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18th October 2016

Dear Sir/Madam

EMPLOYMENT COMMITTEE

A meeting of the Employment Committee has been arranged to take place **WEDNESDAY 26th OCTOBER 2016 at 6.00 PM IN THE COMMITTEE ROOM** District Council House, Lichfield to consider the following business.

Access to the Committee Room is via the Members' Entrance.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Neil Turner', written in a cursive style.

Neil Turner BSc (Hons) MSc
Director of Transformation & Resources

To: Members of Employment Committee

Councillors Powell (Chairman), Miss Hassall (Vice-Chairman), Mrs Banevicius, Mrs Constable, Cox, Mrs Eagland, Humphreys, Smedley, Mrs Stanhope MBE, Strachan and Yeates.



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AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. To approve as a correct record the Meeting held on 24th May 2016 (copy attached)
4. Driving at Work Policy (copy attached)
5. Annual Health & Safety Report (copy attached)
6. Revised Pay Policy Statement including Pay Policy Statement (copy attached)

7. **EXCLUSION OF PUBLIC AND PRESS**

RESOLVED: That as publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted, the public and press be excluded from the meeting for the following item of business, which would involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended.

EXEMPT ITEMS NOT ISSUED TO PUBLIC AND PRESS

8. Fit for the Future Redundancy Report (copy attached)



EMPLOYMENT COMMITTEE

24th MAY 2016

PRESENT:

Councillors Powell (Chairman), Hassall (Vice Chairman) Mrs Constable, Cox, Smedley, Mrs Stanhope MBE, Strachan and B. Yeates

(**AN APOLOGY FOR ABSENCE** was received from Councillors Mrs Banevicius, Mrs England and Humphreys)

ALSO ATTENDED

Rebecca Davies - West Midlands Employers
Richard Penn – representing Richard King

27 MINUTES

The Minutes of the Meeting held on 11th February 2016, as printed and circulated, were taken as read, approved as a correct record and signed by the Chairman.

28 DECLARATIONS OF INTEREST

There were no declarations of interest.

29 PROPOSAL FOR SENIOR MANAGEMENT RESTRUCTURE

Before considering the report, the Committee heard representations from Mr Richard King, Strategic Director for Democratic, Development & Legal Services. He reported to the Committee that generic responsibilities between the two proposed Director posts were not the same, specifically the requirement to be a leading contribution to the development of continuous improvement and lead on the delivery of channel shift and digitalisation. Mr King then questioned the rationale for the new proposed structure as the original 3 Directors to 12 Heads of Service (HOS) had been described by the West Midlands Employers (WME) as the best option to be aligned to the Council's Strategic Plan and the new proposed structure had been discounted at that time. Mr King then reported that although 50% of the consultation respondents had commented that the originally proposed structure was not radical enough, some had requested voluntary redundancy and this could mean comments had been made with peoples' own interests in mind. Mr King stated that he was not opposed to the restructure but was concerned at the potential loss of skill and experience. He reported that he felt the Council was in a good place and did not suffer from many Ombudsman issues. He said there were many good projects coming on line including Friarsgate and was excited for the Council's future but wanted to ensure there was the right balance moving forward.

The Committee then received a report outlining proposals for a Senior Management Restructure following formal consultation. It was reported that in light of the comments received, a revised structure had been developed which consisted of two Directors and nine

HOS, including a post of Assistant Chief Executive. Further to the report, additional comments received, from Officers and the Cabinet when considered at their meeting, were circulated.

In response to the comments made by Mr King, Ms Diane Tilley, Chief Executive reported that the discrepancy in the generic responsibilities, as reported, would be amended before being considered at Full Council. Ms Tilley then reported that to ensure that capacity and skills were well balanced, Cabinet had emphasised that making a saving should not be the priority but having the right structure for the future was. They felt that it would be satisfactory for the restructure to be cost neutral as originally planned for. When responding to the question regarding the change in ratio of Directors to Heads of Service, it was reported that the original option of two Directors was dismissed as they did not have any Portfolios while in the new revised structure they did. It was noted that a 2to8 structure had been recommended as a version of the 3to12 one originally suggested. Finally Ms Tilley noted it was only speculation that the five people who had requested voluntary redundancy were amongst the 8 consultation respondents who had commented that the structure was not radical enough.

In addition to what was in the report, further details of the risks identified with conducting the restructure were presented to the Committee.

When asked, it was confirmed that only minor changes and clarifications as to where service responsibility lay would be amended in the new revised structure.

Members asked what the benefit of an Assistant Chief Executive position would be and it was reported that as it would not have portfolio responsibility, the role would provide an independent challenge and would allow flexibility if required at a lower cost than another Director.

It was noted that there was currently a large gap in pay between the 2nd and 3rd tier of Officer and the original proposal of 1-3-12 hierarchy closed that gap slightly but the new proposal of 1-2-8 closed it even further addressing concerns raised during the consultation.

Overall, the Committee accepted the revised recommended structure and felt it was correct for the size of Council Lichfield District is.

RESOLVED: (1) That the implementation of the proposed structure of two Directors and nine Heads of Service, including a post of Assistant Chief Executive as detailed in the report be supported; and

(2) That Council be recommended to establish an Appointments Sub Committee and delegate to it the management and delivery of the process of appointment of Directors to the new structure as set out in the Constitution.

30 UPDATES TO LGPS DISCRETIONARY PAYMENT POLICY

The Committee received a report on the Council's policy of Discretionary Payments to be exercised under the Local Government Pension Scheme (LGPS regulations in relation to current members of the Career Average Revalued Earning (CARE) Scheme and for Deferred Scheme members who left employment prior to April 1998, and between April 1998 and 31st March 2008.

It was reported that the Council was required to keep its policy under review and whilst doing so this year, amendments were proposed to ensure findings of the Independent Public Service Pensions Commission and consequential discussions between the Government and Trade Unions were included.

RESOLVED: That the items as shown in Appendix A of the report be inserted as items 16 – 18 in Appendix B of the Policy and that all references to Personnel be noted to have been amended to Human Resources.

(The Meeting closed at 6.40 p.m.)

CHAIRMAN

Driving at Work Policy

Report of Director of Resources and Transformation

Date: 26th October 2016

Agenda Item: 4

Contact Officer: Steve Langston, Health and Safety Manager

Tel Number: 01543 308107

Email: Steven.langston@lichfielddc.gov.uk

Key Decision? NO

Local Ward Members N/A



**EMPLOYMENT
COMMITTEE**

1. Executive Summary

- 1.1 The Health and Safety at Work Act 1974 requires the Council to have appropriate procedures in place to ensure that health, safety and welfare risks are appropriately controlled.
- 1.2 The Council has a duty of care towards its employees and anyone else who may be affected by its work activities. This includes driving at work activities.

2. Recommendations

- 2.1 It is recommended that the Employment Committee approves the attached Driving at Work Policy (**Appendix 1**) to enable the council to demonstrate its commitment to provide a safe and healthy workplace and that the policy takes effect from 1st November 2016.

3. Background

- 3.1 Health and Safety laws apply to driving as it does for all other activities so the council has a duty to ensure that road traffic legislation is complied with in accordance with our Health and Safety Policy, risk assessments and management systems.
- 3.2 Following a number of well reported serious accidents across the country involving driving at work activities the Health and Safety Team has reviewed the way the Council manages its driving at work activities.
- 3.3 The Council has managed its driving activities previously with various service specific documents. This policy seeks to assign specific responsibilities to individuals and implements a single source of policy information for all driving activities across the Council.
- 3.3 The Policy applies to:
 - anyone driving a vehicle owned, leased or hired by the council. This includes journeys to and from home by those permitted to take such a vehicle home.
 - Employees driving their own vehicles whilst undertaking council business, regardless of whether they intend to claim expenses for the journey.

It does not apply to employees when they are driving their own vehicles to and from their normal place of work.

- 3.4 Contained within the policy are aspects relating to responsibilities of key officers, the need to risk-assess activities, fitness to drive, driver responsibilities, driver fatigue and working time, competency to drive, use of mobile phones and vehicle inspection and maintenance.

3.5 The policy will continue to be supported by additional general and service specific guidance and procedures.

<p>Consultation</p>	<p>All staff members that have a specific role identified within this policy have been consulted during its production.</p> <p>This report has been shared with Leadership Team and with the Employee Liaison Group.</p>
<p>Financial Implications</p>	<p>There are no additional financial implications arising from this report. The costs associated with managing vehicles and people are currently considered as part of the budgetary process.</p>
<p>Contribution to the Delivery of the Strategic Plan</p>	<p>The effective management of driving at work activities contributes to:</p> <ul style="list-style-type: none"> • A Council that is fit for the future • Healthy and safe communities • Clean, green and welcoming places to live.
<p>Equality, Diversity and Human Rights Implications</p>	<p>None identified from this report.</p>
<p>Crime & Safety Issues</p>	<p>The report includes issues relating to driving activities that can lead to injury from road traffic incidents and insurance claims.</p>

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	Failure to manage driving at work activities.	The Health and Safety team has undertaken a review of service specific procedures relating to driving at work activities to ensure legal compliance can be maintained	Green

<p>Background documents</p>	
1	Lichfield District Council Health and Safety Policy
2	HSE Guidance – Driving at Work indg382
3	The Highway Code

<p>Relevant web links</p>
<p>http://www.hse.gov.uk/pubns/indg382.pdf</p>

Driving at Work Policy

November 2016

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Owner: Neil Turner

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Revision History

Revision Date	Version Control	Summary of changes

DRAFT

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Purpose of Policy

This Policy has been adopted to provide managers and employees clear guidance as to how the council intends to ensure that employees that are required to drive as part of their job do so safely.

This Policy is relevant to all employees, agency staff, contractors, and volunteers who drive council vehicles or their own vehicles in order to do their job.

The council has a duty of care towards its employees and anyone else who may be affected by its work activities. This includes driving at work activities.

1. Introduction

It has been estimated that up to a third of all road traffic accidents involve someone who is working at the time. Road accidents result in approximately 20 deaths and 250 serious injuries each week.

Health and Safety laws apply to driving as it does for all other activities so the council has a duty to ensure that road traffic legislation is complied with in accordance with our Health and Safety Policy and risk assessment and management systems.

The benefits of minimising accidents are considerable. The true costs of accidents in the workplace are always higher than merely the cost of repairs and insurance claims. Having an effective Driving Policy can result in the following benefits:-

- fewer days lost due to injury and ill-health;
- a reduction in stress;
- less need for investigation and paperwork;
- less lost time due to work rescheduling;
- vehicles spend more time on the road than in the repair shop
- reduced running costs through better driving standards;
- a reduced risk of employees being banned from driving;
- a reduction in insurance claims and lower insurance premiums;
- reduced risk of enforcement action from DVSA or other authorities.

2. Scope

The purpose of the Policy is to minimise the risk to any person, whether they are employees or members of the public, from driving at work activities.

The Policy requirements are in **addition** to the duties under road traffic law, e.g. the Road Traffic Act 2006 and Road Vehicle (Construction and Use) Regulations 1986.

The Policy will apply to:

- anyone driving a vehicle owned, leased or hired by the council. This includes journeys to and from home by those permitted to take such a vehicle home.
- Employees driving their own vehicles whilst undertaking council business, regardless of whether they intend to claim expenses for the journey.

It does not apply to employees when they are driving their own vehicles to and from their normal place of work.

Breaches of this Policy may instigate investigations which may lead to a disciplinary proceedings.

3. Principles and Legal Requirements

3.1 Principles

The Policy seeks to address the following strategic priorities:

A Council that is fit for the future - Continually improving our organisation - by ensuring that we comply with current health and safety legislation, road traffic legislation and good practice.

Healthy and safe communities - Ensuring communities are safe and secure, by reducing the risk of road and vehicle accidents involving Council drivers.

Clean, green and welcoming places to live - Providing excellent customer focused services - by controlling the risk of service disruption resulting from vehicle accidents and incidents and scheduling refuse collections away from high traffic flows during peak hours.

As an adaptive Council the policy also seeks to address the following Council values:

- Putting our customers first
- Have respect for everyone
- Improve and innovate

3.2 Legal Requirements

The Policy seeks to meet the requirements of the following legislation. :

The Health and Safety at Work etc. Act 1974 requires the Council to ensure, so far as is reasonably practicable, the health and safety of all employees while at work. This includes a responsibility to ensure that others are not put at risk by our work-related driving activities.

The Management of Health and Safety at Work Regulations 1999 requires the Council to carry out (and regularly review) assessments to manage risk to our employees and other people who may be affected by their work.

