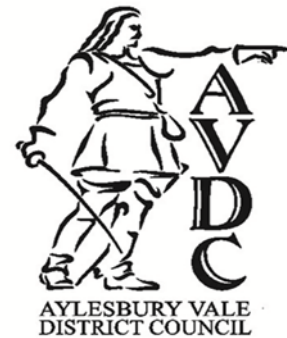
I have read and understood this permit and will undertake to work in accordance with the conditions set out hereon.

Name of person in charge of work:			
Signature	Time	Date	Company

--	--	--	--

# AVDC – PERMIT TO WORK (CONFINED SPACES)

## Part Three



### 6. COMPLETION OF WORK

This work <b>has/has not</b> been completed and all personnel under my supervision withdrawn.	
All materials and equipment <b>have/have not</b> been withdrawn.	
Signature of person in charge of work:	

### 7. CANCELLATION

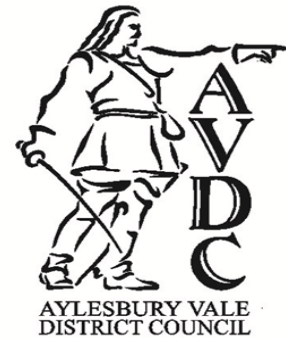
The work has been completed and all personnel, materials and equipment have been withdrawn.	
The work has not been completed but all personnel have been withdrawn.	
This permit is now cancelled. A new permit will be required to continue work.	

Signature of authorised person responsible for work	
---	--

Date	Time

6.7. Permit to Work – Hot Works

# AVDC – PERMIT TO WORK (HOT WORKS)



**Part One**

1.

<b>Reference No:</b>		<b>Duration of Permit:</b>	
----------------------	--	----------------------------	--

<b>Location of Work:</b>

Is this work to be carried out when plant, equipment or systems are in operation?	YES/NO
---	--------

<b>Description of work (Specific Hazards)</b>

<b>Precautions:</b>	(Tick as appropriate)
Inspect nearby areas	
Ensure hot work equipment is suitable for use and in good order	
Check location and means of raising alarm	
Ensure location of extinguishers / hose reels	
Remove and combustibile materials from work area (either full or empty)	
Provide suitable and adequate protection against sparks and hot particles	

<b>Follow Up Inspections</b>		<b>Hours and</b>		<b>Minutes later</b>
		<b>Hours and</b>		<b>Minutes later</b>

Extra precautions to be taken if plant, equipment or systems are in operation:

<b>AUTHORISATION</b>		
<b>Name of authorised person issuing permit</b>		
<b>Signature</b>	<b>Time</b>	<b>date</b>

**RECEIPT**

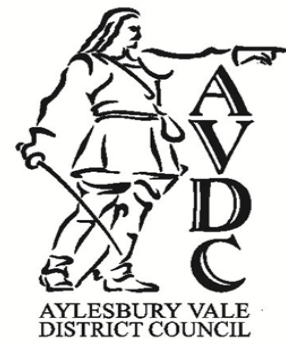
I hereby declare that no work other than that stated above will be carried out, and that all precautionary measures will be adhered to

Name of competent person undertaking the work

Signature

Company

# AVDC – PERMIT TO WORK (HOT WORKS)



## Part Two

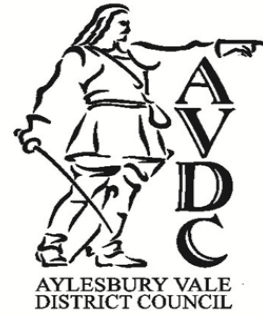
CLEARANCE	
I hereby declare that the work stated in Section one <b>has / has not</b> been completed.	
Details if not completed:	
<b>Signature of Competent Person</b>	<b>Company</b>
<b>Date</b>	<b>Time</b>

CANCELLATION <span style="float: right;">(Tick)</span>		
All copies of this permit to work are hereby cancelled.		
<b>Signature of authorised person</b>	<b>Date</b>	<b>Time</b>



6.8. Permit to Work – Electrical

# AVDC – PERMIT TO WORK (ELECTRICAL)



## Part One

<b>Reference No:</b>		<b>Duration of Permit:</b>	
----------------------	--	----------------------------	--

<b>Location of Work:</b>

<i>I certify that the following apparatus has been made dead, electrically isolated, earthed if necessary and that all other relevant measures have been taken to ensure that the work and/or tests specified below can be performed in a safe manner.</i>	YES/NO
--	--------

<b>Plant / Equipment / System</b>
<b>Work / Tests to be completed</b>

<b>Location of:</b>	Isolation	
	Locks	
	Notices	
	Earthing	

<b>Other Precautions:</b>

<b>Diagram Attached (If required)</b>	YES/NO
---------------------------------------	--------

<b>Any other permits that are in use, state the reference number:</b>	

<b>AUTHORISATION</b>		
<b>Name of authorised person issuing permit</b>		
<b>Signature</b>	<b>Time</b>	<b>date</b>

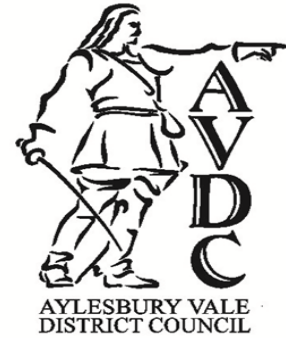
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**RECEIPT**

I hereby declare that no work other than that stated above will be carried out, and that all precautionary measures will be adhered to

Name of competent person undertaking the work			
Signature		Company	

# AVDC – PERMIT TO WORK (ELECTRICAL)



## Part Two

### CLEARANCE

*I certify that the work certified on this permit has been completed/stopped, that all personnel, tools and equipment within my control has been removed from the work area and that safety measures may/may not be removed.*

Details if not completed:

<b>Signature of Competent Person</b>	<b>Company</b>
<b>Date</b>	<b>Time</b>

### CANCELLATION

(Tick)

All copies of this permit to work are hereby cancelled.

<b>Signature of authorised person</b>	<b>Date</b>	<b>Time</b>



6.9. Permit to Work – General

# AVDC PERMIT TO WORK (GENERAL)

## Part One



Reference No:		Duration of Permit:	
---------------	--	---------------------	--

<b>Location of Work:</b>

Description of work (detailing hazards):

Is work to be carried out when plant, equipment or systems are in operation?	Yes/No
--	--------

Are any additional permits necessary, cross-reference numbers:			
Type	Reference No.	Type	Reference No.
Hot Work		Electrical	
Confined Space		Other (detail)	

<b>AUTHORISATION</b>		
Name of Authorised person issuing permit:		
Signature	Time	Date

<b>RECIPT</b>	
I hereby declare that no work other than that stated above will be carried out, and that all precautionary measures will be adhered to.	
Name of the competent person undertaking the work:	
Signature	Company

--	--

# AVDC PERMIT TO WORK (GENERAL)

## Part Two



<b>CLEARANCE</b>	
I hereby declare that the work stated in Section one <b>has / has not</b> been completed.	
Details if not completed:	
Signature of Competent Person	Company

<b>CANCELLATION</b>		(Tick)
All copies of this permit to work are hereby cancelled.		
Signature of authorised person	Date	Time

# AVDC CORPORATE OCCUPATIONAL HEALTH AND SAFETY STRATEGY 2017

## Introduction

AVDC is committed fully to ensuring that as an exemplar authority for health and safety practice and as an employer, provider of services and visitors to the District, will ensure that it will take reasonable steps to manage risks from its activities.

This strategy defines and coordinates AVDC's approach to managing occupational health and safety.

This document sets out the aims and objectives for AVDC including how we will carry out this work and how health and safety performance will be measured.

A Corporate Health and Safety Action Plan will be prepared to support this strategy and the Health and Safety Policy. The Corporate Health and Safety Manager and the Corporate Health and Safety Committee will monitor this action Plan. The targets will be reviewed and updated annually by the Corporate Health and Safety Board.

## Current State

Barrier/Weakness	Consequence
Unclear expectations across the organisation of health and safety performance standards.	Different standards of H&S practice, risk management and statutory compliance across AVDC Sectors.
Personal fears and insecurity, due to recent organisational changes.	Persons with organisational H&S responsibilities lack confidence and direction.
Previous under resourcing of health and safety competent people leading to individual ownership of the H&S management system	Unbalanced address of reactive and proactive safety matters, lack of direction and safety culture development.
Different Sector styles for health and safety and total quality documentation	Statutory non-compliance.

*The Alcumus Health and Safety Status Review (December 2016) and the Health and Safety Forward Plan 2016-2017* also provides a H&S management gap analysis and an action plan for some of the issues identified in these documents. These documents have aided the development of the Strategic Aims by showing strengths and weakness within AVDC H&S Management System.

## Executive Summary

Successful H&S management comes from the top of an organisation and H&S leadership must also start from this point. Visible and active commitment from the Chief Executive, Directors and Managers to health and safety clearly demonstrates a commitment which will be embraced by other staff and service users.

Proactive management and ownership is a clear indication of a health and safety positive culture.

## Strategy Aims

<p>There is a standardised approach to AVDC's H&amp;S management system</p>
<p>AVDC health and safety performance is regularly measured and monitored</p>
<p>Accident, incident and near-miss software for AVDC is used to record consistent and accurate reports and data</p>
<p>There is an appropriate level of H&amp;S risk control throughout AVDC</p>
<p>All managers, staff and stakeholders are engaged actively in the positive management of H&amp;S</p>
<p>There is a standardised approach for AVDC Event Safety Management and Emergency Planning</p>



## Strategic Objectives

Strategic Aims	Objectives
<p>There is a standardised approach to AVDC's H&amp;S management system.</p>	<ul style="list-style-type: none"> <li>• Recent AVDC structural changes and changes in Sector Leadership are identified within the Corporate Health and Safety policy and individual responsibilities clearly defined.</li> <li>• AVDC Corporate Health and Safety Policy is reviewed and ratified annually against authoritative guidance published by the HSE (HSG 65).</li> <li>• Senior managers and managers receive information, instruction and training on their key health and safety responsibilities.</li> <li>• A business case and specification for the procurement of Corporate Occupational Health and Safety Management software is developed.</li> <li>• Records of all Sector risk assessments, method statements, workplace inspection sheets and training is included within the specification.</li> </ul>
<p>AVDC health and safety performance is measured and monitored.</p>	<ul style="list-style-type: none"> <li>• Key Performance Indicators (KPI's) are set for monitoring AVDC's health and safety management system (i.e audit reports, workplace inspections, training plans)</li> <li>• AVDC's individual performance review appraisals and processes to include health and safety performance and reward at least annually.</li> <li>• The effectiveness of AVDC's risk management is evaluated during organisational change, projects and procurement.</li> <li>• The Corporate Health and Safety Board (formally the Strategic Health, Safety and Well-Being Forum) shall regularly review KPI's, audit reports and safety performance against statutory requirements.</li> </ul>
<p>Accident, incident and near-miss software for AVDC is used to record consistent and accurate reports and data.</p>	<ul style="list-style-type: none"> <li>• A business case and specification for the procurement of corporate accident, incident and near-miss reporting software is developed.</li> <li>• Investigations and statutory reports are carried out to a suitable level of compliance.</li> <li>• Effective and appropriate action is taken to prevent further harm.</li> <li>• Lessons learned from incidents, accident and near misses are shared and communicated effectively across all Sectors.</li> <li>• AVDC's accident data is easy to retrieve and is analysed against KPI's and national statistics.</li> <li>• All AVDC staff with reporting and investigation responsibilities receive relevant information, instruction and training.</li> </ul>

