



**TO COUNCILLOR:**

E R Barr  
L A Bentley  
G A Boulter  
J W Boyce  
Mrs L M Broadley

F S Broadley  
M L Darr  
B Dave  
R F Eaton  
D A Gamble (Vice-Chair)

J Kaufman  
Mrs L Kaufman  
Dr T K Khong  
Mrs S B Morris (Chair)  
R E R Morris

Dear Sir or Madam

I hereby **SUMMON** you to attend a meeting of the **POLICY, FINANCE AND DEVELOPMENT COMMITTEE** to be held at the **COUNCIL OFFICES, STATION ROAD, WIGSTON** on **TUESDAY, 5 FEBRUARY 2019** at **7.00 PM** for the transaction of the business set out in the Agenda below.

Yours faithfully

Council Offices  
Wigston  
**28 January 2019**

**Mrs Anne E Court**  
Chief Executive

<u>ITEM NO.</u>	<u>AGENDA</u>	<u>PAGE NO'S</u>
1.	<b>Apologies for Absence</b>	
2.	<b>Appointment of Substitutes</b>  To appoint substitute Members in accordance with Rule 4 of Part 4 of the Constitution.	
3.	<b>Declarations of Interest</b>  Members are reminded that any declaration of interest should be made having regard to the Members' Code of Conduct. In particular, Members must make clear the nature of the interest and whether it is 'pecuniary' or 'non-pecuniary'.	
4.	<b>Minutes of the Previous Meeting</b>  To read, confirm and sign the minutes of the previous meeting in accordance with Rule 17 of Part 4 of the Constitution.	<b>1 - 8</b>
5.	<b>Action List Arising from the Previous Meeting</b>  To read, confirm and note the Action List arising from the previous meeting.	<b>9 - 10</b>
6.	<b>Petitions and Deputations</b>	



To receive any Petitions and, or, Deputations in accordance with Rule 24 of Part 4 of the Constitution.

- |  |                |
|--|----------------|
| <b>7. Internal Audit Progress Report (Q3 2018/19)</b>                                    | <b>11 - 18</b> |
| Report of the Director of Finance & Transformation / Section 151 Officer                 |                |
| <b>8. Medium Term Financial Strategy (MTFS) Update (February 2019)</b>                   | <b>19 - 28</b> |
| Report of the Director of Finance & Transformation / Section 151 Officer                 |                |
| <b>9. Financial Outturn Report (Q3 2018/19)</b>  | <b>29 - 36</b> |
| Report of the Head of Finance, Revenues and Benefits                                     |                |
| <b>10. Collection and Write-Off of Miscellaneous Debtors (Q3 2018/19)</b>                | <b>37 - 40</b> |
| Report of the Head of Finance, Revenues and Benefits                                     |                |
| <b>11. Third Sector and Community Support Funding Requests (Q3 2018/19)</b>              | <b>41 - 47</b> |
| Report of the Head of Finance, Revenues and Benefits                                     |                |
| <b>12. Anti-Social Behaviour Update: Progress, Issues &amp; Outcomes (February 2019)</b> | <b>48 - 54</b> |
| Joint report of the Anti-Social Behaviour Officer and Community Safety & Youth Officer   |                |
| <b>13. Business Rates Relief for Retail Properties (2018-19)</b>                         | <b>55 - 58</b> |
| Report of the Revenues Team Leader   |                |
| <b>14. Proposed Food Safety Enforcement Policy (February 2019)</b>                       | <b>59 - 84</b> |
| Report of the Environmental Health Officer   |                |

**For more information, please contact:**

**Democratic Services**

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# Agenda Item 4

**MINUTES OF THE MEETING OF THE POLICY, FINANCE AND DEVELOPMENT COMMITTEE  
HELD AT THE COUNCIL OFFICES, STATION ROAD, WIGSTON ON TUESDAY, 27  
NOVEMBER 2018 COMMENCING AT 7.00 PM**

## **PRESENT**

Councillor D A Gamble (Chair)  
Councillor Mrs L Kaufman (Vice Chair)

## **COUNCILLORS**

L A Bentley  
G A Boulter  
J W Boyce  
M L Darr  
R F Eaton  
J Kaufman  
Mrs L Kaufman  
R E R Morris

## **OFFICERS IN ATTENDANCE**

D Gill (Head of Law & Governance / Monitoring Officer)  
S Hinds (Director of Finance & Transformation / Section 151 Officer)  
C Raymakers (Head of Finance, Revenues & Benefits)  
A Thorpe (Head of Planning, Development & Regeneration)  
S Tucker (Democratic & Electoral Services Manager)

## **OTHERS IN ATTENDANCE**

M Watkins (Head of Audit, CW Audit Services)

## **32. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillors E R Barr, Mrs L M Broadley, F S Broadley, B Dave, Dr T K Khong and Mrs S B Morris.

## **33. APPOINTMENT OF SUBSTITUTES**

None.

By affirmation of the meeting, it was

### **RESOLVED THAT:**

**Councillor Mrs L Kaufman assume the Vice-Chair for the duration of the meeting only.**

## **34. DECLARATIONS OF INTEREST**

None.

## **35. MINUTES OF THE PREVIOUS MEETING(S)**

By affirmation of the meeting, it was

**UNANIMOUSLY RESOLVED THAT:**

**The minutes of the meeting of the Committee held on 18 September 2018 and the extraordinary meeting of the Committee held on 12 November 2018 be taken as read, confirmed and signed.**

**36. ACTION LIST ARISING FROM THE PREVIOUS MEETING**

In respect of Action 8 on the Action List, the Head of Law & Governance confirmed to the Committee that by 14 December 2018 all Members would be receiving a briefing note providing details of how the organisation will engage its contingency plans in the event of any incidents occurring during the Christmas/New Year closure period.

By affirmation of the meeting, it was

**UNANIMOUSLY RESOLVED THAT:**

**The Action List arising from the meeting of the previous Committee held on 18 September 2018 be read, confirmed and noted.**

**37. PETITIONS AND DEPUTATIONS**

None.

**38. INTERNAL AUDIT PROGRESS REPORT (Q2 2018/19)**

The Committee received the report as set out on pages 13-37 of the agenda, which asked it to note the progress made in delivering the 2018/19 Audit Plan and management's implementation of the internal audit recommendations.

Mr Mark Watkins, Head of Audit at CW Audit Services, provided the Committee with a summary of the report. Since the last meeting of the Committee, three further reviews had been carried out in relation to Cyber Security (Moderate Assurance), Legal Compliance (Significant Assurance) and Food Safety (Limited Assurance).

With regard to Cyber Security, it was confirmed that the achievement of Significant Assurance was rare across Local Authorities, therefore the achievement of Moderate Assurance was to be taken as a positive. It was also confirmed that the responses received from the ICT Partnership to the audit recommendations had been encouraging, and these recommendations would now be progressed by the Partnership with the assistance of the Council's IT contractor. The implementation of these actions is to be monitored by the Project Board.

In relation to Food Safety, Mr Watkins confirmed that a number of encouraging and prompt actions had been taken by management to address the recommendations made in light of the Limited Assurance level reported. The Head of Law & Governance clarified that one of the recommendations related to a training need identified in respect of the Environmental Health Team Leader, however since the report was finalised this employee had subsequently left the organisation. In the meantime a comprehensive service review of Environmental Health and Licensing had commenced and an Officer with significant experience in the area of Food Safety was currently acting up in the Team Leader role. The service review was also looking into the potential benefits of upgrading the software system used by the team to automate and improve a number of processes which were currently labour intensive.

A Member of the Committee expressed concern that the Taxi Licensing assurance level remained Limited, and asked why this rating had not been revised in light of assurances provided by management at the previous meeting of the Committee that actions had been taken to address the audit findings. It was confirmed by the Director of Finance & Transformation that the assurance level provided when the report is finalised is effectively a 'snapshot' rating given at that particular moment in time, and the rating remains in place until such time as a full follow-up review is conducted. The Committee therefore requested that follow up reviews in respect of Food Safety and Taxi Licensing be added to the 2019/20 Audit Plan to assess whether the implementation of the audit recommendations and the Environmental Health and Licensing service review were resulting in improved outcomes.

With regard to the recommendation tracking contained within the audit report, a Member of the Committee noted that two items from the 2016/17 Housing Repairs & Maintenance service audit were still included on the list, and it was queried why these remained incomplete. The Head of Planning, Development & Regeneration confirmed that the items were nearing completion and it was anticipated that sign-off should be achieved in time for the next meeting of the Committee.

The Committee noted the audit report from September 2018 in relation to the Council's cleaning contract, and expressed disappointment in the finding that service delivery by the contractor had not been of an acceptable standard since the contract was let in September 2017. It was requested that the Service Delivery Committee be updated at its next meeting on any proposed actions to address the areas of concern identified by the audit.

It was moved by the Chair, seconded by the Vice-Chair and

**UNANIMOUSLY RESOLVED THAT:**

**The contents of the report and Appendices be noted.**

In accordance with Rule 7.3 of Part 4 of the Constitution, the Chair moved for the order of business to be altered and taken in the order as reflected in the minutes.

By affirmation of the meeting, it was

**UNANIMOUSLY RESOLVED THAT:**

**The order of business be altered accordingly.**

**39. PROPOSED ADULT SAFEGUARDING POLICY**

The Committee received the report as set out on pages 93-139 of the agenda, which asked it to approve and adopt the proposed Adult Safeguarding Policy.

The Committee requested that contact information for the relevant Safeguarding Officer(s) be circulated to all Members as soon as possible following adoption of the policy in order to provide readily accessible details as to who should be notified in the event that a Member is the first point of contact when a safeguarding concern is raised.

It was moved by the Chair, seconded by M L Darr and

**UNANIMOUSLY RESOLVED THAT:**

**The proposed Adult Safeguarding Policy be approved and adopted.**

**40. PROPOSED CHILD SAFEGUARDING POLICY**

The Committee received the report as set out on pages 93-139 of the agenda, which asked it to approve and adopt the proposed Child Safeguarding Policy.

The Committee requested that contact information for the relevant Safeguarding Officer(s) be circulated to all Members as soon as possible following adoption of the policy in order to provide readily accessible details as to who should be notified in the event that a Member is the first point of contact when a safeguarding concern is raised.

It was moved by the Chair, seconded by M L Darr and

**UNANIMOUSLY RESOLVED THAT:**

**The proposed Child Safeguarding Policy be approved and adopted.**

**41. FINANCIAL OUTTURN REPORT (Q2 2018/19)**

The Committee received the report as set out on pages 38-43 of the agenda, which asked it to note the overall Council position for the financial year 2018/19 after the second quarter.

In respect of the Capital Programme attached at Appendix 1 of the report, the Committee expressed surprise that there was a reported £23,470 underspend on the CCTV camera scheme, as Members claimed to have been informed previously that all money allocated to the scheme had already been spent. The Committee therefore requested clarification regarding how many cameras have been ordered, how many have already been installed and how many were awaiting installation, as well as clarity on whether the quoted underspend was accurate. It was requested that if the scheme has not been completed by the time of the next meeting of the Committee in February 2019, a report should be brought to that Committee explaining the reasons for any delay.

It was moved by the Chair, seconded by the Vice-Chair and

**UNANIMOUSLY RESOLVED THAT:**

**The contents of the report and Appendix be noted.**

**42. COOMBE PARK PAVILION EXTENSION**

The Committee received the report as set out on pages 85-88 of the agenda, which asked it to approve an extension to Coombe Park Pavilion, subject to the grant of Planning Permission.

Those Members in attendance which also sit on the Development Control Committee requested advice from the Monitoring Officer in respect of whether voting to approve the extension subject to the grant of Planning Permission could lead to a suggestion of pre-determination. The Monitoring Officer advised that in his view, there was no conflict between Members approving this item and reserving their judgement on a future planning application, as the planning application would need to be judged entirely on its own merits.

In view of the fact that the report recommended the Council should manage the build, including the procurement exercise, the Committee sought reassurance that sufficient capacity existed within the Economic Regeneration team to take on these responsibilities.

The Head of Planning, Development and Regeneration confirmed that whilst the Council would oversee the project, externally appointed construction project management support would be required. In addition, a new member of staff had been appointed to the Economic Regeneration team and was due to commence employment in early 2019.

It was moved by the Chair, seconded by the Vice-Chair and

**UNANIMOUSLY RESOLVED THAT:**

- (i) The construction of an extension to the existing Coombe Park Pavilion be allowed, subject to the grant of Planning Permission;**
- (ii) Approval be given for the Council to be the Project Lead applying for funding from the Football Foundation; and**
- (iii) Approval be given for the Council to manage the build, including the procurement exercise, supported by an externally appointed construction project manager.**

**43. REVIEW OF SCALE OF FEES & CHARGES (2019/20)**

The Committee received the report as set out on pages 44-69 of the agenda, which asked it to consider, review and approve the Council's proposed scale of fees and charges for the 2019/20 financial year.

The Committee requested that in line with the amended recommendation at the previous meeting of Service Delivery Committee, the delegation to the Director of Finance and Transformation be amended to include reference to maximising community use of Council owned facilities.

It was moved by the Chair, seconded by the Vice-Chair and

**UNANIMOUSLY RESOLVED THAT:**

- (i) The proposed Scale of Fees and Charges for 2019/20 be approved**
- (ii) Delegated authority be given to the Director of Finance & Transformation to allow flexibility to charging charges to encourage greater community use and a more commercial approach to maximising income.**

**44. COLLECTION AND WRITE-OFF OF MISCELLANEOUS DEBTORS (Q2 2018/19)**

The Committee received the report as set out on pages 70-73 of the agenda which asked it to note the levels of debt owed to the Council from the second quarter of 2018/19.

The Head of Finance, Revenues and Benefits provided the Committee with a brief summary of the report. It was noted that Council Tax, Benefit overpayments and sundry debts had all fallen during quarter two. Business Rates and Housing Rents had seen arrears rise, however remedial action was being taken to bring this back under control.

It was moved by the Chair, seconded by the Vice-Chair and

**UNANIMOUSLY RESOLVED THAT:**

**The contents of the report be noted.**

**45. THIRD SECTOR AND COMMUNITY SUPPORT FUNDING REQUESTS (Q2 2018/19)**

The Committee received the report as set out on pages 74-79 of the agenda, which asked it to note the update on expenditure in the voluntary sector.

The Head of Finance, Revenues and Benefits provided the Committee with a brief summary of the report. It was confirmed that discussions were now underway with Helping Hands Trust and Citizens Advice to continue to provide their advice services to residents in 2019/20. The Committee stressed that careful consideration would need to be given to the contractual arrangements beyond 2019/20, as it was anticipated that demand from residents for independent advice would continue to increase, particularly in light of recent schemes such as Universal Credit where the full implications were still being realised.

With regard to Resident Forum Funding Requests, the Chair of Oadby Forum noted that the progress report in respect of three schemes simply stated "not commenced yet", without any accompanying explanation. It was also noted that two schemes from Wigston Forum were also listed in this manner. The Committee therefore requested that where future reports contain schemes which have yet to commence, additional narrative explaining the reason(s) why this is the case should also be provided. The Chair of Wigston Forum also expressed concern at the apparent omission of some funding requests which had been agreed by the Forum some time ago. The Head of Finance, Revenues and Benefits undertook to check whether or not the correct application procedure had been followed in respect of these requests, and to report back accordingly.

It was moved by the Chair, seconded by the Vice-Chair and

**UNANIMOUSLY RESOLVED THAT:**

**The contents of the report be noted.**

**46. PEOPLE AND PERFORMANCE UPDATE (Q2 2018/19)**

The Committee received the report as set out on pages 80-84 of the agenda, which asked it to note the work undertaken by the People and Performance Team during the second quarter of 2018/19.

The Director of Finance and Transformation provided the Committee with a brief summary of the report. The Committee noted the progress made in respect of the team's nine Key Performance Indicators (KPIs), but felt that these lacked context without the Red/Amber/Green ratings applied to the KPIs which are reported to Service Delivery Committee, and as such needed to be reported consistently. The Committee also stated that in respect of the sickness percentages provided in the report, these would be more informative if they were supplemented by the actual numbers of employees recorded under each sickness category.

With regard to the 90.6% completion rate for mandatory e-learning training courses, the Committee enquired why close to 10% were failing to complete. The Director of Finance and Transformation confirmed that the figures as they stood included staff on long-term absences such as maternity leave and sickness, for whom it would not be feasible to complete the training within the regular timeframe. It was confirmed that the method of reporting would be looked at again in order to separate these particular cases from the remainder of the data.

A Member of the Committee expressed disappointment that although the number of press releases had increased since the last quarter, the total number issued was still below target. It was suggested that an explanation should be provided to the Committee if the



target continued to be missed.

It was moved by the Chair, seconded by the Vice-Chair and

**UNANIMOUSLY RESOLVED THAT:**

**The contents of the report be noted.**

**47. PROPOSED CHANGES TO COUNCIL TAX DISCOUNTS**

The Committee received the report as set out on pages 89-92 of the agenda, which asked it to approve a number of changes to discretionary Council Tax discounts.

The Head of Finance, Revenues and Benefits provided the Committee with a brief summary of the report. The Committee in particular welcomed recommendations C and D, which proposed increasing the premium on properties standing empty for more than two years from 50% to 100%, and allowing a 100% discount to care leavers from the age of 18 to 25.

The Committee noted that recommendation A, which proposed the discontinuation of Council Tax discount on empty properties for the first 28 days, would require the Council to pay Council Tax on all void properties where previously they were subject to a 28 exemption. The Committee therefore sought assurances that capacity was sufficient to manage the required reduction in void turnaround times in order to bring properties back into use quicker. Concern was also raised that in some cases where Council properties required more substantial alterations to bring them back up to an acceptable living standard, either substantial costs might accumulate whilst these works took place, or some works might be put back to allow such properties to be quickly re-let. The Director of Finance and Transformation confirmed that resources would need to be carefully monitored in order to sensibly balance these considerations. The Head of Finance, Revenues and Benefits also advised the Committee that administering the current 28 day discount was currently a time consuming process, therefore its discontinuation would be a welcome simplification.

A Member of the Committee requested that once the proposed changes came into effect from 01 April 2019, Key Performance Indicators should be introduced, firstly to monitor the time taken to bring void properties back into operation and secondly to monitor the total additional costs incurred on the Housing Revenue Account (HRA) once the current 28 day discount is discontinued.

It was moved by the Chair, seconded by the Vice-Chair and

**UNANIMOUSLY RESOLVED THAT:**

- (i) The Council Tax discount currently allowed for all empty properties for the first 28 days be discontinued from 01 April 2019;**
- (ii) The Council Tax discount currently allowed for empty properties undergoing renovation for a maximum of 12 months be discontinued from 01 April 2019;**
- (iii) The additional premium of 50% currently charged to properties which have been empty for more than 2 years be increased to 100% from 01 April 2019; and**
- (iv) A new 100% discount be allowed to care leavers from the age of 18 to 25 who are resident in the Borough and solely or jointly liable for Council Tax.**

**48. PROPOSED CLOSED-CIRCUIT TELEVISION (CCTV) POLICY**

The Committee received the report as set out on pages 185-204 of the agenda, which asked it to approve and adopt the proposed Closed Circuit Television (CCTV) Policy.

It was moved by the Chair, seconded by the Vice-Chair and

**UNANIMOUSLY RESOLVED THAT:**

**The proposed Closed Circuit Television (CCTV) Policy be approved and adopted.**

**49. PROPOSED DRONE AND MODEL AIRCRAFT USAGE POLICY**

The Committee received the report as set out on pages 205-209 of the agenda, which asked it to approve and adopt the proposed Drone and Model Aircraft Usage Policy.

