

Public Document Pack



Hinckley & Bosworth
Borough Council

Bill Cullen MBA (ISM), BA(Hons) MRTPI
Chief Executive

Date: 24 July 2018

To: Members of the Executive

Mr MA Hall (Chairman)
Mr K Morrell (Vice-Chairman)
Mr RG Allen
Mrs MA Cook

Mr C Ladkin
Mr M Nickerson
Mrs MJ Surtees

Copy to all other Members of the Council

(other recipients for information)

Dear Councillor,

There will be a meeting of the **EXECUTIVE** in the De Montfort Suite - Hub on **WEDNESDAY, 1 AUGUST 2018 at 6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Owen'.

Rebecca Owen
Democratic Services Officer

EXECUTIVE - 1 AUGUST 2018

A G E N D A

1. APOLOGIES
2. MINUTES (Pages 1 - 2)
To confirm the minutes of the meeting held on 6 June 2018.
3. ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES
To be advised of any additional items of business which the Chairman decides by reason of special circumstances shall be taken as matters of urgency at this meeting.
4. DECLARATIONS OF INTEREST
To receive verbally from Members any disclosures which they are required to make in accordance with the Council's code of conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the agenda.**
5. QUESTIONS
To hear any questions in accordance with Council Procedure Rule 12.
6. ISSUES ARISING FROM OVERVIEW & SCRUTINY
(If any)
7. CORPORATE APPROACH TO RECRUITING AND DEVELOPING TRAINEE STAFF
(Pages 3 - 18)
To present a package of options to recruit and develop the council's trainee workforce.

This report was considered by the Scrutiny Commission on 10 July and the Ethical Governance and Personnel Committee on 12 July. Extracts from the minutes of those meetings are appended to the report.
8. ENVIRONMENTAL HEALTH COMMERCIAL ENFORCEMENT PLAN 2018/19 (Pages 19 - 62)
To present the Environmental Health Commercial Services Enforcement Service Delivery Plan for 2018/19 as required by the Food Standards Agency and the Health & Safety Executive.
9. GOOD FRIDAY - SUPPLEMENTARY BUDGET (Pages 63 - 66)
To update the Executive on the restoration of the Good Friday site and to seek a supplementary budget for the works.
10. RIPA POLICY (Pages 67 - 96)
To present the updated Regulation of Investigatory Powers Act (RIPA) policy.
11. ANY OTHER ITEMS OF BUSINESS WHICH THE CHAIRMAN DECIDES HAVE TO BE DEALT WITH AS MATTERS OF URGENCY
As announced at item 3.

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

EXECUTIVE

6 JUNE 2018 AT 6.30 PM

PRESENT: Mr MA Hall - Chairman
Mr K Morrell – Vice-Chairman
Mr RG Allen, Mrs MA Cook, Mr C Ladkin, Mr M Nickerson and Mrs MJ Surtees

Officers in attendance: Bill Cullen, Julie Kenny, Rebecca Owen and Rob Parkinson

45 MINUTES

It was moved by Councillor Allen, seconded by Councillor Nickerson and

RESOLVED – the minutes of the meeting held on 11 April 2018 be confirmed and signed by the chairman.

46 DECLARATIONS OF INTEREST

No interests were declared at this stage.

47 PLANNING POLICY MONITORING & INFORMATION OFFICER

Members received a report which requested a supplementary budget for the post of Planning Policy Monitoring & Information Officer for a period of two years. Concern was expressed that a two year fixed term post may not attract the best candidates and it was moved by Councillor Hall and seconded by Councillor Allen that the relevant Director be granted delegated authority to consider appointing to a permanent post. This was supported and subsequently

RESOLVED –

- (i) The post of Planning Policy Monitoring & Information Officer be agreed;
- (ii) A supplementary budget of £36,000 be approved;
- (iii) The relevant Director be granted delegated authority to decide between a fixed term or permanent post.

48 UPDATED A5 STRATEGY - SUPPORTING GROWTH AND MOVEMENT IN THE MIDLANDS, 2018-2031

The refreshed A5 Strategy 2018-2031 was presented to the Executive. Discussion ensued on engagement of other partners. Members noted and endorsed the leading role that the Council had taken on the A5 partnership over the previous seven years and the regional and national profile that it had secured with the aim of securing major investment in improvements to the A5. Members felt that the strategy document was excellently produced and that the profile of the document should be raised and the matter should be brought to Council for debate. It was moved by Councillor Hall, seconded by Councillor Morrell and

RESOLVED –

- (i) The A5 strategy be endorsed subject to final formatting and amendments;
- (ii) The Executive continues to express support and to lobby for the upgrade of the A5 through the work of the A5 Partnership;
- (iii) The report be referred to Council for consideration.

(The Meeting closed at 7.08 pm)

CHAIRMAN



Hinckley & Bosworth Borough Council

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

SCRUTINY COMMISSION	10 JULY 2018
ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE	12 JULY 2018
EXECUTIVE	1 AUGUST 2018

WARDS AFFECTED: 'ALL WARDS'

CORPORATE APPROACH TO RECRUITING AND DEVELOPING TRAINEE STAFF

Report of Director (Corporate Services)

1. PURPOSE OF REPORT

- 1.1 To present to members a package of options to recruit and develop the council's trainee workforce.

2. RECOMMENDATION

2.1.1 That the Executive

- 1) Notes the positive work achieved to date
- 2) Supports the implementation of a corporate trainee scheme offering a mix of placements covering both internships and apprenticeships
- 3) Commits to corporate funding to offer two internships for a two-year period, based upon the national minimum wage, targeting professional posts at graduate level
- 4) Commits to corporate funding to offer two apprentices for a two-year period focussing upon all posts within the council from administrative/manual level up to technical level
- 5) Agrees that middle managers, following consultation with HR, will be required to bid from the corporate fund based upon a business case
- 6) Agrees that HR will oversee the recruitment and induction process and manage the outgoing contract.

2.2 That consideration be given to the comments of the Scrutiny Commission and Ethical Governance & Personnel Committee (extracts from the minutes of those meetings are attached).

3. BACKGROUND TO THE REPORT

3.1 One of the strategic aims within the People Strategy approved in 2017 was to 'Nurture and Attract Talent'. In order to achieve this aim, a series of actions were identified within the strategy with a particular focus upon the trainee workforce. It is recognised that in order to maintain capacity and aid succession planning, there is a need to develop a more robust corporate approach to trainee recruitment and development that is sustainable. This can be achieved using a variety of options outlined below:

- Structured work placements such as school/college work experience and internships
- Development of a corporate apprenticeship scheme
- Attracting and developing newly qualified graduates either through professional or management routes

3.2 The council has already engaged in initiatives such as recruiting apprentices, graduates and offering work experience placements and has been doing so for a lengthy period of time. Whilst the council has seen an increase in such posts over the last two years, the approach however has been relatively piecemeal due to the restricted funding of posts, given that trainee posts are expected to be funded from existing establishment budgets. This means that the council is heavily reliant upon service managers to make provision for apprentices/graduates to be maintained within service budget, which is a challenge over the longer term. To illustrate this point, a vacancy at admin level becomes available and the manager decides to recruit an apprentice to the post. After the apprenticeship ends, the team may want to retain the employee as they want to develop them further; they then subsequently appoint and the apprenticeship post is then converted back to an establishment role and the apprenticeship vacancy then disappears.

3.3 Whilst this is a success for the trainee and the council, this stifles the opportunity to recruit and develop more trainees. The council only retains the budget if the employee leaves, which is counter-productive to our strategic aim. It is recognised that employers who offer work experience, apprenticeship and internship programmes typically report significant benefits to their business. Following recent discussions at SLT it was agreed to revisit the council's strategic approach to trainees and to consider, at a corporate level, the opportunities that could be pursued as a council moving forwards.

3.4. INTERNSHIPS

There are a number of different phrases used to describe non-contractual work that offers a young person some expertise in the workplace. This may be during their time at school (typically lasting a couple of weeks and referred to 'work experience') or university (usually lasting up to a year and called work placements) or they have just finished education and entering the labour market for the first time. However the market has seen internships more recently associated with graduates entering the labour market and wanting to enter a particular profession, as it is perceived to be an informal means of gaining practical insight into a particular career and a rung on the 'work ladder'.

Developing a corporate approach to developing an internship scheme does need careful consideration. The primary purpose of internships is to provide interns with meaningful experience that enhances their employability and skills. That said there are real benefits of running a corporate internship scheme such as gaining a new and motivated member of staff, bringing new skills and perspective to your organisation and potentially improving productivity.

There are some debates as to whether or not internships should always be paid positions. Traditionally it is suggested that the quality of the experience is the most important factor for the intern rather than pay, as the short term economic costs of an internship can often be offset by the long term advantages to an individual's career – however this is only true if the internship is of sufficient quality. The counter argument is that unpaid internships receive criticism as legally the council is required to pay the national minimum wage if the intern is carrying out 'work' for an organisation (not just shadowing etc.); furthermore there is the moral argument that paying an intern is not only the right thing to do, but it also helps to widen access to more choice of quality interns.

3.4.1 Internships - at the council

The council has historically offered varying internships as follows:

Work experience (under 16)

The council offers work experience placements of up to one week in a variety of services. For this we have worked with requests from parents and schools directly or have arranged placement with the Leicestershire Education Business Company (LEBC) who coordinate work experience across Leicestershire and the East Midlands. The council supports on average over 10 placements per summer.

Work placements

The council has placed a number of college and university students on short term and longer term work placements in various teams such as Planning, Housing and Environmental Health and Legal. These schemes are usually offered by employers directly or from universities either on a seasonal basis or for a period of up to 12 months as part of a placement (which can be on a paid and unpaid basis).

Examples:

Environmental Health - the team support a student Environmental Health Officer's (EHO) on an annual basis offering a one year placement. The students are usually in study or have completed their final year at university. Student EHO's meet the exemption in regard to the national minimum wage because they are required to complete a learning portfolio before graduation as a fully fledged Environmental Health Officer and the placement is for one year only. The council pays a bursary amount of £1000 every quarter for the duration of their one year placement to cover study materials plus mileage expenses. Whilst, not legally required, the students ideally should be paid the minimum wage job role however historically this has not been pursued due to limited budget. If the council did consider changing this approach it might be able to attract a broader choice of applicants.

Planning – during 2014 the Head of Planning recruited six graduate posts using temporary funding in order to support capacity issues within the service, following a failure to successfully recruit planning officers. The HR team contracted university

placement managers at Bristol, Birmingham, Liverpool, Newcastle, Sheffield and Nottingham for students graduating that year.

The campaign was deemed successful as four posts were made permanent (Grade 5 equivalent to a Planning Assistant) and has remained sustainable with four graduates currently placed in Development Control and Policy.

Other university placements

An alternative approach, which the council has trialled in the past, is to take part in formal schemes (such as those highlighted below) ran by local universities, however we have had limited take up when circulated to managers.

1. **Demontfort University Graduate Champions** – the scheme sought to place current students and recent graduates on six week paid internships with leading UK businesses. Students apply in March each year with placements to start during the summer. DMU pay the students the Living Wage which currently stands at £8.75 an hour directly for 18.5 hours a week for six weeks.
2. **Leicester University** – the university attempted to place graduates into paid internships. As the employer we would have to focus the internship in one specific project or across a range of work. The university advertises to students and provides a pool of candidates to choose from. Internships last six months on average (minimum duration: ten weeks) and start in July each year.
3. **Loughborough University –School of Business and Economics** - a year-long placement is as a mandatory part of Loughborough University undergraduate degree courses. Placements are paid by the employer at their agreed pay rate for a period of 6 months up to 12 months with placements starting between July and September each year.
4. **National Graduate Development Programme (NGDP)** – ran by the LGA this is a two year programme. This is a national programme aimed at graduates who want to become future 'leaders'. As a management trainee they will undertake a two-year placement which has to be structured across three disciplines. This was explored by SLT, but felt that given the size of the council, a work placement at a management level would prove impractical.

Government work programme – Dorothy Goodman

The school is classed as 'outstanding' and its pupils have a wide variety of special educational needs and disabilities. Working with the school, the council provides a twelve-month work programme (since 2015/16) for those who are studying level 2 qualification in Horticulture, working with the Green spaces Team. We also offer work placements within the Communications Team placing four students, every three months and supported by a companion, to fold and envelope the Borough Bulletin. This allows the students to gain experience in the work environment.

'EmployAbility' Programme – Cadent

The council has made a commitment to work with Cadent who recently launched it's corporate 'EmployAbility' programme. This is an internal work experience scheme run by Cadent offering work experience to pupils at the Dorothy Goodman school (who then have the opportunity to complete a BTEC qualification). Following the success of the scheme, Cadent has sought to offer the model they use to other businesses within the area and the council has agreed to sign up to the scheme.

Work trials with Jobcentre plus

The council has an ongoing commitment to work with the local Job Centre plus to offer work trials for people who are Not in Education, Employment, or Training (NEET) in order to build experience and confident to get back into the workplace. These trials are unpaid as they meet the exemption. The council has placed 28 work trials since April 2015 in areas including Refuse Collection and varying admin roles in Cultural Services, Revenues and Benefits, Housing Repairs, Democratic Services, Finance, Elections and Streetscene Services. Since the scheme has started the council has placed over 35 jobseekers, with eight of those placements going on to secure temporary and permanent contracts with the council.

3.4.2 Summary – Internships

The council has made successful inroads to offering work placements for both short and long-term internships. Schemes such as work experience (school students) and the Dorothy Goodman ideally should be maintained.

There does however need to be a more structured and coordinated approach including a senior commitment to hiring interns that is corporately fully funded. Strategically, and following consultation with middle managers, HR could recruit interns to the HBBC scheme, typically at a graduate level and target areas that have capacity issues or to meet the needs of succession planning in high risk teams, where there are ageing employees or high turnover. It is suggested that placements are limited to professional teams, as technical and clerical posts could be covered by Apprenticeships (see next section of this report).

In terms of process, it is suggested to retain a corporate fund to cover two internships over a two-year period based upon the national minimum wage (the fund will have the flexibility to offer a mix of temp contracts based upon whether the internship is part of placement for an under graduate programme or a new post for a post graduate). Middle managers, following consultation with HR, will be required to bid from the corporate fund based upon a business case. HR will oversee the recruitment and induction process and manage the outgoing contract.

3.5 APPRENTICESHIPS

An apprenticeship allows students to enter the job market and gain a qualification and is a key government policy in the UK, with the introduction of the apprenticeship levy in April 2017. The council, as an employer with over 250 staff, is required to meet the public sector apprenticeship target of 2.3% of the workforce each year. This equates to 9 apprentices at the council p.a. until 2021. The council's annual apprenticeship levy is approximately £35,000 per annum; this just covers training costs and not the salary costs of employing an apprentice.

To meet the definition of an apprenticeship, the apprentice has to be in a real job, be on an approved apprenticeship standard for a minimum of 12 months, work 30 hours per week and 20% of the apprentices' time should be for 'off the job' training. The apprentice should also be paid the minimum apprenticeship rate of £3.50 per hour or other suitable rate of pay for the role that will attract high quality apprentices (the council currently pays NMW £5.90 and after a year paid based upon their age).

At the end of the apprenticeship, where a job opportunity continues to exist and where the apprentice wishes to remain, the apprentice should be offered a permanent contract. Where this is not possible, the council and the apprenticeship provider must support the apprentice to seek alternative opportunities.

The council is required to report on an annual basis to the DFE all apprenticeship 'starts' for each year. For the financial year 2017/18 this has to be done by 30 September 2018. The report must also include any details of action the council has taken to meet/or in some cases, any mitigation if the target has not been met. Apprenticeships levels start at:

- Level 2 - equivalent to G.C.S.Es
- Level 3 - equivalent to A levels
- Level 4 and above – known as higher or degree apprenticeships working toward qualifications such as a foundation degree or the equivalent of a bachelor's degree - without paying tuition fees.

There is a large number of existing apprenticeship standards, some of which the council has already accessed such as: Business Administration, Customer Services, Finance, Horticulture, Street Cleaning, LGV Drivers, Carpentry and Plumbing. The apprenticeships standards that are currently available are set out at **Appendix 1**. To illustrate, the council has appointed 7 apprentices with positions in areas such as Finance (completing an Association of Accounting Technicians (AAT) Level 3), Business Administration in Revenues and Benefits (Level 2) (provided by North Warwickshire and Hinckley College). The council has also upskilled four Grounds Maintenance team members through a Horticulture apprenticeship at Level 2 (provided by Brooksby Melton College).

There are also apprenticeship standards that are still in progress at **Appendix 2**. Of interest is those at a higher levels relating to service areas including Planning (predicted to be completed by September 2018), Building Control and Environmental Health. This could be an alternative option moving forward if staff do not want to progress through the traditional route of university.

At present, the council recruits as and when an establishment vacancy becomes available, particularly if there are skills gaps or capacity issues. The weakness of this approach is that it is unstructured as it relies on staff leaving and does not really tackle succession planning in high risk areas. Another factor is that the council also has to attempt to meet the target set by the DFE. For 2017/18 the council employed seven apprentices 'starts', which is a shortfall of two apprentices in year 1. At the start of 2018/2019 the council recruited one apprentice with one being considered for recruitment.

Please note that the target is a rolling target, and therefore the shortfall can be recouped by 2021.

3.5.1 **Summary – Apprenticeships**

It is recommended to develop a model similar to the internship programme. However the apprenticeship scheme would be open to all posts within the council from administrative/manual up to technical/professional and should the standards allow, up to degree level. As above, it is suggested to retain a corporate fund to cover two apprenticeships over a two- year period based upon the current pricing model (national minimum wage). Middle managers, following consultation with HR, will be required to bid from the corporate fund based upon a business case and HR will continue to oversee the recruitment and induction process and manage the outgoing contract.

3.5.2. To supplement this approach, managers will still be encouraged to recruit apprentices from their service budgets when a vacancy arises in order to meet the annual target. At present this approach is enforced via the recruitment request form whereby the challenge is made to the recruiting manager to consider an apprenticeship post prior to recruitment.

3.5.3 By adopting a blended approach to recruiting and developing staff will allow the council to attract candidates from different educational environments and meet the needs of the diverse skills of the council's officers.

4. EXEMPTIONS IN ACCORDANCE WITH THE ACCESS TO INFORMATION PROCEDURE RULES

4.1 The report to be taken in open session.

5. FINANCIAL IMPLICATIONS [AW]

5.1 The approximate annual cost of each apprenticeship is £14,070 and for each internship £5,000 for a bursary payment. This is based on £5.90 per hour for apprenticeship and a set payment for internships pro rata for part year.