<p>There is an appropriate level of H&amp;S risk control throughout AVDC</p>	<ul style="list-style-type: none"> <li>• Sectors are encouraged to identify their health and safety risks and have a specific AVDC risk management framework in place to follow and incorporate into their annual health and safety plans.</li> <li>• There is clear, consistent organisational risk assessment guidance, templates and risk matrix used across all Sectors of AVDC.</li> <li>• All key staff receive risk assessment, information, instruction and training.</li> <li>• Information is easily shared across Sectors where risks are identified to have the potential to affect operations/service delivery of one or more Sectors.</li> <li>• Risk assessments forms part of AVDC's KPI's.</li> </ul>
<p>All managers, staff and stakeholders are engaged actively in the positive management of H&amp;S</p>	<ul style="list-style-type: none"> <li>• The Corporate Health and Safety Board (formally the Strategic Health, Safety and Well-Being Forum) follow and implement their Terms of Reference.</li> <li>• The Corporate Health and Safety Committee (formally the Strategic Health, Safety and Well-Being Committee) follow and implement their Terms of Reference.</li> <li>• AVDC partake in National Health and Safety Campaigns such as HSE's Occupational Health and Safety Week and IOSH Campaigns.</li> <li>• The Health and Safety Union Representative to be engaged with H&amp;S Strategies and the Corporate Health and Safety Committee</li> <li>• AVDC seek partnership with Local Authorities to share training, strategies and campaigns.</li> <li>• Positive engagement is encouraged with HSE (The Health and Safety Executive) and other enforcing authorities for the purposes of leading performance.</li> <li>• The involvement of managers, staff and health and safety representatives is encouraged in the development and review of health and safety policies and standards.</li> <li>• Relevant health and safety information is accessible to all members of staff and shared between Sectors where appropriate.</li> <li>• Sectors include health and safety on the Management Team Agenda and where applicable have regular health and safety meetings.</li> <li>• All Sectors and staff are actively recognised for good health and safety performance.</li> </ul>

<p>There is a standardised approach for AVDC Event Safety Management and Emergency Planning</p>	<ul style="list-style-type: none"><li>• Duty holders clearly identified within the Corporate Health and Safety Policy</li><li>• Procedures within AVDC's H&amp;S Management system for Event Management and emergency planning will be accessible to all duty holders.</li><li>• Clear guidelines are set for consultation with the Safety Advisory Group (SAG) prior to an event</li><li>• Corporate Event Safety and Emergency Plans are used for all AVDC event management.</li><li>• Sharing of event planning and information with relevant members of staff, Sectors and authorities is actively encouraged.</li></ul>
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Prepared by: Joanne Crosby (Interim Health and Safety Officer)

Dated: 9<sup>th</sup> June 2017

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## HOUSING BENEFIT RISK BASED VERIFICATION POLICY

### 1 Purpose

- 1.1 To enable the Committee to comment on the Housing Benefit risk based verification policy, that will be reported to Cabinet for consideration on 6 September 2017.

### 2 Recommendations/for decision

- |     |  |
|-----|--|
| 2.1 | To consider what, if any, comments the Committee wish Cabinet to take into account in adopting the process for risk based verification for verifying Housing Benefit and Council Tax Reduction claims. |
|-----|--|

### 3 Information

- 3.1 The Housing Benefit and Council Tax Reduction schemes (“Housing Benefit”) are cornerstones of the Welfare State. Nationally, nearly £25 billion is paid out in total per annum. At November 2011, the total number of people claiming Housing Benefit was 4.94 million, with 5.87 million claiming Council Tax Reduction.
- 3.2 In the early 1990’s the Department for Work and Pensions (DWP) introduced a “verification framework policy” for administering Housing and Council Tax Benefit claims. This was a voluntary policy that strongly recommended that local Councils should obtain a substantial amount of documentary evidence, carry out numerous pre-payment checks and visits before making any payment.
- 3.3 The verification framework proved to be both costly and caused significant delays in processing. It had to be applied to all claims and there was little scope for local discretion. Although it was abandoned in 2006 by DWP, most Council’s including AVDC have continued to use at least some of the guidelines set out in the framework.
- 3.4 In 2011, the DWP allowed a limited number of Councils to pilot a different type of scheme to try to reduce fraud and error; based on Risk Based Verification (RBV) principles. This concentrates on the risk profile of each claimant; resources can then be targeted at the higher risk groups where most of the fraud and error will be. It is an approach used by many public services as well as businesses in the commercial world; from finance to the chemical industry, the police and immigration authorities. The pilots have been a success and the DWP has confirmed that all Councils can now adopt this approach (Housing Benefit and Council Tax Benefit Circular HB/CTB S11/2011 attached at Appendix C).
- 3.5 It is intended that RBV will apply to new Housing Benefit claims, Council Tax Reduction and Changes in Circumstances. However, once implemented it can be used for reviews and overpayments.
- 3.6 The Benefits Service has conducted a Fundamental Service Review over the last year. The implementation of Risk Based Verification is a recommendation from that process. This is to reduce the burden on customers to provide excessive evidence, and reduce the cost of administering claims by reducing the correspondence with customers in chasing evidence, and the scanning of that evidence. It is intended that RBV is implemented for new claims by the Council from 1 October 2017. It is believed that this step will provide an

improved service for customers and contribute to a significant reduction in costs.

#### **4. Background**

- 4.1 Detailed information on the background (AVDC must adhere to Housing Benefits legislation), the risk based verification methodology and how AVDC intends to apply it are included in the attached Cabinet report.
- 4.2 The Cabinet report also contains information on how the policy will be recorded and monitored. Training will be provided for all officers using Risk Based Verification to ensure the agreed processes, procedures and guidelines are adhered to. Discussions will take place with all internal and external stakeholders including Investigation staff, Housing staff, Social landlords and the Voluntary sector so that they are fully aware of the change.
- 4.3 The Scrutiny Committee is invited to consider any views they might wish Cabinet to take into account in adopting the process for risk based verification for verifying Housing Benefit and Council Tax Reduction claims.

#### **5. Reasons for Recommendations / Business Case / Financial and Legal Implications**

- 5.1 These are set out in the attached Cabinet report.

Contact Officer  
Background Documents

Debbie White, Customer Relationship Manager, (01296) 585021

## HOUSING BENEFIT RISK BASED VERIFICATION POLICY

Councillor Mordue

Cabinet Member for Resources, Governance and Compliance

### 1 Purpose

- 1.1 To approve the adoption of the Risk Based Verification Policy in determining evidence requirements for the assessment of new Housing Benefit and Council Tax Reduction claims.

### 2 Recommendations/for decision

- |  |
|--|
| <ol style="list-style-type: none"><li>2.1 To adopt the process of Risk Based Verification for verifying Housing Benefit and Council Tax Reduction claims as outlined in Sections 1-3 below</li><li>2.2 To implement Risk Based Verification in accordance with the policy described in Sections 4-5 below.</li></ol> |
|--|

### 3 Introduction

- 3.1 The Housing Benefit and Council Tax Reduction schemes (“Housing Benefit”) are cornerstones of the Welfare State. Nationally, nearly £25 billion is paid out in total per annum. At November 2011, the total number of people claiming Housing Benefit was 4.94 million, with 5.87 million claiming Council Tax Reduction.
- 3.2 In the early 1990’s the Department for Work and Pensions (DWP) introduced a “verification framework policy” for administering Housing and Council Tax Benefit claims. This was a voluntary policy that strongly recommended that local Councils should obtain a substantial amount of documentary evidence, carry out numerous pre-payment checks and visits before making any payment.
- 3.3 The verification framework proved to be both costly and caused significant delays in processing. It had to be applied to all claims and there was little scope for local discretion. Although it was abandoned in 2006 by DWP, most Council’s including AVDC have continued to use at least some of the guidelines set out in the framework.
- 3.4 In 2011, the DWP allowed a limited number of Councils to pilot a different type of scheme to try to reduce fraud and error; based on Risk Based Verification (RBV) principles. This concentrates on the risk profile of each claimant; resources can then be targeted at the higher risk groups where most of the fraud and error will be. It is an approach used by many public services as well as businesses in the commercial world; from finance to the chemical industry, the police and immigration authorities. The pilots have been a success and the DWP has confirmed that all Councils can now adopt this approach (Housing Benefit and Council Tax Benefit Circular HB/CTB S11/2011 attached at Appendix C).
- 3.5 It is intended that RBV will apply to new Housing Benefit claims, Council Tax Reduction and Changes in Circumstances. However, once implemented it can be used for reviews and overpayments.
- 3.6 The Benefits Service has conducted a Fundamental Service Review over the last year. The implementation of Risk Based Verification is a recommendation from that process. This is to reduce the burden on customers to provide excessive evidence, and reduce the cost of administering claims by reducing

the correspondence with customers in chasing evidence, and the scanning of that evidence. It is intended that RBV is implemented for new claims by the Council from 1 October 2017. It is believed that this step will provide an improved service for customers and contribute to a significant reduction in costs.

#### **4 Background**

- 4.1 AVDC must adhere to Housing Benefit legislation. The regulations within the legislation do not specify what information and evidence they should obtain from a benefit customer. However, it does require an authority to have information which allows an accurate assessment of a claimant's entitlement, both when a claim is first made and when the claim is reviewed. The legislation is supplemented by detailed guidance from Government which must be applied. Failure to do so would lead to an adverse inspection report, possible audit sanctions and loss of subsidy.
- 4.2 Given those requirements quality assurance and detection of fraud are key aspects of the assessment process. This has led over a period of time to a complex and demanding process of verification.

#### **5 Risk Based Verification**

- 5.1 Risk Based Verification (RBV) is a method of applying different levels of checks to different circumstances depending on a complex mathematical risk profile given to each customer. The associated risk matrix is based on many years of experience and statistical information about what type of claim represents what type of risk. The higher the deemed risk, the higher amount of resources will be used to establish that the claim is genuine.
- 5.2 The pilots have demonstrated that this type of approach is very effective in both identifying higher levels of fraud and error and reducing the overall cost of verifying claims. It has had an immediate impact on work processes; resources are able to be better targeted. Overall timescales for processing new claims have improved dramatically in the pilots including for those deemed to be higher risk.
- 5.3 RBV also allows the Council more flexibility to take into account local issues and build in checks and balances. Improving the time taken to process claims should help those moving from benefits to work whilst reducing the level of overpayments for example.

