



CORPORATE COMMITTEE

Tuesday, 10th July, 2018

at 6.30 pm

Committee Membership

Cllr Jessica Webb (Chair)
Cllr Susan Fajana-Thomas (Vice-Chair)
Cllr Katie Hanson, Cllr Vincent Stops
Cllr Mete Coban, Cllr M Can Ozsen
Cllr Brian Bell, Cllr Polly Billington
Cllr Ajay Chauhan, Cllr Sade Etti
Cllr Margaret Gordon, Cllr Ned Hercock
Cllr Clare Joseph, Cllr Peter Snell, Cllr Michael Levy

Tim Shields
Chief Executive

Contact:
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The press and public are welcome to attend this meeting

Future Meetings

10 October 2018
8 January 2019
9 April 2019

AGENDA

Tuesday, 10th July, 2018

ORDER OF BUSINESS

Item No		Page No
1	Apologies for Absence	
2	Declarations of Interest - Members to Declare As Appropriate	
3	Consideration of Minutes Of The Previous Meetings <ul style="list-style-type: none">• 27th March 2018• 23rd May 2018	1 - 8
4	HR Policy: Bereavement Leave	9 - 20
5	Business Regulation Service Delivery Plans 2018/19	21 - 108
6	Enforcement Service Delivery Plan 2018/19	109 - 138
7	Draft Work Programme 2018/19	139 - 140
8	Any Other Business Which In The Opinion Of The Chair Is Urgent	

Access and Information

Location

Hackney Town Hall is on Mare Street, bordered by Wilton Way and Reading Lane, almost directly opposite Hackney Picturehouse.

Trains – Hackney Central Station (London Overground) – Turn right on leaving the station, turn right again at the traffic lights into Mare Street, walk 200 metres and look for the Hackney Town Hall, almost next to The Empire immediately after Wilton Way.

Buses 30, 48, 55, 106, 236, 254, 277, 394, D6 and W15.

Facilities

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall.

Induction loop facilities are available in the Committee Rooms and Council Chamber

Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

Copies of the Agenda

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Paper copies are also available from Governance Services whose contact details are shown on page 1 of the agenda.

Council & Democracy- www.hackney.gov.uk

The Council & Democracy section of the Hackney Council website contains details about the democratic process at Hackney, including:

- Mayor of Hackney
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RIGHTS OF PRESS AND PUBLIC TO REPORT ON MEETINGS

Where a meeting of the Council and its committees are open to the public, the press and public are welcome to report on meetings of the Council and its committees, through any audio, visual or written methods and may use digital and social media providing they do not disturb the conduct of the meeting and providing that the person reporting or providing the commentary is present at the meeting.

Those wishing to film, photograph or audio record a meeting are asked to notify the Council's Monitoring Officer by noon on the day of the meeting, if possible, or any time prior to the start of the meeting or notify the Chair at the start of the meeting.

The Monitoring Officer, or the Chair of the meeting, may designate a set area from which all recording must take place at a meeting.

The Council will endeavour to provide reasonable space and seating to view, hear and record the meeting. If those intending to record a meeting require any other reasonable facilities, notice should be given to the Monitoring Officer in advance of the meeting and will only be provided if practicable to do so.

The Chair shall have discretion to regulate the behaviour of all those present recording a meeting in the interests of the efficient conduct of the meeting. Anyone acting in a disruptive manner may be required by the Chair to cease recording or may be excluded from the meeting. Disruptive behaviour may include: moving from any designated recording area; causing excessive noise; intrusive lighting; interrupting the meeting; or filming members of the public who have asked not to be filmed.

All those visually recording a meeting are requested to only focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting. The Chair of the meeting will ask any members of the public present if they have objections to being visually recorded. Those visually recording a meeting are asked to respect the wishes of those who do not wish to be filmed or photographed. Failure by someone recording a meeting to respect the wishes of those who do not wish to be filmed and photographed may result in the Chair instructing them to cease recording or in their exclusion from the meeting.

If a meeting passes a motion to exclude the press and public then in order to consider confidential or exempt information, all recording must cease and all recording equipment must be removed from the meeting room. The press and public are not permitted to use any means which might enable them to see or hear the proceedings whilst they are excluded from a meeting and confidential or exempt information is under consideration.

Providing oral commentary during a meeting is not permitted.

ADVICE TO MEMBERS ON DECLARING INTERESTS

Hackney Council's Code of Conduct applies to **all** Members of the Council, the Mayor and co-opted Members.

This note is intended to provide general guidance for Members on declaring interests. However, you may need to obtain specific advice on whether you have an interest in a particular matter. If you need advice, you can contact:

- The Director of Legal and Governance Services
- The Legal Adviser to the committee; or
- Governance Services.

If at all possible, you should try to identify any potential interest you may have before the meeting so that you and the person you ask for advice can fully consider all the circumstances before reaching a conclusion on what action you should take.

1. Do you have a disclosable pecuniary interest in any matter on the agenda or which is being considered at the meeting?

You will have a disclosable pecuniary interest in a matter if it:

- relates to an interest that you have already registered in Parts A and C of the Register of Pecuniary Interests of you or your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner;
- relates to an interest that should be registered in Parts A and C of the Register of Pecuniary Interests of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner, but you have not yet done so; or
- affects your well-being or financial position or that of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner.

2. If you have a disclosable pecuniary interest in an item on the agenda you must:

- Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you (subject to the rules regarding sensitive interests).
- You must leave the room when the item in which you have an interest is being discussed. You cannot stay in the meeting room or public gallery whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision.
- If you have, however, obtained dispensation from the Monitoring Officer or Standards Committee you may remain in the room and participate in the meeting. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a pecuniary interest.

3. Do you have any other non-pecuniary interest on any matter on the agenda which is being considered at the meeting?

You will have 'other non-pecuniary interest' in a matter if:

- i. It relates to an external body that you have been appointed to as a Member or in another capacity; or
- ii. It relates to an organisation or individual which you have actively engaged in supporting.

4. If you have other non-pecuniary interest in an item on the agenda you must:

- i. Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you.
- ii. You may remain in the room, participate in any discussion or vote provided that contractual, financial, consent, permission or licence matters are not under consideration relating to the item in which you have an interest.
- iii. If you have an interest in a contractual, financial, consent, permission or licence matter under consideration, you must leave the room unless you have obtained a dispensation from the Monitoring Officer or Standards Committee. You cannot stay in the room or public gallery whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision. Where members of the public are allowed to make representations, or to give evidence or answer questions about the matter you may, with the permission of the meeting, speak on a matter then leave the room. Once you have finished making your representation, you must leave the room whilst the matter is being discussed.
- iv. If you have been granted dispensation, in accordance with the Council's dispensation procedure you may remain in the room. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a non pecuniary interest.

Further Information

Advice can be obtained from Suki Binjal, Director of Legal and Governance Services on 020 8356 6234 or email suki.binjal@hackney.gov.uk



MINUTES OF A MEETING OF THE CORPORATE COMMITTEE

TUESDAY, 27TH MARCH, 2018

- Councillors Present:** Councillor Jessica Webb in the Chair
Cllr Susan Fajana-Thomas (Vice-Chair),
Cllr Vincent Stops, Cllr Sally Mulready, Cllr Katie Hanson and Cllr Mete Coban
- Apologies:** Councillor Barry Buitekant, Councillor Nick Sharman, Councillor Will Brett, Councillor Laura Bunt and Councillor Clare Potter
- Officers in Attendance:** Dan Paul (Head of Human Resources and Electoral Services), Aled Richards (Director of Public Realm) and Gerry McCarthy (Head of Community Safety, Enforcement and Business Regulations),
- Also in Attendance:** Cllr Caroline Selman (Cabinet Member for Community Safety, Policy, and the Voluntary Sector).

1 Apologies For Absence

- 1.1 Apologies for absence were received from Cllrs Brett, Bunt, Oszen, Kennedy, Potter, Buitekant and Sharman.

1 Declarations Of Interest - Members To Declare As Appropriate

- 2.1 There were no declarations of interest.

3 Consideration Of Minutes Of The Previous Meeting

- 3.1 The minutes of the meeting held on 12 December 2017 were agreed as a correct record.

4 HR Policy: Additional Leave For Parents Of Premature Babies

- 4.1 Dan Paul introduced the report seeking approval to extend the maternity and paternity leave to assist Council's employees in dealing with the premature birth of a baby born before 37 weeks that remains in neonatal intensive care. It was emphasised that the costs for the Council was negligible but that it would have a significant impact for parents. The Council had chosen to take a proactive approach to assist its employees to manage work and family commitments during this stressful period. The policy would also enable managers to manage employees that had premature babies.

4.2 Cllr Stops enquired about the background to the amendment to this policy. Mr Paul advised that the amendment had resulted from a campaign undertaken by the Smallest Things Group requesting additional leave for parents of premature babies. Hackney Council had followed the approach taken by many London Boroughs to amend its existing maternity leave policy to address this issue.

RESOLVED:

- 1 Approve the following additional wording to be added to the Maternity Leave Policy:**

With effect from 1 April 2018, parents of babies born before 37 weeks will be entitled to receive 1 extra day of Premature Baby Leave on full pay for every day their premature baby spends in hospital before 37 weeks. This leave entitlement will be added to the end of the employee's Maternity Leave period. The employee's normal entitlement to Maternity Leave will continue to apply and will not be affected by this scheme.

- 2 Approve the following additional wording to be added to the Maternity Support Leave / Paternity Leave Policy:**

With effect from 1 April 2018, parents of babies born before 37 weeks will be entitled to receive 1 extra day of Premature Baby Leave on full pay for every day their premature baby spends in hospital before 37 weeks. This leave entitlement will be added to the end of the employee's Maternity Support Leave / Paternity Leave period after this leave entitlement has been exhausted. The employee's normal entitlement to Maternity Support Leave and Paternity Leave will continue to apply and will not be affected by this scheme.

Employees will be eligible for this Premature Baby Leave entitlement if they are the biological father of the child or the mother's husband or partner. This also applies to same sex relationships.

5 Environmental Enforcement - Annual Assessment Of The Local Environmental Quality Enforcement Strategy And Annual Performance Report 2016/17

5.1 NOTED the appendix to the report, which was circulated at the meeting.

5.2 Gerry McCarthy introduced the report setting out the annual performance report across the Environmental Enforcement remit for the financial year 2016/17 and the annual strategic assessment of the Local Environmental Quality Enforcement Strategy. This was the first report since the implementation of the new Community Safety, Enforcement and Business Regulation Service in May 2017.

5.3 Mr McCarthy outlined the service's objectives, priorities and KPIs. He stated that the service had exceeded the KPI targets set for 2016/17 except for the tonnage of unregulated waste, which had been identified as a priority area for 2017/18. Mr McCarthy highlighted the enforcement activities undertaken by the service which included unregulated waste, highway obstructions, dog control and fouling, illegal street trading, flyposting, 'A' Boards and the partnerships with the Police and other

Tuesday, 27th March, 2018

Council services to enforce Night Times Economy (NTE) areas. Mr McCarthy advised that the Council had reviewed its LEQ Enforcement Strategy and processes in particular, the transparency of the complaints process in respect of Fixed Penalty Notices to ensure the Council was complying with the Regulators Code. Since the new service had come into effect in May 2017 it had created an Integrated Partnership Unit and Intelligence Hub, Business Regulation Unit, Generic Uniformed Borough Wide Enforcement and a single point of contact for customers. The service was also improving its response times for the out of hours service, reducing the regulatory burden upon businesses and introduced an enhanced role design ensuring the service was flexible and resources could be allocated to meet service demands.

5.4 Cllr Coban asked how the service was working in partnership with other Council services to engage and educate businesses to change their behaviour towards waste. Mr McCarthy stated that Enforcement Officers were working in conjunction with the Waste Team to support businesses to understand and comply with business regulations. Businesses in breach of regulations were issued with warnings and enforcement action was only considered against persistent offenders. The team was in the process of producing a starter pack for SME businesses providing all relevant information on business regulations including obtaining waste contracts.

5.5 Cllr Fajana-Thomas enquired further in relation to the recovery of fines and the reporting of flytipping incidents. Mr McCarthy explained that any fines resulting from a successful enforcement prosecution by the Council would be paid to the court and then collected by the Council. Mr Richards added that officers always took the approach to support businesses and that prosecutions were only pursued against businesses that persistently breached regulations. Mr McCarthy stated that if Members were aware of any flytipping in the borough they could report it directly to himself.

5.6 Cllr Stops referred to the illegal use of 'A' Boards on the Red Routes in Dalston, which were causing a hazard for blind and partially blind people. He stressed that the Council needed to pressure TfL into tackling this issue on TfL's Red Routes. Mr Richards advised that he had met with representatives of TfL and reported that TfL was still trying to recruit four highway enforcement officers in London and one of these posts was specifically for Hackney which had made it a challenge for TfL to enforce illegal use of 'A' Boards on its highway. TfL had indicated that it would be meeting fortnightly to find a way forward. Cllr Selman stated that a meeting would be arranged with TfL to progress this issue. Mr McCarthy advised that TfL could delegate the powers to the Council to undertake enforcement of the highway in relation to 'A' Boards.

5.7 Cllr Stops stated that it was imperative that the Council tackle the use of unlicensed street furniture on public footways and for a more effective street trading licensing system to be in place requiring businesses to display their table and chairs licence in the premises window which would make it easier to immediately identify any illegal use and enforcement action taken as necessary. Cllr Selman explained that the Council had reviewed its policy in February 2018 to include a photograph of the licensee on the licence and was now awaiting confirmation that the revised policy requiring businesses to display their street licence in the premises window had been implemented and was being enforced.

ACTION: Cllr Selman will provide an update on the implementation of the tables and chairs licence policy.

5.8 With regard to the inconsistent enforcement approach towards businesses with unlicensed furniture on the public footway on Broadway Street market, Mr Richards indicated that clarification would be sought from Market Service regarding the enforcement of the use of tables and chairs without a licence and that this matter would be referred to Markets.

5.9 Cllr Stops enquired about the time band system for waste collection within the report. Mr McCarthy explained that time bands were in place on busy streets where domestic and commercial waste were collected. Any changes to the time bands would require public consultation.

RESOLVED:

To note the annual performance report for the service and the annual assessment of the Local Environmental Quality Enforcement Strategy 2016/17.

6 Annual Performance Report Of The Noise Service

6.1 Gerry McCarthy introduced the annual report on the performance of the Noise Service. He provided a background to the service and stated that the amalgamation of Noise Nuisance and Anti-Social Behaviour Services had enabled the new service to provide a wider range of enforcement officers to tackle different issues.

6.2 Mr McCarthy highlighted the key points of the service including the approach taken to deal with noise complaints that had led to a gradual reduction in noise nuisance cases, the majority of nuisance complaints were resolved at Stage 1 of the complaints process, the key challenges for the service, online system for reporting noise complaints, triage and engagement, improvements to the out of hours response service and the rising number of temporary event notices (TENs) including "late TEN" which had placed significant demands on the service's resources. It was emphasised that Hackney had received the highest TENs applications in London.

6.3 Cllr Hanson enquired about the complaints relating to construction noise. Mr McCarthy stated that the Council had received a number of complaints relating to this issue. The increase in the number of developments in the borough had led to an increase in the average number of notices served or applications for consent approved under s60 and s61 of the Control of Pollution Act 1974. The Construction Agreement between the Council and contractors had been successful in reducing construction noise and construction sites were being monitored regularly to minimise noise nuisance. Mr Richards indicated that the service planned to take a more active response to construction noise over the coming year.

6.4 Cllr Mulready sought clarification regarding the four agency staff employed within the service. Mr McCarthy stated that staff were employed on a demand management basis and that two agency workers were covering maternity leave. The other two agency workers were employed for the out of hours service and reviewed on a monthly basis. Mr Richards added that the Council had a high turnover of staff and agency staff was required to fill vacancies. The service adopted a flexible resourcing strategy and put additional resources in areas during peaks in noise nuisance or ASB to meet these needs. Cllr Selman clarified that the two agency workers on the out of service hours were covering vacancies within the services.

6.5 Members were invited to provide comments on the draft Environmental Protection Service Delivery Plan directly to officers. The Chair thanked the officers involved in producing the draft plan for this meeting.

RESOLVED:

To note the annual performance report for the service.

7 Annual Report Of Public Space Protection Order (PSPO) Previously Designated Public Places Order (DPPO)

7.1 Gerry McCarthy introduced the report and provided a brief a background to the PSPO. Mr McCarthy highlighted the key points in the report relating to alcohol related anti-social behaviour (ASB) including the reduction in the number of complaints from 609 in 2012 to 22 in 2017, the Partnership Tasking Group to tackle the issues of street population related anti-social behaviour and identify any emerging or actual hotspots and allocate resources as appropriate, and referral to support agencies to provide support and treatment for street drinkers

7.2 Cllr Hanson indicated that with the under resourcing of the 101 number if there were any alternative ways of reporting anti-social behaviour. Cllr Selman advised that the Council also operated an online reporting system for the public to report incidents of anti-social behaviour.

7.3 Cllr Stops referred to the hotspots Gillett Square, Narrow Way and Dalston Junction and asked if there any other hotspots for street drinking in the borough. Mr Richards indicated that there were approximately 5 to 6 locations including Mare Street with persistent issues of alcohol related anti-social behaviour and that the Group Director of Neighbourhoods and Housing had convened a working group to specifically tackle this issue. This group would be reviewing the support currently offered to street users. Mr McCarthy stated that a lot of support had been provided to street users in the borough and businesses had also been encouraged to work in conjunction with the Council to address anti-social behaviour in hotspot areas such as the Narrow Way. Mr Richards stated that the Council was targeting support to street users by collecting information through mapping street users and that many users had support service networks across Public Health. There were currently 75 street drinkers, predominately men, which had been offered support services.

7.4 Cllr Fajana-Thomas enquired whether the Council's Community Safety Wardens could attend future quarterly Ward Forum meetings along with the Local Neighbourhood Policing in order to work together to tackle street drinking related anti-social behaviour. Mr McCarthy stated that the Council's Wardens already attended the monthly meetings of the Partnership Tasking Group however he would refer the request to the Wardens to progress. Cllr Selman added that the Council was improving the induction packs providing contacts details and looking at ways to make it easier for joined up working and linking partners to jointly tackle this problem.

7.5 The Chair emphasised the Council's desire to deal with homeless and assured Members that that the Council was actively providing support to street users to assist them off the street and prevent anti-social behaviour.

RESOLVED:

To note the content of this report and level and the scope of work being carried out to meet the requirements of the PSPO

8 Work Programme 2018/19

RESOLVED to note the draft work programme for 2018/19.

9 Any Other Business Which In The Opinion Of The Chair Is Urgent

9.1 There was no other urgent business.

Duration of the meeting: 6.30 – 8.00pm

Contact:
Rabiya Khatun
Governance Services Officer
020 8356 6279

MINUTES OF A MEETING OF THE CORPORATE COMMITTEE

WEDNESDAY, 23RD MAY, 2018

Councillors Present: Councillor Jessica Webb in the Chair

Cllr Susan Fajana-Thomas (Vice-Chair),
Cllr Katie Hanson, Cllr Michael Levy,
Cllr Vincent Stops, Cllr Mete Coban,
Cllr M Can Ozsen, Cllr Brian Bell,
Cllr Polly Billington, Cllr Ajay Chauhan,
Cllr Sade Etti, Cllr Margaret Gordon,
Cllr Ned Hercock, Cllr Clare Joseph and
Cllr Peter Snell

1 Appointment of Chair and Vice Chair of the Corporate Committee

RESOLVED that Councillor Jessica Webb be elected to serve as Chair of the Corporate Committee for the 2018/2019 Municipal Year.

RESOLVED that Councillor Susan Fajana-Thomas be elected to serve as Vice Chair of the Corporate Committee for the 2018/2019 Municipal Year.

1 Establishment and Composition of the following Sub-Committees

RESOLVED that the establishment and membership of the Corporate Committee for the 2018/2019 Municipal Year:

Councillor Brian Bell
Councillor Polly Billington
Councillor Ajay Chauhan
Councillor Mete Coban
Councillor Sade Etti
Councillor Susan Fajana-Thomas
Councillor Margaret Gordon
Councillor Katie Hanson
Councillor Ned Hercock
Councillor Clare Joseph
Councillor M Can Ozsen
Councillor Peter Snell
Councillor Vincent Stops
Councillor Jessica Webb
Councillor Michael Levy

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BEREAVEMENT LEAVE	
CORPORATE COMMITTEE MEETING DATE 2018/19 10 July 2018	CLASSIFICATION: Open If exempt, the reason will be listed in the main body of this report.
WARD(S) AFFECTED All Wards	
GROUP DIRECTOR Tim Shields, Chief Executive	

1. INTRODUCTION

Bereavement is a fact of life. It is a stressful experience and the Council has a policy in place to provide additional paid leave to employees who have experienced a bereavement and/or have responsibility for making funeral arrangements and dealing with the estate of the deceased.

It is important that the organisation acknowledges the bereavement and approaches all conversations regarding the situation with compassion and sensitivity.

In 2017/18, c.300 employees took c.900 days of bereavement leave in total.

2. RECOMMENDATION(S)

2.1 Corporate Committee is recommended to approve the following changes to the Bereavement Leave policy:

- i) Number of days leave for the death of a close relative increases from up to 3 days to up to 10 days**
- ii) Number of days leave for the death of a person who is not a close relative increases from 1 day to up to 3 days**
- iii) Number of days leave for the death of a person who is not a close relative where the employee has responsibility for arranging the funeral and dealing with the estate increases from up to 3 days to up to 5 days**

The policy has also been updated with other information to reflect best practice and ACAS guidance

3. REASONS FOR DECISION

- 3.1 The Council should be compassionate when dealing with bereaved employees, whilst balancing this with service delivery requirements. A benchmarking exercise has been undertaken which indicates that the Council offers fewer days leave than many other London authorities. There is considerable anecdotal evidence to suggest that where bereavement leave is insufficient, rather than returning to work the employee takes sick leave. Increasing bereavement leave will help ensure that the reason for the leave is accurate.

4. BACKGROUND

4.1 Policy Context

Other Councils offer bereavement leave. A benchmarking exercise has identified that Hackney offers amongst the lowest level of leave to bereaved employees.

4.2 Equality Impact Assessment

No adverse impact on protected groups.

4.3 Sustainability

Not applicable

4.4 Consultations

Trade Unions have been consulted

4.5 Risk Assessment

There is no appreciable risk to the recommendations in this report.

5. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

5.1 It is not possible to assess how many employees the change in policy will affect but it is expected that the additional costs will be insignificant.

5.2 The cost of providing the extra days will have to be covered by existing budgets within the relevant service areas. However, a corresponding reduction in sickness levels is expected.

6. COMMENTS OF THE DIRECTOR, LEGAL AND GOVERNANCE

6.1 In accordance with the Councils constitution, full Council established the Corporate Committee to help it perform its functions. The Corporate Committee is responsible for maintaining an oversight of Human Resources functions which include Bereavement leave policies and procedures.

6.2 The introduction of this policy in Hackney would support this trend and would evidence the Mayors priority of making Hackney a place that works for everyone.

APPENDICES

Appendix 1 - Bereavement Leave Policy

BACKGROUND PAPERS

None

Report Author	Dan Paul Dan.paul@hackney.gov.uk 0208 356 3110
Comments of the Group Director of Finance and Corporate Resources	Ramesh Teelock Ramesh.Teelock@hackney.gov.uk
Comments of the Director, Legal and Governance	Juliet Babb Juliet.Babb@hackney.gov.uk

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BEREAVEMENT AND THE WORKPLACE (including Bereavement Leave)

1. Purpose

A tragic event is likely to affect every employee at some point during their working life and Hackney is committed to supporting employees in reasonable and practical ways.

This guidance is based on ACAs guidance. Further information is available from ACAS in the Managing Bereavement in the Workplace – a Good Practice Guide. This can be found at [ACAS.org.uk](https://www.acas.org.uk).

2. Who is covered?

This policy applies to all employees of Hackney Council, except those working in schools.

All employees are covered, regardless of their length of service or hours worked.

3. Bereavement Leave Entitlements

3.1 Bereavement Leave is paid leave that allows an employee time off to deal with their personal distress and related practical arrangements, primarily but not limited to, when a member of their family dies.

Bereavement impacts all individuals differently and the guidance below is intended to show the paid leave an employee is entitled to in different circumstances.

Not all employees will need to take the full allowance, and some employees will need additional time depending on their relationship with the person who has died and the circumstances of the death.

3.2 In the event of the death of an immediate relative, 10 working days paid leave will be granted.

An immediate relative includes a spouse, civil partner or partner (including same sex partners)*, child**, parent, step parent, sibling or a person with whom the employee is in a relationship of domestic dependency.

*Partner includes someone with whom the employee is co-habiting but is not the employee's spouse or civil partner.

**child includes children in respect of whom the employee is the adoptive parents, legal guardians and carers.

3.3 Employees may take up to 3 days paid Bereavement Leave where someone other than a close relative has died. The manager must be satisfied that this is reasonable given the employee's relationship with the person. This could include the death of a mother/father-in-law, grandparents, grandchildren, son/daughter-in-law.

3.4 One working day will be allowed to facilitate attendance at the funeral for example on the death of an uncle/aunt.

3.5 More than 1 and up to 10 days may be granted on the death of someone outside the immediate family. These circumstances would include (but are not limited to) situations where the employee is responsible for funeral arrangements or has the travel abroad to attend the funeral. The Head of Service can exercise discretion.

3.6 Leave does not have to be taken consecutively. For example, some matters such as registering the death and arranging the funeral will happen fairly quickly. Others may happen later, such as probate.

4. Notification

The employee should notify their manager of their need to take leave as soon as possible or, at least on the first day of absence. In exceptional circumstances, applications for leave will be considered after the first day of absence. Line managers may exercise discretion.