HSE and other guidance

Driving at Work ([Click Here](#))

Highway Code ([Click Here](#))

This list is not exhaustive and the Policy does not aim to cover all aspects of Road

Traffic and associated laws. Breach of any road traffic or health and safety legislation may instigate investigations which may lead to a disciplinary proceedings.

4. Policy Statement

The Council's Policy is to have clear procedures for the safe management of driving at work. Specifically where appropriate we will:

- Undertake risk assessments for driving activity and work involving driving.
- Report, investigate and record accidents, incidents, near misses and analyse trends.
- Ensure drivers are trained and competent for the work they undertake.
- Provide a driver handbook and general guidance.
- Provide training to increase awareness of driving safety issues.
- Ensure we have adequate vehicle maintenance and inspection procedures.
- Provide guidance on breakdown, accident and personal safety issues, and the use of mobile phones.
- Undertake journey scheduling as part of the risk assessment and planning process.
- Ensure concise, understandable information is available for drivers in a robust, portable and usable form.

5. Responsibilities

Responsibility for implementing this Policy is defined in a way comparable to the council's Health and Safety Policy

5.1 Chief Executive - Health and Safety Policy Maker

The Chief Executive is responsible for ensuring that there are effective measures in operation to protect employees and others from the risks of driving at work.

5.2 Leadership Team - Health and Safety Policy Maker

Members of Leadership Team are accountable to the Chief Executive for the operations and activities carried out within their areas of responsibility and for ensuring that effective arrangements are in place to manage the risks from driving at work: specifically they will ensure:

- Compliance with the council's Driving at Work Policy within their area of responsibility.
- Employees in their area are aware of, accept and carry out their responsibilities under the Policy.

5.3 Managers - Health and Safety Planners

Managers are accountable to their Director for ensuring that the Driving at Work Policy is complied with in their Service Area. Additionally they will ensure:

- Adequate resources are available to manage and control driving risks.
- Risk assessments are carried out and recorded.
- There is a safe system of work for any work which involves driving.
- Employees are subject to appropriate occupational health surveillance, assessment and examinations - this to be organised in co-operation with Personnel and Health and Safety.
- Employees have appropriate licenses, insurance cover and permits for the vehicles they use/drive and that this is monitored on a regular basis.
- Employees have appropriate competence and information, including, driver induction, training for minibus driving (MIDAS), hauling trailers and other specialist vehicles/equipment.
- Reasonable adaptations are made to meet the needs of disabled employees.
- Where casual and agency drivers are employed that they meet our own or equivalent standards and are both fit and competent to drive the vehicles which they will use.

5.4 Team Leaders / Supervisors - Health and Safety Implementers

Team Leaders and Supervisors are accountable to their Managers for ensuring that the Driving at Work Policy is complied with in their area of responsibility.

Additionally they will:

- Understand the scope and content of the Policy where this is relevant to work in their area,
- Undertake any necessary training.
- Ensure employees understand their duties under this Policy.
- Bring to the attention of their Manager / Director any driving concerns of which they are aware, including accidents, near misses, incidents, ill health and any breach of this policy.
- Ensure the requirements relating to drivers' hours and working time are met.
- Employees complete daily inspection sheets and that these are monitored then passed to the transport manager.
- At induction, checking employees have the correct licence for the vehicles they will be driving
- Employees have appropriate licenses, insurance cover and permits for the vehicles they use/drive and that this is monitored on a regular basis.

5.5 All Employees

All employees at **all** levels have a responsibility to take care of their own and others' health and safety.

Employees driving council vehicles, will:

- Only drive vehicles which they are licensed, insured and competent to drive.
- Work in accordance with instruction and training.
- Complete regular pre-drive vehicle inspections, and report any defects to their Line Manager or Transport Manager.
- Observe the Highway Code and road traffic legislation
- Cooperate with health surveillance or assessment schemes.
- Report any health issues (including the taking of medication) which may affect their fitness/ability to drive safely to their Line Manager.
- Ensure that unattended vehicles are locked with the brakes applied or where available use a "key out" electronic control system.
- Report any accidents, injuries or near misses to their line manager.
- Report any driving convictions and any addition of points on their licences to their line manager and Personnel immediately.
- Report any training needs to their Line Manager.
- Provide relevant documents to the Council when requested to do so.
- Meet specified eyesight requirements by having regular eye tests and ensure that any glasses required for driving are worn.
- Not use hand held mobile phones whilst driving.
- Not smoke whilst driving Pay any fines associated with their driving actions.
- Not drive if their ability is impaired by fatigue or other condition, alcohol or any other drug, whether prescription or non-prescription.
- Ensure any loads are loaded and unloaded safely and secured in transit.
- Do not exceed the maximum loads permitted for any vehicle or trailer.

Employees driving their own vehicles to carry out council business will:

- Only drive vehicles which they are licensed, insured and competent to drive.
- Observe the Highway Code and road traffic legislation
- Ensure their vehicle is appropriately maintained and holds a valid MOT certificate as appropriate
- Report any health issues (including the taking of medication) which may affect their fitness/ability to drive safely to their Line Manager.
- Report any accidents, injuries or near misses, whilst driving on council business, to their line manager.
- Report any driving convictions and any addition of points on their licences to their line manager and Personnel immediately, if driving is a requirement of the employee's job;
- Provide relevant documents, including licence and insurance certificates, to the council when requested to do so.

- Meet specified eyesight requirements by having regular eye tests and ensure that any glasses required for driving are worn.
- Not use hand held mobile phones whilst driving.
- Not smoke whilst driving and carrying passengers.
- Pay any fines associated with their driving actions.
- Not drive if their ability is impaired by fatigue or other condition, alcohol or any other drug, whether prescription or non-prescription.

5.6 The Fleet Manager (or manager responsible for the council vehicle)

The fleet manager is responsible for vehicles covered by the operator's licence only but can be contacted for advice and guidance. Where a vehicle is not covered by the O licence it remains the managers of the vehicles responsibility to manage the transport risks.

The Fleet Manager (or manager responsible for the vehicle) will:

- Ensure all Council vehicles purchased or leased are suitable and fit for purpose.
- Ensure all vehicles are maintained in a safe and roadworthy condition, through a programme of planned preventive maintenance.
- Ensure maintenance etc. of vehicles is undertaken by competent personnel.
- Maintain records of vehicle servicing, maintenance and drivers' daily checks
- Organise training for servicing and maintenance tasks.

5.7 Operator Licence ("O Licence") "Competent Person"

The Council is required to hold an operators licence as it uses vehicles for transporting goods. As part of the licence the Council must designate at least one person as a "transport manager" who satisfies the requirements of good repute and professional competence. This person is also known as the operators licence "competent person".

The O Licence Holder's "Competent Person" must ensure that legal requirements are met relating to:

- Rules on drivers' hours are observed and proper records are kept.
- Motor vehicles and trailers are not overloaded.
- Vehicles operate within speed limits.
- Vehicles and trailers, including hired vehicles and trailers, are kept fit and serviceable.
- Drivers report promptly defects or symptoms of defects that could prevent the safe operation of vehicles and/or trailers.
- The number of vehicles and trailers kept at the Operating Centre will not exceed the maximum number authorised for the Operating Centre.
- Driver Licence checks.
- Suitability of their vehicle maintenance facilities and management.
- Safe loading of vehicles.
- Road traffic offences in relation to vehicles.

5.8 Insurance Officer - Health and Safety Assister -

The Insurance Officer will:

- Maintain the motor claims/ incident database.
- Monitor the incident and claims experience and report areas of concern to appropriate managers and the health and safety team.
- Ensure that a central record of authorised drivers is maintained for all Council insured vehicles.
- In liaison with service managers review the council's vehicle fleet list to ensure all council operated vehicles are adequately insured.
- Maintain the Council Motor Insurance database in line with legislation.
- Ensure that motor insurance report forms and supporting evidence are submitted to the insurance company within legislative timescales.

5.9 Personnel Manager - Health and Safety Assister

The Personnel Manager will ensure:

- That there is an adequate occupational health programme to manage employee health issues where these can have an impact on driving.
- Adequate training is made available to employees.

5.10 Health and Safety Manager - Health and Safety Assister

The Health and Safety Manager will assist managers and employees in carrying out their roles under this policy by:

- Reviewing policy and procedure at not less than two year intervals.
- Advising on legal requirements and interpretation of the policy
- Assisting with risk assessment and control measures.
- Advising on occupational health issues and interventions.
- Assisting in the provision of training.
- Auditing compliance with this policy.

5.11 Managers responsible for Minibuses

Council minibuses require a specialist permit and these will be managed by the manager of the service.

'Section 19 Permits'

Section 19 permits allow certain organisations to use a passenger vehicle for hire or reward without an O Licence and a minibus for hire or reward without a pcv licensed driver. Charging for a service, such as a leisure activity, which involves travel, is likely to bring the activity into the scope of 'hire and reward'.

There are two types of Permit, **type one** for vehicles with 9 to 16 passengers, and **type 2** for vehicles with 17 or more passengers.

The manager responsible for the minibus must ensure that the correct permit is displayed in the vehicle.

6 Risk Assessments

Risk assessments for any work-related driving activity should follow the same principles as risk assessments for any other work activity. For example, assessing each waste collection round could identify needs for alternative collection points, the use of reversing assistants or specific types of vehicles.

Failure to properly manage work-related road safety is likely to endanger people.

The risk assessment is a careful examination of what at work activities can cause harm to people. It must be **appropriate** to the task and **proportional** to the risk. It needs to be carried out by a competent person with a practical knowledge of the work activities being assessed.

See the Council's Risk Assessment Procedure for further information

Assessments must consider:

- Types of vehicles and their suitability.
- Types of journeys and routes.
- Purpose of journeys.
- Review of accident history.
- Daily vehicle checks.
- Competence, capability and suitability of drivers (licenses, health, accidents etc.)

7 Fitness to drive council vehicles

It is every driver's responsibility to ensure that they are medically fit to drive, including eyesight requirements.

All drivers of Council vehicles, who drive, on average for three hours or more a day will be required to undergo driver medical assessments with the Council's Occupational Health Provider. This will also apply to drivers who are frequently required to drive at night or who drive minibuses. These drivers (only) are 'occupational' drivers.

Medical assessments will take place prior to employment and then annually. The requirement for medical assessments also applies to agency workers.

Employees must not drive at work under any circumstances which they know may affect their ability to drive safely. Drivers must declare to their line manager if they are suffering from any medical condition, fatigue or are taking any medication which might adversely affect their ability to drive safely, (e.g. epilepsy, diabetes, visual impairment or other relevant medical condition). Reference may then be made to Occupational Health.

Employees must not drive at work when they are or are alleged to be under the influence of drugs, (whether prescription, non-prescription, legal or not legal) or alcohol.

Where a driver is deemed medically unfit to drive they will be removed from driving duties. The Council will seek to support individuals to ensure that fitness to drive is achieved, where the person is required to drive either as an essential part of their employment, or is connected to a work activity.

This support includes:-

- Health checks via Occupational Health at regular intervals for 'occupational' drivers.
- Reasonable adaptations required to meet the needs of disabled employees, or employees with health issues which may affect their driving.

7.1 Driver's Health Checks

Employees who drive commercial HGV and LGV vehicles are responsible for ensuring that they obtain the required medical checks to ensure they are fit to drive. Assistance for this may be obtained from the Service Manager and the "O" Licence 'Competent Person'. Medical checks must be undertaken prior to an employee taking up driving responsibilities, then as required having regard for age and medical conditions. The Council will pay medical fees associated with these checks and with driver medical assessments.

If there is any doubt as to the driver's fitness to drive further medical examinations may be called for at any time.

LGV (Large Goods Vehicle) - A medical certificate (DVLA Form D4) is to be completed by the drivers' doctor before applying for a LGV driver's licence. A further examination and completed medical certificate is required for each renewal application from the age of 45 (usually 5-yearly). After reaching 65 years a medical examination is required for each annual renewal of the entitlement.

Class C1 - Since 1st January 1997 new drivers of vehicles over 3.5 tonnes gross weight (covered by driving licence category C1) require the same medical examination as LGV drivers with 5 yearly renewals after age 45 years and annually after age 65 years.

8 Driver Responsibilities

8.1 Vehicle checks and defects to vehicles

Drivers of Council vehicles must use the daily vehicle checklist before they start driving. A reasonable time will be allowed for the daily vehicle checks to be undertaken. These must be signed off and logged with management to ensure an audit trail of inspections.