#### **6 How AVDC will apply Risk Based Verification**

- 6.1 It is intended to implement an IT Solution for Risk Based Verification following a service review which clearly highlighted a significantly high percentage of time was used in verifying and requesting documentation. This approach will be adopted for new claims only. Any change of circumstance will follow separate standards.
- 6.2 For the purpose of applying verification on a risk basis, each claim is ranked into one of three categories; these categories are Low, Medium and High Risk. The table at Appendix A shows the requirement to be upheld dependent on the risk grouping. A National Insurance number and identity confirmation must be made in all cases irrespective of the risk grouping; this is to comply with aforementioned legislation. Where photocopies have been supplied, originals may be requested if something on the photocopy does not look right, or conflicts with information already held.



## **Low Risk**

The only checks to be made on cases classed as low risk are proof of identity, production of a National Insurance Number, if they are a student formal confirmation of status will be required and if they are Persons from Abroad formal confirmation of immigration status.

## **Medium Risk**

Cases in this category must have the same checks as low risk plus for every type of income or capital declared above the thresholds documentary proof is required. The documentation can be photocopies or electronic versions in this instance.

## **High Risk**

All high risk categorised cases must have the same checks as low risk and documentation provided for each declared type of income or capital; however preferably the documents will be original but photocopies or electronic versions are acceptable. Furthermore all cases will have a Credit Reference Check (CRA) completed to determine if there are any discrepancies between the information provided by the customer on a claim form and the information available via CRA checks. The CRA checks will be carried out by Assessment Officers who will be trained to analyse the information from these checks.

## **7 Recording, Monitoring and Training**

- 7.1 In line with Department of Work and Pensions guidance it is expected that around 47% low, 30% medium and 23% high – that is about the average at present. The medium and high have increased with the increase of customers working.
- 7.2 Detailed records of all risk scores will be maintained and reviewed to ensure compliance with the Regulations and that the Council is maintaining proper quality control and fraud interventions.
- 7.3 Cases cannot be downgraded at anytime by an assessment officer, they can be increased though with approval from a Team Leader or Senior Officer. Reasons for upgrading a case may include previous fraud, previous late notification of changes in circumstances, or where there is good reason to doubt the veracity of information provided.
- 7.4 Access the Credit Reference Details for all high risk claims AND access the Enhanced Credit Reference Agency data for 10% of all high risk cases.
- 7.5 To help monitor the effect of Fraud and Error detection rates compared to the baseline rate. It is expected that the levels of Fraud and Error will be a small amount in Low Risk and increased for Medium and increased further still in High Risk. Furthermore AVDC will undertake a minimum of 4% checks across all assessments to make sure guidance is adhered to correctly.
- 7.6 Regular Internal monitoring of cases will be carried out to check that requirements are met and improvements to assessment time are achieved.

## **8 Training**

- 8.1 Training will be provided for all officers using Risk Based Verification to ensure the agreed processes, procedures and guidelines are adhered to. Discussions will take place with all internal and external stakeholders

including Investigation staff, Housing staff, Social landlords and the Voluntary sector so that they are fully aware of the change.

## **9 Audit Requirements**

- 9.1 The DWP has confirmed that RBV, properly applied will meet audit requirements. We shall maintain dialogue with the external auditors to ensure that we are not placing the Council at risk through the adoption of this policy. Internal Audit processes will have to be amended and the application of RBV would be a useful internal audit theme for the coming year.
- 9.2 We have engaged with our External Auditors and they are satisfied that this policy meets the requirements.

## **10 Business Case**

- 10.1 The Business case for the Risk Based Verification IT solution has been made as part of the Benefits Service Review. The cost of obtaining a solution has been minimal set against savings that the Review has identified.
- 10.2 The purpose of this report is to seek approval of the method of verification we will adopt as outlined in Sections three to four above, rather than the business case for adopting a particular IT Solution.
- 10.3 It is anticipated that the cost of the Risk Based Verification IT Solution will cost £3000.00 per year, and contribute to overall savings of £50,000 per year.

## **11 Risk**

- 11.1 An evaluation of the risks associated with the implementation of this policy has been carried out. A detailed risk register is at Appendix B.

## **12 Equalities Impact**

- 12.1 Risk Based Verification will apply to all New Claims for Housing Benefit and Council Tax Benefit. A mathematical model is used to determine the Risk score for any claim. This model does not take into account any of the protected characteristics dealt with by the Equalities Act.
- 12.2 The course of action to be taken in respect of the risk score is governed by this policy. As such there should not be any equalities impact.
- 12.3 It is possible that people with certain protected characteristics, may be over represented or under represented in any of the risk groups. As such monitoring will be carried out to ascertain whether this is the case. As this is a new approach to verifying benefit claims, there is no baseline monitoring we can use as a comparison.

## **13 Financial Implications**

- 13.1 There are no direct financial implications to adopting this policy. As explained in Section 6, the costs of adopting the IT Solution to deliver this policy has been deducted from savings identified during the Benefits Service Review.
- 13.2 The experience of other Local Authorities who have adopted Risk based Verification is that more Fraud and Error has been identified at the Benefits Gateway. This is Fraud and Error that would otherwise have entered the Benefits system. This could then become subject to Investigative work and result in the need to collect overpayments. Alternatively it could remain unidentified at an ongoing cost to the public purse. By identifying more Fraud

and Error at the gateway, we reduce these costs, and risk based verification provides the means to achieving this result. The solution we adopt will allow us to quantify the result of this approach.

#### **14 Legal Implications**

- 14.1 The risk based verification policy we are proposing to adopt complies with the recommendations from the Department of Work & Pensions(DWP) outlined in Housing Benefit and Council Tax Benefit Circular HB/CTB S11/2011. This Circular can be found at Appendix C. It should be noted that this policy will be the basis on which we are audited in the future. Providing we comply with this policy, we will be deemed to be verifying claims in the correct way. For this reason, the policy must be approved by the Council's Section 151 Officer. In the Circular, the DWP also require this policy to be approved by Elected Members.
- 14.2 The relevant legal framework for verification of Housing Benefit and Council Tax Benefit claims is provided in Appendix D.

Contact Officer

Debbie White, Customer Relationship Group Manager  
(01296) 585021

Background Documents

## APPENDIX A – Evidence Requirement

Type of Evidence	Sub-category of evidence	Low Risk	Medium Risk	High Risk	
Identity and S19	Identity	Originals, Photocopies or sent Electronically	Originals, Photocopies or sent Electronically	Originals, Photocopies or sent Electronically	
	S19	Originals, Photocopies or sent Electronically	Originals, Photocopies or sent Electronically	Originals, Photocopies or sent Electronically	
Residency/Rent	Private Tenants		Originals, Photocopies or sent Electronically	Originals, Photocopies or sent Electronically	
	Social Landlords			Originals, Photocopies or sent Electronically	
	Public Sector			Originals, Photocopies or sent Electronically	
	Registered			Originals, Photocopies or sent Electronically	
Household Composition	Partner ID/S19/Income/Capital	Originals, Photocopies or sent Electronically	Originals, Photocopies or sent Electronically	Originals, Photocopies or sent Electronically	
	Dependants under 18			Originals, Photocopies or sent Electronically	
	Non-dependants - remunerative work			Originals, Photocopies or sent Electronically	Originals, Photocopies or sent Electronically
	Non-dependants – pass ported benefit			Originals, Photocopies or sent Electronically	Originals, Photocopies or sent Electronically
	Non-dependant - student	Originals, Photocopies or sent Electronically	Originals, Photocopies or sent Electronically	Originals, Photocopies or sent Electronically	
	Non-dependant - not in remunerative work/other				Originals, Photocopies or sent Electronically
Income	State Benefits				
	Earnings/SMP/SSP				
	Self employed earnings			Originals required	
Child Care Costs			Originals or Photocopies accepted	Originals required	
Student Status	Income also required		Originals or Photocopies	Originals required	

## Appendix B – Risk Register

Nos.	Raised by	Date Raised	Probability	Impact	Gross Risk Score	Proximity	Description	Mitigation	Owner	Target Date	Revised Probability	Revised Impact	Residual Risk Score	Status	Date last rev'd
RBVP001	KP	03/7/2017	4	3	12	Long term	Fraud and error will exist in low risk claims, and this won't be detected	Fraud and error is less likely to occur now due to the introduction of real time information for earnings and periodic reviews are carried out.	NH		3	3	9		
RBV002	KP	03/072017	4	3	12	Short term	Staff will find the cultural change difficult, and maintain the old way of working	Engage staff in change process. Use workshops and focus on those more resistant to change	NH		3	2	6		
RBV003	KP	03/07/2017	3	3	9	Medium term	Staff escalate too many cases to a higher risk score.	Ensure team leaders limit the number of escalated cases. Monitor the number of cases escalated in this way.	NH		2	2	4		

## Appendix C – Housing Benefit Council Tax Benefit Circular HB/CTB S11/2011

### Risk-Based Verification of HB/CTB Claims Guidance

This guidance outlines the Department's policy on Risk-Based Verification (RBV) of Housing Benefit and Council Tax Benefit (HB/CTB) claims.

#### Background

RBV allows more intense verification activity to be focussed on claims more prone to fraud and error. It is practiced on aspects of claims in Jobcentre Plus (JCP) and the Pension Disability and Carers Service (PDCS). Local authorities (LAs) have long argued that they should operate a similar system. It is the intention that RBV will be applied to all Universal Credit claims.

Given that RBV is practised in JCP and PDCS, the majority (up to 80%) of HB/CTB claims received in an LA may have been subject to some form of RBV. Already 16 LAs operate RBV. Results from these LAs have been impressive. In each case the % of fraud and error identified has increased against local baselines taken from cells 222 and 231 of the Single Housing Benefit Extract (SHBE). In addition, in common with the experience of JCP and PDCS there have been efficiencies in areas such as postage and storage and processing times have improved.

We therefore wish to extend RBV on a **voluntary basis** to all LAs from April 2012.

This guidance explains the following;  
What is RBV?

How does RBV work?

The requirements for LAs that adopt RBV

How RBV claims will be certified

What are the subsidy implications?

#### What is RBV?

RBV is a method of applying different levels of checks to benefit claims according to the risk associated with those claims. LAs will still be required to comply with relevant legislation (Social Security Administration Act 1992, section 1 relating to production of National Insurance numbers to provide evidence of identity) while making maximum use of intelligence to target more extensive verification activity on those claims shown to be at greater risk of fraud or error.

LAs have to take into account HB Regulation 86 and Council Tax Benefit Regulation 72 when verifying claims. The former states:

**HB/CTB Circular S11/2011 Subsidy circular** 9 November 2011

*“a person who makes a claim, or a person to whom housing benefit has been awarded, shall furnish such certificates, documents, information and evidence in connection with the claim or the award, or any question arising out of the claim or the award, as may reasonably be required by the relevant authority in order to determine that person's entitlement to, or continuing entitlement to housing*

*benefit and shall do so within one month of being required to do so or such longer period as the relevant authority may consider reasonable.”*

Council Tax Benefit Regulation 72 is similar.