5. Annual Leave

In the event of bereavement, and employee will be able to take unpaid leave or annual leave at short notice to supplement their bereavement leave. Requests will be given sympathetic consideration by the employee's line manager.

Where the death happens while the employee is on annual leave they can convert their annual leave into bereavement leave and take their annual leave at a later date.

6. Unpaid Leave

Unpaid leave on compassionate grounds may be granted after bereavement. An employee must consult their line manager before starting unpaid leave. Further information is available in policies related to flexible working.

7. Return to Work

In certain circumstances, a full return to work may not be possible for an employee following the death of an immediate relative – for example, when the employee's grief is likely to impact on their ability to perform their role or where childcare arrangements have to be sourced or responsibility for the care of an elderly parent has transferred to the employee.

A phased return to work on a part-time or reduced hours basis will be allowed where practicable. Alternative duties may also be considered. Any such arrangement would need to be agreed in advance by the line manager, and would be subject to an agreed

maximum. The employee will continue to receive full-pay of the phased return to work that lasts no longer than 4 weeks.

8. Employee Support

Bereavement leave is intended to support employees in the immediate period around the death of a relative. However, the process of grief, the natural reaction and adjustment to loss and change may take significant time and will be personal to each individual.

An employee with any concerns about the grief process impacting on their work performance should discuss this in confidence with their line manager. This is to ensure that any reasonable adjustments that may be necessary are discussed and put in place and that the employee is supported in their return to the full range of duties and responsibilities that they had prior to the bereavement or their duties and responsibilities are adjusted as necessary with the prior agreement of their line manager.

The Council will cover the cost of up to six counselling sessions, as part of the core service of the Employee Assistance Programme. Additional counselling sessions may be agreed subject to management approval.

9. Health and Safety

Bereavement can have an impact on concentration, sleep and decision-making. A health and safety assessment of the workplace will include consideration of the impact of bereavement on employees, their duties and responsibilities, and the context in which they are working e.g. do they operate heavy machinery?

Any employee who is concerned about their ability to conduct their duties safely in the weeks following a bereavement must discuss this with their line manager.

The Council reserves the right to request an employee to meet the Occupational Health Physician (at the Occupational health Service) before resuming duties.

10. Culture and Diversity

Different cultures respond to death in significantly different ways.

Line managers will check whether the employee's religion or culture requires them to observe any particular practices or make specific arrangements which would necessitate them being off work at a particular time. Employees should not assume that their line manager is aware of any such requirements and should draw this to their manager's attention as soon as possible.

Line managers who are unsure of how to respond to a bereaved employee from a different culture should ask the bereaved employee or someone else from their cultural group about what is appropriate.

FAQs for **MANAGING BEREAVEMENT AND THE WORKPLACE** (including Bereavement Leave)

Q1 Is there a limit to how many times an employee can take bereavement leave in any one year?

No. However, if you think the time off is effecting the service you can speak to the employee. If you suspect the employee has not been honest, then you can investigate further. Abuse of the Bereavement Leave Policy can amount to gross misconduct.

Q2 How should I approach the management of sickness absence where an employee hits sickness triggers following a bereavement?

Bereavement can cause some employees to be unwell physically and emotionally and you might expect an employee to take more than the usual amount of sickness in the year following the loss of someone close. When managing the absence, the bereavement should be taken into account. However, where the absence is causing service difficulties, the sickness absence management procedure will apply.

Q3 How should I deal with the notification, and the immediate aftermath, of death?

An employee, making an initial call, may feel numb or distressed. In this case, a follow up call or email may be appropriate.

It is best to take a calm empathetic approach to ensure the employee feels supported and to minimise anxiety about returning to work. In the early days following the bereavement, it is good practice to:

- Offer condolences
- Ensure the bereaved employee knows they are not expected at work on the day the death has taken place. They need to hear that work comes second and that they must take what time out is needed.
- Begin a dialogue with the employee, asking how they would like to stay in contact. Is phone or email contact preferred? Are there particular times to avoid? Be aware that during the first few days they may not want to speak to anyone as they may be in shock. Be careful not to pressurise the person into making decisions at this point.
- Ask how much information they wish their co-workers to have about the death and remember that this information is private under data protection legislation and to stick strictly to the facts.
- Consider what action needs to be taken if the death is in the media; particularly if the press contact the workplace or co-workers for interview. All press enquiries should be directed to the press office.
- Ask if the employee wishes to be contacted by employees.
- Be conscious of diversity in the workforce and the impact this may have on, for example, days taken to allow employees to fulfil religious or cultural expectations such as mourning rituals.

- Be open to revising and reviewing the situation with the employee. Keep the dialogue open.

A conversation about when the employee anticipates returning to work may not be appropriate in the first days of bereavement. However, it is important to start a dialogue which will allow an open discussion around how the employee is coping, the policy on bereavement, when they might be ready to return to work, and any adjustments that might help with this.

Remember every bereavement is different. Some employees may be able to return more quickly while others may need more time. The relationship with the person who died, and the circumstances of the death will all have an impact on the employee, particularly if the death was sudden or traumatic. It is often difficult for the person to judge how they will feel in the workplace. A swift return does not necessarily mean they will not need support.

Q4 How should I approach a colleague whose child has died?

For parents, the loss of a child will be devastating and it is important to recognise that the whole family may be affected. For example, is the employee a single parent? Was the child an only child or are there siblings involved? A single parent with other children will possibly need more flexibility (e.g. time off, flexible working). Some bereaved parents may need longer term changes to their working hours.

A couple grieving may also need flexibility in working hours, especially if one parent is not coping as well as the other. They may need to leave work at short notice to support their partner.

Q5 What if a colleague dies?

In some situations, death may have an impact on a number of employees or across a whole workforce. Examples are where a co-worker has died, where the death occurred at or near the place of work, or where a number of the dead person's family and friends are employed at the same place.

The principles of flexibility and empathy still apply.

Communicating news of the death is key. The method should be personal and sensitive. Particular teams or team members may need more support.

Q6 Could it be discrimination to not allow a bereaved employee time off to attend a funeral? What if the funeral is abroad?

Funeral requirements vary across cultures, and some communities may require that these are carried out promptly. Refusing to allow an employee to attend religious rites after a death could be considered indirect religious discrimination. It is good practice to accommodate requests to attend funeral rites wherever possible.

Where a funeral is abroad, it is good practice to allow time off where possible. This can include a combination of bereavement leave, annual leave and unpaid leave. The employee should be allowed to choose between annual and unpaid leave.



BUSINESS REGULATION SERVICE DELIVERY PLANS 2018/19

**CORPORATE COMMITTEE
MEETING**

10th July 2018

CLASSIFICATION:

Open

**If exempt, the reason will be listed in the
main body of this report.**

WARD(S) AFFECTED

All Wards

GROUP DIRECTOR

Kim Wright, Neighbourhoods and Housing

1. INTRODUCTION AND PURPOSE

1.1 This document introduces the service delivery plans for 2018/19 for business regulation services that sit within the Community Safety, Enforcement and Business Regulation Service.

1.2 The Business Regulation division consists of the following areas:

- Environmental Health Service: Food Safety
- Environmental Health Service: Occupational Health & Safety
- Environmental Protection (noise and other nuisance)
- Licensing Service
- Trading Standards

1.3 This report relates to service delivery plans for three of these areas:

- Environmental Health Service: Food Safety
- Environmental Health Service: Occupational Health & Safety
- Trading Standards

1.4 The service delivery plan for the Environmental Protection was brought to a previous meeting of this Corporate Committee on 27 March,

1.5 Environmental Health Service: Food Safety

1.5.1 The Food Law Enforcement Service Plan (FLESP) is a statutory plan which sets out how the Council will undertake enforcement of food safety legislation.

1.5.2 The Plan is prepared in accordance with the Food Standards Agency's (FSA) Framework Agreement template April 2010, and is an important part of the process to ensure that national food safety priorities and standards are addressed and delivered locally. It also focuses on key deliverables; provides an essential link with financial planning; provides objectives for the future including identifying major issues that cross service boundaries; and provides a means of managing performance and making performance comparisons.

1.5.3 The Food Law Enforcement Service Plan sets out the objectives of the service and demonstrates how they are linked to the Mayor's Priorities and Hackney's Sustainable Community Strategy. It also sets out the key areas of food law enforcement, the management arrangements, the resources that have been allocated for this work by the local authority and the key targets.

1.5.4 The performance of the Food Safety Service is measured against its fulfilment of the Plan and the percentage of broadly compliant premises within the Borough. The FSA continues to monitor the performance of the Service

through the annual enforcement data returns made to the FSA via the Local Authority Enforcement Monitoring System (LAEMS).

1.6 Environmental Health Service: Occupational Health and Safety

1.6.1 With regard to Health and Safety responsibility for the enforcement of Health and Safety law is split between the Health and Safety Executive (HSE) and the Council; depending on the activity being undertaken by the duty holder. Officers in Hackney ensure that duty holders manage their workplaces with due regard to the health and safety of their workforce and those affected by their work activities.

1.6.2 Hackney is an enforcing authority in its own right and must make adequate provision for enforcement. The Local Authority National Enforcement Code introduced in May 2013 sets out the principles the Council should follow in a consistent, proportionate and targeted approach to regulation based on risk.

1.6.3 The Health and Safety Service Delivery Plan fulfils the Council's obligations under s18 of the Health and Safety at Work etc. Act 1974 and the Enforcement Code. The format and content of the Plan provides the basis upon which the service operates in order to ensure that it is providing an effective service to protect those working in Hackney.

1.6.4 The HSE collects and publishes data annually on the enforcement activities of all local authorities.

1.7 Trading Standards

1.7.1 In relation to Trading Standards the Plan sets out the objectives of the service and demonstrates how they are linked to the Mayor's Priorities and Hackney's Sustainable Community Strategy. It also sets out the key areas of law enforcement, the management arrangements, the resources that have been allocated for this work by the local authority and the key targets

1.7.2 In fulfilling its duties, the service provides support to individuals, communities and businesses in the borough to enable people to buy goods and services with confidence and security, and by offering advice to businesses to help them to comply with the law.

1.7.3 The Service also fulfils an important role in relation to public safety and health, for example through ensuring safe storage of dangerous items and by preventing the sale of dangerous products including the supply of age-restricted products to minors.

1.7.4 The Service also seeks to ensure there is a fair trading environment and helps businesses comply with legislation in order to protect consumers from unfair trading practices.

2. RECOMMENDATION(S)

2.1 The Corporate Committee is recommended to:

2.1.1 Approve the Food Law Enforcement Service Plan for 2018/19

2.1.2 Approve the level and scope of work being carried out to meet the requirements of the plan.

2.1.3 Note the level and scope of work being carried out to meet the requirements of the Occupational Health and Safety and Trading Standards Service Delivery Plans.

3. REASONS FOR DECISION

3.1 The Food Standards Agency recommends that food service plans are submitted for Member approval to ensure local transparency and accountability.

3.2 The Health and Safety Plan ensures that there is a programme of health and safety enforcement activity undertaken in order to instil confidence that the Council protects those employed in the Borough.

3.3 Trading Standards have a duty to ensure consumer protection law is enforced fairly and proportionately.

4. BACKGROUND

4.01 Officers within the Business Regulation Service are delegated to enforce Food Safety and Trading Standards legislation, weights and measures and consumer protection legislation and Health and Safety legislation.

4.02 The Service Delivery Plans (Appendices 1-3) and the associated specific individual plans relating to each service area have not been written in isolation since the services worked together to identify areas where synergy, cross services/authority working or additional skills are required to deliver work programmes and individual projects.

4.03 The Plans explain the background to regulatory services, identifies the scope of the services and resources that have been allocated to meet the services' requirements.

4.04 **Food Safety:** The Food Law Enforcement Service Plan (FLESP) sets out the inspection programme for the Borough's food premises for 2018/19. This year's programme currently (as of 1st April 2018) has 1211 food hygiene and 922 food standards interventions due. The number of inspections due is based on the premises risk rating and which is determined at a primary inspection.

- 4.05 The service has prioritised the highest risk category inspection (category A&B) with 100% of category A and B premises due for inspection inspected within 28 days, along with 95% of service requests and consumer complaints about food and other businesses actioned within 10 working days and 100% of new premises inspected within 28 days, excluding those not yet trading.
- 4.06 However as a result a back log of inspections of Category C-E has gradually built up. Whilst some strategies have been put in place to reduce these numbers in previous years the number has still increased. This matter was also highlighted during the Food Standards Agency audit in October 2017. It should be stressed that no high risk inspections are overdue.
- 4.07 As of the 1st April 2018 the following food hygiene inspections are overdue:-
- 340 C category (of which 36 are non-broadly compliant);
 - 730 category D (of which 70 are non-broadly compliant);
 - 394 category E
- As of the 1st April 2018 the following food standards inspections are overdue:-
- 768 category B;
 - 317 category C;
- 4.08 A strategy has been put in place for 2018/19 to employ two agency resources; one to inspect all the current overdue category C premises and one to inspect all the current category D premises.
- 4.09 The overdue E category premises form part of the current Alternative Enforcement Strategy (AES - inspection by postal questionnaires). It is anticipated that approximately 10% of these premises will also require a partial inspection as a result of non-return of the self-assessment forms and the follow up of food hygiene issues identified from the completed forms.
- 4.010 The lower risk category B and C food standards premises will be inspected at the same time as the programmed food hygiene inspections planned to be carried out this financial year.
- 4.011 **Health and Safety:** In fulfilling the Health and Safety Service delivery Plan Officers use a number of intervention approaches to regulate and influence businesses in the management of health and safety risks including provision of advice and guidance to individual businesses or groups, proactive interventions including inspections and reactive interventions e.g.to investigate accidents or complaints.

- 4.012 Hackney Officers may use enforcement powers, including formal enforcement notices, to address occupational health and safety risks and secure compliance with the law. Prosecution action may be appropriate to hold duty holders to account for failures to safeguard health and safety.
- 4.013 Proactive health and safety has diminished over the years in line with the Government instruction and guidance. Hackney has traditionally focused on food safety whilst the health and safety service has been more reactive. However, with the introduction of the National Code, a clear set of priorities have been identified that allow a more strategic approach to tackling health and safety issues in Hackney. As such the Health and Safety Service Delivery Plan is the Council's mandatory annual plan referring to the effective enforcement of health and safety legislation in Hackney.
- 4.014 Health and safety inspections are prioritised with the highest risk category (category A) inspections to be undertaken. The risk rating for this is set out in a HSE Local Authority Circular - 67/2 (revision 7). For 2018/19 four premises have been identified as high risk. The Service will also take part in any projects initiated by the All London Boroughs Health and Safety Committee.
- 4.015 **Trading Standards:** In fulfilling the Trading Standards Service Delivery Plan Officers provide support to individuals, communities and businesses in the borough to enable people to buy goods and services with confidence and security, and by offering advice to businesses to help them to comply with the law.
- 4.016 The service also fulfils an important role in relation to public safety and health, for example through ensuring safe storage of dangerous items and by preventing the sale of dangerous products including the supply of age-restricted products to minors.
- 4.017 The service also seeks to ensure there is a fair trading environment and helps businesses comply with legislation in order to protect consumers from unfair trading practices.
- 4.018 The Service will focus on the highest risk premises, categorised as Upper and Upper Medium inspections. In 2018/19 there are 125 and 172 premises inspections respectively. In addition, 369 Low Medium inspections will be completed using an Alternative Enforcement Strategy.
- 4.019 **Key Achievements 2017/18**

Action	Output	Outcome
Environmental Health		
Undertake the Council's food safety enforcement authority function and provide advice to businesses and the public on food safety matters	Food premises inspection programme.	Inspection performance approximately 100% Achieved 86% of premises broadly compliant in food hygiene (against a target of 80%).

Tackling the high level of imported foods from non-EU countries entering the borough.	To use intelligence led information to target illegal food activity in the borough.	Two action days in 2017/18 resulting in continued surveillance of imported food controls.
Hackney participated in the National Food Hygiene Rating Scheme (FHRS).	All high risk premises rated category A-C to have FHRS rating displayed on the FSA food rating website.	Every fortnight the Service runs a report of all business on our database together with their FHRS scores on to the FSA website where rating can be viewed at www.ratings.gov.uk
Mobile vendors/markets	To develop better joint working with Markets & Street Trading to improve compliance among street food businesses	Regular meetings have been established with Markets and Trading Standards with new procedures regarding the registration of markets stalls in order to ensure EH trader database is accurate. .
Use of the Training Centre to improve food hygiene broad compliance.	The training centre will support businesses by making food hygiene training accessible to food businesses in the borough.	85 individuals from businesses in Hackney have completed the level 2 Food Hygiene and Allergen Awareness courses.
Food sampling will be carried out in a programmed way.	A Sampling Programme will be established in accordance with the food sampling policy and samples taken in accordance with the relevant protocols.	73 samples were taken in 2017/18.
Inspection of high risk Health and Safety premises (category A)	The service will inspect all high-risk businesses in Hackney	The service inspected 100% of the high risk premises identified.
Participation in London wide project in relation to Butchers		12 butchers in Ridley Road E8 were visited on 21 st November 2017. 10 Prohibition Notices were issued where two or more of the following defects were noted: Missing or defective guards Absence of door interlocks Blade overrun Dangerous work stations

		<p>Missing or defective stop buttons</p> <p>Visits were followed up with advisory letters and Improvement Notices for training, risk assessment and signage.</p>
Trading Standards		
Inspections of premises considered high risk for Trading Standards matters.	Visit all high risk premises due for an inspection.	100% of high risk upper and upper/medium inspections carried out.
Underage sales programme	Reduce the number of underage sales to combat anti-social behaviour and to promote the health and well-being of young people.	10 operations completed. The service has become a leading authority with respect to combating the sale of corrosive substances to minors.
Consumer Advice and Education	Promote the Service and deliver advice to residents and businesses.	The Trading Standards team participated in the Winter Warmers event held at Hackney Town Hall. Feedback was extremely positive and intelligence about doorstep crime attempts and near misses has been collated to assist the team with developing target.
Product Safety	Reduce the level of non-compliance and raise awareness through appropriate publicity and enforcement.	Positive prosecution leading to the largest fine in this category for a Hackney business. Following this prosecution The Local Government Association has issued a warning about illegal skin creams – which contain banned ingredients such as mercury and bleaching agents - being sold in car boot sales, market stalls and websites. It cites the Council's Trading Standards case against a

		hair and cosmetics company in Dalston ordered to pay £59,793 for selling banned skin lightening products, thought to be the largest fine issued in London for breaching cosmetic regulations, following a prosecution brought by the Council.
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Key priorities for next three years

ACTION	WHAT WE WILL DO	PURPOSE	KEY CORPORATE ACTIVITY
Maximising the Use of Resources			
New Ways of Working and delivery of the Cross-Cutting Enforcement Review	<p>Review ways of working:</p> <ul style="list-style-type: none"> Review operational processes including procedures and documentation where necessary. Implementation of process mapping programme. <p>Participation and contribution to:</p> <ul style="list-style-type: none"> Corporate Mobile Requirements Project Corporate Business Intelligence Project Cross Cutting Enforcement Programme 	<p>To reduce operating costs and increase efficiency and revenue</p> <p>To identify areas where resources can be more efficiently and effectively used through integrated processes.</p> <p>To maintain high levels of customer satisfaction amongst residents and businesses</p>	<p>Mayor's Priority 2 & 3</p> <p>Sustainable Community Strategy priority 3, 4 & 6</p> <ul style="list-style-type: none"> By embedding corporate modern working practices; By contributing to the delivery of the Cross-Cutting Enforcement Review; By delivering of performance managed services; By generation revenue; By utilising new ways of working and available technology to increase efficiency.

Developing manager and leadership skills.	<ul style="list-style-type: none"> • Attendance at management training • Managers undertaking their staff appraisals on time • and regular one-to-ones • Managing staff absence and reducing sickness • Performance management and reporting 	To ensure all individuals and teams benefit from excellent leadership, providing clear direction, creating a positive and productive environment and role modelling behaviours.	
Review of fees and charges	Review fees and charges in light of recent case law and legislative guidance	To ensure balanced fee income budget and where possible cost neutral service.	
Website review including Public Registers	Review and update website content as appropriate	To improve Public access and information	
Health and Safety Service			
To ensure the good health, safety and welfare standards in workplaces in the borough	<p>Development and delivery of a programme of activities/interventions:</p> <p>H&S premises inspection programme (Cat A premises only) H&S projects</p> <ul style="list-style-type: none"> • To participate in all London wide projects <p>Responding to and enquiries</p>	<p>To reduce accidents and incidents resulting from occupational hazards, by targeting the highest risk.</p> <p>To support business growth and encourage businesses to approach the service for support and information.</p> <p>To maintain high levels of resident and business satisfaction with the service.</p>	<p>Mayor's Priority 2 & 3</p> <p>Sustainable Community Strategy priority 3, 4 & 6</p> <ul style="list-style-type: none"> • By promoting and participating in initiatives that provide business support and by providing low cost training and business coaching and advice; • By providing an efficient, effective and quality service to both businesses and consumers; • By ensuring the

			<p>provision of safe working environments within the community to reduce incidences of accidents and deaths;</p> <ul style="list-style-type: none"> • By utilising new ways of working and available technology to increase efficiency; • by assisting the business community to comply with legislation and by tackling those businesses that do not comply; • By undertaking the role of responsible authority under the Licensing Act 2003.
Trading Standards Service			
Consumer advice, education and Safety	<ul style="list-style-type: none"> • Intelligence led safety projects including participation in regional projects • Participation in National Consumer Week • Tackling counterfeit goods – continuation of the ‘Real Deal’ strategy • Pay Day Lenders – deliver programme of premises inspections, interventions, test purchasing • Letting and Managing Agents 	<p>To protect consumers and the economy.</p> <p>To reduce the availability of counterfeit goods in Hackney</p> <p>To protect consumers so that they are not financially exploited and check compliance with the financial conduct rules.</p> <p>To ensure membership of</p>	<p>Mayor’s Priority 2 & 3</p> <p>Sustainable Community Strategy priority 3, 4 & 6</p> <ul style="list-style-type: none"> • By advising and regulating businesses that sell age restricted products such as alcohol, tobacco, fireworks and knives to young people; • By combating rogue traders, obtaining redress

	Redress Scheme.	the redress schemes to protect tenants' rights and to ensure a level playing field for other traders.	for consumers and undertaking outreach work particularly during National Consumer Week; <ul style="list-style-type: none"> • By carrying out electrical safety test purchases and testing on electrical items to protect vulnerable low income groups; • By dealing with complaints received from the public, other agencies and Consumer Advice Service to address contraventions; • By carrying out targeted visits/inspections of the main markets in the borough to ensure that traders are trading fairly; • By carrying out education and advice visits and inspections of high/medium high risk premises; • By test purchasing cosmetics/wigs/hair extensions to ensure they meet safety requirements; • By carrying out initiatives the restricted sale of alcohol including Alcohol Misuse Enforcement work (AMEC), and also sale of fireworks,
Age Restricted Sales	Develop and implement an intelligence-led intervention programme concerning: <ul style="list-style-type: none"> • Knives: • Alcohol: • Fireworks: • Tobacco • Legal highs Collaboration with other Council services and external agencies.	To promote the health and well-being of young people. To reduce anti-social behaviour associated with age restricted products. To explore delivery of a training programme	

			<p>cigarettes and knives;</p> <ul style="list-style-type: none"> • By protecting intellectual property by reducing the sale of counterfeit items; • By developing proceeds of crime work (POCA); • By dealing with the proliferation of estate agents boards; • By undertaking the role as a responsible authority under the Licensing Act 2003.
Food Safety Service			
<p>To ensuring good food safety standards in food premises in the district to reduce the likelihood of food poisoning incidents.</p>	<p>Development and implementation of Food Law Enforcement Service Plan:</p> <p>Delivery of food premises inspection programme, incorporating food safety coaching programme</p> <p>Food safety sampling programme</p> <p>Food Safety projects:</p> <ul style="list-style-type: none"> • Healthy Catering Commitments • Health in the High street • Improving food hygiene compliance <p>Food Safety Week</p> <p>Food hygiene training</p>	<p>To contribute to the reduction in major causes of ill health.</p> <p>To improve the number of compliant food businesses in Hackney.</p> <p>To support business growth and encourage businesses to approach the service for support and information.</p> <p>To maintain high levels of resident and business satisfaction with the service</p>	<p>Mayor's Priority 2 & 3</p> <p>Sustainable Community Strategy priority 3, 4 & 6</p> <ul style="list-style-type: none"> • By working with businesses and partners to protect consumers from harm by ensuring that food produced, distributed and marketed in the borough is safe and wholesome for the consumer to eat; • By working with businesses to ensure that food produced, distributed and marketed in the borough meets labelling and

	programme. Responding to complaints and enquiries about food and food premises.		compositional requirements and is presented so that consumers are not misled as to its nature, substance or quality;
Harnessing consumer power to drive up food hygiene standards – Food Hygiene Rating Scheme	<ul style="list-style-type: none"> • Maintain a borough wide food hygiene rating scheme • Publish hygiene ratings and proactively encourage the display of ratings. 	Consumers able to make informed choices on where to eat or purchase food through published food hygiene ratings.	<ul style="list-style-type: none"> • By deterring, detecting, investigating and disrupting fraudulent activity involving food, including the illegal importation of food;
Delivery of Food Fraud interventions to ensure the provision of safer, healthier and sustainable food	<p>Undertake animal feed interventions and funded pan-London initiative.</p> <p>Imported and illegal foods interventions:</p> <ul style="list-style-type: none"> • Working collaboratively with the FSA & City of London to deliver illegal meat training for London authority. • Lead pan-London illegal foods group. 	To ensure protection of consumers and animals who may consume food or feed that is either bought/supplied or produced in Hackney	<ul style="list-style-type: none"> • By preventing the spread of infectious disease and food poisoning and to investigate outbreaks; • By responding quickly and proportionately to food incidents and customer complaints; • By providing advice and education to all sectors of the community on food safety matters and to meet the training needs of the businesses in Hackney with the promotion of in-house training courses;
Primary Authority Partnership (PAP) – A formal arrangement to serve as a business' first point of call for advice on regulatory issues	<ul style="list-style-type: none"> • Development of a protocol for delivery and charging in accordance with Better Regulation Delivery Office (BRDO) policy. • To undertake at least one primary authority partnership agreement in respect of one or more services. • Appraisal of each company's regulatory policies, procedures and 	<p>To reduce regulatory burdens on businesses.</p> <p>To better dialogue between businesses and regulatory services</p> <p>To improve business perceptions of regulators.</p> <p>Partnerships established as</p>	<ul style="list-style-type: none"> • By promoting the provision of healthier food to reduce health inequalities; • By working with other Services, local authorities and agencies with