5.2 The report proposal is to have up to two of each type (4 in total) which would cost approximately £38,140 for the first year, if intern posts were full time for twelve months, which may not be the case.

5.3 Over a five year period, such as used for the Medium Term Financial Strategy (MTFS), the cumulative costs is likely to be in the region of £0.2m allowing for pay increments at 2%, which would fall on either the general fund or HRA depending on where the placements were working in the council. These costs have not been included in the current MTFS.

6. LEGAL IMPLICATIONS [AR]

6.1 None arising directly from this report.

7. CORPORATE PLAN IMPLICATIONS

7.1 The policy ensures that the council provides a safe and healthy workplace whilst meeting the obligations of the Data Protection Act 1998.

8. CONSULTATION

8.1 Discussions have taken place with the local trade union branch and have been positively received.

8.2 The Scrutiny Commission and the Ethical Governance & Personnel Committee have considered this report and their recommendations are attached as minute extracts. The Executive is asked to have regard to these in its decision.

9. RISK IMPLICATIONS

9.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

9.3 The following significant risks associated with this report / decisions were identified from this assessment:

None

10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

10.1 None.

11. CORPORATE IMPLICATIONS

11.1 By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Procurement implications
- Human Resources implications
- Planning implications
- Data Protection implications
- Voluntary Sector

Background papers: None

Contact Officer: Julie Stay, HR & Transformation Manager Ext 5688

Executive Member: Councillor C Ladkin

Appenticeship Standards - current

- **Arborist** at level 2 (Planting, felling and maintaining trees).
- **Chartered Surveyor degree** at level 6 (Providing professional advice and recommendations to clients on land, property or construction).
- **Chartered Legal executive** at level 6 (Providing legal services to clients and colleagues).
- **Chartered Manager** at level 6 (Taking responsibility for long-term organisational success, managing people, projects, operations or services).
- **Commercial Procurement and Supply** (formerly Public sector commercial professional) at level 4 (Securing the best value for your companies money).
- **Credit controller/collector** at level 2 (Monitor and manage customer accounts, follow financial policies to collect money owed to organisations).
- **Advanced credit controller** and collecting debt for businesses and other organisations at level 4 (Managing credit and collecting debt for businesses and other organisations.)
- **Housing/Property Management Assistant** at level 2 (administrative support in the creation and sustainment of successful tenancies and leaseholds in both social and private housing sectors).
- **Housing/Property Management** at level 3 (Creating and sustaining successful tenancies in the private and social rented housing sectors.).
- **Senior Housing/Property Management** at level 4 (Managing housing or property related services, leading a team and taking responsibility for the cost effectiveness and efficiency of their business area).
- **HR support** at level 3 (Handling day to day queries and providing HR advice ranging from recruitment through to retirement).
- **Electrician** at level 3 (Install, maintain and repair electrical systems in industrial, commercial and domestic environments.).
- **Paralegal** at level 3 (Providing legal support, including administrative tasks, carrying out research and drafting legal documents and forms.).
- **Plumbing and Domestic Heating Technician** at level 3 (Planning, selecting, installing, servicing, commissioning and maintaining all aspects of plumbing and heating systems).
- **Property Maintenance Operative** at level 2 (Ensuring that buildings are in a safe working condition).

- **Public service operational delivery officer (Customer service)** at level 3, (Working in local and central government to ensure the public gets the services and protection they need).
- **Solicitor** at Level 7 (Progressing legal matters and transactions, applying legal knowledge and commercial judgement to produce solutions which meet clients' needs).
- **Surveying technician** at level 3 (Collecting information from site inspections to inform advice to clients on land, property or construction).

Standards - In Development

[Institute for Apprenticeships](#)

Chartered Town Planner (Degree)

Level: 7

[Building control surveyor](#)

Level: 6

[Environmental Health Practitioner](#)

Level: 6

Recently approved standards

[Senior housing / property management](#) New

Level 4

[Housing / property management](#) New

Level 3

[Housing / property management assistant](#) New

Level 2

[Community Sport and Health Officer](#)

Level 3

[Policy Officer \(L4\)](#)

Level 4

[Regulatory Compliance Officer](#)

Level 4

This page is intentionally left blank

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

SCRUTINY COMMISSION

10 JULY 2018 AT 6.30 PM

PRESENT: Mr MR Lay - Chairman
Mrs R Camamile and Mr KWP Lynch – Vice-Chairman

Mr DC Bill MBE, Mr SL Bray, Mr WJ Crooks, Mr RB Roberts, Mr BE Sutton, Mr R Ward and Mr HG Williams

Also in attendance: Councillor MA Cook

Officers in attendance: Gemma Dennis, Rebecca Owen, Julie Stay and Ashley Wilson

84 DECLARATIONS OF INTEREST

No interests were declared at this stage.

86 CORPORATE APPROACH TO RECRUITING AND DEVELOPING TRAINEE STAFF

The Scrutiny Commission received a report on opportunities and options to recruit and develop the council's trainee workforce. Whilst generally in support, a member suggested that the use of the word 'internship' may have negative connotations and asked that consideration be given to amending the use of the word to reflect that it related to work place experience. Officers emphasised that the intention was to provide a mix of options, including professional apprenticeships and traineeships.

RESOLVED – the report be supported, subject to consideration of amended wording.

This page is intentionally left blank

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE

12 JULY 2018 AT 6.30 PM

PRESENT: Mr RG Allen – Vice-Chairman, in the chair

Mr RG Allen (Vice-Chair, in the Chair), Mr WJ Crooks, Mr MA Hall (for Mrs R Camamile), Mr KWP Lynch (for Mr MB Cartwright), Mr K Morrell, Mr M Nickerson and Ms BM Witherford

Officers in attendance: Julie Kenny, Rebecca Owen and Julie Stay

105 DECLARATIONS OF INTEREST

No interests were declared at this stage.

106 CORPORATE APPROACH TO RECRUITING AND DEVELOPING TRAINEE STAFF

A package of options to recruit and develop the council's trainee workforce was presented to members. The committee was informed that it had been suggested at the Scrutiny Commission meeting that the word 'internships' had negative connotations and that consideration should be given to using an alternative word. Some members of the Ethical Governance & Personnel Committee agreed that an alternative word should be sought, and it was also suggested that the term 'paid internships' could be used instead.

The opportunity for people with a disability to apply for an apprenticeship, as with any other role in the authority, was discussed and encouraged.

It was moved by Councillor Hall, seconded by Councillor Morrell and

RESOLVED – the abovementioned suggestions for alternative wording be put to the Executive and the report be welcomed.

This page is intentionally left blank



Hinckley & Bosworth
Borough Council

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

EXECUTIVE

1 August 2018

WARDS AFFECTED: All wards

**ENVIRONMENTAL HEALTH COMMERCIAL SERVICES ENFORCEMENT SERVICE
DELIVERY PLAN 2018/19**

Report of Director (Environment and Planning)

1. PURPOSE OF REPORT

- 1.1 To seek Executive approval for the Environmental Health Commercial Services Enforcement Service Delivery Plan for 2018/19 (Appendix 1) as required by the Food Standards Agency pursuant to the Food Standards Act 1999, and the Health & Safety Executive pursuant to the Health & Safety at Work etc. Act 1974.
- 1.2 Copies of the Plan will be placed in the Members Room, on the internet and intranet.

2. RECOMMENDATION

- 2.1 The Executive is recommended to:
- i) approve the Environmental Health Commercial Services Enforcement Service Delivery Plan 2018/19 (Appendix 1 to this report).
 - ii) note and endorse the achievements of the Environmental Health Commercial Service in 2017/18.

3. BACKGROUND TO THE REPORT

- 3.1 The Food Standards Agency's Framework Agreement with Local Authorities on food law enforcement activities requires Councils to produce an annual Food Service Delivery Plan, requiring approval by the appropriate member forum, which for this Authority is the Executive.
- 3.2 The Health & Safety Executive, as part of Local Authorities' legal requirements under Section 18 of the Health & Safety at Work etc Act 1974, require Councils to produce an annual Health & Safety Service Delivery Plan.
- 3.3 Whilst each of the Central Government agencies prescribe the layout of the document required, several requirements are duplicated in both. Hence the Food

Safety Enforcement Delivery Plan and Health & Safety Service Delivery Plan have been incorporated into one document.

3.4 The Enforcement Service Delivery Plan expands upon the Service Improvement Plan already produced for the service. It details all the tasks for the service, outlines the workload, the resources devoted to that work area and how the work will be undertaken. A section is also included reviewing performance against the previous years' service plan and sets out areas for improvement.

3.5 ACHIEVEMENTS

Members may wish to note that in 2017/18 we achieved:-

- 601 interventions were carried out during the year, representing 99.1% of the target of 606 for the year.
- Responded to 212 requests for service, overall 59% up from 2 years ago and 86% increase in food related requests over the 2 years.
- Continued to embed and promote the national Food Hygiene Rating Scheme with 863 food premises in the borough listed on the national website, also promoting 5 rated businesses by `tweeting` congratulations and promoting at food events attended by officers eg Hinckley Feast Festival
- Concluded investigations into 1 fatal accident.
- Completed health and safety campaigns on Cellar Safety and made significant progress on introducing a countywide model to aid event organisers to provide safe events and aid emergency services to plan their resources more efficiently.
- Received 3 positive assurance assessments of elements of commercial services. Finance and Performance Scrutiny, along with an external audit reviewed the Food Hygiene Rating Scheme and there was an internal audit of governance mechanisms for the food safety service.
- Made good progress in examining the potential to use new technology in the field but more investigations are required to identify appropriate computer tablets.

3.6 The Service targets for 2018/19 for food safety interventions will be 468 inspections and 64 alternative interventions by self-assessment questionnaires for low risk food businesses resulting in 532 interventions. This will lead to a 100% intervention rate for all premises due an inspection in 2018/19.

3.7 For health and safety the Service will continue to adhere to guidance issued by central government to perform fewer proactive inspections on businesses but to target activity to campaigns at specific high risk activities and businesses. The service therefore in 2018/19 will carry out 131 interventions consisting of advisory visits or questionnaires to unrated and new businesses.

3.8 KEY CHANGES FROM PREVIOUS ANNUAL PLANS

Key changes from last years' service plan include:

- Food hygiene and health and safety premises figures and targets (Sections 5.2, 5.4, 6.5)
- Food Hygiene Promotion (Sections 5.6.6, 5.6.7)
- Future food hygiene strategy (Section 5.7)
- Delivery of the health and safety service priorities 2017/18 (Section 6.4)
- Intervention Plan 2017/18 (Section 6.5.5)
- Assurances (Section 8.2)
- Review (Section 9)

3.9 Should approval be given by the Executive for the plan, a copy will be posted on the Council's website in order that businesses and residents are able to view the activities of the service.

4. EXEMPTIONS IN ACCORDANCE WITH THE ACCESS TO INFORMATION PROCEDURE RULES

4.1 This report is to be taken in open session

5. FINANCIAL IMPLICATIONS [AG]

5.1 None arising from this report

6. LEGAL IMPLICATIONS [AR]

6.1 Contained within the body of the report

7. CORPORATE PLAN IMPLICATIONS

7.1 Will help maintain and improve food safety and health and safety standards within the Borough and thereby contribute towards the Councils priority ambitions of helping people to stay healthy, active and protected from harm along with encouraging growth, attracting business, improving skills and supporting regeneration.

8. CONSULTATION

8.1 None, however Service Plan to be put on Council's website for comments

9. RISK IMPLICATIONS

9.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

9.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Reputation with partners if do not work	Ensure partnerships entered	Steven

with them	into and resourced effectively	Merry
Reputation from negative press coverage of local campaigns	Ensure positive messages emphasised in campaigns	Steven Merry
Reputation from negative press coverage from enforcement	Ensure enforcement carried out competently and proportionately and in accordance with Enforcement Policies	Steven Merry
Knowledge and skills of staff	Ensure adequate training given to enforcement staff	Steven Merry
Adequate staff to deal with enquiries/enforcement activities	Ensure appropriate staff resources available to deal with demands of service	Steven Merry
Legal compliance	Ensure actions in compliance with Central Government Policy	Steven Merry

10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

10.1 No implications as enforcement work in respect of food safety and health and safety is carried out consistently on the basis of a risk based inspection regime for all premises across the whole Borough. Literature is provided to those with “English not as a first language” to assist understanding and compliance with legislation. Training has also been provided in a relevant language again to aid understanding and compliance.

11. CORPORATE IMPLICATIONS

11.1 By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Procurement implications
- Human Resources implications
- Planning implications
- Data Protection implications
- Voluntary Sector

Background papers: None

Contact Officer: Steven Merry, Ext 5735

Executive Member: Cllr Kevin Morrell



**Hinckley & Bosworth
Borough Council**

Document no.1

Environmental Health Commercial Services

Enforcement service delivery plan

2018 / 2019

June 2018

Contents

	Page numbers
Glossary	4
1. Introduction	5
2. Equal opportunities statement	5
3. Service aims and objectives	
3.1 The corporate planning framework	6
3.2 The Community Plan	6
3.3 Vision, priorities and values	6
3.4 The corporate plan	7
3.5 Service improvement plans	7
3.6 Environmental Health's objectives	7
3.7 Links to strategic aims	8
3.8 Continuous improvement	8
4. Background	
4.1 Profile	9
4.2 Organisational structure	9
5. Food safety enforcement service delivery plan 2018/19	
5.1 Scope of the food safety service	11
5.2 Demands on food safety service (as at 1 April 2018)	11
5.3 Enforcement policy	12
5.4 Service delivery	13
5.4.1 Intervention programme	13
5.4.2 Food complaints	15
5.4.3 Primary Authority principle	15
5.4.4 Advice to businesses	16
5.4.5 Food sampling and Inspection	16
5.4.6 Water sampling	16
5.4.7 Imported foods	17
5.4.8 Control and investigation of outbreaks and food related infectious diseases	17
5.4.9 Food safety incidents	17
5.5 Liaison	17
5.6 Food hygiene promotion	18
5.6.1 Food hygiene rating scheme	18
5.6.2 Food safety management systems	18
5.6.3 Food safety week	18
5.6.4 E.coli 0157	18
5.6.5 Hinckley Food and Drink Festival	18
5.6.6 Communication for Compliance Trial	19
5.6.7 Meat Traceability	19
5.6.8 Further promotional work	20

5.7	Future food hygiene strategy	20
6. Health and safety enforcement service delivery plan 2018/19		
6.1	Description of service	22
6.2	Aim of health and safety enforcement service	22
6.3	Priorities of health and safety enforcement service	22
6.4	Delivery of the health and safety service priorities 2017/18	23
6.4.1	Cellar Safety	23
6.4.2	Loading and unloading	24
6.4.3	Safety Advisor Group	24
6.5	Delivery of the health and safety service priorities 2018/19	24
6.5.1	Health and safety planned inspections 2018/19	25
6.5.2	Revisits	25
6.5.3	Accident investigation	26
6.5.3.1	Fatality at a Water Park	26
6.5.3.2	Fatality at a Golf Club	27
6.5.4	Service requests	27
6.5.5	Intervention plan 2018/19	27
6.5.6	Delivery mechanisms	29
6.6	Performance indicators	30
6.7	Provision of information	30
6.8	Health and safety enforcement policy	30
6.9	Improved contact with employee representative	30
6.10	Smoke free legislation	31
7. Resources		
7.1	Financial allocation	32
7.2	Staff allocation	32
7.3	Staff development plan	32
8. Quality assessment		
8.1	Quality assessment	34
8.2	Assurances	35
8.3	Better Business for All (BBfA)	36
9. Review		
9.1	Review	37
9.2	Identification of variance from the Service Plan 2017/18	37
9.2.1	Interventions	37
9.2.2	Courses and campaigns	38
9.2.3	Service requests	39
9.2.4	Sampling	39
9.2.5	Infectious diseases	39
9.2.6	Areas of improvement 2017/18	39
9.3	Areas of improvement 2018/19	40

Glossary

BBfA	-	Better Business for All
CIEH	-	Chartered Institute of Environmental Health
CQC	-	Care Quality Commission
EHO	-	Environmental Health Officer
FTE	-	Full time equivalent
FSA	-	Food Standards Agency
HELA	-	Health and safety executive / Local authority enforcement liaison committee
HSE	-	Health and safety executive
HSG	-	Health and safety guidance
IAA	-	Inter authority audit
Idox	-	Idox Plc - Data software supplies to Environmental Health
LAC	-	Local authority circular
LAE1	-	Local authority enforcement annual report form to health and safety executive
LAEMS	-	Local authority enforcement monitoring system
LLEP	-	Leicester and Leicestershire Local Enterprise Partnership
LSP	-	Local strategic partnership
MIRA	-	Motor Industry Research Association
PDA	-	Personal development appraisal
RIDDOR	-	Reporting of injuries, diseases and dangerous occurrences regulations 2013
TO	-	Technical Officer

1. Introduction

This service delivery plan outlines how Hinckley and Bosworth Borough Council, through its Environmental Health services, intends to fulfil its statutory obligations to enforce food safety and health and safety legislation.

The plan brings together into one document a service plan for food safety enforcement and health and safety enforcement.

The formats of the enforcement service delivery plans are prescribed by each of the central government agencies responsible for policy in these areas. For food safety the Food Standards Agency prescribe the contents of a service delivery plan in their 'Framework Agreement on Local Authority Food Law Enforcement', the Health and Safety Executives is prescribed in Section 18 Health and Safety at Work etc. Act 1974 Mandatory Guidance. Due to these agencies differing prescription, the layout of this document is occasionally inconsistent however the essential information is conveyed as required by them.

2. Equal opportunities statement

In developing this plan, the Council has recognised its responsibility under the Equality Act 2010 to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not

The Act and the Council seeks to outlaw unlawful discrimination against a person or group of people because of their:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnerships (in respect of the requirement to have due regard to the need to eliminate discrimination)
- Pregnancy and maternity
- Race
- Religion
- Sex
- Sexual orientation.

The council will not be affected by improper or undue influence from any source. To assist in this:

- The policy and associated documents will be available on the Internet, and in other formats upon request.
- Multi-language sections may be included in all leaflets upon request.
- Support will be offered to individuals who are socially excluded to assist in their understanding of legislation and legal requirements
- Action will be taken to ensure that all enforcement action, particularly against those individuals from disadvantaged groups or who share protected characteristics, is dealt with fairly.

