



Improving Regulation in Staffordshire (IRIS) Toolkit



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How to use the toolkit

The purpose of this toolkit is to assist regulators who wish to work together to deliver services, on a one off basis or on a more permanent basis. It is designed in such a way that you can pick and choose what suits your particular situation. Whilst great care has been taken in verifying the accuracy of the information contained in this document it should not be relied upon as the basis of legal opinion. We would strongly suggest that if you chose to adopt any of these documents that you seek legal advice on their contents and suitability for use in your organisation. None of the documents that appear here are copyright protected and can be reproduced and modified as the user deems necessary.

Contained in this guide is the rationale for working together - in case you needed some strong arguments to persuade someone that working together is a good idea.

This guide is also available electronically so you can access the forms and spreadsheets and adapt them for your own needs. Please see the working with business website to access it at www.workingwithbusiness.org.uk.

The toolkit demonstrates how the IRIS group achieved it's goals of working together, and only in the arena of waste management. It is intended that anyone can use this guide to help them achieve joint working, please use the information in this guide in any way you see fit and adapt it to your own particular needs, feel free to change things and use the information contained herein as a starting point or basis for discussion.

Why work together?

A survey of the regulators who participated in this project identified some key reasons why it was beneficial to work together.

“The presence of multiple agencies often spurred the business on to make changes that would not otherwise have happened”.

“The business could not use the tactic of “regulator A said I could do this and you’re telling me something different”.

“A regulator can act quickly on a trusted source of information i.e. another regulator as oppose to a complaint from the public where other agenda’s may be at work.”

“Working together can help to cut through individuals agenda’s and get to the real issue more quickly.”

A survey of the regulators who participated in this project identified some key reasons why it was beneficial to work together.

“New intelligence from other members of the group can help inform future work or give weight to a business case for doing more of a particular activity”.

“Agencies that visit a site more frequently can act as eyes and ears to keep the others up to date about whether conditions are being complied with or further breaches occur (good for those with limited resources who cannot conduct re-visits).”

“Working as a group meant that there was more consistency of approach and little chance of conflicting information being given to the business.”

“Getting to know about what other regulators do helps to signpost information on when you find a problem that is outside your remit. We all benefit from that long term”.

“We achieved more overall working together than alone.”

The IRIS project worked towards the following goals in working together as regulators:

Outcome	Comments	Practical Development
Increased Business support and development	The community needs sites and facilities to support the need for better quality of life, but want them in the right location, well run and regularly monitored. Business needs support to find and develop in the right location. Business needs flexibility to develop and change to respond to market conditions and to minimise costs (start up and operating). However, they need to make the right of investment. Government wants to see more competition to drive down costs and increase quality.	<ul style="list-style-type: none"> • Set up business accounts. • Provide business support and advice – website • Develop partnership with trade associates, SME's • Business and economic training for regulators • Improve community engagement. Build confidence in delivery.
Improved Business engagement	Need to engage with business at the planning/development stage of projects rather than at the regulation stage (Early intervention with advice).	<ul style="list-style-type: none"> • Business Engagement Strategy • Risk Assessment Register • Risk Assessment Methodology
Less regulatory intervention. Minimise criminal behaviour.	Business wants to see less inspection intervention, more support to develop and respond to business opportunities. Move towards self regulation, but regulators need to respond to complaints and check operations. Regulators need to look at the quality and effectiveness of the “first response”.	<ul style="list-style-type: none"> • Securing continuous compliance • Business – complaints procedure • Establish “first response” protocol • Informal cautions/warnings • Joint Inspections – planned/unplanned
Safer Sites	Business needs to be aware of, and recognise importance of, health and safety at work. Need competent, properly trained staff. Need to design out issues at a very early stage.	<ul style="list-style-type: none"> • Delivery of awareness and training • Design and operation manual

Outcome	Comments	Practical Development
Better Environment	Need to improve the quality of the environment. Site options: 1. Bigger, better run, but less of them in remote locations. 2. Bigger, better run, but in urban locations. 3. Smaller, well run sites in remote locations. 4. Smaller, well run sites in each community.	<ul style="list-style-type: none"> • Need to look at Community Strategy. • Need to look at Local Development Frameworks • Need for Strategic Siting Appraisal
Higher Operational Standards	Planning system determines the land use principles and provides an operating framework. The framework does not deal very well with day to day operations, technological change, trials and doesn't drive up operational performance quickly or effectively. Need to design out issues relating to pollution, amenity, safety and at the more strategic level, the siting of new facilities.	<ul style="list-style-type: none"> • Need to look at Local Development Frameworks • Design manual for sites • Need to improve operative framework: <ul style="list-style-type: none"> - Set objectives for each site - Delivery of objections - Monitoring regime - First response when they go wrong.

Where do I start?

The starting point for this project was an increasing number of complaints about particular businesses that were causing concern amongst the local community and the regulators. Although the four regulators had responsibility for the business in different areas, no-one had the overall picture. Consequently, interventions were only ever solving part of the problem. The community were dissatisfied because their perception was that no-one was listening or taking positive action. A decision was taken to tackle the business which generated the persistent issues for the regulators and public.

Other ideas for joint working are where there is an overlap of legislative powers between the regulators, for example Environmental Health (second tier function) and Trading Standards (first tier function) both enforce the Food Safety Act. There may be a positive benefit in linking up to carry out inspections at a food manufacturing plant in this example.

Do you have a local contact within the regulator you want to work with? This is often the best starting point to get things up and running.

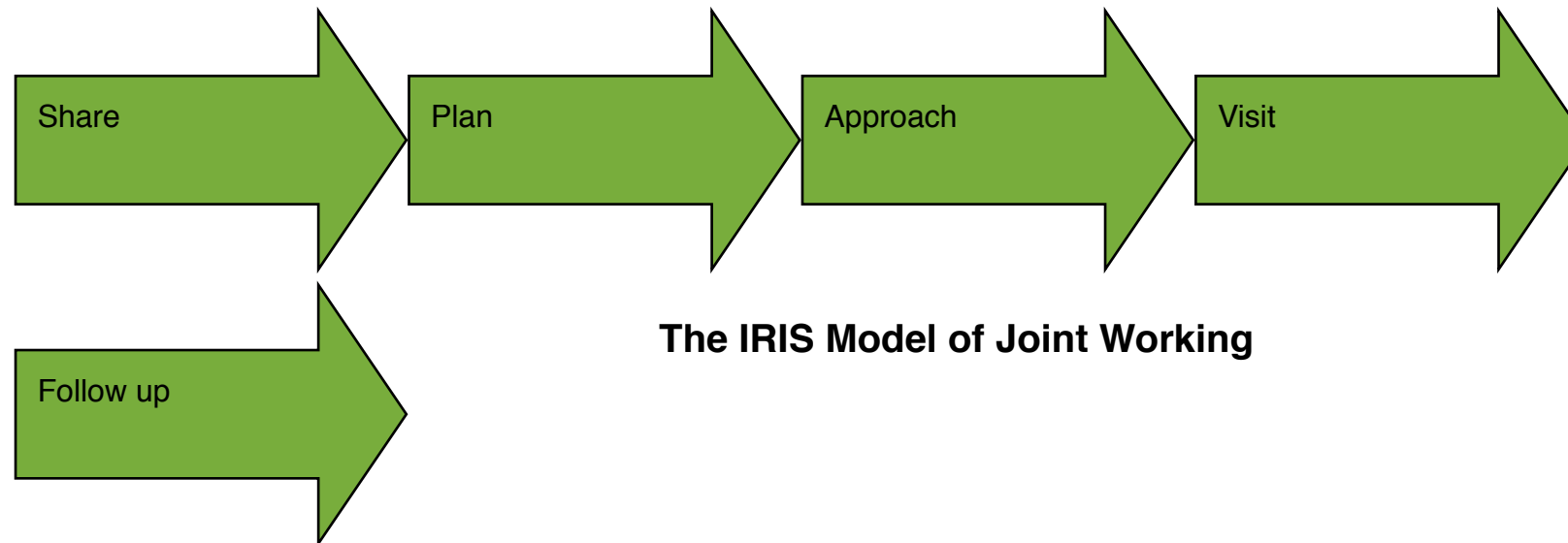
We want to work together, what practical things do we need to know?

Have a look at the templates for working together section. You should also consider the following:

The definition of an inspection:

This definition has been specifically constructed to cover all inspections both reactive and proactive to any business premise.

“An inspection is defined as any site visit where a regulatory authority enters to assess compliance, consider whether enforcement action should be taken and/or to ensure compliance with any action.”



The IRIS Model of Joint Working

Share

Holding a case conference is often a useful starting point. Each regulator brings all the information they have about the business in question. Share this information and come up with a prioritised plan of action. Work out who has the regulatory responsibility for each of the issues that have been identified. Can they all be addressed in one visit or will it take longer?

Plan

Once you have an action plan, appoint a lead who is responsible for making sure that all the points identified in the case conference are being addressed. The IRIS group appointed a lead officer for each business who acted as the first point of contact for the group. The lead

officer also wrote the action plan for tackling problems. See APPENDIX ? for an example action plan. The lead officer was usually chosen on the basis that they had most of the points to address within their regulatory functions.

Approach

In a lot of cases the businesses that the group approached had a mistrust of regulators, or a long history of non-compliance. As a joint visit is the most efficient and effective way to tackle the problem as whole, it was necessary to ensure that the business were happy to be visited en-masse. It may be best to set up an initial meeting with the business and discuss spending half or a full day there outlining all the issues which you want to address. The business may have to make special arrangements (staff cover or running machinery) and if this can be planned in advance then this will make better use of everyone's time on the day.

The visit

A pre-visit meeting was useful to determine who was going to bring which pieces of equipment, e.g. camera, sampling equipment, testing equipment etc. The IRIS group developed it's own form for use on joint visits as a basis for one person recording the basic information once, then sharing it with the others. Trust plays a large part in not only working together, but also working with the business to help bring it into compliance. It is useful to remember that what may be a high priority for your service will not necessarily be a high priority for the other regulators or the business. This is the advantage of working as a group, having a joint perspective often brings quicker and more satisfactory results for both the business and the regulators. The board developed a joint inspection form which can be seen at APPENDIX B

Follow up

The IRIS group felt that is was a more efficient use of resources if only one of the group went back to re-visit and check up on all the outstanding actions. The results were then reported back to the other members of the group. A waste site action plan was developed that enabled the group to keep tabs on the businesses progress against the agreed goals. A copy of a completed action plan is available at APPENDIX A.

Legal Considerations

A large part of the project centred around sharing information. The project developed a number of documents in order to assist the flow of information. The project also investigated the use of technology developed by the Business Matters project to share information electronically.

The main points to consider when sharing data are as follows:

- Does the organisation have the legal right to collect the data?
- Does the organisation have the legal right to share the data?

- Could the sharing be unlawful in respect of the following list of legislation?
 - Data Protection Act 1988
 - Freedom of Information Act
 - Human Rights Act 1988 (ECHR)
 - Common law tort (breach of confidence)
 - Administrative law of each organisation (if applicable)
 - Local Government Act 1972 (s.111(1))¹

The Crime and Disorder Act 1988 can often act as a gateway to sharing information. There is also a common law prerogative by way of case stated² that a public body may in order to prevent crime or other serious forms of wrong doing share information provided it...acts reasonably and in good faith and on lawful and relevant grounds of public interest.

Section 2 (1) of the Local Government Act gives local authority the power to do anything which... “promotes or improves the environmental well-being of their area.”

The advice given by legal counsel was that there was no reason a group of regulators could not share information provided it was in the public interest to do so. The legal advice from counsel is reproduced in the main body of the report and appears here at APPENDIX C.

¹ taken from Public Sector Data Sharing: Guidance on the Law November 2003 www.foi.gov.uk/sharing/toolkit/lawguide.htm

² R v Secretary of State for Health ex parte “c” 2000 1 FLR 62

What might we want to share?

The IRIS project identified some key pieces of data that it would wish to share amongst the group, there were as follows:

Identifiers	BS7666 address	Telephone number	Fax number	Registered business name	Classification	Birth date of trading
Website address	Email address	Contact details	Title	Forename	Surname	Job title
Legal status	No. of employees	Turnover	SNAC code	Trading as name	UPRN	Risk rating
Date of last inspection	Name of inspector	Date of next inspection	Results of inspections	Legislation applied to business	Enforcement actions pending	Notices issued
Successful prosecutions	Unsuccessful prosecutions	Advice/Guidance issued	Results of follow up visits	Warning letters	Warning markers	Physical description
Type of waste operation	Landowner details	Operator details	Type of Permits issued	Expiration date of permits	Land registry number	Category of complaint (e.g. dust)
Opening hours	Aerial photographs	GRID ref.	Type of pollutant	Source of pollutant	Details of referral to other regulator	Pending planning applications
Pending licence application	Pending permit application	Complainant details	Persistent complainants			

The project has worked closely with Business Matters Phase 5. Any data to be shared electronically would have to comply with the rules of the Business Data Schema. The Schema is available to view at Appendix I.

How could we share all this data?