These Regulations do not impose a requirement on authorities in relation to what **specific** information and evidence they should obtain from a claimant. However, it does require an authority to have information which allows an **accurate assessment** of a claimant's entitlement, both when a claim is first made and when the claim is reviewed. A test of reasonableness should be applied.

### **How does RBV work?**

RBV assigns a risk rating to each HB/CTB claim. This determines the level of verification required. Greater activity is therefore targeted toward checking those cases deemed to be at highest risk of involving fraud and/or error.

The classification of risk groups will be a matter for LAs to decide. For example, claims might be divided into 3 categories:

**Low Risk Claims:** Only essential checks are made, such as proof of identity. Consequently these claims are processed much faster than before and with significantly reduced effort from Benefit Officers without increasing the risk of fraud or error.

**Medium Risk Claims:** These are verified in the same way as all claims currently, with evidence of original documents required. As now, current arrangements may differ from LA to LA and it is up to LAs to ensure that they are minimising the risk to fraud and error through the approach taken.

**High Risk Claims:** Enhanced stringency is applied to verification. Individual LAs apply a variety of checking methods depending on local circumstances. This could include Credit Reference Agency checks, visits, increased documentation requirements etc. Resource that has been freed up from the streamlined approach to low risk claims can be focused on these high risk claims.

We would expect no more than around 55% of claims to be assessed as low risk, with around 25% medium risk and 20% high risk. These figures could vary from LA to LA according to the LA's risk profiling. An additional expectation is that there should be more fraud and error detected in high risk claims when compared with medium risk claims and a greater % in medium risk than low risk. Where this proves not to be the case the risk profile should be revisited.

LAs may adopt different approaches to risk profile their claimants. Typically this will include the use of IT tools in support of their policy, however, the use of clerical systems is acceptable.

Some IT tools use a propensity model<sup>1</sup> which assesses against a number of components based on millions of claim assessments to classify the claim into one of the three categories above. Any IT system<sup>2</sup> must also ensure that the risk profiles include 'blind cases' where a sample of low or medium risk cases are allocated to a higher risk group, thus requiring heightened verification. This is done in order to test and refine the software assumptions.

Once the category is identified, individual claims cannot be downgraded by the benefit processor to a lower risk group. They can however, exceptionally, be upgraded if the processor has reasons to think this is appropriate.

### **The requirements for LAs that adopt RBV**

RBV will be voluntary. However, all LAs opting to apply RBV will be required to have in place a **RBV Policy** detailing the risk profiles, verification standards which will apply and the minimum number of claims to be checked. We consider it to be good practice for the Policy to be examined by the authority's Audit and Risk Committee or similar appropriate body if they exist. The Policy must be submitted for Members' approval and sign-off along with a covering report confirming the Section 151 Officer's (section 85 for Scotland) agreement/recommendation. The information held in the Policy, which would include the risk categories, should not be made public due to the sensitivity of its contents.

The Policy must allow Members, officers and external auditors to be clear about the levels of verification necessary. It must be reviewed annually but not changed in-year as this would complicate the audit process.

Every participating LA will need a robust baseline against which to record the impact of RBV. The source of this baseline is for the LA to determine. Some LAs carry out intensive activity (along the lines of the HB Review) to measure the stock of fraud and error in their locality. We suggest that the figures derived from cells 222 and 231 of SHBE would constitute a baseline of fraud and error currently identified by LAs.

Performance using RBV would need to be monitored monthly to ensure its effectiveness. Reporting, which must be part of the overall Policy, must, as a minimum, include the % of cases in each risk category and the levels of fraud and error detected in each.

### **How RBV claims will be certified?**

Auditors will check during the annual certification that the subsidy claim adheres to the LA's RBV Policy which will state the necessary level of verification needed to support the correct processing of each type of HB/CTB claim. The risk category will need to be recorded against each claim. Normally the LA's benefit IT/clerical system will allow this annotation.

### **Other considerations**

The sample selection for HB/CTB cases will not change i.e. 20 cases will be selected for each headline cell on the claim form. The HB COUNT guidance used by the external auditors for certification will include instructions for how to deal with both non-RBV and RBV cases if selected in the sample. For non-RBV cases, the verification requirements will remain the same i.e. LAs will be expected to provide all the documentary evidence to support the claim.

### **What are the subsidy implications?**

Failure by a LA to apply verification standards to HB/CTB claims as stipulated in its RBV Policy will cause the expenditure to be treated as LA error. The auditor will identify this error and if deemed necessary extrapolate the extent and, where appropriate, issue a qualifying letter. In determining the subsidy implications, the extrapolation of this error will be based on the RBV cases where the error occurred. For this reason, it is important that RBV case information is routinely collected by ensuring that LA HB systems incorporate a flag to identify these RBV cases. If sub-

populations on RBV cases can not be identified, extrapolations will have to be performed across the whole population in the particular cell in question.

We will now work with the respective audit bodies to incorporate this into the COUNT guidance. If you have any queries please contact Manny Ibiayo by e-mail [HBCTB.SUBSIDYQUERIES@DWP.GSI.GOV.UK](mailto:HBCTB.SUBSIDYQUERIES@DWP.GSI.GOV.UK)



## TREASURY MANAGEMENT 2016-17 YEAR END AND 2017-18 MID YEAR REVIEWS

### 1 Purpose

- 1.1 To enable the Committee to comment on the performance against the Treasury Management Action plan for 2016-17 and the mid year performance against the Treasury Management Action Plan for 2017-18. A similar report will be considered by Cabinet on 6 September 2017.

### 2 Recommendations/for decision

- |  |
|--|
| <ol style="list-style-type: none"><li>2.1 To consider what, if any, comments the Committee wish Cabinet to take into account in considering the Treasury Management 2016-17 Year End and 2017-18 Mid Year reviews.</li></ol> |
|--|

### 3 Background Information

- 3.1 On 6 September 2017, Cabinet will be considering the report attached as an Appendix concerning the performance against the Treasury Management Action plan for 2016-17 and the mid year performance against the Treasury Management Action Plan for 2017-18.
- 3.2 The Committee is invited to consider any views they might wish Cabinet to take into account in considering the reviews. In due course, the Treasury Management Strategy will be reported to full Council.

### 4 Reasons for Recommendations / Alternative Options / Resource Implications

- 4.1 These are set out in the attached report

Contact Officer  
Background Documents

Simon Wastenev (01296) 585164

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**TREASURY MANAGEMENT 2016-17 YEAR END AND 2017-18 MID YEAR REVIEWS**

**1 Purpose**

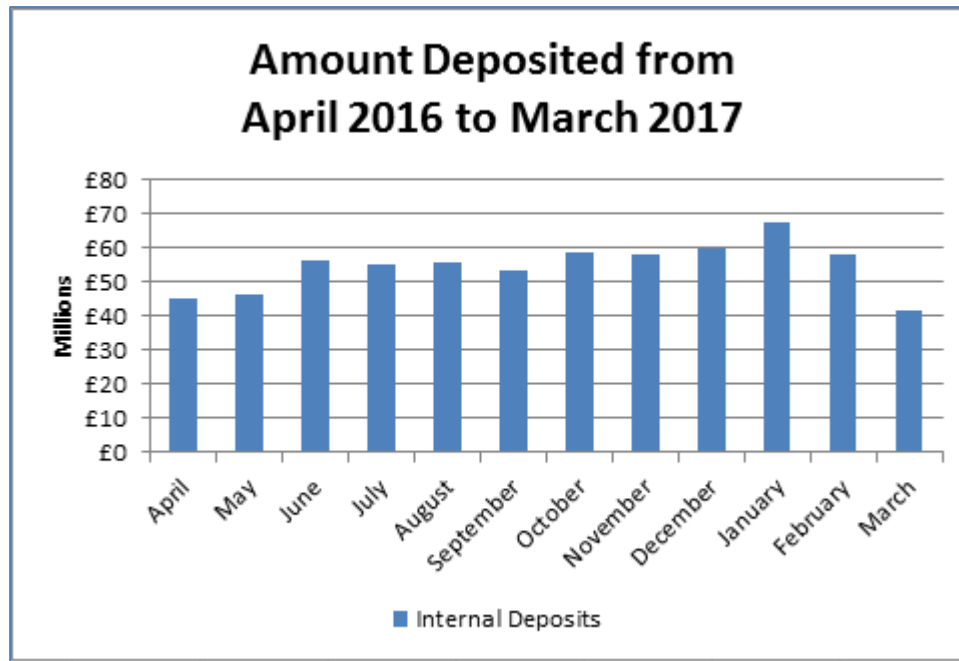
- 1.1 The Authority's Treasury Management Policy requires that an annual report be brought to Council after each year end and a mid year report for the current year. This report sets out the performance of the Treasury Management section for the 2016/17 financial year and provides an update for the 2017-18 financial year.

**2 Recommendations/for decision**

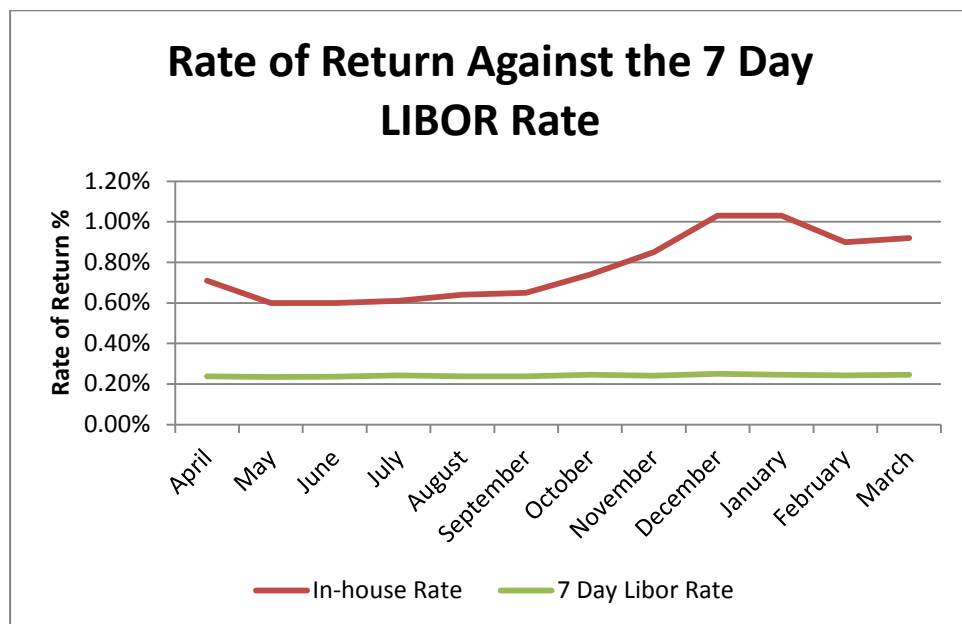
- |     |  |
|-----|--|
| 2.1 | To note the performance against the Treasury Management action plan for 2016/17. |
| 2.2 | To note the performance against the Treasury Management action plan for 2017/18. |

**3 Review of 2016/17 Treasury Management**

- 3.1 The objectives for the Treasury Management team for 2016/17 were laid out in the Action Plan agreed by Council in May 2016.
- 3.2 The main activities continue to be:
- Foremost, to maintain, the security of the Council's deposits by only depositing with trusted financial institutions and limiting the size and length of deposit with each organisation.
  - To directly manage a range of deposits in order to provide sufficient flexibility to meet day to day operational needs and with the aim of equalling the Local Authority Average 7 Day Rate for the rate of interest earned.
  - To only undertake new long term borrowing where the business case justifies it.
- 3.3 Actual performance was in line with the plan.
- The Council placed deposits in a decreasing market by spreading its deposits thinly across many trusted institutions in accordance with its policy.
  - The authority did not undertake any new long term borrowing.
  - The in-house team achieved interest rates above the 7 day LIBOR rate.
- 3.4 The average monthly balances deposited by the in house team generated by the in-house team are set out in the bar chart below:



3.5 The average monthly interest rates achieved during the year compared to the 7 day LIBOR rate is shown in the graph below:



#### 4 In House Treasury Team Performance

- 4.1 When managing the Council’s deposits the primary consideration is to protect capital rather than to maximise return. This reflects the fact that the deposited sums are public money and, therefore, any loss of capital should be avoided at all costs.
- 4.2 The Treasury Management team continue to invest money in line with its list of approved (safe) institutions, varying the amounts and length of deposit according to the institution and the cash flow requirements at the time.