3. Service aims and objectives

3.1 The corporate planning framework

Hinckley and Bosworth Borough Council recognises it has to balance what it can do against the resources at its disposal in order to achieve good quality and good value. Therefore the Council has to focus its activities and resources on priority areas. In choosing its activity areas the Council uses different plans and strategies at all levels of the organisation. The framework for these plans and strategies is detailed below with an explanation given to each element:

3.2 The Community Plan

The Community Plan 2014 – 2018 details the long term vision for the Borough of Hinckley & Bosworth, and sets out the priorities for tackling the most important challenges facing the Borough, in achieving this vision. The priorities are informed by evidence gathered through ongoing consultation and research. During the summer of 2018 the Community Plan the current Community Plan will be refreshed and the Community Plan 2018 -2022 will be adopted by the Council.

The Community Plan is overseen by the Local Strategic Partnership (LSP), to ensure that progress is being made on the agreed priorities. The LSP brings together senior representatives from all of the key organisations providing local services including: the local authority, the county council, police, the education sector, private sector and the voluntary and community sector.

The LSP Board is supported by a range of key delivery partnerships, who deliver on the Community Plan priorities and present regular performance reports to the LSP.

3.3 Vision, priorities and values

The councils overall vision is to create 'A Place Of Opportunity'; in achieving this, the authority works with three 'Priority Ambitions':

- People – Helping people to stay healthy, active and protected from harm
- Places – Creating clean and attractive places to live and work
- Prosperity – Encouraging growth, attracting businesses, improving skills and supporting regeneration

Underlying these priority ambitions the Council has four key values:

OUR VALUES



LEAD

To lead in the community and work proactively with our partners. Where we do not control services, we have an important role to play in influencing our partners and working with them to tackle issues on behalf of our residents.



INVOLVE

To involve local people, our partners and businesses in our decisions and listen to their views.



FAIR

To value diversity, promote equality of opportunity and fair treatment for all and ensure that our services are accessible to everyone. We will be proactive in engaging our rural and more remote communities as well as those who live in our main towns.



EFFICIENT

Be driven by efficiency – We will do everything we can to make sure that we provide quality services for everyone that represent good value for money and make the best use of our assets.

3.4. The Corporate Plan

The Corporate Plan 2017 – 2021, sets out in more detail how our vision will be delivered for each of the underpinning priority ambitions. This enables everyone to know what the council will be focusing on to provide the right opportunities and services and provide them in the best way to improve the quality of life for everyone who lives and works in the borough of Hinckley and Bosworth. For each of the priority ambitions a set of overarching statements of what the Council will achieve is given:

PEOPLE

Helping people to stay healthy, active and protected from harm

- 1 Enable and inspire older people to make the most of later life
- 2 Support vulnerable people and those who are most in need
- 3 Help people to stay healthy, be active and feel well
- 4 Recognise diversity and celebrate what unites us
- 5 Support an effective and viable voluntary and community sector
- 6 Take measures to reduce crime and anti-social behaviour and protect people from harm
- 7 Give children and young people the best start in life and offer them the opportunity to thrive in their communities

PLACES

Creating clean and attractive places to live and work

- 1 Keep our borough clean and green
- 2 Make our neighbourhoods safer
- 3 Protect and improve our parks and open spaces for everyone across the borough
- 4 Improve the quality of existing homes and enable the delivery of affordable housing
- 5 Inspire standards of urban design that create attractive places to live
- 6 Support and celebrate our cultural and heritage facilities and events for the benefit of residents and businesses alike

PROSPERITY

Encouraging growth, attracting businesses, improving skills and supporting regeneration

- 1 Boost economic growth and regeneration by encouraging investment that will provide new jobs and places to live and work all over the borough
- 2 Support the regeneration of our town centres and villages
- 3 Support our rural communities
- 4 Work with partners to raise aspirations of residents and provide opportunities for training, employment and home ownership
- 5 We will support our tourism partners in promoting our local attractions

Further explanation as to `what`s is going to happen` to achieve these statements is then given in the plan. A full copy of the Corporate Plan 2017 -2021 can be obtained at:

http://www.hinckley-bosworth.gov.uk/downloads/file/163/corporate_plan_2017_-_2021

3.5 Service improvement plans

Service improvement plans set out how each service area in the council contributes to the achievement of the ambitions set out in the corporate plan. They set out a series of actions with progress monitored against these actions throughout the year.

3.6 Environmental Health's objectives

In working towards achieving the council's vision the Environmental Health Services has the objectives of:-

- a) Ensuring the food and drink intended for human consumption, which is produced, stored, distributed, handled or consumed within the borough is without risks to health and safety of the consumer and satisfies the requirements of the Food Safety Legislation
- b) Identifying and investigating where necessary all infectious diseases and food poisoning to prevent the spread, where possible, of such infections in the community
- c) Carrying out the necessary inspections to enable us to licence or register the various premises for which we are responsible and to ensure that they comply with all legal requirements for which we are the enforcing authority.
- d) Securing the workplace health, safety and welfare for both employees and the public in the borough.
- e) Disseminating information to the public and commercial organisations in the district to promote a healthier life style.

Within Environmental Health Services, these objectives are the responsibility of officers employed in the Commercial Section. This plan sets out how the Commercial Section intends to work towards achieving the objectives in 2018/19, through education, training and enforcement.

3.7 Links to strategic aims

This service plan supports the Community Plan, Corporate Plan and the council's Vision, Values and Priority Ambitions by setting out in detail the actions the council intends to take, in relation to food safety and health and safety.

This plan also expands the Service Improvement Plan for the Commercial Section, already approved by council. It includes clear objectives together with key tasks, targets and performance indicators against which progress can be measured in delivering the food safety and health and safety service.

The council is well aware of the importance of involving staff, at all levels in the organisation, as part of performance management. Staff involved in the plans implementation have been consulted on its contents.

The service plan and supporting budgets form the basis of the council's work programme on food safety and health and safety for the year.

3.8 Continuous improvement

The council is committed to continually improving its services to the public. A number of improvement techniques within its Performance Management Framework are used to keep its services under review to ensure they reflect the right balance between quality and cost, and also that they show continuous improvement. The Commercial section is committed to strive continually to improve service delivery and provides training to staff to improve their performance and knowledge. The Commercial section has used this concept and the advice given within the Framework Agreement on Local Authority Food Law Enforcement and Health and Safety Executive's Section 18 Guidance to look at the ways our work is carried out.

4. Background

4.1 Profile

The borough of Hinckley and Bosworth is situated in the south west of Leicestershire, covering an area of 300 square kilometres. The Office for National Statistics estimate the mid 2017 population of the borough to be 111,370 with the Council's Housing Flow Reconciliation Returns, sent to Central Government, showing some 49,845 homes. The population is overwhelmingly white British (94.6%) with the largest group from the ethnic population (5.2%) being Indian Asians 1.3%. Almost 90% of the borough is rural and 60% of the working population are employed within the manufacturing and hospitality industries.

Hinckley is the main administrative centre of the borough and holds regular markets (including a farmers market). Market Bosworth is a small historic market town which contains a large number of popular tourist attractions and hosts a street market every Wednesday. Other major centres in the borough include Barwell, Burbage and Earl Shilton. In addition there are 20 other parishes which contain villages and hamlets of different size and character.

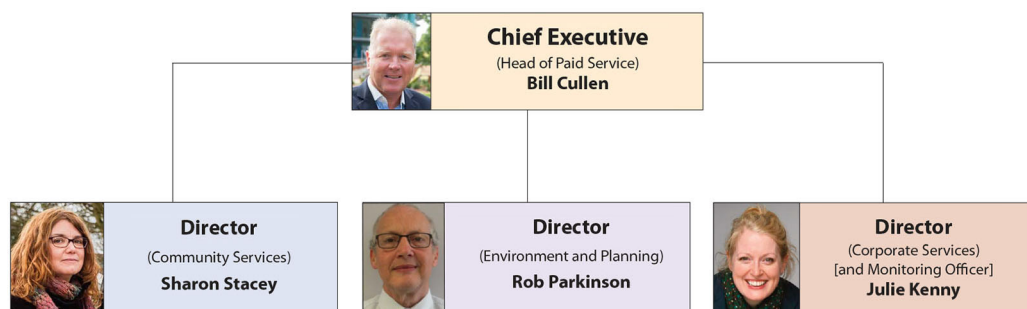
The council is part of a two tier arrangement for local government in Leicestershire. Food Standards and Animal Feeding Stuffs enforcement is therefore the responsibility of Leicestershire County Council's Regulatory Services department.

The council is also part of the national two tier arrangement for enforcement of health and safety legislation along with the Health and Safety Executive. Health and Safety enforcement in factories, construction sites and utilities is administered by the Health and Safety Executive from their Bedford offices (Telephone 0203 0281707).

4.2 Organisational structure

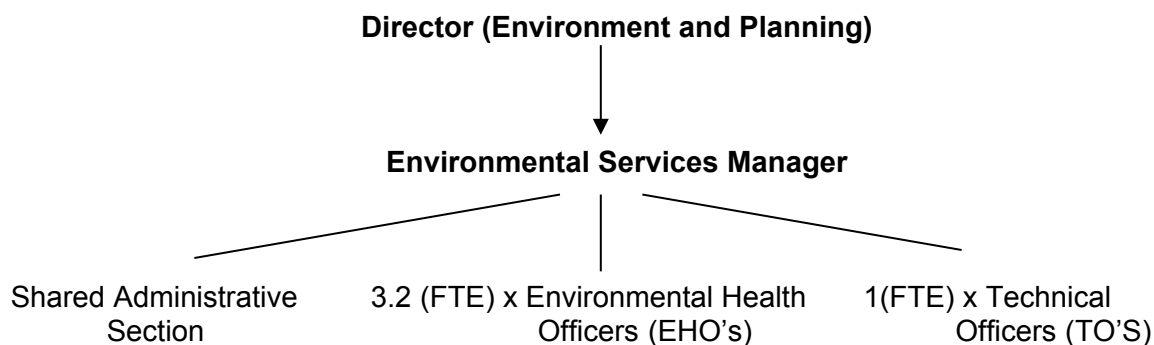
The council consists of 34 councillors serving 24 parishes. The council operates a cabinet style structure, called the Executive. The Executive consists of eight councillors, each with an executive portfolio, one of which includes the Executive Member for rural communities & tourism, licensing & environmental services. This member is responsible for ensuring the Environmental Health Service achieves the objectives and delivers the service demanded by the council.

Officers headed by the Chief Executive carry out strategic and operational management of the Council Services. The Chief Executive and three Directors form the Strategic Leadership Team (see figure below), responsible for the strategic management, with service managers, responsible for operational management of council services reporting direct to a Director.



The Director (Environment and Planning) is responsible for the Environmental Health Services, which includes the Commercial Section that deals with Food Safety and Health and Safety Enforcement.

The Commercial Section of Environmental Health Services structure is described below:



Contact telephone numbers for the various people involved are shown in the table below:

	Name	Telephone number
Deputy Leader of Council and Executive member for rural communities & tourism, licensing & environmental services	Councillor K Morrell	01530 261928
Chief Executive	Mr Bill Cullen	01455 255606
Director (Environment & Planning)	Mr. Robert Parkinson	01455 255676
Environmental Services Manager	Mr Steven Merry	01455 255735
Lead Officer – Food hygiene & health & safety	Mr Steven Merry	01455 255735

Specialist food safety services that is a food analyst, and examiner, are not employed directly by the council. Analytical services will be sought when required from an accredited laboratory. Public Health England is able to provide food examiner services. In addition the council is able to call upon the specialist services of the Health and Safety Executive where required.

5. Food safety enforcement service delivery plan 2018/2019

5.1 Scope of the food safety service

Food safety enforcement is part of the service provided by the Commercial Section of Environmental Health Services. Besides food safety, the section is also responsible for delivering the council's obligations in relation to occupational health and safety, infectious diseases, health improvement, animal welfare and licensing. These activities in general are seen as complementary to food safety as they give a fuller picture of premises standards and therefore combined enforcement benefits both consumers and businesses alike.

Food safety activities mainly revolve around inspection of commercial food establishments in the borough, but are complemented by a food sampling programme, investigation of food complaints and food poisoning incidents, and health promotional activities including the delivery of food hygiene talks, seminars and courses.

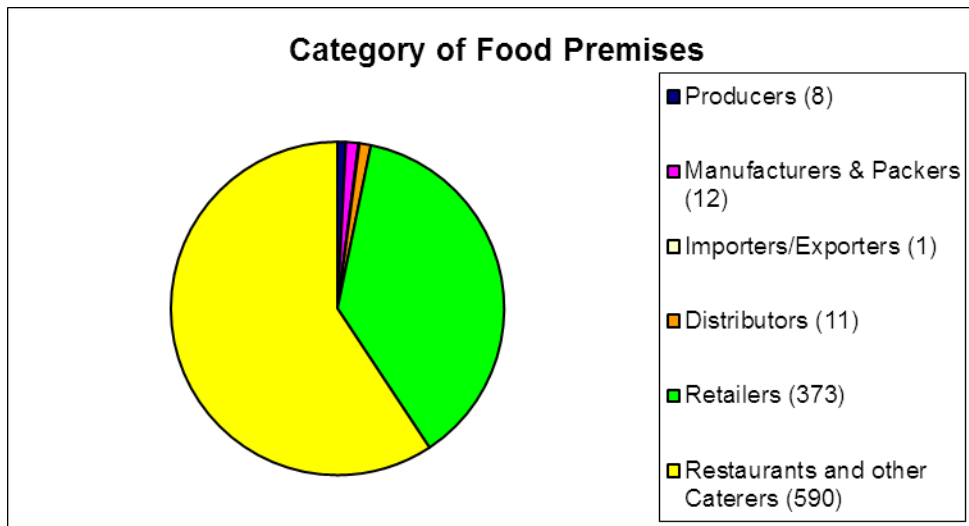
The Commercial section is managed by the Environmental Services Manager who also has lead responsibility for food matters. At 1 April 2018, 4 Environmental Health Officers, (representing 3.26 full time equivalents) were in post undertaking the full range of duties of the Commercial section, plus one full time Technical Officer with a Higher Certificate in Food Control awarded by the Environmental Health Registration Board. All officers have considerable experience of food safety and therefore competent to inspect all food premises risk categories and to carry out all the duties of the section.

Support to the service on the Idox computer system is provided by a member of the ICT service.

5.2 Demands on food safety service (as at 1st April 2018)

In the borough there are 995 premises subject to food hygiene inspection in the following risk categories:

Risk category	Number of premises
A	1
B	27
C	179
D	373
E	380
Unrated	35
Total	995



The borough has two fully approved Dairy Products premises one manufacturing cheese the other ice cream. Additionally there is one fully approved premise processing chicken. All Approved premises receive inspections from officers who have had specialist training in these fields.

There are also four premises approved under European legislation as being egg grading establishments and one premises which produces ethnic cooking sauces, pastes, pickles and chutneys which are exported internationally. No other specialist or complex food processing is carried out in the borough.

Staff and facilities are located on the first floor at Hinckley Hub, which is located within Rugby Road, Hinckley. All personal callers are received at reception located on the ground floor, Monday to Thursday from 8:30 hrs to 17:00 hrs and on Friday's 8:30 hrs to 16: 30 hrs.

The service can also be accessed via an out of office hours number, which is used for all emergency environmental health issues, 01455 251137. A website www.hinckley-bosworth.gov.uk is used to 'post' information about the services that the team provides for consumers and business and also provides a direct e-mail address for service requests, esadmin@hinckley-bosworth.gov.uk . Access can also be made through a community portal, www.hinckleyandbosworthonline.org.uk.

5.3 Enforcement policy

On the 6 April 2014 a revised Regulators Code from the Better Regulation Delivery Office, now known as the Office for Product Safety & Standards, came into force. Through the Regulatory Partnership set up under the Leicester Leicestershire Enterprise Partnership, the service drafted a Corporate Enforcement Policy and Service Standards applicable to all regulatory services within the Council which was formally adopted at the Council's Executive in September 2015 . This Corporate Enforcement Policy details the general principles of good enforcement that the service is committed to adhere to and is available on the Council website. The general principles of good enforcement practice are further enhanced by a Food Safety Enforcement Policy adopted by the council in January 2002, with revised versions in 2008, 2011 and 2015. These detail what food businesses and others being regulated can expect from officers and how specific legislative powers are applied to food premises.

In developing these policies through the LLEP these policies help ensure consistency of approach across Leicestershire and have been developed with input of business.

5.4 Service delivery

5.4.1 Intervention programme

All food premises receiving a food hygiene intervention will be risk rated following the intervention. The rating scheme used by Hinckley and Bosworth Borough Council is that set out Chapter 5.6 to the Food Law Code of Practice (England) (March 2017), produced by the Food Standards Agency. This means that all premises will receive an intervention within a range of six months to three years, depending upon the risk associated with the premises.

The current premises profile with respect to risk rating is shown below with the category of premises due in 2018/19 shown in column six

Category	Minimum frequency of Intervention	No. premises	Interventions due 2018/19	Interventions carried over from 2017/18	Total no. interventions required in 2018/19
A	at least every six months	1	1	0	1
B	at least every year	27	27	1	28
C	at least every 18 months	179	117	6	123
D	at least every two years	373	183	23	206
E	at least every three years	380	125	14	139
	Unrated	35	35	0	35
		995	488	44	532

It is anticipated in 2018/19 that 3.5 full time equivalent officers will be engaged in food hygiene interventions.

The issue of local authorities having insufficient resources to undertake their food safety inspections is known by the Food Standards Agency and consequently the agency do allow local authorities to use other means of assessing the lowest risk rated premises compliance with food safety legislation other than by inspection. This Council adopted, several years ago, the use of self-assessment questionnaires for lower risk rated businesses.

In order to manage the inspections in 2018/19 emphasis will be placed on ensuring that all high risk rated food premises (Category A – C) and unrated premises (ie prospective new businesses or new registrations) will be inspected. Category D premises will also be inspected and those Category E premises whose last intervention was a questionnaire (75). Therefore the total inspection target for 2018/19 is 468. Those Category E premises due in the 2018/19 that received an inspection at their last intervention and

rated 5, will be dealt with by way of self-assessment questionnaires, as detailed in our Alternative Enforcement Strategy. This equates to 64 premises.

The target therefore for food safety in 2018/19 is 532 interventions, resulting from 468 inspections and 64 self-assessment questionnaires. This will mean that 100% of all premises due an intervention will receive an intervention in 2018/19.

It is estimated that each inspection of a Category A-C and unrated food premises takes four hours to complete, whilst Category D and E take on average three hours, whilst a questionnaire takes approximately 0.5 hour to administer. 1623 hours will therefore be required to complete the food hygiene inspection programme. These resources do not include support officer and management time or the resources required for revisits.