As previously mentioned the IRIS project looked at implementing the technology developed by the business matters (phase 5) project as a way of sharing the data electronically in real time. Phase 5 has developed a schema for the sharing of data in a standardised way. The schema breaks data down into different levels depending on its sensitivity. For example, data which is freely available to the public, for example company details held at Companies House would have a zero rating as there is no risk attached to the sharing of this data. Other types of data for example notices of intended prosecutions would have a high score because of the sensitive nature and would only be able to be shared in certain circumstances within particular parameters.

The business matters project has developed the technology to be able to share data across a range of databases in different organisations and keep it up to date. How it works in simple terms is this, information is extracted from its source, pulled to a central hub and then pushed out and consumed by another partner who can then either choose to accept or reject the data. The business matters project is working towards developing a regional database business in conjunction with business link west midlands and several local authority partners. Visit www.workingwithbusiness.org.uk for more information.

Achieving a fully integrated data sharing system along the lines of the hub, as described above was not possible within the 12 month time-scale of this project so we had to look at other ways of sharing information effectively in order to work together. The project faced two barriers to information sharing which were as follows:

1. Legal departments being uncertain that the gateways existed in order to share the data without breaching any laws.
2. IT departments being unable to commit resources within the time-scale of the project to carry out the necessary work to enable the partner organisations to get onto the business matters hub.

Currently we are exchanging data (in very small amounts) by phone. When all the partners are connected to the Government Connect system, we can exchange data via email. It was necessary to develop a temporary solution to this problem, and so a spreadsheet was developed where the partners could log information and keep a record of any actions taken with the business. This is available at APPENDIX D.

Templates for working together

During the project the group developed a number of documents which will assist those who wish to start working together. They are as follows:

- How we work - Lichfield DC Appendix E
- How we work - HSE Appendix F

These were very useful documents in order for each of the partners to understand what each other's role was and the powers they had. It would be beneficial to have these documents drawn up before you start working together.

- Working together protocol Appendix G
- Memorandum of understanding on data sharing Appendix H
- Joint inspection form Appendix B
- Waste site action plan Appendix A
- Spreadsheet for recording and sharing information Appendix D

Case Studies

Each partner was interviewed about their experiences of working within the IRIS setting. A case study was produced for each of the partners which it is hoped will benefit the reader by giving a clearer understanding of what the project meant in practical application of day to day work.

Environment Agency Case Study - Lisa Hill, Environment Officer, Environmental Management, Environment Agency.

The EA was contacted by Staffordshire County Councillor, Matthew Ellis and the query was passed to Lisa Hill to investigate. The site in question was a site that Lisa was responsible for. The EA would issue a permit to the site. The site in question was operating outside the remit of their permit. The councillor was getting a lot of complaints about the general untidiness and condition of the site. Councillor wanted to know who was responsible for enforcement. The Councillor was aware of the Regulator's Compliance Code and wanted to see if there was a way of all the agencies working together to resolve the concerns of the residents.

There was a series of meetings with LDC, Staffs, EA and HSE and Councillor Ellis to discuss the situation. It was then decided that a joint site visit would be appropriate. The IRIS partners got together and informed the site that they were coming and what they wanted talk about.

The visit lasted two hours. The HSE were concerned because of the condition of the building, it needed to be condemned. There were problems because the buildings and land were not owned by the business, it was owned by the farmer. The HSE served notices that the building needed to be demolished. The business then needed to approach the owner of the land and tell him that money needed to be spent. The business and the owner came to an arrangement to split the costs.

Lisa visits the site frequently and had the knowledge of the site and working conditions so was able to assist the HSE whether compliance was happening and, if not, she was able to liaise with the HSE to tell them that further intervention was needed. The site is now operating to a good standard and the level of complaints have now decreased.

It became clear that sometimes there were conflicts between the regulators, for example the height of perimeter fences around the site, this would need to be resolved between the regulators before the permit is granted.

The big advantage to this way of working is that all the regulators are on site and agreement can be made amongst the regulators so that they are happy with the outcome. The businesses are happier with having a joint visit because they have good information all the same time and therefore less visits. It also helped open up the lines of communication between the regulators and businesses. It's about working together to get things right first time rather than resorting to formal action.

Lichfield Case Study - Tim Matthews Lichfield District Council.

It was learning curve, the agencies were unsure about who should do what and what sort of action to take and how quickly to do it.

We have good relationships now with the team but there were teething troubles to start with learning how the other regulators worked. Sometimes you have to take extreme action to make the business realize how important it is to get things sorted.

There are often so many problems at a site that it is difficult to know where to start. It is important to sit down with the full information available from all the regulators and put together the plan of action to see who is going to do what. This is what happened at a particular site and it worked well. Each agency will have different priorities and so this can mean that the agencies don't often think about linking up. If they do though the whole picture can be viewed and dealt with accordingly.

Permits will cover different things A1 will cover a power station and sets out what is permitted to be carried out. Waste legislation is covered by Part B and deals with Waste Management Licence. The LA usually lead on the air pollution side and the EA will deal with the other pollutants. The legislation gives powers to both the EH and EA which can give rise to some problems about who should do what.

What we have learnt is that it is good to sit down and have a meeting before anyone goes on the site and decide what the plan if action is going to be. It is more advantageous for the business for all the regulators to go together and then the site do not have multiple visits because the company rep doesn't have to keep attending the site.

We are planning to go back to the same premises and visit again. The joint working has created bonds locally. We are now inviting the EA to the local environmental crime group because we want share the skills and expertise of the other agencies. We are adding value to the process we already have. The EA have got a national network of resources which can be utilised.

There is a problem for LA's in terms of resources about sharing information. It would be good to set up a regional network or a INTEL unit equivalent for EH.

They are problems because often the legislation that we enforce mean that we are in conflict with another. Working within the IRIS framework has helped to break down these barriers.

Staffordshire Case Study - Doug Walker Planning Regulation, Staffordshire County Council.

A Councillor was receiving a lot of complaints from the public about a particular site. He asked why couldn't we bring in other regulators who could solve problems on sites, this was the catalyst to get the regulators together.

The first visit worked well, and so because that was successful we then decided to replicate it across other sites. On the next visit the EA and Staffs had already been there before. There was joint regulation here - how are you going to approach the site, with a problem solving or a prosecution mindset? What are we going to do as a team? The powers of County planning are against the land owner rather than the operator of the site. A breach can therefore move with the transfer of ownership. The EA can target the operator and therefore there is a real benefit to working together in this way.

There is still a lack of training across the agencies and within the courts about the seriousness of the offences and how they need to approach it. If you can guarantee the source i.e. from another regulator you know there is no hidden agenda. Also, if one of the regulators does not have the power to pursue something then the other regulator may be able to fill the gap. When targeting problem sites if all the regulators go together then the businesses cannot play one regulator off against the other, and also, there is power in numbers, if they are being targeted by all the regulators then there is nowhere to hide and they realise that the game is up and they are going to have to change the way they are doing things.

There are two things that we need to expand. Unauthorised sites where waste is being dumped but no permission has been sought from the planning authority.

District Planning is needed to be included in this team as well because the district has some parts of the offence and the county will deal with others.

Golf courses - the district will issue the planning permission but often they become an illegal dump from sand, gravel and hardcore. The County Council often don't know about the permissions that are being granted. There needs to be better communication between the district and the county. The County are a consultee but this is slow work and changes are starting to be made. The county want to know will the development involve the importation of waste.

The site waste management plan is required for any development over £300,000. This plan will have to show how waste from the site will be dealt with. However, there is no approval of the plan, so as long as they have a plan then they have satisfied the legislation, Cleaner Neighbourhoods and Environment Act.

Health and Safety Executive Case Study - Clive Brookes Health and Safety Executive.

Tim Matthews (Lichfield) contacted Clive direct as they already have a working relationship. He contacted them over a the site in question and HSE hadn't heard of the place and were then invited to a meeting. The site was not a high priority target for the HSE so we hadn't got a lot of knowledge about them. As a result we did a joint visit and we issued an improvement notice. After this success it appeared that most of the other problems started to get resolved. It also showed that we didn't know about the other problems regulators faced and had we known it could have been sorted sooner.

HSE do not get to hear about the problem sites, so Clive is encouraging the other regulators to tell them about problem sites.

There is a statutory duty to notify the HSE if you open a quarry. IRIS has meant that Staffordshire shared a list of all the waste sites with HSE that they didn't know about previously. IRIS has also had knock-on effects elsewhere because HSE has met with all the heads of services for waste and recycling on LA's which is an HSE national theme this year.

This project is coming on stream at a time when it mets which an increase in staff. The work we do is 50/50 pro-active and reactive. We investigate 5% of all accidents reported which makes 50% of our work. There have been 25 fatalities notified in the past 3 years. But for it to be investigated it has to occur in the workplace.

The main benefits have been the good relationships we have built up and we are used to working with the EA. HSE and EA often do joint inspections on chemical plants. This is an EU way of working.

We have really benefited from having the relationship with the local authority. Another spin off has been overhead power cables risk off accident and the LA reported another similar site that we didn't know about. On the first two sites we got a good enforcement result.

We have small staff and therefore rely on the other regulators, bringing in new intelligence from a trusted source. Whereas a consumer would often inflate the facts to get you to go out. Therefore the work is coming through in a manageable way. Last year a 138 notices were issued from within the team. We know the type of work coming through is going to be high priority.

Complainants often approach all the regulators individually and will often play one of against the other. This joint approach is eradicating these types of complainants. We now have a threshold for complaints and are telling people to try and resolve their own complaints.

Appendix A Site Action Plan

Waste Site Action Plan

Bodnetts Farm
 1234 Main Street
 Anytown, State 54321 Grid ref:

Agency Name: Environment Agency

Officer in charge: Jane Woodhall

Contact name: Mr. Bob Jones

Date of last inspection: 30 Mar 2010

Risk rating: High/Med/Low

Date next inspection due: 1 Oct 2010

Summary of progress made to date: Un/satisfactory

Date action plan agreed:

Plan

Issues identified during inspection

Mud at entrance to site and onto main road (A38)

Action taken Progress Lead Regulator

*

Unauthorised material present at site (contrary to licence agreement)

Noise complaints from 3 residents in local area

Agreed action plan with operator/owner

Vehicle wheel wash at entrance/exit to site

Apply for licence to handle unauthorised material

Operations to take place only between hours specified on permit

Progress report

Vehicle wash installed but not in use due to water restrictions

Licence application logged with Staffs CC Planning - outcome pending

Levels of noise still unsatisfactory - further investigation required

Notes:

Application pending with Staffordshire CC Planning Dept. (Doug Wilson)

*Please extend the boxes to include text

Appendix B
Joint Inspection Form

X Council Inspection Form

Date of inspection:
Name of premises:
Address of inspection:
Head office address:

Name of inspector:
Name of person signing form:
Designation:

Reason for visit:

Documentation checked:

Areas of site inspected:

Areas for further action:

Recommendations made:

Overall risk rating:

Notices issued:

Other agencies represented:

Appendix C
Advice from Counsel on data sharing

1. What legal gateways exist to enable unrestricted data sharing amongst regulators (if any)?
 - A. Common Law and the specific legislation under which the regulators operate.
2. Should agreements be put in place between the regulators before they share any data? In what form should these agreements take and are they themselves subject to a duty of disclosure?
 - A. Yes. A Memorandum of Understanding. The Regulators are working in the public interest and are working with commercial data.
3. Are there particular categories of data that cannot be shared? If yes what are the restrictions/limitations which prevent sharing and how can these be overcome. If there is a need to change legislative requirements to provide opportunities to share such data what mechanisms are available to the regulators to make the necessary changes. Can such data be modified in any way which would allow sharing to take place to overcome these restrictions and limitations?
 - A. Personal data but there are exemptions under the DPA. No change is required since the legislation and powers are available to share data. You should apply a reverse burden of proof which why cannot the data shared.
4. Would the regulators be required to inform each business that their data may be shared with other regulators before any inspections, action is taken or generally when dealing with complaints made by the public to any of all of the regulators. ?
 - A. Yes. There is a need to be transparent.
5. For how long can the shared data be kept by the regulators before it has to be destroyed? Who is the data holder in this case and who would be responsible for determining its period of retention?
 - A. It depends on the legislation used but look at the Cabinet Office guidelines. Whoever holds the data is the data holder. You should not hang onto data that is not useful or is no longer required for its original purposes. You should destroy the data and tell the others accordingly.
6. Would the regulator have to disclose to the public that they share data including the extent, nature and scope of the sharing arrangements if asked under FOI or EIR?
 - A. Yes. It is a matter of good practice and being transparent. Your policy is not secret and you want people to know that you share data.

7. Can shared data be used in civil or criminal proceedings? If yes is it subject to any restrictions or limitations? If no what would be the reasons.
- A. Yes but you need to call the author of the report or the witness statement. However relying on someone else's data (stored or otherwise) is not likely to be admissible in civil courts because it amounts to hearsay. What is important is the evidence you supply to the courts. So the shared data should trigger an investigation from which you collected your own evidence which you then rely upon in court.