Daily checks will include (list may be subject to change and is not exhaustive):

- Defect report book available
- First Aid Kit / sharps kit / hand wipes
- Operator's Licence disc
- Fuel, Oil adblue, water, hydraulics
- Tyres; condition, pressure, wear, cuts and other damage including the spare.
- Wheel security
- Lights, indicators, beacons, reflectors and number plate
- CCTV, reversing and beeper aids
- Towing eye (if applicable)
- Emergency stop devices
- Brush, shovel, wash basin
- Body, cab, battery, wheel arches and mudflaps
- Plating certificate
- Horn, washers, wipers, windscreen, mirrors, radio
- Extinguisher, crew PPE,
- Steering/Brakes.
- Lifting Mechanisms
- Dashboard and seatbelts
- Trailer- couplings, lights, number plate, tyres
- General cleanliness and tidiness of the vehicle.

Where a Council vehicle is used, the driver must always report any suspected vehicle defects to their manager.

It is a driver's responsibility to decide whether or not a vehicle is safe to use. Drivers may seek the opinion of a competent person such as the Council appointed engineer, transport manager, "O" licence holder, Health and Safety Advisor, Team leader / supervisor etc.

In the event that a defect is suspected, the vehicle should not be used until a competent person has checked it and any identified fault rectified, the driver must check with their Line Manager whether or not the vehicle should be driven in for repairs or recovered from the roadside

All defects to vehicles must be appropriately documented and a defect report form submitted to management on the day the defect was identified and if appropriate each day until the defect is rectified.

8.2 Smoking

It is illegal to smoke within any work vehicles. Any employee driving their own vehicle at work must not smoke or permit smoking in their vehicle if they are carrying passengers.

The council does not allow e-cigarettes to be used by anyone in council vehicles.

All Council vehicles must display a 'no smoking' sign.

See the Councils No smoking / Breatheasy at work Policy

8.3 Accident and Incident Reporting in council vehicles or in an employee's vehicle whilst being driven on council business.

In the event of a road traffic accident, regardless of whether this results in any apparent damage or any injury to anyone involved, the Line Manager must be notified as soon as possible. Details of the circumstances, (e.g. date, time, location, persons involved, details of witnesses) should be recorded and forwarded to the Fleet Manager / Manager responsible for the vehicle and Insurance Officer as soon as possible. All accident details should be recorded on the day of the incident and notified to the Insurance Officer within 24 hours.

Incident report forms are available from the Insurance Officer and / or Transport Manager.

Employees should not admit responsibility for the accident either at the time or subsequently.

In the event of injury either to an employee or another person as a result of a road traffic accident, then this must be reported using the accident report form. The employee's manager should complete the manager's investigation section and forward it to the Health and Safety Manager.

For these purposes a vehicle incident/accident is defined as any incident which involves either a Council vehicle or Council employee who is driving a vehicle in any location including a public highway or elsewhere, and which results in injury to any person or damage or loss to the vehicle or property.

8.4 Roadside Penalties whilst driving council vehicles

DVSA can issue fixed penalty notices at the roadside for violations of driver Certificate of Professional Competence, (CPC) and driver hours.

The Police can issue fixed penalty fines for road traffic offences, vehicle 'defect rectification' notices and demand breath samples.

Fixed penalties are normally in the region of £60 to £200 and further action may result which could result in points being added to the drivers licence. In all cases the **driver** is responsible for payment of any fines.

All driving penalties, whether received during work or at other times, involving employees, who are required to drive for work, must be disclosed immediately to the employee's manager. The manager will then discuss employment implications with Personnel.

8.5 Action Following 'at fault' Accidents involving council vehicles

Where an employee driving a Council vehicle has 2 or more 'at fault' accidents within a rolling 12 month period, or has a conviction for a road traffic offence whilst driving at work, the following process will apply:

Stage 1

The employee will be required to attend a meeting with their manager for an informal meeting. The manager shall arrange for Driver Assessment to determine if there is any lack of driving skills, aptitude or unacceptable risk taking behaviour, followed by driver training for those drivers where this would be beneficial. These assessments and decisions must be formally recorded by manager and communicated to the employee.

Driver assessment and training can be organised through the Transport Manager or by contacting the Health and Safety Manager.

Stage 2

Where any further accidents occur following this, the formal disciplinary procedure will be invoked.

If the manager feels it is appropriate to suspend the employee from driving duties at any point due to the nature or number of incidents, they must ensure that they follow the rules set out in the Councils disciplinary procedures.

See 10.1 for information on license endorsements and penalty points.

9 Driver Fatigue and working time

Driver fatigue is a serious problem resulting in many thousands of road accidents each year. Sleepiness reduces reaction time, vigilance, alertness and concentration so that the risk of accidents is increased.

The Council will monitor drivers of LGV and HGV vehicles to ensure strict compliance with "driver hour's rules".

Employees driving their own vehicles or cars on Council business are not covered by "driver hour's rules" but are subject to the Working Time Directive. If it is identified that an employee is driving/working an excessive amount of hours they will be instructed by their line manager to reduce their weekly working time to a more acceptable level.

9.1 Drivers' Hours Rules (Domestic)

- The maximum daily driving time is 9 hours. However this may be extended to 10 hours on not more than two occasions per week.
- A daily duty limit of 11 hours in any 24 hours. Duty covers any time spent on duty for a driving employer, not just time spent driving or in connection with the vehicle and its load. This limit does not apply on non-driving days. Neither do breaks for refreshment count towards the driver's total time.
- After a maximum of 4.5 hours driving, a break of at least 45 minutes must be taken. The driver must not carry out any work during the break period.

9.2 Working Time Directive

The working time directive lays down the following maximum working periods:

- A maximum of 60 hours worked in any one week.
- An average of no more than 48 hours when averaged over a 17 week period.
- A maximum of 6 hours continuous work before a minimum of 30 minutes break must be taken.
- Any work other than that at the Council must be taken into consideration when calculating these periods. It is therefore essential that all employees advise their line manager of any other work that they might do. Any secondary employment (paid or unpaid) must be approved by the Council on a form available from Personnel.

10 Competency to Drive

10.1 Driver Qualification

All employees driving Council vehicles, must be qualified to drive the relevant type of vehicle. Whilst not detracting from the employee's personal responsibility, it is the responsibility of the manager of the service to satisfy themselves that an employee is competent to drive. Where a vehicle is operated under the O licence then the "O" Licence 'competent person' (Transport Manager) responsible for commercial vehicles will check the licenses of any employee required to drive these. This will include checking driver licence details on the DVLA website.

All employees are required, when requested to provide a licence check code for their manager so that they can check licence eligibility. A licence check code and licence report can be obtained by the employee on the following link:

<https://www.gov.uk/view-driving-licence>

When the manager receives the check code licence report they should validate the information by logging onto the website and generating a licence confirmation report using the following link:

<https://www.gov.uk/check-driving-information>

New employees (including agency) will be required to supply suitable references prior to engagement in driving activities.

All Council employees who drive on Council business using their own vehicles are required to provide evidence of licence qualification at least annually.

All Council employees who drive on Council business using a Council vehicle are required to provide evidence of licence qualification at least 6 monthly.

New employees will have their licences checked by Personnel, at either interview or induction.

In the event of **any** changes to their licence, endorsement, medical restrictions or ability to drive etc. drivers **must** provide the updated information to their line manager and Personnel immediately. Failure to provide this information will be regarded as a potential disciplinary offence.

Drivers must be aware that where the requirement to drive is a fundamental part of their job description, the loss of the entitlement to drive will mean that consideration will need to be given as to how the employee can continue to operate. The council's reaction will be dependent upon why the driver has lost their licence and the consequences for the council in the employee not being able to drive.

For instance, an occupational driver losing their licence because of road traffic offences may expect to be subject to disciplinary action, whereas an employee who drives their own vehicle occasionally may be required to propose an alternative manner in which they will complete their job.

An occupational driver losing their licence because of medical restrictions will be treated sensitively and on a case by case basis.

Where occupational health assessments or driver assessments are required, employees will not be permitted to drive unless the results of these are satisfactory.

10.2 Driver Assessment and Training

Formal driver training for drivers of council vehicles will be organised by the respective Manager in conjunction with the Transport Manager.

The Service Areas will provide driver assessments and familiarisation sessions for drivers of Council vehicles for those categories outlined in 10.5, 10.6, 10.7, 10.8 and 10.9.

Drivers who are involved in at fault accidents or who undertake 'high mileage' driving work or drive Heavy Vehicles or specialist vehicles may be required to undertake additional training or assessment.

10.3 Driver Induction

Delivering driver induction is the responsibility of the Service Area for which the driver works.

Induction training for all drivers of Council vehicles will cover:

- Handling the specific vehicles to be used.
- Driver's hours and record keeping.
- Vehicle maintenance and checks.
- Correct control of speed.
- Safe, secure and legal loading and unloading.
- Safe and secure parking, both at base and away from it.

- Refuelling procedure.
- Driver behaviour.
- Occupational road risk.
- The Council's Driver Handbook.
- Council policies and procedures.
- Route knowledge, planning and assessment.
- Smoking.
- Use of mobile phones.
- Reversing and the use of reversing assistants or "banksmen".
- Use of specialist on board equipment.
- Carrying passengers.
- Use of trailers.

10.4 Large Goods Vehicles (LGV) (Over 3.5t)

Use of Council LGV's is restricted to named professional drivers only.

A class **C licence** is required (see s.10.8 for exceptions). As this is a specific licence, a familiarisation session and competency test (organised by the Transport Manager) must be provided for the new driver, this should cover the features of specialised vehicles, such as refuse collection vehicles. The driver will be permitted to drive **only** following a satisfactory occupational health assessment including eyesight examination.

10.5 Light Van Drivers

Drivers of vans up to 3.5t are subject to a familiarisation drive and instruction on use of a tail lift, safe loading and any other features prior to their first use of the vehicle.

10.6 Community transport Minibus Drivers

UK law requires all minibus drivers to be over 21 years of age, have held a UK car licence for 2 years and have an entitlement to drive vehicles with a D1 classification.

All minibus drivers will be required to undertake MIDAS training, regardless of 'grandfather rights'.

In order to drive a minibus on Council business you must have **less than 6** penalty points and must be authorised by the Service Director who will require evidence of driver licence eligibility annually.

Separate guidance for minibus driving will be provided to the Community Transport Manager.

10.7 Use of Trailers

UK Law requires all trailer drivers to have the "B+E" (car plus trailer), "C1+E" (van plus trailer) or "D1+E" (minibus plus trailer) entitlement on their licence. Drivers who gained their licence before 1st January 1997 will have this

entitlement on their licence, but this will not entitle drivers to use trailers without further training or assessment.

All drivers who use trailers, unless they have a specific post 1997 qualification, must undergo specific training and assessment in trailer use, which will include pre-checks for lights and hitches, and driving characteristics of vehicles with trailers and how this may affect stopping distances, turning circles, reversing, use of banksmen and clearances.

10.8 Agency Drivers

Managers will ensure that agency drivers meet our standards for driver fitness to drive and qualifications, which they will verify through the agency they use. It is expected that the agency will supply drivers who are fully competent, qualified, fit, healthy and experienced in the work that we hire them to do.

Written terms of engagement / contractual terms will be agreed with any agency prior to the use of agency drivers.

11. Use of Mobile Phones

It is an offence for the driver of a vehicle to use a hand held mobile phone at any time when the engine is running. This includes when stationary at traffic lights or when parked on or adjacent to roads when the engine is running.

No Council employee will use a mobile phone (even 'hands free') whilst in the driving seat of a council vehicle.

Employees must not use a hand held mobile phone whilst driving on council business in a private vehicle and are strongly advised against the use of mobile phones with a hands free kit in a private vehicle.

12 Vehicle Inspection and Maintenance

All vehicles provided by the Council will be included in a planned preventative maintenance programme in accordance with the manufacturer's recommendations.

Advice on vehicle maintenance is available from the Fleet Manager / Manager responsible for the vehicle.

The Fleet Manager / manager responsible for the vehicle may remove any vehicle from service if they have significant concerns about its suitability, roadworthiness or any other significant safety concern.

The Council is responsible for ensuring that any vehicle it provides (owned, leased or hired) has a valid MOT certificate, a valid tax disc and is adequately insured.

All Council vehicles will be equipped with a suitable fire extinguisher, warning triangle and a travelling first aid kit.

Drivers are required to carry out daily vehicle checks using the Councils' checklist. These will be recorded and a register kept by the Fleet Manager / Manager responsible for the vehicle.

12.1 Commercial Vehicles

The responsibility for ensuring that commercial vehicles are maintained to an adequate level to ensure they are roadworthy lies with the relevant Service Manager or, where vehicles are under an "O" licence, the holder(s) of the Goods Vehicle Operators Licence.

All Service Managers must have a written management plan in place for their commercial vehicles. This should include:

- Maintenance.
- Replacement schedule.
- Functional requirements
- Deployment.
- Personnel and training requirements.
- Risk assessment.
- Route/Round assessment where appropriate.