- 4.3 Although, a safe list of institutions is maintained, major unexpected events or a sudden loss of confidence in the banking sector cannot always be predicted.
- 4.4 Historically, the majority of the Council's lending has been with Building Societies but over the last year the Council has invested with some of the major UK banks in order spread the risk of its portfolio. The lending list is monitored throughout the year to take account of any changes within the sector i.e. building society mergers / conversions to banks. During 2016/17 there were no mergers that affected the Council's lending list.
- 4.5 Within the constraints of the lending list the objective of the in-house team remains to at least equal the Local Authority 7 Day Rate of Interest (LIBOR) whilst ensuring that money is always available to meet the Council's day to day operational needs.
- 4.6 With interest rates still at their lowest level, the actual amount of deposit income generated exceeded expectations by £84,763. This was due to the high level of money available for deposit from unspent reserves and balances held to meet capital programme obligations. The amount of interest received was £344,763.
- 4.7 With the prevailing low rates the likelihood of an increase in the interest generated remains low especially if the capital programme starts to pick up.

## **5 Money Market Funds**

- 5.1 The council continues to operate two Money Market Funds to give the in-house team easy access to surplus funds.
- 5.2 Whilst, Money Market Funds have the highest credit ratings the interest rates offered during the year reduced, this meant the returns were lower than expected. Although, the returns have reduced the MMFs are required to manage the daily cash flow as they offer daily access without any loss of interest.

## **6 New Borrowing**

- 6.1 No new borrowing was taken out during the year.
- 6.2 Any borrowing that the council undertakes must be within the Authority's Authorised Limit and Operational Boundary, which are set at the beginning of each year.
- 6.3 It is a requirement of the code that any deviations from these limits, approved or otherwise, are reported to Council.

## **7. Fund Manager Performance**

- 7.1 The council does not use fund managers to aid its investment decisions.

## **8 Mid Year Review of 2017/18 Treasury Management**

- 8.1 There is a requirement that Council receives a mid year review of its Treasury Management functions. Although, the Treasury Team has started to report more information on its activities in the Quarterly Financial Digest.
- 8.2 At the time of writing no new borrowing has been taken out, leaving the balance outstanding at £23.5 million.

- 8.3 Appearing elsewhere on this agenda is a proposal to create a Property Investment Strategy financed by up to £100 million of Prudential Borrowing. If approved the Borrowing limits will need to be revised in order to accommodate this.
- 8.4 In practice, it is likely that the need to borrow this sum will be phased over a number of years, as the acquisition of suitable property is likely to take some time. However, so as not to prevent opportunities being taken to acquire suitable property earlier, should they present themselves, it is proposed that the limits be increased to their maximum amounts as soon as the policy is agreed in order to provide maximum flexibility.
- 8.5 The Council's current Authorised and Operational Limits are set out and explained below. Should the Property Investment Strategy be agreed then these amounts will both need to be increased by £100 million.

Authorised Limit £70 million - The combined maximum amount the Authority can take in borrowing to finance its capital expenditure plans and its day to day cash flow purposes.

Operational Limit £50 million - The amount the Authority realistically expects to borrow and represents the figure that the Authority would not expect to exceed on a day to day basis.

- 8.6 The amount of money deposited with banks and building societies at the end of July was £50 million with another £8.8 million held in the two Money Market Funds.

## **9. Counter Parties – Foreign Banks**

- 9.1 The council still has the option to place some deposits with foreign banks and during the year it reviewed its accounts with Handelsbanken, the Swedish bank, so that money was transferred from a 90 Day Notice Account to a 30 Day Notice Account, the balance currently on deposit is £2 million.
- 9.2 Apart from Handelsbanken, the council deposited some funds with the Sumitomo Mitsui bank of Japan. This was done after consultation with our treasury management advisors, Capita Asset Services. The balance currently on deposit with them is £1 million.

## **10. Property Funds**

- 10.1 Property Funds still offer some of the best returns on capital and investing in a Property Fund is within the strategy but as yet the council has decided not to invest. Current returns on an investment are between 4.5% and 5%.
- 10.2 However, as investments in property are tied to property value, there remains the risk that investing in this sector could result for in reductions in capital value.
- 10.3 For this reason, any investment would have to be for a minimum of five years in order to smooth out fluctuations in the property sector and maximise the return. If there was any change in investment strategy and an investment was being considered then a report would be brought to Council for consideration.

## **11. Scrutiny**

- 11.1 Finance and Services Scrutiny Committee now receive the Treasury Management Strategy prior to Council.

## **12. Reasons for Recommendation**

- 12.1 Under the terms of the Statutory Code of Practice for Treasury Management, the Council is required to receive an annual report on its Treasury Management performance as well as a mid term report on the current year. This report represents the fulfilment of that requirement.

## **13. Resource implications**

- 13.1 The authority continues to operate an Interest Equalisation Reserve to smooth out fluctuations in interest rates.
- 13.2 As a result of the increase in the level of sums managed by the Council during 2016/17 and despite the reduced interest rates available, the interest generated, although low compared to previous year, exceeded expectations.
- 13.3 This means that at the end of 2016/17, the interest equalisation reserve stands at £2.897 million.
- 13.4 The phased use of the balance on the Interest Equalisation Reserve forms part of the annual budget setting exercise. Following the last budget setting exercise, it was agreed that the current balance on the reserve was a prudent amount to hold in light of there being no expected change in interest rates in the medium term.
- 13.5 The Medium Term Financial Plan also recognises the Council's use of capital and other balances in delivering its plans and the impact that this will have on interest earnings. The plan is, therefore, gradually reducing the Council's reliance on interest earnings over time, so as to manage the remaining balance on the interest equalisation reserve.

Contact Officer  
Background Documents

Simon Wastenev (01296) 585164  
Treasury Management Action Plan 2016/17  
CIPFA Prudential Code  
Statutory Code of Practice for Treasury Management

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## DISCRETIONARY RATE RELIEF SCHEME 2017

### 1 Purpose

- 1.1 To enable the Committee to comment on the revised Discretionary Business Rates Relief Scheme 2017. A similar report will be considered by Cabinet on 6 September 2017.

### 2 Recommendations/for decision

- |  |
|--|
| 2.1 To consider what, if any, comments the Committee wish Cabinet to take into account in adopting the revised Discretionary Business Rate Relief Scheme 2017. |
|--|

### 3 Background Information

- 3.1 In the Spring Budget 2017 the Government announced the establishment of a £300m discretionary fund over four years from 2017-18 to support those businesses that face the steepest increases in their business rates bills as a result of the 2017 revaluation.
- 3.2 The Government expects each Council to design their scheme based upon local requirements and staff at Aylesbury Vale have been working with their counterparts in the other districts within Bucks to formulate a common scheme which combines an element of local discretion.
- 3.3 Attached is the final draft of this scheme that Cabinet will be asked to consider at the meeting on 6 September 2017, with a view to adopting it so that allocations can commence as soon as possible.
- 3.4 The Scrutiny Committee is invited to consider any views they might wish Cabinet to take into account in adopting the revised scheme.

### 4 Reasons for Recommendations / Alternative Options / Resource Implications

- 4.1 These are set out in the attached Cabinet report.

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**DISCRETIONARY RATE RELIEF SCHEME 2017**  
**Councillor Mordue**  
**Cabinet Member for Resources, Governance and Compliance**

**1 Purpose**

- 1.1 In the Spring Budget 2017 the Government announced the establishment of a £300m discretionary fund over four years from 2017-18 to support those businesses that face the steepest increases in their business rates bills as a result of the 2017 revaluation.
- 1.2 The Government expects each Council to design their scheme based upon local requirements and staff at Aylesbury Vale have been working with their counterparts in the other districts within Bucks to formulate a common scheme which combines an element of local discretion.
- 1.3 Attached is the final draft of this scheme and Cabinet is asked to consider and adopt the scheme in order that allocations can commence as soon as possible.

**2 Recommendations/for decision**

- 2.1 Subject to any comments received from the Finance and Services Scrutiny Committee, Cabinet is Recommended to adopt the Revised Discretionary Business Rate Scheme attached as Appendix A (amended as necessary to reflect local variations specifically set out within this report) as the mechanism for distributing the Revaluation support awarded by Government.

**3 Supporting information**

- 3.1 In the Spring Budget the Chancellor announced three business rate reliefs to help businesses most affected by the revaluation that took effect from April 2017. These were:
  - Supporting small business – ensuring that no business losing small business rates relief or rural rate relief as a result of the revaluation faces excessive increases in bills
  - Local discretionary fund – a £300 million pot to be distributed to the hardest hit businesses under locally designed criteria
  - Relief for pubs – a £1,000 rebate for all pubs with a rateable value of under £100,000
- 3.2 Under the second point, the Government announced the establishment of a £300m discretionary fund over four years from 2017-18 to support those businesses that face the steepest increases in their business rates bills as a result of the 2017 revaluation and this report deals primarily with this element..
- 3.3 Revaluations are a normal part of the Business rates system and usually take place ever 5 years. The revaluation process is not designed to generate more Tax revenue but is intended to take account of regional and sector variations in the value of rated property.
- 3.4 The Revaluation that took effect of the 1 April 2017 was the first for 7 years, having been delayed by the introduction of Business Rates Retention in to the Local Government Finance system.