Appendix D
Data sharing spreadsheet

Registered business name		Landowner details		Type & date of Permits issued		Date of last inspection		Enforcement actions pending		
BS7666 address		Operator details		Pending permit application		Date of next inspection		Warning letters		
Telephone number		GRID ref.		Pending planning applications		Successful prosecutions		Type of pollutant		
Fax number		Aerial photographs		Pending licence application		Onsite hazards		Source of pollutant		
				Expiration date of permits		Violence or aggression		Notices issued		
Website address		Land registry number		Class of planning cert. of lawful use		Opening hours		Advice/ Guidance issued		
Email address		Type of waste operation				Results of inspections		Persistent complainants		
Contact details		Trading as name				Name of inspector		Category of complaint(e.g.dust)		

Title		UPRN				Legislation applied to business		Details of referral to other regulator		
Forename		Birth date of trading				Results of follow up visits				
Surname		Risk rating								
Job title		No. of employees								
		Legal status								

Appendix E
Lichfield - How we work

1. What do we actually do day to day to deliver our services?

Inspection of premises in a programmed way based on risk and complaints. LDC has 12 Officers covering all aspects of business including SME's, food outlets, industrial processes and other commercial types, plus domestic homes and other residential premises. Over 3000 premises are included in programme.

2. What does it look like for the customer and for fellow regulators?

Site visits by Officers or joint visits on request from other regulators e.g. TSO.

3. If we have duties how do we actually carry them out?

Inspection visits are made either by appointment if a specific person or process must be seen, or unannounced based on risk.

4. Even though you may have clear legislative requirements do you operate internal policies that dictate the style and approach of your organisation in service delivery?

There are extensive process maps and external requirements imposed by FSA, DEFRA etc.

5. How do you business plan?

Yes and annually produced tying in with the 4 year Strategic Plan. Used to monitor performance of service and staff

6. What level of resource is allocated each year?

Resources are agreed annually and based upon needs and previous spends. New areas are included as growth items and resources allocated on priority around strategic needs.

7. What is the workload and how is it prioritised?

Workload is region of 50% proactive and 50% reactive with fatal and serious accident / incident investigation, drainage emergencies with diseases and other public health issues and enforcement the main priority.

8. Site Inspections- Is frequency pre-set?

Most are on basis of risk but some result from emergencies and events such as flooding etc. risk, and priority.

9. Is it reactive or proactive or set at a minima?

No, based on each years priorities but tends to around 50/50 level and this how teams are resourced.

10. Do you charge and is that base on cost neutral or sums of money for improvements?

Complex issue this as we can charge for some “licences and permits” but not for other statutory work. All set by statute.

11. How much investment is put into intelligence gathering and surveillance to guide work programmes or to prevent non-compliance?

Some from Members and local knowledge provides some intelligence and also via routine compliance monitoring via inspections. Local Papers are also used.

12. What do you do about complaints?

All complaints are investigated using an agreed timeframe i.e. some 1 day most 5 days but job type dependant. Combination of letters, proforma sites job sheets and emails are used.

13. Have you KPIs to respond and investigate? Is this a key driver?

Yes and incorporated into our CRM (call handling centre) as part of service request to officers dealing.

14. Tackling problems on site. Are they done on the day, or based on strategies pre-determined?

Both, but in the main we try and deal with at the time as has most immediate impact and effect. Some require processing under enforcement policy in which case done after visit.

15. Investigations – What does case management look like?

(Similar to HSE) Most cases are investigated and prepared by a single officer in accordance with procedures that are in the public domain on the LDC website. Case management involves dialogue between the officer and manager ensuring evidence is sound, to ensure that there is a realistic prospect of conviction and then that it is in the public interest and LDC policy is met. Case management involves close working and liaison with the Police and HSE.

16. How do you involve legal services?

Yes but out sourced to private companies based on type of case.

17. What about evidence gathering?

The Police and Criminal Evidence Act and the Criminal Procedures and Investigations Act, as well as our own procedures on collection and retention of evidence require LDC to be concise. LDC use HSE expert technical staff and private laboratory facilities.

18. Are you risk averse or do you determine risk based on the site?

Most of LDC work is based on risk assessment and is either site based or process based dependent on the legislation that applies to the site or process.

19. Have you got a risk register?

Yes, for both our own work and premises that we inspect.

20. How do you deal with very difficult people who may harm you or your staff?

All Officers are well trained and understand how to record where they are visiting and communicate any change to the office. We use a tracker system out of hours and certain known problem sites are 2 person visits. We have the powers to use the police. Any form of violence to staff results in a robust reaction by LDC with private prosecution being considered if there is no Police action.

21. What are the main drivers for your services?

Statutory requirements, Strategic Plan and Service Plans.

22. Will they change in the next 12 months?

No change expected.

Appendix F
HSE - How we work

1. What do we actually do day to day to deliver our services?

At an operational level, we inspect. Staffordshire has 6 Inspectors covering all industries, including waste sites. Each Inspector will target to do at least 58 contact days per year to assess whether there is compliance with the Health and safety at Work Act and its relevant statutory provisions.

2. What does it look like for the customer and for fellow regulators?

Site visits by solo Inspectors or joint visits on request from other regulators. Enforcement advice or formal meetings with Local Authority EHO Depts.

3. If we have duties how do we actually carry them out?

Inspection visits are made either by appointment if a specific person or process must be seen, or unannounced. Ratio is about 40/60 in order.

4. Even though you may have clear legislative requirements do you operate internal policies which dictate the style and approach of your organisation in service delivery?

There are extensive quality standards on how to and what to do.

5. How do you business plan?

This is in a state of flux. In effect for the last 7 years we have been centrally driven with decreasing scope to target work based on local hazards and risks, unless the process concerned was in conformity with the central plan. This year, and it appears in the medium term, HSE Stoke may be able to set more of its own objectives. Local Area Agreement cooperation is a priority.

6. What level of resource is allocated each year?

The resource varies dependent on staff available, trainees recruited, maternity leave and transfers. Given these variables staff levels can vary and have been as low as 3.8 staff years in 2006. The aim is to balance the size of Midlands operational groups with team viability, staff levels and national workload expectations. Local projects are the first to be discarded.

7. What is the workload and how is it prioritised?

Workload this year is 40% proactive and 60% reactive with fatal and serious accident / incident investigation and enforcement the priority, plus support to the Police on corporate manslaughter investigation. Other priorities in 2008 include quarries, workplace transport risks, legionella, domestic gas safety, nursing home employee and vulnerable patient safety and factory ventilation systems.

8. Site Inspections- Is frequency pre-set?

HSE inspects by risk, and priority. Poor premises are visited repeatedly until they improve, but once deemed acceptable, it will only be annual plan demands or local knowledge or site incidents that determine further visits.

9. Is it reactive or proactive or set at a minima?

Discussed elsewhere but 2008 ratio is 60 reactive, 40 proactive.

10. Do you charge and is that base on cost neutral or sums of money for improvements?

Sites registered under COMAH are charged by HSE/EA. No other sites are.

11. How much investment is put into intelligence gathering and surveillance to guide work programmes or to prevent non compliance? The Midlands have a dedicated intelligence gatherer and a part time one at Stoke, simply tasked on finding unregistered premises. Compliance monitoring is via inspection visits.

12. What do you do about complaints?

All complaints are investigated to some extent.

Depending on the complexity, over 90% are handled in writing with no site visit by administrative staff and no scrutiny by an Inspector. The remaining 10% because of their complexity or sensitivity are dealt with by an Inspector, by mail, phone or visit.

13. Have you KPIs to respond and investigate? Is this a key driver?

HSE has a commitment to deal with all complaints but will only take complaints from employees if they have gone through their management/union first and failed. Anonymous complaints are generally given a lower priority. Requests for anonymity are respected and upheld, despite the inefficiencies that entails.

14. Tackling problems on site. Are they done on the day, or based on strategies pre-determined?

Problems arising on site are assessed against legal or guidance standards. Depending on the risk gap that exists between the performance expectation and that seen at the site, enforcement action is taken with the yardstick being a national “standard” and the degree of risk. The action taken is, in ascending order, verbal, instant written on site report, letter, improvement notice giving 21 days minimum to comply because a breach of law can be proven or immediate prohibition as there is a risk of serious personal injury. Prosecution may be considered at any stage but realistically it’s when risk situations in the last 2 categories arise.

15. Investigations – What does case management look like?

Most cases are investigated and prepared by a single inspector in accordance with procedures that are in the public domain on the HSE website. Case management involves dialogue between the investigator and manager ensuring evidence is strong enough firstly, to ensure that there is a realistic prospect of conviction and then that it is in the public interest, HSE policy is met and that victims, where appropriate have been consulted. Case management of fatalities involves close working and liaison with the Police and CPS.

16. How do you involve legal services?

HSE has its own solicitors who are consulted where necessary and specifically where certain high profile issues are involved e.g. multiple fatalities, prosecution of the emergency services.

17. What about evidence gathering?

HSE is bound by the Police and Criminal Evidence Act and the Criminal Procedures and Investigations Act, as well as its own voluminous procedures on collection and retention of evidence. HSE has expert technical staff it can call on and laboratory facilities of its own.

18. Are you risk averse or do you determine risk based on the site?

All HSE’s work is based on risk assessment and is either site based or process based dependent on the legislation that applies to the site or process. .

19. Have you got a risk register?

Dependent on the level of risk there are detailed lists of risk premises. The degree of attention given to keeping the registers up to date depends on the known significance of the site and the category it is placed in, based on Standard Industrial Classifications.

20. How do you deal with very difficult people who may harm you or your staff?

All Inspectors are expected to record exactly where they are visiting and communicate any change to the office. Known problem sites are 2 person visits. We have the power to summon the police. Violence to staff results in vigorous reaction by HSE with private prosecution if there is no Police action.

21. What are the main drivers for your services?

Statutory requirement.

22. Will they change in the next 12 months?

No change expected.

Appendix G

Working together protocol

Working Together Protocol

Staffordshire County Council
Lichfield District Council
Environment Agency
Health and Safety Executive

Jointly agreed (INSERT DATE)

1. A 'WORKING TOGETHER' PROTOCOL

The County Council, Lichfield District Council, Environment Agency and Health and Safety Executive have powers and duties that largely complement each other in contributing towards the protection of the environment and enhancing the quality of life of the business and local communities. Working Together contains a commitment to work together to deliver specific business and environmental outcomes in the following areas:-

Air Quality Management
Town and Country Planning
Waste Management
Land Contamination

Environmental Management (Fly tipping)

This protocol comprises the following sections:

(a) Roles and responsibilities:

Environment Agency
Staffordshire County Council
Lichfield District Council
Health and Safety Executive

(b) Working arrangements

(c) Review arrangements

2. ROLES AND RESPONSIBILITIES

2.1 Staffordshire County Council

Under the Town and Country Planning Act 1990 and the Planning and Compensation Act 1991 and the Planning and Compulsory Purchase Act 2004, the County Council, is designated as a Local Planning Authority. It has a duty to prepare Local Development Frameworks for Staffordshire, excluding Stoke on Trent and that part of the County falling within the Peak Park National Park.

The County Council is responsible for the provision of local development frameworks covering minerals and waste planning and development control (including planning regulation) for county matters and their own development proposals.

Local Planning Authorities will prepare Local Development Documents, which together will make up a Local Development Frameworks. They will have a duty to ensure integration of the development plan with the community strategy for the area.

Regional Planning Bodies have a responsibility to prepare statutory regional spatial strategies. Local Planning Authorities will need to produce development plans which are in conformity with these.

The County Council is the Waste Disposal Authority and is responsible for treating or disposing of municipal waste delivered to them by WCA's in their area. This is done through contract to third party service providers. It has a duty to provide places for members of the public to deliver household waste for recycling and disposal – civic amenity sites. It is responsible for producing Municipal Waste Management Strategies.

2.2 Lichfield District Council

Under the Town and Country Planning Act 1990 and the Planning and Compensation Act 1991 and the Planning and Compulsory Purchase Act 2004, the District Council is designated as a Local Planning Authority. It has a duty to prepare a Local Development Framework for its area.

As local planning authority, it also controls development through the refusal and permitting of planning applications and the enforcement of planning conditions and against unauthorised development/activities activities and the refusal of permission for proposals which do not accord with planning policies and guidance.

Local Planning Authorities will prepare Local Development Documents, which together will make up a Local Development Frameworks. They will have a duty to ensure integration of the development plan with the community strategy for the area.

Regional Planning Bodies have a responsibility to prepare statutory regional spatial strategies. Local Planning Authorities will need to produce development plans which are in conformity with these.

As a Waste Collection Authority Lichfield is responsible for the collection and recycling of municipal waste in their area. It also has a duty to prepare and regularly review a Recycling Plan under the Environmental Protection Act 1990.

Environmental Health Role

The Environmental Health Section's primary function is aimed at protecting and improving the health of everybody who works, lives or visits the district. The key areas of our work are in Food Safety, Occupational Health and Safety, Pollution Control and Protection, Licensing of premises and activities, Health promotion, Antisocial Behavior control, Housing enforcement and Public Health. This is achieved through a combination of advice, education, regulatory and enforcement activities. The Service also acts as a statutory consultee in respect of the Local Development Framework and Licensing Regimes.

These functions are undertaken within a framework of policies and procedures that underpin our work. The operational team consists of a

number of multi skilled professional, technical and administrative staff.