The Head of Law & Governance provided the Committee with a brief summary of the report. It was explained that the policy was intended to restrict the use of unmanned model aircraft in order to avoid any potential danger to the public at large, therefore it was proposed that the public would not be authorised to fly personal aircraft or drones from any Council land unless the land is designated for such a purpose under the policy.

A Member of the Committee queried why the policy had not to their knowledge been publicised via the Council's normal communication channels, and also noted that the report did not state how the restrictions would be enforced. The Head of Law & Governance confirmed that the policy had been drafted at short notice following a request from a Member of the Committee, therefore there had been no opportunity to carry out publicity as yet. However, subject to its approval the adopted policy would be publicised in a future edition of Letterbox magazine and on the Council's website. With regard to enforcement, it was confirmed that any breaches of the policy would likely be dealt with through existing powers available, as a number of Officers were authorised to issue Community Protection Notices (CPNs). There would also be scope to consider any repeat offenders for action under Anti-Social Behaviour (ASB) powers.

It was requested by a Member of the Committee that signage be provided in the Council's parks and open spaces to alert the public to the restrictions introduced. The Head of Law & Governance confirmed that as a short-term measure, laminated notices could be placed on appropriate notice boards, but as a number of other prohibitions exist in respect of Council owned land, future consideration could be given to creating a composite notice covering all applicable prohibitions.

It was moved by the Chair, seconded by the Vice-Chair and

**UNANIMOUSLY RESOLVED THAT:**

**The proposed Drone and Model Aircraft Usage Policy be approved and adopted.**

**THE MEETING CLOSED AT 8.30 PM**



Chair

Tuesday, 05 February 2019

## POLICY, FINANCE AND DEVELOPMENT COMMITTEE

### **ACTION LIST**

**Arising from the Meeting held on Tuesday, 27 November 2018**

No.	Minute Ref. / Item of Business	*Action Details / Action Due Date	Responsible Officer(s)' Initials	Action Status
<b>1.</b>	<b>38 – Internal Audit Progress Report (Q2 2018-19)</b>	Follow-up reviews in respect of Taxi Licensing and Food Safety to be added to the 2019/20 Audit Plan.  <i style="text-align: center;">Due by Ongoing</i>	<b>StHi</b>	On Target to Complete
		These will be included in the Internal Audit Plan which will be presented to the Committee at its next meeting on 26 March.		
<b>2.</b>	<b>38 – Internal Audit Progress Report (Q2 2018-19)</b>	Remaining two 'Housing Repairs & Maintenance' recommendations from the 2016/17 Audit to be progressed with the ambition to achieve sign-off by the date of the next Committee.  <i style="text-align: center;">Due by Mar-19</i>	<b>AdTh</b>	Ongoing
		An update was sent by email to all Members of the Committee on 25 January.		
<b>3.</b>	<b>39 &amp; 40 – Proposed Adult &amp; Child Safeguarding Policies</b>	Up-to-date, accessible contact information for the relevant Safeguarding Officer(s) to be circulated to all Members as soon as possible following adoption of the policies.  <i style="text-align: center;">Due by Dec-18</i>	<b>MaSm</b>	Complete
		The Safeguarding contacts list and referral form were emailed to all Councillors on 05 December 2018.		
<b>4.</b>	<b>41 – Financial Outturn Report (Q2 2018/2019)</b>	Clarification to be provided on how many CCTV cameras have been ordered and installed, how many are awaiting installation, and confirmation whether the reported underspend of £23,470 is accurate. Reasons for any delays to the project to be reported back to the next Committee.  <i style="text-align: center;">Due by Feb-19</i>	<b>ChRa</b>	Report Update (Service Delivery Committee)

		A CCTV update was provided at paragraph 5.2 of the Health, Wellbeing and Leisure Services Update (Q3 2018/19) presented to Service Delivery Committee on 29 January.		
5.	<b>45 – Third Sector and Community Support Funding Requests (Q2 2018/19)</b>	Any Resident Forum funding requests shown as 'not yet commenced' to be supplemented with additional narrative on future reports.  <i>Due by Feb-19</i>	<b>ChRa</b>	Report Update (Agenda Item 11)
		The report format has been amended accordingly.		
6.	<b>45 – Third Sector and Community Support Funding Requests (Q2 2018/19)</b>	Clarification to be provided on whether funding requests agreed by Wigston Residents Forum for United Reformed Church and Friends of Peace Memorial Park have been followed up with the required application form.  <i>Due by Feb-19</i>	<b>ChRa</b>	Ongoing
		The Community Engagement Officer is continuing to liaise with these groups and has sent the relevant forms to enable these requests to be formalised, forms have been sent to both parties.		
7.	<b>47 – Proposed Changes to Council Tax Discounts</b>	Key Performance Indicators to be introduced from April 2019, to monitor void turnaround times and the total additional costs incurred on the Housing Revenue Account once the current 28-day discount is discontinued.  <i>Due by Apr-19</i>	<b>StHi</b>	Ongoing
		New KPI's will come into effect in April 2019.		
8.	<b>49 – Proposed Drone and Model Aircraft Policy</b>	Signage to be arranged for the Council's parks and open spaces to alert members of the public to the new restrictions.  <i>Due by Feb-19</i>	<b>DaGi BrKe</b>	On Target to Complete
		Signage has been approved and printed. Notices will be erected by Operational and Street Scene staff during the next quarter.		

\* | All actions listed are those which are informally raised by Members during the course of debate upon a given item of business which do not form part of - but may be additional, incidental or ancillary to - any motion(s) carried. These actions are for the attention of the responsible Officer(s).

# Agenda Item 7



<b>Policy, Finance and Development Committee</b>	<b>Tuesday, 05 February 2019</b>	<b>Matter for Information</b>
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**Report Title:** **Internal Audit Progress Report (Q3 2018/19)**

**Report Author(s):** **Stephen Hinds (Director of Finance & Transformation)**

<b>Purpose of Report:</b>	The purpose of the report is to update the Committee on progress made in delivering the 2018/19 Audit Plan and to provide an update in relation to management's implementation of internal audit recommendations.
<b>Report Summary:</b>	The Internal Auditors are satisfied that delivery to date of the 2018/19 Audit Plan is in accordance with the delivery profile agreed with management. For this quarter, five reviews have been completed and final reports have been agreed with management.
<b>Recommendation(s):</b>	<b>That the content of the report and appendix be noted.</b>
<b>Responsible Strategic Director, Head of Service and Officer Contact(s):</b>	Stephen Hinds (Director of Finance & Transformation) (0116) 257 2681 <a href="mailto:stephen.hinds@oadby-wigston.gov.uk">stephen.hinds@oadby-wigston.gov.uk</a>  Mark Watkins (Head of Internal Audit, CW Audit Services) (0121) 612 3871 <a href="mailto:mark.watkins@cwaudit.org.uk">mark.watkins@cwaudit.org.uk</a>
<b>Corporate Priorities:</b>	Effective Service Provision (CP2)
<b>Vision and Values:</b>	"A Strong Borough Together" (Vision)
<b>Report Implications:-</b>	
Legal:	There are no implications directly arising from this report.
Financial:	There are no implications directly arising from the report.
Corporate Risk Management:	Reputation Damage (CR4) Effective Utilisation of Assets/Buildings (CR5) Regulatory Governance (CR6) Organisational/Transformational Change (CR8) Other Corporate Risk(s).
Equalities and Equalities Assessment (EA):	There are no implications arising from the report. EA not applicable.
Human Rights:	There are no implications arising from the report.
Health and Safety:	There are no implications arising from the report.
<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.

Chief Finance Officer:	As the author, the report is satisfactory.
Monitoring Officer:	The report is satisfactory.
<b>Consultees:</b>	None.
<b>Background Papers:</b>	None.
<b>Appendices:</b>	<b>1.</b> Internal Audit Progress Report (February 2019)

## **1. Introduction**

- 1.1 This report summarises the work of the Internal Audit for the period covering quarter three for 2018/19. A copy of the Internal Audit Progress Report is attached at **Appendix 1**.
- 1.2 The purpose of the report is to update the Committee on progress made in delivering the 2018/19 Audit Plan and to provide an update in relation to management's implementation of internal audit recommendations.

## **2. Information**

- 2.1 The Internal Audit Plan for 2018/19 has been agreed, with Section 5 of **Appendix 1** giving details of planned audits over the coming months.
- 2.2 The purpose of the report is to show progress against the Audit Plan and to summarise key findings and conclusions arising from the work performed during the period.
- 2.3 The report shows that no audits gave limited assurance, with four given significant assurance and one given moderate assurance.

# Oadby & Wigston Borough Council

## Internal Audit Progress Report

February 2019

Page 13



Bringing public value to life

**cw audit**  
internal audit services

## 1. Introduction

This report summarises the work of Internal Audit for the period to the end of January 2019. The purpose of the report is to update the Committee on progress made in delivering the 2018/19 audit plan and to update in relation to management's implementation of internal audit recommendations.

## 2. Progress summary

This is the third progress report for 2018/19. We are satisfied that delivery to date is in accordance with the delivery profile agreed with management.

## 3. Reviews completed since last report

The following reviews have been completed and final reports agreed with management:

Review	Level of assurance
Disaster Recovery	Significant
Council Tax	Significant
Business Rates	Significant
Benefits / Council Tax Support	Significant
Housing Repairs & Voids	Moderate



At the request of the Committee at its February 2014 meeting, and as subsequently agreed with the Chair of this Committee, to ensure members are provided with further detail only on issues which may warrant their concern, we only report specific findings, recommendations and agreed actions arising from our finalised audits where these relate to matters we deemed to be high risk/priority.

### **ICT Disaster Recovery**

Our audit reviewed the disaster recovery arrangements that the Leicestershire ICT Partnership (LICTP) has in place. We were able to provide an overall 'significant assurance' opinion, but we did note that a number of the recommendations made from a Disaster Recovery test undertaken in June 2018 remained outstanding; although we understand that Sopra Steria were in the process of addressing these at the time of audit. The LICTP is monitoring completion of the remaining actions through weekly operational review meetings.

### **Housing Repairs & Voids**

Our follow up review of the audits undertaken in 2016/17 of Housing Repairs and Housing Voids highlighted that action had been taken to implement nine of the fifteen recommendations originally made, but that further improvements were still required in the following areas:

- market testing for works where spend levels on individual contractors exceed limits set out in the Council's contract procedures.
- documented post-inspections of contractors' work in accordance with Council policy and procedure.
- re-charges must be invoiced to tenants where required by Council policy.

## 4. Recommendation tracking

We provide a system for tracking the actioning of agreed Internal Audit recommendations as a management assurance tool for the Council and specifically this Committee. Managers are responsible for updating actions taken and other key information directly on the system. The first table below represents the status of agreed actions due to be implemented by 31/12/18, the second table outlines the age of the outstanding recommendations (based on the original date due for implementation). The status shown is as advised by the relevant manager/Head of Service and does not imply that Internal Audit has verified the status.

Summary	1 Critical	2 High	3 Medium	4 Low	Total
Due by 31/12/18	-	91	350	95	<b>536</b>
Implemented	-	87	316	88	<b>491</b>
Closed (e.g. superseded or system changed)	-	4	23	3	<b>30</b>
Still to be completed	-	0	11	4	<b>15</b>

Time overdue for actions o/s or not complete	1 Critical	2 High	3 Medium	4 Low	Total
Less than 3 months	-	-	11	4	<b>15</b>
3 – 6 months	-	-	-	-	-
Greater than 6 months	-	-	-	-	-
<b>Total</b>	-	-	<b>11</b>	<b>4</b>	<b>15</b>

There are no outstanding 'high risk' issues, or 'medium risk' issues that have been outstanding for more than 6 months.

## 5. 2018/19 Internal audit plan

Review	Scheduled Start*	Status	Level of assurance
Performance Management	Nov 2018	Draft report	
Risk Management	Dec 2018	Fieldwork ongoing	
Project/Programme Management/Project Assurance	Nov 18	Fieldwork ongoing	
Capital Programme	April 2018	Final Report	<b>Limited</b>
Cleaning Contract	June 2018	Final Report	<b>Moderate</b>
Procurement	Feb - Mar 2019	Scope agreed	
Budgetary Control/MTFS	Feb 2019	Scope agreed	
Financial systems (ledger, creditors, debtors, treasury management, income management & cash receipting-key controls)	Jan- Feb 2019	Fieldwork ongoing	
Cybersecurity	Sept – Oct 2018	Final report	<b>Moderate</b>
IT Disaster Recovery	Oct 2018	Final report	<b>Significant</b>

<b>Review</b>	<b>Scheduled Start*</b>	<b>Status</b>	<b>Level of assurance</b>
Payroll & Expenses	Feb - Mar 2019	Scope agreed	
Taxi and Hackney Carriage Licensing	April 2018	Final Report	<b>Limited</b>
GDPR – follow up	June 2018	Final Report	<b>Significant</b>
Legal Compliance	July 2018	Final Report	<b>Significant</b>
Council Tax	Dec 2018	Final Report	<b>Significant</b>
Business Rates	Nov 2018	Final Report	<b>Significant</b>
Benefits/Council Tax Support	Nov 2018	Final Report	<b>Significant</b>
Housing Rents	Feb – Mar 2019	Scope agreed	
Homelessness	June 2018	Final Report	<b>Significant</b>
Repairs & Voids	July 2018	Final Report	<b>Moderate</b>
Environmental Health - Food Safety	July 2018	Final Report	<b>Limited</b>
Follow-up	March 2019		

\*Timings either agreed with management where relevant or proposed by us.

# Agenda Item 8



<b>Policy, Finance and Development Committee</b>	<b>Tuesday, 05 February 2019</b>	<b>Matter for Information and Decision</b>
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**Report Title:** **Medium Term Financial Strategy (MTFS) Update**

**Report Author(s):** **Stephen Hinds (Director of Finance & Transformation)**

<b>Purpose of Report:</b>	The purpose of the report is to advise the Committee of the projected General Fund base budget position for 2019/20 based upon the provisional Local Government Finance Settlement. The report also asks for consideration of a draft Capital Programme for 2019/20.
<b>Report Summary:</b>	<p>The report outlines the financial position for the final year of the multi-year local government settlement that ends in March 2020. The Council is proposing to produce a balanced budget.</p> <p>The report also highlights some of the risks that the authority may encounter in a post-2020 environment with particular reference to the future of Local Government funding.</p> <p>Due to the significant risks regarding funding post 2019/20, the strategy for this period will only relate to costs, rather than anticipating Central Government funding mechanisms.</p>
<b>Recommendation(s):</b>	<p><b>A. That the Committee recommends in principle to Council the overall draft Medium Term Financial Strategy and budget for 2019/2020, subject to a further report to Council on 21 February 2019; and</b></p> <p><b>B. That the Committee approve the levels of reserves (as outlined at paragraph 7 of the report).</b></p>
<b>Responsible Strategic Director, Head of Service and Officer Contact(s):</b>	<p>Stephen Hinds (Director of Finance &amp; Transformation) (0116) 257 2681 <a href="mailto:stephen.hinds@oadby-wigston.gov.uk">stephen.hinds@oadby-wigston.gov.uk</a></p> <p>Chris Raymakers (Head of Finance, Revenues &amp; Benefits) (0116) 257 2891 <a href="mailto:Chris.Raymakers@oadby-wigston.gov.uk">Chris.Raymakers@oadby-wigston.gov.uk</a></p>
<b>Corporate Priorities:</b>	<p>An Inclusive and Engaged Borough (CP1) Effective Service Provision (CP2) Balanced Economic Development (CP3) Green &amp; Safe Places (CP4) Wellbeing for All (CP5)</p>
<b>Vision and Values:</b>	<p>"A Strong Borough Together" (Vision) Innovation (V4)</p>
<b>Report Implications:-</b>	
<b>Legal:</b>	There are no implications arising from this report.

Financial:	The implications are set out in the report
Corporate Risk Management:	Decreasing Financial Resources (CR1) Effective Utilisation of Assets/Buildings (CR5) Organisational/Transformational Change (CR8) Economy/Regeneration (CR9)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable.
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.
<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	As the author, the report is satisfactory.
Monitoring Officer:	The report is satisfactory.
<b>Consultees:</b>	None.
<b>Background Papers:</b>	<a href="#">Report entitled 'Medium Term Financial Strategy Update' to the Policy, Finance &amp; Development Committee on 17 July 2018</a> <a href="#">Provisional Local Government Finance Settlement: England, 2019 to 2020 (December 2018)</a>
<b>Appendices:</b>	None.

## 1. Introduction

- 1.1 In February 2018, the Council approved a Medium Term Financial Strategy (MTFS) that balanced for the remaining years of the multi-year local government settlement. This was achieved by earmarking savings and efficiency programmes within the 2019/20 budget of circa £400k.
- 1.2 Work has been carried out since then, and post the MTFS update in July, to ensure the Council can produce a balanced budget for 2019/20, without making cuts to frontline services. Officers have also worked hard to mitigate the impact of the provisional 2019/20 Local Government Finance Settlement which saw a reduction in some of our funding streams.
- 1.3 2019/20 is the final year of the multi-year financial settlement, and as at the time of writing this report, Central Government has given no indication as to how funding post March 2020 will occur, although we know that there will be changes to Business Rate Retention and the Fairer Funding Model. It is hoped that we will have clarification on this by the summer of 2019.

## 2. The Medium Term Financial Strategy (MTFS)

- 2.1 The MTFS has the following objectives:
  - Show how resources support the Corporate Plan;
  - Provide a platform to support the decision-making framework;

- Enable the Council to be a proactive organisation;
- To be an enabler, giving indication to the need to revisit and revise priorities;
- Ensure sustainable services and reserves are at sufficient levels;
- Enable development and improvements to our customers experiences;
- Hold a working balance to help manage unexpected occurrences;
- To be responsive and able to manage changing risks and needs;
- Support the Council's service and strategies; and
- Provide indications of future local taxation levels.

2.2 In December 2015, the Government announced an offer to local authorities of a four year provisional settlement for 2016/17 through to 2019/20. We are now in the final year of this settlement. Pressure continues to increase on local authorities to find further savings in their expenditure on service provision and to look for alternative sources of income as funding from central government continues to reduce.

2.3 The draft budget included in this report highlights the continued reduction in funding as Central Government manages the public sector deficit. It should be noted that Oadby and Wigston Borough Council, like many other Councils, no longer receives Revenue Support Grant. The table below shows the 2018/19 settlement in comparison to the 2019/20 provisional settlement:

<b>2018/19</b>		<b>2019/20</b>
<b>£000's</b>		<b>£000's</b>
360	Revenue Support Grant	0
1440	Business Rates (NDR)	1298
<b>1800</b>	<b>Provisional Settlement</b>	<b>1298</b>

2.4 As previously reported, Leicester and Leicestershire were successful in their bid to be a Business Rates Pilot for 2019/20. The final allocations have not been included in this table as they have yet to be determined.

2.5 The Government has assumed that local authorities will increase their Band D Council Tax by the maximum amount possible. For 2019/20, this was 3% and for the figures in this report, these are also based upon the maximum increases.

### **3. New Homes Bonus Scheme (NHB)**

3.1 In addition to the aforementioned funding, we also see a continuation of the New Homes Bonus (NHB) Scheme. This is a non-ring fenced grant which is based on the number and type of housing properties brought on to the ratings list each year. The amount of NHB's generated is split in two tier areas on an 80/20 basis in the favour of Borough Councils.

