

Public Document Pack



**Hinckley & Bosworth
Borough Council**

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

Date: 22 June 2021

**To: Members of the Ethical Governance and
Personnel Committee**

Cllr R Webber-Jones (Chairman)
Cllr SL Bray (Vice-Chairman)
Cllr MB Cartwright
Cllr RG Allen
Cllr DC Bill MBE

Cllr MA Cook
Cllr A Furlong
Cllr L Hodgkins
Cllr LJP O'Shea

Copy to all other Members of the Council

(other recipients for information)

Dear member,

There will be a meeting of the **ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE** in the De Montfort Suite, Hinckley Hub on **WEDNESDAY, 30 JUNE 2021** 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 Manager

Fire Evacuation Procedures

- On hearing the fire alarm, leave the building **at once** quickly and calmly by the nearest escape route (indicated by green signs).
- *There are two escape routes from the Council Chamber – at the side and rear. Leave via the door closest to you.*
- Proceed to **Willowbank Road car park**, accessed from Rugby Road then Willowbank Road.
- **Do not** use the lifts.
- **Do not** stop to collect belongings.

Recording of meetings

At HBBC we are open and transparent about how we make decisions. We allow recording, filming and photography at all public meetings including Council, the Executive and Planning Committee as long as doing so does not disturb or disrupt the proceedings. There may occasionally be some reports that are discussed in private session where legislation requires this to happen, but this is infrequent.

We also allow the use of social media during meetings, which helps to bring the issues discussed to a wider audience.

Members of the public, members of the press and councillors are hereby informed that, in attending the meeting, you may be captured on film. If you have a particular problem with this, please contact us so we can discuss how we may accommodate you at the meeting.

Use of mobile phones

To minimise disturbance to others attending the meeting, please switch off your phone or other mobile device or turn it onto silent or vibrate mode.

Thank you

A G E N D A

1. APOLOGIES AND SUBSTITUTIONS
2. MINUTES OF PREVIOUS MEETING (Pages 1 - 4)
To confirm the minutes of the previous meeting.
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 received in accordance with Council Procedure Rule 12.
6. FIRE RISK MANAGEMENT POLICY (Pages 5 - 18)
To present an updated fire risk management policy.
7. UPDATED EMPLOYEE CODE OF CONDUCT (Pages 19 - 30)
To seek approval for the updated officer code of conduct.
8. ANY OTHER ITEMS OF BUSINESS WHICH THE CHAIRMAN DECIDES HAVE TO BE DEALT WITH AS MATTERS OF URGENCY
9. MATTERS FROM WHICH THE PUBLIC MAY BE EXCLUDED
To consider the passing of a resolution under Section 100A(4) of the Local Government Act 1972 excluding the public from the undermentioned item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1 and 10 of Schedule 12A of the 1972 Act.
10. COMPLAINTS UPDATE

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HINCKLEY AND BOSWORTH BOROUGH COUNCIL

ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE

24 MARCH 2021 AT 6.30 PM

PRESENT: Cllr R Webber-Jones - Chairman
Cllr MB Cartwright – Vice-Chairman
Cllr DC Bill MBE, Cllr MA Cook, Cllr A Furlong, Cllr L Hodgkins, Cllr E Hollick,
Cllr LJP O'Shea and Cllr RB Roberts (for Cllr RG Allen)

Also in attendance: Mr G Grimes, Independent Person

Officers in attendance: Julie Kenny and Rebecca Owen

668 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Allen with the substitution of Councillor Roberts authorised in accordance with council procedure rule 10.

669 MINUTES OF PREVIOUS MEETING

It was moved by Councillor Cartwright, seconded by Councillor Furlong and

RESOLVED – the minutes of the meeting held on 20 January be confirmed as a correct record.

670 DECLARATIONS OF INTEREST

Councillor Roberts declared that the complainants for item 10 were in his group and the subject member for item 11 was known to him and he had some knowledge of the complaints.

Councillors Cook and O'Shea declared that the complainants for item 10 were members of their group.

Councillors Hollick and Cartwright declared that they were at the meeting when the alleged action in item 12 from which the complaint arose took place.

671 CODE OF CONDUCT COMPLAINTS PROCESS

The Monitoring Officer presented a report which proposed changes to the process for dealing with code of conduct complaints. It was highlighted that the proposal was to remove some steps in order to avoid the need for frivolous, vexatious or political complaints to come to the Ethical Governance & Personnel Committee and to delegate authority to the Monitoring Officer to issue a recommendation of an apology or training where the complaint is of a lower level.

It was moved by Councillor Cook that the “no further action” wording be amended to “there has been no breach of the code of conduct and therefore there is no further action” so it is clearer to those involved. Cllr Cartwright seconded the motion but requested that the process be reviewed by the committee in 12 months.

The Monitoring Officer suggested bringing an annual report on numbers of complaints to the committee to be able to assess the effectiveness of the new procedure, which members supported.

RESOLVED –

- (i) The process be endorsed and RECOMMENDED to Council;
- (ii) An annual report be brought to the committee to assess the effectiveness of the process.