The main strategies that plan / shape / drive our services are: -

- The Council's Strategic Plan which is our key overarching strategy
- Our Service Plan which sets our vision, mission and delivery strategy
- The Health Inequalities Strategy

Our activity specific strategies and plans are:-

- The Food Safety Service Delivery Plan
- The Health and Safety Service Delivery Plan
- The Contaminated Land Inspection Strategy
- The Air Quality Strategy
- The Enforcement Policy
- The Licensing Policy and Enforcement Plan

All these documents detail the aims and key priorities of the service we provide. They also detail the organisational structure and the scope of the services provided, the ways in which the service will be delivered and the targets for its delivery. We also consider the human and financial resources involved in providing the service, the ways in which the quality of the service will be monitored and improved upon and the ways in which the service will be reviewed. The Service works in partnership with business, residents and other Agencies to deliver our ambitions.

2.3 The Environment Agency's Role

The Agency has powers to engage in the town and country planning process as a planning consultee, providing information and advice in circumstances where the decisions of local planning authorities are seen as capable of facilitating, or being conducive to the carrying out of the Agency's functions. Its main functions can be summarised as follows:-

Regulate industrial processes

Regulate disposal of radioactive waste

Regulate the treatment, keeping movement and disposal of controlled wastes

Preserve or improve the quality of rivers, estuaries and coastal waters

Protect water resources

Supervise all matters relating to flood defense

Maintain, improve and develop fisheries
Promote the conservation and enhancement of inland and coastal waters and their use for recreation
Maintain or improve non-marine navigation
Regulate remediation of contaminated land designated as special sites
Administer producer responsibility regulations

Forward Planning

The development plan system is acknowledged as the most effective mechanism of reconciling demands for development and the protection of the environment by providing a firm basis for consistent planning decisions. The Agency is a statutory consultee for Regional Spatial Strategies and Local Development Documents. The Agency will also be a statutory consultee under the Strategic Environmental Assessment (SEA) Regulations.

Planning Applications

In accordance with Article 10(1) of the Town and Country Planning (General Development Procedure) Order 1995 (GDPO), the Agency is one of a number of bodies required to be consulted by planning authorities, before they grant planning permission, in respect of certain descriptions of development.

The GDPO has been revised to allow the Agency to provide local planning authorities with Standing Advice on a number of issues, in order that they can respond to lower risk consultations without reference to the Agency. The Agency will still respond to higher risk consultations on a case by case basis.

Applications for certain categories of development should be accompanied by an Environmental Impact Assessment in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 SI 293. Where the EIA procedure is invoked as part of a planning application the Agency, under regulation 2(1), is a statutory consultee as part of the process to ensure that the Agency's requirements have been (or will be) adequately considered and addressed within any Environmental Impact Assessment.

The Secretary of State, in guidance to the Agency under Section 4 of the Environment Act 1995 requires the Agency:-

- (a) to ensure that waste is recovered or disposed of in ways which protect the environment and human health, by regulating waste management operations (including collection, transport, treatment, storage and disposal) and enforcing waste management controls in a nationally consistent manner;
- (b) to provide comprehensive monitoring data (in conjunction with local authorities, as necessary) to enable the amount of waste arising and the final disposal method to be tracked and recorded for each significant waste stream; and
- (c) to assist regional bodies and local government in developing waste plans and strategies that reflect the waste hierarchy and the national waste strategy.

In addition the Agency provides an important role in the prevention and prosecution of illegal waste activities and fly-tipping.

The Agency is also a statutory consultee on applications for hazardous substances consent made under the Planning (Control of Major Accidents) Regulations 1999 which updates Planning (Hazardous Substances) Regulations 1992 (Planning (Hazardous Substances) Act 1990). The Agency has been appointed as a competent authority for the implementation of the COMAH Directive.

Government advice, contained in numerous planning policy guidance notes recommends that planning authorities should also consult the Agency in respect of other categories of development which are likely to impact on the Agency’s functional concerns, for example, in relation to development in areas at risk from flooding.

2.4 The Health and Safety Executive’s Role

See table below

3. WORKING ARRANGEMENTS (levels of service)

	Staffordshire County Council will:	The Agency will:	Lichfield District Council will:	The HSE will:
Air Quality Management				
Planning:	The County Council will respond to written requests for information and consultations on AQMA's.			

	Staffordshire County Council will:	The Agency will:	Lichfield District Council will:	The HSE will:
<ul style="list-style-type: none"> • Forward Planning • Planning Applications and Planning Appeals • Development Briefs 	<p>The County Council will consult on the preparation of Local Development Frameworks for minerals and waste.</p> <ul style="list-style-type: none"> • The County Council will involve all agencies/bodies in pre-application processes. • The County Council will consult on all relevant planning applications it receives. • A copy of the decision notice will be forwarded to all agencies. • The County Council will notify the relevant agency/body of any appeals where the body has an interest/ involvement. 		<p>The District Council will consult all the agencies/bodies on any development briefs prepared for a site.</p>	

	Staffordshire County Council will:	The Agency will:	Lichfield District Council will:	The HSE will:
<ul style="list-style-type: none"> • Environmental Impact Assessment • Screening and Scoping Opinions 	The County Council will consult the agencies and bodies on requests for screening and/or scoping opinions.			
Planning Regulation				

	Staffordshire County Council will:	The Agency will:	Lichfield District Council will:	The HSE will:
Enforcement and Monitoring	<ul style="list-style-type: none"> • Encourage a partnership approach when enforcement issues are relevant to both parties; such as sharing of complaints, information from monitoring, joint site visits and prosecutions. • Identify and notify the Agency of relevant Regulation Officers that can be contacted for enforcement related matters. • Ask the Agency for their comments in respect of any Enforcement Appeals where a ground of the Appeal is that planning permission should be granted. • Shall provide a copy of the Planning Inspectorate's decision where the Agency has commented in relation to an Enforcement Appeal. 	<ul style="list-style-type: none"> • Encourage a partnership approach when enforcement issues are relevant to both parties; such as sharing of complaints, information from monitoring, joint site visits and prosecutions. • Identify and notify the LPA of relevant Enforcement and Environmental Protection Officers that can be contacted for enforcement related matters. • Provide information in its possession, if required by the Authority, to support enforcement proceedings under T&CP legislation. • Provide the LPA with any conditions it feels relevant to an Enforcement Appeal where a ground of the Appeal is that planning permission should be granted. • Take a proactive stance to support the LPA provide expert witnesses at informal hearings and public inquiry hearings at the request of the LPA and the Inspector. 		

	Staffordshire County Council will:	The Agency will:	Lichfield District Council will:	The HSE will:
Miscellaneous	<ul style="list-style-type: none"> • Give the Agency opportunity to comment on any revision to the LPA's applications forms. • Consult the Agency on planning applications for New Schemes of Conditions and shall provide details of the existing conditions covering the site. 	<ul style="list-style-type: none"> • Provide the LPA with details of all of the Exemption Certificates issues in respect of the Waste Licensing regime. • Review and comment upon submitted Scheme of Conditions in relation to the impacts of the proposed development on the environment and the risks in relation to its own remit and responsibilities whilst having regard to the potential compensation issues that such comments could have if used by the LPA. 		

	Staffordshire County Council will:	The Agency will:	Lichfield District Council will:	The HSE will:
Waste Management: <ul style="list-style-type: none"> • Development of New Treatment/ Disposal Facilities • Arrangements for Disposal of Wastes • Joint Municipal Waste Management Strategies 				
Land Contamination: <ul style="list-style-type: none"> • Consultations on Development Proposals 				
Environmental Management: <ul style="list-style-type: none"> • Fly Tipping • Abandoned Vehicles 				

4. Review arrangements

This protocol may be amended by the parties to take account of legislative changes, improved technology, the review, and implementation of best practice, and organisational changes.

Signed on behalf of Staffordshire County Council:

Title:

Date:

Signed on behalf of the Environment Agency:

Title:

Date:

Signed on behalf of Lichfield District Council:

Title:

Date:

Signed on behalf of the Health & Safety Executive:

Title:

Date:

Appendix H
Memorandum of understanding on data sharing

Local Scheme of Sharing Information and Data for Waste Management Enforcement

1. We the undersigned agree to work together to improve the quality and effectiveness of the regulatory services we provide in the public interest for the business and local communities in Lichfield District. In particular we agree to share the following commercial information and data we hold, both in electronic and paper form.
2. We the undersigned agree to share the commercial information and data we hold with the participating bodies without charge.
3. We the undersigned agree that the commercial information and data we hold will be disclosed in a timely manner following a telephone/written request.
4. We the undersigned agree to inform all the relevant staff in our organisations of this scheme.

We the undersigned agree to further explore ways to jointly collect and store data.

We the undersigned agree that the information we share will only be used for the purposes of carrying out the duties as specified under the legislation set out below.

Local Information and Data

Identifiers

BS7666 address

Telephone number

Fax number

Registered business name

Classification

Birth date of trading

Website address

Email address

Contact details

Title

Forename

Surname

Job title

Legal status

No. of employees
Turnover
SNAC code
Trading as name
UPRN
Risk rating
Date of last inspection
Name of inspector
Date of next inspection
Results of inspections
Legislation applied to business
Enforcement actions pending
Notices issued
Successful prosecutions
Unsuccessful prosecutions
Advice/Guidance issued
Results of follow up visits
Warning letters
Warning markers
Physical description
Type of waste operation
Landowner details
Operator details
Type of Permits issued
Expiration date of permits
Land registry number
Category of complaint (e.g. dust)
Opening hours
Aerial photographs
GRID ref.
Type of pollutant
Source of pollutant
Details of referral to other regulator

Pending planning applications
Pending licence application
Pending permit application
Complainant details
Persistent complainants

1. Introduction

Signatories to the agreement

Staffordshire County Council
Lichfield District Council
Environment Agency
Health and Safety Executive

Purpose of data sharing

The purpose of data sharing is to improve the delivery of regulatory services in the public interest.

Effect of data sharing

We will be able to improve the speed of our first response, and to be more effective in delivering timely solutions to problems raised by local people

Information to be shared?

See the above list of Local Information and Data.

All the data to be shared is provided by the other regulatory bodies under existing duties of confidence.

Only data on Sole Traders which we will be sharing is classified as personal data under the Data Protection Act 1998.

The Legislation under which we are sharing are set out below –

Local Government Act 1972
Town and Country Planning Act 1990
Planning and Compulsory Purchase Act 2004
Environmental Protection Act 1990
Environment Act 1995
Health and Safety at Work Act 1974

Consequences of not sharing information

If we are unable to share data and information then our ability to respond quickly to any complaint will be impaired and delays could increase the impact on the local area and local residents. We will be failing to deliver good public services in the public interest.

2. Fairness and transparency

Commitments to Business

This scheme is a signal of commitment and a demonstration to the public about what information/data is being shared by the regulators in the public interest.

The partnership organisations will:

Explain why they are using the commercial information, and will only use it for those purposes.

Explain who will see it and limit access to the commercial information only to persons who need it.

Collect minimum personal and sensitive information to meet the identified needs of the business and not ask for information which is not relevant.

Record and share business needs with partner organisations as appropriate.

Keep information about the business as accurately and up-to-date as possible – with the help of the business

Respect rights under the Data Protection Act 1998 – including the right to see the information which has been recorded about the company

Protect the commercial information with the highest standards of security and confidentiality.

Tell the business how they can get more information, including:

How they safeguard their personal information;

How they can check and correct any information they hold;

How to raise a query or a complaint?.

Only keep the commercial information for as long as needed.

There may be occasions when information is shared without consent. In these cases the DPA 98 will apply.

Information Quality

We will check the commercial information and data before it is shared.

Recording Information – where, under what circumstances, by whom

The regulators will record and keep the commercial information in a separate and secure area.

Reviewing information quality

The regulators will regularly review the quality of information

3. Who will be the data controller?

The original collector or owner of the data is the controller. They are the only person who is able to make changes to it.

4. Retention of Shared Information

The information will be retained in accordance with the Cabinet Office guidelines (6 years maximum) except where the legislation under which the data is being shared prescribes a shorter or longer data.

Security of Shared Information

The regulators will restrict access to named individuals and treat and protectively marked it as confidential

Access to Personal Information

Data Subjects are entitled to know what information we hold about them. If any of their details are wrong, they should tell us and we will correct them.

If data subjects would like access to their information they should apply in writing. Applications should be sent to the relevant Data Protection Officer in the organisation.

The relevant organisation is obliged to reply to the request within 40 days.

7. Review and Monitoring

The Parties will formally review the Information Sharing scheme every 6 months and 12 months after its commencement or if there has been a failure when we will ensure that:

necessary remedial action is taken promptly;

service-users affected by the failure are notified of it, the likely consequences, and any remedial action;

Partner Organisations affected by the failure are notified of it, the likely consequences, and any remedial action.

If one Partner Organisation believes another has failed to comply with this Agreement it should notify the other Partner Organisation in writing giving full details. The other Partner Organisation should then investigate the alleged failure. If it finds there was a failure, it should take the steps set out above. If it finds there was no failure it should notify the first Partner Organisation in writing giving its reasons.

Partner Organisations will make every effort to resolve disagreements between them about information use and sharing.