Full legal responsibility for the vehicles covered by the Operator's Licence falls to the "O" Licence holder(s).

It is essential that the Directors and Managers responsible ensure that anyone entrusted with this responsibility has adequate resources and support to ensure effective control of the vehicle fleet.

The management plan must take into account the type of vehicles, the uses and any statutorily imposed standards. All management plans should include details on frequency of servicing, maintenance, checks or safety examinations.

12.2 Route Planning and Assessment

Regular routes and rounds will be risk assessed by the appropriate service area

This assessment will include:

- Access issues.
- Reversing and manoeuvring.
- Vehicle suitability
- Route distance.
- Waste disposal
- Refuelling
- Timing to avoid conflicting activities.

APPENDIX 1 – Requirements of Employees Driving their own Vehicles to evidence licence and insurance

Insurance for drivers using their own vehicle for the purposes of conducting council business

Any person driving **their own vehicle** whilst at work must certify that:

- They have a current valid driving licence for the vehicle they are using on Council business
- They have **business use** cover with their insurance company for this vehicle
- The vehicle is in a roadworthy condition

The above declaration will be included in all contracts of employment issued (from a date to be agreed) and in the Claiming Expenses Guidelines and Expense Claim Form.

New employees who are required to drive for business purposes will be required to complete a Driving Licence Questionnaire as part of pre-employment checks, which will include the above declaration, and submit this to Personnel. This information is then retained on electronic personal files.

The following statement will be added to the expense claim form as follows:-

I certify that, prior to using my car on Council business I ensured I had a current valid driving licence and business use cover on my insurance and that the vehicle being used was in a roadworthy condition. The journeys listed on this claim form were necessary to enable me to carry out my duties and were arranged so that the minimum of expense was incurred.

HEALTH & SAFETY AND INSURANCE – ANNUAL REPORT 2015/16

Report of Director of Resources and Transformation

Date: 26th October 2016

Agenda Item: 5

Contact Officer: Steve Langston, Health and Safety Manager

Tel Number: 01543 308107

Email: Steven.langston@lichfielddc.gov.uk

Key Decision? NO

Local Ward Members N/A



EMPLOYMENT COMMITTEE

1. Executive Summary

- 1.1 The Health and Safety at Work Act 1974 requires the Council to have appropriate procedures in place to ensure that health, safety and welfare risks are appropriately controlled.
- 1.2 The purpose of this report is to inform the Employment Committee of the number of health & safety related incidences in the year 2015/2016, to describe key actions to improve the council's health & safety performance and to outline the number of insurance claims made against the council for injury or damage.

2. Recommendations

- 2.1 It is recommended that Employment Committee notes the contents of the report.

3. Background

- 3.1 The Council has adopted a Health and Safety Policy that requires the council to monitor and measure its health and safety performance and report it within an annual health and safety report.

- 3.2 The Health and Safety Policy states that:

Health and safety arrangements, and performance, will be monitored by Members through Employment Committee in conjunction with the Chief Executive and Directors.

- 3.3 A set of initial performance information is contained within the report for Members to consider (Appendix 1).

Consultation

This report has been shared with Leadership Team and with the Employee Liaison Group.

Financial Implications

There are no financial implications arising from this annual report. However, it is recognised that there is always a cost to the council in dealing with incidents and accidents.

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Contribution to the Delivery of the Strategic Plan	<p>The effective management and monitoring of the Council’s health and safety performance contributes to:</p> <ul style="list-style-type: none"> • A Council that is fit for the future • Healthy and safe communities
--	--

Equality, Diversity and Human Rights Implications	None identified from this report.
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Crime & Safety Issues	The report includes issues relating to violence and other criminal activities that can lead to injury or the fear of injury or incidents of criminal activity that lead to insurance claims.
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	Risk Description	How We Manage It	Severity of Risk (RYG)
A	Failure to monitor performance leading to risks not being managed effectively.	The Health and Safety team provide regular statistical reports and performance information to Directors and Managers.	Green

Background documents
Lichfield District Council Health and Safety Policy

Relevant web links

working together } for a safer workplace

Lichfield
district Council
www.lichfielddc.gov.uk

Tamworth
Borough Council



Appendix 1

Health, Safety and Insurance 2015/16 Annual Report

Lichfield District Council

May 2016

Introduction

This report has been produced to provide Leadership Team, Employee Liaison Group and Employment Committee with a review of the council's approach to, and performance in, meeting its health & safety and insurance responsibilities in 2015/16.

Background

The Health and Safety at Work Act 1974 requires the Council to have appropriate procedures in place to ensure that health, safety and welfare risks are appropriately controlled.

The legislation requires the council to ensure Directors and Senior Managers monitor and review the systems and procedures. The purpose of this report is to provide Leadership Team and others with an overview of performance through statistical analysis, snapshot of current policy and procedure priorities, and information on new or emerging legislative pressures / impacts.

The report also includes statistics relating to the Insurance function which also forms part of the team.

Statistical Analysis

Accidents and incidents

Accident and incident statistics for the year 2015/16 are provided on page 7.

The data records all incidents where first aid treatment was provided and so includes "accidents", where no fault is attributable.

Only a minority of incidents require further action to control the risks. The level of reporting across the council is considered good with a strong understanding of the accident reporting procedures being observed.

Page 7 – Accidents to Employees

- The number of accidents involving employees continues to show a downward trend and is considered in line with local authorities with similar services.
- The number of accidents involving employees is showing a downward trend across all service areas. The joint waste service continues to report the greatest number of accidents as would be expected because of the manual type of activity undertaken in the service.
- Trends and individual incidents are reviewed and action taken as necessary
- There were no reports made to the Health and Safety Executive. The Council has not been required to report an employee injury to the HSE for 20 consecutive months (to March 2016 inclusive).

Page 7 – Accidents to Members of the Public

- The number of accidents involving members of the public remains relatively static and in line with other local authorities with similar services.
- The number of accidents involving members of the public show a downward trend across most service areas. Most incidents reported are of a very minor nature.
- King Edward VI Leisure Centre has seen a decrease in accidents which is likely to be as a result of reduced opening times.
- There were no reports made to the Health and Safety Executive of accidents involving a member of the public. The Council has not been required to report an

accident involving a non-employee to the HSE for 20 consecutive months (to March 2016 inclusive)

Insurance

Insurance related statistics, are provided on pages 8 to page 11.

Page 8 Number of insurance claims received

This graph aims to identify trends in the number of claims being made against the council across its 3 main policy areas (Employer's Liability, Public Liability and Motor Fleet).

- The number of public liability claims made against the council shows a downward trend. The peak shown between 2007 and 2011 is because of the number of claims made relating to city centre paving. During this period there were 34 claims; all of which were successfully repudiated and redirected to Staffordshire County Council.
- The number of employer's liability claims made against the council remains relatively low and is slightly lower than local authorities with similar services.
- The number of motor fleet claims made against the council appears to have peaked in 2011 (when Lichfield and Tamworth formed the Joint Waste Service) and is now showing signs of decreasing.

Motor Vehicle Fleet insurance is the largest value policy in terms of premiums paid. It remains the area where most claims are made against the council with the majority coming within the joint waste service.

The greatest single cause of accidents remains reversing. Reducing the number of reversing accidents is the greatest priority for the team.

A graph showing the number of reversing accidents is shown on page 11 and it shows the number of reversing incidents is decreasing, which is testimony to the effect of moving from task and finish, and on the training provided to crews in 2015/16.

In 2015/16 the premiums for insurance reduced following the tendering exercise. For 2016/2017 the council's premiums have reduced further by around £3k. The reduction is mainly due to:

- Reduced value of industrial / commercial properties being insured following the sale of the industrial units.
- Fewer claims and effective defences on the casualty policies (Employer's Liability and Public Liability)

However, the council has seen a £4.5k (4%) increase on its motor premium with insurers indicating that the claims loss ratio on the motor policy requires improvement, otherwise there will be an increase in premiums for 2017/18. This is a priority area for the team to work with the joint waste service.

See also page 11 motor vehicles claims made v defence of claim.

Page 9 – Insurance Premium v Claim Payouts Analysis

The graph demonstrates the total cost of the insurance provision (premium plus broker fee) v total cost of the 3 main policies v Total value of claim payouts v Policy excess paid by the council.

Premiums:

This graph demonstrates the year on year increases applied by insurers whilst in contract:

- 2004/5 to 2006/7 – Zurich Municipal - 3 +2 contract (+2 option not exercised)
- 2007/8 to 2011/12 – Zurich Municipal - 3 +2 contract
- 2012/13 to 2014/15 – Travelers Insurance - 3 +2 contract (+2 option not exercised)
- 2015/16 to 2017/18 – RMP led package – 3 +2 contract (+2 to be decided July 2017)

Claim payouts and excess payments:

From 2013/14 onwards the value of payouts and excess payments will be lower as a number of claims remain undetermined.

Page 10 – Public Liability claims made v defence of claim

The Council remains robust in defending insurance claims made by members of the public with an average of 90% of claims being successfully defended. 'Successful' claims within this policy are subject to a £10k excess per claim.

Claims that have been settled in 2015/16 include:

Incident date 2013 Site Burntwood Leisure Centre Settlement date August 15
Issue: Member of the public tripped over an uneven surface at the entrance to the site.
 A raised surface was created through wear and tear over a transition from grass
 to concrete surface.
Cause of negligence: Inspection of the site did not previously include the area where the
 incident occurred.

From 2013/14 onwards the value of payouts and excess payments will be lower as a number of claims remain undetermined.

Page 10 – Employers Liability claims made v defence of claim

The council remains robust in defending insurance claims made by employees, with an average of 75% of claims being successfully defended. 'Successful' claims within this policy are subject to a zero excess.

Claims that have been settled in 2015/16 include:

Incident date 11/9/13 Site Friary Grange LC Settlement date 18/2/16
Issue: Employee caught cable causing kettle to topple over scalding claimants back
Cause of negligence: Kettle located in inappropriate position during building works
Excess that applies £0

Incident date 11/11/13 Site Beacon Park Settlement date 17/3/16
Issue: Employee tripped over uneven path injuring knee and ankle
Cause of negligence: The employee was aware of the fault and had been requested to arrange
 a repair previously. The repair was not actioned by the employee. The
 Council successfully negotiated an element of contributory negligence

From 2013/14 onwards the value of payouts and excess payments will be lower as a number of claims remain undetermined.

Page 11 – Motor vehicle claims v defence of claim

Motor vehicle claims are more difficult to defend than other types of claim. Large vehicles accessing narrow streets with on-street parking creates difficulties for the crews. However we have also had difficulties in the last few years with a lack of CCTV evidence relating to alleged damage. The introduction of new CCTV cameras on the new vehicles will enable the council to repudiate some claims as well as assisting with early admissions of fault which will keep costs down.

The greatest single cause of motor accidents remains reversing. This is a priority action area for the team to work with the joint waste service. A graph showing the number of reversing accidents is shown on page 11 and it clearly shows the number of reversing incidents is decreasing.

Training Courses

The number of training courses delivered over the period was lower than in previous years as there were fewer opportunities offered for risk management work as part of the insurance contract and there were other priorities including

- Embedding of the new insurance contract
- Assistance to Stafford Borough Council relating to the HSE prosecution and ensuring lessons were shared with this council and partners including the Lichfield Garrick;
- The start of health and safety audits of higher-risk services
- A greater emphasis on accident and claim investigations and lessons learned
- Greater levels of involvement with external event organisers who are operating on Council land such as Lichfield Bower, Fuse Festival, Cars in the Park etc
- Dealing with the server room incident and aftermath.

A significant number of health and safety training courses have been delivered over the period. The courses have been aimed at raising awareness and developing skills.

The courses have resulted in around 160 people attending a session (down from 200 the previous year). Courses have included:

- Joint waste service health and safety training (79 attendees)*
- Health and safety risk assessment (8 attendees)*
- Fire marshal (18 attendees)*
- COSHH assessments (4 attendees)*
- Health and safety awareness (21 attendees)*
- Personal safety (6 attendees)*
- First aid (21 attendees)
- Display Screen Assessor training (4 attendees)*

*these courses are delivered by the health and safety team

Enforcing Authority Correspondence

There have been no visits, requests for information, correspondence or enforcement action from the Health and Safety Executive.

Staffordshire Fire and Rescue has not undertaken any enforcement action.