	<p>practices as they are reviewed.</p> <ul style="list-style-type: none"> • Appraisal of each company's contractors and management arrangements. • Audit and review the regulatory arrangements, to include strategy and organisational implementation. • Advising on related documentation as required. • Advising companies on new developments in regulatory legislation and best practice. • Respond to challenges faced by companies from other health & safety regulators. 	<p>Better Regulation Delivery Office's initiative.</p> <p>Ability to charge for services to businesses</p>	<p>common objectives to provide effective enforcement;</p> <ul style="list-style-type: none"> • By protecting businesses from economic disadvantage caused by competitors not complying with food safety legislation • By generating revenue.
Effective Partnership Working			
<p>To continue to work with partners on observance of National Minimum Wage in Hackney.</p>	<ul style="list-style-type: none"> • Development of a programme identifying priority areas. 	<p>To work with partners on the observance of human trafficking and slave labour.</p>	<p>Mayor's Priority 1, 2 & 3</p> <p>Sustainable Community Strategy priority 3, 4 & 6</p>
<p>Contributing to the reduction in causes of ill-health.</p>	<p>Develop a programme of activities:</p> <ul style="list-style-type: none"> • Review and follow up Infectious Diseases cases • Massage and Special treatment inspections • Smoke Free compliance and 	<p>To improve infectious disease control and management.</p> <p>To fulfil a request from the Health in Hackney Scrutiny Commission on ill health.</p>	<p>By undertaking themed evidence-led operations and activities with internal and external partners relating to (but not exclusively):</p> <ul style="list-style-type: none"> • Pay day lenders

	<p>tobacco control measures including:</p> <ul style="list-style-type: none"> • Developing expertise in different areas (e.g. shisha) • Collaboration between Trading Standards and Environmental Health and other partners (e.g. police) to ensure legal requirements are met • Continued partnership work with regional NE/NC Illicit Tobacco Group. • Collaboration with the Public health Team to explore implementation of a scheme for the voluntary removal of super strength beer, lager or cider from retailers' shelves. 		<ul style="list-style-type: none"> • Proceeds of Crime • Tobacco • Food Fraud and illegally imported food • Healthy eating • Asbestos awareness • Illegal gaming machines
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Health and Wellbeing

<p>Contributing to the Council's input into the wider health & wellbeing/public health agenda</p>	<ul style="list-style-type: none"> • Maintaining appropriate data input into the Joint Strategic Needs Assessment (JSNA) • Investigation and development of public health initiatives that would be of benefit in the: <ul style="list-style-type: none"> - Test purchases of alcohol and tobacco - Age Restricted Sales - Healthy eating initiatives - Responsible retailing of alcohol sales 	<p>Promotion of good public health standards and reduction in adverse public health issues</p> <p>Enforcing Health Act 2006 (substantially enclosed premises) and Consumer Protection Act 1987 (labelling)</p>	<p>Mayor's Priority 2 & 3</p> <p>Sustainable Community Strategy priority 3, 4 & 6</p> <p>By working with partners such as the Public Health Team, other local authorities and agencies to improve health inequalities.</p>
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	<ul style="list-style-type: none"> - Smoke Free multi-agency Shisha project - Voluntary 'Super Strength' Pilot. - Explore development of a tattoo hygiene rating scheme will be introduced with the aim of improving hygiene in tattoo parlours 		
<p>Contributing to the reduction in causes of ill-health.</p>	<p>Develop a programme of activities:</p> <ul style="list-style-type: none"> • Review and follow up Infectious Diseases cases • Massage and Special treatment inspections • SmokeFree compliance and tobacco control measures including: • Developing expertise in different areas (e.g. shisha) • Collaboration between Trading Standards and Environmental Health and other partners (e.g. police) to ensure legal requirements are met • Continued partnership work with regional NE/NC Illicit Tobacco Group. • Collaboration with the Public health Team to explore implementation of a 	<p>To improve infectious disease control and management.</p> <p>To fulfil a request from the Health in Hackney Scrutiny Commission on ill health.</p>	

	scheme for the voluntary removal of super strength beer, lager or cider from retailers' shelves.		
Responding to emergencies, including serious accidents, food safety incidents and disease outbreaks.	<ul style="list-style-type: none"> • Take part in partner exercises to test plans, as appropriate. • Conduct risk based/intelligence led interventions with businesses • Respond to disease notifications and outbreaks 	Emergency planning and Out of hours responses	<p>Mayor's Priority 2 & 3</p> <p>Sustainable Community Strategy priority 3, 4 & 6</p> <p>By maintaining preparedness ensure public safety and health</p>

4.1 Policy Context

4.1.1 The Food safety Service Delivery Plan is prepared in accordance with the Food Standards Agency's (FSA) Framework Agreement (2010). The FSA require all local authorities to produce and approve an annual plan that sets out how it is going to discharge its responsibilities.

4.1.2 The performance of the Food Safety Service is measured against its fulfilment of the Plan.

4.2 Equality Impact Assessment

N/A

4.3 Sustainability

N/A.

4.4 Consultations

N/A

4.5 Risk Assessment

4.5.1 The Business Regulations service delivery plans set out how its services will take actions that contribute to achieving corporate priorities and desired outcomes. Without these agreed, clearly stated priorities and this plan, the service will be at risk of not effectively focussing its work and efficiently directing limited resources.

Nature of risk	Consequences if realised	Likelihood of occurrence	Control measures
The Service Plan is not approved	The Council would receive a directive from the Food Standards Agency (FSA)	High	Approve the Service Plan
The Service Plan involves the carrying out of statutory duties - failure to deliver the service plan	Increase risks: <ul style="list-style-type: none"> - to consumer safety and the most vulnerable consumers; - to public health and increased risks of spread of infectious diseases and food poisoning and; - to employee and public safety with increased risks of incidents and fatal accidents - of failure to administer and regulate licensable activities and premises 	High	Approve the Service Plan
Increasing reactive workload or other significant service incidents	The lack of available resource to deliver the plan	High	This will be carefully monitored.
Poor performance against the plan	Could potentially result in the reputational damage and directions to the Council from the national measurement Office (NMO), Food Standards Agency and the Health and Safety Executive (HSE)	High	This will be carefully monitored.

5. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

- 5.1 This report notes the level and scope of work being carried out to meet the requirements of the Food Law Enforcement Service Plan (FLESP).
- 5.2 This report is for noting and has no direct financial implications. The aims and objectives described in the FLESP for 2018/19 will be delivered within the constraints of the existing Business Regulation service budgets.

6. COMMENTS OF THE DIRECTOR OF LEGAL AND GOVERNANCE SERVICES

6.1 There are no immediate legal implications arising from this report.

APPENDICES

Appendix 1: Food Safety Service Delivery Plan 2018/19

Appendix 2: Health and Safety Service Delivery Plan 2018/19

Appendix 3: Trading Standards Service Delivery Plan 2018/19

BACKGROUND PAPERS

None

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London Borough of Hackney

Food Law Enforcement Service Delivery Plan 2018/19



INVESTOR IN PEOPLE

Contents

1.	INTRODUCTION	4
2.	FOOD LAW SERVICE AIMS AND OBJECTIVES	6
2.1.	Aims and Objectives	6
2.2.	Food Safety Service Performance Indicators for 2018-19	8
3.	BACKGROUND	9
3.1.	Scope of the Food Safety Service	9
3.2.	Demands on the Food Safety Service	10
3.3.	Enforcement Policy.....	14
4.	SERVICE DELIVERY	15
4.1.	Interventions at Food Establishments.....	15
4.2.	Food Hygiene Inspection Programme	16
4.3.	Food Standards Inspection Programme	18
4.4.	Secondary visits (Re-visits)	19
4.5.	Complaints and Service Requests.....	19
4.6.	Primary/Home Authority Principle	19
4.7.	Advice and Training to Businesses.....	20
4.8.	Food Sampling	20
4.9.	Control and Investigation of Outbreaks and Food Related infectious Diseases.....	20
4.10.	Food Safety Incidents	21
5.	RESOURCES.....	23
5.2	Authorisation and Competencies in line with new requirements of CoP	24

5.3	Staff Development Plan new requirements of the CoP.....	25
5.4	Allocation of resources to deliver the plan.....	25
5.5	Resource Allocation per Activity.....	26
5.6	Programmed Inspections.....	26
5.7	Alternative Enforcement Strategy (AES).....	27
5.8	Re- inspections following programmed inspections	27
5.9	Service requests	27
5.10	Infectious Diseases and Outbreak Control	27
5.11	Food Sampling	28
5.12	Proactive Action Days.....	28
5.13	Food Safety Promotion.....	28
5.14	Food Hygiene Training to businesses	28
5.15	Outdoor Events.....	29
5.16	Enforcement/Prosecution/Legal work (including Hygiene Improvement Notices, seizures, closures).....	29
5.17	Technical Business Support	29
6	QUALITY ASSESSMENT	30
6.1	Internal Arrangement.....	30
6.2	External Arrangements.....	30

1. INTRODUCTION

This is the London Borough of Hackney's mandatory annual plan for the effective enforcement of food safety legislation, and follows the national template as directed by the Food Safety Agency (FSA), through the framework agreement with Local Authorities. This plan refers to the food law enforcement functions undertaken by Hackney's Neighbourhood and Housing Directorate.

The objective of the plan is to demonstrate how the service ensures food safety in the borough. The Environmental Health Service undertakes the Food Safety Service and aims to deliver an intelligence-led, risk-based approach to business regulation that achieves a high level of consumer protection.

This plan is a public document and will be published on the Borough's website. It sets out the aims and objectives of the direction for the delivery of food safety in Hackney for 2018 – 2019, in line with the Mayor's Priorities.

The performance of the Food Safety Service will be measured against the fulfilment of this Plan and the percentage of broadly compliant premises within the Borough. Currently 85% of food premises in Hackney are broadly compliant in respect of food hygiene. The Service has an aspiration to increase this further by 2% by targeted use of enforcement options and business support, seeking further efficiencies in the inspection process and with targeted initiatives in conjunction with other council services, community stakeholders and external agencies.

The number of food businesses in the borough, subject to food hygiene controls, has slightly decreased from 2,782 in April 2017 to 2,748. The number of new food business registrations received in 2017-18 were 326.

The Food Safety Service continues to use a range of enforcement tools to improve and maintain food hygiene and safety compliance and to deliver a risk based approach. The service continues to move away from an "inspection for inspection's sake" approach allowing for a lighter touch treatment of those premises that are broadly compliant and providing advice and education, and where necessary, enforcement action of those premises that are not broadly compliant will be taken.

This approach is reflected in the priorities for 2018/19 which means that resources will be targeted at those premises posing the highest risk. There is a statutory duty (as set out in the Food Law Code of Practice) on food authorities to carry out 100% of all of the food hygiene and food standards inspections due within each financial year. Due to resource limitations, Hackney has set a target in previous Service Plans of inspecting 100% of the higher risk food hygiene and food standards premises that were due and this target has been met. However, this has resulted in the gradual build-up of a backlog of lower risk inspections. Examination of the overall performance figures for Hackney by the Food Standards Agency resulted in an audit being undertaken of the Food Safety Service in October 2017. The audit was focussed on the organisation, management, internal systems and monitoring of the delivery of the food service and although only minor recommendations have been made by the Agency. They did however raise concerns regarding the inspection backlog. Failure to provide sufficient resources to address the

inspection backlog will result in the Service not meeting its statutory duties as a food authority under the Food Law Code of Practice and the possibility of future intervention or sanctions imposed by the Agency.

The Service will have a number of challenges in 2018/19 and over the following three years, managing the very different and growing demands of Government agencies and changes in central government financing of local authorities. The Food Standards Agency is planning a fundamental review of the way that food safety is delivered within the UK which will have a significant impact on all local authorities through the Regulating Our Future programme and there may be significant implications for food law enforcement in the UK as a result of Brexit.

Along with the cross cutting review and local priorities the service will be challenged to ensure the provision of safe food, evaluating how to use resources differently and deliver the work innovatively and collaboratively in order to maintain and increase inspection levels. The implementation of the recent Regulatory Services re-structure involving closer inter-disciplinary working between regulatory teams and the use of a central intelligence hub will increase the efficiency of service provision. The trialling of mobile working solutions should further improve working efficiency. Another challenge will be to drive up hygiene compliance along with the need to support and assist the increasing numbers of new business start-ups and pop-ups due to the growth of the hospitality and night-time economy in the borough.

The continuous need to find savings from the Service will also have a bearing on the effective delivery of this service. The Service requires investment in order to establish future efficiencies.

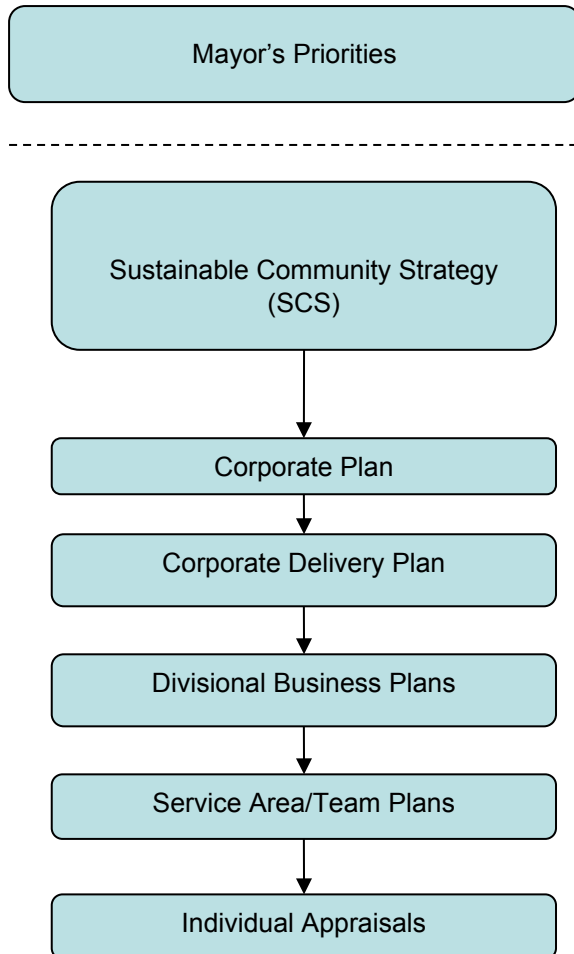
2. FOOD LAW SERVICE AIMS AND OBJECTIVES

2.1. Aims and Objectives

How the Service Links to Corporate Priorities

Hackney's Vision: A place for everyone

Page 46



Mayor's Priority 1: Making Hackney a place where everyone can succeed, through a first class education, investment and jobs, and providing support to those who need it most.

Mayor's Priority 2: Making Hackney a place that everyone can enjoy, with clean, safe streets, excellent parks and public services and a great quality of life for all who live here.

Mayor's Priority 3: Making Hackney a place where everyone can contribute, through listening to residents, and involving them in the decisions we make and things we do.

The **2008-2018 Sustainable Community Strategy** has six priorities:

1. Reduce poverty by supporting residents into sustainable employment, and promoting employment opportunities.
2. Help residents to become better qualified and raise educational aspirations.
3. Promote health and wellbeing for all, and support independent living.
4. Make the borough safer, and help people to feel safe in Hackney.
5. Promote mixed communities in well-designed neighbourhoods, where people can access high quality, affordable housing.
6. Be a sustainable community, where all citizens take pride in and take care of Hackney and its environment, for future generations.

The Food Safety Service contributes to the delivery of the following local policies and plans:

Environmental Health Service: Food Safety Service - undertakes a range of food hygiene, food standards and health and safety interventions across all Hackney food businesses including the provision of advice and information. The team also carries out infectious disease investigations, investigation of food complaints and sampling work. **Mayor's Priority 2 Sustainable Community Strategy priority 3 & 4**

The Service aims to:

- Work with businesses to protect consumers from harm by ensuring that food produced, distributed and marketed in the borough is safe and wholesome for the consumer to eat. This will be measured by an increase in broadly compliant businesses, increasing the number of FHRS rated 3-5 premises and a reduction in FHRS rated 0-2 premises.
- Work with businesses to ensure that food produced, distributed and marketed in the borough meets labelling and compositional requirements and is presented so that consumers are not misled as to its nature, substance or quality. This will be met by raising issues highlighted during visits to premises, acting on service requests and complaints, through promotional material where relevant and increasing enforcement for non-compliance following a graduated approach.
- Deter, detect, investigate and disrupt fraudulent activity involving food, including the illegal importation of food. This will be measured by taking an active role in local, regional and national food fraud initiatives and meetings, by organising intelligence-led action days to disrupt potential fraudulent activities and increasing enforcement for non-compliance following a graduated approach.
- Prevent the spread of infectious disease and food poisoning and to investigate outbreaks by working with Public Health England, investigating notifiable disease in line with agreed protocols, participating in local, regional and national initiatives and meetings.
- Provide advice and education to all sectors of the community on food safety matters and to meet the training needs of the businesses in Hackney with the promotion of in-house training courses and participation in national initiatives such as Food Safety week.
- Promote the provision of healthier food to reduce health inequalities through the Healthier Catering Commitment scheme in conjunction with Public Health and the aims of the Obesity Strategic Partnership.

- Work with other Services, local authorities and agencies with common objectives to provide effective enforcement. This will be achieved by attending local, regional and national meetings, benchmarking with neighbouring authorities and by taking part in internal and external partner led initiatives.
- Protect businesses from economic disadvantage caused by competitors not complying with food safety legislation and by following a graduated approach to enforcement.

2.2. Food Safety Service Performance Indicators for 2018-19

The service have a number of key performance indicators and the performance of the service is measured against the following:

PI Code	Short Name	Frequency of reporting	Directorate	Annual Target 2017/18	Achieved (as of 1/1/18)	Data Only PI	2018/19 Target
NH PRS 030	% of service requests/consumer complaints about food businesses actioned within 10 working days	Quarters	Neighbourhoods & Housing	95%	100%	No	95%
NH PRS 032	Percentage of category A and B (food hygiene) risk premises inspected within 28 days	Years	Neighbourhoods & Housing	100%	99.3%	No	100%
NH PRS 034	% of Broad Compliance for food hygiene (accumulative)	Quarters	Neighbourhoods & Housing	87%	85%	No	87%
NH PRS 035	% of unrated food premises inspected excluding registered premises not yet trading	Quarters	Neighbourhoods & Housing	100%	100%	No	100%
NH PRS 036	Number of unrated food premises	Quarters	Neighbourhoods & Housing	Less than 70	83	Yes	Less than 70
NH PRS 046	Satisfaction of businesses with local authority Regulatory Services' inspections, visits, actions to ensure businesses are compliant	Years	Neighbourhoods & Housing	75 %	N/A	No	75%

3. BACKGROUND

3.1. Scope of the Food Safety Service

3.1.1. The Food Safety Service is responsible for food hygiene, food standards, public health activities and health and safety in all food premises, and involves both planned and reactive work. The Plan for 2018-19 for the health and safety function is included as separate report, appendix to this Plan.

3.1.2. Food Safety Service officers, hold dual warrants for food safety and health and safety, so when appropriate, health and safety hazard spotting and food standard inspections are carried out at the time of the primary food hygiene inspection.

3.1.3. The Food Safety Service provides the following services:

- Conducting official controls and other interventions at a frequency determined by Food Law Code of Practice and taking appropriate enforcement as necessary;
- Working with local food businesses to help them comply with their legal responsibilities and good hygiene practice, by providing information, advice and guidance;
- Prevention, control and investigating of infectious diseases, outbreaks, and food-related infectious disease and food poisoning associated with food businesses in Hackney in accordance with the joint infectious disease protocol, London Outbreak Management Plan 2012 and advice from the Consultant for Communicative Diseases Control (CCDC) and the Public Health Laboratory Service (PHLS), within Public Health England (PHE);
- Undertaking sampling in accordance with our sampling policy;
- Control of imported foods in accordance with centrally issued guidance;
- Investigating complaints about food premises and food purchased/provided by consumers in Hackney;
- Initiating and responding to food alerts about unsafe or unwholesome food and taking appropriate action as necessary;
- Providing advice on training in safe food handling and hygienic practices to food handlers working in Hackney, including running food hygiene training courses via our training centre.
- Processing applications for approval relating to the production of meat products, minced meat & meat preparations, dairy products and fishery products;
- Carrying out activities with regard to a food safety enforcement policy in line with the central government issued guidance;
- Undertaking food safety initiatives (Food Hygiene training and community events etc.)
- Delivering the Healthier Catering Commitment project in conjunction with Public Health to increase healthier food options available at independent catering outlets in Hackney. This project plays a key role in Hackney's Obesity Strategic Partnership.

3.1.4. The Trading Standards Service is responsible for Feed Law enforcement to ensure safe food enters the food chain.

3.2. Demands on the Food Safety Service

3.2.1. Premises Profile

As of 31st March 2018, there are 2748 food establishments in Hackney. The majority of food businesses in Hackney are 'restaurants and catering premises at 67%. These are mainly sole trading micro businesses a number of which require support, advice and enforcement to ensure that the food they supply is safe to eat. This is reflected in the inspection programme and the demand for training. Food retailers make up the second most significant group (29%), with the remaining 4% being made up of food manufacturers, exporters, distributors and importers.

3.2.2. Outdoor Events

The Borough hosts a large number of annual festivals and other outdoor events which attract community caterers and a large number of temporary caterers, pop-ups and food producers, all of which require vetting and inspecting as necessary. These range from several large events held in Queen Elizabeth Olympic Park to smaller churchyard-style events held throughout the Borough.

3.2.3. Imported Food

As well as responding to complaints, referrals and notifications, the service carries out routine inspections and a range of proactive activities in premises across the Borough and in street markets that deal with the trade of illegally imported foods.

The Food Standards Agency has placed greater emphasis on local authority Food Safety Services to ensure controls on third country imported food (i.e. food imported from countries outside of the European Union). There is a high level of imported foods from non-EU countries entering the Borough, either directly imported by businesses or by third parties located elsewhere. Some of these foods can be illegal (i.e. banned from importation, processed in a way that contravenes EU legislation, or they do not comply with compositional or labelling requirements). Examples of this include fruit, vegetable and nuts that appear on a monthly warning list issued by the Food Standards Agency for investigation principally for chemical contamination such as pesticide residues. This area of work has a high impact on the Service due to number of businesses handling low cost imports to meet the high consumer demand. This food, however, gives rise to a risk to human health and where necessary it is removed from sale and enforcement action taken. The Food Standards Agency has supported the Food Safety Service in improving controls on third country imported food sold in the Borough and to identify those imported foods that may have been brought into the Borough illegally to protect public health and animal health. This has led to increased related work activities such as sampling and surveillance activities.

3.2.4. New Businesses

The number of food businesses in the Borough, subject to food hygiene controls, stands at 2748. The Service still receives a significant number of new food registrations (326 to 31st March 2018). It is anticipated that the number of new food businesses registered will continue at this level, and is of a particular concern to the Food Safety Service as they place a greater demand on the Service, to ensure that these premises remain 'fit for purpose' and food hygiene compliant as they vary their supply of food. New businesses are given priority within the inspection programme in order to ensure that they are compliant when they commence trading and also as new businesses can have a significant impact on the broadly compliant percentage under the Food Hygiene Rating Scheme (premises that have not been inspected are deemed to be non-compliant. If the 326 new premises to date had not been inspected this would have resulted in the broadly compliant score falling to 73%). New unrated businesses are inspected within 28 days of commencing trading. In addition, there are a number of temporary food businesses and 'pop ups' who open and then cease trading within a short period of time and a number of market traders that are registered as food businesses with other local authorities but trade in Hackney that do not form part of the established inspection programme. The service manages a programme of inspections for all new/unrated food premises to ensure their hygiene compliance is assessed.

Inspections of new unrated food establishments are in addition to the main programme of inspections of existing businesses that are due within the financial year. It is anticipated that an additional 400 primary food hygiene and food standards inspections will need to be completed in 2018-19 for new establishments which is equivalent to 1.85 FTE.

3.2.5. Food Hygiene Rating Scheme

Hackney participates in the national Food Hygiene Rating Scheme (FHRS). The scheme is designed to give the public information about local food businesses so that they can make informed choices about where they eat locally (and nationally). As a result the scheme allows for greater transparency for consumers and businesses due to work conducted by Hackney Food Safety Service. It also recognises those businesses that are operating to a good standard and aims to provide an incentive to those businesses that have not made food safety a priority.

This Service is very supportive of this scheme and in 2015/16 Hackney took part in the Food Standards Agency consultation on the mandatory display of the FHRS rating sticker at food premises as a means of allowing consumers make informed choices, and driving up standards and the economy in Hackney. Although it is likely that the display of the rating sticker will be made mandatory in England, the Food Standards Agency has not given an implementation date. The mandatory display of ratings should have a positive impact and provide a clear incentive for business to comply and achieve a high rating (this has been the outcome in Wales since mandatory display was introduced).