The number of revisits required following a programmed inspection is dependant on the level of compliance found and the action taken by the officer. Re-visits to premises following a programmed inspection will be made where significant contraventions of food hygiene or processing regulations and / or poor hygiene practices are found. In addition revisits due to proprietors requesting a revisit to improve their Food Hygiene Rating (see 5.6), will also be undertaken, last year 16 requests were received for this service, equivalent to those requested in 2016/17. In addition 62 revisits to check on progress of remedial works following an inspection were also undertaken, equating to 78 revisits in total being undertaken in 2017/18. It is likely that approximately 80 revisits will be required this year, at approximately 1.5 hours per re-visit, including any follow up administration, this will require approximately 120 hours of the section's time.

In addition, other visits will be made to food premises; for instance to follow up poor sampling results, complaint investigations, special surveys etc.

The activities of the section relating to food hygiene and safety will be affected by the reactive workload as it arises and this may mean an adjustment to the routine inspection and sampling programmes in order to devote increased resources to higher priority areas of work.

No targeted inspection activity is envisaged in 2018/19 unless requested by the Food Standards Agency. Equally no priorities relating to nationally or locally driven issues are expected or known of for that period.

In previous years a measure of the councils performance with respect to food hygiene has been through a National Performance Indicator NI 184, 'The number of broadly compliant food premises'. The service has seen a substantial rise in the borough of broadly compliant premises from 78% in April 2010 to 96% in March 2017. This significant increase in the overall standards of food hygiene in the boroughs food premises has been brought about with a combination of officers promoting Safer Food Better Business and the council's introduction of its hygiene rating schemes. Whilst, the performance indicator is no longer required to be reported to national government, it is seen by the Food Standards Agency as a useful measurement as to the continuing performance of local authorities and also to this council as to a useful guide as to the overall indicator of food hygiene levels in businesses in the borough. As such it is intended to continually monitor this indicator with the aim of improving further the number of food businesses in the Borough who are broadly compliant with legislation. Clearly though as the indicator approaches its maximum value it will be harder to continue to achieve further improvement and it was disappointing to note this year saw a 2% fall in broadly compliant premises to 94.1% as at 31 March 2018. A prime reason for this fall was a high number of newly registered premises that had yet to receive a rating; however it did mean that our target of maintaining a level of 95% or higher was not met. This year therefore a target for March 2019 has therefore been set to achieving a level of 95% or higher.

In order to help achieve a level of 95% of food businesses in the borough being broadly compliant, this year Officers will continue to make use of the interventions allowed by the Food Standards Agency for those businesses which have a high level of compliance and thereby using released resource to increase attention on non compliant businesses. Therefore all food businesses with a risk category of C or D and rated 5 in the Food Hygiene Rating Scheme (see 5.6) at their last inspection may be subjected to only a sampling and verification visit or partial inspection to establish that conditions found on the last inspection remain. A full inspection will be made at their next programmed inspection date.

In line with the council's food safety training policy which implements in full the Food Standards Agency's Code of Practice in respect of the qualifications and experience of Authorised Officers, all officers in the section are appropriately qualified and trained, and where necessary supervised, to carry out their respective duties in relation to food safety inspections.

5.4.2 Food complaints

Complaints about food will be dealt with in accordance with procedures for the handling of complaints and enquiries to the service. In addition account will be taken of the requirements of Food Law Code of Practice (England) in respect of complaints which may be more appropriately dealt with by the County Council.

In 2017/18 the service received 42 complaints about defective food and 126 other complaints and requests for advice concerning premises or practices, totalling 168 requests for service. 34 of the service requests related to enquiries from prospective businesses for advice. The number of service requests received in 2017/18 was 26% higher than the previous year, which also saw a significant increase of 47%. This is equivalent to a near doubling, at 86% increase in service requests being received over the past two years. It is thought this increase is mainly due to the introduction of an online complaints system operated through the FSA which often sees anonymous or fictitious complaints being made and is in common with the experiences of other local authorities locally and across the country.

In 2018/19 it is anticipated that in line with these seen increase in complaint levels there will be, in total, approximately 180 complaints and enquiries to be dealt with by the service. 1800 officer hours have been allocated to this area of work.

Any foods requiring analysis will generally be forwarded to an appropriate credited public analyst and occasionally the Leicester Museum is used for identification of insects.

5.4.3 Primary Authority principle

The Primary Authority scheme operates under guidance from the Office for Product Safety & Standards, formally Regulatory Delivery, part of Department for Business, Energy & Industrial Strategy. The scheme places a legal duty upon Local Authorities to consult with a Primary Authority (a local authority which has formal arrangements with a business to offer guidance on a companies policies and procedures) where they are considering taking formal enforcement action against a business with such an arrangement.

The service has no formal Primary Authority relationships with any business in the borough.

The council and the service support and adheres to the principles of Primary Authority and has in place documented procedures to ensure that staff comply with it when

enforcing food hygiene legislation, for example when investigating a food complaint in respect of food manufactured outside of the borough.

5.4.4 Advice to business

The provision of advice to food businesses on food hygiene is an important part of the team's documented enforcement policy and represents the first option when dealing with minor contraventions. Proactive advice is provided to businesses on a routine basis during inspections.

During the year it is also anticipated that a number of telephone calls for advice by businesses will be made and responded to.

In the past targeted information to specific food industry sectors has been sent out from the service, for instance on the Food Information Regulations and to all nursing and residential care homes issuing advice on the prevention of listeria infection. However, no topical issues worthy of issuing an information mailshot emerged during the year. Should a suitable topic arise in 2018/19, consideration will be given to distributing an information mailshot.

The service continues to deliver food hygiene courses for food handlers using the Chartered Institute of Environmental Health Level 2 (Foundation Certificate). During 2017/18 two Level 2 Awards in Food Safety in Catering was facilitated resulting in all 15 candidates completing the course and passing the examination to gain the accredited qualification.

5.4.5 Food sampling and inspection

The service has in place a documented food hygiene sampling policy, procedure and programme which have been developed with the help of the food examiners from Public Health England, who analyse the samples for free, and the county food liaison group. Since September 2016 all Leicestershire samples are couriered to London for analysis with good service levels seen.

In 2017/18 we submitted for analysis 159 foods, 51 environmental swabs and 40 water samples, totalling 250 samples against our target of 225, therefore achieving our target.

In 2018/19 it is anticipated that we will submit 270 samples to the London Public Health England laboratory. A resource of 135 officer hours has been allocated to this area of work.

The service still continues to use the United Kingdom Food Surveillance System (UKFSS), a national database that centrally holds a record of all food and feed samples taken by local authorities and port health authorities. This system has enabled greater intelligence gathering leading to targeting of resources to risk based sampling programmes at local and national levels and thereby improved public protection. It is also efficient for officers allowing sampling forms to be completed in the field and then transmitted electronically, saving officer time in completing paperwork, printing and duplications in data entries. However, the contract between the FSA and software supplier has now ended and indications are that the FSA wish to find an alternative system, which has yet to be decided. Further monitoring of this matter will occur in 2018/19.

5.4.6 Water sampling

A programme of water samples is usually undertaken from large food businesses within the district. In 2018/19 it is anticipated that 10 water samples will be taken for bacteriology quality, 20 officer hours have been allocated to this area of work.

5.4.7 Imported foods

Although we do not have any inland ports we do have premises that import food, including a manufacturer for ingredients in its sauces and a honey importer. Whilst inspecting food premises checks are occasionally carried out to ensure that there is no illegal imported food used within the premises. If any are found then they will be dealt with in accordance with legal procedures.

5.4.8 Control and investigation of outbreaks and food related infectious diseases

All formal notifications of food poisoning and food borne illness, except campylobacter, are investigated within two days of receipt in accordance with the appropriate policy. During 2017/2018, 113 notifications were received and of those 79 were campylobacter, 7 salmonella, 2 E.coli, 10 cryptosporidia, 13 giardia, 1 hepatitis A , 1 legionella. Due to the isolated occurrences of campylobacter and therefore difficulties in tracing sources, campylobacter cases are not routinely investigated; and with all other cases investigated, 34 investigations arose into food and other infectious diseases in 2017/18.

Based on historic rates it is anticipated that a similar number, approximately 120 cases of food poisoning and food borne illness will be notified in 2018/2019, with approximately 50 cases requiring investigation, being other than campylobacter. Hence 50 officer hours have been allocated to the investigation of individual cases.

5.4.9 Food safety incidents

The service has a documented procedure which deals with the action to be taken following the receipt or initiation of food alerts. The procedure complies with the requirements of the Food Law Code of Practice (England). During 2017/18 there were 54 food alerts, one of these alerts required action from local authorities in tracing suspect food, however no effected foods were found in the borough. A similar number of alerts are expected in 2018/19.

5.5 Liaison

The Commercial Section is represented on the Leicestershire CIEH Food Liaison Group which includes representatives from all food enforcement authorities across the county including Leicestershire County Council Trading Standards, Public Health England, including a public food examiner.

Infectious disease investigations and enforcement issues are usually discussed with Public Health England (East Midlands) at an Environmental Health Liaison meeting, but unfortunately due to staffing issues no meetings occurred in 2017/18, however representatives of Public Health England were in attendance at the 4 Leicestershire CIEH Food Liaison Group meetings in the year.

The Environmental Services Manager along with other representatives of the East Midlands Area was represented at the annual liaison meeting with Severn Trent Water Authority.

The section has internal liaison with all service areas within Hinckley and Bosworth Borough Council but especially the planning service as regards planning applications and the Licensing Service as regards matters which are being dealt with by the Licensing Committee set up to deal with licensing legislation.

5.6 Food hygiene promotion

5.6.1 Food Hygiene Rating Scheme

Since January 2008 the council has operated a food hygiene rating scheme for food businesses supplying directly to the public. In 2010 the council joined the national Food Hygiene Rating Scheme operated by the Food Standards Agency. When inspected food businesses are scored against a set of criteria for hygiene compliance, structural compliance and food safety management/control systems. The subsequent rated results are then posted on a website to provide members of the public details of the premises' hygiene rating at the last inspection. Each business is also supplied with a sticker displaying their rating which they were encouraged (but not legally required to do) to display either on the entrance door to the premises or adjacent windows.

At the beginning of April 2018, the hygiene rating of 863 food premises in the Borough are now available at www.food.gov.uk/ratings.

5.6.2 Food safety management systems

During inspections of food premises Officers establish if there is in place a documented Food Safety Management System, in effect documented procedures and checks to ensure that the food safety risks in the business have been assessed and are being controlled. A national model called 'Safer Food, Better Business' has been developed by the Food Standards Agency and is promoted to food business proprietors in the borough should they not have an alternative system in place during inspections, seminars, newsletters etc. We are able to provide this model at cost, to businesses along with different sector and foreign language versions.

5.6.3 Food safety week

The theme for last year's Food Safety Week was 'Safe Summer Food'. The opportunity was taken to roll this campaign into the Hinckley Feast event with support materials being made available to members of the public at the event including advice on how to safely prepare food for BBQ's and picnics, especially useful over the summer period.

5.6.4 E.coli 0157

E.coli food poisoning is fortunately a rare occurrence; however when it does occur it is particularly devastating as it takes very few E.coli organisms to cause illness and the effects are usually severe with often kidney failure and death seen in a high percentage. During interventions officers prioritise examining practises involved in the handling of cooked and raw meats especially if premises in the borough are found to be using one vacuum packaging machine to pack raw and cooked food. Highlighting the principles of preventing E. coli infection to the wider catering trade is done through utilising the Food Standards Agency 'Guidance on the Control of the risk of cross contamination from E.coli 0157', now on its third revision. All officers have received training on this guidance and have due regard to its contents during their inspections. The guidance has also been publicised to businesses by newsletters, given out during inspections and during correspondence with them.

5.6.5 Hinckley Food and Drink Festival

The service supported the second Hinckley Feast event over the August Bank Holiday designed to show case a range of regional, national and international cuisine, as well as having demonstrations from chefs along with rides and activities for children.

Prior to the day the service prepared the way by scrutinising the food hygiene rating of businesses before the event to ensure all vendors were reputable and employed good hygiene practises. On the day, the service supported the vendors in ensuring their food and drinks were being produced safely.

In addition a marquee was set up to promote summer food safety and the Food Hygiene Rating Scheme. Representatives from the Commercial team were available at the marquee in the middle of Argents Mead and had some very positive interactions with members of the public and businesses, with a number including the mayor, taking the opportunity to pick the brains of the Environmental Health Officers on food hygiene practices. Members of the public were also given the opportunity to check their local takeaways and restaurants food hygiene rating via the Food Standards Agency website.



5.6.6 Communication for Compliance Trial

Between February 2017 and December 2018 the service was part of a cross government project between the Department of Business, Energy and Industrial strategy (BEIS) (Behavioural Insights and Regulatory Delivery Teams) and the Food Standards Agency (FSA), to trial an intervention that positively encouraged new food businesses to act on the written advice and information provided by officers. The project was intended to encourage businesses to `get it right first time` by improving the levels of compliance of new food businesses, measured through their Food Hygiene Rating Score.

Whilst the trial has now been completed the final report has yet to be published but it was thought to show that essentially there was little difference found in standards attained by new food businesses using the traditional method of written correspondence and that attained using a more positive `nudge theory` form of communication. Although the project is thought to have highlighted the need to make the envelope, in which the communication is contained, as official and important looking as possible to catch the eye of business proprietors to ensure it is read.

5.6.7 Meat Traceability

From January – December 2017 a joint project with Leicestershire County Councils Trading Standards was undertaken to improve intelligence surrounding the supply of meat in the supply chain. In recent years, it has become apparent that the substitution of meat has been occurring undetected within the food industry, culminating in the horse meat scandal of 2013. The substitution of one meat for another has a wide impact on consumers for a number of reasons, including; religious, ethical or cultural as well as the

possibility of being misleading and financially detrimental. Food Fraud can also have a negative impact on the reputation and finances of businesses and has been demonstrated to be linked to larger organised crime operations.

Officers, during their inspections gathered intelligence from food businesses handling meat as to the species, quantities and their suppliers. Where offences were detected, i.e. failing to comply with traceability requirements advice was provided to businesses, such as only using reputable suppliers and where to report suspicions of fraudulent activity. The information obtained was also passed to Trading Standards to analyse the information from across the county and along with our officers identify any suspicious activity for further investigation.

At the end of the project county had received information concerning 217 premises across the county, 142 (65%) from this council. Only 3 premises were highlighted with traceability issues and it would therefore appear from this sample that there are currently no major concerns with regards to the traceability of meat within Leicestershire. In each case where traceability was a concern it was established that the supplier to the Leicestershire businesses was outside of the county and so the information was referred to the relevant department responsible for Food Standards to be addressed with their trader.

5.6.8 Further promotional work

The service issued two press releases during 2017/18 on Eating Safe in summer and safe handling of turkeys at Christmas resulting in several local publications publicising the topics.

5.7 Future food hygiene strategy

In February 2016 the FSA began consultation on the future of food safety regulation. It is recognised that the existing food regulatory system, which has operated some 30+ years still works well however is coming under strain with technological and market advances, therefore the FSA is looking at a new regulatory model fit for a further 30 years.

This past year has seen:

1. Development on the introduction of a new digitally-enabled approach to make it easier for businesses to register (from April 2019) and easier for them to access information and guidance that will enable them to get things right from the start.
2. Development of a 'risk engine' which uses a set of business rules to generate a 'risk score' which segments businesses into categories. This categorisation will determine the nature, frequency and intensity of interventions for all new business using the online service to register.
3. Developing Standards for Primary Authority National Inspection Strategies for multi-site operators, which place an increased focus on the controls that operate at the business decision making level rather than carried out routinely at each individual outlet.
4. Developing an assurance framework to provide the mechanisms and standards to enable businesses' own assurance data and information to be considered in assessing risk and determining the nature, frequency and intensity of interventions.
5. Considering the scope for charging fees to recover the costs incurred in undertaking interventions by local councils following Government policy in

England (most recently reaffirmed in the report of the Regulatory Futures Review) requiring that businesses should bear the cost of regulation

Further information on progress can also be seen at:

[Regulating Our Futures Development 2018](#)

The service will continue to watch and participate on consultations on the strategy as it develops.

6. Health and safety enforcement service delivery plan 2018/19

6.1 Description of service

Health and safety enforcement is part of the service provided by the Commercial Section of Environmental Health. The service:

- Inspects places of work and entertainment to ensure high standards of health, safety and welfare in accordance with current enforcement responsibilities
- Carries out accident and complaint investigations
- Provides advice and guidance to businesses, employees and the public

6.2 Aim of health and safety enforcement service

The overall aim of the health and safety enforcement service is:

- To secure the workplace health, safety and welfare for both employees and the public in the borough

6.3 Priorities of health and safety enforcement service

In recent years protecting people in the workplace and in society as a whole remained a key health and safety priority for central government; however the focus of the health and safety regime has moved to a lighter touch approach concentrating on higher risk industries and on tackling serious breaches of the rules. Consequently the HSE and local authorities have reduced the number of inspections carried out; to have greater targeting where proactive inspections continue; and to increase information provision to small businesses in a form that is both accessible and relevant to their needs.

Guidance produced by the HSE through their National Local Authority Enforcement Code launched in May 2013 and the Health and Safety Executive /local authorities' enforcement liaison committee revised Local Authority Circular 67/2 (Rev 7) 2018 'Advice/guidance to local authorities on targeting interventions' have therefore been used to determine this councils' key priorities for 2018/19.

The HSE code indicates that local authorities are expected to target proactive inspections on high risk activities in specified sectors or on workplaces where intelligence suggests that risks are not being effectively managed. A listing of the activities and sectors suitable for inspection is published along with the code.

Based on the code the key delivery priorities of the health and safety service of Hinckley and Bosworth Borough Council are:

- To target health and safety interventions on higher risk areas and dealing with serious breaches of health and safety legislation
- Investigating major injury incidents and fatalities. This approach is used to assess and target poor management as part of the better regulation agenda

The service will need in 2018/19 to continue to keep a watching brief on national developments in health and safety policy. In particular, regard will be had to the Health and Safety Executive 2016 new strategy document for improving health and safety, 'Helping Great Britain Work Well'. This document has six themes; Acting Together; Tackling Ill Health; Managing Risk Well; Supporting Small Employers; Keeping Pace with Change; Sharing our Success. The emphasis of the document is on the strategy not just being for regulators but for further improvements in health and safety at work to occur all

sectors need to work together including employers, employees, unions, insurers and government. The document is available to view at:

<http://www.hse.gov.uk/strategy/index.htm>

6.4 Delivery of the health and safety service priorities 2017/18

In 2017/18 three projects were identified as priority initiatives:

6.4.1 Cellar Safety

Highlighted as a national priority subject in LAC67 -2 (Revision 6) January 2017 a campaign aimed to raise awareness of the risks associated with the handling of beverage gases in the hospitality industry especially that of asphyxiation from the uncontrolled release of gas in a confined space was undertaken in March 2018.