672 COMPLAINTS UPDATE

The Monitoring Officer provided an update on ongoing complaints, stating that she was still receiving complaints about a couple of parishes which related more to governance of the parish council rather than conduct of an individual member. She was also trying to resolve a further four complaints.

Members were updated on progress towards adoption of a new code of conduct.

673 MATTERS FROM WHICH THE PUBLIC MAY BE EXCLUDED

On the motion of Councillor Webber-Jones seconded by Councillor Cartwright, it was

RESOLVED – in accordance with section 100A(4) of the Local Government Act 1972, the public be excluded from the following item of business on the grounds that it involves the disclosure of exempt information as defined in paragraphs 1, 2 and 10 of Part I of Schedule 12A of that Act.

674 COMPLAINT 2020/31

Members considered a fact finding report regarding a complaint against three town/parish councillors.

Concern was expressed about the way in which the local council was operating and that an investigation may assist in identifying the source of the problems. It was moved by Councillor Cartwright and seconded by Councillor O'Shea that the matter be referred for investigation.

Following further discussion, Councillor Cartwright proposed an amendment that the matter be referred for investigation and that a letter be sent to the local council to suggest they engage with the Leicestershire & Rutland Association of Local Councils for support in dealing with the matter from which the complaint arose. Councillor O'Shea supported the amendment which, upon being put to the vote, was CARRIED.

RESOLVED –

- (i) The complaint be referred for investigation;
- (ii) A letter be sent to the local council to suggest they seek support from Leicestershire & Rutland Association of Local Councils, the wording of which be agreed with the chairman.

675 COMPLAINT 2020/32

Consideration was given to a fact finding report regarding a complaint about three town/parish councillors. The complaint had three aspects, all of which members felt were a cause for concern, notwithstanding the concerns raised about governance within the local council and about the clerk responding to enquiries on behalf of councillors.

Members considered whether the actions were made by the council as a corporate body but felt that an investigation would be needed to identify this and subsequently whether the code of conduct applied.

It was moved by Councillor Cartwright, seconded by Councillor Furlong and

RESOLVED – the complaint be referred for investigation.

Councillor Cartwright left the meeting at 7.39pm.

676 COMPLAINT 2021/07

The committee received a fact finding report regarding a complaint about a town/parish councillor. It was noted that the subject member had been willing to issue an apology but the complainant was unwilling to accept the apology. It was felt that an investigation would not gain any further information and an apology was the most appropriate recommendation.

It was moved by Councillor Bill, seconded by Councillor Furlong and

RESOLVED – No further action be taken in respect of the complaint.

Councillor Hollick wished it be noted that he had abstained from voting on this item.

(The Meeting closed at 7.43 pm)

CHAIRMAN

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Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

Ethical Governance and Personnel Committee 30 June 2021

Wards affected:

All wards

Fire Risk Management Policy

Report of Director (Corporate Services)

1. Purpose of report

- 1.1 To present to members an updated Fire Risk Management Policy.

2. Recommendation

- 2.1 The Fire Risk Management Policy is approved.

3. Background to the report

- 3.1 Hinckley and Bosworth Borough Council has a duty to protect the health, safety and welfare of its employees, residents, visitors, members of the public and other persons affected by its activities and its premises in relation to fire safety. These duties are set out in the Health and Safety at Work Act 1974, the Management of Health and Safety at Work Regulations 1999 and the Regulatory Reform (Fire Safety) Order 2005.
- 3.2 The Regulatory Reform (Fire Safety) Order 2005 covers general fire precautions and other fire safety duties which are needed to protect 'relevant persons' in case of fire in and around most 'premises'. The order requires fire precautions to be put in place 'where necessary' and to the extent that it is reasonable and practicable in the circumstances of the case. The responsibility for complying with the order rests with the 'responsible person'. In a workplace this is the employer and any other person who may have control of any part of the premises, e.g. the occupier or owner. In all other premises the person or people in control of the premises will be responsible.

- 3.3 This Fire Risk Management Policy **Appendix A** sets out how Hinckley and Bosworth Borough Council will implement the arrangements for the management of fire safety. The policy aims to reduce the risks posed by fire through a risk based approach, supported by fire safety management processes and procedures to reduce the risk as far as reasonably practicable.
- 3.4 The primary aim of the policy is to ensure the adequate provision and maintenance of buildings with fire safety systems and procedures so that in the event of a fire, the occupants are able to reach a place of ultimate safety, whilst also reducing the risk of the spread of the fire.
- 3.5 The policy applies to all council owned premises, its employees, visitors, contractors and tenants. It provides a structured approach for managing and controlling fire risks in compliance with current legislation, technical guidance and best practice. The policy includes:
- Fire Safety Policy Statement
 - Fire Strategy
 - Roles and Responsibilities
 - How the Council intends to manage fire safety – through its arrangements and procedures and
 - Fire Safety Records
- 3.6 This Fire Risk Management Policy will be reviewed every 3 years or at more frequent intervals if there are relevant legislative changes.
- 4. Exemptions in accordance with the Access to Information procedure rules**
- 4.1 Open session.
- 5. Financial implications [AG]**
- 5.1 None arising from the report.
- 6. Legal implications [MR]**
- 6.1 Set out within the report.
- 7. Corporate Plan implications**
- 7.1 In order to achieve that council's vision and plan we need effective health and safety management arrangements in relation to fire to ensure the well-being of our employees and service users, so that we minimise losses (both financial and reputational) to our council from ill health and injury.