3.2 The Council received a reduction in the level of New Homes Bonus that had been anticipated, reducing the amount of funding by circa £90k. This is due to the fact that anticipated developments that would generate growth above the Governments baseline did not materialise as had been previously expected.

3.3 Due to the urban nature of the Borough, the opportunity to develop large scale housing that would increase our NHB funding is severely limited, with the Council receiving one of the lowest levels of funding in the country. However, there is a perverse benefit arising from this with regards to the future of NHB. A large percentage of local authorities "mainstream" the NHB to balance their budgets, as do OWBC. This means that any potential reduction in, or removal of, NHB as a funding stream would have a significant impact upon those authorities who mainstream significant amounts, whereas whilst we mainstream our NHB,

the amount is small enough to not be a catastrophic funding failure if the funding were to cease. As soon as an update regarding the funding of NHB is made available, a briefing note will be issued to Members.

#### **4. Business Rates Retention & Council Tax**

- 4.1 As set out in February 2018, Government have removed the main revenue support grant and moved to Business Rate Retention as the main funding stream for the Council. It has been made clear by Government that a 75% retention rate will be the mechanism moving forward (2020/21 onwards), but have yet to determine how this will be distributed across Councils. This means that, along with the fairer funding review that will be announced later in the year, Council's will not be able to forecast the funding due to them until the announcements.
- 4.2 As previously reported, Oadby and Wigston Borough Council, along with all Councils within Leicestershire, successfully bid to be a pilot for the 75% Business Rate Retention Pilots in 2019/20. The pilot is expected to bring an additional £13m/£14m into Leicestershire and Leicester City. Oadby and Wigston Borough Council are expecting approximately £250k of funding to assist with financial sustainability, enabling us to help meet pressure areas such as Homelessness in 2019/20. There is also a large element of the funding that will assist with infrastructure and town centre improvements across the County.
- 4.3 Council Tax is a major source of funding for the Council, making up 64% of funding as a whole. Again, the authority is limited due to its geography as to the increase in the Council Tax base – indeed, the Local Plan and Strategic Growth Plan place the number of new homes in the Borough to be less than 3,000 by 2031. This budget assumes the maximum increase of 3% is applied, equating to £6.52 per Band D household, raising around £114k for the Council.
- 4.4 In relation to Council Tax, it should be noted that the decision made by the Council to take the Governments' Council Tax Freeze Grant for a number of years has meant that the Council is over £400k worse off today.

#### **5. Revenue Budget**

- 5.1 The General Fund Budget for the financial year 2019/20 is summarised in the table below. Further details to changes to individual services' budgets will be found in the annual budget book and the MTFS report issued in February 2019. The budget takes into account key assumptions that are set out later in the report.
- 5.2 Budget Summary

*(Continued overleaf)*



	2018/19	2019/20
<b>Budget Summary</b>	<b>£'000</b>	<b>£'001</b>
Total Revenue Budget	6,601	6,110
Central Government Grant	(360)	0
Other Government Grants	(544)	(629)
Retained Business Rates	(1,440)	(1,298)
Council Tax Surplus	(28)	(10)
NNDR Surplus	(40)	0
New Homes Bonus	(408)	(264)
<b>Net Revenue Budget</b>	<b>3,781</b>	<b>3,909</b>
Transfers to/from Reserves	(150)	
Savings schemes	0	0
<b>Council Tax</b>	<b>(3,631)</b>	<b>(3,909)</b>
<b>Funding Gap</b>	<b>0</b>	<b>0</b>

5.3 The budget shows that the authority is able to produce a balanced budget for 2019/20.

5.4 There are a number of key assumptions that were made in drafting the Medium Term Financial Strategy, and these were:

- Council Tax increase of 3% at Band D;
- Council Tax base increase of 0.6% for 2019/20 and 1.5% for 2020/21 and 2021/22;
- Pay award of 2%
- Inflation - Contractual 3.6%, General 0%;
- Interest Rates - reflect the recent increase in Bank of England Base Rates;
- Staffing turnover factor of 5%;
- Formula funding as per settlement agreement - 2019/20;
- A 98.5% Council Tax Collection Rate; and
- Fees and charges as agreed at Policy, Finance and Development Committee in October 2018.

5.5 In the current climate, revenue growth budgets have been restricted and constrained to areas considered unavoidable, such as changes in legislation. The table below highlights the areas of significant growth (or increased costs) that have materialised since the last MTFS was set and updated in July 2018 (£30k and above).

<b>Description</b>	<b>£'000</b>
<b>Net Cost of Benefit (direct result of increased homelessness)</b>	80
<b>Payments for Homeless accommodation increased</b>	45

5.6 As reported in previous MTFS reports, the scale of funding cuts and the increased pressures on local authorities meant that significant financial savings are required. It should be recognised that significant work had been carried out by Officers to ensure that these pressure were mitigated as far as possible, however, further significant work still needs to be undertaken to ensure the Authority has a balanced budget given the continual financial uncertainty of Local Government Funding. Over those years, the focus has been on

protecting front-line services, and so this remains as a key driver.

- 5.7 The aim of the Authority is to provide improved levels of service, whilst reducing the costs and this is recognised in the savings already allocated to 2019/20 and assisting in achieving a balanced budget. The table below lists all of the significant savings the Council has in place, or increased levels of income, that affect the 2019/20 budget.

<b>Changes implemented during 2018/19</b>		
Efficiencies through Customer Services initiatives and improvements	Through various streamlining of work through Customer Services Centre (CSC), this has enabled cashable benefits to be realised now the services have bedded in.	£30,000
Clean and Green Service Review	Utilising efficient ways of working.	£85,000
Post Review	Reviewed posts that have been vacant for over 6 months.	£223,000
Facing the Future Programme (i)	Minor reorganisation.	£215,000
<b>New For 2019/20</b>		
Facing the Future Programme (ii)		Cost Neutral, although efficiencies are anticipated to generate savings.
Efficient Investments through active treasury management	Implementation of active treasury management.	Built into the MTFs as part of this paper. Savings total £30k.

## 6. Capital Budget

- 6.1 The 2019/20 Capital budget is summarised below. New schemes for 2019/20 include the provision of a 3G Pitch in Oadby (costing around £840,000), an extension to Coombe Park Pavilion (£170,000), a sports pitch improvement programme (£80,000) and the provision to award private sports grants, funded by s106 money (£150,000).

<b>Fund</b>	<b>2019/20</b>	<b>Est c/f from 2018/19</b>	<b>Total 2019/20</b>
	<b>£000's</b>	<b>£000's</b>	<b>£000's</b>
Housing Revenue Account	1,500	643	2,143
General Fund	2,116	761	2,876
<b>Total Programme</b>	<b>3,616</b>	<b>1,404</b>	<b>5,020</b>

New schemes for the year total £3.6m with approximately £1.4m carried forward from 2018/19. The carried forward schemes will include the completion of the Horsewell Lane Pavilion and Ervins Lock projects.

- 6.2 Funding for the programme is likely to be as follows:

<b>Funding</b>	<b>£000's</b>
Borrowing (General Fund)	1,425
Borrowing (HRA)	803
Grants and Contributions	876
S106 Funding	436
Usable Capital Receipts	140
Major Repairs Reserve	1,340
<b>Total</b>	<b>5,020</b>

6.3 The proportion of the financing of the Capital budget is 44%. The Council is currently developing a capital strategy which will be brought before Members in March.

## **7. Reserves**

7.1 The Local Government Act 2003 requires the Council's Section 151 Officer to report on the robustness and sustainability of the estimates included in the budget and the adequacy of the reserves for which the budget provides. The Council's policy is to carry out an annual review of all reserves as part of the budget-setting process. This review includes identifying the reserves purpose and advising the appropriate level for each reserve. This work is being undertaken and will be completed when the draft budget is put to Council in February 2019.

7.2 Additionally, the Section 151 Officer has reviewed the level of General Fund Balances. The Council has, historically, utilised reserves to balance the budget, with a significant depletion of reserves between 2014/15 and 2017/18 and this is a trend that can no longer be continued. The 2019/20 budget also does not utilise them. Given the current financial uncertainty, the Council needs to maintain and potentially increase its reserve base to mitigate against such uncertainty, build resilience and help fund future development.

7.3 It is the opinion of the Section 151 Officer that General Fund Reserves should:

- Not drop below 10% of net expenditure;
- Not be used to plug budget gaps; and
- Be used to mitigate against unforeseen risks.

7.4 Therefore, the Council's General Fund Balance should remain at £600k. Members will note that it is best practice to only use reserves in support of one-off revenue items and support capital expenditure. Reserves are not used to support ongoing revenue expenditure.

7.5 Officers are investigating options that would allow for debt provision to be reorganised and generate funds that would supplement our reserves table, giving added stability to the organisation. This work will be undertaken by the summer of 2019.

7.6 General Fund Reserves Summary Table

<b>1 April 2018</b>	<b>Type of Reserve</b>	<b>1 April 2019</b>	<b>1 April 2020</b>
<b>£000's</b>		<b>£000's</b>	<b>£000's</b>
615	General Fund Reserve	615	615
1,169	Other General Reserves	970	970
579	Earmarked Revenue Reserves	490	350

<b>2,363</b>	<b>Total Revenue Reserves</b>	<b>2,075</b>	<b>1,935</b>
1,218	Capital Reserves	703	925
1,550	Capital Grants Unapplied	1,086	525
<b>5,131</b>	<b>Total Usable Reserves</b>	<b>3,864</b>	<b>3,385</b>

## 8. 2020 and Beyond

- 8.1 As mentioned earlier in the report, Local Government is in the dark with respect to funding post the 19/20 financial year. Recent information regarding "Fairer Funding" indicated that OWBC could be better off proportionately in the 2020/21 financial settlement due to the removal of the deprivation factor from the funding formula blocks, which has traditionally reduced our funding requirement. Whilst this has yet to be confirmed, this could be viewed as positive financially. However, the key to this is that Local Government does not know the size of the funding pot, so even if the Council were to receive an increased share of the funding, this is likely to be from a smaller funding pot, meaning there is a likelihood that our funding would still be reduced, albeit on a much smaller scale than other Leicestershire authorities.
- 8.2 It would be remiss to issue a report that did not acknowledge that the Council would have funding pressures irrespective of the potential settlement. It is therefore prudent to outline the 2020/21 – 2021/22 budget at cost, utilising a "standstill" funding regime.
- 8.3 Utilising this methodology, and the general lack of direction given currently regarding funding, the authority based upon the following criteria would have a budget shortfall of circa £250k/£300k in 2020/21, and a further £300k in 2021/22.
- A 98.5% Council Tax Collection Rate
  - Council Tax increase of 3% at Band D;
  - Council Tax base increase 1.5% for 2020/21 and 2021/22;
  - Pay award of 2%;
  - Inflation - Contractual 3.6%, General 0%;
  - Interest Rates - reflect the recent increase in Bank of England Base Rates;
  - Staffing turnover factor of 5%;
- 8.4 This "standstill" model allows for us to identify further areas of work to address these issues, particularly surrounding income generation and this is an area that the authority will work on to ensure balanced budgets for both of these years.

## 9. Risk Assessment and Management

- 9.1 Oadby and Wigston Borough Council has a commitment to managing risk and its exposure to the various risks it faces. Key to the management of this risk is identifying operational risk when we are developing our service plans, as well as taking a holistic and strategic view when considering the risks at a corporate level. The Council has a strong record of financial management, but further improvements were recommended by both our Internal and External Auditors to continue in this manner, and to reduce the impact of financial risks to the Authority. Therefore, changes have been made to the budget setting process (including regular and detailed updates throughout the year) but also changes need to be made as to how we monitor and manage risks.
- 9.2 The more fundamental financial risks over the next two years have been highlighted below and have been ranked (Red/Amber/Green) according to their likelihood of occurrence and the potential scale of their impact. The first square indicates the risk rating in 2018; the second square indicates the current risk rating.

9.3 **Formula Central Government Funding** 2018 2019

As detailed earlier in the report, whilst we have relative certainty for 2019/20 in the provisional settlement, it still remains unclear as to exactly how funding will work from 2020/21 and beyond. The details surrounding the removal of deprivation from the funding block is positive news for the Council, there is no indication that this will show an increase in our "real" cash funding levels. Obviously, the factors that impact on the amount of monies available to local authorities depends on the Treasury's decision on how much Local Government is funded in total, and then how that funding is allocated to pressures and priorities such as Social Care.

9.4 **New Homes Bonus** 2018 2019

The continuing changes to the delivery of funding regarding the New Homes Bonus scheme can provide troublesome forecasting. However, due to the Authority's size and nature of its geography, the limited amount of development eases the ability to forecast. However, the inability to deliver significant numbers of new homes reduces our income generation ability with regards to this. As this report highlights, the authority received a lesser amount than last year, but also a lesser amount than our most likely scenario had planned for. Therefore the authority is taking a prudent approach to forecasting future NHB income. The future of NHB is also under threat as part of the Fairer Funding review. A number of local authorities mainstream a significant value into their budgets through NHB and if this were to disappear, then this would cause significant issues for those authorities. Whilst OWBC mainstreams the full amount of NHB into its budget, the amount is not one that would be deemed catastrophic if it were to disappear. It should be noted that indication from Central Government is that the "legacy" payment elements of NHB will continue, meaning there would be little impact upon OWBC.

9.5 **Business Rate Retention Scheme** 2018 2019

The Authority is exposed to an element of risk of reduced income levels if the amount of business rates contracts. There are also a number of other risks associated with this scheme. Firstly the ability to generate new income - as with NHB, the geography of the Borough means that the ability to generate new business rate income is limited, but work within economic regeneration and local plans is going some way to address this. Another significant risk relates to the factors that can impact on the amount of business rates collected. For example, mandatory relief that can be back dated. Business rates revaluation came into effect from April this year, and a centrally held reserve held by the LLEP is set aside to help mitigate any risks arising from this.

In addition to this element of the risk, the government has announced that they are looking to move to a 75% retention scheme by 2020/21 (as opposed to the 100% retention scheme initially indicated). However, there is still no detail as to how such a scheme would operate, but consensus across local authority treasurers is that District Councils would be no better off than in the current scheme.

9.6 **Income Generation** 2018 2019

The Authority currently has limited streams of income generation. Work is being carried out to identify ways of maximising our income streams - ranging from the potential for charging for discretionary services to generating new business streams to supplement income. Local authorities need to become more commercial in their thinking and operating as the creation of income will enable service protection and improvement. The authority has been successful with the implementation of its Garden Waste Scheme, and other areas of income generation should be investigated for implementation post April 2020.

9.7 **Homelessness** 2018 2019

The increase in the homeless population across the country has put an increasing pressure on local authorities and their resources given the changes in legislation over the previous years. The Authority is actively managing the issue, and is in receipt of minor government grants to assist with this. The authority has ring-fenced reserves specifically to support this issue, and allocated additional revenue funding to the 2018/19 budget to continue to support this area and manage this increasing pressure. The Council will also, as part of the "Facing the Future" programme of work, increase the capacity within the housing team to aid those who find themselves at risk or actually homeless.

This work is looking at purchasing appropriate properties and increasing service capacity within the borough to ensure families stay within the Borough, standards of living remain relatively good and savings are afforded to the authority.

9.8 **Brexit** 2018 2019

In the two years since Brexit was confirmed, the country has seen various changes. Whilst exports have increased sharply due to the devaluation of the pound, issues linked to the economy are still to be addressed. These issues range from the long term implications on pension funds to capital funding resources that were available from Europe as members of the European Union (EU).

We are now but weeks away from the 29 March and there is still no agreement in place to transition from being members of the European Union. The authority, like all local authorities, has assessed the risks the Council may face, and on a financial basis, the risk of a "No Deal" Brexit poses a moderate financial risk to our Borough, given we are unlikely to see major movement of businesses from the Borough, reducing the amount of monies collected through business rates.

9.9 **Interest Rate Movements** 2018 2019

Interest rates rose in 2018 due to the expected increase in inflation that is above the Bank of England's expectations. However, the inflation levels didn't reach their anticipated levels, and the latest inflation figures are close to the Bank of England's target. To that regard, the Authority takes a prudent approach when setting interest budgets.

9.10 **Universal Credit** 2018 2019

The Universal Credit programme went live in the Borough in June 2018. Since then, there have been delays to the transfer of existing claims from existing benefits to Universal Credit (managed migration). The revised timetable is for testing in small numbers to start in July 2019 (originally planned from January 2019) and then testing larger numbers from November 2020 (originally planned from late 2019/early 2020) with completion of managed migration by December 2024 (originally planned during 2023). There have been no details provided on how this will happen or exactly when it will happen yet, making it difficult for planning and preparation in the Borough (and all other Councils).

The Government has also highlighted possible changes to help claimants moving to Universal Credit, and these changes would be beneficial for claimants (and indirectly to Oadby and Wigston). Whilst the Council has both an active and a watching brief, the implications of a full UC rollout are unknown, and the Council is taking action to both mitigate the risks to the Council, but also to the service users who receive or are moving on to UC.



<b>Policy, Finance and Development Committee</b>	<b>Tuesday, 05 February 2019</b>	<b>Matter for Information</b>
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**Report Title:** **Financial Outturn Report (Q3 2018/19)**

**Report Author(s):** **Chris Raymakers (Head of Finance, Revenues and Benefits)**

<b>Purpose of Report:</b>	This report gives a summary of the overall Council position for the financial year 2018/19 after the third quarter.
<b>Report Summary:</b>	<p>This is the third budget monitoring report of this financial year and covers the period to 31 December. The Council has continued to meet significant challenges and funding pressures brought about by the impact of the government's austerity programme and has made significant progress during the financial year in transforming key services in order to deal with these pressures.</p> <p>In order to support and demonstrate the progress of transformation, the budget has been restated to reflect the key service departments. The forecast position for the year is for £360,000 to be made in savings and efficiencies from the original budget which will reduce the need to use reserves.</p>
<b>Recommendation(s):</b>	<b>That the contents of the report and appendix be noted.</b>
<b>Responsible Strategic Director, Head of Service and Officer Contact(s):</b>	<p>Stephen Hinds (Director of Finance &amp; Transformation) (0116) 257 2681 <a href="mailto:stephen.hinds@oadby-wigston.gov.uk">stephen.hinds@oadby-wigston.gov.uk</a></p> <p>Chris Raymakers (Head of Finance, Revenues and Benefits) (0116) 257 2891 <a href="mailto:chris.raymakers@oadby-wigston.gov.uk">chris.raymakers@oadby-wigston.gov.uk</a></p>
<b>Corporate Priorities:</b>	<p>An Inclusive and Engaged Borough (CP1) Effective Service Provision (CP2) Balanced Economic Development (CP3) Green &amp; Safe Places (CP4) Wellbeing for All (CP5)</p>
<b>Vision and Values:</b>	"A Strong Borough Together" (Vision)
<b>Report Implications:-</b>	
Legal:	There are no implications arising from this report.
Financial:	The implications are as set out in the report.
Corporate Risk Management:	<p>Decreasing Financial Resources (CR1) Reputation Damage (CR4) Economy/Regeneration (CR9)</p>
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable.

Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.
<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Deputy Monitoring Officer:	The report is satisfactory.
<b>Consultees:</b>	None.
<b>Background Papers:</b>	<a href="#">Report entitled 'Medium Term Financial Strategy 2018/19 and 2019/20' to Full Council, 22 February 2018</a> <a href="#">Report entitled 'Medium Term Financial Strategy Update' to the Policy Finance and Development Committee, 17 July 2018</a> <a href="#">Report entitled 'Medium Term Financial Strategy Update' to the Policy Finance and Development Committee, 5 February 2019</a>
<b>Appendices:</b>	<b>1.</b> Capital Programme (2018/19)

## 1. Introduction

- 1.1 In February 2018, the Council approved a General Fund Budget for 2018/19 of £6,399,000. This would leave a Balance of £615,000 in the General Fund Reserve which is slightly under the minimum level recommended in the Council's Medium Term Financial Strategy (MTFS) of 10% of the budget.

## 2. General Fund

- 2.1 A summary of the overall General Fund Budget is outlined in the table below. This includes Budgets from 2017/18 approved to be carried forward by this Committee on 17 July 2018.
- 2.2 As reported to Council, the set budget contained £232,500 of contingency items to be made in year 2018/19 and £202,000 of funding from the use of reserves. Throughout the year there has been considerable progress made in meeting these savings and reducing the amount needed from reserves. The garden waste scheme has been successful and the salaries budget continuing to provide savings through more efficient working. The salary savings, and overspends, that have accrued have now been pulled out of the vacancy provision and credited to the relevant services.

Service	Budget 2018/19	Actual 31 December	Revised Forecast 2018/19	Variance + / (-)
Finance Revenues and Benefits	1,168,500	804,261	1,114,900	(53,622)
People and Performance	358,200	318,956	419,600	61,400
Customer Services and Transformation	1,242,400	955,952	1,172,900	(69,500)
Planning, Regeneration and Development	1,322,500	612,985	1,337,500	15,000
Operations and Street Scene	1,650,200	874,091	1,403,600	(246,600)
Leisure and Well Being	192,400	109,600	120,700	(71,700)



Law and Governance	733,900	451,489	839,700	105,800
Senior Management Team	423,800	243,385	331,700	(92,100)
Recharges to HRA	(953,000)	(714,750)	(930,000)	23,000
Salaries Vacancy Provision	(158,000)	(27,000)	(27,000)	131,000
Contingency	(232,500)	0	0	232,500
Net Cost of Services	5,748,400	3,628,969	5,783,600	35,200
Capital Financing Charges	852,600	558,000	745,600	(107,000)
	6,601,000	4,186,969	6,529,200	(71,800)
Use of Earmarked Reserves	(202,000)	0	(72,100)	129,900
Use of HPDG Reserve	0	0	(58,100)	(58,100)
Net Expenditure	6,399,000	4,186,969	6,399,000	0

2.3 The third quarter of the financial year continues to predict a revised forecast position of £6,399,000: however, this is after the contingent savings have been met and a reduced allocation reserves needed. An explanation of the principal variations is given below.

### 3. Main Variances

#### 3.1 Operations and Street Scene (saving £246,000)

3.1.□1 The garden waste collection service is still attracting customers with a prospective income for 2018/19 service being around £375,000 against the original target for 2017/18 of £238,000. The Council has in fact reached its year two income target in the first year of the service.

3.1.□2 There has been considerable progression made in transforming the way in which these all depot-based services are delivered. The staffing of the Clean and Grounds Maintenance Service has been reviewed giving savings of £100,000.

#### 3.2 Senior Management Team (SMT) (saving £92,000)

3.2.□1 The Senior Management Team are still operating without a Director of Services which gives a saving for this year only of approximately £90,000.

#### 3.3 Finance, Revenues and Benefits (saving £54,000)

3.3.1 Debt collection with the Finance, Revenues and Benefits Sections has produced steady results again in 2018/19 and, as a result, it can be expected to save on provisions for bad debt relating to overpayment of housing benefit. The current bad debt provision relating to overpayments is £340,000 but with debt in this area not increasing at present, it is unlikely that the provision will need to be increased significantly.

#### 3.4 Leisure and Well Being (saving £72,000)

3.4.1 The Council has been successful in its appeal to have Oadby Pool taken off the valuation list and the building is now longer subject to Non-Domestic Rates. This applies to all years going forward. As the Leisure Centre contract progresses and is index linked to inflation the amounts coming back to the Council to repay the money borrowed have increased.

### 3.5 People and Performance (increase £61,000)

3.5.1 The Council's corporate training budget was underspent in 2017/18 and this amount has been carried forward to 2018/19 to meet the training requirements to be set out in the emerging People Strategy.

### 3.6 Law and Governance (increase £106,000)

3.5.2 This area has had considerable difficulties with staff absence during the financial year and as a result relied heavily on hired staff to cover for sickness. There has also been the need to set a budget for legal fees this year which previously were not funded in advance of need.

### 3.7 Customer Service and Transformation (saving £69,500)

3.7.1 Efficiencies have been in the establishment which have saved around £39,000. Also there are £40,000 savings on the ICT contract now that all the savings made on the new contract have started to come through.

## 4. Capital Programme

4.1 At the second quarter review, a capital program totalling £6.05 million was reported to committee consisting of £1.88 million for the Housing Revenue Account and £4.17 million with the General Fund Services.

4.2 The complete programme for 2018/19 split between General Fund and HRA is as follows:

Service	Approved Budget	Spend to date	Anticipated Outturn	Variance
	£	£	£	£
General Fund	4,170,400	2,301,721	2,892,464	(1,277,936)
HRA	1,882,000	570,525	1,111,618	(770,382)
Total	6,052,400	2,872,247	4,004,082	(2,048,318)

4.3 A breakdown of the capital programme with expenditure to 31 December at **Appendix 1**.

## 5. Housing Revenue Account (HRA)

5.1 The Council's Housing Revenue Account budget was set in February 2018 with the view of breaking even during the year. This meant that the minimum balance of £300,000 which the business plan dictates would continue to be kept.

*(Continued overleaf)*

	Original Budget 202018/19	c/f budgets from 2017/18	Increases/ Decreases in Budgets	Estimated Outturn 2018/19
	£	£	£	£
Net Costs of Services on the HRA	(625,600)	8,500		(617,100)
Capital Charges	573,500			573,500
Revenue Contributions to Capital	0		335,000	335,000
Appropriation to Earmarked HRA reserve	52,100	(8,500)		43,600
Increase in Year	0	0	335,000	335,000
Actual Balance b/f on Housing Revenue Account	(635,000)			(635,000)
Budgeted Deficit in Year	0	0	335,000	335,000
Balance c/f on Housing Revenue Account	(635,000)	0	335,000	(300,000)

- 5.2 However, the final outturn for the year showed an improved position leaving £635,000 in the HRA reserve. It is likely that this extra surplus can be utilised to save on borrowing to fund the carried forward capital projects from 2017/18. There are currently no further revisions to the HRA budget for 2018/19.

**OADBY AND WIGSTON BOROUGH COUNCIL CAPITAL PROGRAMME**

Project Code Reference	Scheme	2018-19 Revised Budget	Actuals to December-18	Anticipated Outturn 2018/19	Variance	Comments
<b>Housing Revenue Account</b>						
50003	Central Heating	100,000	55,445	100,000	0	Based on historic failure rates, should spend in full by year end.
50006	Front & Rear Doors	20,000	10,922	20,000	0	Expected to be spent in full by year end
50007	Car Hardstandings	20,000	900	21,000	1,000	Expected to be spent in full by year end
50009	Fire Safety Marriot House	200,000	118,506	200,000	0	Phase 1 complete. Phase 2 should be complete by year end
50016	Decent Homes Work	100,000	16,535	100,000	0	Expected to be spent in full by year end
50017	Major Adaptations	150,000	50,688	120,000	(30,000)	Seven further adaptations commissioned for 2018/19
50019	Fire Doors Chartwell House Walkways	35,000	0	17,500	(17,500)	Expected to be spent in full by year end
50021	Timber Window Replacement incl external entrance / fire doors Kings Drive Area	358,000	14,235	186,118	(171,882)	Phase 1 complete. Phase 2 will be complete for Aylestone Lane, Gibson Close, & Gladstone street by year end. Phase 2 for Kings Drive and William Peardon expected for Q1 19-20
50024	Heating, Ventilation and Insulation	45,000	555	45,000	0	Expected to be spent in full by year end
50030	Communal Heating System William Peardon Court	229,000	121,452	139,000	(90,000)	First phase completed. Remaining phase anticipated to complete April-May, due to the need to wait for better weather.
50033	Garage Block Churchill Close	30,000	16,309	33,000	3,000	Expected to be spent in full by year end
50045	Conversion to 2 Homes	100,000	103,280	120,000	20,000	On target to complete by end of January
50046	Kitchen Replacements Decent Homes, incl Bathrooms 2018/19	495,000	1,945	10,000	(485,000)	Work will be completed in Q1 2019/20
	<b>Total - HRA</b>	<b>1,882,000</b>	<b>570,525</b>	<b>1,111,618</b>	<b>(770,382)</b>	
<b>General Fund</b>						
52010	Disabled Access/Facility Improvements	14,200	12,476	12,500	(1,700)	Cost of replacing Willow Park access ramp - no further costs expected
52090	Belmont House Refurbishment	91,100	81,195	81,200	(9,900)	Work now complete
54010	Play Area Refurbishments	21,600	1,534	11,567	(10,033)	Allocated to next area on the schedule
54012	Cemeteries - Memorial Safety	11,700	1,880	2,250	(9,450)	Ad-hoc expenditure as identified
54017	Xmas Decorations	15,000	22,224	22,224	7,224	Now Complete
54025	Grand Union Canal Footbridge	135,000	5,547	5,547	(129,453)	On hold pending resolution of dispute between canal and waterways trust and local conservation area regarding bridge design
54037	Wigston Cemetery Wall	3,000	0	0	(3,000)	Project finished. No further expenditure

Project Code Reference	Scheme	2018-19 Revised Budget	Actuals to December-18	Anticipated Outturn 2018/19	Variance	Comments
54043	Replacement of children's play equipment (Florence Wragg)	35,000	45,906	45,906	10,906	Now complete. Funded by S106
54055	Brocks Hill Car Park Drainage	12,800	0	0	(12,800)	Scheme to be carried out in 2019/20
54061	Replacement of children's play equipment (Brocks Hill)	22,000	395	11,198	(10,803)	Options under investigation
54063	Incorporating ex Scout Hut Land into Oadby Cemetery	25,000	4,974	14,987	(10,013)	Planning application pending
54065	Brocks Hill Country Park Lighting Refurbishment	5,000	0	0	(5,000)	Older project - subsumed into larger Brocks Hill Refurbishment
54080	Horsewell Lane Pavilion	1,372,700	141,796	550,000	(822,700)	Completion now expected in July due to additional groundworks
54111	Garden Waste Green Bins	0	30,704	30,704	30,704	Purchased as new requests for service are received
54112	Purchase of 6 Refuse Vehicles	682,200	682,209	682,209	9	Now complete
54114	Car Park Resurfacing	76,200	19,645	47,923	(28,278)	Junction Road complete, Spring Lane and Sandhurst Street underway. Some carry forward likely.
54118	Refurbishment of Bus Shelters	12,000	10,350	11,175	(825)	9 shelters complete, rest to follow
54129	Sandhurst Street Car Park Boundary Wall Repairs	15,000	6,383	15,000	0	Works now underway, coinciding with resurfacing
54131	Parklands Leisure Centre, Car Park Improvement	205,900	205,885	205,893	(8)	Now complete
54132	Purchase of New Vehicles	66,100	16,080	16,080	(50,020)	Residual of new vehicle budget. No plans to spend.
54139	Brocks Hill Refurbishment Project	210,100	84,107	90,000	(120,100)	Planned work for 2018/19 now complete
54140	Road Sweepers 17/18	267,800	267,820	267,820	20	Now complete
54141	Refurbishment of Crow Mill Picnic Shelter	6,000	5,888	5,888	(112)	Now complete
54142	Dog Walk Shelter at Blaby Road Park	3,300	0	3,300	0	Expected to complete by year end
54144	Extension to Garden of Remembrance, Oadby Cemetery	5,600	5,280	5,280	(320)	Now complete
54145	Extension to Garden of Remembrance, Wigston Cemetery	14,000	0	7,000	(7,000)	Expected to complete by year end
54146	Grounds maintenance Equipment Rolling Programme	10,000	8,847	8,847	(1,153)	Now complete
54147	Recycling Wheelie Bins	500,000	498,622	499,311	(689)	Complete for this year.
54149	Uplands Road Park Adult Gym Equipment	20,000	0	20,000	0	Expected to complete by year end
54150	CCTV Cameras	29,000	26,530	29,000	0	Cameras have been purchased and are awaiting deployment
54151	Air Monitoring Equipment	0	0	13,402	13,402	Expected to complete imminently. Funded by S106 from ALDI/Wickes
54543	Brocks Hill Building Redevelopment	24,200	0	0	(24,200)	Now absorbed into larger Brocks Hill Refurbishment
56001	Council Office Refurbishment	65,600	9,317	9,500	(56,100)	All 2018/19 works now complete
56002	Cashless Project	7,000	3,905	3,905	(3,095)	
56004	GDPR Compliance Update	20,000	19,919	19,919	(81)	Project now complete
56010	IT Replacement Programme	44,500	17,164	30,832	(13,668)	On going replacement programme in operation. Some carry forward expected

Project Code Reference	Scheme	2018-19 Revised Budget	Actuals to December-18	Anticipated Outturn 2018/19	Variance	Comments
56014	Upgrade of Contact Centre Telephones	16,000	0	8,000	(8,000)	Upgrade of telephone system
56016	Home & Mobile Working	0	380	3,000	3,000	Ongoing programme to continue through year
56037	PARIS Upgrade	5,100	1,425	3,263	(1,838)	Some residual works may be required
56045	Citrix Upgrade	27,000	26,253	26,253	(747)	Now complete
56053	Public Realm	0	2,258	2,258	2,258	Residule upkeep of scheme
56055	Document Management System Software	28,400	9,391	18,895	(9,505)	Continue into next year to supplement IDOX expansion
56056	Server / Network Hardware Replacements	14,500	0	9,900	(4,600)	Now complete. Some costs revenue.
56063	Building Control Public Access Module	3,500	3,250	3,250	(250)	Now complete
56065	Replacement of Academy server	11,600	0	11,600	0	Expected to complete by year end
56066	Town Centre WiFi	0	11,800	10,000	10,000	Now Complete.
56067	Reception Re-configuration	8,200	8,179	8,179	(21)	Now complete
56068	Orchard Server Replacement	7,500	2,202	7,500	0	Expected to complete by year end
	<b>Total - General Fund</b>	<b>4,170,400</b>	<b>2,301,721</b>	<b>2,892,464</b>	<b>(1,277,936)</b>	
	<b>PLANNED EXPENDITURE GRAND TOTAL</b>	<b>6,052,400</b>	<b>2,872,247</b>	<b>4,004,082</b>	<b>(2,048,318)</b>	



<b>Policy, Finance and Development Committee</b>	<b>Tuesday, 05 February 2019</b>	<b>Matter for Information</b>
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**Report Title:** **Collection and Write-Off Council Debtors (Q3 2018/19)**

**Report Author(s):** **Chris Raymakers (Head of Finance, Revenues and Benefits)**

<b>Purpose of Report:</b>	The purpose of this report is to inform Members of the levels of outstanding debt owed to the Council at the end of the third quarter of 2018/19 and for Members to approve any write-off of uncollectable debts as per the Council's Financial Regulations.
<b>Report Summary:</b>	It has been a challenging third quarter for both Revenues and Rent Income collection with a number of staff being absent due to illness and a member of the team taking up a new position in the Council. As a result of this collection rates have fallen in some areas. These absences have now been largely resolved and collection will improve during the fourth quarter.
<b>Recommendation(s):</b>	<b>That the contents of the report be noted.</b>
<b>Responsible Strategic Director, Head of Service and Officer Contact(s):</b>	Stephen Hinds (Director of Finance & Transformation) (0116) 257 2681 <a href="mailto:stephen.hinds@oadby-wigston.gov.uk">stephen.hinds@oadby-wigston.gov.uk</a>  Chris Raymakers (Head of Finance, Revenues and Benefits) (0116) 257 2891 <a href="mailto:chris.raymakers@oadby-wigston.gov.uk">chris.raymakers@oadby-wigston.gov.uk</a>
<b>Corporate Priorities:</b>	Effective Service Provision (CP2) Wellbeing for All (CP5)
<b>Vision and Values:</b>	Accountability (V1) Teamwork (V3) Customer Focus (V5)
<b>Report Implications:-</b>	
Legal:	There are no implications arising from the report.
Financial:	The implications are as set out in the report.
Corporate Risk Management:	Decreasing Financial Resources (CR1) Reputation Damage (CR4) Increased Fraud (CR10)
Equalities and Equalities Assessment (EA):	There are no implications arising from the report. EA not applicable.
Human Rights:	There are no implications arising from the report.
Health and Safety:	There are no implications arising from the report.

<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Deputy Monitoring Officer:	The report is satisfactory.
<b>Consultees:</b>	None.
<b>Background Papers:</b>	None.
<b>Appendices:</b>	None.

## 1. Introduction

- 1.1 As part of the income collection function, the Council operates a comprehensive debt collection process which covers all service areas of the Authority.
- 1.2 The Council uses three principal methods for collecting these debts:
- (i) Direct contact with the debtor by letter or telephone;
  - (ii) Referring the debt to a collection agent; and
  - (iii) Legal action through the courts.

## 2. Council Tax and Non-Domestic (Business) Rates

- 2.1 Council Tax and Non-Domestic (Business) Rates (NDR) make up the largest debits within the income collection area. These income streams have a combined annual debit to collect of around £40 million.
- 2.2 At 31 December 2018, the arrears in this area were:

<b>Service</b>	<b>Council Tax</b>	<b>NDR</b>
Previous Years Arrears	<b>£</b>	<b>£</b>
Arrears at 30 September 2018	1,269,605	750,158
Arrears at 31 December 2018	1,171,300	733,000

- 2.3 Council Tax has seen a reduction in arrears of around 8% in the second quarter of the year. NDR arrears have also fallen during this quarter by around £17,000 (2%) which is a reversal of the last quarter's trend.
- 2.4 At the end of the third quarter 85.47% (target of 87.2%) of the Council Tax debit and 82.03% (target of 82.29%) of the Business Rates debit had been collected. Both taxes are slightly behind target for this stage of the year. This has been due to a combination of staff vacancies and sickness absence. However recruitment has been completed to a vacant post in the recovery section and a further Revenues and Benefits Officer has come in on a temporary basis to assist with bringing the workload up to date.

## 3. Overpayments of Housing Benefit

- 3.1 Recouping the overpayment of housing benefit has become an increasing problem for Council's across the country over the last few years. Oadby and Wigston have, since 2015, brought this under control. The majority of cases have been collected from ongoing benefit;



however, where the claimant is no longer receiving or is entitled to housing benefit, the debt is passed over to a debt collection team.

3.2 Historically, the Council has raised almost 12,500 overpayment invoices totalling over £3.8million of debt, successfully collecting £3.1million.

3.3 The total still outstanding is listed below by age:

	Days Overdue				
	£	£	£	£	£
	0-90	90-182	182-365	Over 365	Total
30 September 2018 (£)	60,201	26,041	78,362	482,917	<b>647,521</b>
31 December 2018 (£)	53,353	48,815	57,769	494,761	<b>654,697</b>

The total outstanding at the end of December has risen slightly, The collection team has suffered a period of long term sickness during this quarter as well as a member of the team taking up a new position in the rent collection team. The team is now back up to full strength which will enable the Council to keep this debt in check.