- 3.5 As a consequence many businesses saw significant changes in the amount of Business Rates they are required to pay.
- 3.6 To mitigate the most severe impacts the Government committed to a Transitional funding mechanism.
- 3.7 The relief scheme for pubs and small businesses has already been applied, but delays in central Government caused by the General election and the need to get software suppliers to effect changes, has meant that it has not been possible, until now, to bring forward the design of the Discretionary Scheme element.
- 3.8 The Government's intention was that every billing authority in England will be provided with a share of the £300m made available nationally to support their local businesses. Billing authorities will be expected to use their share of this funding to develop their own discretionary relief schemes in order to deliver targeted support to the most hard-pressed ratepayers.
- 3.9 The £300m will cover the four years from 2017/18 and Aylesbury Vale's allocation is as follows:
- £431,000 in 2017/18
  - £209,000 in 2018/19
  - £86,000 in 2019/20
  - £12,000 in 2020/21
- 3.10 Officers of Aylesbury Vale have been working with their counterparts in the other districts and with the County to agree the basis of a common scheme within Buckinghamshire.
- 3.11 The draft scheme is attached as Appendix A and if approved will be amended to take account of the variations specific to Aylesbury Vale.
- 3.12 The scheme has been largely framed within the existing Discretionary Relief Scheme but amended to reflect the higher values available to the Council as awarded by the Government through the Spring Budget announcement.
- 3.13 The focus of the scheme is on supporting small and local businesses and not chains, multinationals or utility suppliers.
- 3.14 A summary of the proposed eligibility criteria is set out below:
- a. Relief is aimed at local businesses
  - b. The business must see a significant increase in business rates between 2016 & 2017.
  - c. Awards will be made as a 30% reduction.
  - d. The scheme will normally apply to businesses with a rateable value below £200,000
  - e. Awards in year 2 will be a proportion of year 1 relief
  - f. There will be a de-minimus award of £60 p.a.
  - g. The following types of occupiers/properties will not qualify for relief:

- i. Unoccupied properties
  - ii. Ratepayers that occupy more than 2 properties
  - iii. Government buildings
  - iv. Betting and gambling premises
  - v. Financial institutions including cash machines / ATMs
  - vi. Pawnbrokers and pay day lenders
  - vii. Sex shops
  - viii. Education establishments
  - ix. NHS premises
  - x. Premises occupied by a precepting authority (legislative restriction)
  - xi. Ratepayers already in receipt of mandatory/discretionary relief
- 3.15 The Government has awarded Aylesbury Vale £431,000 in 2017/18 and has been explicit that if not allocated it can not be carried forward to future years. As the funding reduces in future years the relief awarded will need to reflect funding available.
- 3.16 Even allocating full support, to offset the total impact of the 2017 Revaluation to all those classes of businesses which qualify in the local area, it will mean that approximately only 0% of the sum available will be allocated in 2017/18.
- 3.17 It is therefore proposed, that in accordance with the existing scheme, decisions on allocating the remaining balance are delegated to officers and will be considered on a case by case basis. Awards will be made to mitigate instances of hardship and consider the local impact.
- 3.18 The value of awards will be up to the maximum level set by Central Government. It is possible for the Council to grant more relief than that allocated by grant. However, once the maximum grant level has been reached, any additional amount granted is borne 40% by the Council, 9% by the County Council, 1% by Fire and Rescue and 50% by Central Government.
- 3.19 In the intervening time between the Government's announcement of its intention to provide this funding and our ability to produce and get the scheme approved, officers of the Council have exercising discretion and judgement on enforcement action where they believe businesses may be covered by the scope of this policy once adopted.
- 3.20 Finance and Services Scrutiny Committee meet to consider this scheme the day before Cabinet and so any views or comments that they make will be reported verbally to the meeting of Cabinet so that they can be considered and taken into account.

#### **4 Options considered**

- 4.1 The major preceptors impacted by this scheme have been involved and engaged in scheme design.

#### **5 Reasons for Recommendation**

- 5.1 The scheme needs Cabinet approval in order that officers have a framework within which to fairly award the Discretionary Relief funding provided by the Government.

## **6 Resource implications**

6.1 These are contained within the body of the report.

Contact Officer  
Background Documents

Andrew Small (01296) 585507

# **Policy for the granting of the Discretionary Business Rates Relief**

DRAFT

## Version Control

<i>Version</i>	<i>Version date</i>	<i>Revised by</i>	<i>Description</i>
1	July 2017	LM	Policy
2	July 2017	LM	Revisions
3	August 2017	DA	Sign off

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## 1.0 Purpose of the Policy

- 1.1 The purpose of this policy is to determine the level of Discretionary Business Rates Relief to be granted to certain defined ratepayers within the Council's area.
- 1.2 The Local Government Finance Act 1988 and subsequent legislation requires the Council to grant discretionary relief for premises occupied by Charities and similar organisations that own or occupy them wholly or mainly for charitable purposes. Likewise, certain premises situated within a rural settlement area will be eligible for relief. Powers have also been granted under the Localism Act 2011, which allow for the granting of discretionary rate relief to any premises where the Council feels the granting of such relief would be of benefit to the local community.
- 1.3 In addition to the above, Central Government is keen that in certain cases, assistance should be provided to businesses who have had increases in their rate liability due to the revaluation of premises in April 2017. In these cases, and where the Council meets Central Government guidelines, grants are available under section 31 of the Local Government Act 2003.
- 1.4 Whilst the Council is obliged to grant relief to premises, which fall within the mandatory category, the Council also has powers to grant discretionary relief and reductions to ratepayers, subject to certain criteria being met.
- 1.5 This document outlines the following areas:
- Details of the criteria for receiving an award under the Discretionary Business Rates Relief Scheme;
  - The Council's general policy for granting of all types of Discretionary Reliefs;
  - Guidance on granting and administering the reliefs;
  - European Union requirements including provisions for State Aid; and
  - The Council's Scheme of Delegation.
- 1.6 This document covers all aspects of the new Discretionary Business Rates Relief scheme which is available from 1<sup>st</sup> April 2017. Where businesses apply for relief they will be granted (or not granted) relief in line with the following policy.

## 2.0 Discretionary Relief – Legislative Background

### Introduction

- 2.1 The original purpose of discretionary relief was to provide assistance where the property does not qualify for mandatory relief, or to 'top' up cases where ratepayers already receive mandatory relief.
- 2.2 Over recent years, and particularly since 2011, the discretionary relief provisions have been amended to allow authorities the flexibility to provide more assistance to businesses and organisations.
- 2.3 The range of bodies, which are eligible for discretionary rate relief, is wide and has been developed by both the Council and Central Government to address certain issues with business rates.
- 2.4 Unlike mandatory relief, ratepayers are obliged to make a written application to the Council. The Council will expect all businesses to make applications in such a format as is required (which may vary from time to time) and for the business to provide such information, evidence, certificates etc. as required in order to determine whether relief should be awarded.
- 2.5 The Council is obliged to consider carefully every application on its merits, taking into account the contribution that the organisation makes to the amenities within the authority's area. There is no statutory appeal process or Tribunal against any decision made by the Council, although as with any decision of a public authority, decisions can be reviewed by Judicial Review. The authority will however, upon request, review decisions made. Details of the internal review process are given within this policy.
- 2.6 The granting of discretionary relief falls broadly into the following categories:
- a. Discretionary Relief – Charities who already receive mandatory relief;
  - b. Discretionary Relief – Premises occupied by organisations not established or conducted for profit whose main objects are charitable or are otherwise philanthropic or religious or concerned with education, social welfare, science, literature or the fine arts **or** premises occupied by organisations not established or conducted for profit and wholly or mainly used for purposes recreation;
  - c. Discretionary Relief – Granted under the Localism Act 2011 provisions;
  - d. Local Newspaper Relief (from 1<sup>st</sup> April 2017 for a period of two years);
  - e. Local Public House Relief (from April 2017 for a one year period);
  - f. Supporting Small Businesses Relief (from 1<sup>st</sup> April 2017 for a period of five years or until business pay their full rate charge or their transitional rate charge (calculated in accordance with the Non-Domestic Rating (Chargeable Amounts) (England) Regulations 2016); and
  - g. Discretionary Business Rates Relief Scheme (from 1<sup>st</sup> April 2017 for a period of up to four years).
- 2.7 This policy document purely covers the granting of awards under the Discretionary Business Rates Relief Scheme (g. above) which covers a period from 1<sup>st</sup> April 2017 for up to four years. The decision to grant or not to grant discretionary relief is a matter purely for the Council. The Council's policy for granting other reliefs can be found on the Council's website [www.aylesburyvaledc.gov.uk](http://www.aylesburyvaledc.gov.uk).

## The Council's general approach to granting Discretionary Relief

- 2.8 In deciding which organisations should receive discretionary rate relief, the Council has considered the following factors and priorities:
- a. That any award should support business, organisations and groups that help to retain services in the Council's area and not compete directly with existing businesses in an unfair manner;
  - b. It should help and encourage business, organisations, groups and communities to become self-reliant;
  - c. Awarding discretionary relief should not distort competition or significantly change the provision of services within the Council's area;
  - d. Local organisations will be given priority over national organisations. Where requested, the organisation will need to supply the Council with clear evidence of **all** financial affairs including, and most importantly, the amounts of monies raised, used and invested locally. This will be essential where the organisation is national in nature;
  - e. To enable appropriate organisations to start, develop or continue their activities, which deliver outcomes to the community and that also relate to the priorities of the Council, which, without granting discretionary relief they would be unable to do;
  - f. To assist the Council in delivering services which could not be provided otherwise;
  - g. To assist the Council to meet its core values and priorities; and
  - h. To ensure that the financial impact of awarding discretionary business rate relief is justified in terms of the local outcomes achieved by the organisation receiving it.
- 2.9 Where any reduction or remission is granted to a ratepayer under S49 Local Government Finance Act 1988 where hardship is proven to the Council, then there will be no requirement to grant Discretionary Rate Relief for that amount.
- 2.10 In certain cases, the order in which relief is granted is specified. Mandatory relief shall be granted in all cases where the criteria is met irrespective of whether discretionary relief can be granted or not.

## The Council's approach to granting Government led Discretionary Relief schemes

- 2.11 Over the past few years, a number of schemes have been led by Central Government but without specific legislative changes. These are administered under S47 of the Local Government Finance Act 1988 and guidance is often provided. The Council is keen to support such initiatives especially where they are designed to help local businesses and will look to maximise both the reliefs given as well as maximising any grants receivable. However, the Council reserves the right to vary its approach where thought appropriate.
- 2.12 In the case of the Discretionary Business Rate Relief scheme, Central Government is keen that individual Councils develop their own scheme to meet local needs. Government has allocated funds to

the Council using a particular methodology, but it has been keen to point out that this should have **no** bearing on the actual scheme adopted by the Council.