Issues for Resolution / additional information

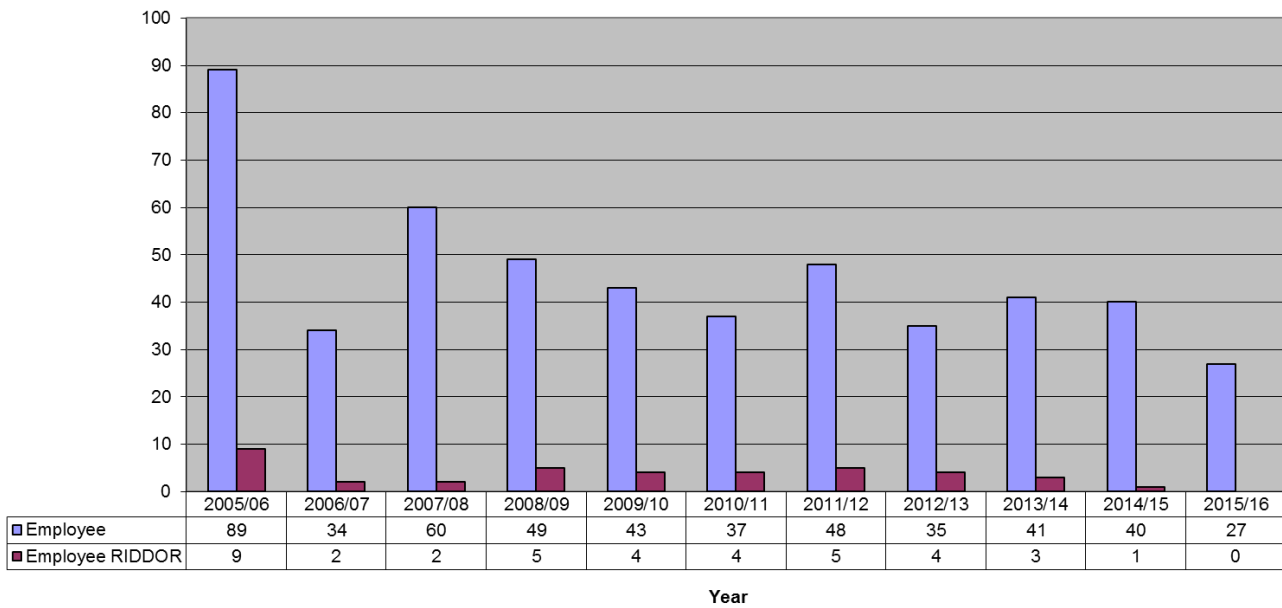
Over the next 12 months the team intend to continue to develop / review procedures (driving at work, violence and aggression, and stress management in particular) and develop and deliver new training courses across the council.

It remains apparent that although the number of proactive HSE safety inspections is less in local government than in previous years there is a greater emphasis on self-management / peer compliance checks. HSE interaction is targeted at specific service areas including waste and the investigation of serious accidents.

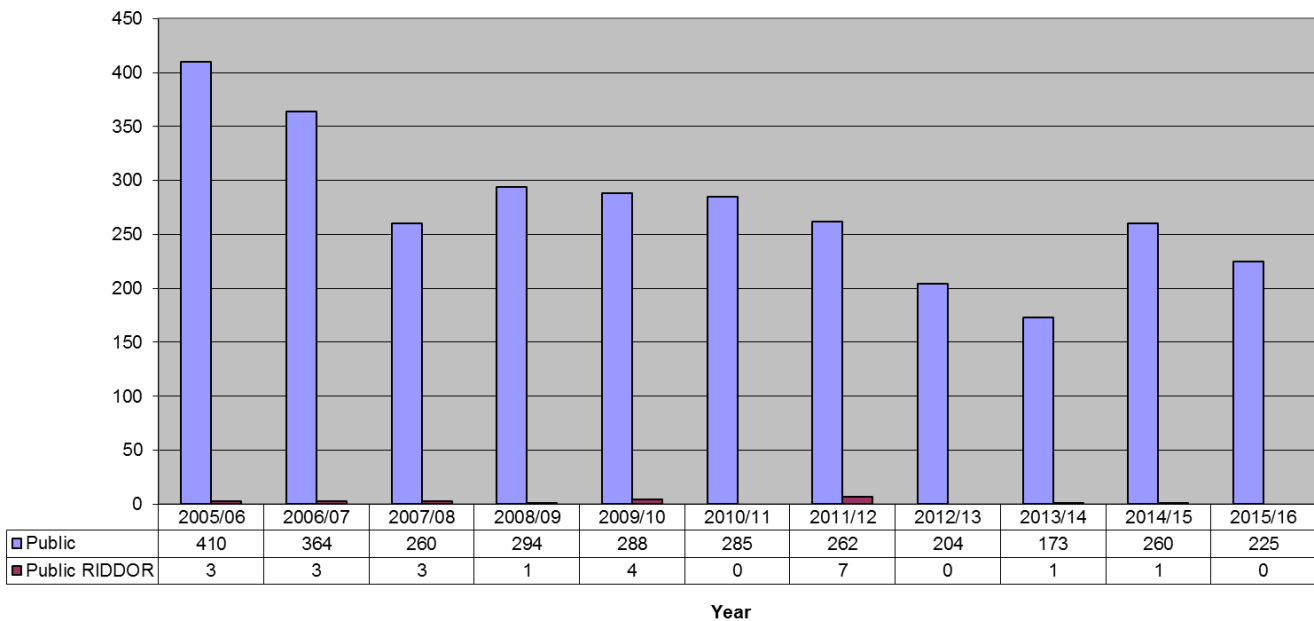
We are aware that there is likely to be a HSE audit of the joint waste service at some point as part of their national audit strategy.

Signed: _____ **Date: 4th May 2016**
Steve Langston, Health & Safety Manager

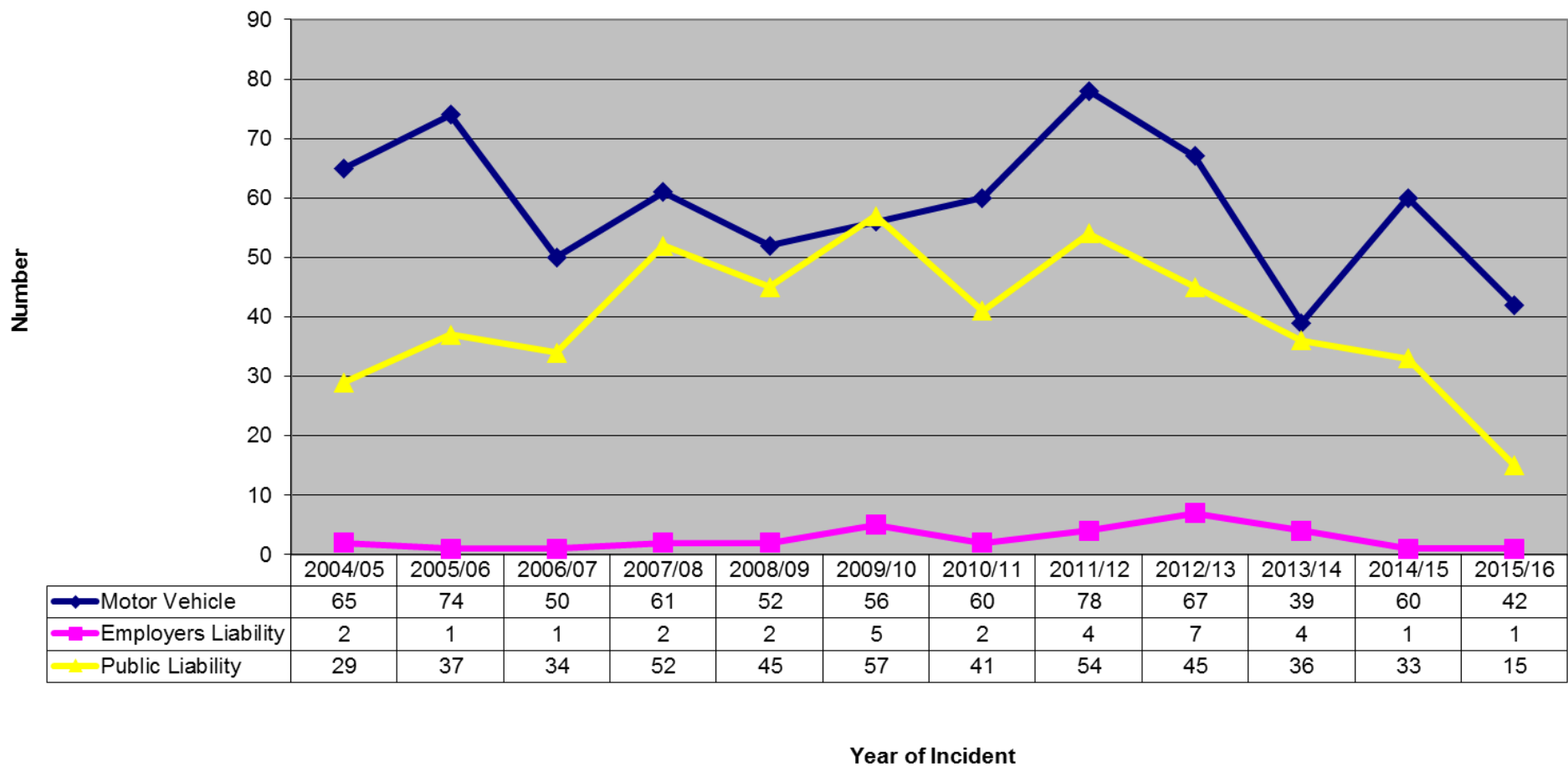
Accidents to Employees
(Total Reported Annually)
April 2005 to March 2016



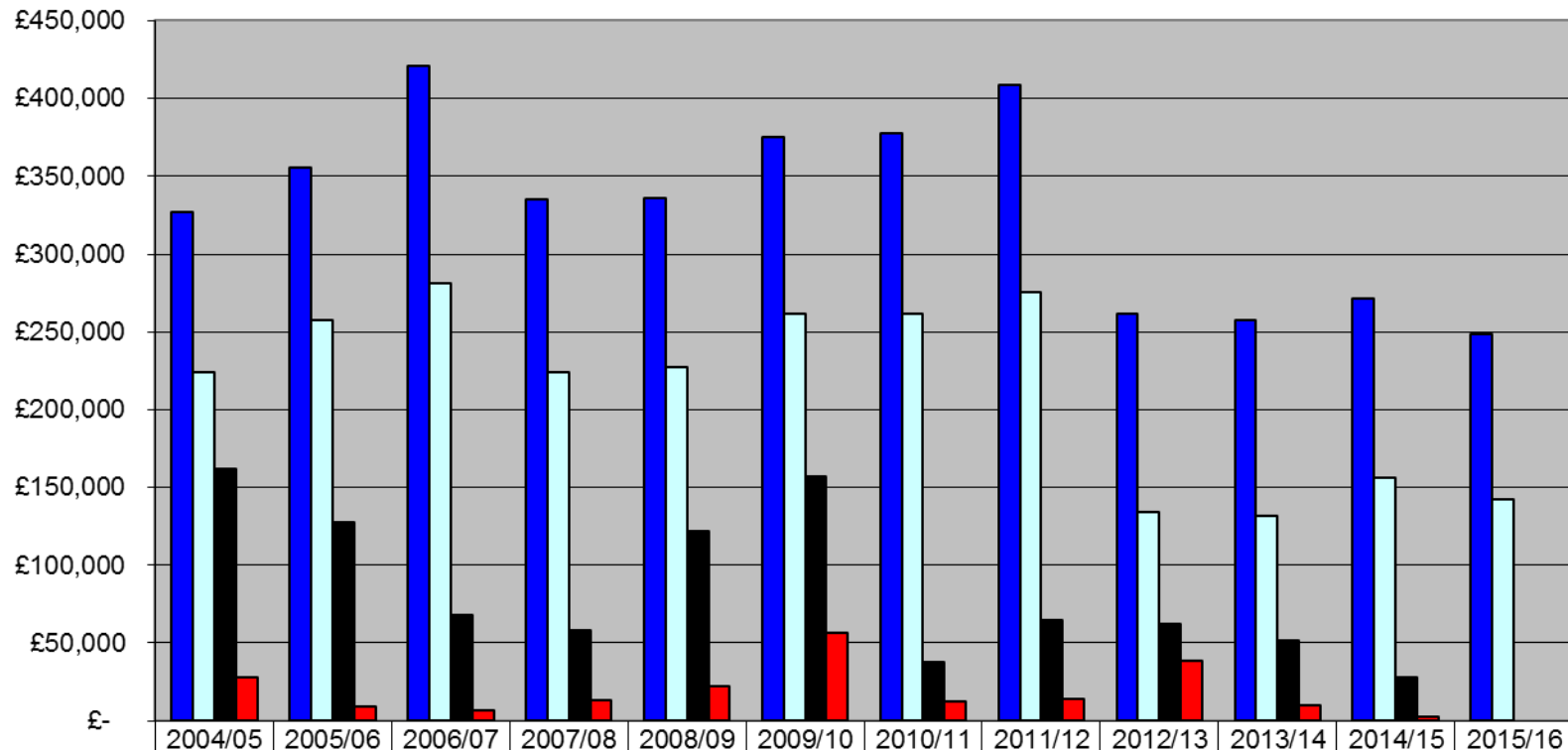
Accidents to Members of the Public
(Total Reported Annually)
April 2005 to March 2016