3.4 The Universal Credit (UC) system will have an impact on the recovery of these debts. As debtors migrate from Housing Benefit to UC the Council will no longer be able to collect overpayments from on-going benefit so alternative methods of collection will have to be used. This will put pressure on collection resources as more cases are dealt with directly with the debtor. This has not yet made a significant impact on collection however this is likely to change when full migration takes place in the future.

#### 4. Housing Rents

4.1 The Council runs a housing stock of approximately 1,200 dwellings with a total collectable debit of £4,780,000 of which £2,600,000 is paid for by Housing Benefit.

4.2 Rent arrears are split between current and former tenant. Arrears have risen since year end, however this would be expected because of the collection profile with the four non-collected (free weeks) toward the end of the year.

	Current Tenants	Former Tenants	Total
	£	£	£
Arrears at 30 September 2018	183,420	117,345	<b>300,765</b>
Arrears at 31 December 2018	198,030	122,685	<b>320,715</b>

4.3 From 13 June 2018, the Council moved to UC 'full service' which will see the gradual migration of working age tenants from Housing Benefit to the new UC system. It is anticipated that that this will put pressure on this particular collection area as tenants may no longer get their rent paid automatically. The Council has taken measures to face up to these increases and reviewed the structure of this team. A new member of staff was recruited in December and interim help has also been bought in until the end of March. The structure will remain under review during the remainder of the financial year at which time a decision will be made about the size of the team going forward.

#### 5. Miscellaneous Sundry Debts

5.1 The current position relating to collection of outstanding invoices is summarised below:

	<b>Days Overdue</b>					
	<u>£</u>	<u>£</u>	<u>£</u>	<u>£</u>	<u>£</u>	<u>£</u>
	0-90	91-180	181-365	366-730	731+	<b>Total</b>
30 September 2018	95,634	22,527	19,851	38,360	126,785	<b>303,247</b>
31 December 2018	42,425	54,486	25,350	39,774	127,659	<b>289,694</b>

5.2 During the third quarter of 2018/19, miscellaneous debt fell by £14,000. Of the total debt of £290,000, approximately £133,000 (109 accounts) is actively managed through instalments.

5.3 In this quarter:

- The Council has referred six cases to the collection agent;
- Write-offs totalling £2,042 were made under the financial regulations by the Director of Finance & Transformation / Section 151 Officer;
- Seven accounts have completed their arrangements to pay; and
- A Key Performance Indicator (KPI) of the Council is the proportion of debt over 90 days old as a percentage of the total estimated annual debit. At 30 September 2018, this percentage is 17.9% (the target for 2018/19 being under 15%).
- The figure is above the target at present; however this has been caused by the money due to be recovered in time relating to the Canal Street CPO project. Once a resolution to the payments of these debtors has been found the section is confident that the target of 15% will once again be hit.

## **6. Write-Off of Bad Debt**

6.1 There are no write-offs to be considered by Members at this Committee.



<b>Policy, Finance and Development Committee</b>	<b>Tuesday, 05 February 2019</b>	<b>Matter for Information and Decision</b>
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**Report Title:** **Third Sector and Community Support Funding Requests (Q3 2018/19)**

**Report Author(s):** **Chris Raymakers (Head of Finance, Revenues and Benefits)**

<b>Purpose of Report:</b>	The purpose of this report is to receive approval for grants requested and to give an update on expenditure in the voluntary sector.
<b>Report Summary:</b>	A number of requests from the Resident Forums require approval from this Committee.
<b>Recommendation(s):</b>	<b>A. That the contents of the report and appendix be noted; B. That the contracts for the advice service currently carried out by The Helping Hands Trust and Citizens Advice (Leicestershire) be extended for a further 12 months under the same arrangements as currently in operation.</b>
<b>Responsible Strategic Director, Head of Service and Officer Contact(s):</b>	Stephen Hinds (Director of Finance & Transformation) (0116) 257 2681 <a href="mailto:stephen.hinds@oadby-wigston.gov.uk">stephen.hinds@oadby-wigston.gov.uk</a>  Chris Raymakers (Head of Finance, Revenues and Benefits) (0116) 257 2891 <a href="mailto:chris.raymakers@oadby-wigston.gov.uk">chris.raymakers@oadby-wigston.gov.uk</a>
<b>Corporate Priorities:</b>	An Inclusive and Engaged Borough (CP1) Green & Safe Places (CP4) Wellbeing for All (CP5)
<b>Vision and Values:</b>	"A Strong Borough Together" (Vision) Customer Focus (V5)
<b>Report Implications:-</b>	
Legal:	There are no implications arising from this report.
Financial:	The implications are as set out in the report.
Corporate Risk Management:	Decreasing Financial Resources (CR1) Reputation Damage (CR4) Increased Fraud (CR10)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable.
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.

<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Deputy Monitoring Officer:	The report is satisfactory.
<b>Consultees:</b>	None.
<b>Background Papers:</b>	None.
<b>Appendices:</b>	<b>1.</b> Residents' Forums Expenditure (Q3 2018/19)

## **1. Introduction**

1.1 At Full Council on 05 December 2017, Members approved the setting up of a formal structure for dealing with 'Third Sector and Community Funding'.

1.2 This area includes the following funding streams to the community:

- Contractual Funding
- Core Support Funding
- Neighbourhood Residents Forums
- Borough Wide Community Initiatives
- Community and Youth Grant Schemes

1.3 The funds included under this umbrella are all discretionary funds except for the Health And Wellbeing funding which is a ring-fenced fund given by the Public Health Commissioner to the Council to deliver its objectives.

1.4 Approval and monitoring of this funding is shared between this Committee and the Community Engagement Forum. All requests should be underpinned by at least one of the Council's Priorities, which are;

- An Inclusive and Engaged Borough (IEB)
- Effective Service Provision (ESP)
- Balanced Economic Development (BED)
- Green and Safe Places (GSP)
- Wellbeing for All (WFA)

## **2. Residents' Forums**

2.1 The table below shows the actual spend at the end of December 2018 for schemes approved by the Forums. Once a scheme is complete, any underspend on that scheme is placed back into the spending pot for future allocation. Members are requested to note the current position.

*(Continued overleaf)*

<b>Forum</b>	<b>Forum Allocation</b>	<b>Budgets Allocated</b>	<b>Unused Balances for Reserves</b>	<b>Total Unallocated Reserves</b>	<b>Spend 31 December 2018</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
Wigston	259,200	220,566	10,517	49,151	200,291
South Wigston	129,600	118,370	8,068	19,298	100,302
Oadby	259,200	228,462	11,940	42,678	206,654
	<b>648,000</b>	<b>567,398</b>	<b>30,525</b>	<b>111,127</b>	<b>507,247</b>

2.2 The following Resident Forums met as follows in November:

- Wigston Residents Forum (14 November 2018)
- South Wigston Residents Forum (28 November 2018)

There are no grants or funding applications from these Forums to be approved at this Committee.

### **3. Contractual Funding**

3.1 The Council currently has a contract with both The Helping Hands Trust and The Citizens Advice (Leicestershire) to provide an advice service to residents. The current contracts end on 31 May 2019 and are budgeted at a total of £55,000.

3.2 Officers met both providers before Christmas to discuss the service provided and have since received applications for core funding which will allow each provider to continue offering this service to our residents for a further 12 months on a like for like basis.

#### **3.3 Helping Hands Trust**

3.3.1 The Trust offers a 'one-stop' bespoke, full and inclusive advice service which is easily accessed through sites across the Borough and through outreach. This service is available to all residents and is tailored to meet the needs of the most disadvantaged and who require personal face-to-face support. The service is accessible through personal visit, an interactive website and social media as well as telephone, email or letter.

3.3.2 The service is free of charge and this extends to all partner services. In 2017, the Trust saw 2,907 residents across all three surgeries, many with multiple issues, and dealt with benefit claims totalling £0.5m.

#### **3.4 Citizens Advice (Leicestershire)**

3.4.1 Citizens Advice provides advice and information services to residents of Oadby, Wigston and South Wigston, working closely with partner organisations such as the Helping Hands Trust, Social Services and the Council itself. The services are spread over the three town centres to provide an accessible service to residents. They are also accessible by telephone, letter, website and email.

3.4.2 Citizens Advice currently assist in excess of 250 clients per quarter and should through their planned expansion of channels exceed their target of 1,000 per year.

Again many of these clients will have multiple issues.

3.4.3 Officers are recommending the continuation of both the above contracts for a further 12 months in order for a detailed review of the requirements of the service and an appropriate procurement exercise to take place

#### **4. Core Support Funding**

4.1 The Council currently supports a number of community groups within the Borough. These currently include:

- Age UK (Oadby & Wigston);
- Oadby and Wigston Senior Citizens Group;
- SSAFA (The Armed Forces Charity); and
- Pride of the Borough.

4.2 The current budget for Core Support Funding is £24,300. All of the above agreements require review during 2019/10.

#### **5. Borough Wide Community and Grant Schemes**

5.1 There are no awards to report from the Community Engagement Forum.

<b>WIGSTON RESIDENT FORUM</b>	<b>Approved amount</b>	<b>Actual amount spent at 31/12/18</b>	<b>Completed projects - balance available for reallocation</b>	<b>Progress Report</b>
	<b>£</b>	<b>£</b>	<b>£</b>	
Original Allocation	230,000			
Allocation PFD committee 28 March 2017	29,200			
<b>Total allocated to Wigston Forum</b>	<b>259,200</b>	<b>259,200</b>		
<b>Schemes Complete at 1 April 2018</b>	<b>213,382</b>	<b>198,612</b>	<b>(10,446)</b>	
Refurbishment of Marrome Square (PFD July 16)	5,000	0		Work to commence after consultation with residents
Litter bin at Barford Close (PFD 1 May 18)	450	450	0	Scheme complete
Contribution to a defibrillator to be installed at Bell Street (PFD 1 May 18)	1,300	1,229	(71)	Waiting for defibrillator to be installed
Wigston Civic Society - Information Board and totem pole (PFD Sept 18)	284	0	0	Payment about to be made
Little Hill Residence Association - purchase of a strimmer (PFD Sept 18)	150	0	0	Payment aout to be made
<b>Schemes currently requiring completion</b>	<b>7,184</b>	<b>1,679</b>	<b>(71)</b>	
<b>Total committed</b>	<b>220,566</b>	<b>200,291</b>	<b>(10,517)</b>	
<b>Completed projects - unused balance available for reallocation</b>	<b>10,517</b>			
<b>Funds remaining</b>	<b>49,151</b>			

SOUTH WIGSTON RESIDENT FORUM	Approved amount	Actual amount spent at 31/12/18	Completed projects - balance available for reallocation	Progress Report
	£	£		
Original Allocation	115,000			
Allocation PFD committee 28 March 2017	14,600			
<b>Total allocated budget</b>	<b>129,600</b>	<b>129,600</b>		
<b>Schemes Complete at 1 April 2018</b>	<b>113,920</b>	<b>96,294</b>	<b>(7,626)</b>	
<b>Schemes currently requiring completion</b>				
Litterbins to be placed on Saffron Road (delegated auth)	450	568	118	Scheme complete
Bus Shelter nr Gloucester Crescent/Cornwell Road (PFD May 18)	4,000	3,440	(560)	Scheme complete
<b>Subtotal</b>	<b>4,450</b>	<b>4,008</b>	<b>(442)</b>	
<b>Total committed</b>	<b>118,370</b>	<b>100,302</b>	<b>(8,068)</b>	
<b>Completed projects - balance available for reallocation</b>	<b>8,068</b>			
<b>Funds remaining</b>	<b>19,298</b>			



<b>OADBY RESIDENT FORUM</b>	<b>Approved amount</b>	<b>Actual amount spent at 31/12/18</b>	<b>Completed projects - balance available for reallocation</b>	<b>Progress Report</b>
	<b>£</b>	<b>£</b>	<b>£</b>	
Original Allocation	230,000			
Allocation PFD committee 28 March 2017	29,200			
<b>Total allocated budget</b>	<b>259,200</b>	<b>259,200</b>		
<b>Spend at 1 April 2018</b>	<b>224,414</b>	<b>203,995</b>	<b>(11,911)</b>	
Refurbishment of bench on Florence Wragg Way (PFD 1 May 18)	600	600		Scheme complete
Oadby Response Group - Emergency Plan Leaflet (PFD 1 May 18)	1,575	1,575		Scheme complete
Sandhurst School Stones Setting (PFD 1 May)	1,000	0		Work underway on board and setting expected to be in place by March 2019
Grit Bin - Blackthorn Watch Community Group (PFD Sept 18)	500	140		Grit bin has been purchased and installation will be carried out by Leicestershire County Council
Oadby Remembers/Oadby Stakeholders art installation (PFD Sept 18)	373	344	(29)	Payment has been made
<b>Schemes currently requiring completion</b>	<b>4,048</b>	<b>2,659</b>	<b>(29)</b>	
<b>Total committed</b>	<b>228,462</b>	<b>206,654</b>	<b>(11,940)</b>	
<b>Completed projects - unused balance available for reallocation</b>	<b>11,940</b>			
<b>Funds Remaining</b>	<b>42,678</b>			

# Agenda Item 12



<b>Policy, Finance and Development Committee</b>	<b>Tuesday, 05 February 2019</b>	<b>Matter for Information</b>
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**Report Title:** **Anti-Social Behaviour Update: Progress, Issues & Outcomes (February 2019)**

**Report Author(s):** **Thomas Maccabe (Anti-Social Behaviour Officer)  
Mark Smith (Community Safety & Youth Officer)**

<b>Purpose of Report:</b>	To provide an update to Members on the anti-social behaviour (ASB) related work undertaken by the Council since the adoption of its new Anti-Social Behaviour Policy adopted in 2018.
<b>Report Summary:</b>	This report details the number of reports of ASB received by the Council in 2018, highlighting how the reports were documented, the issues addressed and the number of disposals issued to perpetrators of ASB by the Council. The report particularly highlights the work undertaken by the Council in addressing anti-social behaviour since the adoption of its new ASB Policy 2018.
<b>Recommendation(s):</b>	<b>That the contents of the report and appendices be noted.</b>
<b>Responsible Strategic Director, Head of Service and Officer Contact(s):</b>	David Gill (Head of Law & Governance / Monitoring Officer) (0116) 257 2626 <a href="mailto:david.gill@oadby-wigston.gov.uk">david.gill@oadby-wigston.gov.uk</a>  Thomas Maccabe (Anti-Social Behaviour Officer) (0116) 257 2611 <a href="mailto:thomas.maccabe@oadby-wigston.gov.uk">thomas.maccabe@oadby-wigston.gov.uk</a>  Mark Smith (Community Safety & Youth Officer) (0116) 257 2675 <a href="mailto:mark.smith@oadby-wigston.gov.uk">mark.smith@oadby-wigston.gov.uk</a>
<b>Corporate Priorities:</b>	Effective Service Provision (CP2) Green & Safe Places (CP4) Wellbeing for All (CP5)
<b>Vision and Values:</b>	"A Strong Borough Together" (Vision) Accountability (V1) Respect (V2) Teamwork (V3) Innovation (V4) Customer Focus (V5)
<b>Report Implications:-</b>	
Legal:	The report details how the Council is meeting its statutory obligations under the Anti-Social Behaviour, Crime and Policing Act 2014 and other related legislation as referred to within its ASB Policy.
Financial:	There are no implications arising from this report.

Corporate Risk Management:	Reputation Damage (CR4)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable.
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.
<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
<b>Consultees:</b>	None.
<b>Background Papers:</b>	None.
<b>Appendices:</b>	<ol style="list-style-type: none"> <li><b>1.</b> ASB and Recording Trends in Oadby &amp; Wigston (2017-2018)</li> <li><b>2.</b> Disposals Issued by OWBC (Since August 2018)</li> </ol>

## 1. Introduction

- 1.1 The Council adopted its new Anti-Social Behaviour (ASB) Policy on the recommendation of the Policy, Finance and Development Committee on 18 September 2018. At the same meeting it was requested by the Committee that following adoption of the Policy, the new arrangements should be kept under review and a report be brought back to it providing an update on the outcomes achieved and any issues identified.

## 2. Performance

- 2.1 The Council utilises a case management system (CMS) to log reports of, and the action taken by its Officers in relation to, anti-social behaviour in the Borough. This is a shared access system allowing for collaborative working and information sharing between the Council and Leicestershire Police. Every District and Borough Council in Leicestershire utilises the same CMS as part of their commitment to tackling ASB within their localities.
- 2.2 It is expected that Leicestershire Police will create the majority of records found within the CMS, and transfer ownership of them to the relevant lead agency where necessary, as the recipient of the majority of ASB reports made by the public. Reports logged by the Council are expected to be made mostly by Council tenants to the Housing Team, or by members of the public to Environmental Health Officers or the Council's Anti-Social Behaviour Officer where the harassment, alarm, or distress caused is not perceived to meet a criminal threshold.
- 2.3 In 2017, the Council logged **17** reports of ASB in the Borough on the CMS whilst Leicestershire Police logged **223** reports of ASB. The total number of reports of ASB in the Borough received by Leicestershire Police in this period was **855**.
- 2.4 The reason why not all of the **855** reports were logged on the CMS would be due to the report constituting a crime in which it will be logged on a different system, it was been reported for information only or the report did not constitute ASB. Reports were only logged on the CMS where investigations will be carried out. This however will be changing where

all reports of ASB will be logged on the CMS whether they are being investigated or not.

- 2.5 For the entirety of 2018, Leicestershire Police logged **303** reports of ASB on the CMS compared to the Council's **43** created logs. In the same period, Leicestershire Police received **543** reports of ASB in the Borough.
- 2.6 Of the **43** logs created on the CMS by the Council in 2018, a total of **27** of these were made between August and December, following the recruitment of a dedicated Anti-Social Behaviour Officer. Prior to this the Council had logged **16** cases on the CMS where input to it was made only by the Council's Housing and Environmental Health teams. This is an increase of **11** reports logged by the Council in the second half of the year whilst reports of ASB in the Borough made to Leicestershire Police were trending downward after the anticipated summer peak.
- 2.7 **Appendix 1** provides a visual demonstration of the above, including showing the liner trend lines for each dataset. Please note that at the time of writing, ASB figures for December 2018 have not been made available for inclusion.
- 2.8 The data highlighted above shows that whilst the total number of ASB incidents reported to Leicestershire Police in the Borough is decreasing, the number of reports logged on the CMS is increasing for both the Police and the Council. This is understood to be a result of better communication around ASB reporting routes, as well as the Council's recruitment of a dedicated Anti-Social Behaviour Officer, and subsequent adoption of a renewed ASB policy which clearly states how the Council will tackle and log incidents of ASB reported to it.
- 2.9 A set of minimum standards for addressing and documenting ASB is being developed in conjunction by the Council's Anti-Social Behaviour Officer and Community Safety and Youth Officer. The minimum standards build upon the timeframes and expectations outlined within the Council's ASB Policy, and are expected to be adhered to by all Council Officers with access to the CMS once adopted.