However, they recognise that ultimately each organisation must exercise its own discretion in interpreting and applying this scheme

Nominated representatives should ensure they are notified at an early stage of any suspected or alleged failures in compliance or partner disagreements

Complaints

"Each Partner Organisation will deal with the complaints in accordance with its own procedures which will ensure that:

service users are aware that they can complain and of how to go about it;
Complaints are resolved at first contact if possible;
complaints are acknowledged promptly in writing;
the complaint is investigated fairly and thoroughly;
service-users are given an appropriate written response;
if appropriate the appeals procedures are explained to the service-user.

If two or more Partner Organisations receive a complaint about the same matter , they should investigate and respond to the complaint jointly.

If a Partner Organisation receiving a complaint believes another Partner Organisation may be responsible, wholly or partly, for the matters complained of, it should notify the other organisation and the organisation should investigate and respond to the complaint."

9. Non Compliance and Partner Disagreement

"In the event of a suspected failure within their organisation to comply with this scheme, Partner Organisations will ensure that an adequate investigation is carried out and recorded. If the Partner Organisation finds

there has been a failure it will ensure that:
necessary remedial action is taken promptly;
service-users affected by the failure are notified of it, the likely consequences, and any remedial action;
Partner Organisations affected by the failure are notified of it, the likely consequences, and any remedial action.

If one Partner Organisation believes another has failed to comply with this Agreement it should notify the other Partner Organisation in writing giving full details. The other Partner Organisation should then investigate the alleged failure. If it finds there was a failure, it should take the steps set out above. If it finds there was no failure it should notify the first Partner Organisation in writing giving its reasons.

Partner Organisations will make every effort to resolve disagreements between them about information use and sharing. However, they recognise that ultimately each organisation must exercise its own discretion in interpreting and applying this scheme..

Nominated representatives should ensure they are notified at an early stage of any suspected or alleged failures in compliance or partner disagreements relating to their Partner Organisation."

Signed

Authorised Signatory
Title
Staffordshire County Council

Authorised Signatory
Title
Lichfield District Council

Authorised Signatory
Title.....
Environment Agency

Authorised Signatory
Title.....
Health and Safety Executive

Date2010

Appendix I Business Data Schema

Business Matters

Business Data Schema (BDS) (Commonly referred to as BDS5)

**(XML version 2.0)
March 2010**

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8. ABOUT THIS DOCUMENT

The Business Matters Business Description Schema v4 was released for general use in February 2008. This document, version 5, introduces two significant changes:

- The combination of the Core Index Update Process and Business Description schemas to form one single multi-purpose Business Data schema
- The extension of the concept of a layered model and Core Index fields to incorporate the security requirements of the Government Secure Intranet (GSi) and extranet (GCSx) and to allow data to be exchanged in a mixed mode security environment.

The schema was designed to support organisations in exchanging information about businesses to support standardised working across service areas. The Business Data Schema is being seen as an essential infrastructure to support multi agency working across diverse public sector bodies and this schema represents the transport element.

The following section presents an overview of the schema. Later sections explain the schema in more technical detail and should be used as a guide to plan an implementation of the Data Transfer/Exchange. It also contains diagrammatic representations of the XML schema.

Full documentation, including supporting XML schema files, is available at www.workingwithbusiness.org.uk

9. HIGH LEVEL OVERVIEW

9.1. Context and Background

The Business Description Schema was created to provide a common standard for the capture of data around Businesses. It is based on the work initially completed within the Working With Business National Project. It was considerably refined as a result of work done West Midlands Business Matters project. See www.workingwithbusiness.org.uk for further background information and a business case for the introduction of the Single Business Account.

Version 3 accommodated feedback from a number of local authorities who were consulted on version 2.3. It was submitted to Tameside MBC as custodians of the local E Government Standards body and added to their catalogue. It was adopted by the Better Regulation Executive as a common standard for deployment within their Retail Enforcement Pilot projects in order to support the principle established in the Hampton Review: that a Business should only need to give essential information once and that the public sector should share that information.

Version 4 was the version that Lichfield District Council, as lead authority for the Working with Business National project and Business Matters project recommended other bodies to use. The concept of the Single Business Account is to act as a focal point for information and interaction, bringing together information and data that is currently held in different places within local government. This will deliver a 360o view of the business and its relationships with the council.

The Business Description Schema version 4 represented the core data concerning a business which, when held by authorities supported cross boundary working and data exchange including exchange with other public sector agencies. It should be noted that authorities were not limited to holding only that data specified in the schema. Additional fields could be held either alongside the schema fields or in other systems but there should be, as a minimum, those fields specified in the schema available in their system for export or exchange in the correct XML format.

A further development in version 4 was the definition of a sub-set of the schema that should constitute the Core Index Data Items that should be used to facilitate data sharing and alignment of disparate data sets. This process was referred to as the Core Index Update Process.

The Core Index Update schema was created to provide a common standard for the exchange of data around Businesses. Version 1.2 accommodated feedback from a number of local authorities who were consulted on version 1.1. It was been adopted by the Association of Greater Manchester Authorities Better Regulation

BUSINESS MATTERS: GUIDE TO THE BUSINESS DATA SCHEMAS

Executive pilot as a common standard for deployment within their Retail Enforcement Pilot projects in order to support the principles of the Hampton Review laid out above.

In 2009 the Business Matters project received funding from the Government Connect Benefits Realisation fund to explore the exchange of data within a mixed security environment, which meant data sets held within the Government Connect community and also those on the internet. Through this phase of the project it was appreciated that the core data fields only contained information that was already publicly available and were therefore classified as having Impact Level 0 'unclassified'. It was further appreciated when trying to categorise the remaining fields in the Single Business Account that it would not be possible to reach an agreement on the security levels of those fields as local factors within each authority would dictate the security rating.

It therefore became clear that the fields would be exchanged between public sector agencies for a specific purpose and that this could be termed an 'application'. Each application will have the core index fields as a header section and will also have a field to denote the security rating or impact level. This field will determine whether the application can be shared only within the secure GCSx environment or more widely. It is anticipated that a library of applications will be developed over time. One application will be the maintenance and update of the core index elements themselves which in turn leads to the development of a regional database of businesses that is kept up to date in near real time.

The work undertaken in the Core Index Update schema was used as the basis for the revised version and the term Business Description Schema was deemed no longer a valid title and therefore amended to be the Business Data Schema. It was decided to keep the abbreviation BDS and for that reason, although this is the first version of the Business Data Schema it is abbreviated to BDS5.

Where available, the components of the schema have been reused from previously approved datasets. New entities included here will be available for reuse in the future, should they be required by any other project. Standards have been referenced to those contained in the GovTalk National Data Standards Catalogue where standard schemas have been available.

A technical "User Guide" for the Schema has been created, in order to ensure that the field names are interpreted in a standard manner. This forms the following section of this guide.

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9.2. Core Index Fields

The key principle of the schema is that the data fields held relate to a single Business Premise, to reflect the fact that the majority of interactions between councils and businesses relate directly to a physical location (planning applications, NNDR charges, waste collections etc). The business customer however will generally regard their business as being the sum total of all premises belonging to a single legal entity, and a field (the SBALinkNumber) has been created within the schema which will facilitate the linking together of locations, within the same and across different systems, to provide this view known as the Business Premise Account (BPA).

List the fields here?

Addition of status field?

The aggregation of a number of these common records – either within a local authority boundary or across boundaries – forms the Single Business Account (SBA). This means that each building block is a physical element, whereas the SBA is formed by viewing a collection of BPAs as a business need requires. To that extent the SBA is in effect a virtual account.

The Single Business Account can be created by using the SBALinkField (detailed below) to link BPAs together to form a view of the whole business. Examples would be:

- Everything to do with that business in a specified local authority boundary
- Everything to do with that business in a region or sub region.
- Only the retail element of that business
- The retail element of that business in a region.

9.3. Local and National Gazetteers and BS7666

Early versions of the schema mandated the standardised collection and storage of spatial address information by conforming to the 2000 version of BS76666. BDS5 mandates conformance to the 2006 version.

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All Local Government Authorities have committed to maintain their own Local Land and Property Gazetteers – LLPG. Data is communicated regularly to the national hub, the National Land and Property Gazetteer – NLPG. This gives the nation a well maintained and accurate register of all properties and other physical features.

The 2006 version introduced improved cross reference facilities which have helped local authorities link their various databases to a single identifier for the property, the Unique Property Reference Number, UPRN. BDS5 has elevated the UPRN to mandatory status to reflect its importance in aligning multiple databases, both within and between authorities and other bodies.

The 2006 version of BS7666 also enhances the identification of multiple property units within a physical building. This increases the probability that the majority of businesses can be identified with a UPRN.

9.4. Core Index and Ongoing Developments

The Business Matters project is currently supporting the Better Regulation Executive to deploy the Schema as part of the Retail Enforcement Pilot Projects. This involves Local Authority teams sharing data about regulatory services and inspections with the Fire and Rescue Services. This has involved a number of private sector ICT suppliers working with the project and agreeing which data items should constitute the Core Index and be the basis of data matching and data sharing. The nominated fields are:

- Responsible Local Authority (SNAC code)
- Trading As name
- Address in BS7666 format
- UPRN (Unique Property Reference Number)
- Registered Business Name
- SBA Link Field (Companies House Number, NINO if given voluntarily, Charities House Number)

A key principle underpinning these nominated fields is the concept of the prime custodian. In the case of the first four fields the prime custodian is deemed to be the local authority and for the last two this is Business Link West Midlands. The role of the prime custodian is to be the ultimate resolution point for any conflict between

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agencies as to the data that should be in a field. The method of resolving the contention is left to an agency to decide the most appropriate method for them, but in the case of a local authority it may be the Local Land and Property Gazetteer Custodian.

9.5. Maintenance, Sustainability and IPR

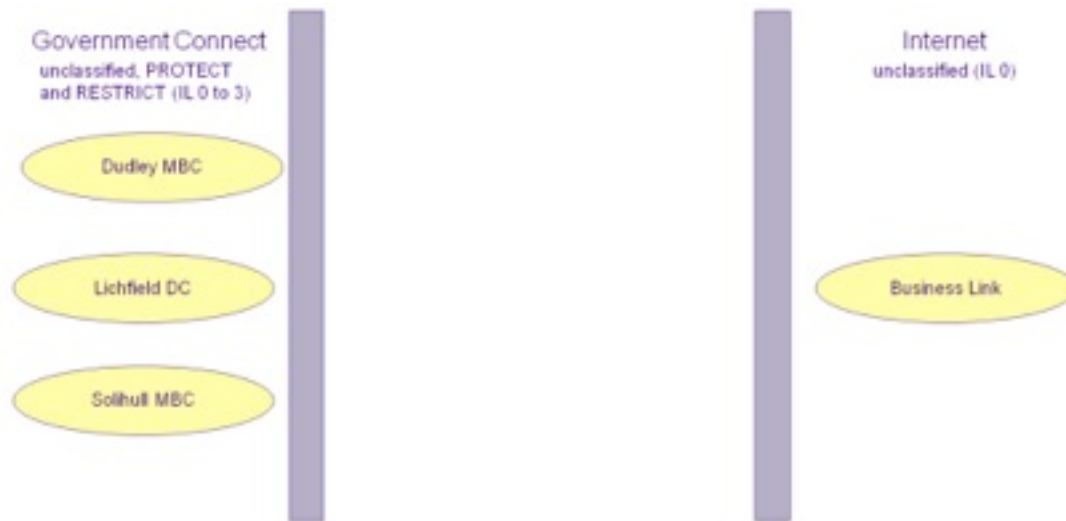
IPR for the schema resides with Lichfield District Council, the lead authority for the Business Matters project.

10. DETAILED USER GUIDE

3.1 Data exchange model

BDS 5 has been designed to be a flexible schema and this section of the document outlines how the schema has been implemented in the pilot data sharing project with Business Link West Midlands and three authorities in the West Midlands.

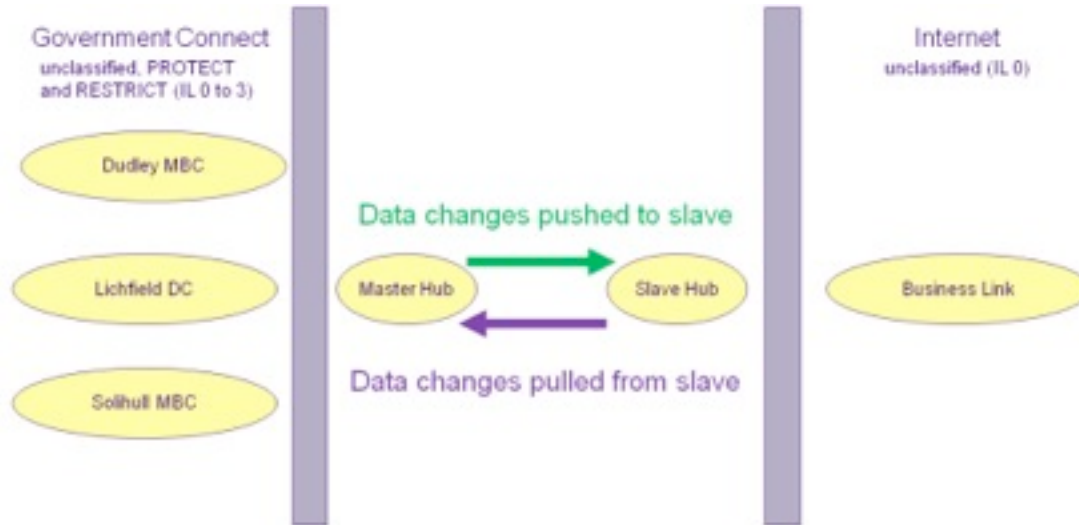
The challenge in the data sharing pilot was to design a methodology for enabling mixed mode working, that is, sharing data between agencies who sit on both the Government Secure Intranet GSi, the Governemnt Connect Extranet, GCSx and the public internet. This is illustrated in the diagram below:



For these two environments to be able to communicate and the GSi to maintain its integrity there needs to be two hubs sat between the different environments. The hub closest to the GSi is the 'master hub' and the hub closest to the internet is the 'slave hub'. The master hub provides the assurance of the integrity of the environment by initiating all data transfers to and from the slave. That is, the master pushes updates to the slave and pulls updates from the slave. As the data on

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the slave has already been validated against a controlled schema then the risks to the GSi of attacks such as code injection or denial of service are mitigated. The diagram below shows the hubs with the data transfer.