Number of insurance claims received (By incident Date)

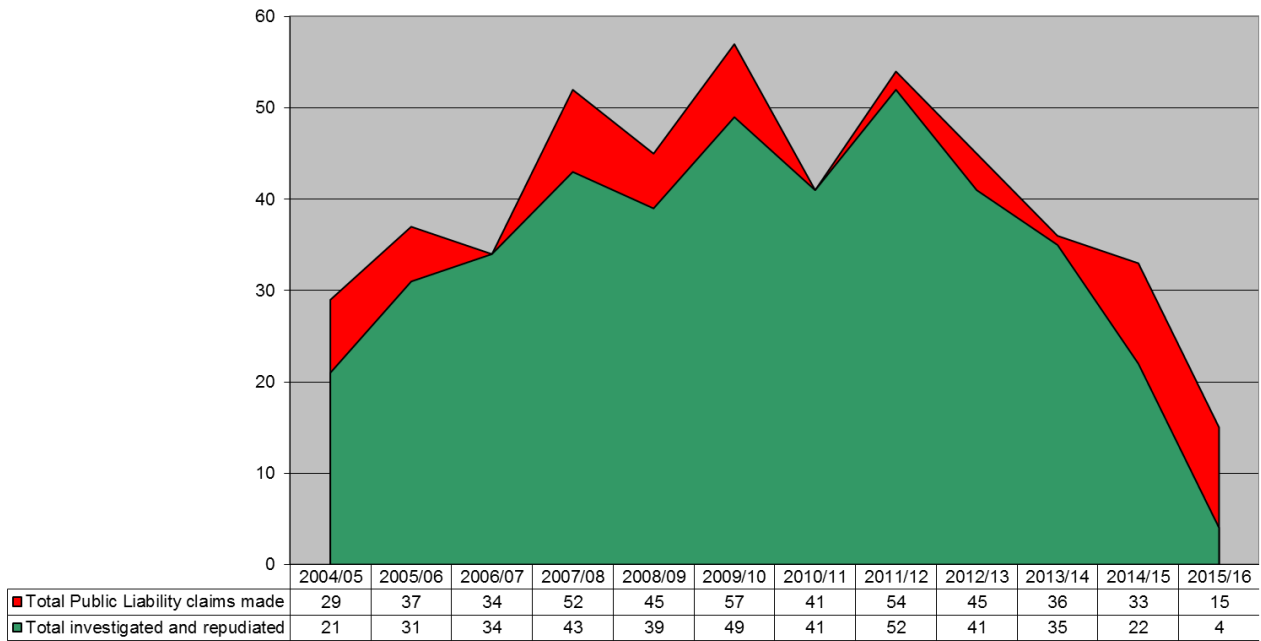


Insurance Premium V Claim Payout Analysis
(Including Public Liability, Motor Fleet and Employers Liability)
 (Excluding large claim 2005)

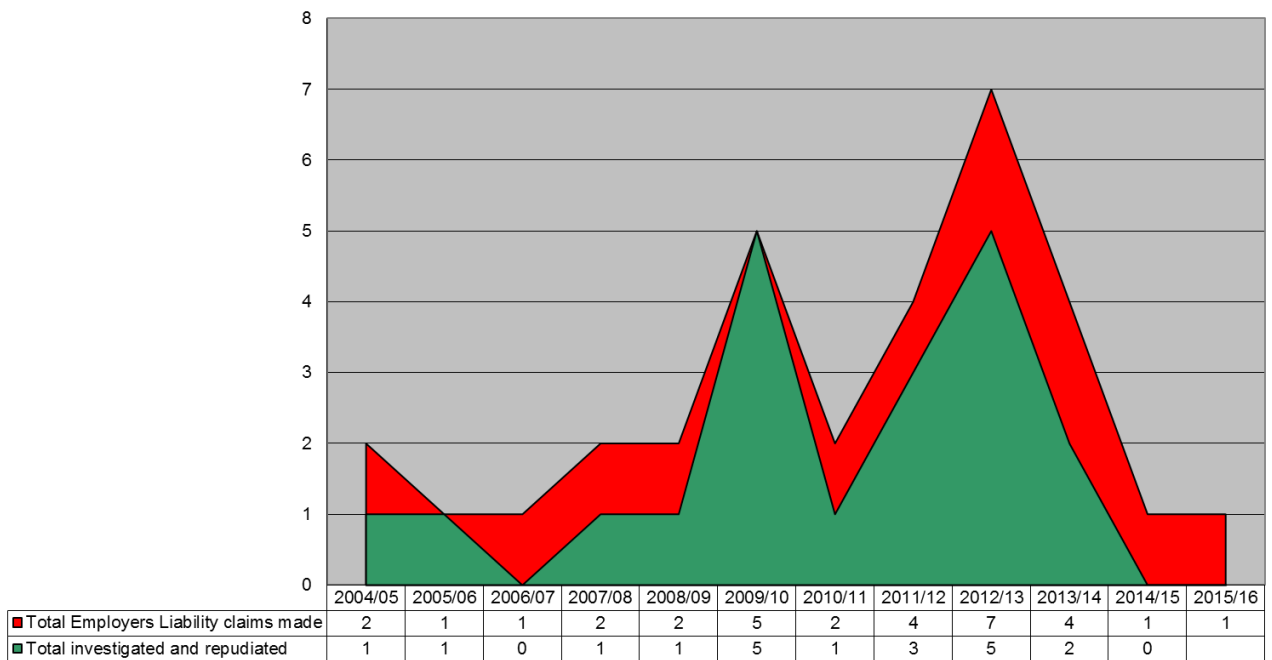


£-	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16
■ Total LDC Premium plus Broker fees	£326,732	£355,214	£420,677	£335,224	£335,644	£374,892	£377,725	£408,973	£261,550	£257,234	£271,453	248619
□ PL/EL/MV Total Premium	£223,918	£257,594	£281,054	£223,723	£227,637	£261,357	£261,357	£275,865	£134,434	£131,985	£156,547	£142,517
■ Total Claim Payouts	£161,803	£127,724	£68,222	£57,806	£122,133	£157,178	£37,503	£64,774	£61,961	£51,450	£27,528	£0
■ Policy Excess paid by Council	£28,226	£9,452	£6,727	£13,590	£22,589	£56,795	£12,550	£14,179	£38,186	£10,149	£2,617	

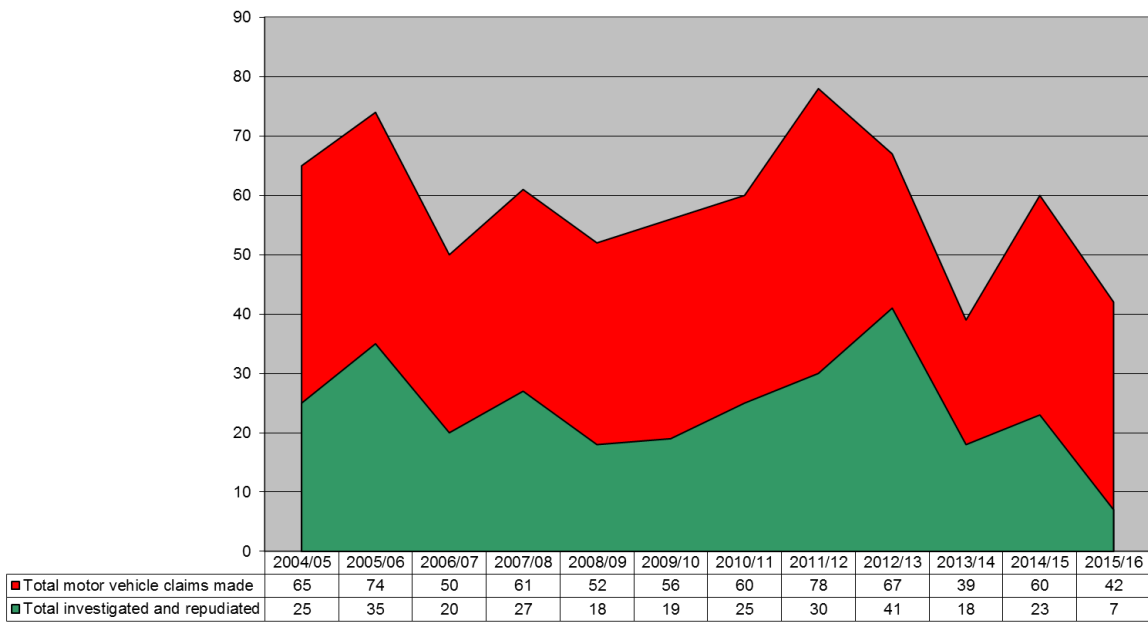
Public liability claims made versus defence of claim



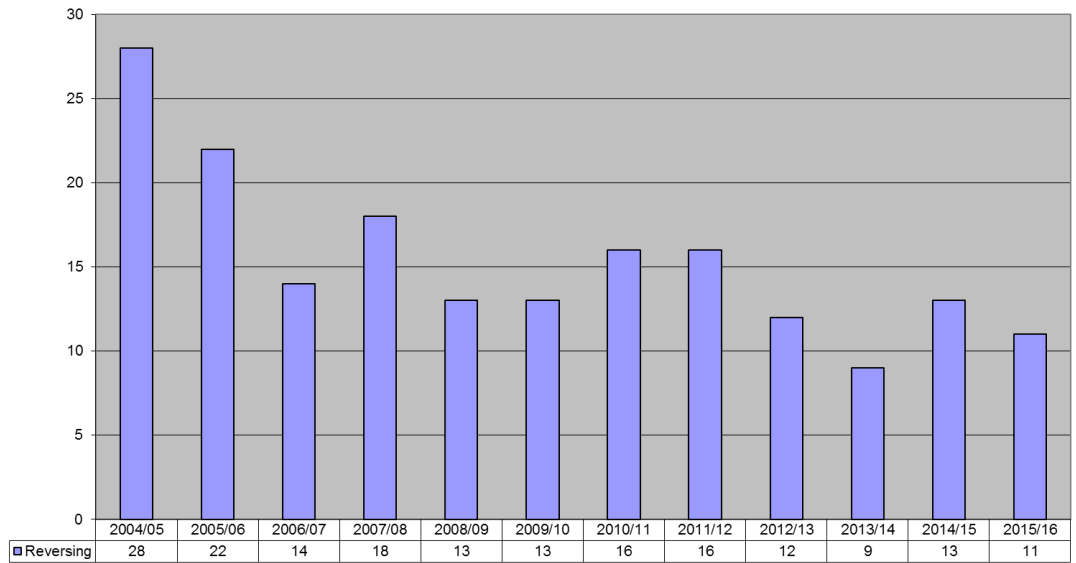
Employer liability claims made versus defence of claim



Motor vehicle claims made versus defence of claim



Insurance claims where reversing was the cause



Revised Pay Policy Statement

Date:	26th October 2016
Agenda Item:	6
Contact Officer:	Neil Turner/Cathy Pepper
Tel Number:	01543 308761/308112
Email:	Neil.turner@lichfielddc.gov.uk cathy.pepper@lichfielddc.gov.uk
Key Decision	NO
Local Ward Members	None



EMPLOYMENT COMMITTEE

1. Executive Summary

- 1.1 To inform Committee of the Council's duties under Section 38 of the Localism Act 2011 to prepare and publish a Pay Policy Statement for 2016/17.
- 1.2 To present a revised policy to reflect the recent management restructure.
- 1.3 To approve publication of the updated Pay Policy Statement, subject to Full Council approval.

2. Recommendations

- 2.1 It is recommended that Employment Committee notes the contents of the updated Pay Policy Statement as set out in **APPENDIX A** and makes any amendments it determines appropriate ahead of it being submitted for approval to Full Council on 13th December 2016.