The campaign was designed to raise employers awareness of their legal requirements to provide safe systems of work and emergency procedures for cellar work, in particular with regards to the handling and storage of cylinders and work in confined spaces. Businesses were also informed of the need to ensure workers are trained and understand the hazards of working with beverage gases and in safe changeover procedures.



184 businesses including, public houses, restaurants, licensed clubs and hotels throughout the borough received a letter with clear and simple information and giving an overview of a risk assessment. A link to a more detailed assessment online and links to useful resources available from the British Compressed Gas Association was also included along with contact details for the team were provided for advice and further help, if required.

6.4.2 Loading and unloading

Highlighted as a national priority in LAC67 -2 (Revision 6) January 2017 a campaign to raise awareness of the risks of unstable loading at distribution and warehousing operations was planned for 2017/18. Officers in the service have received webinar training on the subject and the campaign has been identified as one that could and would better conducted across the county, co-ordinated through the Leicestershire CIEH Health and Safety Best Practice Group and working with the HSE. However, commitment for joint working from the HSE has yet to be obtained.

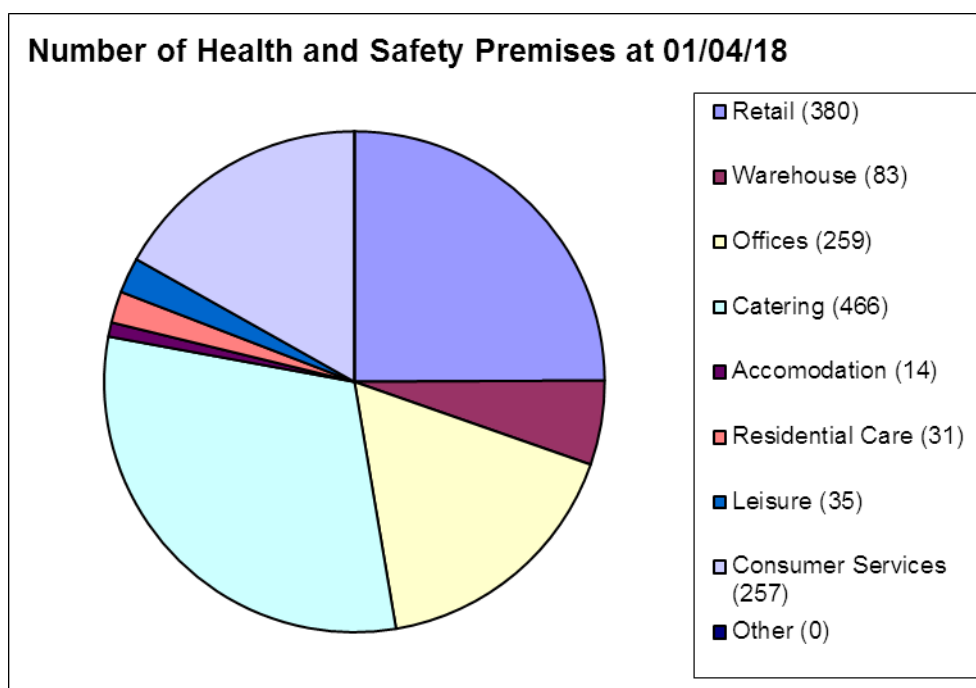
Further in depth training on specific loading and unloading health and safety issues occurred for officers in April 2018 and it is hoped to progress this campaign further in 2018/19.

6.4.3 Safety Advisory Group

Highlighted as a national priority in LAC67 -2 (Revision 6) January 2017 this Council has been working with other District and Borough councils throughout the county, along with Leicestershire County Council, to devise an event model which would aid event organisers deliver safe events , give a consistent framework for local authorities across the county in how they approach and assess events and provide the emergency services with sufficient information on the number, location and size of events at one particular to time so they are able to plan their resources. The model has been agreed with Stage 1 due to be instigated in the summer of 2018.

6.5 Delivery of the health and safety service priorities 2018/19

The following chart illustrates the category profile of the 1525 Health and Safety premises within the borough for which the council has enforcement responsibilities at the 1 April 2018:



6.5.1 Health and safety planned inspections 2018/19

Based on the risk rating scheme the risk profile of premises whose health and safety enforcement responsibility falls to this council is shown in Table 1 below:

Table 1 – Risk profile of health and safety premises at 1 April 2018

Category	A Highest Risk	B1 Medium risk -1	B2 Medium risk - 2	(C) Lowest risk	Unrated
Summary of appropriate intervention (LAC 67/2 (Rev 7))	Proactive inspection	Reactive intervention only			Alternative intervention other than proactive inspection
Total number of premises	0	75	383	936	131
Total number of interventions due 2018/19	0	0	0	0	131

In accordance with LAC 67/2 (Rev 7) Category A businesses only should be targeted for proactive inspections. With no category A businesses this year, no proactive inspections are planned for 2018/19. Inspections of medium risk businesses (categories B1 and B2 premises) will only occur if during a food hygiene inspection a matter of evident concern is seen or reports of accidents, complaints or other intelligence suggests the premises requires an intervention. All unrated and new premises will receive either an advisory visit or questionnaire and be risk rated following the visit or return of the questionnaire. This is expected to result in a further 131 interventions. There will be no proactive interventions to low risk businesses (C rated premises) in 2018/19, however these premises will receive a visit should a reactive visit be required for instance should a service request be made or a serious accident arise.

In summary therefore it is anticipated that the service will in 2018/19 conduct 131 interventions by questionnaires or advisory visits.

6.5.2 Revisits

Revisits are carried out to confirm that employers and other duty holders have undertaken any necessary measures to comply with their legal obligations identified following an inspection or other intervention such as a complaint or accident investigation.

A revisit will be undertaken following all interventions at which significant contraventions have been identified.

Priority will be given to revisiting those premises where:

- Formal enforcement action such as the service of an improvement or prohibition notice has been necessary to secure compliance with the law
- The premises are rated Category A

6.5.3 Accident investigation

In 2017/18 the council received 59 accidents / dangerous occurrences reported to it under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR).

It is not necessary to investigate all of these notifications. However, we will investigate all accidents, cases of disease and dangerous occurrences that meet the criteria set out in our policy document No7 - Procedures for the selection and investigation of accidents, diseases, dangerous occurrences and other statutory notifications. This policy is based upon HELA circular 22/13 'Incident selection criteria', which was reviewed and implemented in 2010. A high priority will be given to selecting for investigation slip, trips and fall accidents and incidents involving workplace transport.

In 2017/18 we investigated 16 (27%) of accident notifications received. In 2018/19 it is anticipated that we will investigate approximately 33% of all the accidents reported to us.

6.5.3.1 Fatality at a Water Park

Unfortunately one of the accident notifications received related to the tragic death of a 5 year old boy at a water park in the borough on the 23rd July 2016. A joint investigation was undertaken by Leicestershire Police and the Environmental Health team. Environmental health focussed on the aspect of the water park management and compliance with health and safety legislation to determine whether the water park had discharged their duty of care for health and safety of visitors. The police investigation was based around the culpability of the parents in the child's death.

The council's investigation was both challenging, not only in terms of the sensitivities involved but also due to the technical issues raised and where expertise in the field was limited. For instance a number of gaps in guidance were found as the lagoon fell between standards expected at swimming pools and those for paddling pools. Also examined were what is reasonably practicable in managing a site the size of the water park; what is the safe depths of water for varied ages of children and where does the responsibility of supervision on such sites fall.

On conclusion of the council's investigation the water park was found to have taken all reasonably practicable measures. Signage and documented risk assessments were in place and they had employed the services of a suitably qualified aquatic safety expert and implemented their recommendations. Some improvements were suggested to the water park but in view of the circumstances this would not have changed the tragic result but may bring to parent's attention more clearly their responsibilities in such places where there is an inherent risk.

The police however collected evidence that suggested the child had been left unsupervised for long periods. There was also evidence that there had been separate incidents where he had not been supervised and had been in danger. As such they prosecuted the parents for gross negligence manslaughter, resulting in the child's Step Father being sentenced to 5 years and 2 months with a further 2 years for a separate offence involving threatening a witness. The child's mother was handed an 8 month suspended sentence for neglect in a separate incident.

6.5.3.2 Fatality at a Golf Course

At the 1 April 2018 the service was continuing to prepare for a Crown Court trial commencing 16 April 2018 following a decision in 2016 to prosecute a golf club in the borough over the death of the Course Manager in December 2013. The service has spent substantial officer time in the past year preparing for this case following the golf clubs not guilty plea.

6.5.4 **Service requests**

All service requests relating to standards of occupational health and safety will be investigated and appropriate enforcement action taken. We aim to respond to 100% of requests within two working days.

In 2017/18 we received 44 requests for service. In 2018/19 it is anticipated that a similar number (50) service requests will be received.

Additionally where we are notified of asbestos removal activities, we will investigate them to ensure removal of asbestos material is being carried out in accordance with the legislation and codes of practise. In 2017/18 no asbestos removal activities were notified to us.

6.5.5 **Intervention plan 2018/19**

The service intends to be involved in several projects during 2018/19:

Activity	Evidence that identified the concern and set its priority	Planned intervention type	Rationale for intervention	Outcome / output measures
Proactive interventions				
To continue to take an active role and promote the work of the LLEP Better Business For All Partnership	Research undertaken by LBRO has identified that Regulators are viewed by some businesses as being a barrier to growth	Partnerships	It is expected that by developing a new, positive, transparent relationship between businesses and regulatory services, regulators will be perceived by businesses as supportive and helpful resulting in legal compliance and business growth	Perception survey
Inspection and provision of advice and guidance at businesses identified as risk category A	Standards found at time of last intervention	Inspection (Cat A) – 0 Premises identified for 2018/19	Undertake an intensive programme of support for all Cat A premises until the risk at the premises is reduced and can be categorised as B1	Number of premises inspected Number of visits made Number of premises moving from A to B1
Undertake advisory visits or self-assessment questionnaires to all unrated and new businesses	Part of the Better Business For All campaign to ensure business 'Get it right First Time'.	Advisory visit or Self-Assessment Questionnaire to all new and unrated businesses	To ensure business receive advice at an early stage in order for them to comply with their legal responsibilities and prevent injuries occurring in the work	Number of premises in receipt of either an advisory visit or self-assessment questionnaire.

			place.	
Following work carried out in 2017/18, examine with County CIEH Health and Safety Best Practice Group whether further campaign work required raising awareness of the risks of handling beverage gases in cellars.	National priority outlined in LAC67 -2 (Revision 6) January 2017	Campaign to highlight the need to provide safe systems of work and emergency procedures for cellar work.	To ensure businesses in the hospitality industry understand the hazards and their legal responsibilities in handling beverage gases in confined spaces	Number of businesses informed on the hazards of handling beverage gases in confined spaces.
Progress work carried out in 2017/18 with County CIEH Health and Safety Best Practice Group on a campaign to raise awareness of the risks of unstable loading at distribution and warehousing operations.	National priority outlined in LAC67 -2 (Revision 6) January 2017	Campaign to highlight need for secure loading of goods in warehousing/ distribution business sector.	To ensure businesses in the warehousing/ distribution sector understand the hazards and their legal responsibilities in ensuring stable loads.	Number of businesses informed on the hazards of unstable loads.
Progress county initiative on Safety Advisory Groups (SAG) for large scale public gatherings by implementing Stage 1 of county model.	National priority outlined in LAC67 -2 (Revision 6) January 2017	Examine the potential to highlight large scale public gatherings through Licensing and other systems and offer the setting up of SAGs	To ensure the effective crowd management at large scale public gatherings	Systems in place to highlight the necessity for a SAG for large public gatherings.
Examine the potential with County CIEH Health and Safety Best Practice Group for a campaign highlighting manual handling risks to employees in the Care sector	National priority outlined in LAC67 -2 (Revision 7) 2018	Campaign to highlight manual handling risks to employees in the Care sector	To ensure businesses in the care sector understand the hazard and their legal responsibilities in manual handling	Number of businesses informed on the hazards of manual handling.
Reactive interventions				
Investigate reports of incidents and ill health using the incident selection criteria	RIDDOR statistics	Incident and ill health investigation.	To investigate to establish if there are any issues or poor management performance.	Number of incidents reported Number of incidents investigated Number of notices served Number of prosecutions / cautions.
Investigate reports of concern and complaint from employees or members of the public	Reports of complaint	Dealing with Issues of complaint	To investigate to establish if there are any issues or poor management performance.	Number/nature of complaints investigated Number of notices served.
Respond to	Reports of	Dealing with Issues of	Respond to matters	Number of

professional officers concerns on the performance of a business.	concern	concern	of evident concern / or significant breaches of health & safety law identified during a visit undertaken for another primary purpose e.g. a food hygiene inspection or licensing inspection or referred from another regulator e.g. Fire Service	referrals from other regulators Number of matters of evident concern / significant breaches Number of notices served
--	---------	---------	--	--

6.5.6 Delivery mechanisms

In order to deliver our priorities for 2018/19 the mechanisms illustrated in the following table will be utilised.

Priority	Delivery mechanism	Deadline
Section 18 Compliance	Service Plan approved by Executive	31 August 2018
Appropriate enforcement	Continue to ensure enforcement decisions are consistent with our enforcement policy, the HSE's enforcement policy statement and the enforcement management model. This will ensure proportionate, consistent, transparent and accountable enforcement in line with the Better Regulation agenda.	31 March 2019
Staff Training	Complete personal development appraisals for all staff	31 July 2018
	Review personal development appraisals and monitor officers progress	30 November 2018
	Ensure officers attend revision /training on relevant health and safety topics to ensure they are appropriately trained and developed ensuring their competence and credibility with local businesses and encouraging staff retention/recruitment	31 March 2019

6.6 Performance indicators

Description	2017/18	2017/18	2018/19
	Target	Actual	Target
Local performance indicators			
Number of workplace interventions carried out	123	118 (95.9%)	131
Service Performance Indicators			
Percentage of service requests investigated	100	100	100
Percentage of service requests responded to within two working days	100	68% (44)	100
Percentage of asbestos notifications investigated	100	100 (0)	100

6.7 Provision of information

A key objective of the council's health and safety enforcement service is to provide advice and guidance to businesses and employees.

In the past targeted information to specific industry sectors has been sent out from the service, for instance on legionella control to all nursing and residential care homes. However, no topical issues or legislation changes worthy of issuing an information mailshot emerged during the year. Should a suitable topic arise in 2018/19, consideration will be given to distributing an information mailshot.

6.8 Health and safety enforcement policy

On the 6 April 2014 a revised Regulators Code from the Better Regulation Delivery Office, now known as the Office for Product Safety & Standards, came into force. Through the Regulatory Partnership set up under the Leicester Leicestershire Enterprise Partnership, the service drafted a Corporate Enforcement Policy and Service Standards applicable to all regulatory services within the Council which was formally adopted at the Council's Executive in September 2015. This Corporate Enforcement Policy details the general principles of good enforcement that the service is committed to adhere to and is available on the Council website. The general principles of good enforcement practice are further enhanced by a Health and Safety Enforcement Policy adopted by the council in January 2002, with revised versions in 2008, 2011 and 2015. These detail what businesses and others being regulated can expect from officers and how specific health and safety legislative powers are applied to their premises.

In developing these policies through the LLEP these policies help ensure consistency of approach across Leicestershire and have been developed with input of business.

6.9 Improved contact with employee representative

It is acknowledged that an essential contact to improve health and safety standards in workplaces is the workplace Health and Safety Representative. In order to establish these contacts an effort is made to liaise with them and record their contact details at appropriate interventions. Furthermore standard inspection report letters emphasise the legal requirement to inform employees on any health and safety items which may affect them.

6.10 Smoke free legislation

July marked the 10th anniversary of the introduction of Smoke Free legislation in the UK. These laws were introduced to protect individuals in public places and in the work place from the harmful effects to health of smoking and second hand smoke (passive smoking). As a consequence of the regulations large numbers of smokers were encouraged to quit which has helped to improve the health among both ex-smokers and non-smokers alike. The anniversary was used to publicise both the legislation and its successes in public health with an article being published in the Borough Bulletin along with a press release.

The legislation had and continues to have the support of the vast majority of the public, even amongst smokers themselves. This has been demonstrated by the level of compliance noted by the Council since the introduction of the legislation. Whilst several warnings are given to companies and individuals each year by the Council, only 2 Fixed Penalty Notices have ever been served, one for refusal to display appropriate signage, the other for smoking in an office.

In 2017/18 enforcement in the borough by officers from within the Commercial section resulted in 3 informal warnings being issued from 4 requests for service, 3 in relation to persons smoking within premises and one requesting signs being erected in bus shelters.

The service also continued to proactively monitor compliance with emphasis at all food hygiene, health and safety and licensing inspections, and observations of commercial drivers, but no action was found required to be taken during the year.

Continued monitoring and appropriate enforcement will continue in 2018/19.

7. Resources

7.1 Financial allocation

Resources allocated to the Commercial team are not kept separate from the general allocation of funds in the budget for the Environmental Health section. In 2017/18 a net total budget of £765,845 was allocated to Environmental Health and revised during the year to £767,325. At the beginning of 2018/19 a budget of £754,490 has been allocated and represents a decrease in budget of 1.48% on the original budget for 2016/17. This was mainly due to a slight fall in employers costs within the service.

Operational staff all have essential user car status. They are supported with appropriate equipment to carry out their inspections and sampling activities. Specific resources are made available annually for the rolling replacement of equipment, food sampling and analysis, training and other specific aspects of service provision; again these are funded from the general Environmental Health budget.

The Idox computer system is used for planning and recording food safety and health and safety activities.

Formal enforcement action for example, prosecution of a food business proprietor would involve activity by the authority's Legal Services section. Costs incurred by legal services would be included in the annual recharge to the team and as such it is not classed as controllable expenditure.

7.2 Staff Allocation

At the 1 April 2018 five Environmental Health officers and one Environmental Health technical officer with appropriate qualifications and experience that meet the requirements of the Food Safety Act Code of Practice were involved in food hygiene enforcement. This is represented by one manager and five field staff and taking into account the services provided by the team, in 2018/19 the service will have 3.5 full time equivalent officers engaged in field food hygiene enforcement.

The service has an administration section and a systems administrator which supports the team.

The five Environmental Health officers and one Environmental Health technical officer have the appropriate qualifications and experience to enforce Health and Safety legislation and this equates to 0.76 FTE officers employed in Health and Safety.