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### 3.0 Effect on the Council's Finances

- 3.1 The granting of discretionary relief will, in the main, potentially involve a cost to the Council. Since the change to the funding for Non-Domestic Rating in April 2013, the effect of the relief is complex.
- 3.2 Any amounts granted prior to 1<sup>st</sup> April 2013 and continuing since that date will be included in the Council's baseline within the Business Rates Retention Scheme. Any amounts granted for similar cases after 1<sup>st</sup> April 2013, the costs of the relief will be borne in accordance with the Business Rates Retention Scheme share namely 50% borne by Central Government, 40% by the Council and 10% by Buckinghamshire County Council. This also applies where mandatory relief is granted.
- 3.3 In March 2017, Central Government announced that it would make available a discretionary fund of £300 million over four years from 2017-18 to support those businesses that face the steepest increases in their business rates bills as a result of the revaluation. Government determined that Councils would be best placed to determine how this fund should be targeted and administered to support those businesses and locations within their area that are in the greatest need.
- 3.4 Where Central Government leads an initiative such as the Discretionary Business Rates Relief Scheme, grants are often made available. This is not automatic and Central Government will look to the Council to adopt any recommended criteria when granting in these areas to ensure that any grant is paid
- 3.5 Every authority within England is to be provided with a share of the fund to support their local businesses. This is to be administered through billing authorities' discretionary relief powers under section 47 of the Local Government Act 1988. The full effects of the financial allocation are shown below.
- 3.6 The allocation of monies to authorities and the methodology of the funding award is completely separate to the scheme itself and Government believes that local authorities are best placed to judge the particular circumstances of local ratepayers and direct the funding where it is most needed to support local economies.
- 3.7 The funding is not provided equally over the four-year period but in the following approximate proportions:
- Year 1 (2017/18) 58%
- Year 2 (2018/19) 28%
- Year 3 (2019/20) 12%
- Year 4 (2020/21) 2%
- 3.8 Councils will be compensated for any relief granted under section 31 of the Local Government Act 2003. The Government has decided that the relief cannot be 'vired' from one year to the next.

3.9 A key criteria of reimbursement will be that all Billing Authorities will consult with major precepting authorities when formulating their schemes.

3.10 The financial effects to the Council of the Discretionary Business Rates Relief Scheme are shown in the following table

<b>Amount of discretionary fund awarded (£000s) - Aylesbury Vale District Council</b>			
2017-18	2018-19	2019-20	2020-21
431	209	86	12

3.11 The above is to be awarded up to the maximum level set by Central Government. It is possible for the Council to grant more relief than that allocated by grant. However, once the maximum grant level has been reached, any additional amount granted is borne 40% by the Council, 10% by the County Council and 50% by Central Government.

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## 4.0 Discretionary Relief – EU State Aid requirements

- 4.1 European Union competition rules generally prohibit Government subsidies to businesses. Relief from taxes, including non-domestic rates, can constitute state aid. The Council must bear this in mind when granting discretionary rate relief.
- 4.2 Rate relief for charities and non-profit making bodies is not generally considered to be state aid, because the recipients are not in market competition with other businesses. However, where other bodies receive relief and are engaged in commercial activities or if they are displacing an economic operator or if they have a commercial partner, rate relief could constitute state aid.
- 4.3 Relief will be State Aid compliant where it is provided in accordance with the De Minimis Regulations (1407/2013)<sup>1</sup>. The De Minimis Regulations allow an undertaking to receive up to €200,000 of De Minimis aid in a three-year period (consisting of the current financial year and the two previous financial years).
- 4.4 Where the relief to any one business is greater than the De Minimis level, then permission will need to be obtained from the European Commission. In such cases the matter will be referred to the Department for Communities and Local Government (DCLG) for advice and then referred back to the Council for consideration. It will be for the ratepayer to provide confirmation as to whether the State Aid provisions apply to them.
- 4.5 In all cases, where discretionary relief is to be granted or where liability is to be reduced, when making an application, ratepayers will be required to provide the Council with sufficient information to determine whether these provisions are applicable in their case.

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<sup>1</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:352:0001:0008:EN:PDF>



## 5.0 Administration of Discretionary Relief – General approach

- 5.1 The following section outlines the procedures followed by officers in granting, amending or cancelling discretionary relief and reduction. This is essentially laid down by legislation<sup>2</sup>

### Applications and Evidence

- 5.2 All reliefs must be applied for. Application forms are produced by the Council both in hard copy and electronic format. The relevant application form is included within Appendix A of this policy. The Council will specify how applications are to be received and this may vary from time to time.
- 5.3 Organisations are required to provide a completed application form plus any such evidence, documents, accounts, financial statements etc. necessary to allow the Council to make a decision. Where insufficient information is provided, then no relief will be granted. In some cases, it may be necessary for officers to visit premises and we would expect organisations claiming relief to facilitate this where necessary.
- 5.4 Applications should initially be made to the Revenues and Benefits Service and will be determined in accordance with this policy.
- 5.5 **The Council will provide this service and guidance free of charge. Ratepayers are encouraged to approach the Council direct and NOT pay for such services through third parties.**

### Granting of relief

- 5.6 In all cases, the Council will notify the ratepayer of decisions made.
- 5.7 Where an application is successful, then the following will be notified to them in writing:
- The amount of relief granted and the date from which it has been granted;
  - If relief has been granted for a specified period, the date on which it will end;
  - The new chargeable amount;
  - The details of any planned review dates and the notice that will be given in advance of a change to the level of relief granted; and
  - A requirement that the applicant should notify the Council of any change in circumstances that may affect entitlement to relief.
- 5.8 Where relief is not granted then the following information is provided, again in writing:
- An explanation of the decision within the context of the Council's statutory duty; and
  - An explanation of the appeal rights (see below).

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<sup>2</sup>The Non-Domestic Rating (Discretionary Relief) Regulations 1989

- 5.9 Discretionary relief is to be granted from the beginning of the financial year in which the decision is made. Since 1997 decisions can be made up to 6 months after the end of the financial year for which the application was made. In such cases, the Council *may* backdate its decision.
- 5.10 A decision to award discretionary relief and how much relief is given is normally only applicable to the financial year for which the application is made. However, the Council reserves the right to grant relief for any other period as appropriate. In relation to the Discretionary Business Rate Relief scheme, awards will, in the main be granted from 1<sup>st</sup> April 2017.
- 5.11 A fresh application for discretionary relief will be necessary for each financial year **or** at such time-period as the Council determines.

### **Variation of a decision**

- 5.12 Variations in any decision will be notified to ratepayers as soon as practicable and will take effect as follows:
- Where the amount is to be increased due to a change in rate charge or a change in the Council's decision which increases the award – this will apply from the date determined by the Council as appropriate;
  - Where the amount is to increase for any other reason it will take effect at the expiry of a financial year, and so that at least one year's notice is given;
  - Where the amount is to be reduced due to a reduction in the rate charge or liability including any reduction in rateable value, awarding of another relief or exemption this will apply from the date of the decrease in rate charge; and
  - Where the amount is to be reduced for any other reason, it will take effect at the expiry of a financial year, and so that at least one year's notice is given.
- 5.13 A decision may be revoked at any time however, a one year period of notice will be given and the change will take effect at the expiry of a financial year.

## **6.0 Scheme of Delegation**

### **Granting, Varying, Reviewing and Revocation of Relief**

- 6.1 All powers in relation to reliefs are given under the Local Government Finance Act 1988, the Local Government and Rating Act 1997, the Local Government Act 2003 and the Localism Act 2011. However section 223 of the Local Government Act 1992 allows for delegation of decisions by the Council to Cabinet, Committees, Sub-Committees or Officers.
- 6.2 The Council's scheme of delegation allows for the Revenues and Benefits Manager to award, revise or revoke any discretionary relief applications. However, any application which is considered to be of a significant nature will be subject to consultation with the S151 Officer of the Council, and / or the relevant Executive member prior to final determination.
- 6.3 Applications that are refused will, on request, be reconsidered if additional supporting information is provided or the refusal is subsequently considered to be based on a misinterpretation of the application.

### **Reviews**

- 6.4 The policy for granting relief will be reviewed annually or sooner where there is a substantial change to the legislation or funding rules. At such time, a revised policy will be brought before the relevant committee of the Council.

### **Appeals**

- 6.5 Where the Council receives an appeal from the ratepayer regarding the granting, non-granting or the amount of any discretionary relief, the case will be reviewed by the Revenues and Benefits Manager. Where a decision is revised then the ratepayer shall be informed, likewise if the original decision is upheld.
- 6.6 Where the ratepayer continues to be aggrieved by the decision, the case will be referred to the section 151 Officer for review. Where appropriate, cases of this nature may also be referred to the Executive member as appropriate.
- 6.7 Ultimately the formal appeal process for the ratepayer is Judicial Review although the Council will endeavour to explain any decision fully and openly with the ratepayer.

## 7.0 Consultation

- 7.1 The Council has consulted with the major preceptors in relation to this scheme and has taken their comments into account when determining the eligibility criteria. This is an essential part of the Discretionary Business Rates Relief Scheme and is in line with the grant determination issued by the Department of Communities and Local Government (DCLG) No.31/3071.
- 7.2 The grant determination states that a condition of the fund is that consultation is undertaken with 'relevant authorities'. Relevant authorities for the purposes of this scheme means:
- a. Any major precepting authority; and
  - b. Any combined authority.
- 7.3 In the case of the Council only the major precepting authorities have been consulted namely:
- a. Buckinghamshire County Council;
  - b. The Thames Valley Police and Crime Commissioner; and
  - c. The Buckinghamshire Fire and Rescue Service.

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## 8.0 Decisions by the Council under this scheme

- 8.1 Decisions by the Council are made directly in line with the Scheme of Delegation as outlined within section 6 of this policy. Any decision to award relief under this scheme will follow the core principles of the Council's discretionary relief policy as defined by section 2.8.
- 8.2 It should be noted that, whilst the funding from Central Government for Discretionary Business Rate Relief Scheme is limited, the decision of the Council whether to award any relief under this scheme **cannot not take account** of the level of any funding.