8. Consultation

- 8.1 Following SLT approval on 11 May 2021 consultation was carried out with Health and Safety Representatives of the Statutory Safety Committee on 19 May 2021.

9. Risk implications

- 9.1 None.

10. Knowing your community – equality and rural implications

- 10.1 N/A

11. Climate implications

- 11.1 The environmental impact is low. This is due to a potential increase in waste generation when making fire safety improvement and replacing old for new products and upgrades.

12. Corporate implications

- 12.1 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 and Transformation Manager Ext 5688
Executive member: Councillor S Bray

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Hinckley & Bosworth
Borough Council

Hinckley and Bosworth Borough Council

FIRE RISK MANAGEMENT POLICY

Policy and Arrangements for the Management of Fire Safety

February 2021 Version1.	
Review due	Feb 2024

This document replaces Fire Precautions ACOP 3 HSW Service (July 2017 Rev 2.3) and Fire Officer GN12 (Dec 2016). It specifies the systems in place for the management of health and safety risks associated with fire in properties and buildings owned, managed and/or occupied by Hinckley and Bosworth Borough Council.

Please read this document and ensure you understand all the issues dealt with. If you have any concerns or queries about this document, please contact Sophia Hands (Corporate Health and Safety Officer).

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**Hinckley & Bosworth
Borough Council**

Fire Safety Policy Statement

The issue of fire safety is taken extremely seriously and Hinckley and Bosworth Borough Council (HBBC) will strive to ensure compliance with the Regulatory Reform (Fire Safety) Order 2005. This Fire Safety Policy Statement reflects the importance that HBBC attaches to the safety of its staff, residents, visitors, members of the public and other persons who may be affected by its activities and its premises in relation to fire safety. HBBC takes all reasonable and practicable steps to achieve the objectives and measures outlined below. This policy statement will be reviewed every 3 years or at more frequent intervals if there are relevant legislative changes.

Objectives

Through risk assessment, the objective of fire risk management is to:

- Minimise the potential for fire to occur.
- Reduce fire incidences.
- Safeguard all persons on property owned and/or managed by HBBC from death or injury in the event of a fire.

For each property occupied, owned and/or managed by HBBC, the Council will:

- Provide appropriate and adequate means of escape in case of fire.
- Ensure that all means of escape are properly maintained, kept free from obstruction and available for safe and effective use.
- Provide the means of escape with adequate emergency lighting and maintain this in efficient working order.
- Provide and maintain in working order the alarm system or the means of giving warning in case of fire.
- Provide and maintain in working order all firefighting appliances and devices.
- Provide appropriate instruction and/or training for all persons, including contractors and other visitors, on the actions to be taken in the event of fire.
- Provide safety plans stating the precautions to be observed and steps to be taken to protect people and property.
- Ensure that measures which are commensurate with the risks and the significance of consequential losses are taken to protect buildings, installations and equipment from fire.
- Work with Leicestershire Fire and Rescue Service to promote fire safety within the organisation

Signed:

Date:

Position:

Fire Strategy

The Council's fire strategy concentrates on life safety before property protection.

In non-residential buildings, the fire strategy is to ensure that there is a suitable means of alerting all persons who have a legitimate right to be in the premises to a fire in the early stages and provide sufficient number of exits to allow for the safe evacuation to a place of ultimate safety. When the alarm is raised, all building occupants will simultaneously evacuate.

In houses of multiple occupation, based on the level of compartmentation of the building and suitably protected means of escape, the fire strategy is only residents and their visitors of the apartment affected by fire to leave and contact 999 for the fire service. In sheltered properties and the homeless hostel, the control centre would be alerted and would call the fire service. Other residents can remain in their apartment (known as the Stay Put Policy).

In each circumstance, the evacuation procedure is detailed within the fire risk assessment.

The type, number and level of fire safety measures will be decided by Fire Risk Assessments carried out by a competent person.

Whilst the Senior Leadership Team (SLT) accepts there is a legal duty to ensure there are some persons trained in the use of firefighting equipment, they do not encourage the fighting of fires by staff, contractors, residents, visitors or others. Staff will receive fire safety training including the use of fire extinguishers however their overriding responsibility is to raise the alarm and initiate an evacuation of the area.

Firefighting equipment should only be used by trained employees where the fire is small and/or it blocks their means of escape.

Role and Responsibilities

Chief Executive

Overall responsibility for fire precautions and fire safety management within Hinckley and Bosworth Borough Council (HBBC) lies with the Chief Executive however each site has a nominated responsible person.

Corporate Health and Safety Officer

The Corporate Health and Safety Officer (HSO) is the competent person for fire safety and will have overall strategic and management responsibility of general fire precautions for HBBC properties. Responsibility will include properties that have a suitable fire risk assessment and employees who have had training and information in fire safety sufficient to carry out their responsibilities in relation to fire safety.

Housing Assets & Support Teams Manager/ Facilities Manager

The Housing Assets & Support Teams Manager for housing stock and the Facilities Manager for Estates, will implement this fire safety policy which will identify the specific arrangements for maintaining fire safety within their managed properties.