Following an inspection, a business can be given one of the following FHRS ratings and uploaded on the National FHRS website (<http://ratings.food.gov.uk>) which can be accessed by businesses and consumers.



Businesses that obtain a rating of 0 to 2 are re-visited to ensure that they are compliant and they are encouraged to request a re-inspection to improve their rating. The Food Standards Agency has introduced changes to the scheme so that Councils can charge (on a cost recovery basis) for any re-rating inspections and businesses will no longer be restricted to a single re-rating request. A re-rating charging scheme has been introduced this year and although the initial uptake rate has been low, it is anticipated that the number of re-rating requests (and appeals against the original rating) will increase (as of 31/03/2018 53 re-rating inspections have been carried out in 2017/18).

3.2.6. Broad Compliance with Food Safety Legislation

At 31st March 2018, 85% of premises were found to be broadly compliant with food hygiene. This figure has increased from 83% in 2016/17 and this is part of a trend of increasing compliance which stood at 57% in April 2011. The most appropriate enforcement action will continue to be used to deal with premises that are non-compliant following a primary inspection as a means of driving up full compliance and delivering sustainable improvements.

3.2.7. Food Fraud

The Service has routinely dealt with the occurrence of food fraud in the Borough, undertaking enforcement activities to remove illegal food from the food chain. This takes place during routine food inspections, following a complaint or service request or as part of proactive enforcement days undertaken by the Service.

This Service was awarded a grant of £170,000 by the Food Standards Agency to tackle food fraud in Hackney. The project was set out over five phases and started in April 2014. The 15-month project was developed to provide a strategy and protocol so that food fraud could be tackled in a proactive manner in Borough. It will be delivered by working extensively with food businesses, multi-regulatory services and multi-agencies, local authorities across London and consumers to bring about behavioural change and compliance in respect of food fraud to protect public health.

Phases 1 & 2 of the project were successfully completed and have resulted in greater awareness of illegal meat among traders, improved compliance with food safety requirements and the development of good working relationships with businesses. Additional action days were undertaken in 2016/17 and to date in the current year as part of the Food Safety Service's own project to assess current illegal meat activity in the Borough. The outcome was that no illegal meat was identified. These findings, in conjunction with a review of available intelligence and the successful outcomes of phases 1 and 2 of the FSA project, suggested

that illegal meat was no longer a significant issue and as such, it was decided in 2017/18 that phase 3 of the FSA project will not go ahead as due to a restructure of FSA the grant is no longer available. In addition, following a review by the FSA of the National Food Crime Unit, Agency funding for local authority food fraud projects has been withdrawn so that the money that had been set aside for phase 3 is no longer available. However, it is intended to continue to look at other areas of potential food fraud (such as alcohol, fish mis-description, olive oil, Basmati rice) as well as continuing to monitor for illegal meat. This will be undertaken in conjunction with other Regulatory Services colleagues and relevant external agencies through targeted projects and action days.

3.2.8. Additional Priorities and Partnership Working

Joint working with other internal teams will improve following the recent re-organisation of Regulatory Services allowing the Food Safety service to take advantage of the Intelligence Hub and cross-team tasking arrangements to further improve efficiency of service delivery.

North East Sector Food Liaison Group: The authority participates in the North East Sector London Food Liaison Group, part of the Association of London Environmental Health Managers. Information is then exchanged with the London Food Coordinating group. General issues concerning policy, regulation and enforcement are discussed at this forum.

Events and partnership Group: The Food Safety Service participates in the Hackney Events Action Team (HEAT); and will continue to undertake joint working initiatives with Community Safety, Licensing, Events and Public Realm teams and other internal and external organisations including the Metropolitan Police to tackle emerging issues and regulatory non-compliance.

Mobile Vending Operators: The Food Safety Service will continue to monitor increases of such premises in Hackney via the food premises registration process, complaints, referrals and surveys. In the past year this Service has engaged with the new markets manager and both sides agree that a closer working partnership would be beneficial to increase compliance across the markets. The Service will continue to work closely with the Markets and Street Trading Services and deal with non-compliance through existing programmes and initiatives and by developing joint strategies. However, inspections of market traders are outside of the inspection programme and will require additional staffing resource. The Service will work with Markets and Street Trading to try and identify additional funding that will enable regular inspections, interventions and project work to be undertaken in relation to market and street traders.

Healthier Catering Commitment: this is a London-wide project supported by the Association of London Environmental Health Managers, the Chartered Institute of Environmental Health and the Greater London Authority to improve the nutritional quality of take away food across the capital. The project aims to encourage traders to provide healthier options to customers as part of an award scheme and businesses are assessed according to the measures taken to reduce overall calories, saturated fats, sugar

and salt on their menus. In Hackney, the project is being delivered by Environmental Health with financial and strategic support from Public Health colleagues and forms a key part of the Council's obesity reduction strategy.

Liaisons with other Organisations: The Council actively participates in liaising with a number of other local authorities, agencies and professional organisations in order to facilitate consistent enforcement, share good practice and reduce duplication of work.

3.2.9. Promotional Campaigns

The Service will continue to publish information, to improve food hygiene and safety awareness within the food business community and the local consumer population and maintain a positive relationship with the media to raise the profile of the Food Safety Service.

The Food Safety Service will carry out food safety promotional work through participation in national and local campaigns and local projects, subject to available resources.

3.2.10. Training Centre

The continuation of the Training Centre will also improve food hygiene compliance as this facility will support businesses by making food hygiene training accessible to food businesses in the borough and particularly to those that are not compliant or are subject to enforcement action due to the serious risks of their food operation. The training is promoted to food businesses through the Council website and the distribution of flyers to new and existing businesses.

In 2018/19, the service will continue to offer RSPH accredited training in Food Hygiene and Food Allergens, the number of courses offered will depend on demand from businesses and other pressures on the Service.

3.3. Enforcement Policy

3.3.1. The Food Safety Service recognises that whilst businesses look to maintain their reputation and wish to maximize profits, they also seek in most instances to be on the right side of legal requirements without incurring excessive expenditure and administrative burdens. So, in considering enforcement action, the service will assist food businesses to meet their legal obligations without unnecessary expense, whilst taking firm action that may include prosecution or other formal action, where appropriate, against those who disregard the law or act irresponsibly.

3.3.2. The published Food Safety Enforcement Policy, which follows a graduated approach, outlines all enforcement action to be carried out by officers in relation to food safety legislation, seeks to ensure that formal enforcement is focused where there is a real risk to public health and that officers carry out actions in a fair, practical and consistent manner. All authorised officers will follow the Food

Safety Enforcement Policy when making enforcement decisions. The Enforcement Policy is due to be presented to the Regulatory Committee in June 2018.

- 3.3.3. The Food Safety Enforcement Policy, takes account of the principles of the Enforcement Concordat, the Regulator's Code, FSA's guidance, and has regard to Crown Prosecution Service guidelines and Equality Impact issues. The Plan will allow the use of resources more effectively in assessing high risk activities whilst delivering benefits to low risk and compliant businesses.
- 3.3.4. The Service will generally seek to recover from businesses the costs associated with any additional official controls (such as emergency closures of food businesses).

4. SERVICE DELIVERY

4.1. Interventions at Food Establishments

- 4.1.1. The Food Safety Service will employ a full, partial or range of other official control (interventions) (as permitted by the Food Law Code of Practice) to assist in raising the compliance rate and achieve broad compliance in food premises. Interventions include sampling, monitoring, surveillance, education or verification visits should enable a lighter touch for compliant premises, and also enable additional resources to be targeted on non-compliant premises in line with the Regulator's Compliance Code.
- 4.1.2. Food hygiene inspections are the main driver for performance of the Food Safety Service, as a result of the priority setting and the scrutiny of the performance of the Service by the FSA, and local and national indicators. Inspections are allocated to officers who are appropriately qualified and authorised in accordance with the Food Law Code of Practice.
- 4.1.3. Following a primary inspection of each food business, a risk category is assigned based on the type of food business and the type of food it handles as well as the conditions found at the time of the inspection. Category 'A' and 'B' rated premises pose the greatest risk and these are therefore inspected at a greater frequency (6 and 12 months respectively).
- 4.1.4. In 2018/2019, the Service will continue to prioritise the inspection of higher risk Category A and B premises due for inspection, along with the new and unrated premises and 'not' broadly compliant C rated premises. However, following the FSA audit, the target set by the Agency in the Food Law Code of Practice is that each food authority is required to achieve 100% of the inspections due in 2018/19. This target has been included in this Service Plan and in order to try and achieve this target, greater use will need to be made of partial inspections and other interventions where possible for broadly compliant C category and D category businesses. An Alternative Enforcement Strategy will be used for E category premises that are in the lowest risk category. In relation to the programme of inspection for food standards, all A category premises will be inspected and inspections for food standards will be carried out at premises where the food hygiene inspection is also due. This does mean that there is likely to be a continuing backlog of lower risk food standards businesses.

4.2. Food Hygiene Inspection Programme

- 4.2.1. Food hygiene inspections are given priority in accordance with Food Law Code of Practice and associated Practice Guidance, issued by the FSA and in line with Hackney's Food Safety Service, Food Hygiene Inspections and Food Standards Procedures. Therefore, the majority of resources allocated to food safety are devoted to planned primary inspections for food hygiene purposes.
- 4.2.2. In accordance with the Food Law Code of Practice, the Service aims to inspect 100% of all food hygiene inspections due within the financial year. Priority will be given to the highest risk premises category A-B premises and all non-broadly compliant category C and category D premises that are due. In addition new and unrated premises will be inspected within the annual inspection cycle. The inspection of broadly compliant lower risk C and D category businesses will be given a lower priority within the programme and an Alternative Enforcement Strategy will be used for category E premises. This should be achievable with current staffing resource but additional resource will be needed to address the significant backlog of lower risk category businesses. The implications of failing to address the backlog has been highlighted in Section 1 above.
- 4.2.3. Partial inspections will be conducted on broadly compliant category C premises, in line with in the Food Law Code of Practice. This will reduce the burden on businesses and concentrate resources on the non-compliant businesses. However, a full inspection will be carried out if a compliant business is not in control of risks or a public health risk is identified.
- 4.2.4. In determining the inspections due in Table 1 below, it has been assumed that the risk category of businesses that are still due for inspection within 2017/18 (252 A, B and C category, 254 D category and 83 unrated new businesses) will remain the same. However, if there is an increase in the risk category for category to A or B for businesses that are currently rated C or D, then this could significantly increase the number of inspections due in 2018/19.

Table 1. The number and types of food businesses and their risk rating planned for food hygiene inspections 2018/2019

Inspection Rating	Number of food hygiene inspections due	The frequency of inspection is for Category: A: every 6 months (2 inspections a year) B: every 12 months C: every 18 months D: every 2 years E: every 3 years The category for premises classed as unrated is determined at the first visit and can be A-E.
A	18 x 2 = 36	
B	197	
C	233 (28 NBC**)	
D	171	
E	100*	
New/Unrated premises carried over from 2017/18	50 (estimate)	
<i>New/Unrated premises estimated opening during the year (2018/19)</i>	350	
Total due for an official intervention 2018/19	1,161	
Total due for Non-Official Interventions/AES	10	

2018/19 (category E)* (10% of total)		Category E premises may be dealt with using an alternative enforcement strategy (AES).
Total due for Non-Official Interventions/AES for overdue category E* (10% of total)	40	
Total Inspections due for 2018/19	1211	

*relates to those premises subject to non-official interventions

**NBC = Not Broadly Complaint premises, which are not broadly compliant with food hygiene legislation i.e. have a FHRS rating of 2 or less.

- 4.2.5. In accordance with the Food Law Code of Practice, the Food Safety Service aims to inspect all food hygiene businesses due for inspection in 2018/19. Category A & B premises, all unrated/new premises and not broadly compliant C & D premises will be inspected as a priority in the months for which they are due.
- 4.2.6. New premises will be added to the inspection programme as the service becomes aware of them, as these premises count against the overall broad compliance percentage and hygiene rating. Under the Food Hygiene Rating Scheme, new unrated businesses are deemed to be non-compliant until they are inspected. As such, not inspecting new businesses will reduce the overall broadly complaint figure.
- 4.2.7. At present, the following food hygiene inspections are overdue up to 1st April 2018:
340 C category (of which 36 are non-broadly compliant);
730 category D (of which 70 are non-broadly compliant);
394 category E
- These are **excluded** from Table 1 above.
- 4.2.8. All due and overdue E category premises will be subject to an alternative enforcement strategy involving self-assessment. It is anticipated that approximately 10% of these premises will also require a partial inspection as a result of non-return of the self-assessment forms and the follow up of food hygiene issues identified from the completed forms. This will result in 10 inspections for the 2018/19 programme and 30 inspections from the backlog.
- 4.2.9. Additional resources will be needed to tackle the inspection backlog as this cannot be addressed with current staffing resources.
- 4.2.10. Any complaint, received against a premises risk rated C or D may result in a Food Hygiene inspection. The decision to inspect will be based on the nature of the complaint and the officer's professional judgement.

- 4.2.11. The Service will utilise the tasking of Enforcement Officers within other Regulatory Service teams to identify whether premises overdue for inspection are still trading. This will contribute to improving the accuracy of the food register and database as well as remove closed premises from the inspection programme.

4.3. Food Standards Inspection Programme

4.3.1. **Table 2. The number and types of food businesses and their risk rating planned for food standards inspections 2018/19**

Inspection Rating	Number of food standards inspections due	The frequency of inspection for Category: A: every 12 months B: every 2 years C: every 5 years The category for premises classed as unrated is determined at the first visit and can be A-C. Category C premises may be dealt with using an alternative enforcement strategy (AES)
A	21	
B	244	
C	211*	
New/Unrated premises carried over from 2017/18	74	
<i>New/Unrated premises estimated opening during the year</i>	350	
Total Inspections due for inspection 2018/19	900	
Total due for Non-Official Interventions/AES 2018/19* (10% of total)	22	
Total due for an official intervention 2018/19	922	

*relates to those premises subject to non-official interventions

- 4.3.2. All Category A premises will be inspected within the month for which they are due as they pose the highest risk.
- 4.3.3. Lower risk category B and C premises will be inspected at the same time as the planned food hygiene inspections.
- 4.3.4. At present, the following food standards inspections are overdue up to 1st April 2018:
768 category B;
317 category C;
- 4.3.5. Inspections of Category B and C premises may be undertaken (if the corresponding food hygiene inspection is not due) if a significant complaint is received. The decision to inspect will be based on the officer's professional judgement.

4.4. Secondary visits (Re-visits)

- 4.4.1. Officers will undertake additional visits to premises where follow-up/formal enforcement action is required as a result of serious contraventions found at the time of a primary (programmed) visit or where a contravention is not remedied through informal measures. A secondary visit will consist of one or more intervention activity.
- 4.4.2. Primary inspections resulting in advice to food business operators about minor technical contraventions will not receive a secondary visit.
- 4.4.3. Secondary visits will be carried out where significant breaches have been identified. It is anticipated that no more than 30% of planned inspections will result in a secondary visit.

4.5. Complaints and Service Requests

- 4.5.1. The Food Safety Service aims to investigate all food complaints concerning extraneous matter, chemical or microbiological contamination, unfitness and food alleged to have caused food poisoning, relating to food purchased within Hackney.
- 4.5.2. The Service will take receipt of all such complaints in accordance with its food and food premises policy and procedure and will pass on those that are the responsibility of other authorities to investigate.
- 4.5.3. A total of 1054 food safety related service requests have been received as of 31st March 2018 and it is anticipated that a similar number will be received during 2018/19. Given the total number of service requests, a review will be undertaken to determine the type of complaints that the Service can continue to investigate given the reduction in resources available and the other demands on the Service. Consideration will be given to the provision of information to customers and the signposting to self-help and advice resources on the Council's and external websites.

4.6. Primary/Home Authority Principle

- 4.6.1. The Service is committed to the Primary/Home Authority Principle, i.e. the relationship between a food business and local authority where the decision making base (i.e. head office) of the company is located.
- 4.6.2. Currently Hackney has no Primary Authority Partnership arrangements but continues to act in an informal capacity with a number of manufacturers, importers and wholesalers in the borough, as a Home Authority.
- 4.6.3. The principles of the Primary Authority Scheme are set out in the Regulatory Enforcement and Sanctions Act 2008, and are part of the Government's regulatory reform strategy led by the Hampton Report and Macrory Review that emphasised reducing burdens on businesses, and a focus on outcomes respectively.

4.6.4. The Food Safety Service will seek to establish at least one Primary Authority Partnership agreement through collaborative working with Better Regulatory Delivery Office (BRDO).

4.7. Advice and Training to Businesses

4.7.1. The Food Safety Service has produced standards which along with the Food Safety Enforcement Policy outlines the Service's commitment to advising and supporting businesses to comply with the legal responsibilities and good food hygiene and food standard practices.

4.7.2. The Service will give assistance to food businesses when requested to help them to comply with the law and to encourage the use of best practice. The Service is also proactive in supporting businesses and will continue to:

- Provide advice during routine inspections to premises;
- Provide regular Food Hygiene Training courses for businesses to attend
- Provide information on the Hackney.gov.uk website with the purpose of providing advice to food business operators and consumers. <http://www.hackney.gov.uk/e-env-environmental-health.htm>
- Following the cuts made to the Service as a result of the re-organisation in 2017/18, the provision of a Business Consultancy service for the provision of in-depth support to businesses regarding food safety management systems, staff coaching and specialist technical advice is no longer possible.

4.8. Food Sampling

4.8.1. A programme of food sampling will be carried out based on national, regional and local, intelligence-led priorities. Sampling may also be carried out in response to complaints and referrals but also during or following a primary inspection. All sampling is carried out in accordance with the Food Sampling Policy and Procedure.

4.8.2. The food sampling programme for 2018/2019 will be developed to include London Food Co-ordinating Group (LFCG), FSA and Public Health England (PHE) programmes, the North East London Food Sector Group projects and local issues.

4.8.3. The authority has access to two official food control laboratories, one for microbiological examination of food (Food Water and Environmental Microbiology Laboratory run by PHE) and one for food analysis (Public Analyst Scientific Services Ltd).

4.9. Control and Investigation of Outbreaks and Food Related infectious Diseases

4.9.1. The Food Safety Service will investigate all food poisoning outbreaks and notifications occurring in the borough in accordance with the Public Health England/Local Authority Joint Infectious Disease Protocol and internal procedures.

4.9.2. The Consultant in Communicable Disease Control (CCDC) at the North East (NE) and North Central (NC) London, Health Protection Team of Public Health England to act as Proper Officer for the purposes of control and management of infectious diseases.

4.9.3. There have been no contingency resources identified for dealing with an outbreak for 2018/2019.

4.10. Food Safety Incidents

4.10.1. The Food Safety Service has arrangements in place to ensure that it is able to implement the requirements Food Law Code of Practice in respect of Food Alerts.

4.10.2. A Food Alert 'for Action' will be issued by the FSA where intervention by enforcement authorities is required and is often issued in conjunction with a product withdrawal or recall by a manufacturer, retailer or distributor. All urgent food alerts receive immediate attention. Outside office hours the emergency contact arrangements will be used.

4.11. Key Areas for Improvement/Development for the next two years

What we will do	Purpose	when
Delivery of a targeted risk-based approach for all planned food hygiene and food standards interventions	To ensure good food safety standards in food premises in the district to reduce the likelihood of food poisoning incidents.	Targets reviewed and set annually
Checks of food premises that at their last intervention were <i>ceased trading</i> and therefore recorded as <i>closed</i> . Contribution to a Service-wide ICT project to consolidate the property database to remove duplicated premises.	To ensure that the premises database is accurate and up to date and in readiness for the mobile working programme.	2018/19
Delivery of continued improvements on use of database and to identify efficiencies in processes in line with the Regulatory Services ICT strategy and associated road map	To contribute to the corporate ICT programmes, to improve the efficiency of the service delivery	2018/19
Review of procedures and quality monitoring processes of service activities and internal auditing against Standards and the FSA Framework agreement. Implement recommendations from the Food Standards Agency audit in October 2017	To build capacity and ensure the delivery of the food service is 'fit for purpose', fair, practical and consistent and able to withstand a challenge	2018/19

Ramp-up follow-up and range of interventions including formal enforcement activities in respect of not broadly compliant premises. Continue to promote re-inspection requests from businesses under the Food Hygiene Rating Scheme where improvements have been made.	To reduce the likelihood of food poisoning and significant risk of injury to public health; to improve the percentage of broadly compliant premises and achieve aspirational targets for food premises hygiene broad compliance	2018/19
Deliver the Alternative Enforcement Strategy (AES) for low risk premises	To monitor change of activities and maintain food safety compliance	Targets reviewed and set annually
Deliver the Healthy Catering Commitment in partnership with the Public Health team	To deliver Hackney's Obesity Strategic Partnership plan and reduce health inequalities.	2019/20
Delivery of Food Fraud interventions to ensure the provision of safer, healthier and sustainable food	To reduce illegal foods through interventions: The delivery of local targeted interventions, action days and sampling activity	2018/19
	To participate in the Pan-London Illegal Foods Group.	2018/19
Educate and support to businesses	To develop and deliver training courses to food businesses including market traders and mobile traders through the training centre	2018/19
	To develop a plan to identify and approach a number of businesses in order to establish at least one primary authority agreement.	2018/19
Food hygiene registration	To ensure that all new food businesses are inspected in a timely manner to limit the negative impact on the broadly compliance figure and risk to public health.	2018/19
Effective partnership working	To support the work of HMRC, the Police, Immigration and other relevant internal and external partners.	2018/19
	To work with the relevant departments to establish indicators for human slavery and safeguarding that can be identified during inspections to food	2018/19

	businesses. To improve consultation process for licensing applications for new and change of use premises. To improve joint working and intelligence sharing within Regulatory Services as part of the cross-cutting review implementation.	2018/19 2018/19
Promote the Food Hygiene Rating Scheme	To allow consumers make informed choices, and driving up standards and the economy: Encourage the display of ratings.	2018/19

5. RESOURCES

5.1 Resources for 2017/18 - Staffing Allocations

5.1.1 The staffing for food safety function for 2017/18 was as follows:

0.3 FTE x Team Leader (TL)

1.6 FTE x Principal Environmental Health Officer (PEHO)

4.0 FTE x Senior Environmental Health Officer (SEHO)

1.5 FTE x Business Support Officer (BSO)

1.5 FTE x Technical Business Support

1 FTE x Agency Environmental Health Officer (non-establishment)

Total staffing resources = 9.6 FTE

The staffing for food safety & health & safety function for 2018/19 is as follows:

0.3 FTE x Team Leader

1.6 FTE x Principal Environmental Health Officer (PEHO)

4.0 FTE x Senior Environmental Health Officer (SEHO)

1.5 FTE x Business Support Officer (BSO)

1.5 FTE x Technical Business Support

2 FTE x Agency Environmental Health Officer (non-establishment)

Total staffing resources = 10.6 FTE

Approximate resource time is spent on Health & Safety (= 1.4 FTE)

Staffing resource available to deliver the Food Safety function = 9.2 FTE

Staffing resource required to deliver the 2018/19 plan = 8.70 FTE

Staffing resource to deliver the 2018/19 plan including the food hygiene inspection backlog = 11.20 FTE

(The Healthier Catering Commitment officer has not been included in the above resource as this post is dedicated to the delivery of HCC and is funded by Public Health).

5.2 Authorisation and Competencies in line with new requirements of CoP

5.2.1 All officers are authorised in accordance with the Authorisation, Induction and Training Procedure and their competencies assessed against the framework contained therein.

5.3 Staff Development Plan new requirements of the CoP

5.3.1 There is a Corporate Staff Annual Appraisal and Development scheme, and at the start of the year all staff will have their own personal plan which comprises their main objective for the year with targets and their own development plan.

- 5.3.2 All staff are appraised in accordance with the scheme, and their development needs assessed. Records of all identified training needs are recorded and incorporated into a training plan. In addition, staff also receive regular one-to-ones/supervision meetings whereby competencies and development needs are discussed and assessed and adjustments are made to training plan where possible and appropriate.
- 5.3.3 All training records are maintained in accordance with the Authorisation, Induction and Training procedure.
- 5.3.4 Officers will be assisted in achieving 20 hours' Continual Professional Development (minimum 20 hours food law related), where resources permit.
- 5.4 Allocation of resources to deliver the plan**
- 5.4.1 The resources required to fulfil the plan for 2018/19 is approximately 8.68 FTE (see P31). The total number of available is approximately = 7.9 FTE.
- 5.4.2 There is a shortfall of 0.78 FTE, this will not adversely impact on category A & B, unrated and non-broadly compliant C premises inspections as these higher risk premises are prioritised. However, this is likely to result in lower risk category inspections not being completed and could mean that the inspection programme will not be met. In addition, there will be no resource to deal with the existing inspection backlog. The capacity for the delivery of the Service will be kept under review to ensure that food safety is not compromised.
- 5.4.3 The current inspection backlog for food hygiene is given in section 4.2.7 above and stands at 1134 premises. The 304 overdue E category premises from part of the current Alternative Enforcement Strategy and are included in the 2018/19 programme. However, the overdue C and D category businesses will require an additional resource of 2.5 FTE to inspect. The number of premises that are now overdue for inspection and the current resource available was highlighted as an issue by the Food Standards Agency during their audit in October 2017 and an action plan needs to be developed and implemented to address the inspection backlog.
- 5.4.4 In calculating the FTE requirement for 2018/19, an estimate of time allocation has been assessed on the previous years' outputs. The estimations make allowance for management time but not for the unplanned arising issues that are not possible to predict.
- 5.4.5 The team is currently recruiting 0.5 Business Support Officer to meet the establishment identified as part of the Business Regulation cross-cutting review (this resource is included in the 2018/19 FTE calculations).