### **3. Types of ASB**

- 3.1 Types of ASB recorded by the Council on the CMS in 2018 include, verbal abuse, shouting and swearing, noisy neighbours, taking drugs, drunken behaviour, fighting, making threats, hooliganism, loud music, trespass, menacing gestures, pestering people, misuse of air guns, presence of drugs dealers, dropping litter, urinating in public, damage to buildings, noise from pubs/clubs, setting fires, inconvenient/illegal parking, games in restricted/inappropriate areas, and throwing missiles.
- 3.2 The main type of ASB reported to the Council in 2018 was verbal abuse where **9** incidents were logged, followed by individuals/groups shouting and swearing where **8** incidents were logged. Next on the list were reports of noisy neighbours and members of the public taking drugs where the Council documented a total of **6** incidents of each.
- 3.3 Although the Council documented more reports of ASB in 2018 than 2017, in 2017, the main type of reported ASB was still verbal abuse where **8** incidents are on the CMS. This was followed by groups or individuals making threats where **5** incidents are documented on the CMS. There was also a notable difference in reports for individuals taking drugs in 2017 where only **1** incident is documented, however minimum standards for how the Council record ASB on the CMS was not in place.

### **4. Disposals Issued**

- 4.1 These are a number of disposals which the Council can issue to alleged perpetrators. The types of disposals on offer are detailed within the ASB policy; however the following details

some of these. Following the incremental approach to ASB at the intervention stage (advice, verbal warning, advice letter, warning letter, and acceptable behaviour contract), referrals to supporting organisations (Supporting Leicestershire Families, Youth Offending Service, etc.), and mediation before enforcement action under the Anti-Social Behaviour, Crime and Policing Act, is then usually considered.

- 4.2 **Appendix 2** details what disposals have been issued to alleged perpetrators since August 2018 by the Council.
- 4.3 The most popular disposal used was written warnings where **5** were issued followed by **4** advice letters. This is likely due to the Council reacting quicker to reports of ASB and will always look towards intervention to firstly stop or deter the ASB, but also to evidence what action has been taken in case the reports escalate and enforcement is then required. This is evidenced by the **1** eviction for ASB with **2** cases currently subject to court action.
- 4.4 The figures for pre-August 2018 have not been included due to the Council's minimum standards for the use of Sentinel not being in place meaning that they would not show an accurate representation.
- 4.5 The type of ASB, the severity of it and whether the perpetrator has been given a disposal before all dictate what sanction or intervention the Council will then use to resolve the issues. The voice of the victim is also seriously taken into consideration however, the underlying decision lies with the Council.

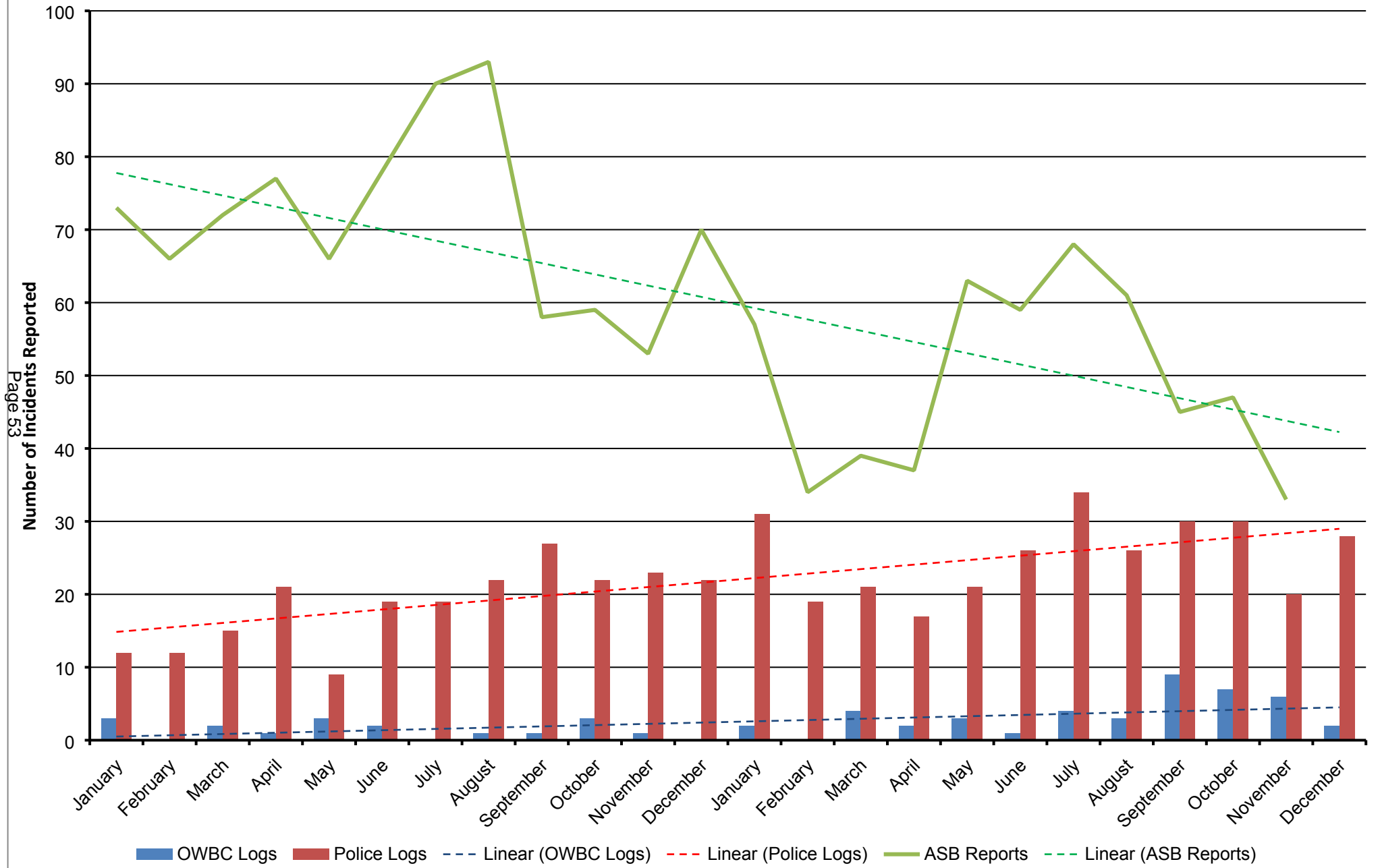
## **5. Case Study**

- 5.1 In January 2019, the Council was successful in being granted by Leicester Magistrates Court its first Closure Order under the Anti-Social, Crime and Policing Act 2014. A Closure Order has two potential outcomes. It can remove all persons from the premises or it can prohibit persons from entering the premise for a maximum of **3** months.
- 5.2 The Oadby and Wigston Council property that has been closed is on King Street in Oadby. The person residing there, their daughter and the daughter's mother have been granted access however, all other persons are prohibited from entering the address. If persons are found frequenting the address, it is a criminal offence.
- 5.3 This route of action was taken after residents living on King Street had been reporting complaints to the police and the Council since 2014. These reports included loud music coming from the property, using and dealing drugs from the property and a high quantity of cars parking obstructively on the road all causing a serious nuisance to residents.
- 5.4 The Council and police had attempted alternative solutions where the perpetrator had received advice and warnings initially before the police in 2016 found a quantity of cannabis on the individual which resulted in him being convicted of possessing drugs. In 2017, the police executed a warrant at the address where the same perpetrator was later found guilty (23 November 2018 at Leicester Crown Court) of possessing cannabis with intent to supply. Despite the positive and proactive work being completed by both the Council and the police, both still were receiving reports of drug activity and ASB at the address.
- 5.5 After a multi-agency meeting was held at the end of November 2018 with the local police beat team, it was decided that the Council would take the lead in applying for a Closure Order and the police would support this. Everybody involved believed that this would be the best course of action as it would prevent and deter drug users from using the address as they run the risk of being arrested.
- 5.6 The Council and Police started to gather evidence in December 2018. This included

speaking to and taking evidence of residents and using the police and Council systems which documented the perpetrators involvement in ASB and crime. This was all then presented in the form of statements.

- 5.7 After the initial court hearing was adjourned in December 2018, the magistrate granted the closure order in January 2019. As a result of this, a Notice of Seeking Possession was also served on the perpetrator by the Council in order to recover the property. The service of a closure order is a mandatory ground for possession under the Housing Act 1985, and subject to court availability it is anticipated that possession of this property will be recovered by the Council before the end of March 2019.

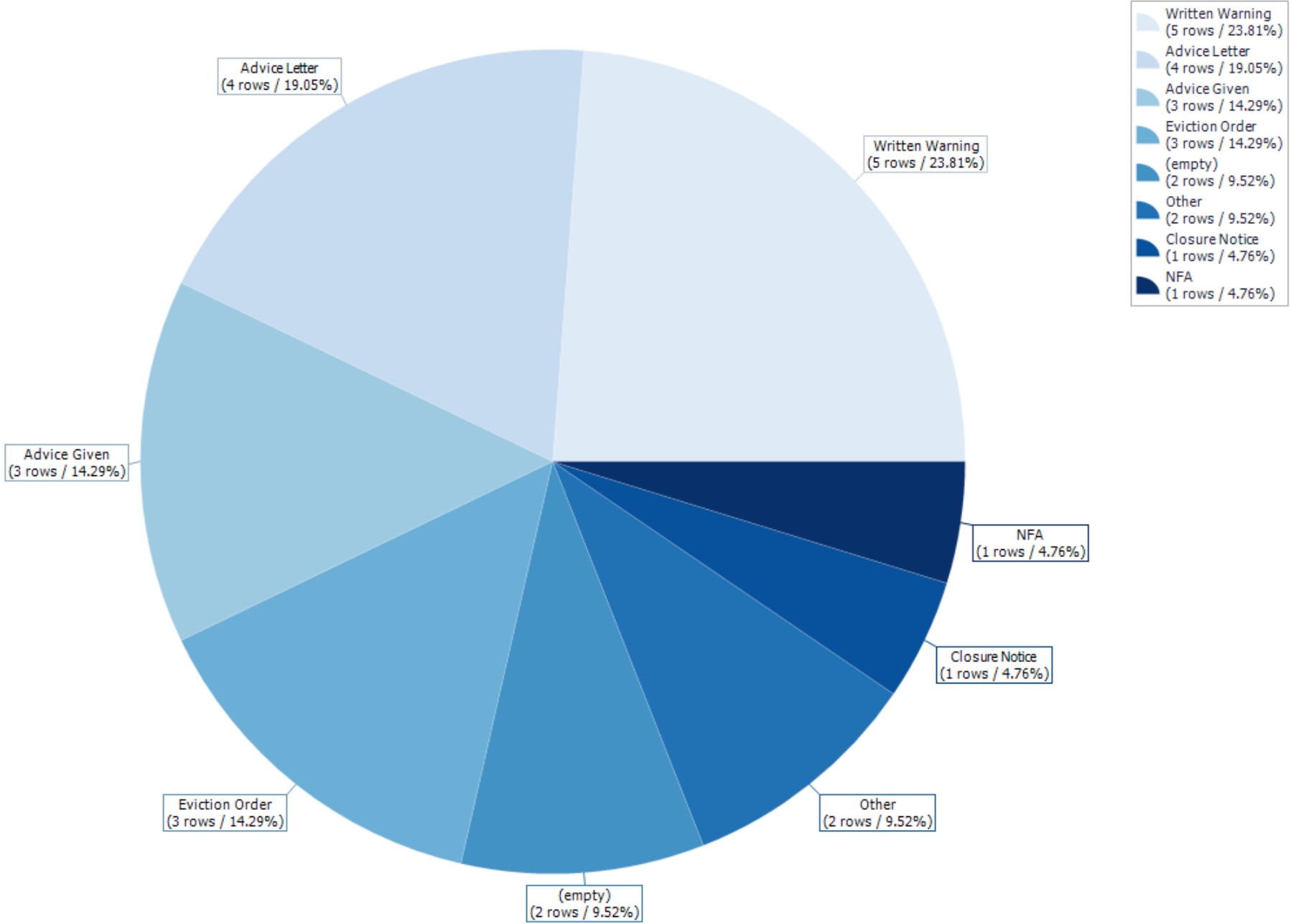
## ASB and Recording Trends in Oadby & Wigston (2017 - 2018)



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Appendix 1

### Disposals issued by OWBC







<b>Policy, Finance and Development Committee</b>	<b>Tuesday, 05 February 2019</b>	<b>Matter for Information and Decision</b>
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**Report Title:** **Business Rates Relief for Retail Properties 2019/20 and 2020/21**

**Report Author(s):** **David Coe (Revenues Team Leader)**

<b>Purpose of Report:</b>	To seek Members' approval to adopt a discretionary scheme to allow a one-third rates relief to retail businesses.
<b>Report Summary:</b>	This report sets out a proposed discretionary scheme to allow rates relief to business ratepayers.
<b>Recommendation(s):</b>	<b>A. That the discretionary scheme (as set out at paragraph 2 of the report) be approved and adopted; and B. That the criteria for deciding eligibility for this relief is delegated to the Revenues Team Leader with any appeal to Head of Finance Revenues and Benefits</b>
<b>Responsible Strategic Director, Head of Service and Officer Contact(s):</b>	<p>Stephen Hinds (Director of Finance &amp; Transformation) (0116) 257 2681 <a href="mailto:stephen.hinds@oadby-wigston.gov.uk">stephen.hinds@oadby-wigston.gov.uk</a></p> <p>Chris Raymakers (Head of Finance, Revenues and Benefits) (0116) 257 2891 <a href="mailto:chris.raymakers@oadby-wigston.gov.uk">chris.raymakers@oadby-wigston.gov.uk</a></p> <p>David Coe (Revenues Team Leader) (0116) 257 2634 <a href="mailto:david.coe@oadby-wigston.gov.uk">david.coe@oadby-wigston.gov.uk</a></p>
<b>Corporate Priorities:</b>	Effective Service Provision (CP2) Balanced Economic Development (CP3) Wellbeing for All (CP5)
<b>Vision and Values:</b>	Customer Focus (V5)
<b>Report Implications:-</b>	
Legal:	There are no implications arising from this report.
Financial:	The estimated cost of providing this relief for the 2019/20 year is approximately £325,000. However, this will be fully reimbursed by Central Government.
Corporate Risk Management:	Political Dynamics (CR3) Reputation Damage (CR4) Economy/Regeneration (CR9)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable.

Human Rights:	There are no implications arising from the report.
Health and Safety:	There are no implications arising from the report.
<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
<b>Consultees:</b>	Clear guidelines on operating this relief have been provided by Central Government. It is also fully funded by Central Government. Therefore consultation was not deemed to be necessary.
<b>Background Papers:</b>	<a href="#">MHCLG Business Rates Retail Discount Guidance</a>
<b>Appendices:</b>	<b>None.</b>

## 1. Introduction

- 1.1 At Autumn Budget 2018, the Government announced that eligible retailers with a rateable value below £51,000 will receive a one third discount on their business rates bills. This scheme will run in 2019/20 and 2020/21, and adopts the same definition of retail following the previous retail relief scheme in 2014/15 and 2015/16.
- 1.2 MHCLG published guidance on the operation of this scheme in December 2018. This can be found at: <https://www.gov.uk/government/publications/business-rates-retail-discount-guidance>.
- 1.3 As this is a measure for 2019-20 and 2020-21 only, the Government is not changing the legislation around the reliefs available to properties. Instead the Government will, in line with the eligibility criteria set out in their guidance, reimburse local authorities that use their discretionary relief powers, introduced by the Localism Act (under section 47 of the Local Government Finance Act 1988, as amended) to grant relief.
- 1.4 It is for individual local billing authorities to adopt a local scheme and determine in each individual case when, having regard to this guidance, to grant relief under section 47. Central government will fully reimburse local authorities for the local share of the discretionary relief (using a grant under section 31 of the Local Government Act 2003). The Government expects local government to apply and grant relief to qualifying ratepayers from the start of the 2019/20 billing cycle.

## 2. Proposed Scheme

- 2.1 It is recommended that the Council adopts a Local Scheme as follows, in accordance with the criteria set out in the Government's published guidance:
- 2.2 Properties that will benefit from the relief will be occupied hereditaments with a rateable value of less than £51,000, that are wholly or mainly being used as shops, restaurants, cafes and drinking establishments. These are defined as:
- 2.3 Hereditaments that are being used for the sale of goods to visiting members of the public:
- 2.4 Shops (such as: florists, bakers, butchers, grocers, greengrocers, jewellers, stationers, off

licences, chemists, newsagents, hardware stores, supermarkets, etc), Charity shops, Opticians, Post offices, Furnishing shops/ display rooms (such as: carpet shops, double glazing, garage doors), Car/ caravan show rooms, Second hand car lots, Markets, Petrol stations, Garden centres, Art galleries (where art is for sale/hire)

- 2.5 Hereditaments that are being used for the provision of the following services to visiting members of the public:
- 2.6 Hair and beauty services (such as: hair dressers, nail bars, beauty salons, tanning shops, etc), Travel agents, Ticket offices e.g. for theatre, Dry cleaners, Launderettes, PC/ TV/ domestic appliance repair, Funeral directors, Photo processing, Tool hire, Car hire
- 2.7 Hereditaments that are being used for the sale of food and/ or drink to visiting members of the public:
- 2.8 Restaurants, Takeaways, Sandwich shops, Coffee shops, Pubs, Bars
- 2.9 To qualify for the relief the hereditament should be wholly or mainly being used as a shop, restaurant, cafe or drinking establishment. In a similar way to other reliefs (such as charity relief), this is a test on use rather than occupation. Therefore, hereditaments which are occupied but not wholly or mainly used for the qualifying purpose will not qualify for the relief.
- 2.10 The list set out above is not intended to be exhaustive as it would be impossible to list the many and varied retail uses that exist. There will also be mixed uses. However, it is a guide as to the types of uses that Government considers for this purpose to be retail. The Council will determine whether particular properties not listed are broadly similar in nature to those above and, if so, consider them eligible for the relief. Conversely, properties that are not broadly similar in nature to those listed above should not be eligible for the relief.

### **3. Properties not Eligible for Relief**

- 3.1 The following list below sets out the types of uses that the Government does **NOT** consider to be retail use for the purpose of this relief. Again, this Council will determine whether particular properties are broadly similar in nature to those below and, if so, consider them not eligible for the relief.
- 3.2 Hereditaments that are being used for the provision of the following services to visiting members of the public:
- 3.3 Financial services (e.g. banks, building societies, cash points, bureaux de change, payday lenders, betting shops, pawn brokers), Other services (e.g. estate agents, letting agents, employment agencies, Medical services (e.g. vets, dentists, doctors, osteopaths, chiropractors), Professional services (e.g. solicitors, accountants, insurance agents/ financial advisers, tutors), Post office sorting offices
- 3.4 Hereditaments that are not reasonably accessible to visiting members of the public:
- 3.5 Generally speaking, the government also does not consider other assembly or leisure uses beyond those listed above to be retail uses for the purpose of the discount. For example, cinemas, theatres and museums are outside the scope of the scheme, as are nightclubs and music venues which are not similar in nature to the hereditaments described above. Hereditaments used for sport or physical recreation (e.g. gyms) are also outside the scope of the discount. Where there is doubt, the Council will exercise its discretion with reference to the above and to local knowledge.

#### **4. Properties affected**

- 4.1 It is currently estimated that 122 properties in Oadby and Wigston will benefit from this relief. The total amount of relief to be allowed for the 2019/20 year is estimated at approximately £325,000 and this will be fully reimbursed by Central Government.