Responsible Persons

They have a duty to ensure the fire risk assessment is in place, that suitable training and instruction on fire safety matters is available to staff and to ensure that fire safety is maintained within buildings under their direct control. Where there are any concerns or questions in relation to fire safety arrangements in relation to the buildings that they manage they must seek suitable advice and liaise with the Health and Safety Officer.

The responsible person will have day to day management responsibility for their Council building. Each Responsible Person must have a nominated deputy who will complete duties in their absence.

The Responsible Persons are:

Hub,	Facilities Manager
Jubilee,	Facilities Manager/ Head of Street Scene Services
Atkins,	Facilities Manager
Sheltered Schemes,	Housing Assets Support Team Manager/ Scheme Manager
Housing Flats,	Housing Assets Support Team Manager
Pavilions,	Facilities Manager
William I Homeless,	Housing Assets Support Team Manager/ Housing Options Manager
John Nicholls Hostel	Housing Assets Support Team Manager
Community Houses,	Housing Assets Support Team Manager/ Community Safety and Performance Manager

Employees with specific responsibilities

Fire Marshals (or Wardens) are given specific areas to check & confirm the area is completely evacuated within the property in the event of Fire Alarm activation. Further detail can be found in the Fire Warden GN2 and Fire Marshal Duty documents located within the Health Safety and Welfare > Fire Safety section of the intranet

All Employees

All employees have a responsibility for their own and others fire safety. Any dangerous situations, issues and concerns should be reported immediately to their line manager and/or Sophia Hands by email Sophia.hands@hinckley-bosworth.gov.uk or by phone 07785 346572.

All employees are required to follow fire instructions and training. Employees found to be carrying out actions that could compromise their safety or the safety of others may be subject to disciplinary proceedings

Arrangements and Procedures

Fire Risk Assessment (FRA)

The relevant responsible person will ensure the Fire Risk Assessment for the properties under their remit will be carried out by a competent person in accordance with Article 18 of the Regulatory Reform (Fire Safety) Order 2005. A new FRA must be carried out for each property minimum every three years (or sooner if there is a major change in circumstance to the premises) with an annual review by the responsible person for the building in the first and second years.

The fire risk assessment is a comprehensive assessment of the building, the processes taking place and the people expected to use it to ensure all relevant people are not at an unacceptable risk from fire or its effects. The assessment primarily considers life safety before property protection.

The assessment will provide a list of Significant Findings These are items that are likely to present an unacceptable risk to people and will specify: what the problem is, what existing control measures are in place and what additional measures should be instigated. Any Significant Finding will be prioritised as High, Medium, and Low. High, medium and low are an identification of the risk the hazard presents to relevant people. The Council will use this system as a way of prioritising the work to complete it.

The Responsible Person is responsible for ensuring the Significant Findings detailed in the FRA receive appropriate attention.

Dangerous Substances and Explosive Atmospheres Regulations (DSEAR)

In accordance with DSEAR, a risk assessment must be in place for The Jubilee Building. This document must be reviewed annually and renewed minimum every three years alongside the FRA for the premises.

Premises Inspections

The responsible person must ensure that regular inspections of the working environment are undertaken to ensure that good housekeeping is maintained. These inspections should also check that escape routes remain clear, all firefighting equipment is in date, fire signage and notices are correct and that the fire detection testing regimes are in place and being recorded. It is during these inspections that faults or defects within the premises can be identified, logged and addressed.

Fire Equipment Testing

Fire equipment testing falls into 2 primary categories. There are tests or checks that are undertaken by a designated employee and those that are completed by a competent service engineer.

It is the duty of the responsible person to manage fire safety of the premises within their control and ensure the testing regimes that have been identified within the fire log book (copy found in the intranet under Health, Safety and Welfare > Fire Safety) are undertaken

and kept up to date. The work undertaken by the competent service engineer should be as part of a regular contract and all work done must also be recorded within the fire log book on the relevant log sheet.

Testing, servicing, repair and maintenance regime is shown in the table below.

	Frequency by designated employee	Frequency by a competent contractor
Fire alarm and detection	Weekly	Every six months
Emergency Lighting	Monthly	Annually
Portable firefighting equipment	Monthly	Annually (P50 type – every 10 years)
Portable electrical equipment	Periodically	Determined by risk assessment.
Means of escape	Daily	Not applicable
Fire doors	Monthly	As and when required.

Fire Information, Instruction and Training

All employees and contractors who will be working within Council owned or managed premises must be given an induction on fire safety procedures at their first day at work. This information must include the actions required in the event of an emergency, methods of activating the alarm, location of fire escape routes and the location of the fire evacuation point.

It is also the responsibility of the responsible person when completing the fire risk assessment to identify any further training that is required to ensure the safety of persons on site. This can include fire warden training, evac-chair training or specific training on the use of fire extinguishers.

Practicing how the alarm is raised and how quickly the building is evacuated is vital to test how effective fire procedures are and where improvements can be made. These fire drills form a major part of training and must be practiced minimum every six months.