5.5 Resource Allocation per Activity

The table below is the estimation of a full time equivalent.

1 year	52 weeks (260 days)
Annual Leave / Bank holidays	7 weeks (35 days)
Training / briefings etc.	2 weeks (10 days)
Sick leave / dependency / special leave etc.	1 week (5 days)
Number of working weeks	42
Number of working days	210 days
1 FTE	210 days (1512 hours)

5.6 Programmed Inspections

- High risk Category A, B, not broadly compliant Category C and all unrated premises, (assume 350 new premises, 50 unrated premises carried over from 2017/18) plus 50 AES inspections = 720 inspections due at 7.0 hours per inspection (including paperwork, notices and 30 minutes journey time). (Due Food Standards inspections will be carried out at the same time) = 5040 hours (3.33 FTE)
- Carry out partial inspections on the remaining broadly compliant rated C & D premises; 348 premises at 4.5 hours an inspection (including paperwork and 30 minutes journey time) = 1566 hours (1.04 FTE)

Therefore total Food Hygiene inspection time 6606 hours (4.37 FTE)

- Food Standards Inspections Category A (14) premises due for food standards only @ 4.0hrs each (including paperwork and 30 minutes journey time) = 64 hrs.

Total Food Standards interventions = 64 hrs (0.042 FTE)

The total resource for carrying programmed inspections = 6670 hours (4.41 FTE)

5.7 **Alternative Enforcement Strategy (AES)**

Category E food hygiene premises will be subject to alternative enforcement strategies.

- Allow 0.25 hrs per premises (499 FH category E's) for implementation of scheme = 125 hours.
- Allow 10 hrs for management of AES scheme.

Total for carrying out above Alternative Enforcement Strategies = 135 hours (0.089 FTE)

5.8 **Re- inspections following programmed inspections**

Re-visits will be carried out in premises that are not broadly compliant during their initial inspection, and often multiple re-visits are needed at the same address. Calculations are based on the average number of monthly re-visits undertaken in 2017/18 up to 31st March 2018.

For both food hygiene and food standards, it is estimated that there will be 730 re-visits @ 2hrs each (including paperwork and 30 minutes journey time) plus 10% follow-up visit = 73 @ 2 hrs = 1606 hours.

Total resource required for re-inspections = 1606 hours (1.06 FTE).

5.9 **Service requests**

It is expected that approximately 1054 (based on 2017/18 figures up to 31st March 2018) food safety related service requests will be received during the year. These include advice to businesses and members of the public. It is estimated that each will take an average of 1.0 hrs; therefore 1054 hrs will be required to deal with these.

Total resource required for Service Requests = 1056 hours (0.7 FTE).

5.10 **Infectious Diseases and Outbreak Control**

The resource required to deal with an outbreak will depend on the size and complexity of the incident. This is not included in the estimation, and any outbreak will reduce resources available in other areas. In accordance with the Infectious Disease protocol agreed with the Public Health England, certain infectious diseases are not actioned by the Local Authority. It is estimated that further action (investigation, questionnaire, potting etc.) will be required on approximately 25% of all cases notified (48 cases) (based on 192 cases received in 2017/18 figures as of 31st March 2018). (1 hour each).

Total resource required for Infectious disease = 48 hours (0.03 FTE).

5.11 **Food Sampling**

Sampling will be based on the Sampling Programme – which consists of a number of projects co-ordinated by either: FSA, PHE, LFCG or the NE Sector Liaison Group, plus a number of local projects and home authority sampling.

- 100 (based on 2017/18 figures) samples @ average 4 hours per sample (including paperwork and 30 minutes journey time) = 400 hours
- Follow up to adverse results (20% approx.); 20 @ 4 hours per sample = 80 hours.

Total resource required for Food Sampling = 480 hours (0.32 FTE)

5.12 **Proactive Action Days**

Action days are taken in areas where there are known problems and it is a focused way of ensuring businesses are compliant. We expect to carry out at least 2 action days (minimum 20 premises visits) throughout the year for project and collaborative operations.

Each action days involves approx. 8 officers (5hours per day) = 40 hours per action day

Total resource required for Proactive Action days = 80 hours (0.05 FTE)

5.13 **Food Safety Promotion**

Activities during Food Safety Week in June are estimated to take around 4 days of officer time (including maintaining the food safety web-pages on the Hackney website)

Total resource required for Food Safety Promotion = 28.8 hours (0.02 FTE)

5.14 **Food Hygiene Training to businesses**

and providing advice .

The Training Centre is scheduled to carry out 4 x training days in Level 2 Food Hygiene plus 4 x Food Allergens courses. It is estimated that each course currently takes 10 hours of officer time, and over the course of the year 10 hours' management time.

Total resource required for Food Hygiene Training = 90 hours (0.06 FTE)

5.15 **Outdoor Events**

These can occur almost every weekend during the summer months. The Service aims to undertake inspections at approximately 3 events during May to September. Two officers attend per event, for approximately 6 hours each. Preparation time for each event equates to four hours.

Additionally winter/Christmas themed events may occur November to December. The service aims to undertake inspections at approximately 2 events during this time.

Total resource required for Outdoor events = 64 hours (0.05 FTE)

5.16 Enforcement/Prosecution/Legal work (including Hygiene Improvement Notices, seizures, closures).

Estimations of resource requirements based on 2017/18 enforcement actions

Type of enforcement	Number estimated based on 2017/18	Estimate of hours	Total hours
Hygiene Improvement Notices	77	1 hour/notice	77
Hygiene Emergency Prohibition Notices/Orders	5 anticipated	18 hours	90
Voluntary Closures	7	10 hours	70
Seizures and detentions	5	18 hours	90
Simple Cautions	2 anticipated	72 hours	144
Prosecutions	2 anticipated	72 hours	144
Total estimated time			615

Total resource required for enforcement work = 631 hours (0.41 FTE).

5.17 Technical Business Support

The technical Business Support team are responsible for supporting officers in their activities and for maintaining back-up systems and specific items of equipment and other resources, managing training courses, maintaining premises database, running reports for FOIs etc. = **1.5 FTE.**

5.18 Resource allocation by Activity

<u>Activity</u>	<u>FTE</u>
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Programmed Inspections	4.41
Alternative Enforcement Strategies	0.09
Re-inspections, re-visits	1.06
Service Requests	0.7
Infectious Diseases and Outbreak Control	0.03
Food Sampling	0.32
Proactive Action Days	0.05
Food Safety Promotion	0.02
Food Hygiene Training	0.06
Outdoor Events	0.05
Enforcement/Prosecution/Legal work	0.41
Technical Business Support	1.5
Approximate total resources required to fulfil the plan for 2018/19	8.70
Resource required to address Food Hygiene inspection backlog	2.5

6 QUALITY ASSESSMENT

6.1 Internal Arrangement

6.1.1 Arrangements include:

- monitoring arrangements to assess the quality of food enforcement work and compliance with the Food Law Code of Practice internal procedures.
- minuted monthly team meetings
- annual performance appraisals
- development needs assessments and training plan
- cascade training and team briefings
- accompanied/validation inspections
- 4-6 weekly one-to-one meetings

6.2 External Arrangements

6.2.1 The service will submit an annual return to the FSA - Local Authority Enforcement Monitoring System (LAEMS), as required by the Food Standards Agency.

6.2.2 Hackney's FHRS data is uploaded to the FSA's National platform on a fortnightly basis.

- 6.2.3 The service participates in activities with other North East London Sector Food Liaison Group to share good practices. Lessons learned will be used to develop a consistent approach across the sector.
- 6.2.4 The service participates in programmes devised by the FSA, the London Food Co-ordinating Group, and the Chartered Institute of Environmental Health Officers. The service also works in partnership with other external agencies such as HMRC. UK Border Force and Immigration Enforcement

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London Borough of Hackney

Health and Safety Service Delivery Plan 2018/19

Page 73

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INVESTOR IN PEOPLE

Contents

INTRODUCTION 3

1. HEALTH AND SAEFTY AIMS AND OBJECTIVES 5

 1.1. Aims and Objectives 5

 1.2. Links to Corporate Objectives and Plans 5

2. BACKGROUND 6

 2.1. Scope of the Health and Safety 6

 2.2. Demands on the Health and Safety Service 7

 2.3. Enforcement Policy 7

3. SERVICE DELIVERY 8

 3.1. Inspection Programme 2018/19 8

4. RESOURCES 16

 4.1. Staffing Allocation 16

 4.2. Authorisation and Competencies and Staff Development Plan 16

5. QUALITY ASSESSMENT 17

 5.1. Internal Arrangements 17

 5.2. External Arrangements 17

6. REVIEW 18

 6.1 Review against the 2017/18 Service Plan 18

 6.2 Highlights 18

 6.3 Key areas for improvement/development 18

INTRODUCTION

Responsibility for the enforcement of health and safety law is split between the Health and Safety Executive (HSE) and Local Authorities (Hackney) depending upon the activity undertaken by the duty holder. Hackney enforcement officers ensure that duty holders manage their workplaces with due regard to the health and safety of their workforce and those affected by their work activities. To achieve this Hackney provides advice and guidance on the management of risk and what the law requires, conduct inspections and investigations, and take enforcement action where appropriate.

HSE and Local Authority Representative Bodies have a 'Statement of Commitment' which sets out the joint commitment to ensure provision of adequate standards of working together as co-regulatory partners in order to prevent death, injury and ill health of those at work and those affected by work activities. In general, Hackney is the main enforcing authority for retail, wholesale distribution and warehousing, hotel and catering premises, offices, and the consumer/leisure industries.

Hackney is an enforcing authority in its own right and must make adequate provision for enforcement. The Local Authority National Enforcement Code introduced in May 2013 sets out the principles that each local authority should follow to ensure a consistent, proportionate and targeted approach to regulation based on risk.

This service uses a number of intervention approaches to regulate and influence businesses in the management of health and safety risks including:

- provision of advice and guidance to individual businesses or groups;
- proactive interventions including inspection;
- reactive interventions e.g. to investigate an accident or complaint.

Document Number: 20834440

Document Name: H&S Service Delivery Plan 2018/19

Hackney inspectors may use enforcement powers, including formal enforcement notices, to address occupational health and safety risks and secure compliance with the law. Prosecution action may be appropriate to hold duty holders to account for failures to safeguard health and safety.

Proactive health and safety has diminished over the years in line with the Government instruction and guidance. Hackney has traditionally focused on food safety whilst the health and safety service has been more reactive. However, with the introduction of the National Code, a clear set of priorities have been identified that allow a more strategic approach to tackling health and safety issues in Hackney. As such the Health and Safety Law Enforcement Service Plan is the Council's mandatory annual plan referring to the effective enforcement of health and safety legislation in Hackney.

The plan fulfils the Council's obligations under section 18 of the Health and Safety at Work etc. Act 1974 and with the Health and Safety Executive (HSE) National Authority Enforcement Code, and will be put before the appropriate member forum for approval. The format and content of the Plan provides the basis upon which the Council's Health and Safety Service will operate in order to ensure they are providing an effective service to protect the safety of people employed to work in Hackney. The HSE collects data annually on the enforcement activities of all local authorities and publishes this data. This data collection is known as the LAE1 Return.

The objective of this plan is to ensure that a programme of health and safety enforcement activity is carried out, in order to instil confidence that Hackney protects those employed in the borough.

The Health and Safety Law Enforcement Service Plan refers to the health and safety law enforcement functions undertaken by Hackney's Neighbourhoods and Housing Directorate under the provisions of the Health and Safety at Work etc. Act 1974 and regulations made there under.

As well as setting out the aims and objectives of the Council's Health and Safety Service, the plan also links the Service's priorities to the Council's core themes. The plan is a public document and will be published on Hackney Council's website.

1. HEALTH AND SAEFTY AIMS AND OBJECTIVES

1.1. Aims and Objectives

1.1.1 The Health and Safety Service is delivered by the Environmental Health Team, part of Business Regulations. The main objectives of the Service are to:

- to assist businesses to meet legal requirements and to raise standards to provide safer workplaces. Improved standards are proven to help businesses to become more prosperous, which can benefit the whole community;
- to use regulatory powers, sensibly and proportionately, and using risk based and intelligence led action.;
- ensure that the environment in which people work is safe and foreseeable risk are controlled;
- inspect premises in the borough that present the highest risk to employees;
- ensure that all reportable accidents are investigated in line with current HSE guidance (LAC 22/13);
- ensure that the service delivery is planned in accordance with current HSE guidance (LAC 67/2(6));
- to undertake a number of projects in line with the National Code;
- to increase joint working with other services in the directorate, the council and other external agencies and partners to raise the profile of the health and safety service.

1.2. Links to Corporate Objectives and Plans

1.2.1. This plan supports the Mayor's priorities 3 and 4 along with the Sustainable Community Strategy priorities 3.

The health and safety service will aim to meet these Mayoral priorities by:

- promoting and participating in initiatives that provide business support;
- by providing low cost training and business coaching;
- by distributing leaflets and advice;
- by reducing incidences of reportable accidents;
- providing an efficient, effective and quality service to both businesses and consumers;
- to ensure the provision of safe working environments within the community;
- to utilise new ways of working and available technology to increase efficiency;

- by assisting the business community to comply with legislation;
- by tackling those businesses that do not comply to the same degree as those businesses that are responsible, diligent and compliant.
- by listening to feedback from businesses and making reasonable adjustments where possible to provide a well-respected service.

2. BACKGROUND

2.1. Scope of the Health and Safety

2.1.1 Hackney aims to provide a comprehensive service to all businesses that the service has responsibility for.

2.1.2 The Health and Safety Service is delivered by competent officers equipped with the required knowledge, skills and experience, but if necessary consultants are used to provide additional expertise.

2.1.3. The Health and Safety Service is responsible for inspections and audits of businesses in the borough, which involves both planned and reactive work.

2.1.4. The Health and Safety Service aims to provide a “one stop” service as officers hold dual warrants for health and safety and food safety.

2.1.5. The Health and Safety Service provides the following services:

- carrying out planned inspections of businesses at a frequency determined by HSE LAC 67/2(6) and the National Code to ensure that businesses comply with health and safety laws, and taking appropriate enforcement action as necessary;
- working with local food businesses to help them comply with their legal responsibilities by using a range of interventions as set out in LAC 67/2(6) and by providing information, advice and guidance;
- investigating complaints about businesses in Hackney that present a health and safety risk.;

- initiating and responding to notifications of reportable accidents as defined by the Reporting of Injuries, Diseases and Dangerous Occurrence Regulations 2013 (RIDDOR) and guidance provided by LAC 22/13 and taking appropriate action as necessary;
- providing training in the area of health and safety;
- carrying out activities with regard to an enforcement policy in line with the central government issued guidance;

2.2. Demands on the Health and Safety Service

2.2.1 A key challenge for the health and safety service for forthcoming years is to respond to changes to health and safety enforcement following the Government's commissioning of professor Löfstedt's independent review of health and safety legislation, the government's response and the resulting National Local Authority Enforcement Code. This has required changes in the way the service plans, targets and interventions with duty holders' activities and together with the Regulators' Code, the National Code necessitates the development of a different relationship and engagement with businesses to influence compliance.

Local authorities have been instructed to reduce the number of proactive inspections. This has meant that the health and safety priorities have had to change in line with the direction and guidance provided by the Health and Safety Executive.

2.2.2 This service receives a high number of accident notifications. During 2017/18 there were 93 such notifications; [approximately 100 projected for 2018/2019]. However, in line with the direction and guidance provided by the Health and Safety Executive investigation is only restricted to fatalities and major injuries.

2.2.3 This service works in partnership with a number of internal and external partner on health and safety related inspections. This in turn takes time away when other parts of the plan could be completed. Only 15% of the work completed by the team is focussed on health and safety with the remaining 85% is dedicated to food safety.

2.3. Enforcement Policy

2.3.1. The Health and Safety Service recognises that whilst businesses look to maintain their reputation and wish to maximize profits, they also seek in most instances to be 'on the right side' of legal requirements without incurring excessive expenditure and administrative burdens. So, in considering enforcement action, the service will assist food businesses to meet their legal obligations without unnecessary expense, whilst taking firm action. This may include prosecution or other formal action where appropriate against those who disregard the law or act irresponsibly.

- 2.3.2. The Health and Safety Service will make full use of the interventions set out within the HSE guidance document that provides LAs with guidance and tools for priority planning and targeting their interventions known as LAC 67/2(6). This will ensure that those businesses that are compliant with health and safety law are subject to interventions which reflect the level of compliance that they have achieved and maintained in order to allow proportionate and targeted regulation of those businesses that present the greatest risk to health and safety.
- 2.3.3. The Service is involved in a number of enforcement initiatives which involves working in partnership across service areas and with external agencies and organisations to tackle issues and concerns about health and safety, minimum wage, etc. The Service will continue to participate in enforcement operations and activities where misdemeanours and infringements occur.

3. SERVICE DELIVERY

3.1. Inspection Programme 2018/19

- 3.1.1 The health and Safety Service will employ a range of interventions to assist in raising the compliance with businesses in the borough. Interventions include inspection, monitoring, surveillance, education or verification visits and should enable a lighter touch for compliant premises, and also enable additional resources to be targeted on non-compliant premises in line with the Regulator's Compliance Code.
- 3.1.2 Alongside the National Code, the HSE has published a list of higher risk activities as national Priorities to inform local authority planning, based on sector specific HSE strategies. In 2016/17, the HSE had formally raised concerns about our low levels of interventions/activity relating to workplace health and safety, following our annual submission of data (LAE1 return). As a result the restructuring and staff sickness was cited to mitigate the less than expected activity and LBH's commitment to effective health and safety was renewed. 2017/18 data showed improvement but despite reduction in the current resources, continuous improvement will have to be demonstrated by achieving increased levels of regulatory work and provisions of advice.
- 3.1.3 The National priorities and local priorities programme for 2018/19 are listed in table 1 below:

Table 1– Health & Safety Programme for 2018/19

What are the priorities?	Why intervene?	Where to intervene?	How to intervene?	When to intervene?
1. Inspection of cat A high risk premises.	High risk	Currently 4 high risk premises have been tagged for inspection.	All high risk premises and any emerging high risk premises will be inspected in accordance with the established procedures.	On-going 2018/19 By end of March 2019
2. Develop and deliver the health and safety delivery plan.	A comprehensive service plan detailing the activities of the team is essential to provide focus and direction to the team.	The Plan sets out the H&S service's priorities and resources identified.	Other interventions	By end of April 2018; commencement dependant on HSE programme.
3. Inspection and risk assessment of work based transport (such as fork lift trucks) as a specific project.	This is an All London Health and Safety Group's considered priority. To raise the awareness surrounding risks associated with work based transport.	This will be dependent on the campaign material yet to be issued by the Group	Inspection, education & awareness	by end Q3 2018/19
4. Investigations of incidents and complaints using LAC22/13	To ensure that reports are made within the prescriptive timescales and the details of the events have been accurately represented.	10% of all RIDDOR notifications will be investigated.	Incident & ill health investigation	On-going 2018/19
5. Proactive work in accordance with the beauty sector strategy including the monitoring of reports and complaints to identify reports of ill health, accidents, incidents, poor	Environmental Health Team carries out health and safety inspections of Massage and Special Treatment (MST) premises to help the Licensing Team	The environmental health team will inspect all premises that apply for a new license to provide UV light treatment, IPL, sauna, steam, spa, tattooing and	Inspections and other appropriate interventions.	On-going 2018/19

<p>performance, trends and local issues which may require further interventions or issues which may need to be taken forward nationally.</p>	<p>determine initial applications. Subsequently all premises deemed to be carrying out high risk activities are inspected annually, upon receipt of renewal application. All H&S related complaints related to MST premises are also investigated. Statutory return – performance information will be submitted Health and Safety Executive</p>	<p>body piercing) not ear and nose piercing)</p>		
<p>6. Increased enforcement of H&S matters.</p>	<p>Undertake appropriate interventions consistent with Health and safety enforcement Policy</p>	<p>Premises found to be unsafe will be faced with a graduated approach to enforcement. This could be a warning letter, enforcement Notice or prosecution.</p>	<p>Inspection or other appropriate interventions</p>	<p>On-going 2018/19</p>
<p>7. Development of standard operating procedures (SOP)</p>	<p>Up to date and accurate standard operating procedures are essential to the team.</p>	<p>A programme of review of H&S SOPs. Revised/new procedures will be integrated in the teams work stream.</p>	<p>Development/review and of procedures</p>	<p>On- going 2018/19</p>
<p>8. Submission of LAE1 report</p>	<p>Statutory requirement</p>	<p>Annual and 6-month submissions</p>	<p>Other intervention</p>	<p>By end of Q2 2018/19</p>
<p>9. Matters of Evident Concern (MEC) arising from multi-agency</p>	<p>Joint agency projects allow us to go in to premises that</p>	<p>Projects with internal and external partners on, for</p>	<p>Inspection, joint operations</p>	<p>On-going 2018/19</p>

<p>projects</p>	<p>we would not normally inspect. This allows us to gain intelligence on those business activities and their compliance with H&S regulations.</p>	<p>example, National Minimum Wage, smoking cessation</p>	<p>Advice, guidance and inspections</p>	<p>On-going 2018/19</p>
<p>9. Responsible Authority role/Event safety</p>	<p>To ensure public safety issues arising from licensed events and premises in the Hackney are minimised.</p>	<p>Beneficial to employers, workers and the wider economy.</p>	<p>Advice, guidance and inspections</p>	<p>On-going 2018/19</p>
<p>10. Workplace health and wellbeing</p>	<p>To reduce sickness, lower staff turnover and boost productivity by encouraging health workplaces.</p>	<p>Partnership working with the Public health Team</p>	<p>Partnerships established as part of the Better Regulation Delivery Office's initiative</p>	<p>On-going 2018/19</p>
			<p>Review and respond to consultations, including making of representations where necessary. Review event plans and risk assessments, site visits. Involvement in Safety Advisory Groups</p>	<p>On-going 2018/19</p>
			<p>Education and awareness liaison with event organisers.</p>	<p>On-going 2018/19</p>
			<p>To explore working with interested businesses to promote good practice and</p>	<p>On-going 2018/19</p>

			supporting businesses through advice/audits	
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3.2 Primary Inspections

- 3.2.1 Businesses are categorised into four risk types, category A – high risk; B1 and B2 - medium risk and C – low risk. However, current HSE advice states that no proactive inspection, other than category A, shall be undertaken. For 2018/19, so far, no premises have been identified as category A. Businesses that are in category B1-C will be visited if a complaint is made or form part of a project identified in table 1 above.
- 3.2.2 Businesses are evaluated on four different elements of a business' health and safety performance (i.e. how effective is the business at managing any risks it creates) - confidence in management, safety performance, health performance and welfare compliance gap
- 3.2.3 Ratings are based on finding during an intervention and a 'category' will then be assigned.
- Category A, are inspected annually;
 - Premises that are not rated category A are not subject to proactive inspections at any determined interval but can form part of a project or other interventions.

3.3 Health and Safety premises classification

- 3.3.1 There are no high risk premises, presenting a high health and safety risk, (category A) requiring a statutorily required proactive inspection for 2018/19, but the situation may change as result of investigating accident notification and complaints.
- 3.3.2 Inspections due for inspection are allocated based on a ward and risk priority basis via Civica APP database. Officers participating in the health and safety inspection programme also undertake for all reactive work on a ward basis.
- 3.3.3 The inspection programme will be monitored on a weekly, monthly and quarterly basis as required.

3.4 Complaints and Service Requests

3.4.1 The health and Safety Service aim to investigate all complaints within the timescales set out below in table 2.

3.4.2 Table 3 below sets out the main activates of the team in 2017/18

Table 2: Service Response Target Times

	Response target
95% 1 st response	Within 10 working days
Urgent (i.e. existence of imminent risk to health)	Within 24 hours
Non-Urgent	Within 5 working days
Letters	Within 10 calendar days
Telephone	Answer within 3 rings
Service Complaints	Within 10 working days
Members' Enquiries	Within 10 working days

Table 3 below sets out the Key Service activity in 2017/18

Type of Service Activity	No.
Number of primary inspections	14
Number of Improvement Notices served	24
Number of Prohibition Notices served	15
Number of RIDDOR notifications	93
Number of enforcement/enforcement letters	5
Number of H&S revisits	25
Number of H&S reactive visits	23
Number of H&S project visits	27

3.5 Home Authority Principle

- 3.5.1 The Service is committed to the Home Authority Principle, i.e. the relationship between a business and local authority where the decision making base (i.e. head office) of the company is located. The Service will continue to provide an informal Home Authority Service as it recognises the importance of using this approach and its value in securing and improving food hygiene and food standards practices.

Primary Authority Principle

- 3.5.2 The principles of the Primary Authority Scheme are set out in the Regulatory Enforcement and Sanctions Act 2008, and are part of the Government's regulatory reform strategy led by the Hampton Report, and Macrory Review that emphasised reducing burdens on businesses, and a focus on outcomes respectively.
- 3.5.3 Currently Hackney has no Primary Authority Partnership with local businesses but continues to act in an informal capacity with a number of manufacturers, importers and wholesalers in the borough.
- 3.5.4 The Environmental Health Service will seek to establish one Primary Authority Partnership agreement with a business or organisation this year.

3.6 Advice to Businesses

- 3.6.1 The health and safety Service recognises that the majority of businesses seek to comply with the law. We will give assistance to businesses when requested to help them to comply with the law and to encourage the use of best practice. The Service will continue to:
- Provide advice during inspections and other visits to premises;
 - Provide and distribute advice documents (in various languages) produced by the HSE, other Government bodies, advisory groups, and in-house, as necessary
 - Regularly update the department's web page to ensure the most up-to-date information is available and where possible links to the relevant documents.