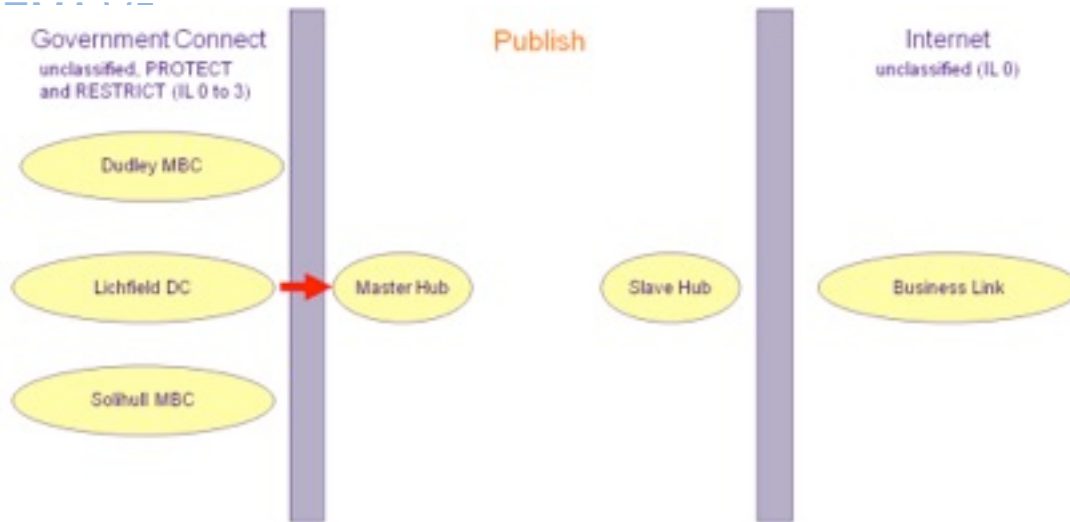


Although BDS5 is a multipurpose schema it was originally conceived as a data synchronisation tool for maintaining business premises across multiple agencies without the need to create a central register of businesses. Whilst this example deals with maintaining those lists of businesses, the principles can be applied to any data transfer exercise using BDS5.

In this example a business has moved from its existing premises within the area administered by Lichfield District Council to premises within the area administered by Solihull Metropolitan Borough Council. The aim of the data transfer is for Lichfield to notify Solihull and Business Link who have an interest in the business, but not Dudley Metropolitan Borough Council as this is outside of their administrative boundary.

The first stage of the process is that Lichfield issues a 'publish' xml document containing the details of the business change they will notify to other agencies. This is shown in the picture below:

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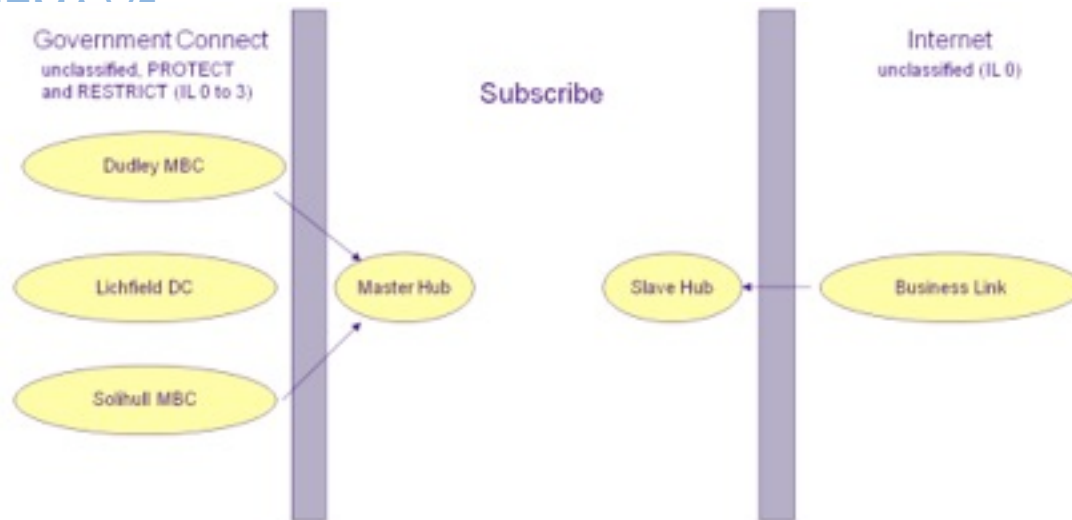
Once the record has been validated and is sat on the master hub, the master hub validates the security level of the data and if the schema used is classified within the master hub as at Impact Level 0 or unclassified then it is pushed to the slave. If the schema is classified at Impact Level 0 to 3 (PROTECT or RESTRICT) then it held on the master hub only. This is illustrated below.

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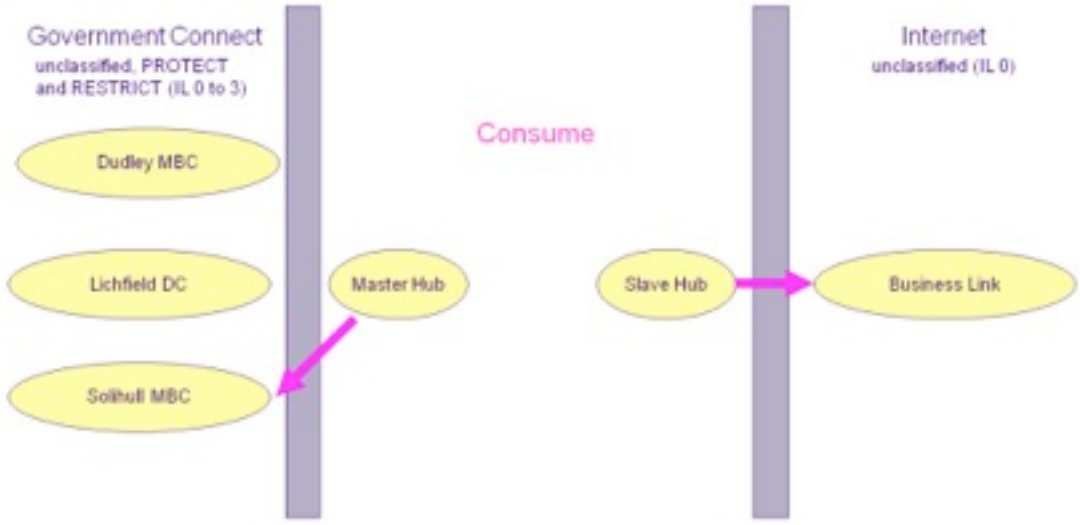
In order for the agencies to retrieve the relevant data they issue a 'subscribe' request against the hub that they interact with as shown in the diagram below.

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The records that are valid for Solihull and Business Link are then returned to them using the 'consume' process, as the change wasn't meant for Dudley then no data is returned to them. This is shown in the picture below.

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11. BDS HEADER SCHEMAS

4.1 Schema overview

In section 3 the process of exchanging data was described, this section and the next section describe the schemas in detail from a technical perspective. The BDS schema is not in practice a single schema, but a group of schemas to facilitate the data exchange. The BDS schema has a further level of complexity in that it is made up of two components: the header and the payload. For a complete BDS publish or consume request there must be only one occurrence of the header schema, but there can be multiple payloads with differing payloads.

4.2 Schema Description Analysis

The Business Data Schema has been broken down to represent and facilitate an explanation of its elements separately.

Each field is classed as either mandatory or discretionary. Mandatory fields are those which should be held within every system and will have to be populated to be fully compliant. Mandatory does not mean that the field must be populated at the time of initial data entry. Discretionary fields, although they should be available for population within the database system, are optional for Local Authorities to use if they choose to. Please note; it is envisaged that the majority of detailed data about service provision to businesses will remain within the existing back office systems which support those service areas. The Business Data Schema is only intended to describe that information which should be available for export and exchange in XML format in order to facilitate sharing of core data.

4.3 Guide to the schemas

Throughout the remainder of this section the required elements in a BDS transaction will be detailed and section 5 will detail the structure of a specific payload or application. The schemas detailed within the remaining part of this section are:

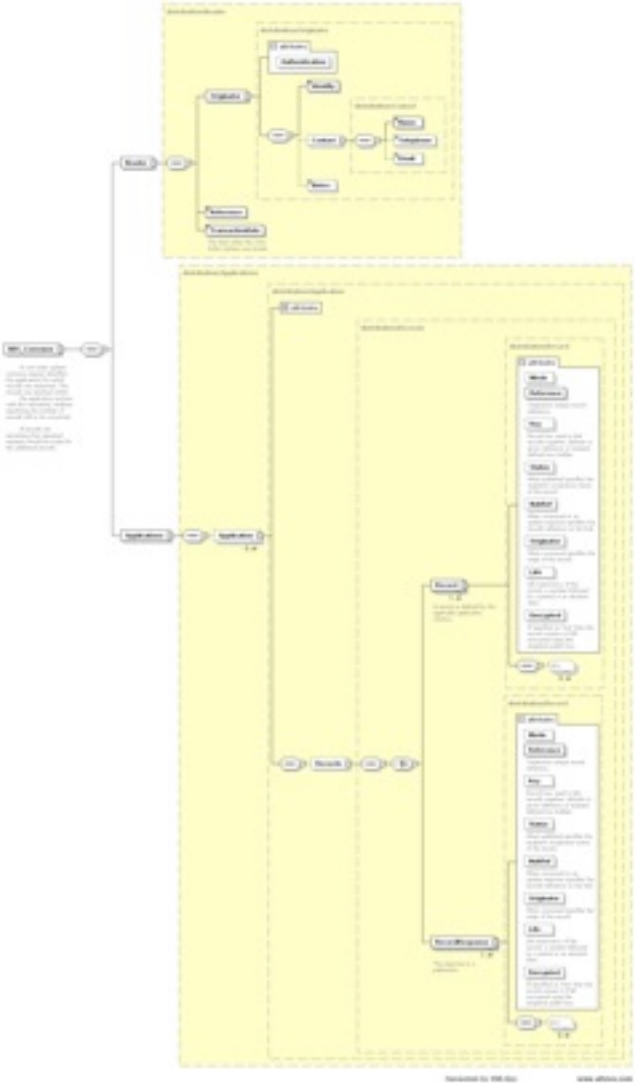
- Section 4.4 – Consume, this single schema covers both the subscription process and also the consume process.
- Section 4.5 – Update, this schema covers the publishing process.

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4.4 Consume

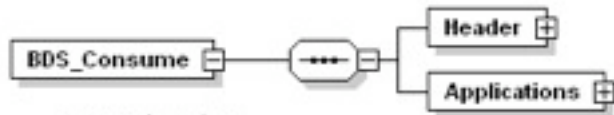
The diagram below shows the exploded view of the schema with all of the possible options.

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4.4.1 XML Transfer Set Format



A core index update consume request identifies the applications for which records are requested. The records are returned within the application sections with the 'remaining' attribute specifying the number of records still to be consumed.

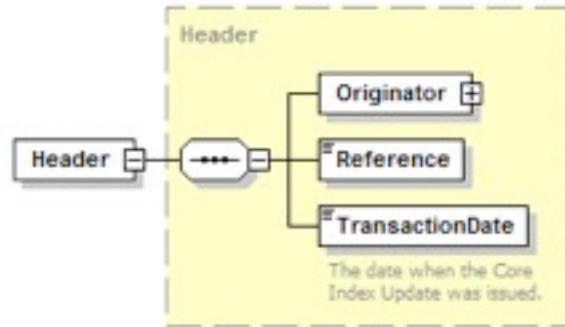
If records are remaining then repeated requests should be made for the additional records.

The schema can contain multiple records sets but only one header set.