All fire training must be recorded within the health and safety induction checklist (issued by HR to line managers for new employees), fire log book on the appropriate log sheets and/or in Learning Academy. This can include verbal instruction, on-line training, formalised training courses and involvement in fire evacuation drills. All staff are required to sign the completed fire training log sheets to identify that they have both received and understood the training they have received.

Refresher training on fire safety must be delivered minimum every two years.

Personal and Generic Emergency Evacuation Plans (PEEP/ GEEP)

All staff known to have a permanent or temporary disability will have a PEEP completed. The purpose of the PEEP is to ensure the person is provided with a means of being alerted to a fire emergency and a safe means of escape taking into account their disability or illness.

The PEEP should not disadvantage the employee in their job role but ultimately the purpose of the PEEP is to ensure the safety of the employee and if no reasonable solution can be found to ensuring the safety of the person, a restriction in their location within or on the premises may have to be considered.

When completing a PEEP the Manager should speak to the person involved to discuss:

- What fire safety issues present problems?
- How serious are the problems?
- How can they be overcome?

A PEEP form can be found within Health, Safety and Welfare > Health and Safety Management on the Intranet

Where it is recognized a resident has a disability that may affect their escape from the building the Responsible Person should consider discussing with them how they can be assisted however, as these are private dwellings there is no legal requirement to formally provide outside assistance. Where there is a change of circumstances that would significantly impact on a resident's ability to escape, for example by a deterioration in physical mobility or level of mental comprehension, every effort is made to relocate the resident into more suitable accommodation.

Where members of the public use a Council building, a Generic Emergency Evacuation Plan (GEEP) will be in place which can be provided on request to a disabled person or others with special needs.

Hot Working and Work on a Fire alarm System

The term Hot Working is used to describe work that is carried out which could cause a fire, examples of this are: gas welding and cutting and the use of bitumen burners in re-roofing etc. It is the responsibility of both the contractor who is in charge of the work to be undertaken and the responsible person on site to maintain fire safety arrangements. A hot work permit to work form **must** be completed prior to work commencing. This document should identify the work to be carried out and the relevant safety precautions during the contract. The permit and warning notice **must** be displayed at the point of action.

When contractors are to do any work on the fire alarm system or other fire systems within the premises, the responsible person and the contractor must work together and identify what actions are necessary to maintain fire safety. In addition, information on changes to the fire management of the premises must be communicated with all employees and, where applicable residents, so they are aware of their own duties during this time.

Further details on contractor management can be found within Health, Safety and Welfare > Health and Safety Management on the Intranet.

Records

The responsible person must ensure the following records are kept:

- An up to date and completed fire risk assessment.
- An up to date plan of the site, where required, including the relevant fire precautions.
- All relevant log sheets are kept up to date.
- Fire incident report form is completed following an unplanned activation of the alarm.
- Maintenance and building records that impact on fire safety arrangements.
- Training records of instruction and training given to employees, contractors and others.
- All communication with outside organisations, where buildings are shared, and residents for residential properties, that relate to fire safety within the premises.
- All notifications either to or from an enforcing authority.

A Fire Log Book is available on the intranet under Health, Safety and Welfare > Fire Safety. The responsible person shall ensure these records are kept for a period of no less than 3 years from the last dated entry.

Monitoring

Housing Assets & Support Teams Manager, the Facilities Manager, Health and Safety Officer, Leicestershire Fire and Rescue Service and other responsible persons will monitor and advise on the effectiveness of fire safety arrangements to enable HBBC to meet both its legislative and other fire safety management requirements.

A report on completion of actions arising from FRAs and other fire safety issues will form part of the quarterly report submitted to SLT.

References

- ➡ Hinckley and Bosworth Borough Council Intranet
 - Health, Safety and Welfare > Health and Safety Management > Contractor Management
 - Health and Safety - > Fire Safety
- ➡ Gov.Uk documents on fire safety risk assessments
 - <https://www.gov.uk/government/publications/fire-safety-risk-assessment-5-step-checklist>
 - Guidance documents [here](#)



Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

Ethical governance and Personnel Committee 30 June 2021

Wards affected

All wards

Employee Code of Conduct

Report Director (Corporate Services)

1. Purpose of report

- 1.1 To seek approval for the updated Code of Conduct for council employees at **Appendix A.**

2. Recommendation

- 2.1 That members approve the Code of Conduct.

3. Background to the report

- 3.1 The Code of Conduct provides an ethical framework of general standards that the council expects from all of its employees and workers. It is an integral aspect of the council's internal governance, supports the council's commitment to equality and sets standards to maintain public confidence and protect the reputation of the council.
- 3.2 The public is entitled to expect the highest standards of conduct from all local government employees who are required to act with integrity, honesty, impartiality and objectivity when delivering services, providing advice and implementing the council's policies. The code sets out the expected standards for staff to help meet those expectations.
- 3.3 The current code of conduct for employees was originally introduced in 2005. The code is in an urgent need of a refresh for the following reasons:
- To reflect the increasing expectation of the public on staff paid to provide services on its behalf

- To reflect the modern workplace particularly in relation to advances in technology (such as social media) and data confidentiality
- To fully integrate with the council's governance framework and other HR policies, such as the council's disciplinary policy
- To reflect current legislation such as the Equality Act 2010 and Data Protection Act 2018

3.4 The code is also underpinned by the 'Nolan Principles' of public life: selflessness, integrity, objectivity, accountability openness honest, leadership. It seeks to find the balance between the standards expected from a public sector organisation which is subject to increasing scrutiny and not being too restrictive on our employees.