3.7 Additional Priorities and Partnership Working

- 3.7.1 The Health and Safety Service will continue to undertake joint working initiatives with Community Safety, Licensing, Events and Public Realm teams, Public Health (Hackney) and other internal and external organisations including the Metropolitan Police, HMRC and the Home Office to tackle emerging, arising issues and regulatory non-compliances.

3.8 Promotional Campaigns

3.8.1 The service will take part in campaigns that add value to the work of the service. The team are already committed to the carbon monoxide awareness campaign launched in 2017/18 and is continuing with phase 2 of the project. Future projects such as work based transport checks, and any other initiated by the HSE or All London Group will also be supported.

4. RESOURCES

4.1. Staffing Allocation

4.2.1 The staffing for food safety function for 2015/2016 is as follows:

1.4 FTE x Senior Environmental Health Officer (PEHO/S/EHO/BSO)

0.35 FTE support staff

Total FTE required to deliver this plan = 1.4 FTE

4.2. Authorisation and Competencies and Staff Development Plan

- 4.3.1 All officers are authorised in accordance with the Authorisation, Induction and Training Procedure and their competencies assessed against the framework contained therein.
- 4.4.1 There is a Corporate Staff Annual Appraisal and Development scheme, and at the start of the year all staff will have their own personal plan which comprises their main objective for the year with targets and their own development plan.
- 4.4.2 All staff are appraised in accordance with the scheme, and their development needs assessed. Records of all identified training needs are recorded and incorporated into a training plan. In addition staff also receive regular one-to-ones/supervision meetings whereby competencies and development needs are discussed and assessed, with adjustments made to the training plan where appropriate.

4.4.3 All training records are maintained in accordance with the Authorisation, Induction and Training procedure.

4.4.4 Officers will be assisted in achieving 20 hours' Continual Professional Development

5. QUALITY ASSESSMENT

5.1. Internal Arrangements

Arrangements include:

- Monitoring arrangements to assess the quality of health and safety enforcement work and compliance with the guidance from the Health and Safety Executive;
- Minuted monthly team meetings;
- Annual performance appraisals;
- Development needs assessments and training plan;
- Cascade training and team briefings;
- Accompanied/validation inspections;
- 4-6 weekly one-to-one meetings.

5.2. External Arrangements

5.2.1. The service will submit the annual LAE1 health and safety activity report to the Health and Safety Executive.

5.2.2. Periodic review of practices and procedures will be discussed at the regional London and quadrant health and safety meetings held three to four times a year respectively.

6. REVIEW

6.1 Review against the 2017/18 Service Plan

6.1.1 Performance is reviewed through a variety of mechanisms which include performance appraisals, monthly one-to-one meetings and monthly team meetings. Monthly and quarterly performance reports are produced for review by the Corporate Director and portfolio holder

6.2 Highlights

- Completion of all high risk category A inspections - a decrease in the number of high risk premises from 6 to 0 through consistent interventions has been achieved but other high risk premises may emerge whilst carrying out inspections related to specific projects, whilst investigating complaints or accident notifications, and establishment of new businesses.
- 12 butchers in Ridley Road E8 were visited on 21st November 2017. 10 Prohibition Notices were issued where two or more of the following defects were noted: missing or defective guards, absence of door interlocks and blade overrun.
- Phase one of the charcoal project for monitoring the carbon monoxide levels was completed by 27 initial visits and 11 re -visits. Phase two is underway and 4 out of 11 premises have been visited. The purpose of this project is to make the food business operators, in mainly Turkish Restaurants using solid fuel, aware of the dangers of carbon monoxide (CO) poisoning to the staff, customers and the residents living above the business premises. A number of areas requiring improvements were identified, such as poor knowledge about the risks, lack of risk assessments, no CO detectors being installed, poor ventilation and no training of staff. These shortcomings were remedied by a combination of advice, guidance and formal enforcement actions.

6.3 Key areas for improvement/development

These include:

- To ensure delivery of a targeted risk-based approach for all health and safety interventions and project based work to deliver national and local priorities and the requirements of the National Code.
- Continued improvements on use of database and to identify efficiencies in processes.
- Quality monitoring of the Service activities against standard operating procedures.

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- Continued development and review of procedures, and process maps.
- Responsible Authority role
- To support business development and compliance in the borough.
- To develop the health and safety training programme for businesses to improve compliance and service growth

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Trading Standards Service Delivery Plan 2018/19



INVESTOR IN PEOPLE

Table of Contents

Introduction	3
Trading Standards Aims & Objectives.....	3
Service Priorities.....	6
Performance Indicators.....	11
Enforcement Policy.....	12
Resources.....	13
Authorisation & Competencies.....	14

INTRODUCTION

The plan sets out the activities identified for the Trading Standards Service in 2018/19.

The Trading Standards service provides advice and regulatory services that protect both consumers and businesses as well as creating safer communities and a safe and fair economic environment for Hackney businesses.

The Service is currently staffed by a Principal Officer who fulfils the role as the Chief Trading Standards Officer/Chief Inspector of Weights and Measures, three Senior Trading Standards Officers two of whom are qualified as Financial Investigators and one Business Standards Officers.

The Trading Standards Service as with other council services faces real challenges to meet the demands placed on it. The number of officers employed by the service has reduced from eleven in 2011 to five in 2017/18. With the continued budget reductions by Central Government alongside the growing demands for its services, this will provide significant challenges in the delivery of the Trading Standards service.

1. TRADING STANDARDS SERVICE AIMS AND OBJECTIVES

Aims and Objectives

1.1 The Services broadly aims to:-

- ensure fair trading with respect to consumer credit, counterfeiting, misleading prices, advertising and the description of goods, services and property; ensure that weighing and measuring equipment used in the Borough meets legal requirements;
- protect consumers from unsafe goods and unfair trade practices;
- support businesses through education and advice;
- protect young people from sales of age-restricted products;
- identify and enforce legislation against “rogue traders” in the borough using a range of sanctions including advice, simple warnings and prosecutions; work in partnership with members of the business community and with external agencies such as the police, HMRC and Customs to enforce a fair trading environment;
- utilisation of three financial investigators and one financial intelligence officer.

1.2 In support of this the Service broadly undertaken the following:-

- enforcement of relevant legislation.
- offers advice to consumers via Citizens Advice consumer service.
- provide advice and inspections for businesses.
- process circa 3000 customer complaints and trade enquiries each year (this includes matters which are notification only).
- triage circa 600 complaints which are not notifications.
- investigate offences and prosecute offenders.
- the service investigates complaints against companies or businesses trading in Hackney.
- address consumer complaints made by people who live in Hackney.

1.3 The main areas of criminal law that we enforce are as follows: -

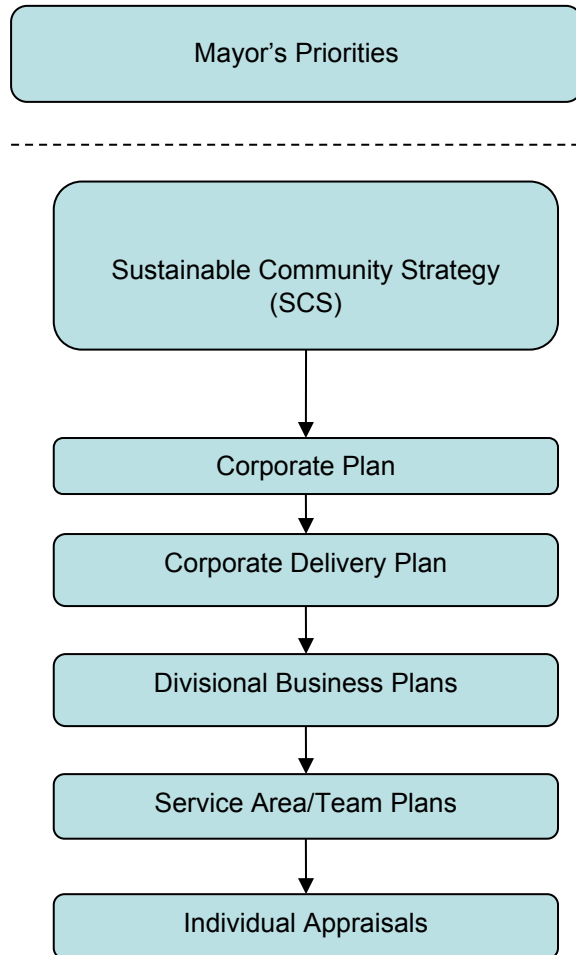
- safety of consumer goods,
- false or misleading descriptions relating to goods and services,
- product counterfeiting,
- failure to display selling prices of goods and misleading price indications,
- consumer credit malpractice and age restricted sales and
- animal feeding stuffs and feed registrations.

1.4 In fulfilment of the Mayor priorities the Service address the following:-

- The Service tackles inequality by protecting vulnerable groups such as the elderly and young by undertaking proactive project work and reacting to complaints as they are received.
- The service deals with complaints and service requests and specialises in Proceeds of Crime work which brings income to the council whilst removing the financial benefits for criminals.
- Protecting the elderly from rogue traders improves the quality of life for vulnerable adults.
- The Service undertake proactive work to protect citizens such as age restricted work, illicit tobacco work. Age restricted work is conducted in partnership with the police.

How the Service Links to Corporate Priorities

Hackney's Vision: A place for everyone



- Mayor's Priority 1:** Making Hackney a place where everyone can succeed, through a first class education, investment and jobs, and providing support to those who need it most.
- Mayor's Priority 2:** Making Hackney a place that everyone can enjoy, with clean, safe streets, excellent parks and public services and a great quality of life for all who live here.
- Mayor's Priority 3:** Making Hackney a place where everyone can contribute, through listening to residents, and involving them in the decisions we make and things we do.

The **2008-2018 Sustainable Community Strategy** has six priorities:

1. Reduce poverty by supporting residents into sustainable employment, and promoting employment opportunities.
2. Help residents to become better qualified and raise educational aspirations.
3. Promote health and wellbeing for all, and support independent living.
4. Make the borough safer, and help people to feel safe in Hackney.
5. Promote mixed communities in well-designed neighbourhoods, where people can access high quality, affordable housing.
6. Be a sustainable community, where all citizens take pride in and take care of Hackney and its environment, for future generations.

2.0 SERVICE PRIORITIES

Trading Standards Priorities 2018/2019

Work activity	Desired Outcome	Target	Performance Indicator / Measure	Timescale
Projects				
Tackling Counterfeit Good	<ul style="list-style-type: none"> Reduce the level of non-compliance and raise awareness through appropriate publicity. 	<ul style="list-style-type: none"> A minimum of three visits to Hackney markets to carry out market surveillance and robust action to address non-compliance. All cases to be considered for financial investigation. Sampling, testing and enforcement including licence review. To try social media scanning to identify local suppliers (desktop). 	<ul style="list-style-type: none"> Non-compliance addressed will be addressed by a graduated approach to enforcement. Minimum 3 targeted visits to markets. 	Ongoing from April 2018
Operation Liberal	<ul style="list-style-type: none"> This project/ initiative will have the following outcomes: To disrupt the activities of doorstep criminals operating within the Borough. To gather further intelligence for future investigations. Take a graduated approach to enforcement against persistent offenders. To raise the level of business compliance To raise awareness around the issues of door step crime 	<ul style="list-style-type: none"> To gather Intel and progress any cases. Investigating domestic building sites with a view to disrupt the activities of rogue traders. Identify residential addresses in N16 and E5, concentrating in and around Stoke Newington common, Lower Clapton and Chatsworth which may be subject to possible door step crime/ rogue trader offences To generate intelligence reports for further analysis 	<ul style="list-style-type: none"> Minimum 1 targeted operation in 2018/19. Reactive responses will be made in line with the current Complaints Investigation procedure. Summary report to be produced after analysis of intelligence reports and receipt of result of enquiries Minimum 10 properties viewed 	By end Q1 2018/19

Work activity	Desired Outcome	Target	Performance Indicator / Measure	Timescale
Tobacco Control Work	<ul style="list-style-type: none"> • Reduction in illegal sales of tobacco in support of government efforts to encourage smoking cessation. • To participate in appropriate/related health initiatives. • Compliance in retail establishments with relevant legislation. • Trailer parked in the Narrow Way. 	<ul style="list-style-type: none"> • Detection and disruption of sales of illegal and counterfeit tobacco. • Q2 and Q4 events. An outreach and education event with the aim of generating intelligence regarding the supply of illicit tobacco. • Targeted visits with the sniffer dogs. At least 2 Action Days. • A twitter and social media campaign with the aim of generating intelligence about the retail and wholesale supply of alcohol and tobacco. Councillor engagement and press release. • Participation in regional project work as appropriate. • Outreach event in Narrow Way. 	<ul style="list-style-type: none"> • To measure the effectiveness of the project at the start and end of Q2 and Q4 to measure improvement. • Trailer in Narrow Way. Public event held in partnership with Public Health. 	Start Q2 2018/19
Safety Project on White Goods Suppliers	<ul style="list-style-type: none"> • To identify and visit all the suppliers of white goods in the Borough and establish their compliance with the full remit of Trading Standards legislation including safety information & Consumer Rights Act Regulations. • Carrying out testing of second hand appliances, using qualified 	<ul style="list-style-type: none"> • To compile a comprehensive list of retailers and wholesalers supplying white goods in the Borough • To visit all premises identified and to advise businesses on all the legislation that applies to their retail and online sales of white goods. • To secure compliance through 	<ul style="list-style-type: none"> • All premises visited that fall into this category. • Any non-compliant premises brought into compliance within 6 months. • A list of email contacts for all suppliers in the Borough so product recall information can be effectively cascaded. • A report will be produced to 	By end Q2 2018

Work activity	Desired Outcome	Target	Performance Indicator / Measure	Timescale
	tradesman. <ul style="list-style-type: none"> To ensure traders are aware of traceability responsibilities. To take a graduated approach to enforcement. To compile an electronic list of suppliers in order to cascade product recalls. A develop a communications plan to advise traders and consumers. 	graduated enforcement action.	measure the effectiveness of the project. <ul style="list-style-type: none"> Approximately 15 premises visited 	
Second-hand tyre	<ul style="list-style-type: none"> To establish the level of compliance of businesses that sell part worn tyres across Hackney, and to take appropriate action where deemed necessary 	<ul style="list-style-type: none"> To establish number of traders supplying second hand tyres. To take a graduated approach to enforcement to ensure compliance. 	<ul style="list-style-type: none"> Visit a minimum of 10 premises 	By end Q3 2018/19
Product Safety Work	<ul style="list-style-type: none"> To ensure products sold in Hackney are safe and meet the relevant legislative requirement. 	<ul style="list-style-type: none"> Develop 1 intelligence-led safety project for the area. Participate in regional and sub-regional safety specific projects that are relevant to the area. Inspections of premises which sell fireworks to ensure storage safety. 	<ul style="list-style-type: none"> Test purchases carried out based on INTEL report. At least 1 test purchase. This project is part of a London Trading Standards joint initiative. The theme to be determined by regional group. 	By end Q3 2018/19
Community Outreach	<ul style="list-style-type: none"> To undertake a Winter Warmer Event. Conduct BTEC training to traders who infringe legislation as alternative enforcement action. 	<ul style="list-style-type: none"> Trading standards will provide advice to minimise the risk of our elderly citizens from becoming victims of scams and rogue traders. <ul style="list-style-type: none"> Supply training to at least 1 trader 	<ul style="list-style-type: none"> Conduct outreach event at Hackney Town Hall. Conduct 1 test for a trader 	By end Q3 2018/19 By end of Q4.

Work activity	Desired Outcome	Target	Performance Indicator / Measure	Timescale
Ongoing work streams				
Education of identified vulnerable groups in conjunction with partner agencies	<ul style="list-style-type: none"> Education of residents thereby reducing the impact of scams and doorstep crime. 	<ul style="list-style-type: none"> Q1 Operation Liberal. A week of partnership work with the police Attendance at events giving an opportunity to carry out consumer education. Liaison with partner agencies and implementation of an intelligence- based approach to targeting rogue traders 	<ul style="list-style-type: none"> Consumer education events attended Resources directed at most significant identified problems. Meetings attended 	By end Q1 2018/19
Animal Feed	<ul style="list-style-type: none"> Ensure any animal feeding stuff issues are dealt with effectively and efficiently. 	<ul style="list-style-type: none"> Register or approve premises as required Visit all registered premises 	<ul style="list-style-type: none"> List of registered premises created To visit 30 registered premises by end of Q2. 	By end Q2 2018/19
Visits	<ul style="list-style-type: none"> To visit a range of premises including High; Upper Medium, Lower Medium and Low risk premises 	<ul style="list-style-type: none"> 100% of High risk premises 100% of Upper Medium Alternative Enforcement strategy for low risk premises 	<ul style="list-style-type: none"> Measure will be taken each month and quarterly to ensure the targets are achieved. 	By end Q4 2018/19
Use of communications to raise awareness of the work of the service and provide improved information for residents and businesses.	<ul style="list-style-type: none"> Contribute articles to suitable internal publications. Website information to be maintained and updated as necessary. 	<ul style="list-style-type: none"> A minimum of 2 articles in identified local/internal publication. Website reviewed/updated. 	<ul style="list-style-type: none"> Articles in publication. Min 2 Article in Press. 	By end Q4 2018/19

Work activity	Desired Outcome	Target	Performance Indicator / Measure	Timescale
Partnership working – opportunities to be identified for joint working with external stakeholders.	<ul style="list-style-type: none"> • Raise service profile by attending relevant meetings, improved stakeholder engagement and external/match funding achieved. 	<ul style="list-style-type: none"> • 100% attendance at Inner London/London Trading Standards s group meetings. • A minimum of 2 regional projects to be carried out. • National Minimum wage webinar events 	<ul style="list-style-type: none"> • Highlights to be reported through the submission of the monthly reports 	By end Q4 2018/19
Carry out Licensing checks	<ul style="list-style-type: none"> • Ensure compliance with licensing principles. 	<ul style="list-style-type: none"> • All allocated visits completed and requests for information dealt with, within required timescales. 	<ul style="list-style-type: none"> • Measurement of first response to a service requests within 10 days. 	By end Q4 2018/19
Service Improvement	<ul style="list-style-type: none"> • Improved internal processes 	<ul style="list-style-type: none"> • Review and update Trading Standards procedures • Improve use of intelligence from both internal and external sources to prioritise proactive work of the service. Fully engage with London Trading Standards Regional Intelligence Officer. 	<ul style="list-style-type: none"> • New Process/Procedure • Resources directed at most significant identified problems. • Increase in the number intelligence reports submitted to the Memex Intel database. Minimum 1 submission per month. 	By end Q4 2018/19
POCA / Financial investigating and confiscation	<ul style="list-style-type: none"> • Completion of financial investigation • To organise POCA meeting with team leaders from various services within Hackney Council 	<ul style="list-style-type: none"> • To have conduct of financial investigations within regulatory services. • Support planning confiscations • To extend work to all teams within regulatory services 	<ul style="list-style-type: none"> • Monthly reporting • At least four financial investigations/confiscation. 	By end Q4 2018/19
Reporting	<ul style="list-style-type: none"> • Maintain and improve reporting systems. 	<ul style="list-style-type: none"> • Completion of statutory returns for the service. • Section 70 WMA, Feeding Stuffs 	<ul style="list-style-type: none"> • Reports produced 	By end Q4 2018/19

3.0 PERFORMANCE INDICATORS

3.1 KPi

Key Performance Indicators	Frequency of reporting	2018/19 Target
High Risk Inspections	Monthly*	100% by 31 st March 2018
Upper Medium Risk Inspections	Monthly	100% by 31 st March 2018
Minimum 6 Animal Feed inspections per month until all completed (Statutory visits under Food Standards Agency)	Monthly	100% by 31 st March 2018
Minimum 6 Weights and Measures inspections(Statutory requirement from National Measurement Office)	Monthly	Minimum 72 inspections by 31 st March 2018

*see 3.3 below

3.2 LPi

Local Performance Indicators	Frequency of reporting	2018/19 Target
Percentage of complaints investigated concerning serious illegal trading practices in relation to - counterfeit goods responded within 5 working days	Monthly	90%
Percentage of complaints investigated concerning serious illegal trading practices in relation to - sales of unsafe goods responded to within 5 working days	Monthly	90%
Percentage of complaints investigated concerning serious illegal trading practices in relation to - sales of restricted goods to children underage responded to within 5 working days	Monthly	90%
Percentage of licensing consultation comments made within targets	Monthly	95%
Number of Notifications	Monthly	Reporting only
Total Number of complaints received	Monthly	Reporting only
Total Number of referrals received	Monthly	Reporting only
Number of Service Requests received	Monthly	Reporting only
Number of Licensing service requests received	Monthly	Reporting only

3.3 PROGRAMMED INSPECTIONS APRIL 2018-MARCH 2019

Risk Category	Category A – High (to be Inspected 2018/19) (e.g. a premises selling products subject to safety legislation such as knives)	Category B1 – Upper Medium (to be Inspected 2018/19) (E.g. a car dealer or premises selling high value goods. There could be an associated consumer credit agreement)	Category B2 – Low Medium (Inspected every 5 years) (e.g. a trader which is a newsagent which is inspected with respect to pricing compliance)	Total
Total number of premises	125	172	Total 369 (170 visits and 199 by alternative enforcement action)	666 Annual target
Target for percentage of visits to be completed at end of March 2019	100%	100%*	N/A	

* Visits will include targeted project visits as set out 2.0 above.

4.0 ENFORCEMENT POLICY

4.1 The Trading Standards Service is committed to the principles of good enforcement and takes account of the principles of the Enforcement Concordat, the Regulator’s Code, and London Trading Standards guidance, and has regard to Crown Prosecution Service guidelines and Equality Impact issues. The Plan will allow the use of resources more effectively in assessing high risk activities whilst delivering benefits to low risk and compliant businesses.

The Service performs its duties in various ways including: inspection, sampling, test purchasing, testing, investigation and prosecution but also by informing, advising and educating businesses and consumers.

A key element of the activities carried out by the service is to facilitate and encourage economic growth and wherever possible the service will work in partnership with businesses, particularly small traders and the voluntary/community organisations to assist them with meeting their legal obligations without unnecessary expense.

In addition the service provides a Proceeds of Crime service to the Council and external boroughs.

5.0 RESOURCES

The table below is the estimation of a full time equivalent.

1 year	52 weeks (260 days)
Annual Leave / Bank holidays	7 weeks (35 days)
Training / briefings etc.	2 weeks (10 days)
Sick leave / dependency / special leave etc.	1 week (5 days)
Number of working weeks	42
Number of working days	210 days
1 FTE	210 days (1512 hours)

5.1 The staffing for Trading Standards function for 2017/18 were follows:-

0.3 FTE x Team Leader
3.0 FTE x Senior Trading Standards Officers
1.0 FTE x Principal Trading Standards Officer
1.0 FTE x Business Standards Officer
1.50 FTE x Technical Business Support

Total staffing resources = 6.8 FTE

5.2 The staffing for Trading Standards function for 2018/19 is as follows:-

0.3 FTE x Team Leader
1.0 FTE x Principal Trading Standards & POCA Officer
2.0 FTE x Senior Trading Standards Officers
1.0 FTE x Business Support Officer
1.0 FTE x Technical Business Support

Total staffing resources = 5.3 FTE

5.3 Total Resource Required:-

Activity	Calculation	FTE
Inspections	696 inspections done at 5 hours including paperwork follow up actions and Civica actions	$3480/1512 = 2.30$ FTE
Complaints and Service Requests	827 assuming average 1 hour	$827/1512 = 0.54$ FTE
Financial Investigations	5184 hours	$5184/1512 = 3.43$ FTE
Projects	2592 hours	$2952/1512 = 1.71$ FTE
Simple Cautions	2 anticipated 72 hours	$72/1512 = 0.05$ FTE
Prosecutions	2 anticipated 72 hours	$72/1512 = 0.05$ FTE
Alternative Enforcement Actions	100 hours	$100/1512 = 0.07$ FTE
Technical Business Support	1512	1FTE
Total requirement 9.08 FTE		

5.4 ALLOCATION OF RESOURCES TO DELIVER THE PLAN

The resources required to fulfil the plan for 2018/19 is 9.08 FTE, the actual FTE available is 5.3 FTE. This service is under resourced by 3.78 FTE which will provide significant challenges in the delivery of the service plan for 2018/19.

6.0 AUTHORISATION AND COMPETENCIES IN LINE WITH NEW REQUIREMENTS OF CODE OF PRACTICE

6.1 The Chartered Trading Standards Institute (TSI) is committed to empowering members of the profession, through the Continuous Personal and Professional Development (CPPD) scheme. All Trading Standards Officers are part of the scheme and have a personal responsibility to maintain their competences. TSI has a responsibility to invest resources in assisting staff to meet these development commitments. The scheme is inclusive of all trading standards professionals. In addition a training needs analysis is carried out with all staff to identify individual development needs.

All officers are authorised in accordance with the Authorisation, Induction and Training Procedure and their competencies assessed against the framework.

6.2 STAFF DEVELOPMENT PLAN NEW REQUIREMENTS OF THE CODE OF PRACTICE

Annual Appraisal and Development scheme will be completed at the start of the year. At the same time personal development plan, comprising the main objective for the year with targets will be developed. Records of all identified training needs are recorded and incorporated into a training plan. In addition, staff also receive regular one-to-ones/supervision meetings whereby competencies and development needs are discussed and assessed and adjustments are made to training plan where possible and appropriate.

All training records are maintained in accordance with the Authorisation, Induction and Training procedure.

Officers will be assisted in achieving 20 hours' Continual Professional Development (minimum 20 hours).