BDS_Consume				
Element	Description	Type	Value	Status
Header	The originator and audit information for this data transfer.	Complex	See 4.4.2	Mandatory Only 1 per transfer
Applications	One record containing all of the records associated with this data transfer	Complex	See 4.4.5	Mandatory at least 1 per transfer

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4.4.2 Header

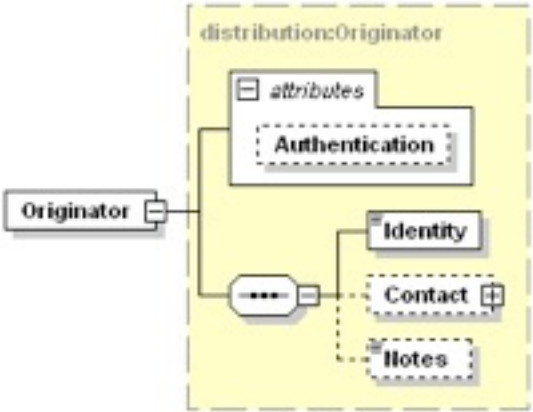


The Header record should contain information relating to the whole of the transfer.

Header				
Element	Description	Type	Value	Status
Originator	Name of body originating the update message	Complex	See 4.4.3	Mandatory
Reference	Name of body originating the update message	string		Mandatory
TransactionDate	The date when the update was issued	dateTime		Mandatory

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4.4.3 Originator



Originator contains the elements to authenticate the transaction and to also identify the contact point for the payload.

Attribute	Type	Mandatory?	Default value
Authentication	String	No	

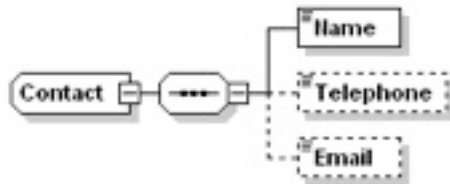
The authentication string comprises an MD5 Hashed string encoding of the Originator code, timestamp of the message and the unique private key of the Originator themselves.

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Originator				
Element	Description	Type	Value	Status
Identity	Identification for the originating agency for the transfer	string	SNAC code of the agency	Mandatory
Contact	Contact details for the receiving agency to further discuss the payload	Complex	See 4.4.4	Optional
Notes	Additional information to be passed on regarding the transfer	string		Optional

4.4.4 Contact



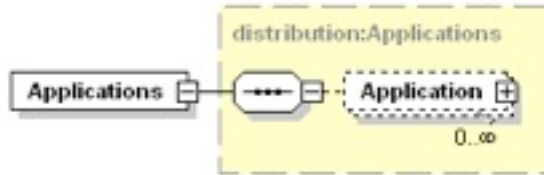
Contact				
Element	Description	Type	Value	Status
Name	Name of a person to contact regarding the payload	String		Mandatory
Telephone	A contact telephone number regarding the payload	String		Optional

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Contact				
Element	Description	Type	Value	Status
Email	An email address for enquiries regarding the payload	String		Optional

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4.4.5 Applications

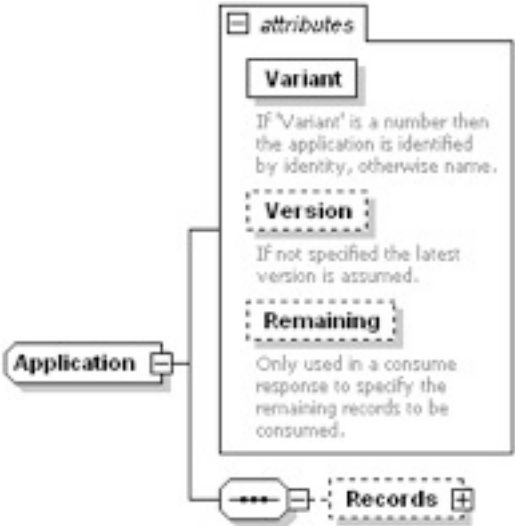


Applications contains information relating to the payload of the transfer.

Applications				
Element	Description	Type	Value	Status
Application	The payload to be transferred	Complex	See 4.4.6	Optional

4.4.6 Application

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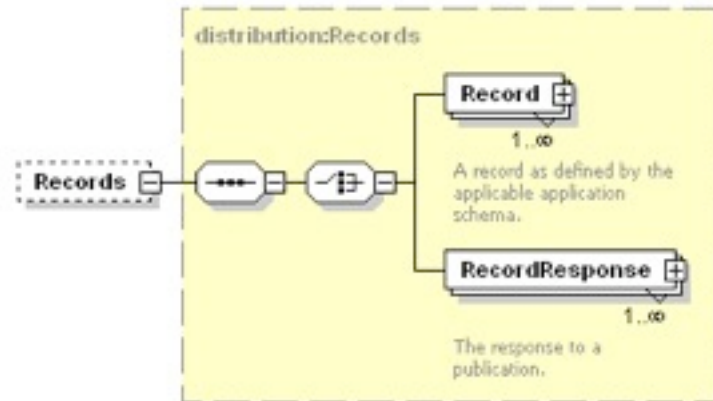
This identifies the payload to the hub to allow for validation of the record against the payload schema held on the hub. The following attributes are associated with this element:

Attribute	Type	Mandatory?	Default value
Variant	String	Yes	
Version	String	No	
Remaining	Integer	No	

Application				
Element	Description	Type	Value	Status
Records	The individual schema lines within a payload	Complex	See 4.4.7	Optional

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4.4.7 Records

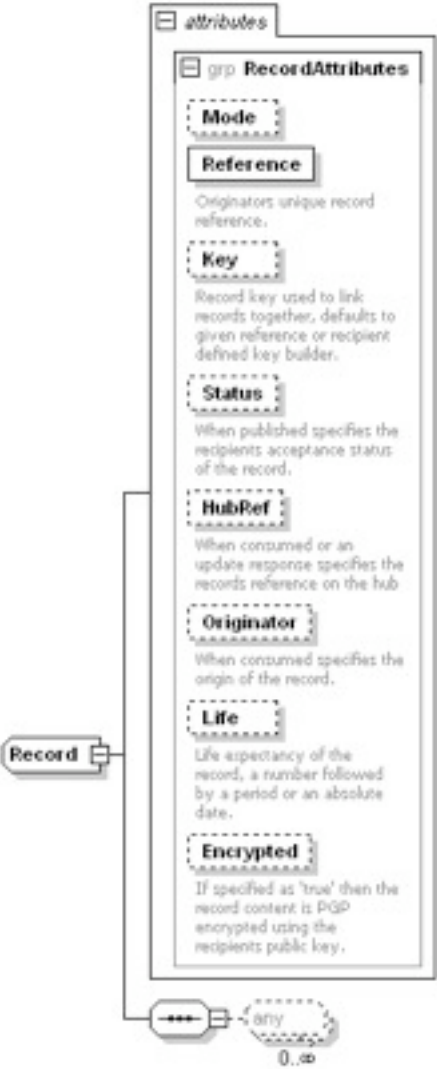


The elements contained within this part of the schema are the wrapper around the payload.

Records				
Element	Description	Type	Value	Status
Record	A record is defined by the applicable application schema	Complex	See 4.4.8	Mandatory
RecordResponse	The response to a publication	Complex	See 4.4.9	Mandatory

4.4.8 Record

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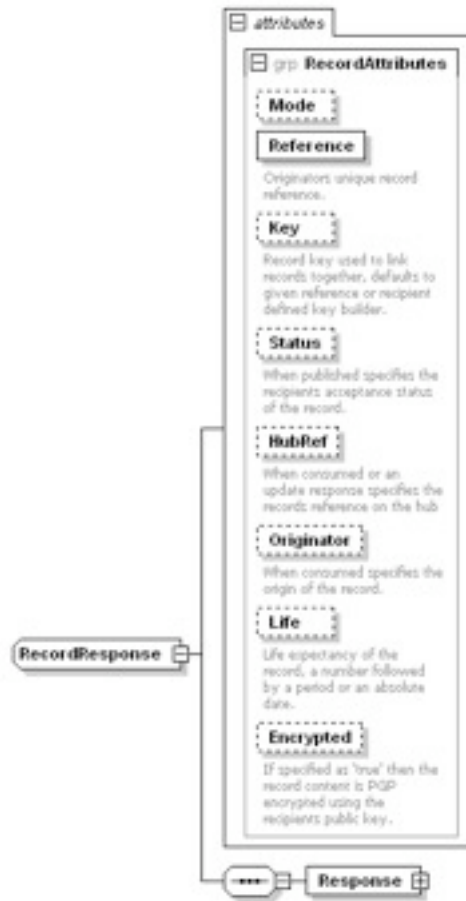
BUSINESS MATTERS: GUIDE TO THE BUSINESS DATA SCHEMAS

This contains the payload to the hub and an example of the additional fields is shown in section 5, the following attributes are associated with this element:

Attribute	Type	Mandatory?	Default value
Mode	RecordMode	No	Update
Reference	String	Yes	
Key	String	No	
Status	RecordStatus	No	
HubRef	String	No	
Originator	Originators	No	
Life	String	No	
Encrypted	Boolean	No	

4.4.9 RecordResponse

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This contains the response from the hub, the following attributes are associated with this element:

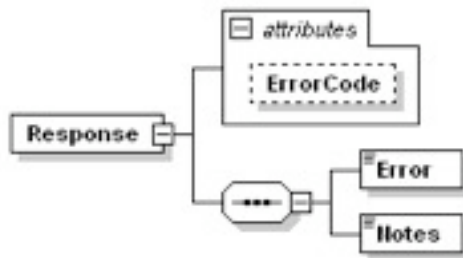
Attribute	Type	Mandatory?	Default value
Mode	RecordMode	No	Update

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Attribute	Type	Mandatory?	Default value
Reference	String	Yes	
Key	String	No	
Status	RecordStatus	No	
HubRef	String	No	
Originator	Originators	No	
Life	String	No	
Encrypted	Boolean	No	

RecordResponse				
Element	Description	Type	Value	Status
Response	A report of errors generated by the transfer	Complex	See 4.4.10	Mandatory

a..10 *Response*



The following attributes are associated with this element:

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Attribute	Type	Mandatory?	Default value
ErrorCode	Integer	No	

Response				
Element	Description	Type	Value	Status
Error	The error generated by the hub	String		Mandatory
Notes	Any associated notes with the error	string		Mandatory

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A.5 Update

The diagram below shows the exploded view of the schema with all of the possible options.

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4.5.1 XML Transfer Set Format



A core index update populates the recipient system with new records for defined applications. It is the responsibility of the recipient system to validate the update and populate its database as required.

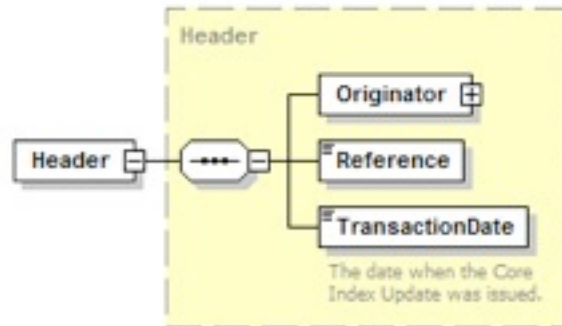
The recipient system must respond with the record types configured as record response types without changing the number of records or their given attributes.

The schema can contain multiple records sets but only one header set.

BDS_Update				
Element	Description	Type	Value	Status
Header	The originator and audit information for this data transfer.	Complex	See 4.5.2	Mandatory Only 1 per transfer
Applications	One record containing all of the records associated with this data transfer	Complex	See 4.5.5	Mandatory at least 1 per transfer

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4.5.2 Header

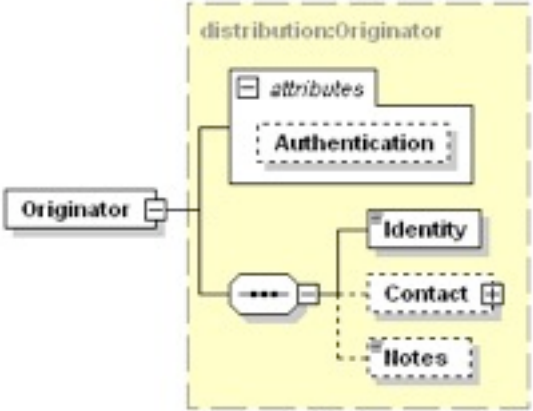


The Header record should contain information relating to the whole of the transfer.

Header				
Element	Description	Type	Value	Status
Originator	Name of body originating the update message	Complex	See 4.5.3	Mandatory
Reference	Name of body originating the update message	string		Mandatory
TransactionDate	The date when the update was issued	dateTime		Mandatory

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4.5.3 Originator



Originator contains the elements to authenticate the transaction and to also identify the contact point for the payload.

Attribute	Type	Mandatory?	Default value
Authentication	String	No	

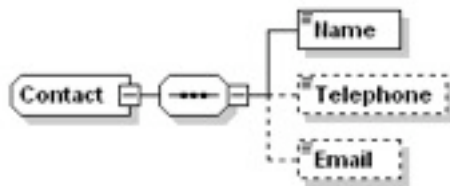
The authentication string comprises an MD5 Hashed string encoding of the Originator code, timestamp of the message and the unique private key of the Originator themselves.