### Discretionary Business Rate Relief Scheme- the Council's policy for granting discretionary relief.

#### Applications for relief under this scheme

- 8.3 The Council is keen to identify ratepayers who may qualify for the relief and as such, will look to encourage certain ratepayers to apply. The Council will look to simplify the application process wherever possible, but it will expect any ratepayers to provide such information as is required by the Council to support their application.
- 8.4 The Council has decided that relief under the scheme will be awarded using the following criteria:
- a. The scheme is designed **solely** to assist ratepayers who have suffered significant increases in rate liability due to the revaluation and the subsequent increase to their Rateable Value;
  - b. Relief will not be awarded where mandatory relief is granted and in line with legislative requirements, no relief can be granted to any precepting authority (*excepted hereditaments*);
  - c. In assessing any potential entitlement to an award under this scheme, the Council will compare the following:
    - i. The rate liability of the ratepayer at 31<sup>st</sup> March 2017 for the 2016/17 financial year after any reliefs and reductions; and
    - ii. The rate liability of the ratepayer at 1<sup>st</sup> April 2017 for the 2017/18 financial year taking into account any transitional relief or discretionary relief granted under any other provision;
  - d. Relief will be awarded where the calculation in c. gives rise to an increase of over 7.5% and where the hereditament has a Rateable Value at 1<sup>st</sup> April 2017 of less than £200,000;
  - e. Relief will only be given to premises which are liable for occupied rates. **No relief within this scheme will be granted for unoccupied premises** or where the premises becomes re-occupied;
  - f. Relief will only be granted to ratepayers who were in occupation at 31<sup>st</sup> March 2017 and in occupation on 1<sup>st</sup> April 2017. Relief will cease at any point the hereditament becomes unoccupied and will not be re-granted;
  - g. Ratepayers (including previous ratepayers) taking up occupation after the 1<sup>st</sup> April 2017 will **not** be eligible for relief on the basis that new ratepayers would not have suffered from increases due to a revaluation;

- h. Relief will be targeted to local businesses and not those business that are national or multi-national in nature. Local businesses are, for the purposes of this scheme, those which have premises wholly in the Council's area;
- i. Relief will not be awarded where the ratepayer occupies more than one hereditament;
- j. Further relief will **not** be awarded where the hereditament has an increase in Rateable Value after the 1<sup>st</sup> April 2017 which increases the rate charge above the 1<sup>st</sup> April 2017 value;
- k. Relief shall not be awarded where the hereditaments are used (either partly or fully) for any of the following:
  - i. Where occupied by a Government Department or agency of a Government Department including the Ministry of Defence; or
  - ii. Where occupied by any utility Company providing any of the following services:
    - Gas;
    - Electricity;
    - Telephone or Telephonic Communication;
    - Television (including Satellite or Cable);
    - Broadband; or
    - Water or Sewerage services; or
  - iii. Where occupied by any financial institution including (but not limited to) banks, building societies, ATMs and Cash points; or
  - iv. Where occupied by any pay day lender, cheque cashing, pawn brokers or business of a similar nature; or
  - v. Where occupied by any business promoting or undertaking gambling, betting or similar (excluding the sale of National Lottery or Local Lottery tickets at the discretion of the Council); or
  - vi. Where occupied by any business or ratepayer as a sex shop, sex cinema and sexual entertainment venue (this would include, but not limited to, premises that require a licence under schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009)); or
  - vii. Where occupied by any educational establishments including prescribed educational establishments as defined by the Council Tax (Discounts Disregards) Order 1992 as amended;
- l. Where a ratepayer is in receipt of any award under this policy, the authority will **not** consider any application for relief under Section 44A of the Local Government Finance Act 1988 for the same hereditament.

## Amount of Relief

8.5 The amount of relief is tapered and will be calculated as follows:

### **2017/18**

Where the ratepayer meets the criteria in 8.4 above and where the increase defined in 8.4c is greater than 7.5% an award of .....to be defined by the Council.....shall be granted

### **2018/19**

Award = 2017/18 award x 50% (for clarity this will be half of the relief awarded in 2017/18) (need clarification for future year awards)

**2019/20**

Award = 2018/19 award x 50% (for clarity this will be half of the relief awarded in 2018/19)

**2020/21**

Award = 2019/20 award x 10% (for clarity this will be 10% of the relief awarded in 2019/20)

**You may decide that it is not worth a formulaic approach for Year 3 or 4 due to the low figures)**

- 8.6 In exceptional circumstances, the authority shall consider applications on a case by case basis where the ratepayer falls outside of the criteria detailed in paragraph 8.4 but where the ratepayer can demonstrate that they are experiencing severe financial difficulties due to the revaluation on 1<sup>st</sup> April 2017.

**Variation and amendment of relief under the scheme**

- 8.7 As with all reliefs, the amount of relief awarded under the Discretionary Businesses Rates relief scheme will be recalculated in the event of a change of circumstances. In effect, relief is calculated on a daily basis in line with the ratepayer's liability on that day. This will include, for example, a backdated change to the rateable value of the hereditament. This change of circumstances could arise during the year in question or during a later year.
- 8.8 The Non-Domestic Rating (Discretionary Relief) Regulations 1989 (S.I. 1989/1059) requires the Council to provide ratepayers with at least one year's notice in writing before any decision to revoke or vary a decision so as to increase the amount the ratepayer has to pay takes effect. Such a revocation or variation of a decision can only take effect at the end of a financial year. But within these regulations, the Council may still make decisions which are conditional upon eligibility criteria or rules for calculating relief which allow the amount of relief to be amended within the year to reflect changing circumstances.

## 9.0 Reporting changes in circumstances

- 9.1 Where any award is granted to a ratepayer, the Council will require **any** changes in circumstances which may affect the relief to be reported as soon as possible and in any event not more than 21 days from the happening of the event. This will be important where the change would result in the amount of the award being reduced or cancelled e.g. where the premises comes unoccupied or is used for a purpose other than that determined by the Council as eligible for relief.
- 9.2 Where a change of circumstances is reported, the relief will, if appropriate be revised or cancelled. Where any award is to be reduced, the Council will look to recover the amount from the date the change of circumstances occurred.
- 9.3 Where a change in circumstances is not reported and it is subsequently identified that it would have reduced the relief awarded, the Council reserve the right to remove any award completely.

## 10.0 Fraud

- 10.1 Where a ratepayer falsely applies for any relief, or where the ratepayer provides false information, makes false representation, or deliberately withholds information in order to gain relief, prosecutions will be considered under the Fraud Act 2006.



## **Appendix A**

### **Application Form for the Discretionary Business Rate Relief Scheme.**

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## PROPOSED COMMERCIAL PROPERTY INVESTMENT STRATEGY

### 1 Purpose

- 1.1 The purpose of this report is to allow the Scrutiny Committee to comment on a proposed Commercial Property Investment Strategy, and the proposals for its funding and implementation.
- 1.2 The Strategy has been developed to support the Council's commercial agenda to generate new streams of income to help offset the significant cuts to Government funding and finance the continued delivery and investment in services to the local community. Its modelled on an ten year plan.

### 2 Recommendations

The Scrutiny Committee is asked to review the Commercial Property Investment Strategy, the proposals for its funding and implementation, and highlight any issues they wish to be reported to Cabinet.

### 3 Executive summary

- 3.1 The overall aim of the Strategy is to acquire and build a commercial property portfolio that generates income for the Council using a strong, stable, financial model with an acceptable degree of risk. Commercial income generated from property acquisitions will be used to help fund the delivery and enhancement of services to the local community and support the delivery of the district's growth.
- 3.2 To do this, the primary objectives of the proposed Strategy are to:
  - Create a diverse portfolio with a range of risk, returns and property uses
  - Provide security of income by the strength of covenant and length of lease
  - Have a focus on high growth prospects of the district with some development risk
  - Meet the commercial aim and if possible utilise and leverage the knowledge, existing assets base and expertise of the Council to invest in ways which support the strategic growth of the Vale
- 3.3 The above objectives have enabled a number of parameters and guidelines to be developed to ensure that proposed acquisitions meet one of more of the objectives. These parameters and guidelines are set out in pages 4-6 of Appendix 2 (attached in the confidential part of the agenda).
- 3.4 The proposal is for a property acquisition capital fund of £100m sourced from a loan from the Public Works Loan Board. An additional revenue sum of £100k is also requested to support the fees needed as part of the acquisition process eg agents, legal and stamp duty. These fees would be deducted from the purchase price to give a NET yield against the purchase price and recovered from the income over time.
- 3.5 Depending on the number of assets acquired, the in-house asset management capacity needed to manage the asset after acquisition will be reviewed. Each acquired asset will require an asset management

plan and any additional capacity needed to deliver this, will be factored into the business case for acquisition and recovered from the income over time.

- 3.6 Strong governance is needed coupled with agile decision making to ensure that suitable opportunities which come to the market, can be effectively bid for. It is proposed that a Commercial Property Investment Panel is established to consider the business cases put forward for acquisition (and disposal) for any property with delegated authority given to the Chief Executive in conjunction with the Director with responsibility for Finance and after consultation with the Panel.
- 3.7 The Strategy and performance against the objectives would be reviewed annually by this committee, Cabinet and Council with a high level summary report included in the Quarterly Financial Digest.
- 3.8 Town centre developments or other developments which have a stronger orientation towards regeneration/place making are not included in the Strategy which is purely commercially driven.
- 3.9 The Council already owns a number of commercial assets and the intention is that, if approved, these assets and their performance would be measured against the Strategy and the objectives to inform decisions about their future.

#### **4 Supporting information**

- 4.1 The specific supporting information used to shape and develop the Strategy is set out in Appendix 1 (attached in the confidential part of the agenda)..
- 4.2 AVDC has an established interest in property. It currently owns and manages a range of properties – from industrial units at Pembroke Road to its former offices at 66 High Street. These properties generate an income offset by the asset management costs and any capital repayment. AVDC is also a 50% owner of Aylesbury Vale Estates which was set up as a joint venture with Akeman LLP in 2009. Whilst the recession during that period proved challenging, the value of the portfolio has grown and both the Council and the private investor have now received a dividend payment . Further dividends are forecast alongside the investment of capital receipts in new properties to generate further revenue.
- 4.3 AVDC has also in recent years built a number of properties in Aylesbury town centre. These include Waitrose, Travelodge, and the University Campus Aylesbury Vale. AVDC will also own and receive a rental income from the commercial space which forms part of phase one of The Exchange (formerly known as Waterside North) currently under construction. These assets as opposed to those described in paragraph 4.2, are orientated towards the Council's leading role in place shaping and regenerating the town centre. They generate income through rental but the benefits of their provision and therefore, the reason for AVDC investment, is wider than purely commercial. By helping to generate footfall and confidence in the town, these new services have, for example, acted as a catalyst for investment in the Friars Square Shopping Centre, attracted new restaurant operators and encouraged

the conversion of long term empty office space to homes.

4.4 Property is increasingly proving to be an attractive way to generate income due to the ways that risk can be managed, its long term nature, and stable cash flow characteristics. The Council's ability to access the Public Works Loan Board to borrow capital at favourable rates, additionally provides the opportunity to maximise its return on capital investment. Whilst AVDC intends to continue its partnership in AVE, the Strategy provides an opportunity to enhance the Council's existing portfolio and have direct control over the financial benefits it can deliver.

4.5 The Strategy set out in Appendix 2, has been developed with the support of Montagu Evans, leading experts in the property sector.

Many councils have recently turned to property investment to support their budget. Some have made investments without going through the rigorous process of understanding what the objectives of the strategy are and setting clear parameters to make sure that acquisitions, help meet those objectives. This has resulted in reputational damage to those councils and extended scrutiny of those council's overall ability to effectively manage budgets and deliver services. The input of Montague Evans, their experience in the market both in the private and public sector community, has helped shape a Strategy which avoids the mistakes which other council's have made and has clarity, strong governance, and a clear delivery plan.

## **5 Resource implications**

5.1 The capital (£100m) and revenue (£100k) resource implications of the Strategy are set out in the recommendations.

5.2 If approved, changes will be required to the Treasury Management Borrowing limits for 2017/18 and reference is made to this within the report on Treasury Management appearing elsewhere on this agenda.

5.3 It should be noted that the purpose of the Strategy is to generate an income stream for the Council so it is expected that over the 10 year life of the Strategy, the capital and revenue expenditure will be recovered leaving a net income.

Contact Officer  
Background Documents

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