#### **5. State Aid Provisions**

- 5.1 State Aid law is the means by which the European Union regulates state funded support to businesses. Providing discretionary relief to ratepayers is likely to amount to State Aid. However Retail Relief will be State Aid compliant where it is provided in accordance with the De Minimis Regulations (1407/2013)
- 5.2 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). The Council will seek to establish that the award of aid will not result in the undertaking having received more than €200,000 of De Minimis aid.
- 5.3 These rules will mean that many national and international retail chains will not be able to benefit from this relief as they will exceed the limit.
- 5.4 The UK is scheduled to leave the EU on 29 March 2019. If there is an Implementation Period, the State Aid rules will continue to apply as now and will be subject to control by the EU Commission as at present. If the UK leaves the EU without a negotiated Withdrawal Agreement, the Government has announced its intention to transpose EU State Aid rules into UK domestic legislation, with only technical modifications to correct deficiencies with the transposed EU law to ensure the regime operates effectively in a domestic context. Local authorities therefore need continue to apply State Aid rules, including De Minimis, to the relief for 2019/20 and 2020/21.



<b>Policy, Finance and Development Committee</b>	<b>Wednesday, 06 February 2019</b>	<b>Matter for Information and Decision</b>
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**Report Title:** **Proposed Food Safety Enforcement Policy (February 2019)**

**Report Author(s):** **Cheryll Stew (Environmental Health Officer)**

<b>Purpose of Report:</b>	To seek the approval of the Committee for approved and adoption of the proposed Food Safety Enforcement Policy.
<b>Report Summary:</b>	Local Authorities have a duty to regularly inspect premises that provide food to the public. The proposed Food Safety Enforcement Policy sets out the Council's approach to enforcement of food safety standards in those premises.
<b>Recommendation(s):</b>	<b>That the proposed Food Safety Enforcement Policy (as set out at Appendix 1) be approved and adopted.</b>
<b>Responsible Strategic Director, Head of Service and Officer Contact(s):</b>	<p>David Gill (Head of Law &amp; Governance / Monitoring Officer) (0116) 257 2626 <a href="mailto:david.gill@oadby-wigston.gov.uk">david.gill@oadby-wigston.gov.uk</a></p> <p>Tony Cawthorne (Environmental Health &amp; Licensing Team Leader) (0116) 2572670 <a href="mailto:tony.cawthorne@oadby-wigston.gov.uk">tony.cawthorne@oadby-wigston.gov.uk</a></p> <p>Cheryll Stew (Environmental Health Officer) (0116) 2572691 <a href="mailto:cheryll.stew@oadby-wigston.gov.uk">cheryll.stew@oadby-wigston.gov.uk</a></p>
<b>Corporate Priorities:</b>	<p>Effective Service Provision (CP2)</p> <p>Wellbeing for All (CP5)</p> <p>Balanced Economic Development (CP3)</p>
<b>Vision and Values:</b>	<p>Accountability (V1)</p> <p>Customer Focus (V5)</p>
<b>Report Implications:-</b>	
Legal:	The revised Food Safety Enforcement Policy complies with the Food Safety and Hygiene (England) Regulations 2013 and the revised Food Law Code of Practice (England) 2017.
Financial:	There are no implications arising from this report.
Corporate Risk Management:	<p>Reputation Damage (CR4)</p> <p>Failure to Respond to a Significant Incident (CR7)</p> <p>Regulatory Governance (CR6)</p>
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable.
Human Rights:	There are no implications arising from this report.

Health and Safety:	There are no implications directly arising from this report.
<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
<b>Consultees:</b>	None.
<b>Background Papers:</b>	<a href="#">Food Safety and Hygiene (England) Regulations 2013</a> <a href="#">The Food Law Code of Practice England 2017</a> <a href="#">The Food Law Code of Practice Guidance 2017</a>
<b>Appendices:</b>	<b>1.</b> Proposed Food Safety Enforcement Policy (February 2019)

## **1. Adoption of Proposed Food Safety Enforcement Policy**

- 1.1 The introduction of the Food Safety and Hygiene (England) Regulations 2013 and updates to the current Food Law Code of Practice have made it necessary for the Council's Food Safety Enforcement Policy to be updated.
- 1.2 A copy of the proposed draft Policy is attached at **Appendix 1**.



**Oadby & Wigston**  
BOROUGH COUNCIL

# **FOOD SAFETY ENFORCEMENT POLICY (FEBRUARY 2019)**

## **Version Control**

	Date	Circulated:	Notes
1.	22.11.18		Draft
2.			Committee
3.			Amended by Committee

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## **1.0 Introduction**

This policy sets out what businesses and others who are regulated by Oadby and Wigston Borough Council can expect from our enforcement service. It commits us to:

- Protecting the public, the environment and groups such as consumers and workers
- Equitable and consistent enforcement actions
- Allowing and encouraging economic progress in our borough
- Taking care to help businesses and others meet their legal obligations
- Reducing unnecessary burdens on businesses
- Responding proportionately to regulatory breaches, including those of criminal behaviour which would have a damaging effect on legitimate business
- Taking firm action, including prosecution where appropriate, against those who persistently flout the law or act irresponsibly

By delivering these commitments, we believe we shall help to maintain a fair and safe trading environment and to promote the local economy.

We recognise that most businesses want to comply with the law and it is our commitment to help and encourage them to do so.

### **1.1 The Council's Vision and Corporate Plan Priorities**

Our vision – We want to deliver a Stronger Borough Together

We want to create a positive image of the Borough which supports people, businesses and investment in the area, and improves confidence, pride and dignity so that everyone can enjoy a good quality of life in their neighbourhood.

Our values – The way we will work **Accountability, Respect, Teamwork, Innovation, Customer Focus**

**Three of Oadby and Wigston Borough Council's Corporate Priorities which relate to the food safety enforcement work undertaken by the Environmental Health and Licensing Teams are:**

Effective Service Provision

Well Being for All

Balanced Economic Environment

## 1.2 **Scope of the Policy**

The aim of this policy is to ensure that all enforcement action we take is proportionate, consistent, transparent, targeted and accountable.

In applying this policy we will –

- Enforce only within our areas of responsibility
- Work with employers, businesses and/or proprietors to achieve compliance with the law through education, the provision of advice and information and inspection
- Apply a risk based approach that is proportionate, targeted and flexible
- Adopt the principles of good enforcement (see Appendix A)
- Set clear guidance for officers to follow
- Provide adequate resources to enable the policy to be carried out

## **2.0 Regulatory Framework**

All enforcement activity will be undertaken with due regard to the provisions of the relevant legislation as may be amended by statute:

Food Safety Act 1999

Food Safety & Hygiene (England) Regulations 2013

Regulation (EC) No. 852/2004

Regulation (EC) No. 178/2002 as applied by the General Food Regulations 2004

## **3.0 Equalities Statement**

At Oadby and Wigston Borough Council we are committed to equality and diversity in everything we do and this policy will be administered in accordance with this.

The Council strives to provide the best possible services to the diverse communities of Oadby and Wigston Borough. We aim to be a community leader and an effective corporate body which recognises and responds to the different needs of our community - those who visit, live or work in our district. To meet those needs we aim to develop and maintain a safe and sustainable community for everyone.

Oadby and Wigston Borough Council uses the Equality Framework for Local Government as a tool; to ensure its continuous development in providing fair and equitable services and also meet its legal duty under the Equality Act 2010

The Corporate Equality and Inclusion policy states that the Council is committed to ensuring that individuals and groups representative of the 'Protected Characteristics' are not discriminated against and that there is equality of opportunity for all people taking into account their individual needs.

#### **4.0 The Enforcement Concordat - General Principles**

The Enforcement Concordat has been written and developed in accordance with the Cabinet Office, Enforcement Concordat (1998).

#### **4.1 The Enforcement Concordat**

The National Enforcement Concordat seeks to disseminate good practice and the principles of good enforcement. It is, therefore, incumbent upon any enforcing officer or agency to adopt these principles during all enforcement actions.

A summary of the provisions are as follows:-

#### **4.2 Standards**

In consultation with the three citizen's panels, community groups, partners and other interested parties, we will draw up clear standards setting out the level of service and performance that the public and businesses can expect to receive. We will publish these standards and our annual performance against our service plan.

#### **4.3 Openness**

We will provide accessible information and advice, in plain language, on the legislation that we enforce. We will be open about how we set about our work, consulting local residents, business, community groups, partners and other interested parties.

#### **4.4 Helpfulness**

We believe that education plays a big part in the work that we do; we will actively work with local schools, community groups and businesses to advise on, and assist with, compliance. We will provide a courteous and efficient service, and our staff will identify themselves by name. We will offer a contact point and telephone number to encourage further liaison. Requests for service, enquiries and complaints will be dealt with efficiently and promptly. We will strive to ensure that wherever practicable, our activities are effectively co-ordinated to avoid unnecessary overlaps and/or delays.

#### **4.5 Complaints about Service**

We will maintain our informal and formal complaints procedures, which are easily accessible to all service users, and which explain all rights of complaint and appeal, including the likely time-scales involved.

#### **4.6 Proportionality**

We will take into account the costs of compliance, by way of offering restorative justice, We will, as far as the law allows, work with businesses so that they can meet their legal obligations, without unnecessary expense. We will also gauge our activities to reflect the proportionality principles of the Corporate Enforcement Policy.

#### **4.7 Consistency**

We will carry out our duties in a fair, equitable and consistent manner. Whilst officers necessarily exercise judgement in individual cases, we will have arrangements in place to promote consistency, including liaison with other authorities and enforcement bodies.

#### **5.0 Who does the Policy apply to?**

This policy applies to any Authorised Food Officer of Oadby and Wigston Borough Council.

#### **6.0 Authorisation of Officers**

It is the policy of the Council that enforcement action under the Food Safety Act 1990, and associated legislation, should be initiated by suitably qualified, experienced and competent enforcement officers who have been duly appointed in accordance with the Food Standards Agency Codes of Practice and the Council's current Constitution.

The Council recognises varying levels of complexity and intricacy in food safety enforcement and may vary the powers conferred upon appointed officers, depending on their experience, qualifications and competency.

#### **7.0 Indemnification**

The Council will indemnify authorised officers against the whole of any damages and costs or expenses which may be involved, if it is satisfied that the officer honestly believed that the act complained of was within their powers and that their duty as an officer entitled them to do it.

Indemnification does not include any officer acting wilfully or illegally against instructions or legislation.

#### **8.0 Competence of Food Law Enforcement Officers**

The criteria used to assess the competence of these officers will be those detailed in Council policy documents and specific requirements demanded by any statutory Codes of Practice and any other considerations which are believed to be relevant in the case.

In this respect we shall pay particular attention to the Food Standards Agency Framework Agreement with local authorities and the current editions of the FSA Code of Practice. The assessment of competence will apply to all officers employed to undertake food safety enforcement in the borough, regardless of their employment status.

Where the competency of officers falls below the standards necessary to enforce the full range of food safety legislation, authorisation to act under the Food Safety Act 1990 will be in accordance with the level of competency.

## **9.0 Training**

In order to maintain, develop and improve the competency of its officers for food safety work, the council will support and resource the continuing professional development that is necessary to enable its officers to deliver this policy within the law and the guidance that applies.

It is the responsibility of individual officers to keep a record of their own training and professional development and this will form part of the authority's record of ongoing training.

## **10.0 THE REGULATORS CODE**

The Regulators Compliance Code came into force April 2014. This is a statutory code of practice for regulators which we must have regard to. It does not replace the Enforcement Concordat, which is a voluntary code, which applies to all areas of the council's work. The Regulators Code (referred to as 'the Code' in the remainder of this note) only applies to the enforcement of certain pieces of legislation, a large proportion of which is enforced by Environmental Health.

The Code is central to the Governments Better Regulation agenda. Its purpose is

*"To promote efficient and effective approaches to regulatory inspection and enforcement which improve regulatory outcomes without imposing unnecessary burdens on business, the Third sector and other regulated entities"*

The code stresses the need for regulators to adopt a positive and proactive approach towards ensuring compliance by:

- Helping and encouraging regulated entities to understand and meet regulatory requirements more easily
- Responding proportionally to breaches.

The main elements of the code are detailed below. The code does not apply directly to the work of individuals in individual cases. However we must take into account the provisions of the Code and give them due weight when developing policies, procedures or in setting standards and giving guidance. The enforcement policy may be amended as the provisions of the Code become more familiar.

### **Specific Obligations of the Code**

#### **Economic Progress**

- We must consider the impact regulatory interventions may have on economic progress. We should only adopt a particular approach if the benefits justify the costs

- We should make reasonable attempts to ensure that the burdens of our interventions fall fairly and proportionately on small regulated entities by giving consideration to their size.

## **Risk Assessment**

We should ensure that the allocation of our regulatory efforts and resources are targeted where they would be most effective.

Risk assessment must precede and inform all aspects of our approach to regulatory activity

Risk assessment should be based on all available relevant and good quality data and should include explicit consideration of the combined effect of

- The potential impact of non-compliance on regulatory outcomes and
- The likelihood of non-compliance

## **Advice and Guidance**

We must ensure all regulatory requirements as well as changes to those requirements are promptly communicated to relevant regulated entities

We should provide general information, advice and guidance to make it easier for regulated entities to understand and meet their regulatory obligations

We should provide targeted and practical advice that meets the needs of regulated entities

When offering compliance advice we should distinguish between statutory requirements and advice and guidance aimed at improvements above the minimum standards.

We should provide appropriate means to ensure that regulated entities can reasonably seek advice from us without triggering enforcement action

## **Inspection and Other Visits**

Inspections should only take place in line with risk assessment or where we are acting on other intelligence

We should focus our greatest inspection effort where risk assessment shows that both

- A compliance breach would pose a serious risk to a regulatory outcome and
- There is a high likelihood of non-compliance

We should give positive feedback to encourage and reinforce good practice. We should share information about good practice amongst other regulated entities and other regulators.

We should have arrangements with other regulators for collaboration to minimise the burdens on business through joint or co-ordinated inspections and data sharing.

## **Information Requirements**

When asking for data from regulated entities we should have consideration of the costs and the benefits to the business.

## **Compliance and Enforcement actions**

We should reward regulated entities that have consistently achieved good levels of compliance through positive incentives such as a lighter touch.

When considering taking enforcement action we should discuss the circumstances with those suspected of the breach and take these into consideration when deciding the best approach. This does not apply where immediate action is required.

We must give clear reasons for any formal enforcement action to the person or entity against whom the action is being taken at the time the action is taken. These reasons should be confirmed in writing.

We must ensure that we interpret and apply legal requirements and our enforcement policy consistently and fairly

## **Accountability**

We should create effective consultation and feedback with regulated entities.

We should provide courteous and efficient services to regulated entities.

### **11.0 Partnerships and Communication**

Oadby & Wigston Borough Council believes that its policy on food safety enforcement is most effectively delivered in partnership and communication with other organisations which have an interest in, and/or are affected by, food safety law.

Therefore, we will make arrangements for developing and maintaining effective and efficient communication channels and working links with the following:-

- Businesses.
- Other regulated entities
- Statutory bodies.
- Trade organisations/associations.
- Professional institutions.
- The Food Standards Agency
- Accredited laboratories serving Leicestershire local authorities
- Other local authorities in Leicestershire and the Midlands

### **11.1 Delivering our Partnerships and Communication Commitment**

To put our commitment into practice, we will:-



Provide businesses with clear and jargon-free information and advice on how to comply with current food safety legislation and standards. By doing this, we show how we put into practice the principles of transparency and openness.

Support the roles of the Food Standards Agency (FSA), and the Local Better Regulation Office (LBRO) to ensure that a co-ordinated and progressive approach to food safety takes place.

Support the Chartered Institute of Environmental Health, Leicestershire Food and Technical Sub-Committee and its role as a forum for:-

- Developing consistency of enforcement.
- Organising training initiatives.
- Providing a co-ordinated approach to health and safety issues in the county.

Support local and national initiatives aimed at securing food safety compliance, where we believe our resources input justifies the benefit to our business community and our residents.

Pay particular attention to raising food safety standards in small firms by identifying information from local and national initiatives, which will be of value to them and making sure they receive and understand it, and put it into practice.

Work to achieve consistent enforcement standards by working with:-

- The FSA.
- The Department for Business, Enterprise and Regulatory Reform (BERR).
- Local Better Regulation Office (LBRO)
- Any local authorities that are partnering a business in a Primary Authority Partnership (Regulatory Enforcement and Sanctions Act 2008)
- Any home or lead authorities designated under a recognised home or lead authority scheme.
- Local authorities in Leicestershire and the Midlands Region.

Keep all interested parties informed of information relating to our enforcement and regulatory work (except where this may prejudice the success of action we are considering)

### **11.2 Communication with Regulated Entities**

Where we request information from businesses or organisations that we regulate, we will consider the costs and benefits this information will bring to those bodies.

We will actively consider reducing costs to businesses and organisations by –

- Varying data requirements according to risk
- Limiting collection of data to specific regulated bodies, sectors or sub sectors.
- Reducing the frequency of data collection.
- Obtaining data from another source
- Allowing electronic submissions.
- Requesting only data that is justified by risk assessment.

We will pay particular attention to the impact our regulatory interventions have on small regulated bodies and to the ensuring that any regulatory burden is fair and proportionate, given their size and the nature of their activities.

### **11.3 Communication with Other Regulators**

The Council will coordinate its Food Safety Enforcement Activity with the work of other regulatory bodies and enforcement agencies, where this is appropriate to the effective delivery of this policy.

Where the Council requires information or holds information that another regulator has or needs, we will share this information on a reciprocal basis where the law permits.

We will create effective consultation and feedback opportunities to maintain co-operative relationships between those we regulate and other interested parties.

Where an enforcement activity affects a geographical area beyond that of Oadby and Wigston, or involves enforcement by one or more other local authorities or organisations, all relevant authorities and organisations will be informed of the activity as soon as possible and all enforcement activity co-ordinated with them

Oadby and Wigston Borough Council may pass to or share information relating to wider regulatory matters with other regulatory bodies and enforcement agencies. These may include:

- Government agencies (e.g. Food Standards Agency)
- Police authorities
- Fire authorities
- Public Health England
- Statutory undertakers, such as Severn Trent Water
- Other local authorities

In order to avoid duplication of collection, where we hold information from a regulated entity and this information is needed by another regulator, we will share the information we hold, where this is practicable, beneficial and cost effective. In return we expect this to be a reciprocal arrangement with other regulators.

With regard to application of The Data Protection Act 2018, we note the advice from the Information Commissioner on the avoidance of unnecessary restriction of data sharing.

Where appropriate and practical, we will collect data from regulated bodies in a way that is compatible with the processes they already use, and those of other regulators who collect similar data.

Where wider regulatory matters can be more effectively addressed through joint working, Oadby and Wigston Borough Council will consider entering into formal enforcement liaison policies, including Memoranda of Understanding, in appropriate cases.

Effective communication with regulated entities, other regulators and interested parties will be achieved by providing courteous and efficient services and taking account of feedback comments about the behaviour and activity of our enforcement officers.

## **11.4 Comparing with Others**

The Council is committed to comparing its services with those of others and in particular with better performing authorities.

To achieve this, we will take part in local and national benchmarking (including Inter-Authority auditing) where we believe the resources needed to do this will be reflected in the improvements we are able to secure as a result.

## **12.0 Use of Risk Assessment in Food Safety Enforcement**

The Council is committed to the use of comprehensive risk assessment in all its regulatory work, to ensure that resources are concentrated in areas that most need them.

We will ensure that enforcement officers are familiar with the following principle of risk assessment:

Risk assessment involves identifying and measuring the potential to cause harm and where that potential exists, evaluating the likelihood and extent of harm occurring.

We use this principal to assess the risks of our regulatory outcomes and to target our resources to where they will be most effective and where risk is highest.

The risk assessment process precedes and informs all aspects of our approaches to regulatory activity, including –

- Data collection and other information requirements.
- Inspection programmes.
- Advice and support programmes.
- Enforcement and sanctions.
- Accounting for the combined effect of the potential impact of non-compliance and the likelihood of non-compliance.