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ENFORCEMENT SERVICE DELIVERY PLAN 2018/19

**CORPORATE COMMITTEE
MEETING DATES 2018/19**

10th July 2018

CLASSIFICATION:

OPEN

**If exempt, the reason will be listed in the
main body of this report.**

WARD(S) AFFECTED

All Wards

GROUP DIRECTOR

Kim Wright, Neighbourhoods & Housing

1. INTRODUCTION AND PURPOSE

- 1.1 The Enforcement Service Delivery Plan sets out the objectives of the Service and demonstrates how they are linked to the Mayor's Priorities and Hackney's Sustainable Community Strategy.
- 1.2 It also sets out the key areas relating to the service of environmental enforcement, addressing anti-social behaviour including the Night Time Economy and statutory nuisance, the management arrangements and resources that have been allocated for this work by the local authority and the key targets.
- 1.3 In fulfilling its duties, the service provides support to individuals, communities and businesses in the borough.
- 1.4 This is first service delivery plan presented to the Corporate Committee since the implementation of a new Community Safety, Enforcement and Business Regulation Service, which was introduced on the 3rd of May 2017.
- 1.5 Enforcement in Hackney will continue to receive a holistic approach including environmental enforcement which looks at issues as littering and fly tipping together, so that the most appropriate action and legislation can be taken based upon the circumstances of the particular case. The new service area brings together a wide range of enforcement services providing greater resilience and ability for specialists to collaborate and cases to be prioritised.

2. RECOMMENDATION(S)

- 2.1 **The Corporate Committee is recommended to:**

Note the level and scope of work being carried out to meet the requirements of the plan.

3. REASONS FOR DECISION

- 3.1 It was agreed that the Enforcement Service Delivery Plan is presented to Corporate Committee to ensure local transparency and accountability.
- 3.2 The Plan ensures there is a programme of enforcement activity undertaken to address issues relating to environmental enforcement, anti-social behaviour (ASB) and statutory nuisance in particular.

4 BACKGROUND

- 4.01 The Enforcement Service was established in May 2017 as part of the Community Safety, Enforcement and Business Regulation Service and

therefore this is the first full service plan which details the scope and activities of the service and provides detail on the expected performance of the service for 2018/19.

- 4.02 The Service is split into two Teams North and South each headed by a Team leader with each Team comprising of five ward based Principal Officers (non-uniformed), one Principal Waste Enforcement Officer dealing with unregulated and commercial waste, two Technical Support Investigation Officers and 14 uniformed Enforcement Officers with two apprentices having recently been appointed, one in each Team.
- 4.03 The ward based Principal Officer service deals with a variety of complex cases and casework such as eliminating through enforcement activity ingrained ASB, repeated larger scale fly tipping activity and complex domestic noise complaints. Most of this type of complex activity will be delivered in close co-operation with a variety of other services mainly the Police, Community Safety, Housing, Environmental Protection Service, Housing and Adult and Child Safeguarding. Principal Officers operate on a Ward based distribution where they act as single points of contact for their Ward areas.
- 4.04 The uniformed service has no formal limits other than those imposed by legislation and by its own resource. The main stay of the service is to provide a highly visible protective and proactive service that can be deployed easily and quickly according to need. Naturally this is constrained through law on employment and particularly on health and safety. For example it cannot respond directly to those activities concerning crime more usually dealt with by the police e.g. stabbings, drug dealing etc, although it may have a supportive role.
- 4.05 The Service is also expected support some it's provision through its own enforcement activities in preventing and tackling ASB, waste and other nuisance type violations that occur on the Borough's public spaces and streets. This is usually determined as a tool for behaviour change, where they can have considerable impact on the casual disposal of litter on the Boroughs streets.
- 4.06 The Enforcement Officer interactions will usually be one-off offences and are dealt with at the time of the offence. More complex and ingrained activity is passed to the relevant ward based Principal Officer. The Enforcement Officers are also tasked on a daily and weekly basis to prevent and investigate instances of nuisance and ASB on the Borough's streets and Estates. One of the key indicators on this is the administration of Fixed Penalty Notices and other types of enforcement tools such as formal cautions and prosecutions.
- 4.07 Given the above, both elements of the service work through a close proactive and reactive intelligence based tasking process which is continually adjusting to ensure that resources are directed and managed to the best most efficient effect. Consequently they work very closely with the Intelligence Hub and the other statutory services in and throughout the Council.

Enforcement Service scope and activities

Functions	Activities and Comments
Area co-ordination and forward deployment of resources through the co-ordinated management arrangements with Business Regulation.	This is achieved through having a shared common management structure where common objectives and working can ensure co-ordinated responses and planning.
Intelligence material sourced from the Community Safety Team's Intelligence Hub used directly to inform tasking and problem solving with partners across the Council and Police.	Regular weekly tasking and action centred management meetings ensure this is maintained and delivered.
Fulfilling specific requirements as set out in the Service Level Agreement (SLA) between the service and the Housing Department, primarily focused in dealing with unauthorised waste disposal, ASB, and ingrained noise problems other smaller matters and issues such as the removal of pirate radio aerials and paraphernalia whilst providing a uniformed patrolling deterrent.	The SLA is vital to the functionality of the service and regular contact with Housing ASB team ensure that the work is relevant and is continuity adjusted to need. It works through tasking and other linkages to ensure complete functionality. The Enforcement service leads on the Anti-Social Behaviour Panels which primarily but not exclusively deals with Hackney Housing Tenants.
Managing complex and local ward based through enforcement case management (for all areas of non-compliance but especially noise and ASB).	This is ongoing work that concern complaint resident derived cases, for example include noisy cockerels to extreme cases of continual noise pollution in a particular locality from one individual playing amplified music and complex ASB issues such as Gillette Square, Dalston Square and Wilberforce Road. These can become complex matters which although local in nature can cause considerable harm and reputational damage to the council if not dealt with adequately.
Joint operations with the Police and Partners; some ad hoc 'on the night' and others with considerable forward planning involving cross border and	Joint operations have targeted issues such as kerb crawling operations or weapon sweeps planned through tasking or help in eliminating noise

working through tasking processes. This can include planned activity in controlling the noise and ASB issues in localised cultural events.	pollution through entry and seizure of noise emitting equipment arranged on the night.
The deployment of uniformed generic based enforcement and patrols to deal with and prevent low level ASB casework and noise nuisance issues.	This is regular reactive activity mainly at late night to deter and deal with noise pollution and other ASB problems especially at night in the Dalston and Shoreditch areas.
Dealing with and preventing environmental ASB and waste including fly tipping, highway obstructions, street urination and littering through intelligence based tasking and formalised patrolling.	This is a regular service activity and results in increased levels of on the spot enforcement activity. It is an essential tool in achieving compliance in ensuring a visible deterrent especially in the fly tipping of waste by business outside authorised times and limits.
Night and weekend enforcement including basic Premises Licensing enforcement in conjunction with police, Trading Standards and Licensing.	Joint tasked activity arising from intelligence of business noncompliance such as trading beyond authorised hours and selling age controlled products (e.g. Alcohol) to juveniles.
Highways Licensing Enforcement including skips and scaffolding through patrols and intelligence feeds from Street Scene.	The Uniformed Service will generally patrol areas of the Borough where there are suspected highway obstructions such as unlicensed skips. Street Scene will also provide intelligence relating to highway obstructions.
Uniformed service dealing with non-compliant issues such as unauthorised street trading, unlicensed external tables and chairs and A boards.	These non-compliances usually generated by businesses and are reactive in nature although focused operations are planned when resources allow. Officers are proactive in dealing with A Boards.
Large scale unauthorised waste dumping through fly tipping and other waste related issues and problems e.g. accumulated waste from vacated traveller camps.	Two Officers are embedded with the Waste teams located at Millfields Depot although managed by the service investigate these matters. Proactively and reactively they are working solely on these issues

Dealing with and preventing sources atmospheric pollution and other detriments to air quality.	This is a fast developing area of work and there will be a focus on the reactive and proactive work on problems such as idling vehicles and the use of non-smokeless fuels.
Special activity or projects focused on particular local areas of concern for example the prevention of noise and air pollution in London Fields over the summer.	A Special team has been set up to be set up and tasked with this on weekend afternoons and evenings over 21 weeks in Summer 2018.
Leading and Coordinating Antisocial Behaviour Action Panels; dealing with localised individual ASB problems especially in association with Housing ASB officers.	This is regular specialised cross departmental activity led by Enforcement Team Leaders to ensure individual cases are dealt with.
Public Reassurance achieved through regular visible patrolling through town centres and estates.	This is self-descriptive and is an important element of the service for example there may be issues with ASB outside a school and therefore distinctively uniformed officers can be tasked to be in the vicinity to provide public reassurance at school leaving time.
Dealing with and providing customer responses to enquiries and complaints (including freedom of information matters and members enquiries).	The section receives a large quantity of incoming complaints and enquiries which need to be researched and responded to this is done in the main by Team Leaders and Principal Officers.

4.1 Policy Context

4.1.1 The Plan is prepared in accordance with Council guidelines and it sets out how the Council is going to discharge its responsibilities in relation to Enforcement.

4.1.2 The performance of the Service is measured against its fulfilment of the Plan.

4.2 Equality Impact Assessment

N/A

4.3 Sustainability

N/A

4.4 Consultations

N/A

4.5 Risk Assessment

- 4.5.1 The Enforcement Service Delivery Plan sets out how the Enforcement Service will take actions that contribute to achieving corporate priorities and desired outcomes. Without these agreed, clearly stated priorities and this plan, the service will be at risk of not effectively focussing its work and efficiently directing limited resources.
- 4.5.2 **Rate of growth** – Business and household growth in the borough has been significant and will continue. Keeping up with this rate of growth is a particular challenge for the service within its current resource provision especially relating to waste management and sustaining local environmental quality. This includes controlling the environmental impacts from businesses such as litter and waste throughout their operating hours and managing appropriate commercial and household waste enforcement.
- 4.5.3 Officers and partners are managing this through measures including more night time weekend activities, improving behaviour of patrons, undertaking proactive patrols in relation to the Night Time Economy, highway obstructions such as A Boards and ensuring businesses and households have correct arrangements for the waste containment and disposal/recycling.
- 4.5.4 **Administering the enforcement process** – Mobile ICT working solutions and business intelligence software are currently being managed through Public Realm ICT delivery programmes. These provide Council services with new technology that assists in ensuring efficiency and effectiveness of delivery. Enforcement is part of this programme particularly in relation to the service of Fixed Penalty Notices.
- 4.5.5 **Resource deployment** - Pressure to provide a visible presence on street impacts upon resource available for high priority case progression/investigation, sustainable problem solving and behaviour change initiatives. Getting the balance right between these is critical for the Council moving forward and the joint working approach currently being developed supports this. Communications both Borough-wide and locally needs to be further utilised alongside physical resources so that together they are directed in a way that maximises the feel of “Presence” whilst ensuring a keen focus on cost and effectiveness. Enforcement currently benefits from good corporate communications support.

4.5.6 The cross cutting enforcement programme picked up on measures to ensure coordinated and accountable processes for cross departmental problem solving. This in turn supports a cross departmental approach to managing problems in localities and neighbourhoods to bring about solutions that are not within the gift of a sole service to resolve. This approach helps address problems associated with the Night Time Economy and Environmental Crime. Partnership Tasking delivers this in part in relation to the crime and anti-social behaviour agenda; however it is not designed to take a holistic approach to problem solving relating to all the matters highlighted.

5. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

- 5.1 This reports notes the level and scope of work being carried out to meet the requirements of Enforcement Service Delivery Plan 2018/19.
- 5.2 This report is for noting and has no direct financial implications. The aims and objectives described in the plan for 2018/19 will be delivered within the constraints of the existing Enforcement service budgets.

6. COMMENTS OF THE DIRECTOR OF LEGAL AND GOVERNANCE SERVICES

- 6.1 There are no immediate legal implications arising from this report.

APPENDICES

Appendix 1-Enforcement Service Delivery Plan

BACKGROUND PAPERS

None

Report Author	Gerry McCarthy 020 8356 7087 gerry.mccarthy@hackney.gov.uk
Comments of the Group Director of Finance and Corporate Resources	Philip Walcott 020 8356 2396 philip.walcott@hackney.gov.uk
Comments of the Director of Legal and Governance Services	Pauline Campbell 020 8356 2775 pauline.campbell@hackney.gov.uk



Enforcement Service Delivery Plan 2018/19

Contents

INTRODUCTION	4
1. ENFORCEMENT SERVICE AIMS AND OBJECTIVES	4
2.2. Links to Corporate Objectives and Plans	5
3. BACKGROUND	6
3.1. Organisational Structure	6
3.2. Accessing the Enforcement Service	8
3.3. Scope of the Enforcement Service	8
3.4. Demands on the Enforcement Service	9
3.5. Enforcement Policy.....	10
3.6. Audit of the Enforcement Service	11
4. SERVICE DELIVERY	11
4.1. Operational Context	11
4.2. Complaints and Service Requests.....	12
4.3. Advice to Businesses	12
4.4. Additional Priorities and Partnership Working.....	12
5. RESOURCES.....	14
5.1. Financial Allocation.....	14
5.2. Staffing Allocation	14
5.3. Staff Development Plan.....	15
6. KEY PERFORMANCE INDICATORS	16

INTRODUCTION

1. ENFORCEMENT SERVICE AIMS AND OBJECTIVES

INTRODUCTION

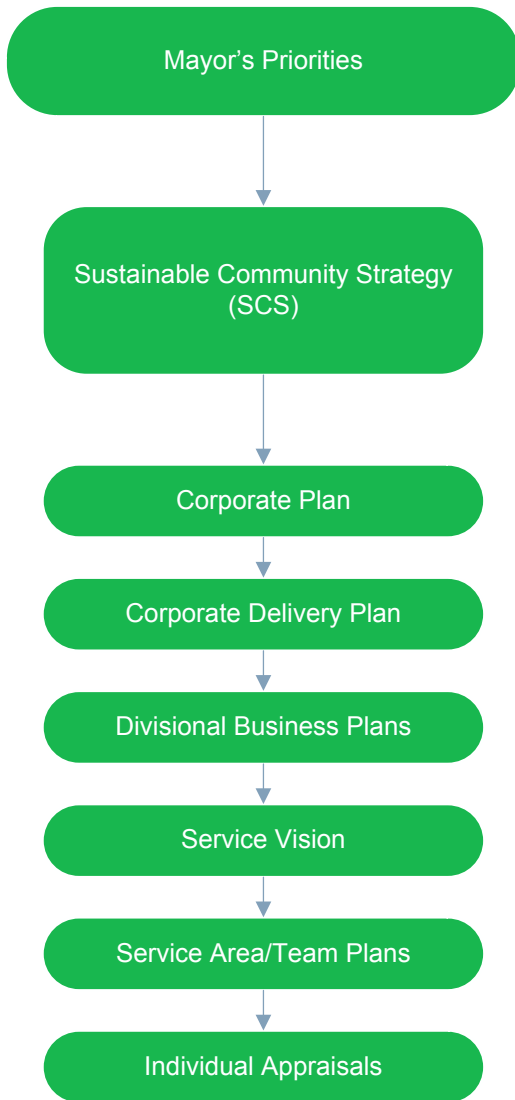
This plan identifies the objectives, priorities, actions and measures for the Enforcement Service.

2. ENFORCEMENT SERVICE AIMS AND OBJECTIVES

2.1. Aims and Objectives

- An integrated area based enforcement service with officers empowered to enforce a range of legislation, including street scene enforcement, anti-social behaviour (ASB), noise nuisance and to integrate with and enhance the activities of staff within the other specialised legislative areas enforced; licensing, trading standards and environmental health.
- To provide a casework system that sees complaints through from inception and through to completion including enforcement action
- To work closely through a targeted process with other officers from other sections of the Council particularly Housing, Waste, Highways and Street Scene.
- To work closely through targeted setting and prearranged operations with the Police, Immigration and other emergency services where appropriate.
- To task the out of hours enforcement service to deal with inter alia reported offences and complaints concerning anti-social behaviour (ASB), residential noise, street urination, littering and routine licensing matters.
- To provide a highly visible street enforcement service to provide and support public reassurance especially in the night time economy
- Create single points of contact for customers and partners

2.2. Links to Corporate Objectives and Plans



Hackney's Vision: A Place for Everyone

Mayor's Priority 2: An ambitious and well-run Council that delivers high quality services, financial stability, and first class-local facilities.

Mayor's Priority 3: Prioritising quality of life and the environment; making our streets safer for cyclists and pedestrians, tackling air pollution, protecting our parks and green spaces.

Mayor's Priority 4: A campaigning Council that speaks up for Hackney and actively intervenes to protect and promote the well-being of the borough and its citizens.

Mayor's Priority 5: Connecting with Hackney's communities; a visible, engaging, and listening Council, working in partnership with local people to shape services, and promoting community cohesion.

2008-2018 Sustainable Community Strategy priorities:

3. Promote health and wellbeing for all, and support independent living.
4. Make the borough safer, and help people to feel safe in Hackney.
6. Be a sustainable community, where all citizens take pride in and take care of Hackney and its environment, for future generations.

The Service has identified deliverables for the following **Manifesto Commitments**:

- Improving the quality of life and achieving a safer, cleaner, greener borough.
- Protecting amenity and people's enjoyment of the borough.
- Making Hackney as attractive as possible and encouraging regeneration and economic activity.
- Provide public protection in relation to safety and health, and from physical and financial exploitation.
- Strive for behaviour change.
- Encourage business compliance and reduce the regulatory burdens upon business.
- Control and reduce instances and impact of non-compliant behaviour (both one-off and repeat).
- Discharging statutory duties as effectively and efficiently as possible.

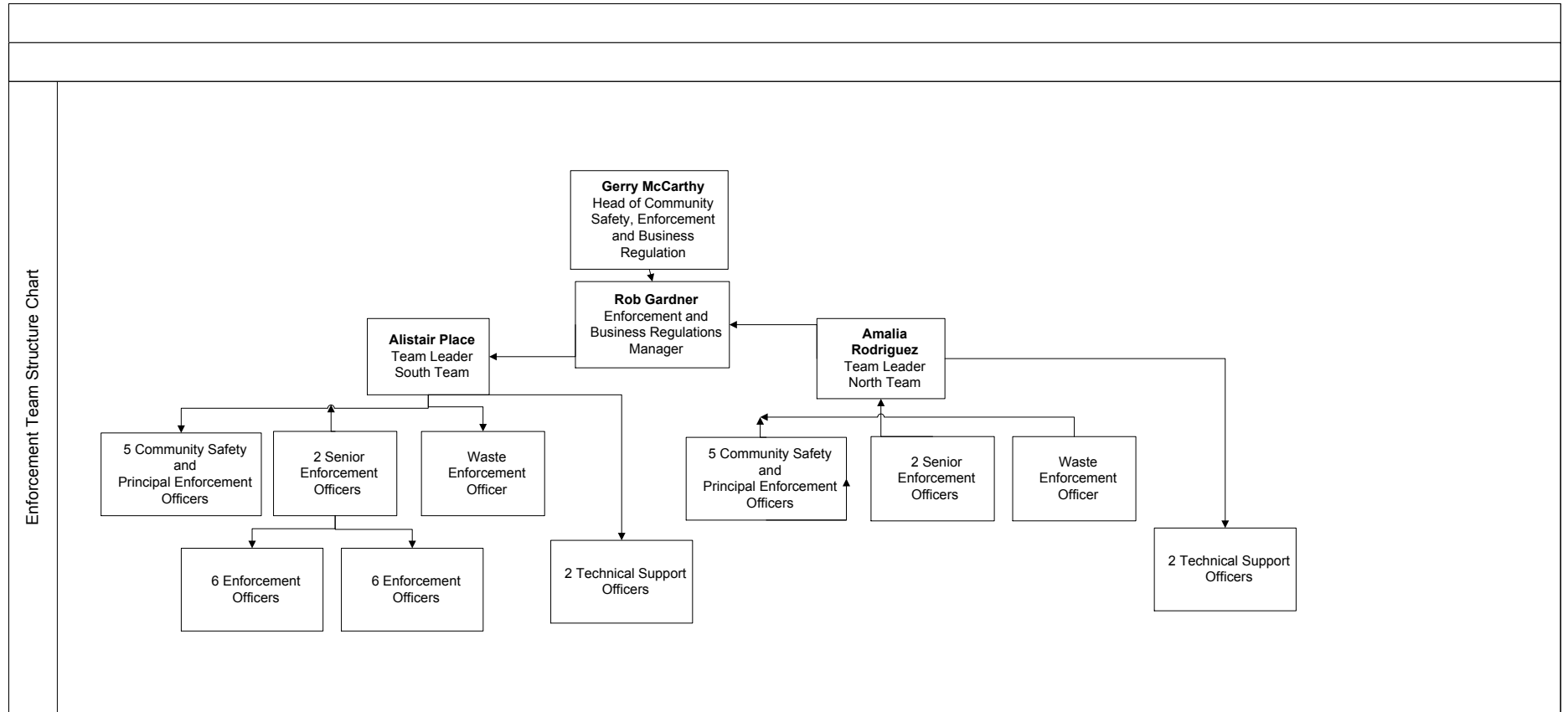
3. BACKGROUND

3.1. Organisational Structure

The Enforcement Service is nominally divided into North and South divisions and each Team is headed by a Team Leader. The service is then managed alongside two further Business Regulation divisions which are concerned with Food Law Enforcement, Pollution Control, Trading Standards, technical services and Licensing. The overall manager is the Enforcement and Business Regulation Manager who in turn is overseen by the Head of Community Safety.

The two Teams each comprise of five ward based Principal Enforcement Officers, one Principal Waste officer, two Technical Support Investigation Officers and a uniformed Enforcement Service which consists of twenty four Enforcement Officers and four Senior Enforcement Officers.

All staff with the exception of the Team Leaders work on a rota basis which includes night time and weekend working. The service hours are 8:00am to 6:00 pm Monday to Wednesday, 8:00 am to 2:00 am Thursday, 8:00am to 4:00am Friday, 12:00pm to 04:00 am, Saturday 12:00 am to 4:00am and Sunday 12 pm to 2:00am.



3.2. Accessing the Enforcement Service

The Service is accessed by the public, residents and businesses in a number of ways by the council service number during normal office hours and a dedicated line after these hours on those days that the reactive service operates. The service can be contacted at all times via email and via the Councils website.

3.3. Scope of the Enforcement Service

The Principal Officer ward based service deals with a variety of complex cases and casework such as eliminating through enforcement activity ingrained ASB activity and repeated larger scale fly tipping activity. Most of this type of complex activity will be delivered in close co-operation with a variety of other services mainly the Police, Community Safety, Housing, Environmental Protection Service, Housing and Adult and Child Safeguarding. Principal Officers operate on a ward based distribution where they act as single points of contact for their ward areas.

The Uniformed Service has no formal limits other than those imposed by legislation and by its own resource. The main stay of the service is to provide a highly visible protective and proactive service that can be deployed easily and quickly within the envelope its core hours according to need. Naturally this is constrained through law on employment and particularly on health and safety. For example it cannot respond to those activities concerning crime more usually dealt with by the police e.g. stabbings.

The Service is also expected support some its provision through its own enforcement activities in preventing and tackling ASB, waste and other nuisance type violations that occur on the Borough's public spaces and streets. This is usually determined as a tool for behaviour change, where they can have considerable impact on the casual disposal of litter on the Boroughs streets. The Enforcement Officer interactions will be usually one-off offences and are dealt with at the time of the offence. More complex and ingrained activity is passed to the relevant ward based Principal Officer. The Enforcement Officers are also tasked on a daily and weekly basis to prevent and investigate instances of nuisance and ASB on the Borough's streets and Estates. One of the Key

indicators on this is the administration of Fixed Penalty Notices and other types of enforcement tools such as formal cautions and prosecutions.

Given the above, both elements of the service work through a proactive and reactive intelligence based tasking process which is continually adjusting to ensure that resources are directed and managed to the best most efficient effect.

Enforcement Service scope and activities

Functions	Activities & Comments
Area co-ordination and forward deployment of resources through the co-ordinated management arrangements with Business Regulation.	This is achieved through having a shared common management structure where common objectives and working can ensure co-ordinated responses and planning.
Intelligence material sourced from the Community Safety Team's Intelligence Hub used directly to inform tasking and problem solving with partners across the Council and Police.	Regular weekly tasking and action centred management meetings ensure this is maintained and delivered.
Fulfilling specific requirements as set out in the Service Level Agreement (SLA) between the service and the Housing Department, primarily focused in dealing with unauthorised waste disposal, ASB, and ingrained noise problems other smaller matters and issues such as the removal of pirate radio aerials and paraphernalia whilst providing a uniformed patrolling deterrent.	The SLA is vital to the functionality of the service and regular contact with Housing ASB team ensure that the work is relevant and is continuity adjusted to need. It works through tasking and other linkages to ensure complete functionality. The Enforcement service leads on the Anti-Social Behaviour Panels which primarily but not exclusively deals with Hackney Housing Tenants.
Managing complex and local ward based through enforcement case management (for all areas of non-compliance but especially noise and ASB).	This is ongoing work that concern complaint resident derived cases, for example include noisy cockerel issues to extreme cases of continual noise pollution in a particular locality from one individual playing amplified music at all times. These can become complex matters which although local in nature can cause considerable harm and reputational damage to the council if not dealt with adequately.
Joint operations with the Police and Partners; some ad hoc 'on the night' and others with considerable forward planning involving cross border and working through tasking processes. This can include planned activity in controlling the noise and ASB issues in localised cultural events.	Joint operations have targeted issues such as kerb crawling operations or weapon sweeps planned through tasking or help in eliminating noise pollution through entry and seizure of noise emitting equipment arranged on the night.