All field staff are competent and appropriately qualified, trained and supervised commensurate with Food Law Code of Practice (England) and with Health and Safety Executive Section 18 Mandatory Guidance `The Standard for Health and Safety Enforcing Authorities` (2008).

7.3 Staff development plan

Every member of staff has a Personal Development Review annually, usually May, with a six month review. These reviews draw out any training and development needs required of officers.

In addition the service has a documented Training Policy which is adhered to and stipulates the ongoing training requirements for staff in compliance with the Food Law Code of Practice (England) and with Health and Safety Executive's Section 18 Mandatory Guidance: `The Standard for Health and Safety Enforcing Authorities` (2008).

Should any staff return to food hygiene or health and safety work after some time out, appropriate structured refresher training in compliance with the 'Food Law Code of Practice (England)' and for 'The Standard for Health and Safety Enforcing Authorities (2008)' will be given.

Training will be given to all staff, either by external or internal means, on any new legislation or Food Standards Agency/HSE requirements.

8. Quality assessment

8.1 Quality assessment

The Food Safety service has developed 19 documented procedures to ensure the quality of its service. These cover areas of:

- Food hygiene inspection procedures (revised 2016)
- Documentation and Implementation of a Service Delivery Plan
- Enforcement policy (revised 2015)
- Food sampling procedures
- Food sampling programme
- Alternative enforcement strategy
- Authorisation of officers
- Infectious disease investigation procedures
- Outbreak control procedure (revised 2017)
- Food complaints
- Operational complaints
- Internal monitoring procedures (revised 2017)
- Food hazard warnings
- Database maintenance
- Prevention of loss of data from database
- Quality monitoring (revised 2017)
- Documented control system
- Training systems
- Equipment maintenance and calibration
- Local liaison arrangements
- Third party or peer review arrangements
- Promotion of food safety issues
- Food hygiene rating consistency framework policy (2017)

These documents were developed in 2001/2 and revision of all was completed in 2008/09. In light of recent revisions of the Code of Practice issued by the Food Standards Agency, several have been revised since, and in 2017 a new policy on Food hygiene rating consistency framework was introduced.

The Health and Safety Service also has documented procedures developed in 2001/02 these being:

- Enforcement policy (revised 2009, 2010 and 2015)
- Enforcement procedures
- Inspection procedures
- Health and safety information policy
- Health and safety accident and RIDDOR notifications, incident selection process (Revised 2010)
- Formal cautions
- Notice procedure
- Core competencies and training for enforcement offices

The Enforcement Policy for both services were revised in 2015 to incorporate changes relating to the 2014 Regulators Code. The Incident Investigation Selection Procedure was revised in 2010 as part of the process to ensure the Council is fully compliant with Section 18 guidance. The remaining documents have all been revised in 2011/12.

Historically sound management practices and the professionalism of officers have assured quality management, due the small size of the team. The quality management Procedure for the Food Safety service was revised in 2017 which included relevant

monitoring arrangements to ensure all procedures are complied with in relation to enforcement work and the training and development of staff. Similar procedures also apply to Health and Safety activities.

Correspondence emanating from the officers of the section is sampled by the Environmental Services Manager for his perusal before despatch, in order to ensure accuracy and consistency in content. Additionally all notices are checked before service to ensure consistency, legal accuracy and compliance with our enforcement policies.

Assurance

The council works with other Leicestershire Authorities to assure its service meets its legal obligations and responsibilities flowing from the 'Framework Agreement on Local Authority Food Law Enforcement' and the HSE's Section 18 Mandatory Guidance. This assurance is usually carried out by way of Inter Authority Audits or peer reviews.

The last Peer Review exercise was completed in February 2017 when Lead Food Hygiene officers across the county were assessed as to their competency against the Food Law Code of Practice. This competency assessment for the lead officer at this council was conducted by a colleague from Leicester City Council who deemed the lead officer at Hinckley and Bosworth Borough Council as met with no recommendations, commenting "a Lead Officer with significant and wide ranging Food Hygiene experience... very familiar with the needs of the borough and local issues. Also clear links to colleagues in neighbouring and regional authorities and associated organisations. "

In March 2018 the service also received an Inter Authority Audit from Charnwood Borough Council on its application of the Food Hygiene Rating Service, learning from their experience of an audit conducted by the Foods Standards Agency. The summary of findings stated "It was clear from the evidence that the Authority was committed to delivering the Food Hygiene Rating Scheme successfully within the Borough. The Authority was found to be generally operating the Food Hygiene Rating system in accordance with the obligations of the scheme. The Authority had awarded a Food Hygiene Rating to all its registered food businesses and had been active in the promoting the display of FHRS stickers via local campaigns and participation in a regional food liaison group project." Three minor areas of improvement were identified in the areas of visit records, frequency of inspections and request for rescore records.

March 2018 also saw the service receive an internal audit focusing on the governance mechanisms which provide the Council with assurance that it remains in compliance with its legal requirements and fulfils its responsibilities. The audit identified no issues and consequently graded the service low risk. The report will be communicated at a future Audit Committee meeting.

The service also presented a report in January 2018 to Finance and Performance Scrutiny on the operation of the Food Hygiene Rating Scheme. Members were satisfied with the schemes operation in the borough and no recommendations made.

In previous years the section has conducted post inspection satisfaction surveys by way of a questionnaire sent out to premises which have received an inspection. Each returned questionnaire was monitored for any individual issues and then additionally compiled for analysis. Unfortunately due to this exercise being time intensive and with already high satisfaction levels (100% in 2010/11 being satisfied with the Sections inspection service), and the service having to focus on more core activities with reduced resources, surveys have not been conducted since 2010/11. However, as part of a wider analysis of business satisfaction with regulators, organised through the Better Business for All project, surveys following inspections were again introduced from September 2015. Following inspections businesses are given information on an online survey form the results of which are analysed to show satisfaction levels with the inspections carried out

in Environmental Health to both officer's approach and service provided. Unfortunately no survey forms were returned in 2017/18 for commercial inspections.

8.2 **Better Business for All (BBfA)**

The Better Business for all project was launched in September 2011 by the Leicester and Leicestershire Local Enterprise Partnership (LLEP) to build a new relationship between businesses and regulators in the Leicester and Leicestershire area. The aim was for regulators to be seen by businesses as supporting enterprise, growth and investment.

This past year has seen the project continue to deliver notable improvements in the way regulators and business interact and has continued to build on the achievements already made.

Key Achievements 2017-18 include:

- Held a Strategic Regulation Workshop with businesses to identify priorities going forward
- Developed case studies placed on the business gateway pages to demonstrate the benefits to business of engaging with regulators.
- Completed a pilot project with the BEIS & FSA, 'Communicating for Compliance' to support evidence for effective business support.

Initiatives for 2018/19 include:

- Role out an e-learning tool for officers to understand Business support roles.
- Review, update and develop the regulatory content of the business gateway.
- Work with the Food Standards Agency in the development of their enhanced registration project.
- Provide fire safety hazard spotting training for field officers to enhance intelligence between regulators.

Information and advice for business can be made through the business gateway at:

www.llepbizgateway.co.uk

Also, the BBfA Advice Pack (formerly the BBfA Start-up brochure) has, with input from a Hinckley and Bosworth representative, been revised to be an easy to follow generic advice guide for all businesses and the updated format, information and advice is available on the Business Gateway, at :

[BBfA Advice Pack](#)

9. Review

9.1 Review

Procedures are in place to review the service plan on an ongoing basis, and annually.

The plan is regularly monitored during its year of operation by the Environmental Services Manager who subsequently reports progress at service management meetings. Each quarter a report is produced for all members highlighting the performance of all services in Environmental Health. In these, performance of the Commercial Section is annotated and any issues highlighted. The Executive Member responsible for the Environmental Health portfolio regularly meets with the Environmental Health managers and may also take periodic monitoring reports to the Executive. Any service adjustments required during the year may then be instigated to ensure if possible that the targets set can be met.

At the end of the year the Environmental Services Manager will review the Commercial Sections activities during that year. The review will report through this Service Plan information on the previous year's performance against the service plan, and any other specified performance target, and performance standards and targeted outcomes. Any identified variance from the service plan and where appropriate the reasons for that variance, will be brought to the attention of the appropriate Executive member.

The Scrutiny Commission of the council has a function to review service delivery plans. The Commission may call for the plan at any time and make comment or recommendations to the executive or the council. Additional, as occurred this year (see 8.1) Finance and Performance Scrutiny may call for reports on service performance at any time.

9.2 Identification of variance from the Service Plan 2017/18

9.2.1 Interventions

In total the Section made 601 interventions during 2017/18, representing 99.1% of the target of 606 for the year.

a) Food Hygiene

The section has inspected 430 food premises for food safety and received 53 self-assessment questionnaires, totalling 483 interventions for 2017/18.

The Food Safety Enforcement Service Delivery Plan of 2017/18 required 405 premises to be inspected and 78 premises dealt with by way of self-assessment questionnaire, totalling 483 interventions for the year; hence the food safety inspection programme was achieved at 100%. The service 53 questionnaires received represented 68% of those sent, whilst 430 premises inspected represented 106% of target.

The resultant enforcement actions are described in the table below.

Food safety enforcement actions

Type of premises	Premises issued with informal notices	Premises issued with improvement notices	Voluntary / emergency closure	Prosecution/ formal caution
Primary producers	3	0	0	0
Manufacturers and packers	7	0	0	0
Importers/exporters	0	0	0	0
Distributors/transporters	5	0	0	0
Retailers	152	0	0	1
Restaurants/caterers	211	2	1	0
TOTALS	378	2	1	1

A Voluntary Closure was obtained as a result of discovery no hot water at a restaurant during an inspection. A formal caution was issued to a retailer following the discovery of rat activity in out buildings storing outer wrapped food items.

b) Occupational health and safety

The section inspected the two category A rated premises for occupational health and safety, carried out 114 advisory visits and assessed 2 self-assessment questionnaires, totalling 118 interventions for 2017/18.

The Health and Safety Enforcement Service Delivery Plan of 2017/18 required 123 interventions for the year; hence 95.9% of the health and safety intervention programme was achieved.

The intervention programme led to 3 premises being served with Improvement Notices for unsafe fencing, absence of guarding on a meat slicer and gas maintenance and ventilation issues.

9.2.2 Courses and campaigns

During 2017/18 the service took part in several Food and Health and Safety initiatives as listed below:

- Conducted a campaign for Food Safety Week on the theme of 'Safe Summer Food'.
- Continued to promote the national Food Hygiene Rating Scheme in the borough. There are now 863 registered food premises in the borough within the scope of the scheme on the national website.
- Promoted 5 rated businesses by 'tweeting' congratulations; and promoting at food events attended by officers eg Hinckley Feast
- Delivered two Level 2 Awards in Food Safety in Catering.
- Conducted a campaign aimed at raising awareness of the risks associated with the handling of beverage gases in the hospitality industry.

9.2.3 Service requests

In total the Section investigated 212 service requests during 2017/18. This represented 44 for health and safety and 168 food related, and a 7% increase on the previous year. However food related service requests was 26% higher than the previous year, which also saw a significant increase of 47%. This is equivalent to a near doubling, at 86% increase in food safety service requests being received over the past two years.

9.2.4 Sampling

The 2017/18 sampling programme was met with 250 samples being submitted for analysis.

9.2.5 Infectious diseases

The Section carried out 34 infectious diseases, mainly food poisoning, investigations in 2017/18.

9.2.6 Areas of improvement 2017/18

The service was able to progress all of the key service improvements and objectives for 2017/18.

One of the key areas for improvement was to examine the potential for the use of new technology by officers when in the field, particularly the use of tablet computers to reduce paper usage and streamline administration. During the year two councils in Leicestershire have been visited to examine their systems, one of which has completely moved to a paperless system which resulted in savings but also issues with staff being resistant to the change and teething problems with the equipment. The other authority is experiencing a number of difficulties with both software and hardware. A main problem being their tablet is too large and unwieldy resulting in Officers having difficulties in

small premises. Colleagues however were positive about the overall use as it had improved the overall process. Overall from colleague's experiences the software appears generally positive though there were areas that need to be improved to ensure that inspections do not become too prescriptive. Therefore in 2018/19 Officers in Commercial will continue to trial the software and continue to investigate the most appropriate tablets for use. Should it be agreed that the use of tablets is beneficial and provide saving opportunities then a business case will be submitted with a view to officers using tablet computers for their inspections.

9.3 Areas of improvement for 2018/19

Key service improvements and objectives for 2018/19 are:

1. Keep a watching brief on the new government policy reviews and initiatives with respect to food safety enforcement and health and safety and assess their implications on the council's enforcement service
2. Keep a watching brief on the LLEP development and its implications for the 'Better Business for All' project within the borough to improve the confidence of business in approaching the council for advice and guidance on regulation
3. Review administrative arrangements to improve efficiency and consistency in food safety and health and safety activities in particular to revise existing health and safety procedure notes
4. Continue to examine the potential for the use of new technology by officers when in the field.
5. Refresh health and safety procedures and policy documents.



Hinckley & Bosworth Borough Council

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

Executive

1 August 2018

WARDS AFFECTED: Barlestone

Good Friday Site Restoration

Report of Director (Environment and Planning)

1. PURPOSE OF REPORT

- 1.1 To update Executive on the restoration of the Good Friday Site and to seek supplementary budget for the works.

2. RECOMMENDATION

- 2.1 Executive Note the restoration works carried out.
- 2.2 Supplementary budget of £40,000 be agreed funded from the Enforcement reserve.

3. BACKGROUND TO THE REPORT

- 3.1 Executive will be aware of the long history of the Good Friday site and the successful removal of the occupiers and structures in February of this year. The site was cleared of rubbish, abandoned caravans and secured against further entry. The Injunction prohibiting occupation of the land remains in force.
- 3.2 The original Enforcement Notice requires the removal of all structures and material and restoration of the site to its original use which is pasture. Since March officers have struggled to seek contractors willing to carry out the site restoration but succeeded in two quotations as reported to Executive Briefing on 27 June 2018. Since this we have discovered Japanese Knotweed on site and therefore are having to treat this using the Council's in house Greenspaces team. Additional treatments over a 12 month period may be required. Further negotiations including taking some work off the contractor has reduced the appointed contractors quote but there may be further costs arising during the works including the recent discovery of asbestos cement buried on site. The project estimate is £40,000 which includes the cost for the knotweed treatment and additional contamination works.

3.3 The costs already incurred relating to the court case and the original clearance amounting to £10,361 has been lodged with the court as a debt against the former occupiers and owner of the land. The final costs from the restoration work will be added to this and its recovery sought. The likelihood of full recovery is low but all reasonable steps will be taken.

4. EXEMPTIONS IN ACCORDANCE WITH THE ACCESS TO INFORMATION PROCEDURE RULES

4.1 Open Session

5. FINANCIAL IMPLICATIONS [IB]

5.1 Based on the current cost estimates a budget of £40,000 is requested. The costs can be funded from the Enforcement reserve which currently has a balance of £270,000.

6. LEGAL IMPLICATIONS [AR]

6.1 The Council has the legal powers to undertake such action that is required under the enforcement notice.

6.2 The Council is also able to recover such costs by securing a legal charge against the land. This charge is registered against the land and will be discharged from the proceeds of any disposal. However given the nominal value of the land it will not result in a full recovery of costs.

7. CORPORATE PLAN IMPLICATIONS

7.1 Creating clean and attractive places to live and work. Support our rural communities

8. CONSULTATION

8.1 Ward members and relevant Parish Councils have been kept informed of progress relating to this site. Officers have worked closely with the Multi Agency Travellers Unit to coordinate actions along with the local police.

9. RISK IMPLICATIONS

9.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

9.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Unknown ground conditions or security issues may increase costs	A reasonable contingency has been included in the budget requested.	Rob Parkinson

10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

10.1 This site was previously occupied and owned by members of the Gypsy and Travellers community. Officers have worked closely with the Multi Agency Travellers Unit to ensure their rights have been taken into account within the works and actions taken. Continuing liaison with the adjacent G&T community has taken place to reassure them and there is support for the council restoring the land to pasture.

11. CORPORATE IMPLICATIONS

11.1 By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Procurement implications
- Human Resources implications
- Planning implications
- Data Protection implications
- Voluntary Sector

Background papers: Good Friday records

Contact Officer: Rob Parkinson Director (Environment and Planning) ext 5641
Executive Member: Councillor R Allen

This page is intentionally left blank



Hinckley & Bosworth Borough Council

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

EXECUTIVE: 1 AUGUST 2018

WARDS AFFECTED: ALL WARDS

REGULATION OF INVESTIGATORY POWERS ACT POLICY 2018

Report of Director (Corporate Services)

1. PURPOSE OF REPORT

1.1 To present to members the updated Regulation of Investigatory Powers Act (RIPA) policy.

2. RECOMMENDATION

2.1 That members:

- 1) Approve the revised RIPA policy;
- 2) Note there have been no applications to undertake covert surveillance over the last three years, since the last report.

3. BACKGROUND TO THE REPORT

3.1 A RIPA policy was adopted in 2015 following our inspection by the Office of Surveillance Commissioners (OCS) in summer 2014. The policy encouraged a simplified procedure when applying to undertake covert surveillance under the Regulation of Investigatory Powers Act 2000.

3.2 The policy has now been reviewed as part of a follow up inspection by the Investigatory Powers Commissioner's Office (IPCO and formerly OCS). That review was very positive and indeed only required a telephone interview and IPCO were satisfied there was no need for a site visit.

3.3 The inspection found that the policy was "more than sound" and was very comprehensive. However, there were a number of minor recommendations made which have been incorporated into the revised policy attached. The

recommendations for changes are attached as an extract from their report at Appendix 1.

- 3.4. It is also useful for members to note that there have been no applications to undertake covert surveillance over the last three year period, since the last report. Moving forward, members will receive an annual report setting out if any RIPA applications have been made. This is in line with one of the inspection recommendations.

4. EXEMPTIONS IN ACCORDANCE WITH THE ACCESS TO INFORMATION PROCEDURE RULES

- 4.1 The report to be taken in open session.

5. FINANCIAL IMPLICATIONS [AW]

- 5.1 There are no direct financial implications stemming from this report.

6. LEGAL IMPLICATIONS [AR]

- 6.1 The legal implications relating to the Human Rights Act 2000, The Data Protection Act 1998 and the Home Office's Codes of Practices are covered in section B of the RIPA Policy attached to this report.

7. CORPORATE PLAN IMPLICATIONS

- 7.1 This policy has the potential to limit the misuse of surveillance. It aims to provide guidance on what is expected from officers, whether in a requesting role or an authorising one. It supports all aspects of the Corporate Plan.

