

## Notice of Meeting

# Joint Public Protection Committee

A shared service provided by Bracknell Forest Council,  
West Berkshire Council and Wokingham Borough Council

**Tuesday, 12th June, 2018 at 7.00 pm**

Venue: Wokingham Borough Council, Shute End, Wokingham,  
RG40 1BN

**To:** Councillors Norman Jorgensen (Wokingham Borough Council), Michael Firmager (Wokingham Borough Council), Marcus Franks (West Berkshire Council), Emma Webster (West Berkshire Council), Nick Allen (Bracknell Forest Council) and Iain McCracken (Bracknell Forest Council)

### Part I

Page No.

- 1 **Apologies**
- 2 **Election of the Chairman and Appointment of the Vice-Chairman for the 2018/19 Municipal Year**  
To elect the Chairman and appoint the Vice-Chairman for the 2018/19 Municipal Year.
- 3 **Declarations of Interest**  
*Any Member with a Disclosable Pecuniary Interest in a matter should withdraw from the meeting when the matter is under consideration, and should notify the Democratic Services Officer in attendance that they are withdrawing as they have such an interest. If the Disclosable Pecuniary Interest is not entered on the register of Members' Interests, the Monitoring Officer must be notified of the interest within 28 days.*
- 4 **Minutes from the Previous Meeting** 1 - 4  
To approve the minutes of the previous meeting held on 19 March 2018.

**Public Protection Partnership Agenda - Tuesday, 12 June 2018 (continued)**

**5 Notice of Public Speaking and Questions**

To note those agenda items which have received an application for public speaking.

A period of 30 minutes will be allowed for members of the public to ask questions submitted under notice.

The Partnership welcomes questions from members of the public about their work.

Subject to meeting certain timescales, questions can relate to general issues concerned with the work of the Partnership or an item which is on the agenda for this meeting. For full details of the procedure for submitting questions please contact Democratic Services.

**6 Future Plan**

5 - 6

To detail future items that the Committee will be considering.

## Items to Execute Council Functions

**7 Public Protection Partnership Charging Policy for Relevant Protected Sites (Mobile Homes) (PP3567)**

7 - 20

To agree a policy position to enable a consistent approach to charging 'relevant protected sites' i.e. mobile home sites administration & annual inspection fees across the Public Protection Partnership (PPP).

**8 Public Protection Food and Feed Control Plan (PP3568)**

21 - 106

To consider the draft plan for the enforcement of food and animal feed controls and to seek approval for the plan.

## Items to Execute Executive Functions

**9 Public Protection Partnership Performance Report (PP3565)**

107 - 140

To consider Public Protection Partnership Performance Report for 2017/18.

**10 Public Protection Partnership Statement of Fees and Charges Methodology (PP3392)**

141 - 158

To set out the proposed methodology to amalgamate the fees and charges across the Partnership.

## Items for Information

**11 Public Protection Partnership Implementation Plan for General Data Protection Regulations (PP3566)**

159 - 208

To consider the PPP approach to managing the implications and risks of GDPR.

**12 Any other items the Chairman considers to be urgent**

**Contact Officer:**

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Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

## **JOINT PUBLIC PROTECTION COMMITTEE**

### **Minutes of the meeting held on Monday, 19 March 2018**

#### **Wokingham Borough Council, Shute End, Wokingham, RG40 1BN**

**Present:** Norman Jorgensen, Michael Firmager, Nick Allen and Dominic Boeck (Substitute) (In place of Marcus Franks)

**Also Present:** Sean Murphy (Public Protection Manager), Paul Anstey (Head of Public Protection and Culture), Anna Smy (Team Manager - Environmental Quality) and Peter Northey (Team Manager - Intel & Business Dev.), Clare Lawrence (Wokingham Borough Council), Steve Loudoun (Chief Officer Environment & Public Protection), Jo Reeves (Principal Policy Officer) and Councillor Jason Collis

**Apologies for absence:** Councillor Marcus Franks, Councillor Emma Webster and Iain McCracken (Bracknell Forest Council)

#### **PART I**

##### **37 Minutes**

The minutes of the meeting held on 12 December 2017 were approved as a true and correct record by the Committee and signed by the Chairman.

##### **38 Declarations of Interest**

There were no declarations of interest received.

##### **39 Notice of Public Speaking and Questions**

No notice had been received that members of the public wished to address the Committee on any of the agenda items.