The deployment of uniformed generic based enforcement and patrols to deal with and prevent low level ASB casework and noise abatement issues.	This is regular reactive activity mainly at late night to deter and deal with noise pollution and other ASB problems especially at night in the Dalston and Shoreditch areas.
Dealing with and preventing environmental ASB and waste including fly tipping, street urination and littering through intelligence based tasking and formalised patrolling.	This is a regular service activity and results in increased levels of on the spot enforcement activity. It is an essential tool in achieving compliance in ensuring a visible deterrent especially in the fly tipping of waste by business outside authorised times and limits.
Night and weekend enforcement including basic Premises Licensing enforcement in conjunction with police, Trading Standards and Licensing.	Joint tasked activity arising from intelligence of business noncompliance such as trading beyond authorised hours and selling age controlled products (e.g. Alcohol) to juveniles.
Highways Licensing Enforcement including skips and scaffolding through patrols and intelligence feeds from Street Scene.	The Uniformed Service will generally patrol areas of the Borough where there are suspected highway obstructions such as unlicensed skips. Street Scene will also provide intelligence relating to highway obstructions.
Uniformed service dealing with other non-compliant issues such as unauthorised street trading, unlicensed external tables and chairs and A boards	These non-compliances usually generated by businesses and are reactive in nature although operations can be planned if time permits.
Large scale unauthorised waste dumping through fly tipping and other waste related issues and problems e.g. accumulated waste from vacated traveller camps.	Two Officers are embedded with the Waste teams located at Millfields Depot although managed by the service investigate these matters. Proactively and reactively working solely on these issues
Dealing with and preventing sources atmospheric pollution and other detriments to air quality.	This is a fast developing area of work and there will be a focus on the reactive and proactive work on problems such as idling vehicles and the use of non-smokeless fuels.
Special activity or projects focused on particular local areas of concern for example the prevention of noise and air pollution in the Borough Parks over the summer	A Special team to be set up and tasked with this on weekend afternoons and evenings over 21 weeks in Summer 2018
Leading and Coordinating Antisocial Behaviour Action Panels; dealing with localised individual ASB problems especially in association with Housing ASB officers.	This is regular specialised cross departmental activity led by Enforcement Team Leaders to ensure individual cases are dealt with.
Public Reassurance achieved through regular visible patrolling through town centres and estates.	This is self-descriptive and is an important element of the service for example there may be issues with ASB outside a school and therefore distinctively uniformed officers can be tasked to be in the vicinity to provide public reassurance at school leaving time.
Dealing with and providing customer responses to enquiries and complaints (including freedom of information matters and members	The section receives a large quantity of incoming complaints and enquiries which need to be researched and responded to this is done

enquiries).

in the main by Team Leaders and Principal Officers.

3.4. Highlights from 2017/8

Below is detailed highlighted activities, most of which occurred in the last quarter of the financial year, and represent sample of the work the individual service is involved with and help illustrate breadth of responsibilities that the service deals with.

NOISE EQUIPMENT SEIZURE

On 31st August 2017 the Enforcement Team were notified about a complaint of noise nuisance emanating from a Flat at Valley House, Harrington Hill, London, E5 9HA. The reports stated that the occupants of the address would play loud amplified music as well as engage in horrendous fighting, screaming and shouting at all hours of the day and night and particularly in the early hours of the morning and at weekends. The noise started when the problem family moved into their home from temporary accommodation on 20th August. The noise levels were so bad that residents from two floors above could hear the noise in their surroundings.

As a result the problem family were served an abatement notice on 23rd October 2017 but the noise nuisance continued. Breaches of the abatement notice was witnessed in early February 2018 by staff and were served with a breach reminder warning letter but the noise persisted. Officer Bianca Rembrandt witnessed further breaches of the abatement notice during the out of hour's service on 17th and 19th February 2018, which was so bad that vibrations could be felt on the walls and the floors.

Staff attended court on 27th February to secure a warrant to seize the equipment. On 1st March 2018 staff with the help of the local Springfield Safer Neighbourhood Team, Enforcement Officers; and Hackney Homes were successful in executing the warrant and seizure despite the altercation that arose with the household which resulted in the police increasing their intervention to prevent breach of the peace. The Officers took away a sizable amount of items including speakers and a large quantity of laptops and other devices to disrupt and prevent further noise nuisance giving residents much needed respite and peace. Staff spoke to one of the complainants who stated they were grateful for the support and action of officers. This noise case has been difficult and very 'traumatic' for the residents of Valley House over a number of months. The intervention has sent a strong message to the perpetrators and given a stronger message to the residents that the Council is prepared to take necessary action to protect the right of residents to peaceful and quiet living in their own homes.

RIDLEY ROAD MARKET

One of the Enforcement Officers is now based full time at Ridley Road Market since the end of January and his placement is being paid for by the Markets section. His responsibilities include the control of waste and other enforcement issues at the Market. He supported traders and business owners in sign-posting them to the correct departments to ensure that their licences or commercial agreements in order and a deadline in which to resolve, before he would take enforcement action.

He has arranged meetings with waste and other services and is sharing intelligence with the wider department. Within a few weeks he had served notices to four business and verbally warned five on waste infringements following a couple of controlled late night operations. Currently no FPNs have been issued but the visible presence of an enforcement officer has significantly improved the overall look, standard and compliance in the market. Traders have been written to regarding housekeeping expectations for the footpaths at the front of the market and compliance to waste management agreements. The officer has ensured follow ups to all trading licensees and conducted this with Market Officers to ensure a unified approach.

The Officer leads on an all enforcement aspects on the weekly Markets meeting where he updates the wider team in the activities and issues he is dealing with. This has been very useful in ensuring a more prominent focus on the enforcement of terms and conditions with the Inspectors, which has in turn had a positive impact on the wider team benefitting our other markets. Importantly the feedback from The Ridley Road Traders association (RRMTA) has also been very positive in both the Officer's approach and execution of his role within the market.

CLOSURE ORDER- CYCLE PIT STOP, 241 WELL STREET, E9 6RG

The area Principal Officer in conjunction with the Police applied to Thames Magistrates' Court for a Closure Order under s80 of the Anti-Social Behaviour Act 2014 because of a re-emergence of serious ASB issues ongoing at the premises together with alleged drug dealing. The application was heard in front of a District Judge at Thames Magistrates Court on 23rd February and was granted initially for a period of three months. Cycle Pit Stop is situated in a retail street of small independent shops. Outside the shop there is a row of parking bays, and these were being used by the Cycle Pitstop as an extension to their premises. The premises is also surrounded by, residential properties, both above the shops and nearby there are a number of blocks of residential properties.

A previous Closure Order was granted in 2016 and due to local public pressure agreement was reached to allow the premises re-open but there were further issues in March and September 2017. There were further problems in 2018 due to groups gathering around and in the shop, causing nuisance, highway obstructions and smoking marijuana in the premises and street offending and causing distress to local people. The Principal Officer received videos, images and footage from the community who had raised their concerns about the level of drug dealing and gangs involved. Concerns from were also raised by traders who had been intimidated by the gangs on bikes circling the

market and deterring customers. The matter is further being resolved through the courts but the shop no longer trades and the nuisance has abated.

DOMESTIC ABUSE ALLEGATIONS

A Senior Enforcement Officer was on patrol looking into waste transfer agreements for businesses 8th February on Stoke Newington Road. At one business he dealt with a female with her young daughter present at the time and who is an immigrant from outside the EU. The situation and circumstances gave the Officer cause for concern. He considered that the work at this business might be an issue and enquired about what it was like to work there. She appeared to be non-committal, so he broached the subject about receiving a fair wage for her work and she became even more reluctant. The Officer still thought that something was wrong and advised that (sometimes through her 11 year old daughter as some English words were not understood), he was there to help despite being in uniform and asked if there is anything he could help her with, perhaps in regard to the children. When he broached upon the welfare of the children, she opened up and became a little emotional.

She disclosed that she had been the victim of domestic abuse shortly after arriving with her husband. She also found out that he had been married nine times before. He asked if the children had witnessed any violence or heard any abuse and she said they had. He made a referral to Adult Safeguarding and this situation is now being dealt with. Had he not had the presence of mind to follow this up the situation would have been perpetuated.

GRAFFITI

On March 1st Enforcement officers were near the Texaco Garage Mare Street when they a caught male offender causing criminal damage by graffiti on the new build opposite the garage.

The Officer who spotted the offender spraying left the vehicle in an attempt to prevent him leaving. However he moved away once he was aware that this was happening. However he was followed while an officer drove the vehicle and called for a Police unit. The Police however were unable to respond at the time.

He was eventually stopped in a side and they obtained what was believed to be the males correct details and passed these to CCTV for the police. He admitted to crack addiction. The officers then returned to the affected building, took more photographs of the graffiti and made an intelligence report and statements. It was understood that the Police would arrest and seek a conviction for the offence.

PIRATE RADIO STATIONS

Within a few hours of receiving information from the Council's housing ASB team (via Ofcom) a pirate radio station was taken off air. Broadcasting equipment and masts was seized from a 15 storey tower block on the Trelawney Estate by the Area Principal Enforcement Officers, assisted by a member of the Housing ASB team.

The pirates typically chose tower blocks on high ground, and often hide equipment in lift shafts and air vents - not just to stop authorities from getting to it, but also to protect it from other pirate groups. The Team were pleased to recover the transmitter from Trelawney Estate and handed it over to Ofcom officers who will carry out forensic investigations.

Not only do pirate stations interfere with vital radio communications used by the emergency services, aircraft systems, they can have an impact on the lives of our residents effecting their television or radio signals. The pirates frequently cause damage to property when siting equipment which can have an impact on residents.

Two further radio masts were removed from separate blocks on the Wrens Park estate which had previously been taken off air by the team.

ILLEGAL STREET TRADING

On the evening of Saturday 13th January the area Principal Community Safety and Enforcement Officer together with Enforcement Officers and assistance from the CTV Team seized 771 books from a woman who was seen allegedly displaying goods for sale. She was also obstructing the whole of one side of the pavement at the Cat & Mutton Bridge at the far end of Broadway Market in Pritchard's Road as recorded by CCTV from the hour of 18:00. She was in the company of two other males, who stated he was just a member of the public. The Officer directed the woman to contact her to the office where she would receive a receipt for the seizure and where she would be interviewed under caution with the potential to administrate a FPN for illegal street trading.

WASTE PROSECUTION

The defendant pleaded not guilty to eight offences in relation to unregulated waste and the case was heard at Snaresbrook Crown Court on 19th February. After negotiations led by counsel it was agreed that if three guilty pleas were entered and £2,700.00 was made toward costs other additional charges would be dropped.

A fine of £1,035.00 of was imposed with costs of £2,700.00 awarded to the Council and a victim surcharge of £103.50 giving a total of £3,838.50.

The Section takes a relatively large number of waste prosecutions, especially considering the stepped approach of interventions in which prosecution is a last resort. In total twenty three were taken on the year 2017/8 all were successful.

BEGGING

Enforcement Officers met XX outside the town hall on Monday 8th January, where she was begging passers-by for money to buy tea. She indicated that she was homeless and had had to sleep at Homerton Hospital the night before, so she was brought into the HSC for referral, even if it was only for one night. Housing advised to send her to Greenhouse where officers accompanied and spoke to an adviser. She could not be referred as she did not have correct identity and said she had problems with her benefits. While there Officers spoke to the manager who advised them that that she had been previously referred to Tower Hamlets Outreach Services. Our Enforcement Officers were further able to discover that:

XX was is not homeless and that she had a property managed by XX Housing. However she had lost her payment card in December, and was attending the HSC to collect money she needed until her card has been replaced. No further action was taken although she advised not to beg.

INJUNCTIONS FOR WICK WOODLAND

The area Principal Community Safety and Enforcement Officer attended Court on 6th December on behalf of Council and applied for two injunctions against named organisers to prevent unauthorised parties in Wick Woodland which had been badly used and damaged earlier in the summer. After legal negotiation one defendant took an undertaking not to enter the woodland during the evening/ night (this cannot be publically published) and the second had a full injunction granted by the Court. The injunction will be published to send a strong message that Hackney will not tolerate further unauthorised parties and associated ASB.

CLOSURE ORDER

A Principal Community Safety and Enforcement Officer attended Court on 6th December for a trial hearing in relation to an application for a Closure Order. The premises in question was suspected of being used as a crack house and dealing Class A drugs. Police consequently executed a drugs warrant and a quantity of what was believed to be a controlled drug was recovered. On analysis it was confirmed that it was Class A and the officer co-ordinated with the Landlord of the occupier to take statements and obtain evidence serious ASB. The Order was granted allowing the tenant and his carer to remain but excluding all others from accessing the property.

APPLICATION FOR A WARRANT OF ENTRY TO SEIZE EQUIPMENT

The area Principal Community Safety and Enforcement Officer obtained a warrant of entry and executed it on 6th December 2017 seizing noise equipment from a residential premises that was causing serious nuisance to neighbours. Prosecution papers are now being prepared to institute legal proceedings for the breach. The equipment was seized from a property in Whiston Road, E2 where loud amplified music was being played on a regular basis, often until early hours of the morning. An abatement notice was served in July 2017 and Officers have been able to witness three breaches of the abatement notice prior to seizing the equipment.

LIFE SAVING

On the night of 1st March officers were I near Hackney Central Overground station when there was an altercation between two women and a man. All the parties were intoxicated. One of the women collapsed but not a result of any violence and the other two left the scene. The two officers rushed over and one officer gave life preserving assistance through CPR whilst the other attempted to keep a safe area whilst an ambulance was called. The women was later transported to hospital where it is understood she made a recovery were are unaware of any further issues in this matter but assume it has been taken up by the appropriate authorities. All Enforcement staff either have or will have detailed first aid training.

3.5. Enforcement Policy

An Enforcement Policy is currently being developed for the Service and it is anticipated that it will be submitted to Cabinet for approval in September 2018.

Officers recognise that whilst businesses look to maintain their reputation they also seek in most instances to be on the right side of legal requirements without incurring excessive expenditure and administrative burdens. So, in considering enforcement action, the service will assist businesses to meet their legal obligations whilst taking firm action that may include prosecution or other formal action, where appropriate, against those who disregard the law or act irresponsibly.

Currently, Officers follow a graduated approach and in relation to Waste Enforcement Officers initially engage with businesses to remind them of their responsibilities in relation to the disposal of waste generated by the business and if they fail to comply with this advice then this is followed up in writing. If a business still fails to take the advice of the Officer then formal action will be undertaken which can vary from issuing a fixed penalty notice, the service of a formal notice or prosecution. In relation to environmental legislation, seeks to ensure that Officers carry out actions in a fair, practical and consistent manner. All authorised officers will take a graduated approach when making enforcement decisions. Any enforcement undertaken takes account of the principles of the Enforcement Concordat, Regulators Code and has regard to Crown Prosecution Service guidelines and Equality Impact issues.

4. SERVICE DELIVERY

4.1. Operational Context

The model adopted for the service included the creation of an Intelligence Hub and an evidence based tasking process. This brought together strategy, partnership support and intelligence capabilities, for the service, creating a joined up approach to its delivery. The hub co-ordinates and enables effective joint tasking based current intelligence. The hub also enables proper data management processes and ensures that all functions benefit from analytical expertise.

This service has brought together the previously disparate frontline enforcement response services and has increased capacity to address volume offences such as street urination, dog fouling, domestic noise nuisance, fly tipping etc. whilst also increasing visibility and public reassurance. This has enabled a better platform to achieve required behaviour change and a reduction in volume Anti-Social Behaviour (ASB) crime. The creation of the unit has simplified the triage of more serious offences and problems to allow higher level case management for resolution. This unit has also provided greater capacity to address out of hours demand.

The management of out of hours service has been overhauled ,as prior to the implementation of the new structure, the out of hour's service provision was insufficient and struggled to meet the needs of residents especially with regard to managing noise complaints and the demands associated with the night time economy. The new structure aligns more resource to out of hours service provision through a mixture of shift based working (primarily the Enforcement Team) and an on call resilience to provide additional specialist resource as it is required or in the event of emergency management.

4.2. Complaints and Service Requests

These are received through normal Council routes and after triage are distributed on type and ward area for further investigation. Complex matters will be dealt with by Principal Officers whilst other perhaps more basic issues requiring one off intervention are tasked to the Enforcement Teams.

4.3. Advice to Businesses

The service is not formally established to provide legal or technical advice to business although in the normal course of service it is expected that Enforcement staff will always be ready to give general advice or signpost business (and residents) to sources of specialist advice offered by the Council.

4.4. Additional Priorities and Partnership Working

Weekly tasking of Enforcement Officers was introduced as part of the new service and the purpose of the tasking is to:

- Co-ordinate deployment of staff using an evidence based approach to provide targeted action and patrols based on weekly / ongoing analysis of intelligence and data (service wide). This will include planning for upcoming events, and seasonal peaks of activity that require action on a cyclic basis (e.g. Summer peaks, Christmas, pre-planned events in parks etc.)
- Highlight emerging patterns and trends and plan targeted early intervention and activities.
- Provide staff briefing: to include issues of concern that they need to be aware of (officer safety, missing persons, suspect premises, suspect vehicles, suspect people etc.), and to request additional information and data to fill information gaps.
- Enable a more joined up and efficient use of Service provision in Hackney (From Enforcement Officer patrols to licensed premise and business regulation enquiries and checks, plus other enforcement functions), and task officers dependent upon need and demand.
- Provide a transparent and auditable decision making process that will stand up to scrutiny and justify how / why decisions have been reached. Particularly relevant where action is not possible or evidence is insufficient, and to consider alternative solutions or referrals.
- Provide a full list of all action/tasking's completed and action taken to resolve issues.

In addition a larger Partnership Tasking takes places on a monthly basis and is associated more closely with the Police tasking process. The Intelligence Hub raises issues with the Police (as a by-product of the weekly tasking). Any requests from Police will now either be discussed at the weekly tasking process (generally regarding requests for the service area e.g. CCTV & Enforcement Officers), or discussed at Partnership Monthly Tasking if a multi-agency problem solving approach is better suited.

There is an information sharing agreement established to enable information sharing to meet the requirements of this meeting (will update when we revise the process).

The Partnership Tasking meeting was developed from a need to improve joined-up working practices across a broad range of Council departments, organisations and agencies. Its purpose is to effectively tackle, control and reduce crime and ASB related problems; it is recognised that tackling problems together is a more effective approach to crime prevention and enforcement and has a broad two fold purpose:

- 1) Tasking is focused on a discussion around crime trends and hotspots that identify problem locations, and associated issues. Where relevant and appropriate, partners are asked to undertake specific actions to help resolve current problems. Enforcement Officer are frequently tasked to undertake patrols and enforce Fixed Penalty Notices at specifically defined hours and locations. The actions are relevant to the identified problem, and allotted to the relevant partner(s) only. A lead member is identified to co-ordinate and collate the response in a given time period; this usually consists of an initial response after two weeks, but some of the more complex or ongoing issues will require a longer period of resolution.
- 2) Development of problem solving more generally and a forum for partners to bring forward specific problems that require a partnership focused resolution. Some of the problems tackled under this umbrella have originated from Councillor enquiries and complaints. As above a lead partner co-ordinates action and is responsible for the development of more detailed action plans and response.

In addition to this Partnership Tasking reviews the Designated Public Place Order and Dispersal zones, and the meeting provides an opportunity to identify some of the more problematic ASB repeat locations and victims over a one week period (identified through intelligence).

5. RESOURCES

5.1. Financial Allocation

The total budget for the service is £2,392,124

5.2. Staffing Allocation

The Staffing Allocation for the service are as follows:

0.33 FTE x Head of Community Safety, Enforcement and Business Regulation

0.5 FTE x Enforcement and Business Regulation Manager

2 FTE X Enforcement Team Leaders
10 FTE X Principal Enforcement Officers
2 FTE X Principal Enforcement Officers (Waste)
4 FTE X Technical Services Officers
4 FTE X Senior Enforcement Officers
24 FTE X Enforcement Officers

5.3. Staff Development Plan

A comprehensive training programme is provided for all staff working in the service on a continual programme basis according to need and as the service evolves ranging from dealing with Aggressive Situations, Noise Nuisance and all aspects of ASB law.

Since the Enforcement Service came into place on April 2017, Officers have been through a series of training to bring them up to speed with the range of legislation and tasks that the service covers. This very broad and diverse range of services were previously provided by different teams that used different legislation and procedures and therefore the training programme is aimed at equipping Officers adequately, so one Officer can deal with a wide range of enforcement.

All Enforcement Officers, Principal Enforcement Officers and Team Leaders that were employed at the inception of the service have undertaken the comprehensive Keep Britain Tidy (KBT) training over the course of five in days. For Officers who were coming from the Environmental Enforcement Team they had a one day refresher session also provided by KBT.

Enforcement Officers and Community Safety and Principal Enforcement Officers have had training on noise nuisance and the law and further sessions are planned. Two half day sessions and this will continue. There will be continual on the job training

Training has also been provided on the two main databases used; Civica and Universal Housing, to enable all relevant staff to become familiar with the system with additional training being programmed for new Officers current staff who require refresher training.

In relation to Anti -Social Behaviour(ASB) Principal Enforcement Officers who do not have a background on ASB will attend a BTEC level 3 to ensure they have the relevant skills to undertake investigations.

Training has also been programmed in relation to Child and Adult Safeguarding, Terrorism Awareness including both Project Griffin and Argus, preparing case for prosecution, dealing with aggression, First Aid, licensing and environmental protection legislation.

All Enforcement Officers who join the service will have to go through the Community Safety Accreditation Scheme three day course, undertake training on with aggressive situations, and self-defence, PACE, evidence gathering and specialised waste investigative techniques.

Officers will also receive training on responding to Licensing consultations and checking Licence Conditions where issues are identified with Licensed premises.

Community Safety and Principal Enforcement Officers experienced in dealing with illegal Pirate Radio stations will train the Officers who require the training to enable everyone to be capable of undertaking this function.

6. KEY PERFORMANCE INDICATORS

No of Fixed Penalty Notices issued	Monthly	Neighbourhoods & Housing	Enforcement	N/A	N/A
No of Community Protection Notices issued under Anti-Social Behaviour , Crime and Policing Act 2014	Quarterly	Neighbourhoods & Housing	Enforcement	N/A	N/A
No of Prosecutions instituted and Formal Cautions issued	Quarterly	Neighbourhoods & Housing	Enforcement	N/A	N/A
No of injunctions applied for in respect of ASB	Quarterly	Neighbourhoods & Housing	Enforcement	N/A	N/A
Number of noise abatement notices served under s80 EPA 1990 in respect of domestic noise	Quarterly	Neighbourhoods & Housing	Enforcement	N/A	N/A
No of Closure Orders applied for	Quarterly	Neighbourhoods & Housing	Enforcement	N/A	N/A
% of Environmental Enforcement service requests responded to within three working days	Monthly	Neighbourhoods & Housing	Enforcement	N/A	N/A
% of domestic noise service requests responded to within three working days	Monthly	Neighbourhoods & Housing	Enforcement	N/A	N/A
% of noise service requests responded to within	Monthly	Neighbourhoods &	Enforcement	N/A	N/A

one hour when the out of hours service is operating		Housing			
% of high risk anti-social behaviour service requests responded to within one working day	Monthly	Neighbourhoods & Housing	Enforcement	N/A	N/A
% of low risk anti-social behaviour service requests responded to within one working day	Monthly	Neighbourhoods & Housing	Enforcement	N/A	N/A

Agenda Item 7

Draft Work Programme for the Corporate Committee 2018/19

10 July 2018				
	TITLE	DESCRIPTION	DECISION	GROUP DIRECTOR
1	HR Policy Review: Bereavement Policy	Bereavement Policy	To Approve	Tim Shields (Dan Paul)
2	Business Regulation Service Delivery Plans 2018/19 (Formerly listed as Draft Service Delivery Plan of Enforcement, Trading Standards and Health and Safety 2018/19)	Draft Service Delivery Plan	To note	Kim Wright (Gerry McCarthy)
3	Enforcement Service Delivery Plan 2018/19 (Formerly listed as Draft Service Delivery Plan of Food Safety 2018/19)	Draft Service Delivery Plan	To note	Kim Wright (Gerry McCarthy)

10 October 2018				
1	HR Policy Review (if required)		To Approve	Tim Shields (Dan Paul)
2	Highway Obstruction and Enforcement of street furniture	Annual report on the enforcement action in relation to tables and chairs on the public highway	For Information And Comment	Kevin Keady /Gerry McCarthy
3	Environmental Enforcement - Annual Assessment Of The Local Environmental Quality Enforcement Strategy And Annual Performance Report 2017/18	The report sets out the annual performance report across the environmental enforcement remit for the 2017/18 financial year.	For Information And Comment	Kim Wright (Gerry McCarthy)

8 January 2019				
1	Pay Policy Statement 2019/20	The Localism Act 2011 requires the Council to publish an annual pay statement for Chief Officer Pay.	To Approve	Tim Shields (Dan Paul)
2	Statutory Review of Polling Districts and Polling Places.	This report is reviewing Polling Districts and Polling Places.	To Approve	Tim Shields (Dan Paul)
3	Regulatory Services Service Plan Update	This report provides an update on the performance of the Food Safety (The Food Law Enforcement Service Plan is a statutory plan) and Trading Standards Services against the Plan.	For Information And Comment	Kim Wright (Gerry McCarthy)

4	Planning - Authority Monitoring Report 2017/18	The AMR provides monitoring information on spatial planning-related activity for the financial year 2017/18 to inform and monitor policy development and performance.	To Approve	Kim Wright (Ian Rae/ Natalie Broughton)
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9 April 2019

1	HR Policy Review (if required)		To Approve	Tim Shields (Dan Paul)
2	Annual Performance Report Of The Noise Service	The annual report sets out the development of the Council's response to noise nuisance.	For Information And Comment	Kim Wright (Gerry McCarthy)
3	Annual Report of the Public Spaces Protection Order (PSPO)	Annual report on the Public Spaces Protection Order.	For Information And Comment	Kim Wright (Gerry McCarthy)