8. CONSULTATION

- 8.1 None.

9. RISK IMPLICATIONS

- 9.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

- 9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

- 10.1 None.

11. CORPORATE IMPLICATIONS

- 11.1 By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications

- ICT implications
 - Asset Management implications
 - Procurement implications
 - Human Resources implications
 - Planning implications
 - Data Protection implications
 - Voluntary Sector
-

Background papers: None.

Contact Officer: Julie Kenny, Ext 5985
Executive Member: Councillor M Hall

This page is intentionally left blank

EXTRACTION FROM THE INSPECTION REPORT OF THE INVESTIGATORY POWERS COMMISSIONER'S OFFICE

A slight reorganisation of paragraphs in the opening pages may add to the value of what is more than a sound document, and assist the reader new to the subject in understanding a subject which is not east at first acquaintance. I suggest that on page 1, before dealing with the key contacts, it would be helpful to set out some 'purposes' before specifying the officers. This could be done by moving the 'purpose of RIPA' paragraph from page 2 and inserting it above 'Senior Responsible Officer' on page 1. This could then be followed by something like:

- 'The purpose of this policy document is to ensure that any investigation thought necessary by the Council involved directed surveillance, CHIS or the acquisition data, is carried out effectively, respecting human rights and in accordance with the law';
- and if appropriate: 'It is the policy of the Council only to use authorisations under RIPA as an investigative tool when all other avenues have been exhausted'.

Some other suggested points of detail for completeness:

- [page 3] Under the 'Legal Service Manager and Information Governance Officer' heading it might be helpful to emphasise that any officer contemplating using the tool should, in the first instance, discuss matters with the LSM; and that further help is to be found in the Officer of Surveillance Commissioners' "Procedures and Guidance 2016' (with hyperlink).
- [page 4] Under B: 'The Human Rights Act 2000', add after 'came into force in October 2000': 'in particular Article 8 'the right for private and family life, home and correspondence'.
- [page 4] Section C: 'What RIPA does and does not do' is helpful and clear. It also reinforces the message of seeking advice if there is any doubt.
- Section D - the more detailed setting out of types of surveillance is also well done. But [page 7] for clarity, add a bullet point under 3.1 to the effect: 'and since 2012, the crime suspected must pass the threshold of attracting a minimum sentence of six months imprisonment' (whilst leaving sections E.2 and G).

This page is intentionally left blank



Hinckley & Bosworth
Borough Council

Hinckley & Bosworth Borough Council

Regulatory Investigatory Powers Act (RIPA) Policy

2018

Contents	Section	Page No
Introduction and key contacts	A	
Senior Officer Responsible (SRO)	A	
Information Governance Officer	A	
Email monitoring	A	
Background to the relevant Acts	B	
The Human Rights Act 2000	B	
The Data Protection Act 1998	B	
Codes of practice	B	
What RIPA does and does not do	C	
RIPA does	C	
RIPA does not	C	
Types of surveillance	D	
1. Overt surveillance 6	D	
2. Covert surveillance	D	
3. Directed surveillance	D	
4. Intrusive surveillance	D	
Codes of practice for Covert Surveillance/Use of CHIS	E	
Procedures for conduct of/Authorisation of surveillance	F	
Officers permitted to authorise a covert surveillance	G	
Absence of Authorising Officer (appointment of a)	H	
Acquisition and disclosure of communications data	I	
Judicial Approval	J	
Elected Members	K	
Social media	L	
RIPA flow charts	M	
Authorising certificate	N	

A Introduction and key contacts

Our RIPA 2018 policy is based upon the requirements of the Regulation and Investigatory Powers Act 2000 ('RIPA') and the Home Office's Codes of Practices on Surveillance which support RIPA.

It also reflects the recommendations arising from the last RIPA inspection carried out in 2017.

The authoritative position on RIPA is the Act itself and any officer who is unsure about any aspect of this document should contact, at the earliest possible opportunity, the Information Governance Officer for advice and assistance. A copy of this document is on the Intranet and is reviewed annually.

The purpose of RIPA is to regulate the "interception of communications, the acquisition and disclosure of data relating to communications, the carrying out of surveillance, the use of covert human intelligence sources and the acquisition of the means by which electronic data protected by encryption or passwords may be decrypted or accessed."

The purpose of this policy document is to ensure that any investigation thought necessary by the council involving directed surveillance, CHIS or the acquisition of data, is carried out effectively, respecting human rights and in accordance with the law.

Senior Responsible Officer (SRO)

Julie Kenny, Director of Corporate Services, is the council's Senior Responsible Officer for RIPA.

The SRO is responsible for:

- specifying, by name, appropriate officers able to grant RIPA authorisations (Authorising officers);
- verifying the competency of those officers before authorising them;
- ensuring the integrity of the surveillance processes in place and compliance with legislation and Office Codes of Practice;
- engagement with Surveillance Commissioner and inspector when they conduct their inspections; and
- overseeing implementation of any post inspection action plans.

Information Governance Officer

For all Legal advice, please refer to the SRO or the Information Governance Officer.

The Information Governance Officer is responsible for maintaining the central register of all RIPA authorisations, reviews, renewals, cancellations and rejections.

It is the responsibility of the relevant Authorising Officer, however, to ensure that the original forms are sent to the Senior Responsible Officer, Authorising officers must also ensure that, when sending the completed forms, they are sent in a confidential manner.

RIPA and this document are important for the effective and efficient operations of the Borough Council's actions with regard to covert surveillance and Covert Human Intelligence Sources. This document will, therefore, be kept under annual review by the Information Governance Officer. Any Officer wishing to undertake investigations under RIPA should, in the first instance, discuss matters with the Legal Services Manager and the Information Governance Officer. Further information can be found in the Office of Surveillance Commissions 'Procedures and Guidance 2016'.

Oversight

Independent oversight of the use of the powers contained within RIPA is provided by the Investigatory Powers Commissioner's Officer (IPCO). This oversight includes inspections carried out by IPCO officers.

Email monitoring

In terms of monitoring emails and internet usage, it is important to recognise the important interplay and overlaps with the council's email and internet policies and guidance, and legislation such as RIPA, subsequent statutory instruments relating to RIPA, the Data Protection Act 1998, Human Rights Act 1988. RIPA forms should be used, where relevant, and they will be only relevant where the criteria listed on the forms are fully met.

B Background to the relevant Acts

The Human Rights Act 2000

Under legislation, it is the responsibility of all public bodies to comply fully with the requirements of the Human Rights Act (HRA) 1998, which came into force on 2 October 2000, in particular, Article 8 'the right to respect for private and family life, home and correspondence'. The Regulation of Investigatory Powers Act (RIPA) 2000 was enacted in order to give a clear statutory framework for the operation of certain intrusive investigative techniques, to provide for

compliance with the HRA. RIPA also provided for the appointment of Independent Surveillance Commissioners to oversee the exercise by public authorities and duties under the Act.

Essentially, RIPA required the following human rights principles to be complied with for investigatory work:

- the proposed action must be lawful;
- the proposed action must be proportionate;
- the proposed action must be necessary; and
- the proposed action must be non-discriminatory.

The Data Protection Act 2018 and the General Data Protection Regulations (GDPR)

The GDPR sets out seven key principles which must be observed when processing data:

- Lawfulness, fairness and transparency;
- Purpose limitation;
- Data minimisation;
- Accuracy;
- Storage limitation;
- Integrity and confidentiality (security);
- Accountability.

Officers and others using this policy and the powers under RIPA must ensure that the use and storage of any personal information obtained by these methods must be undertaken in accordance with the Data Protection Act 2018 and the GDPR. Officers must also take account of the impact of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 in respect of any records kept as a result of investigations.

Codes of Practice

To coincide with the RIPA coming into force, the Home Officer published four statutory codes of practice, which are mandatory under the terms of the Act (Part IV, para 75(1), covering:

- use of covert surveillance;

- use of covert human intelligence sources;
- interception of communications and accessing communications data; and
- investigation of electronic data protected by encryption.

The Regulation of Investigatory Powers Act states that all public authorities (including local authorities) are expected to comply with the codes.

The code of practice which has the most significant impact on the activities of officers at Hinckley & Bosworth Borough Council is the Code of Practice on Covert Surveillance. However, officers should also be aware of the Regulation of Investigatory Powers (Communications Data) order which provides guidance on the acquisition and disclosure of communications data.

C What RIPA does and does not do

RIPA does:

- require prior authorisation of directed surveillance;
- prohibit the council from carrying out intrusive surveillance;
- require authorisation of the conduct and use of a CHIS;
- require safeguards for the conduct and use of a CHIS; and
- require judicial approval of authorisations before directed surveillance and use of CHIS can be carried out (see section J).

RIPA does not:

- prejudice or dis-apply any existing powers available to the council to obtain information by any means not involving conduct that may be authorised under this Act. For examples, it does not affect the council's current powers to obtain information via the DVLA, or to get information from the Land Registry as to the ownership of a property.

If the Authorising Officer or any applicant is in any doubt, he/she should be asked the SRP **BEFORE** any directed surveillance and/or CHIS is authorised, renewed, cancelled or rejected.

D Types of surveillance

All authorisations, even if urgent, must be made in writing.

Surveillance is defined as including:

- monitoring, observing, listening to persons, their movements, their conversations or their other activities;
- recording anything monitored, observed or listened to in the course of surveillance; and
- surveillance by or with the assistance of a surveillance device.

There are different types of surveillance:

- General surveillance (not directed at an individual).
- Covert surveillance (directed/intrusive).

RIPA authorisation is not required for all surveillance. It only applies to covert surveillance.

1. Overt surveillance

- 1.1 Most of the surveillance carried out by this council will be done overtly - there will be nothing secretive or hidden about it. In many cases, officers will be behaving in the same way as a normal member of the public and/or will be going about council business openly (Clean Neighbourhood Officer on patrol).
- 1.2 Similarly, surveillance will be overt if the subject has been told it will happen (where a noisemaker is warned (preferably in writing) that noise will be recorded if the noise continues, or where an entertain licence is issued subject to conditions, and the licensee is told that officers may visit without notice or identifying themselves to the owner/proprietor to check that the conditions are being met).

2. Covert surveillance

- 2.1 In terms of RIPA, an action is defined as covert 'If, and only if, it is carry out in a manner that is calculated to ensure that the persons who are subject to surveillance are unaware that it is, or may be taking place'.
- 2.2 RIPA regulates two types of covert surveillance - Directed Surveillance and Intrusive Surveillance and the use of Covert Human Intelligence Sources (CHIS).

3. Directed surveillance

- 3.1 Surveillance is directed if it is undertaken:
- for the purpose of a specific investigation or specific operation in such a manner as is likely to result in the obtaining of private

information about a person (whether or not that person is specifically targeted for purposes of an investigation);

- is covert;
- is not intrusive surveillance (see definition below - the council must not carry out any intrusive surveillance);
- is not carried out in an immediate response to events which would otherwise make seeking authorisation under the Act unreasonable, for example, spotting something suspicious and continue to observe it; and
- since 2012, the crime suspected must pass the threshold of attracting a minimum sentence of six months imprisonment.

3.2 The key issue in directed surveillance is the targeting of an individual with the intention of gaining private information. This includes any information relating to private and family life, home and correspondence. The fact that covert surveillance occurs in a public place or on business premises does not mean that it cannot result in the obtaining of private information about a person. Prolonged surveillance targeted on a single person will undoubtedly result in the obtaining of private information about him/her and others that she/he comes into contact, or associates, with.

3.3 Similarly, although overt town centre CCTV cameras do not normally require authorisation, if the camera is tasked for a specific purpose which involves prolonged surveillance on a particular person, authorisation will be required. The way a person runs his/her business may also reveal information about his or her private life and the private life of others.

3.4 Examples of **directed** surveillance:

- **The covert taping of nuisance tenants within a neighbouring property.**

- **The use of noise nuisance recorders**

The use of electronic noise monitoring equipment for measuring levels and frequency of noise in a complainants premises has been expressly judged by the Chief Surveillance Commissioner as not surveillance because the noise has been inflicted by the perpetrator, and thereby forfeited any claim of

private, unless sensitive equipment is used to discern speech or other noisy activity not discernible by the unaided ear (Oversight arrangements for covert surveillance and property interference conducted by public authorities. Office of Surveillance Commissioners, December 2011).

- The use of a town centre CCTV to track an individual in a planned operation that the individual is unaware of.
- The covert observations of an individual at home but not 'intrusive'. Could include observations of a drive (fixing/washing the car).
- The covert monitoring of an individual to and from work and home.
- Seeking assistance from members of the public, for example, asking them to record their neighbours and passing on the tape.

3.5 Examples of **not directed** surveillance:

- Hot spot targeting. For example, Licensing Officers standing on a street to monitor private hire cars plying for hire illegally.
- CCTV.
- Incidental surveillance - things observed as part of the course of other duties.

4. Intrusive Surveillance

4.1 Surveillance is intrusive if it:

- is covert;
- is carried out in relation to anything taking place on any residential premises, or in any vehicle (or on certain premises where legal consultations with professional legal advisors are taking place);
- involves the presence of an individual in the premises or in the vehicle; or
- is carried out by a surveillance device in the premises/vehicle cameras, tape recorders.

4.2 However, surveillance carried out in relation to residential premises by use of a device (for example, a camera) which is not in or on the premises is not intrusive (although it will be directed), unless it is of the same quality of information as would be obtained if the equipment was in the premises/vehicle.

Intrusive surveillance can be carried out only by the Police and other law enforcement agencies. Council offices must not carry out intrusive surveillance.

E Codes of practice for Covert Surveillance/Use of a CHIS

1. The use of directed surveillance or covert human intelligence sources (CHIS) for a particular investigation must be subject to prior authorisation by an officer of a rank or position at least as senior as is specified in Regulations made under RIPA.
2. The use of directed surveillance should only be authorised if the authorising officer is satisfied that the action is necessary (in a democratic society) for the prevention or detection of crime failing within the following description:
 - Crime punishable, whether on summary conviction or on indictment, by a maximum term of at least six months imprisonment; or
 - Crime constituting an offence under sections 146, 147, 147A of the Licensing Act, or section 7 of the Children and Young Persons Act 1933.
3. The use of covert intelligence sources should only be authorised if the authorising officer is satisfied that the action is necessary for the prevention or detection of crime and disorder.
4. If either type of surveillance is considered necessary, then the authorising officer must also be satisfied that the surveillance is proportionate - the HAR defines a measure or action as proportionate if it:
 - impairs as little as possible the rights and freedoms (of the individual concerned and of innocent third parties);
 - is carefully designed to meet the objectives in question;
 - is not arbitrary, unfair or based on irrational consideration.
5. Essentially, the person granting the authorisation must believe that the use of a source is proportionate to what is sought to be achieved by the conduct and use of that source. This involves balancing the intrusiveness of the use of the source on the target and others who might be affected by it against the need for the source to be used in operational terms. The

use of a source will not be proportionate if it is excessive and the circumstances of the case or if the information which is sought could reasonably be obtained by other less intrusive means.

A potential model answer would make it clear that the four elements of proportionality had been fully considered:

- Balancing the size and scope of the operation against the gravity and extent of the perceived mischief.
 - Explaining how and why the methods to be adopted will cause the least possible intrusion on the target and others.
 - That the activity is an appropriate use of the legislation and the only reasonable way, having considered all other, of obtaining the necessary result; and
 - Evidencing what other methods had been considered and why they were not implemented.
6. Any surveillance involved in a case, even if it does not form part of an eventual prosecution case, may be deemed unlawful if not properly authorised and could lead to a challenge under Article 8 of the ECHR.
7. The requirements of the RIPA and the HRA impact on all officers of the council who undertake investigatory or enforcement activities, including Benefits fraud investigation, Environmental Health, Planning. The council adopts Codes of Practice which are mandatory under the Act and following procedures should be adhered to in the conduct of any covert surveillance.

F Procedures for conduct of/Authorisation of surveillance

A simplified way of remembering RIPA is the acronym 'PLAN' covert surveillance must be proportional, lawful, authorised and necessary:

- **P**roportional
- **L**awful (in accordance with legislation and the legality of the audit activity)
- **A**uthorised (by a proper person)
- **N**ecessary (having considered alternatives)

For any covert surveillance to be lawful, records must be sufficient to prove that RIPA has been complied with. All procedures relating to covert surveillance must be documented on standard forms. These are available from the Information Governance Officer.

Covert surveillance carried out by an officer of the council should be subject to prior authorisation by a senior officer within the council. It should not be authorised by an officer directly involved in the surveillance, so that there is independent review of whether the surveillance is necessary and proportionate. Officers designated to authorise surveillance are detailed in section H (page 16).

Application for authorisation must be made in writing and these should include full details of the proposed surveillance and the duration. The application must include full details of:

- the grounds on which the action is necessary;
- why the action is proportional to what it seeks to achieve (there must be a clear indication of what alternative methods were considered for obtaining the information required and why these were rejected). It may be useful to state that this is the only way the evidence can be gathered;
- the person(s) to be subject to the action;
- the action to be authorised (for example, observations/following and reference to any premises/vehicles involved and whether private/public, residential business)'
- full description of the work to be carried out (including locations of areas from which observations are to be conducted, for example, street names and whether photography equipment or binoculars are to be used);
- an account of the investigation/operation;
- the information which is sought from the action;
- the potential for collateral intrusion and a plan to minimise this potential; and
- the likelihood of acquiring any confidential/religious material (medical records, financial records, legal documents).

Confidential material

A higher level of authorisation is required in respect of confidential material.

In all such cases, authorisation should be obtained from the Chief Executive (or the person acting as in their absence). Confidential information consists of communications subject to legal privilege, communications between a Member of Parliament and another person on constituency matters, confidential personal information, or confidential journalistic material.

Reactive

Where surveillance is reactive (for example, an immediate response to an immediate situation), this must be documented within reasonable time of the surveillance. This time limit is three days. The authorising officer must consider whether the proposed surveillance is proportionate, lawful, necessary and non-discriminatory. If the proposed surveillance cannot be managed within the criteria, it should not be undertaken.

Is it proportional?

Surveillance activity must be proportionate to the offence under investigation.

For example, suspected theft from the workplace may merit surveillance work but not at the person's home. The length of the investigation also needs to be proportionate.

In assessing whether or not the proposed surveillance is proportionate, consideration should be given to other appropriate means of gathering the information. The least intrusive method will be considered proportionate by the courts.

Is it intrusive?

Account must be taken of the risk of intrusion into the privacy of persons other than the specified subject of the surveillance (Collateral Intrusion). Measures must be taken, wherever practicable, to avoid or minimise the collateral intrusion and the matter may be an aspect of determining proportionality.