3.5 The updated code strengthens the previous version and is informed by the council's governance arrangements. On a practical level and learning from employment cases where an individual's behaviour has highlighted the need for clearer guidance, the code has been re-written in clearer language so employees understand the impact of their behaviour. To illustrate this point various examples of unacceptable behaviour which are considered as gross misconduct, are set out as an addendum within the document.

3.6 The Code of Conduct will be published on the intranet, a copy personally issued to all employees without access to the intranet and new employees will be provided with a copy alongside their contract of employment. Training will also be provided to raise awareness.

4. Exemptions in accordance with the Access to Information procedure rules

4.1 To be taken in public session.

5. Financial implications [IB]

5.1 None.

6. Legal implications [MR]

6.1 None.

7. Corporate Plan implications

7.1 The Code of Conduct provides an ethical framework of general standards that the council expects from all of its employees and workers – this ensures that the council's services are delivered to meet the corporate plan aims in an ethical and professional manner.

8. Consultation

- 8.1 Consultation has taken place with the recognised trade unions, Unison, Unite and GMB. The union agreed to consult all staff including non-members. Whilst supportive of the changes, the union provided detailed feedback which was very constructive. The biggest area of concern raised by the unions was in regard to the implementation of the new code of conduct and raising awareness to staff and their obligations. This was acknowledged given the HR Team's experiences of employment casework and staff claiming that they were not aware of the code. It was agreed that this will be addressed via promotion and training.

9. Risk implications

- 9.1 None.

10. Knowing your community – equality and rural implications

- 10.1 The code sets out its expectations of staff in regard to Equality and their obligations under the Equality Act.

11. Climate implications

- 11.1 None

12. Corporate implications

- 12.1 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 and Transformation Manager Ext 5688
Executive member: Councillor S Bray

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CODE OF CONDUCT FOR EMPLOYEES

1. Introduction

- 1.1 The public is entitled to expect the highest standards of conduct from all local government employees, whose role is to serve their authority in providing advice, implementing its policies and delivering services to the local community. In performing their duty employees are required to act in accordance with the following principles: selflessness, integrity, objectivity, accountability, openness, honest and leadership – these are underpinned by the key principles of public life.
- 1.2 This Code of Conduct provides a framework for your behaviour, decisions and actions as a public official. It is not an exhaustive list of what you can or cannot do, but aims to help employees understand the council rules that must be observed. If an employee is unsure or needs further guidance they can:
- **refer to this Code of Conduct and/or any policies, procedures, guidance or local rules and requirements that apply to your job**
 - **discuss the situation with their line manager**
 - **contact Human Resources for advice and guidance**
- 1.3 This code forms part of your contract of employment and you must comply with it. It is your responsibility to read this code and work in accordance with it.
- 1.4 This code applies to all employees and anyone engaged by the council to carry out work.

2. Dealing with the Council's money

- 2.1 Use any public funds entrusted to you in a responsible and lawful manner and ensure that you seek value for money for your community. You must act in accordance with the council's standing orders and financial regulations.
- 2.2 If you have direct responsibility for financial transactions, you must ensure that there is an approved budget for such expenditure and that the expenditure is within the limits that you are personally authorised to spend.

- 2.3 If you live within the borough and claim any benefit from this council or another council (i.e. council tax or housing benefit) and fail to disclose your full earnings, the council will regard this very seriously and some cases may also be passed to the Police.
- 2.4 If you need to make a claim or notify any changes in in regard to your own council tax or housing benefit account then please contact the Head of the Revenues and Benefits Partnership in the first instance.
- 2.5 The deliberate falsification of documents is not acceptable. You should never falsify records, flexi time sheets, timesheets, or other documents, including those held electronically, to secure pay or another financial benefit for yourself or others. Employees should refer to the council's Anti-Fraud Policy.

3. Serving the public

- 3.1 The public have a right to the services the council provides. Always perform your duties to the highest standard and treat members of the public with dignity and respect, taking account of individual needs. Be honest, impartial and independent at work regardless of their personal views on the matter.
- 3.2 You are expected to work within the law. You must uphold the law at work and never break a law outside of work as this could damage public confidence in you or the Council. Notify the council immediately in writing if you are charged with or convicted of an offence, this will not normally affect your employment unless the offence damages public confidence in you or the council or makes you unsuitable or unable to do the job you do (such as driving ban or safeguarding matter).

4. Political Neutrality

Working in a political environment

- 4.1 In carrying out your work you must be politically neutral, be unbiased in the performance of your duties and respect the function and office of members, regardless of the party they represent.

Working with councillors

- 4.2 You serve the democratically elected council as a whole (all councillors). You must respect councillor's rights and not allow your personal or political views to interfere with your working with councillors. Close relationships between employees and councillors may be incompatible with high standards of public life and should be avoided.