When we consider the likelihood of non-compliance we shall take account of –

- Past compliance records and potential future risks.
- The quality of systems for managing risks.
- Evidence of recognised external accreditation.
- Confidence in management and willingness to comply.

We shall consider ways of consulting and involving regulated bodies and other interested parties when designing our risk methodologies, and publish details of methodologies.

Our risk methodologies will be reviewed regularly and improved where evidence suggests improvement can be achieved. Reviews will take account of feedback from those we regulate, our regulatory partners, official guidance and any other source that can inform and improve the risk assessment process.

## **13.0 Determining Appropriate Enforcement Action**

In addition to the principles of good enforcement and the Regulators' Compliance Code, the following shall be considered in the determination of appropriate food safety enforcement action

- Current codes of practice issued under food legislation
- Industry guides for particular sectors of the food industry
- Advice issued by independent bodies such as Local Authorities Coordinators of Regulatory Services or Chartered Institute of Environmental Health
- Application within a food business of food safety management procedures based on Hazard Analysis of Critical Control Points principles (a requirement of European Union Regulation 852/2004), including any subsequent food safety management procedures designed to improve the management of food safety within the food industry.
- Any Principal Authority Partnership between the business and another local authority, made under The Regulatory Enforcement and Sanctions Act 2008 and administered by the Local Better Regulation Office
- Current guidance applying to any 'lead', 'home' or 'principal' authority schemes, partnerships or principals in place at the time

Guidance will be issued to enforcement officers to help achieve proportionate and consistent decision making and service delivery

The Council believes it should achieve and maintain a consistency of approach in the decisions it makes about food safety and food standards enforcement action.

This approach should be free from unfair or illegal discrimination.

Our approach includes working with other agencies where there is a shared or complimentary enforcement role.

#### **14.0 Enforcement Options**

The Council recognises the following enforcement options –

1. Informal Action
2. Issuing of Statutory Notices
  - a. Hygiene Improvement Notice
  - b. Hygiene Emergency Prohibition Notices
3. Issuing of Simple Cautions
4. Prosecution
5. Prohibiting of persons

The council also recognises the following as options to deal with particular circumstances –

6. Voluntary closure /Surrender
7. Forfeiture proceedings

8. Seizure and detention of food and records
9. Court injunctions
10. Refusal, suspension or withdrawal of licences or approvals
11. Remedial Action Notices

Where we consider that the Regulators Code is either irrelevant or outweighed by another relevant consideration, we may choose not to follow one or more of its provisions. However, such a departure will only be where it is properly reasoned and based on material evidence, and with approval of the Head of Law and Governance.

Where the business in question is part of a formal Primary Authority Partnership, any decision we take with regard to an enforcement option will be consistent with and in compliance with the legislation and good practice guidance governing and informing such a partnership.

Any decision we take with regard to an enforcement option will be consistent with recommendations of the Macrory Review

### **14.1 Informal Action**

The purpose of informal action is to help the food business proprietor to ensure the business complies with food safety law. Informal action may be taken at the discretion of an authorised officer.

Informal action may take the form of:

- advice, assistance or information
- education
- requests for action
- warnings

This action may be oral or in writing (either by letter, e mail or written report).

The provision of advice, assistance, information and education will be used to meet some of the specific requirements of the Regulators Code, notably

- stimulating economic progress
- placing greater emphasis on support and advice
- passing on relevant information to businesses by information packs rather than a visit for inspection.
- rewarding regulated entities that have consistently achieved good levels of compliance by lighter inspections and reduced reporting requirements, where justified by risk assessment.
- assisting in particular small and medium sized enterprises by explaining in simple terms the food safety requirements of their business.
- demonstrating accountability and transparency by encouraging feedback opportunities that will foster an active consultation by creating ongoing co-operative relationship with regulated entities and other interested parties.

Advisory services will normally be provided free of charge but we reserve the right to charge a reasonable fee for services beyond basic advice and guidance, where this is necessary to help ensure compliance.

In considering whether a fee might be appropriate, we shall take account of the needs and circumstances of smaller businesses and organisations that we regulate.

We will take informal action where one or more of the following apply –

- an act, omission or contravention is not serious enough to warrant formal action
- the consequences of non-compliance will not pose a significant risk to public health
- our previous history of the organisation, enterprise or individual suggests that informal action is likely to achieve compliance
- confidence in the individual/enterprise's management is high
- other significant circumstances apply, e.g. the business is associated with a voluntary organisation

#### 14.1.1 Reinspections under Food Hygiene Rating Scheme

The Council will undertake a rescoring of food hygiene premises that have not achieved the highest rating in line with the food safety Code of Practice. The Council will charge an appropriate amount to cover the costs of the inspectors time in line with the principle of the

A food business operator may request a food hygiene rating rescore. They must provide details of the improvements made to rectify the problems identified at their last inspection with, where possible, supporting information.

Once the payment has been made, the Council will review the form and will revisit the business within three months if they have made progress to deal with the problems.

Should insufficient progress to deal the problems have been made, the Council may not carry out the revisit. We will inform the Food Business and arrange for a refund. If the revisit goes ahead, we will give a new food hygiene rating based on the findings at the time.

Food businesses should be aware the rating could go up, down or remain the same.

The cost of a rescoring revisit is will be set annually. There is no limit on the number of revisit request that may be made on receipt of the application fee.

## **14.2 Statutory Notices**

### **14.2.1 Hygiene Improvement Notices (HIN)**

The purpose of a Hygiene Improvement Notice is to specify in writing matters that are needed to help the food business proprietor ensure compliance with food safety law, and to indicate a time within which such matters should be completed.

An Improvement Notice may be served at the discretion of an Authorised Officer.

Before serving a Hygiene Improvement Notice, guidance in the current Code of Practice will be checked and the notice served only if one or more of the criteria are met. A Hygiene

Improvement Notice will not be served where the circumstances meet the inappropriate criteria in the current Code of Practice

A Hygiene Improvement Notice will relate to the risk to health and safety and will not be issued for minor, technical contraventions unless we think an informal approach is unlikely to ensure compliance.

A Hygiene Improvement Notices will be signed only by an Authorised Officer who has witnessed the contravention.

Realistic time limits will be given for compliance with an Improvement Notice and where possible, these will be agreed as attainable and appropriate with the food business proprietor.

The Authorised Officer will discuss with the proprietor the works that will be specified in the Notice and will explain the options that are available.

Failure to comply with a Hygiene Improvement Notice will normally result in legal proceedings, in which case the section of this policy dealing with prosecutions will be consulted.

The requirements of the enforcement policy relating to officer's conduct and use of plain language will be met.

The specific requirements of any policies and procedures contained in the Food Safety Documents Library will be met, where they apply to serving improvement notices.

The specific requirements of the relevant Codes of Practice and Guidance on the use of statutory notices will be met.

The Authorised Officer will discuss with the proprietor the works that will be specified in the Notice and will consider fully and then explain the options which are available.

The Authorised Officer will have regard to the most appropriate language to be used for an Improvement Notice and will seek to meet this need where it can be done without unduly prolonging any risk to public health.

We will notify other bodies of any formal action we take, or intend to take, where we believe it is appropriate to do so. Such bodies may include 'home' authorities, or similar, Food Standards Agency and other appropriate government offices. Where appropriate, notification will include the outcome of any action.

#### **14.2.2 Hygiene Emergency Prohibition Notices**

The purpose of serving a Hygiene Prohibition Notice is to address without delay a situation of imminent risk of injury to health.

A Hygiene Emergency Prohibition Notice may be served at the discretion of an Authorised Officer, with the agreement of the Environmental Health Team Leader or the Head of Law and Governance.

We will consider serving a Hygiene Prohibition Notice only where the following circumstances apply –

- Immediate and decisive action is needed to protect public health.
- An imminent risk of injury to health can be demonstrated
- The guidance criteria specified in the current code of practice are fulfilled
- There is no confidence in the integrity of an unprompted offer made by a proprietor to voluntarily close the premises or cease the use of any equipment, process or treatment associated with the imminent risks. In cases where such offers are accepted, we will confirm the agreed criteria in writing as soon as is practicable after the visit resulting in the closure

A Hygiene Emergency Prohibition Notice will be signed only by authorised, competent officers holding appropriate qualifications and with relevant experience, and who have witnessed the matters to which the Notice relates.

The requirements of the council's general enforcement policy relating to officer's conduct and use of plain language will be met.

The specific requirements of any policies and procedures contained in the Food Safety Enforcement Documents Library will be met, where they apply to prohibition notices.

The specific requirements of relevant and current Codes of Practice and Guidance on the use of statutory notices will be met.

We will notify other bodies of any formal action we taken, or intend to take, where we believe it is appropriate to do so. Such bodies may include 'Home' authorities and the appropriate government offices. Where appropriate, notification will include the outcome of any action.

### **14.3 Simple Caution**

The purpose of a Simple Caution is to offer an alternative to prosecution that will –

- deal quickly and simply with less serious offences
- divert such cases from unnecessary appearances in the criminal court
- reduce the chances of re-offending

The Council recognises that issuing a simple caution is legislative action in its own right and will not be used as an easy option to prosecution, but as a genuine option to achieve the above aims.

This policy authorises the following Senior Managers to issue simple cautions –

The Head of Law and Governance

We will consider issuing a Simple Caution when the circumstances of the offence meet the criteria identified in the Home Office circular 30 / 2005, or any circular that replaces it, and in accordance with current LBRO guidance.

We will ensure to our reasonable satisfaction that all the following conditions are met before a Simple Caution is administered –



- there is sufficient evidence of the alleged offender's guilt to give a realistic prospect of prosecution
- the alleged offender admits the offence
- the alleged offender understands the significance of a Simple Caution
- the alleged offender gives formal consent to being cautioned

We will not consider a Simple Caution where we feel there is insufficient evidence to consider a prosecution.

The requirements of the council's general enforcement policy relating to officer's conduct and use of plain language will be met.

The specific requirements of the policies and procedures contained in the Food Safety Enforcement Documents Library will be met, where they apply to Simple Cautions.

The specific requirements of guidance issued by the Home Office on the administering of Simple Cautions will be followed.

As there is no legal obligation for a person to accept a Simple Caution, when explaining their significance to a business proprietor, no officer shall apply pressure to that person to accept one.

However, where the offer of a Simple Caution is refused, a prosecution will normally be pursued.

## **14.4 Prosecution**

### **14.4.1 Purpose**

The purpose of prosecution is to deal with people or companies who blatantly disregard the law, refuse to achieve even the basic minimum legal requirements and who put the public at serious risk or persistently and deliberately continue to contravene safety law.

Authorised Officers who believe the contraventions they are investigating are sufficient to warrant a prosecution will refer the details to Environmental Health Team Leader for a decision on whether to proceed with prosecution action.

Where an officer of the Council who is authorised to conduct legal proceedings has not been involved in the decision to prosecute, details will be referred to such an officer at the earliest possible opportunity.

Any decision to prosecute under this policy will be based on the circumstances of the case and with reference to our Enforcement Policy.

Criteria for prosecution will be related to risk(s) to public health and/or the seriousness of an offence.

- A breach of legislation will not automatically result in our instigating legal proceedings. However, a breach may warrant prosecution if one or more of the following apply to the alleged offence
- There is a flagrant breach of the law, such that public health is, or has been, and/or law-breakers gain substantial economic advantages and the law-abiding are placed at relative disadvantage.
- There is a history of similar offences related to risk to the public or food safety offences and the owner has been unable or unwilling to deal with them adequately or thoroughly.
- A particular offence has caused serious public concern.
- It involves a failure to correct a serious potential risk to food safety after a reasonable opportunity to correct the matter
- The offender fails to comply in full or in part with the requirements of one or more statutory notices, unless exceptional circumstances exist.
- A simple caution has previously been issued for a similar offence.

#### **14.4.2 Notification of Legal Proceedings**

- We will inform any authority acting as Home or Primary Authority, or similar, at that time of prosecutions taken and their outcome, and this will be done in accordance with LBRO guidance.
- We will also inform any government office or other body in a position to disseminate information that will be useful to other authorities, where this is good practice to do so.
- Where the prosecution occurs as a result of an investigation begun by a complaint made by a third party, we will always advise the complainant of the outcome of the case.

#### **14.4.3 Factors to be considered**

Before deciding to prosecute, the following factors will be considered:-

- The seriousness of the alleged offence
- The previous history of the party concerned
- The likelihood of the defendant being able to establish a due diligence defence.
- The ability of any important witnesses and their willingness to co-operate
- The willingness of the party to prevent a recurrence of the problem
- The probable public benefit of a prosecution and the importance of the case e.g. whether it might establish a legal precedent

- Whether other action, such as the issue of a formal caution or notice would be more appropriate or effective.
- Any explanation offered by the alleged defendant.
- The advice contained in the current edition of the Code for Crown Prosecutions.

#### **14.4.4 The Evidential Test**

The investigating officer(s) together with the Environmental Health Team Leader will satisfy themselves that there is enough evidence to provide a 'realistic prospect of conviction' against each defendant on each charge. A realistic prospect of conviction is an objective test that means that a jury or bench of magistrates, properly directed in accordance with the law, is more likely than not to convict the defendant of the charge alleged. This is a separate test from the one that the criminal courts themselves must apply. A jury or magistrates' court should only convict if satisfied so that it is sure of a defendant's guilt.

When deciding whether there is enough evidence to prosecute the investigating officer(s) together with the Environmental Health Team Leader will also consider whether the evidence can be used and is reliable.

#### **14.4.5 The Public Interest Test**

The public interest will be considered in each case where there is enough evidence to provide a realistic prospect of conviction. A prosecution will usually take place unless there are public interest factors tending against prosecution which clearly outweigh those tending in favour. Although there may be public interest factors against prosecution in a particular case, often the prosecution should go ahead and those factors put to the court for consideration when sentence is being passed

The investigating officer(s) together with the Environmental Health Team Leader will balance factors for and against prosecution carefully and fairly. Public interest factors that can affect the decision to prosecute usually depend on the seriousness of the offence or the circumstances of the suspect. Some factors may increase the need to prosecute but others may suggest that another course of action would be better. The following lists include some common public interest factors, both for and against prosecution. These are not exhaustive and the factors that apply will depend on the facts in each case.

#### **Some common public interest factors in favour of prosecution**

- a conviction is likely to result in a significant sentence;
- the evidence shows that the defendant was a ringleader or an organiser of the offence;
- there is evidence that the offence was premeditated
- the victim of the offence was vulnerable has been put in considerable fear, or suffered personal damage or disturbance;
- the offence was motivated by any form of discrimination against the victim's ethnic or national origin, sex, religious beliefs, political views or sexual orientation, or the suspect demonstrated hostility towards the victim based on any of those characteristics;

- there is a marked difference between the actual or mental ages of the defendant and the victim, or if there is any element of corruption.
- The defendant's previous convictions or cautions are relevant to the present offence.
- There are grounds for believing that the offence is likely to be continued or repeated, for example, by a history of recurring conduct.

### **Some common public interest factors against prosecution**

- the court is likely to impose a nominal penalty
- the defendant has already been made the subject of a sentence and any further conviction would be unlikely to result in the imposition of an additional sentence or order, unless the nature of the particular offence requires a prosecution.
- the offence was committed as a result of a genuine mistake or misunderstanding (these factors must be balanced against the seriousness of the offence);
- the loss or harm can be described as minor and was the result of a single incident, particularly if it was caused by a misjudgement.
- there has been a long delay between the offence taking place and the date of the trial, unless;
  - the offence is serious
  - the delay has been caused in part by the defendant;
  - the offence has only recently come to light; or
  - the complexity of the offence has meant that there has been a long investigation
- a prosecution is likely to have a bad effect on the victim's physical or mental health, always bearing in mind the seriousness of the offence;
- The defendant is elderly or is, or was at the time of the offence, suffering from significant mental or physical ill health, unless the offence is serious or there is a real possibility that it may be repeated.

Deciding on the public interest is not simply a matter of adding up the number of factors on each side. The Investigating Officer(s), Environmental Health Team Leader, and the Head of Law and Governance, will decide how important each factor is in the circumstances of each case and go on to make an overall assessment.

### **14.5 Prohibiting a Person from Managing a Food Business**

- (a) The purpose of prohibiting a person from managing a food business is to prevent the repeat of an offence(s) that involves risk of injury to health.
- (b) Where the proprietor of a food business is convicted of an offence under regulations relating to the Food Safety act 1990, the Local authority may apply to the Court for an order prohibiting the proprietor participating in the management of any food business.

Prohibition of persons will only be considered in serious cases, where there is a past history of non-compliance and the offence involves risk of injury to health.

Any decision to instigate prohibition action under this heading will be taken by the Head of Law and Governance in discussion with the Authorised Officer.

## **15.0 Other Enforcement Options**

### 15.1 Seizure and Detention of Food and Records

The Food Safety Act 1990 provides for authorised officers to seize and detain food and seize and detain records. Receipts for all items will be given to any person from whom food and/or records are seized.

### 15.2 Enforcement Options in Approved Establishments

In all cases the Authorised Officer must consider the use of general enforcement powers first. When these will not secure an improvement the following powers are considered.

Regulation 9 of the Food Hygiene (England) Regulations 2006 provide for the service of a **Remedial Action Notice (RAN)** where one of the following circumstances exist:-

- The failure of any equipment or part of an establishment to comply with the requirements of the "Hygiene Regulations".
- The need to impose conditions upon or the prohibition of the carrying on of a process that breaches the requirements of the Regulations OR hampering adequate health inspection in accordance with the regulations.
- Where the rate of operation of the business is detrimental to its ability to comply with the regulations.

A RAN notice should be served where immediate action is required to ensure Food Safety. The notice will be served by hand within 24 hours and will specify what action must be taken

The Officer will satisfy themselves that the Remedial Action Notice is being complied with and when the public health risk has subsided, the Authorised Officer will withdraw the said notice.

In addition, regulation 9 allows food, at approved premises, to be detained for examination purposes (**Detention Notice**) where it has been necessary to serve a Remedial Action Notice. Where food is found to be unfit for human consumption, the food will be seized and presented to a Justice of the Peace for condemnation.

Where circumstances exist in accordance with Article 13 (2) (E) of Regulation 882/2004 the officer may use **Suspension** of the approval (or conditional Approval).

Where the FBO cannot satisfy the Food Authority (FA) that deficiencies will be rectified and maintained, the FA may **withdraw** the Approval

The Authorised Officer will notify the FBO in writing of any suspension or withdrawal making it clear that activities requiring approval must not be undertaken. This will be done within 3 working days of discovering the failings.

Where the approval is withdrawn (or refused) the rights of appeal will also be communicated.

The Authorised Officer will notify the FSA of suspensions and withdrawals within 10 working days.

For further guidance on enforcement options, the Food Safety Inspection Procedure (Ref FS 10.1) should be consulted.

### **16.0 The Primary Authority Partnership**

Oadby and Wigston Borough Council recognises the status of the Primary Authority Partnership scheme, made under the Regulatory Enforcement and Sanctions Act 2008, administered by the Local Better Regulation Office and which came into force on 6<sup>th</sup> April 2009.

When an enforcement action is being considered against a business that has a properly made Primary Authority Partnership with another local authority for the area of business in question, due regard will be had to the current guidance contained in the 'Primary Authority Guidance', published by LBRO.

In order to keep up to date with the development and status of the Primary Authority Partnerships, officers enforcing food safety legislation will have access to the password protected pages of the LBRO website.