3. Background

- 3.1 Under section 112 of the Local Government Act 1972, the Council has the "power to appoint officers on such reasonable terms and conditions as the authority thinks fit".
- 3.2 Since the publication of the 2016/2017 Pay Policy Statement earlier this year there have been organisational structure changes which means we have to revise and republish the Policy in line with the requirements of the Act.
- 3.3 The Pay Policy Statement (attached at **APPENDIX A**) sets out the Council's approach to pay policy in accordance with the requirements of Section 38 of the Localism Act 2011. The purpose of the statement is to provide transparency with regard to the Council's approach to setting the pay of its employees by identifying;
 - the methods by which salaries of all employees are determined;
 - the detail and level of remuneration of its senior managers i.e. 'chief officers', as defined by the relevant legislation;
 - the relationship between the remuneration of its chief officers, those who are not chief officers and the lowest paid.
- 3.4 This statement is required to be submitted to Full Council for approval and will then be published on the Council's website. In addition, for posts where the full time equivalent salary is £50,000 p.a, or more, the Council's Annual Statement of Accounts will include a note setting out the total amount of :-
 - salary, fees or allowances paid to or receivable by the person in the current and previous year;

- any bonuses so paid or receivable by the person in the current and previous year;
- any sums payable by way of expenses allowance that are chargeable to UK income tax;
- any compensation for loss of employment and any other payments connected with termination;
- any benefits received that do not fall within the above

3.5 Legislative Framework

In determining the pay and remuneration of all of our employees, we will comply with all relevant employment legislation. This includes the Equality Act 2010, Part Time Employment (Prevention of Less Favourable Treatment) Regulations 2000, The Agency Workers Regulations 2010 and where relevant, the Transfer of Undertakings (Protection of Earnings) Regulations.

3.6 Pay Structure

The basis for the Council's pay structure is on having a job evaluation system in place which ensures that all employees are rewarded according to the demands and responsibilities of their job and that there are no discriminatory elements.

3.7 The Council's pay structure is largely based on the Council's Single Status Agreement and on the National Joint Council for Local Government Services job evaluation scheme which has the support of both trade unions and employees. Any changes to jobs or new jobs go through a job evaluation process to ensure that there is consistency and fairness in place. The salaries are set according to the national pay grading scale (pay grades attached at **APPENDIX B within the Pay Policy Statement**).

3.8 In June 2016 Council approved the implementation of the new management structure which consisted of Chief Executive, two Directors, 8 Heads of Service (HoS) and an Assistant Chief Executive.

(The new management structure is at **APPENDIX C within the Pay Policy Statement**)

These posts also go through a job evaluation process to be consistent with the approach for all other employees, and this exercise was carried out by the West Midlands Local Government Employers' Organisation, on the Council's behalf, using the Hay job evaluation scheme. This not only ensures fairness but means that pay has been correctly benchmarked against jobs of a similar size. As part of its overall and ongoing monitoring of alignment with external pay markets, both within and outside the sector, the council uses available benchmark information as appropriate.

3.9 The detailed information regarding pay and conditions is set out in the statement attached at **APPENDIX A**. This will be updated annually in accordance with the legislative requirements.

Alternative Options	These have been considered as part of the review process by Cabinet and Overview & Scrutiny Committee.
Consultation	Employee Representatives have been consulted with regard to this new legislative requirement.
Financial Implications	This report sets out the existing financial obligations regarding pay policy
Contribution to the Delivery of the Strategic Plan	The changes in new management structure will play a significant role in achieving our fourth strategic priority – to be 'A council that is fit for the future'

Equality, Diversity and Human Rights Implications	There are no implications for anyone with protected characteristics as this policy applies to all employees equally.
Crime & Safety Issues	There are no implications

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	Non - compliance with legislation or challenges on equal pay	Through the publication of an annual pay policy statement and maintaining a consistent approach to conducting Job Evaluation.	Green

Background documents

1.1	Report to Council 7th June 2016 https://www.lichfielddc.gov.uk/Council/Meetings-committees-and-papers/FullCouncil/2016/06/07/Agenda/Council-7-June-2016-final-colour-version.pdf
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Updated Oct 2016

1. Introduction and purpose

Under section 112 of the Local Government Act 1972, the council has the 'power to appoint officers on such reasonable terms and conditions as the authority thinks fit'.

This Pay Policy Statement (the 'statement') sets out the council's approach to its pay, terms and conditions and other related matters in accordance with the requirements of Section 38 of the Localism Act 2011 (the details of which are attached at Appendix A).

Once approved by the full Council, this Pay Policy Statement will come into immediate effect and will be subject to review on an annual basis, in accordance with the relevant legislation prevailing at that time.

Lichfield District Council

Lichfield District Council employs 398 staff (as at 1st October 2016), excluding casual workers, contractors, and agency workers) and provides a wide range of services managed through the Chief Executive's office and two directorates

The Chief Executive

The Chief Executive is the lead advisor to Elected Members and is also the Head of Paid Service. The Chief Executive leads the organisation by translating members' aspirations into practical solutions and delivery. The role leads and supports the council's governance arrangements.

The Chief Executive is responsible for civic and ceremonial functions.

The Directorates

Place and Community

Strategic lead on sustainable economic development, planning policy, development plans and implementation, development control and enforcement, urban design and conservation, building control and land charges, city and town centre regeneration and development.

Lead on arboriculture services, countryside, biodiversity, rural strategy and planning.

Lead on inward investment and developing the economy, business support and partnerships, and tourism, car parking strategy and management of off street parking enforcement.

Strategic lead on housing, including housing need and investment and affordable housing planning and development. Lead on housing partnerships, housing with support and travelling families.

Lead on homelessness strategy and responsibilities, including private sector housing investment and regulation.

Lead on enforcement and regulation, including contaminated land, pollution, nuisance, air quality.

Lead on health and safety enforcement and regulation, including food safety, occupational health and safety, infectious disease.

Lead on public health and protection, including taxi, liquor and miscellaneous licensing. Lead on community regeneration and development, including building social capital, community hubs and community transport.

Lead on links with the voluntary sector; grant aid and commissioning grant funded services. Safer and Stronger communities including the Community Safety Partnership and closed circuit television.

Lead on emergency planning, with business continuity in conjunction with Staffordshire Civil Contingencies Unit.

Corporate lead on strategic planning for the council and the Lichfield District Strategic Partnership (LDSP) and District Board. Lead on older people, children and young people and safeguarding policy.

Lead on the council's Physical Activity and Sport strategy, including the management of three leisure centres, sports development and partnerships, reservoir management, outdoor sports and play provision and the management of parks and open spaces, including Beacon Park.

Lead on supporting strategic partnerships focusing on green matters including Cannock Chase AONB and managing the council's countryside assets.

Lead on the quality of the local environment and the delivery of in-house street scene services, including street cleansing and fly-tipping, abandoned vehicles, fleet management, grounds maintenance, public conveniences, and shop mobility

The Joint Waste service, with Director of Assets and Environment of Tamworth Borough Council in respect of waste collection and recycling, sustainable waste management, including partnership support, environmental education and awareness.

Transformation & Resources

Lead on assets, premises and the council's property portfolio. Lead on legal services, including probity and contracts. Lead on democratic services, governance, data protection and Freedom of Information.

Lead on electoral services, management of elections.

Lead on performance management, including accountability to Members, quality assurance, customer complaints, ombudsman investigations, MP enquiries, community research, and equalities.

Lead on provision of corporate customer services (Lichfield Connects), including development of supporting technology.

Corporate lead on health and safety, insurance and the council's Employee Liaison Group.

Responsible for corporate communications and Human Resources services,

Lead on administration and collection of local taxation, including council tax and business rates (NDR) and BID levy, housing benefits and council tax reductions, arrears collection for council tax, business rates, benefits overpayments and sundry debts. Lead on policy development on debt recovery and its management.

Corporate lead on anti-fraud policy and awareness, internal audit, risk management, procurement, development & maintenance of corporate information systems, including geographical information systems (GIS), the Property Gazetteer and street naming and numbering.

Responsible and support for the Section 151 Officer. Lead on financial probity, strategic financial management, treasury and investment funds, and revenue and capital strategy. Management of accounts and reconciliation. Lead on management of external funding

2. Legislative framework

In determining the pay and remuneration of its employees, the council will comply with all relevant employment legislation. This includes the Equality Act 2010, Part Time Employment (Prevention of Less Favourable Treatment) Regulations 2000, The Agency Workers Regulations 2010 and where relevant, the Transfer of Undertakings (Protection of Earnings) Regulations (TUPE).

With regard to the Equal Pay requirements contained within the Equality Act, the council ensures there is no pay discrimination within its pay structures and that all pay differentials can be objectively justified through the use of equality proofed job evaluation mechanisms, which directly relate salaries to the requirements, demands and responsibilities of the role.

3. Pay structure

The underpinning mechanism in delivering the council's pay structure is the council's job evaluation system and it's Single Status Agreement. This ensures all employees are rewarded according to the demands and responsibilities of their job and that there are no discriminatory elements.

The posts of the majority of employees have been assessed using a National Joint Council for Local Government Services job evaluation scheme and which is supported by both the national trade unions and council employees.

The Single Status Agreement ensures that there is consistency and fairness in its terms and conditions, including pay that the council offers to its employees.

The grades of Chief Officers have been evaluated through the Hay Job evaluation process

Any changes to jobs or new jobs go through this job evaluation process to ensure that there is consistency and fairness in place. Based on the application of the job evaluation process, the council uses the nationally negotiated pay scale as the basis for its local grading structure. **Appendix B** shows the Lichfield District Council pay grades.

The Local Government Association (LGA) represents the council in national pay negotiations with trade unions and the government over pay and conditions.

In determining its grading structure and setting remuneration levels for all posts, the council also takes into account the need to ensure value for money in respect of the use of public funds, balanced against the need to recruit and retain employees who are able to meet the requirements of their respective roles, and provide timely high quality services to the community, delivered effectively and efficiently.

New appointments will normally be made at the lowest level within the relevant grade, although this can be varied where necessary to ensure the best candidate is secured, or if an internal candidate is appointed on promotion, that a pay rise ensues.

All potential recruitments are considered by Leadership Team to ensure that opportunities for different ways of working are explored, appointments are made on the most appropriate basis and only when essential to ongoing service delivery.

From time to time it may be necessary to take account of the external pay market in order to attract and retain employees with particular experience, skills and capacity. Where necessary, the council will ensure the requirement for such is objectively justified by reference to clear and transparent evidence of relevant market comparators, using appropriate data sources available from within and outside the local government sector. This is known as a 'market supplement'.

All other pay related allowances are the subject to either nationally or locally negotiated rates, having been determined from time to time in accordance with collective bargaining machinery and/or as determined by council policy.

4. Definition of a Chief Officer

Section 43 of the Act defines the meaning of a Chief Officer, cross referring to the Local Government and Housing Act 1989. In relation to Lichfield District Council's management structure the following is included in the definition of a Chief Officer:

- The Head of Paid Service – this is the Chief Executive
- Chief officers – these are the council's two directors
- Heads of Service 8
- Assistant Chief Executive

The Chief Officers' Structure is shown on Appendix c

5. Chief Officers' remuneration

Chief Executive, Directors, Heads of Service and Assistant Chief Executive

The current levels of remuneration are:

Chief Executive

The current salary of the post is £99,833. The salary falls within a range of four incremental points between £94,128, rising to a maximum of £99,833, not inclusive of any payment for Returning Officer duties, with the exception of District and Parish elections, payment for which is included in the salary.

Directors

The salaries of posts within a range of four incremental points between £78,000 and £82,500

Heads of Service (HoS) and Assistant Chief Executive

The Assistant Chief Executive reports directly to the Chief Executive and the Heads of Service report directly to a Director I and are paid on the Hay Scale and are classed as part of the Leadership Team (for the purposes of the act). These officers are paid in a range of five incremental points between £55,000 and £60,000.

6. Performance related pay for the Chief Executive

The scheme allows for an assessment of performance on an annual basis and a payment to reflect performance achievements delivered by the posts of the Chief Executive. The performance measures and targets are agreed for the Chief Executive who is appraised by the Leader, Deputy Leader and Leader of the Opposition. The amount awarded is based on the following:

- The maximum payable 10% of current salary.
- Targets substantially met – full payment.

- At least 50% of targets met, with justification all targets have not been substantially met – a payment of between 50% and 75%.
- Less than 50% of targets met – no payment.

7. Other pay additions

In addition to basic salary, described below are details of other elements of ‘additional pay’ which are chargeable to UK Income Tax and do not solely constitute reimbursement of expenses incurred in the fulfilment of duties:

- Fees paid for Returning Officer duties where identified and paid separately. This applies solely to the Chief Executive and relates to fees, which are set by the Government for Parliamentary elections, European elections and referenda, and through agreement with Staffordshire County Council, for County Council elections, using a pence per elector for the calculation. Fees for the district and parish local elections are included in the salary level.
- Essential user car allowance is £80.25 or £70.50 per month dependent on the size of vehicle. These rates are applicable to all employees who are essential car users.
- There are currently 78 employees receiving an essential car user’s allowance.