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Originator				
Element	Description	Type	Value	Status
Identity	Identification for the originating agency for the transfer	string	SNAC code of the agency	Mandatory
Contact	Contact details for the receiving agency to further discuss the payload	Complex	See 4.5.4	Optional
Notes	Additional information to be passed on regarding the transfer	string		Optional

4.5.4 Contact

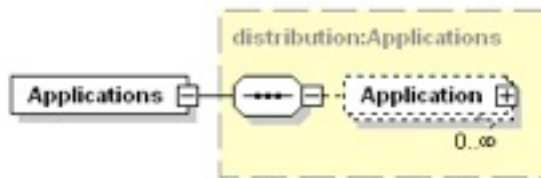


Contact				
Element	Description	Type	Value	Status
Name	Name of a person to contact regarding the payload	String		Mandatory
Telephone	A contact telephone number regarding the payload	String		Optional

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Contact				
Element	Description	Type	Value	Status
Email	An email address for enquiries regarding the payload	String		Optional

4.5.5 Applications

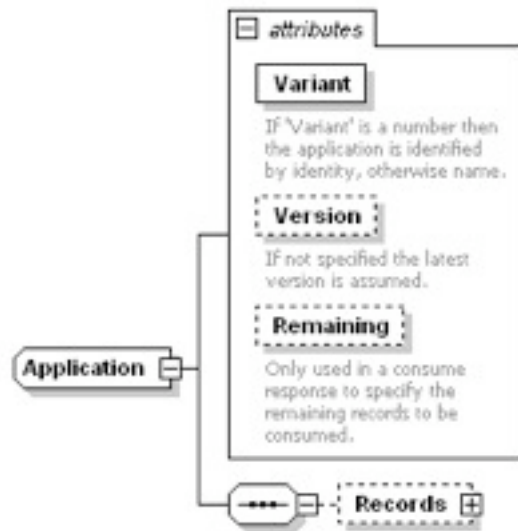


Applications contains information relating to the payload of the transfer.

Applications				
Element	Description	Type	Value	Status
Application	The payload to be transferred	Complex	See 4.5.6	Optional

4.5.6 Application

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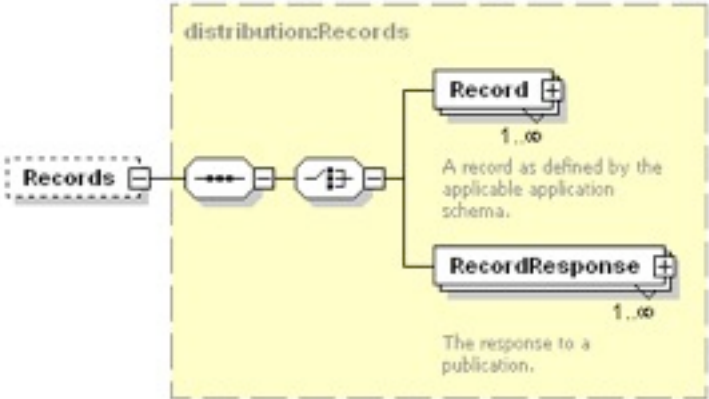
This identifies the payload to the hub to allow for validation of the record against the payload schema held on the hub. The following attributes are associated with this element:

Attribute	Type	Mandatory?	Default value
Variant	String	Yes	
Version	String	No	
Remaining	Integer	No	

Application				
Element	Description	Type	Value	Status
Records	The individual schema lines within a payload	Complex	See 4.5.7	Optional

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4.5.7 Records

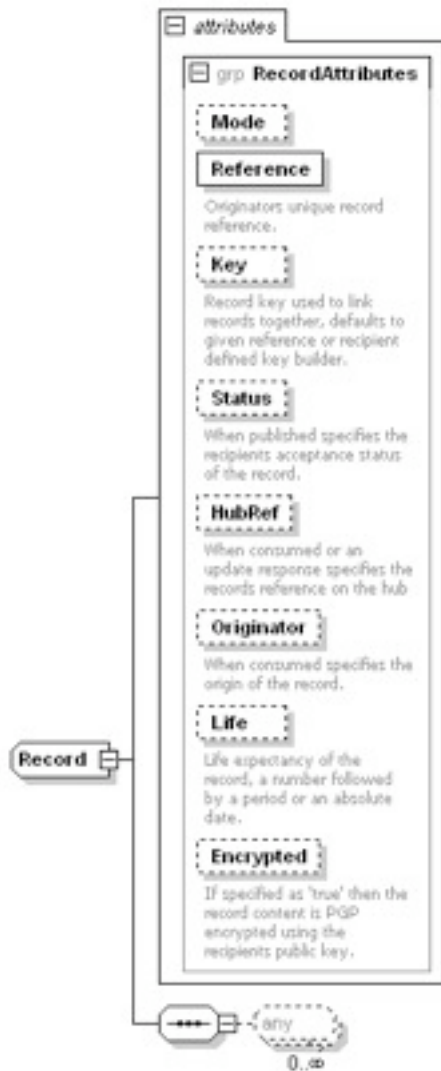


The elements contained within this part of the schema are the wrapper around the payload.

Records				
Element	Description	Type	Value	Status
Record	A record is defined by the applicable application schema	Complex	See 4.5.8	Mandatory
RecordResponse	The response to a publication	Complex	See 4.5.9	Mandatory

4.5.8 Record

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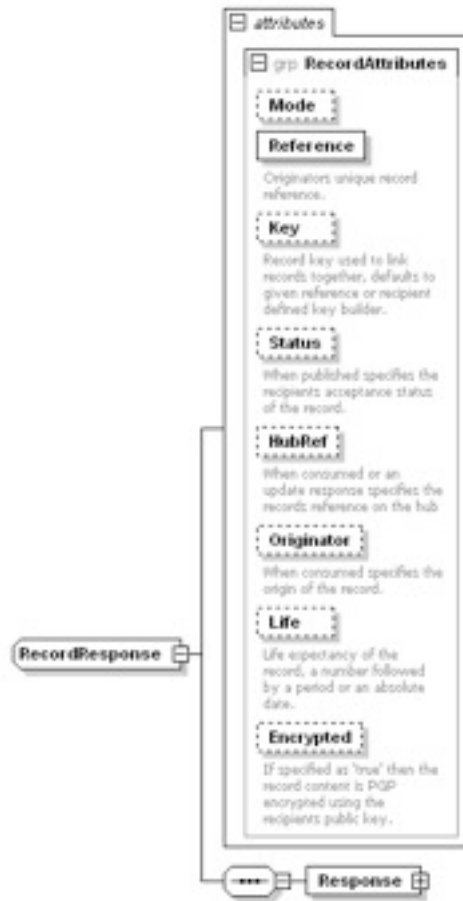
BUSINESS MATTERS: GUIDE TO THE BUSINESS DATA SCHEMAS

This contains the payload to the hub and an example of the additional fields is shown in section 5, the following attributes are associated with this element:

Attribute	Type	Mandatory?	Default value
Mode	RecordMode	No	Update
Reference	String	Yes	
Key	String	No	
Status	RecordStatus	No	
HubRef	String	No	
Originator	Originators	No	
Life	String	No	
Encrypted	Boolean	No	

4.5.9 RecordResponse

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This contains the response from the hub, the following attributes are associated with this element:

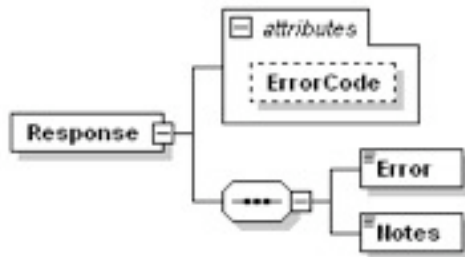
Attribute	Type	Mandatory?	Default value
Mode	RecordMode	No	Update

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Attribute	Type	Mandatory?	Default value
Reference	String	Yes	
Key	String	No	
Status	RecordStatus	No	
HubRef	String	No	
Originator	Originators	No	
Life	String	No	
Encrypted	Boolean	No	

RecordResponse				
Element	Description	Type	Value	Status
Response	A report of errors generated by the transfer	Complex	See 4.5.10	Mandatory

A..5.10 *Response*



The following attributes are associated with this element:

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Attribute	Type	Mandatory?	Default value
ErrorCode	Integer	No	

Response				
Element	Description	Type	Value	Status
Error	The error generated by the hub	String		Mandatory
Notes	Any associated notes with the error	string		Mandatory

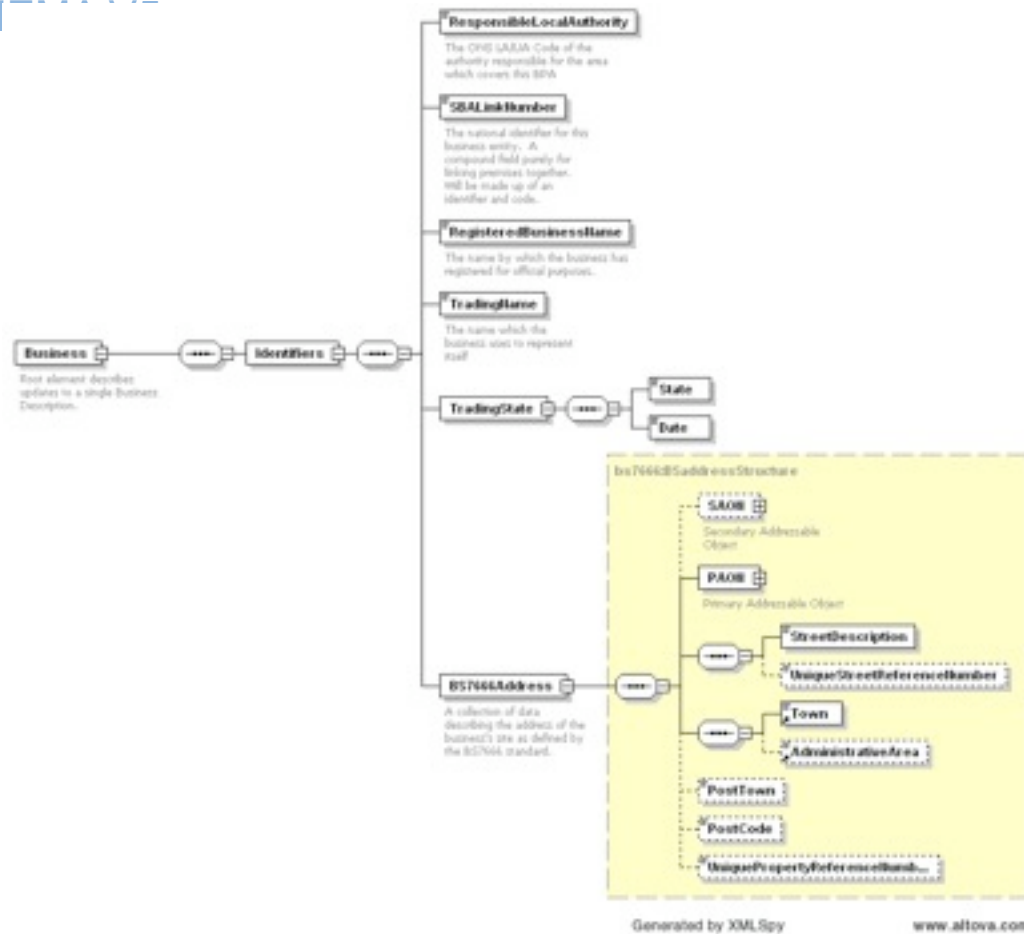
12. **BDS PAYLOAD SCHEMAS**

5.1 Schema overview

The Business Data Schema is designed to be a multi-purpose schema with a common header and a different payload depending on the application to which the schema is being applied. For the purpose of this guide the payload schema is the revised Core Index Update Process. This schema is designed to synchronise multiple databases and maintain the common list of business data which is used in the header.

The diagram below shows the exploded view of the schema.

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5.1.1 XML Transfer Set Format

BUSINESS MATTERS: GUIDE TO THE BUSINESS DATA SCHEMAS



The schema can contain multiple records sets but only one header set.

Business				
Element	Description	Type	Value	Status
Identifiers	The data to identify the change to the business details	Complex	See 5.1.2	Mandatory Only 1 per transfer

a.2 *Identifiers*

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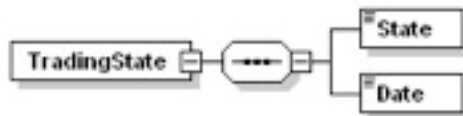
Identifiers				
Element	Description	Type	Value	Status
ResponsibleLocalAuthority	The SNAC code for the authority within which this business premises resides.	String	SNAC Code of the agency	Mandatory Only 1 per transfer

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Identifiers				
Element	Description	Type	Value	Status
SBALinkNumber	Common identifier for this business to enable the linking of premises	String		Mandatory Only 1 per transfer
RegisteredBusinessName	The name which the business has registered	String	Organisation Name Type	Mandatory Only 1 per transfer
TradingName	The name the organisation uses to represent itself	String		Mandatory Only 1 per transfer
TradingState	The current position in the business life cycle	Complex	See 5.1.3	Mandatory Only 1 per transfer
BS7666Address	The actual address of the business	Bs7666: Address Structure	See GovTalk for appropriate documentation	

a..3 *TradingState*



TradingState				
Element	Description	Type	Value	Status
State	The state of the business	String	normal deceased insolvent dormant	Mandatory Only 1 per transfer

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TradingState				
Element	Description	Type	Value	Status
Date	Date change was identified	dateTime		Mandatory Only 1 per transfer