Politically restricted posts

- 4.3 If you hold a post that is 'politically restricted' you are prevented from taking an active political role either in or outside of work. Holders of such posts are disqualified from membership of any local authority, other than a parish or community council, from being a Member of Parliament or a Member of the European Parliament, and from membership of the Scottish Parliament or Welsh Assembly.

5. Equalities

- 5.1 You should commit to implement equalities in all aspects of your work and this is fundamental to effective service delivery and working relationships. All members of the community, customers and colleagues have a right to be treated with fairness and equity.
- 5.2 You must follow and implement the council's Equality Policy which aims to ensure that nobody, whether employee or service user, is discriminated against because of a protected characteristic such as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity race, religion or belief, sex and sexual orientation.
- 5.3 You must treat colleagues, elected members and the public respectfully and with dignity. You must never discriminate against, harass or victimise any person.

6. Health and safety

- 6.1 You have a responsibility for your own health and safety and that of service users, members of the public or colleagues who may be affected by what you do.

Always:-

- work in accordance with the Council's Health, Safety and Welfare Policy and any instructions, information or training provided
- report health and safety hazards that you think are inadequately controlled and accidents and near misses that you have at work
- attend any medical examination as required (e.g. under the Council's Attendance Management Framework)
- when absent due to sickness, act sensibly to speed your recovery and return to work

7. Standards of Dress and Appearance

- 7.1 Managers will set standards of dress at local service level based on the following guiding principles:
 - employees are required to maintain a professional, business appearance that is appropriate to work they undertake (i.e. for those staff directly dealing with customers)
 - there is flexibility for employees who work directly with residents, and where it is important to dress in a way that they can relate to
 - where uniforms are provided these must be worn and not modified
 - clothing or jewellery worn for religious reasons is permitted, providing that it does not give rise to health and safety risks
 - clothing provided for health and safety reasons must be worn

8. Conflicts of interest

- 8.1 Never place yourself in a position where your honesty or integrity may be questioned and avoid conflicts of interests between your private interests and your public duties.

Make all decisions fairly, consistently and on merit, including when making appointments, awarding contracts, or recommending individuals for rewards, benefits of opportunities and ensure that they are documented.

Examples of conflicts of interest include (not an exhaustive list):

- Having links with an external organisation which may receive grants from the council, work for the council or supply goods and services to it (e.g. paid employment, consultancies, directorships/partnerships, significant holdings of shares or other financial securities, positions held as a councillor, governor or trustee, or trade union or pressure groups representative)
- As a manager, taking decisions relating to discipline, recruitment, pay promotion for an employee who is a relative, friend or partner
- As a purchasing officer liaising with a supplier that you, your partners, family or close associate have financial interests in

If you need to declare any interests or require further advice, please contact your manager or the HR Team.

Secondary employment or other business opportunities

- 8.2 You should get your manager's written approval before undertaking any other employment or business venture. Generally, this will be approved unless it conflicts with the interests of the council or could weaken public confidence in the conduct of the council's business.

Accepting gifts and hospitality

- 8.3 It is not normally acceptable to accept a gift, reward or favour from others for work carried out in your official capacity. Our residents have a right to the services they receive and the council rewards you for the work you do through your salary. Any gifts offered or accepted must be declared and recorded in the Register of Gifts and Hospitality. Please contact Rebecca Owen, Democratic Services.
- 8.4 You must never accept a gift or hospitality from anyone who is likely to tender for a council contract, seeking planning consent, or seeking employment from the council.
- 8.5 Offers of hospitality should be rejected by existing contractors i.e. invitations to dinners/events, unless there is a clear and demonstrable benefit to the council and the hospitality would not expose the council to criticism that the provider of the hospitality was achieving undue influence. Attendance must have the line manager's approval in advance, and must be recorded in the Register of Gifts and Hospitality.

Contracts

- 8.6 If you have an official relationship with existing and potential contractors and also have a relationship in a private or domestic capacity, you must declare that relationship to your manager. Where a contract awarding process is under way you must withdraw from, or otherwise play no part in that process.

Conduct outside of work

- 8.7 The council reserves the right to bring action against you if your conduct or behaviour outside work conflicts with your public duties where your conduct outside of work could undermine the council's reputation or bring the council into disrepute (such as serious misconduct or criminal offences committed during or outside working hours).
- 8.8 You should never undermine the council (or its partners) in its business or allow standards of behaviour to fall below those expected of the local community you serve (i.e. not paying debts owed to the council).

Relationships

- 8.9 If you are in a close relationship with a colleague within the council we encourage you to declare that relationship to your manager. If the relationship is between a manager and an employee whom he/she supervises, the council reserves the right (without breach of contract) to require one or both employees to change their roles or duties. This is intended to avoid the employees in that relationship, finding them in a potentially difficult situation and perceptions of undue influence or unfairness (whether real or perceived).

Appointments and other employment decisions

- 8.10 You should not be involved in an appointment, either on an appointment panel or as a referee, if you are related to an applicant or have a close personal relationship with them outside of work. This also includes decisions relating to employment such as discipline or pay. Candidates who apply for roles within the council must disclose any relationship (family or friendship) with a council member or a current employee when making an application.