In addition to basic salary, details of other elements of ‘additional pay’ which are chargeable to UK Income Tax and do not solely constitute reimbursement of expenses incurred in the fulfilment of duties, are set out below:

Additional Payments	Numbers	Pay range FTE Per annum £
Shared Service Payment	2	3528- 4459
Market Supplement pay range	4	2211-5000

8. Payments on termination

All staff

The council’s approach to statutory and discretionary payments on termination of employment of chief officers, prior to reaching normal retirement age, is set out within its policy statement in accordance with Regulations 5 and 6 of the Local Government (Early Termination of Employment), (Discretionary Compensation) Regulations 2006 [and if adopted] Regulations 12 and 13 of the Local Government Pension Scheme (Benefits, Membership and Contribution) Regulations 2007.

The details of payments are set out in the Council’s Discretionary Payment Policy. These policies apply equally to all council employees.

9. Lowest paid employees

The lowest paid people employed under a contract of employment with the council would be employed on a full time [37 hours] equivalent salary, set at the minimum pay point currently in use within the council’s grading structure (see **Appendix C**). There is currently one employee on this level.

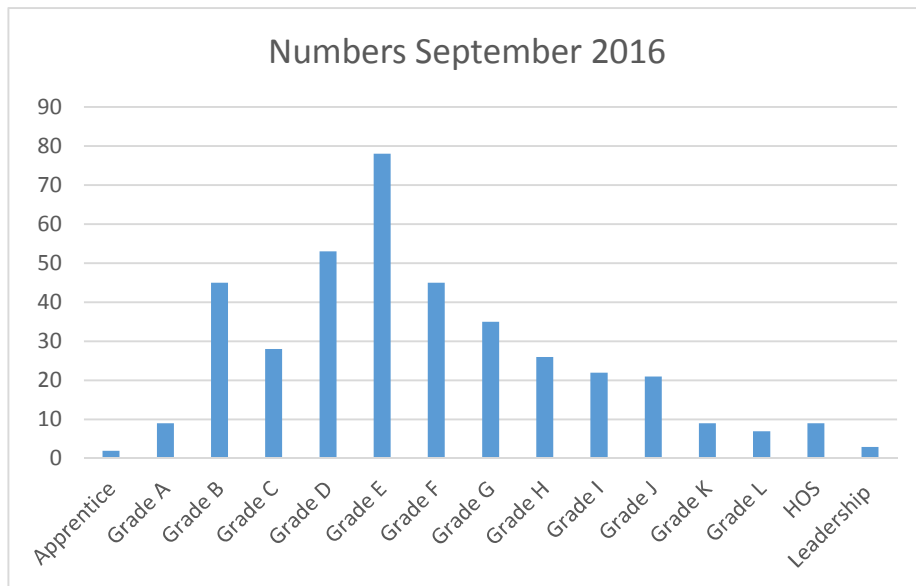
From time to time, the Council may employ Apprentices (or other such categories of workers) who are not included within the definition of ‘lowest paid employees’, as they are employed under schemes and are paid at rates determined by central government/scheme organisers. We currently have two apprentices.

10. Pay relationship

The relationship between the rate of pay for the lowest paid and chief officers is determined by the processes used for determining pay and grading structures as set out earlier in this policy statement.

The statutory guidance under the Localism Act recommends the use of pay multiples as a means of measuring the relationship between pay rates across the workforce, and that of senior managers. This is detailed in the Hutton 'Review of Fair Pay in the Public Sector' (2010). The Hutton Report explored the case for a fixed limit on dispersion of pay through a requirement that no public sector manager can earn more than 20 times the lowest paid person in the organisation. The report concluded that the relationship to median earnings was a more relevant measure, and the Government's Code of Recommended Practice on Data Transparency recommends the publication of the ratio between highest paid salary and the median average salary of the whole of the authority's workforce.

The graph below shows the relationship numbers of staff on the different pay grades within the council:



The current pay levels within the council define the multiple between the lowest paid (full time equivalent) employee and the Chief Executive ratio is 1 to 6.88 and between the lowest paid employee and median average chief officer as 1 to 4.34. The multiple between the median average full time equivalent earnings and the Chief Executive is 1 to 4.88, and between the median average full time equivalent earnings and median average chief officer it is 1 to 3.08.

As part of its overall and ongoing monitoring of alignment with external pay markets, both within and outside the sector, the council uses available benchmark information as appropriate.

11. Publication

Upon approval by Full Council, this statement will be published on the Council's Website. In addition, for posts where the full time equivalent salary is at least £50,000, the council's Annual Statement of Accounts will include a note setting out the total amount of:

- salary, fees or allowances paid to, or receivable, by the person in the current and previous year
- any bonuses paid or receivable by the person in the current and previous year
- any sums payable by way of expenses allowance that are chargeable to UK income tax

- any compensation for loss of employment and any other payments connected with termination
- any benefits received that do not fall within the above

12. Accountability and decision making

In accordance with the constitution of the council, the Employment Committee is responsible to the council for functions relating to employment matters including establishing the overall framework for remuneration and terms and conditions of employment.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.



Localism Act 2011

2011 CHAPTER 20

PART 1

LOCAL GOVERNMENT

CHAPTER 8

PAY ACCOUNTABILITY

Pay policy statements

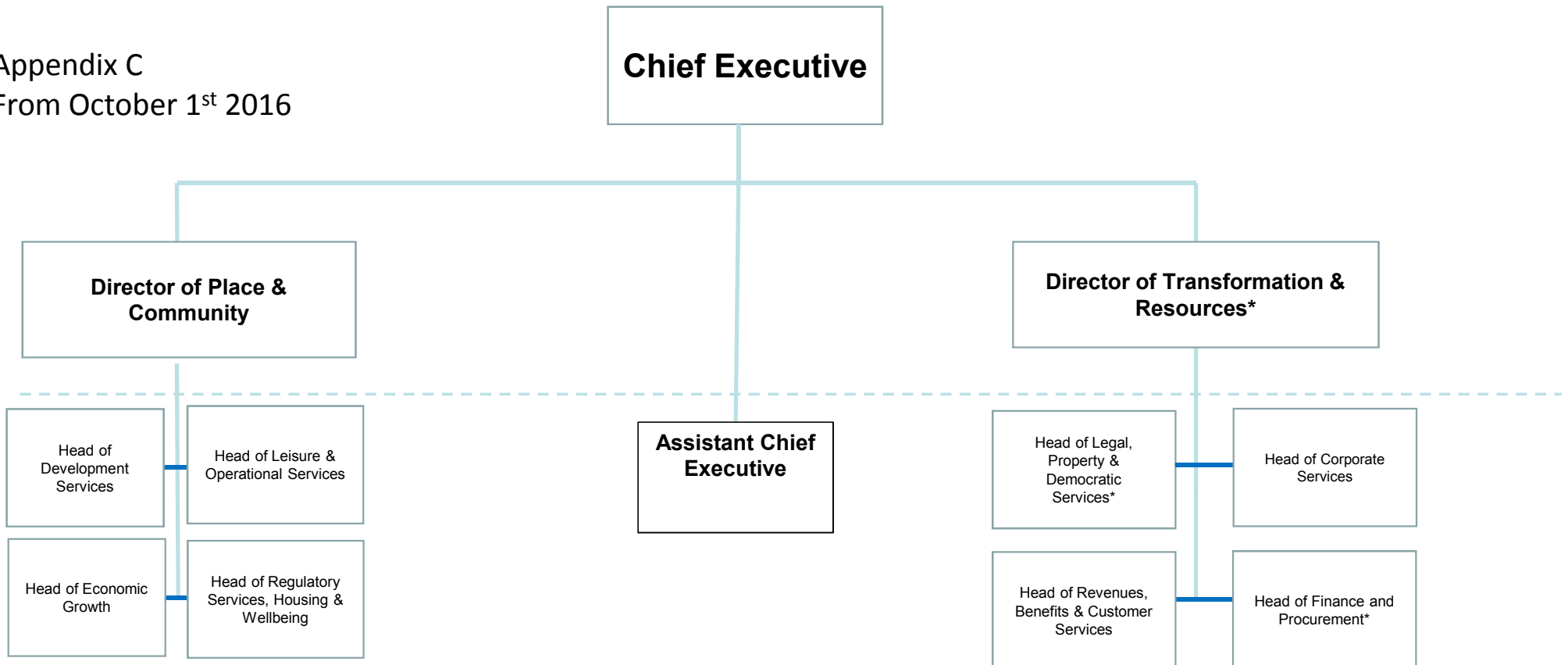
38 Pay policy statements

- (1) A relevant authority must prepare a pay policy statement for the financial year 2012-2013 and each subsequent financial year.
- (2) A pay policy statement for a financial year must set out the authority's policies for the financial year relating to—
 - (a) the remuneration of its chief officers,
 - (b) the remuneration of its lowest-paid employees, and
 - (c) the relationship between—
 - (i) the remuneration of its chief officers, and
 - (ii) the remuneration of its employees who are not chief officers.
- (3) The statement must state—
 - (a) the definition of "lowest-paid employees" adopted by the authority for the purposes of the statement, and
 - (b) the authority's reasons for adopting that definition.
- (4) The statement must include the authority's policies relating to—
 - (a) the level and elements of remuneration for each chief officer,
 - (b) remuneration of chief officers on recruitment,
 - (c) increases and additions to remuneration for each chief officer,

National Joint Council for Local Government Services
April 2016 – March 2017

BAND A	ANNUAL	Hourly Rate		BAND G	ANNUAL	Hourly Rate
				G26	23166	12.0076
				G27	23935	12.4061
A6	14514	7.5230		G28	24717	12.8115
A7	14615	7.5753		G29	25694	13.3179
				G30	26556	13.7647
BAND B				BAND H		
B7	14615	7.5753		H30	26556	13.7647
B8	14771	7.6562		H31	27394	14.1990
B9	14975	7.7619		H32	28203	14.6184
B10	15238	7.8983		H33	29033	15.0486
B11	15507	8.0377		H34	29854	15.4741
BAND C				BAND I		
C11	15507	8.0377		I34	29854	15.4741
C12	15823	8.2015		I35	30480	15.7986
C13	16191	8.3922		I36	31288	16.2174
C14	16481	8.5425		I37	32164	16.6715
				I38	33106	17.1597
BAND D				BAND J		
D14	16481	8.5425		J38	33106	17.1597
D15	16772	8.6934		J39	34196	17.7247
D16	17169	8.8991		J40	35093	18.1896
D17	17547	9.0951		J41	36019	18.6696
D18	17891	9.2734				
BAND E				BAND K		
E18	17891	9.2734		K41	36019	18.6696
E19	18560	9.6201		K42	36937	19.1454
E20	19238	9.9716		K43	37858	19.6228
E21	19939	10.3349		K44	38789	20.1054
E22	20456	10.6029		K45	39660	20.5568
BAND F				BAND L		
F22	20456	10.6029		L45	39660	20.5568
F23	21057	10.9144		L46	40619	21.0539
F24	21745	11.2710		L47	41551	21.5370
F25	22434	11.6281		L48	42474	22.0154
F26	23166	12.0076		L49	43387	22.4886

Appendix C
From October 1st 2016



* denotes statutory responsibility for S151 or Monitoring Officer. Could sit at Director or Head of Service level

New Responsibilities at Head of Service

Head of Development Services

- Development Management
- Conservation, Arboriculture, Urban Design and Ecology
- Land Charges
- Building Control (shared service)

Head of Leisure & Operational Services

- Grounds Maintenance and Park Services
- Street Cleaning
- Council Leisure Facilities
- Sports and active lifestyles.
- Arts Services
- Garrick Theatre

Head of Regulatory Services, Housing & Wellbeing

- Environmental Health Protection
- Public Protection (Licencing)
- Emergency Planning
- Housing Services
- Community Safety
- Community Transport
- Health and Wellbeing

Head of Economic Growth

- Strategic Planning (delivery of Local Plan)
- Economic Development
- CIL: monitoring & delivery
- Development Schemes
- CCTV
- Tourism
- Car Parks

Waste Manager

Current post retained as a 3rd tier post reporting to Director of Place & Community

Waste Collection (shared service with Tamworth)

Head of Legal, Property & Democratic Services*

- Legal Services
- Democratic Services
- Election Services
- Property/Estate Management

** NB – this post could be designated as the MO dependent upon Director level appointment*

Head of Finance & Procurement*

- Financial Management & Support
- Audit
- Procurement

** NB – this post could be designated as the S151 dependent upon Director level appointment*

Head of Revenues, Benefits & Customer Services

- Customer Services
- Council Tax Collection
- Business Rate Collection
- Benefit Payments
- Debt Recovery

Head of Corporate Services

- Policy & Performance
- F4F Programme
- IT Systems & Development
- Corporate Communications
- HR/OD
- Health and Safety
- Insurance
- Facilities Management