The appropriate course of action must then be decided in terms of the type of surveillance and hence, the appropriate form/course of activity:

- Directed surveillance.
- Intrusive surveillance - not be undertaken by local authority.
- Use of a Covert Human Intelligence source.

Intrusive surveillance is only allowed for 'serious' crimes. The police can only obtain authorisation for intrusive surveillance from the Surveillance Commissioners. Local authorities cannot undertake intrusive surveillance.

There must be appropriate arrangements in place for the management and oversight of the CHIS and this must address health and safety issues through a risk assessment.

RIPA log and register

Any surveillance should have a dedicated log-sheet for officers' use. The log-sheet should be kept in chronological order detailing who is on the surveillance, where it is and what happens. Where notes cannot be written up at the time of surveillance, it should be completed as soon as possible afterwards.

All alterations on the log-sheet should be cross through and initialled and then the corrected material written to the side in the normal manner. Correction fluid should not be used at any time. Completion of the log-sheet should ensure that no empty lines are left where additional information could be written in at a later date. These logs-sheets could be used in the event of criminal prosecution and should be kept correctly, signed as true statements, and secure at all times.

In all cases, there is a duty of care to those surveyed. All details and approvals must be kept strictly confidential. The privacy of individuals must not be put at risk and unnecessary information should not be documented, for example, if the observed person was incidentally observed in a private context such as an extra marital affair.

Where photographs or videos are taken, then a photographic log needs to be maintained and all negatives retained. Technology is available to alter photographs and the log-sheets are important to prove the originality of the photographs/videos.

Log-sheets should be kept locked with the rest of the supporting documents for a period of six years from the date of the court order.

All authorisations should be held at a central point with the Information Governance officer to facilitate independent examination by the Surveillance Commissioners. Copies of all authorisations and cancellations should, therefore, be forwarded to the SRO/Information Governance Officer.

A review date should be set for the authorisation and be reviewed no later than that date.

With regard to the duration of the authorisation, cancellation must be a positive act for which diary dates are set. Time limits should be placed on any authorisation for surveillance. In all cases, written 'Authorities' for directed surveillance last for three months (Authorisations for use of CHIS last for 12 months, unless relating to use of juveniles). Authorisations must then be renewed if that is deemed necessary, provided they meet the requirement for authorisation. Authorisations can be reviewed at any time and should be cancelled as soon as they are considered to be no

longer necessary or appropriate. Forms are available for the cancellation and the renewal of surveillance as required.

Authorisations last for:

- 72 hours if not renewed.
- If it is non-urgent and is in writing, three months for directed surveillance.

The power to make urgent oral authorisations has been removed because section 43(1) (a) of RIPA no longer applies to authorisations requiring a magistrate's approvals. **All authorisations, even if urgent, must be made in writing.**

G Officers permitted to authorise a covert surveillance exercise - Authorising Officers

Directed surveillance and the use of a CHIS can only be lawfully carried out if properly authorised, and in strict accordance with the terms of the authorisation.

The Senior Responsible Officer will ensure that sufficient numbers of Authorising Officers from each service are, after suitable training on RIPA and this document, duly certified to take action under this document.

It will be the responsibility of Authorising Officers who have been duly certified, to ensure their relevant members of staff are also suitably trained as 'Applicants' so as to avoid common mistakes appearing on forms for RIPA authorisations.

Authorising Officers must also pay particular attention to Health and Safety issues that may be raised by any proposed surveillance activity. Under no circumstances, should an Authorising Officer approve any RIPA form unless, and until s/he is satisfied the health and safety of the council employees/agents are suitably addressed and/or risks minimised, so far as is possible, and proportionate to/with the surveillance being proposed. If an Authorising Officer is in any doubt, s/he should obtain prior guidance on the same from the SRO.

The officers permitted to authorise a covert surveillance exercise at the council (Authorising Officers) are:

- Julie Kenny, Director of Corporate Services
- Bill Cullen, Chief Executive
- Sharon Stacey, Director of Community Services
- Rob Parkinson, Director of Environment and Planning

Prior to operating their powers to authorise surveillance, such officers must have undertaken such training as deemed appropriate by the SRO. A record of officers who have undertaken training will be kept by the SRO.

To authorise directed surveillance, the Authorising Officer must demonstrate that the proposed activity is necessary for the prevention or detection of a crime which either carries a maximum sentence of at least six months' imprisonment, or is an offence relating to the sale of alcohol or tobacco products to minors. (As to the definition of 'detecting crime', see RIPA section 81(5).

H Absence of Authorising Officer (section 94(1) of PA97, section 34(2) of RIPA and section 12(2) of RIP(S)A)

It is unlikely to be regarded as 'not reasonably practicable' (within the meaning of sections of the Acts specified above) for an Authorising Officer to consider an application, unless he/she is too ill to give attention, on annual leave, is absent from his/her office and his/her home, or is for some reason not able, within a reasonable time, to obtain access to a secure telephone or fax machine. Pressure of work is not to be regarded as rendering it impracticable for an Authorising Officer to consider an application. Where a deputy acts in their stead, this should be on a substantive officer basis and not a temporary or convenient arrangement to the Authorising Officer.

Where a designated deputy gives an authorising, the reason for the absence of the Authorising Officer should be stated.

I Acquisition and disclosure of communications data

1. Communications data is information held by communication service providers (telecom, internet and postal companies). The Act makes provision for obtaining communications data from such service providers and the disclosure of any person of such data. Communications data includes information relating to the use of a postal service or telecommunication system

but does not include the contents of the communication itself.

2. Examples of 'data' available to the council under the Act include:
 - Postal item (anything written on the outside of the envelope).
 - Telephone (personal details of the subscriber, the telephone number and itemised calls made).
 - E-mail and internet (details of the subscriber of e-mail account, websites visited, details and date and time e-mails sent and received).
3. Communications data can only be obtained for the sole purpose of the prevention/detection of crime and/or disorder. Further test of necessity must be met before data is obtained. The Authorising Officer must also consider the conduct involved in obtaining the communications data to be proportionate to what it is sought to achieve and must also consider the risk of collateral intrusion.
4. Communications data can be accessed using two different methods:
 - The granting of authorisations, or
 - The service of notices.
5. An authorisation would allow the council to collect or retrieve the data itself from the service provider. A notice is given by the council to a postal or telecommunications operator and requires that operator to collect the data and provide it to the council.
6. Integral to the acquisition of communications data under RIPA, is the Single Point of Contact (SPoC). The role of the SPoC is to enable and maintain effective cooperation between a public authority and communications service providers in the lawful acquisition and disclosure of communications data. Any Notices or Authorisations must be passed to the service provider through a SPoC.
7. SPoCs must be properly trained in accordance with Home Office guidelines and must register their details with the Home Office.
8. The council currently uses the National Anti-Fraud Network (NAFN) as its SPoC.

J Judicial Approval

1. Any grant of renewal of an authorisation for use of directed surveillance, use of covert human intelligence source or access to communications data, will need to be approved by order of a Justice of the Peace (District Judge or lay magistrate) before it can take effect.
2. Applicants will still need to ensure an authorisation is completed by an Authorising Officer before an application for Judicial Approval is made.
3. An application to the court should be made in good time before the start of the surveillance to be authorised. The court should be contacted to arrange a suitable hearing date and should be provided with:
 - A copy of the relevant authorisation.
 - A written application for judicial approval.
 - Any other relevant reference or supporting material relating to the application.
4. Once an application date has been set, the applicant will appear before a Justice of the Peace (JP) in a private hearing. The JP will consider the application and may question the applicant to clarify certain points, or require additional reassurance on particular matters. The nature of the questioning will be for the JP to satisfy themselves that the surveillance is necessary and proportionate and has been through the proper approval process within the council.
5. In order to appear before a JP, the applicant will first need to be authorised by the Senior Responsible Officer to represent the council under s.223 of the Local Government Act 1972.
6. On hearing the application, the JP may decide to:
 - approve the grant or renewal; or
 - refuse to approve, or
 - refuse to approve and quash the authorisation or notice.
7. Further guidance on the judicial approval process can be found at www.homeoffice.gov.uk

K Elected Members (Pursuant to Section 71 of the Regulation of Investigatory Powers Act 2000)

Elected Members of Hinckley & Bosworth Borough Council shall review the authority's use of the 200 Act and set the policy at least once a year to ensure that it is being used consistently with the local authority's policy and that the policy remains fit for purpose. They should not, however, be involved in making decisions on specific authorisations.

L Social media

Using social media for investigative purposes - October 2014 Review date - October 2016

Purpose

This policy aims to offer officers using social media sites for investigative purposes, guidance on how to do so in accordance with HBBC policy. An additional policy documented entitled Social Media Policy and Guidelines provides more general guidance in relation to using social media sites for non-investigative measures. This guidance can be found at www.hinckley-bosworth.gov.uk/info/200248/social_media/129/social_media_-_guidelines_for_acceptable_use

Scope

This policy is restricted to information being accessed through public open sources.

Definitions of social media

For the purpose of these guidelines, social media is held to include:

- Blogs (WordPress, Tumblr, Blogger)
- Micro blogging (Twitter)
- Forums
- Networks (Facebook, Ning, LinkedIn)
- File sharing sites (YouTube, Flickr)

Open Source Internet Intelligence sources

Open source intelligence sources are intelligence collected from publicly available sources. As such, investigative officers at HBBC, with permission from the Council's IT department, can search such sources for intelligence necessary to pursue their investigation. This **does not have to be obtained on a case-by-case basis.**

Officers must obtain authorisation from their line manager and head of service. This will then enable that officer with the relevant IT permissions and authority, to autonomously conduct appropriate intelligence gathering activities, where that officer considers that such intelligence gathering methods are appropriate, proportionate, reasonable and necessary in order to effectively investigate offences.

The following circumstances provide an example of when investigative officers might employ open sourced intelligence methods of investigation.

- To evidence information in relation to a fraud allegation such as housing or benefit fraud.
- To support an anti-social behaviour complaint.

The most common sources of open source investigation are social networking sites, search engines and auction sites, including:

- Facebook
- Friends Reunited
- Bebo
- Myspace
- Twitter
- EBay
- LinkedIn
- Google

(This list is not exhaustive)

Restrictions

Officers accessing open sourced intelligence in this way **must not** attempt to view privately set profile information on social networking sites. Only publicly available information can be scrutinised.

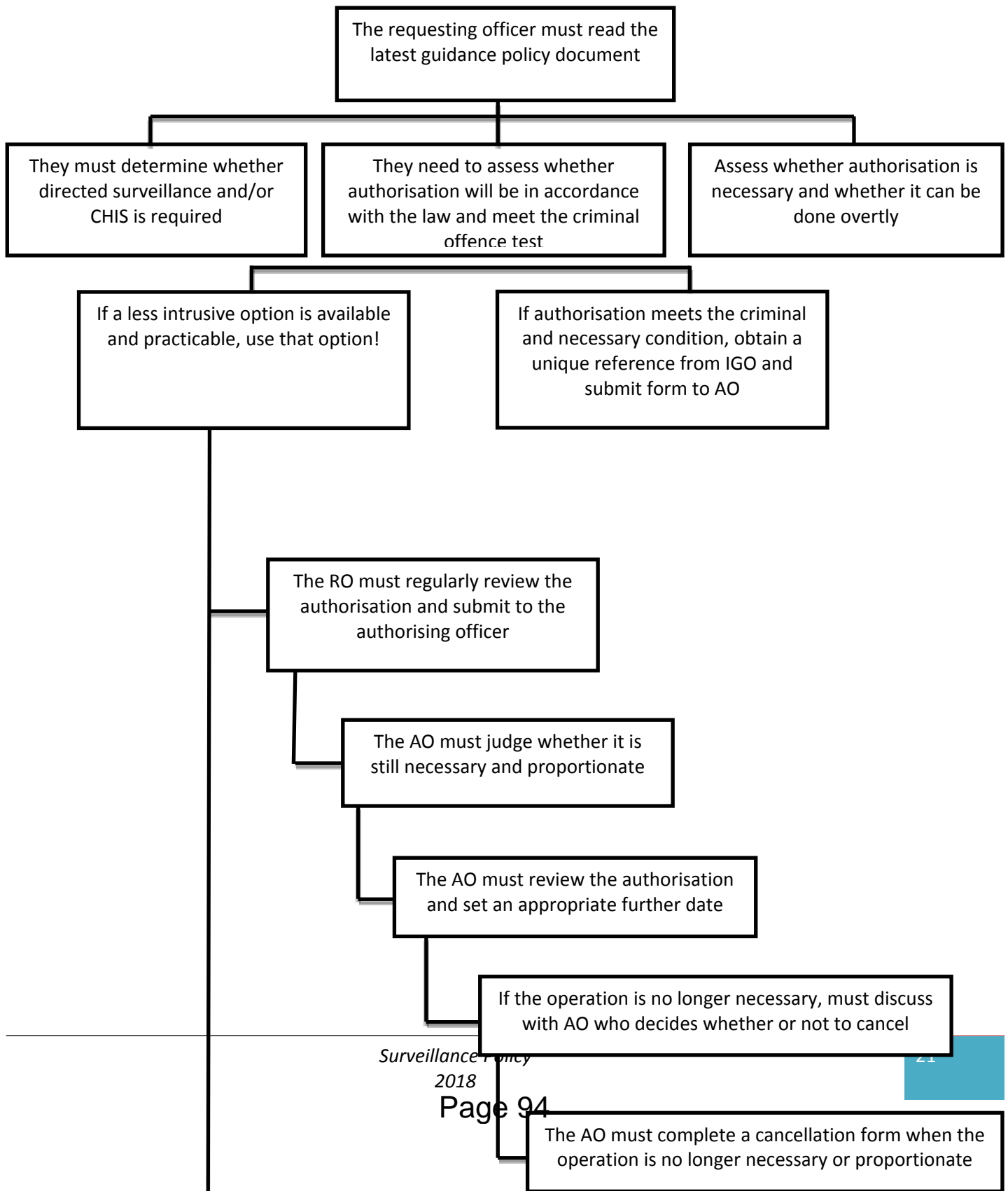
Officers must not add an investigation subject as a friend in order to access private information.

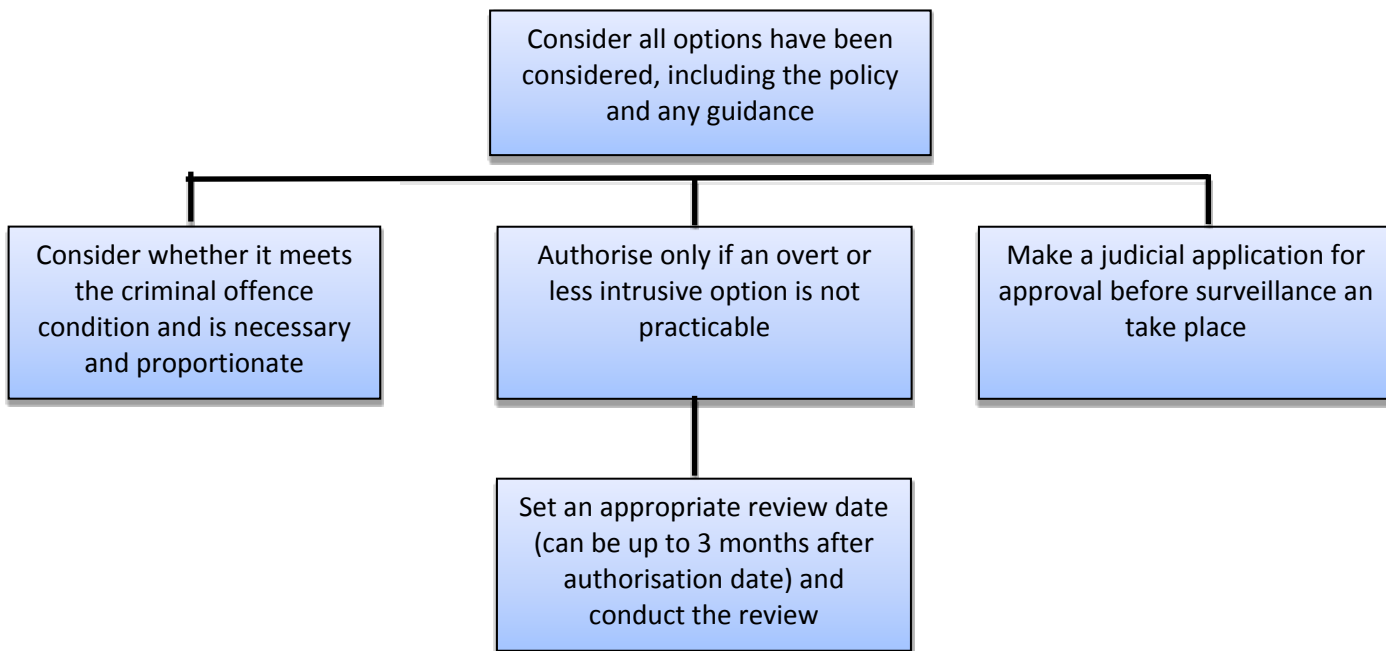
If valuable information is seen when a page is first checked, it is prudent to take screen shots at that time. Once contacted with regard to their cases (when asked to attend interview), customers can often change their privacy settings, meaning that officers are then unable to gather useful intelligence.

Any safeguarding issues should be reported in line with the council's safeguarding policy.

M RIPA Flowchart

Requesting Officers (RO)





Essential

RIPA flowchart - Authorising Officers

Send all authorised (and any rejected) forms, Judicial approval from court, review, renewals and cancellations to the Information Governance Officer within **five working days of the relevant event**.

N



Hinckley & Bosworth
Borough Council

RIPA AUTHORISING OFFICER CERTIFICATE

No:

I HEREBY CERTIFY that the officer whose personal details are given below is an Authorising Officer for the purposes of authorising covert surveillance and the use and/or conduct of Covert Human Intelligence Sources ('CHIS') under the provisions of the Regulation of Investigatory Powers Act 2000.

It is further certified that this officer has received training to perform such authorisation procedures.

Certificate issued to: (full name of officer)

Job title:

Service:

Location:

Certificate:

Date:

Signed:

Bill Cullen, Chief Executive

Hinckley & Bosworth Borough Council

(PLEASE NOTE: This certificate and the authorisation granted by it is personal to the officer name in it and cannot be transferred. Any change in personal details must be notified in writing to the Chief Executive immediately. This certificate can be revoked at any time by the Chief Executive by written revocation issued to the officer concerned. It is the named officer's personal responsibility to ensure full compliance with RIPA authorisation and to ensure that s/he is fully trained in such procedures and that such training is kept up to date).