9. Accountability

Employee contract

- 9.1 Follow all reasonable instructions given by your manager; or any other person with the authority to give you instructions at work. You must respect their role which means accepting that you may not always agree with all of their decisions. You must report to your manager anything that impairs your ability to do your job.

Equally, your manager will:-

- ensure that you understand what is required of you at work and fairly and objectively
- treat employees fairly and with dignity and respect
- promote the principles of fairness and equality in the workplace
- consult and inform employees about change and on matters affecting the council
- provide a safe and secure working environment
- provide you with opportunities for training and development

10 Public and Social Media

- 10.1 Any requests from journalists must be referred to the Communications Team. You must not publish articles or views in print or on the internet about council business without express permission for your director or clearances from the Communication Team. The council respects the right to a private life and employees are encouraged to use their discretion on social media sites at all times. When expressing personal views you must not appear to speak for or about the council i.e. referring to your job at HBBC. Please refer to the Social Media Policy for guidance.

11 Council Resources

Council's facilities, property and equipment

- 11.1 The council's property, facilities and equipment are provided for official council business. ***Never use inappropriately, waste or damage it.*** You should not use council facilities or property for private purposes unless authorised by your manager. All council owned facilities must be returned on leaving council employment.
- 11.2 Employees are not permitted to use their work vehicle for any private purpose, or to carry private goods. Some employees may be required to take a Council vehicle home overnight in order to facilitate more efficient working and travel straight to site. These employees are not permitted to use the vehicle for any other purpose other than travelling between their home and work site. Please refer to the Acceptable Use of Vehicles Policy for more information.

Use of Council Communication Systems

- 11.3 Personal use of the council's network is not permitted. The council has the right to access and monitor communication systems provided to employees and will monitor usage of its communication systems e.g. telephone, email and internet access, to ensure its proper use and will run reports detailing usage of staff.

Mobile Phones

- 11.4 Employees issued with work mobile phones or other mobile devices provided by the council should only be used for business use.
- 11.5 The council recognises in exceptional circumstances it may be necessary for employees to make or receive calls on personal mobiles during working hours; personal use should be brief and made using your breaks where possible.

Council's information and records

- 11.6 The Council holds information and records on behalf of the public to enable it to carry out its functions. You must handle this information, including personal and sensitive data, in accordance with the Information Governance Framework including the Data Protection, IT Security and Sharing policies. You must ensure that appropriate records are created, stored, accessed and disposed of securely, and in line with legal requirements, confidentiality rules and these policies.

Intellectual Property

- 11.7 The council retains the intellectual property rights for work created in the course of your normal duties e.g. research, reports, designs, drawings, software development or similar work. No property of the council should be removed from the council premises or passed on to another person acting on behalf of the employee to a third party, without express consent of the council.
- 11.8 You are not permitted to use any work which they or others have created, whilst in the employment of the council, for personal or financial gain without the express consent of the council.

12 Breaches of the Code of Conduct

- 12.1 Any breach of the Code of Conduct may result in disciplinary action. Please refer to the disciplinary policy for further information regarding the process and timescales. Please note that some breaches (known as gross misconduct) can be serious enough to justify dismissal for a first offence, and without notice. Examples are set out in Appendix 1 of this Code.

13 Reporting breaches of the Code and whistle-blowing

- 13.1 The council is committed to the highest standards of public life and to preventing malpractice, fraud and corruption. If you are concerned about any practice that you think conflicts with this Code, you should report these to your manager or the HR Team. If you have concerns about theft, fraud and other malpractice in the workplace you can report these anonymously and confidentially to the council's Monitoring Officer, Julie Kenny:

Phone: 01455 255985

Email: julie.kenny@hinckley-bosworth.gov.uk

Appendix 1

Gross Misconduct – Examples

Any breaches of the Code of Conduct will normally result in disciplinary action. Some breaches (known as gross misconduct) could be serious enough to justify the council in dismissing staff for a first offence, and without notice. It is possible that other conduct, not in itself a breach of the Code of Conduct may also amount to gross misconduct. As a guide, any act which destroys the relationship of trust and confidence that the council needs to have in an employee will constitute gross misconduct (below).

Please that this is not a complete list

- Conceal any serious matter they should reasonably have known to report
- Cause loss, damage or injury through serious negligence (e.g. resulting in a loss to the Council)
- Act negligently or recklessly in a way which leads to a serious breach of the Data Protection Act
- Try to obtain a job by lies or deception
- Refuse to carry out a legitimate instruction from their manager
- Threaten, instigate a fight with or assault anyone
- Steal or damage things that belong to someone else or to the council
- Commit any deliberate acts of discrimination, harassment or bullying
- Sell/possess illegal drugs in the workplace
- Consume alcohol in the workplace (unless they have been given permission by their line manager for an event – i.e. Christmas Party)
- Seriously breach health and safety rules
- Do private work when they should be at work for the Council
- Submit false or fraudulent claims to the Council or other bodies
- Breach financial (or other Council) regulations
- Break a law at work which makes them unfit for the work they do
- Refuse to repay any debt they owe to the Council
- Obtain council services, property or money by fraud (e.g. falsify time sheets)
- Ask for or accept bribes, gifts or favours