##### **40 Future Plan**

The Committee reviewed the current version of its forward plan. Clare Lawrence noted that PP3392 would consider fees and charges in relation to all of the Partnership's activities and not just those in respect of licensing.

Sean Murphy noted that the Partnership's Scheme of Delegation would need to be added to the forward plan.

##### **41 Twyford Crossroads & Wokingham Town Centre Air Quality Action Plan (PP3320)**

The Committee considered the report (Agenda Item 6) which outlined the requirements for an Air Quality Action Plan for Twyford Crossroads and Wokingham Town Centre to improve air quality with the Air Quality Management Areas (areas identified within Wokingham Borough Council where levels were failing to meet the Governments objectives for Nitrogen dioxide).

## JOINT PUBLIC PROTECTION COMMITTEE - 19 MARCH 2018 - MINUTES

Clare Lawrence advised that the Public Protection Partnership, alongside consultees in Wokingham Borough Council had prepared the document. She expressed the view that the joint working to prepare the document was indicative of the positive impact of the Partnership.

Anna Smy advised that the report would be sent to the Department for Environment, Food and Rural Affairs (Defra) and be subject to annual review; the annual status report would be shared with the Committee.

Councillor Firmager stated that he was supportive of the measures proposed in the action plan. He asked whether levels of nitrogen dioxide were anticipated to decrease in general as a result of fewer diesel cars on the roads and more biofuel vehicles. Anna Smy responded that in the past, predicted changes in emission levels had not been realised as emission forecasts were based on modelling. Should there be a substantial decrease in emissions there might be a case to withdraw the air quality management area. Councillor Firmager noted that the use of electric trains through Twyford would help to decrease levels of air pollution. Anna Smy stated that she hoped the measures contained in the action plan would assist to accelerate the reduction in air pollution in the area.

Councillor Dominic Boeck noted that both petrol and diesel vehicles produced nitrogen dioxide but diesel vehicles also produced particulates. A large scale switch to electric vehicles would be some distance in the future.

Councillor Nick Allen asked whether there were other areas across the three local authority areas that required action. Anna Smy noted that there were seven air quality management plans across the three areas including Newbury, Thatcham, Wokingham, parts of the M4, Twyford, Crowthorne and Bracknell. There were action plans for Newbury, Crowthorne and Bracknell. Annual reports were being produced for each local authority area using 2017 data which would be ready for presentation to the Committee in September.

Clare Lawrence stated that officers had established a group with colleagues in other parts of the Councils in order to ensure any crossover actions were implemented.

Councillor Norman Jorgensen advised that he was keen for the short term actions to get underway.

**RESOLVED that the Committee agree the action plan.**

### **42 Public Protection Partnership Strategic Assessment (PP3385)**

The Committee considered a report (Agenda Item 7) to consider the outcomes of the first Strategic Assessment (SA) of the Public Protection Partnership and to agree the priorities and Control Strategy (CS) to deliver against these for the 2018-19 period. These documents had been developed to inform and direct proactive project, intervention and enforcement activities as part of our adaptation of the National Intelligence Model.

Sean Murphy referred to the diagram on page 99 of the agenda which revealed how the principles and priorities which formed the basis of the inter-authority agreement that created the PPP fed into the business plan, strategic assessment, control strategy and the planned work activity.

Peter Northey explained that the Communications Strategy was also informed by the shared principles and where the direction of resources could have the greatest impact. It was recommended that the Committee maintained the agreed priorities for 2018/19.

## JOINT PUBLIC PROTECTION COMMITTEE - 19 MARCH 2018 - MINUTES

Sean Murphy advised that four cross cutting issues had been identified (Vulnerable Persons, Serious & Organised Crime, Modern day slavery and eCrime) which linked with the work of the Police. Peter Northey noted that every contact from a member of the public provided useful intelligence which would help to protect vulnerable people from scams.

Sean Murphy stated that the Communications Strategy was in draft form but it was important that the partnership was able to get information out to the public to send a message to perpetrators and encourage the public to come forward with concerns.

Councillor Jorgensen asked for more information regarding the cross cutting themes Peter Northey noted that there were links to the police through the Partnership's licensing work such as rogue traders where sometimes vulnerable people were forced to work.

Paul Anstey advised the Committee that a lead officer had recently been appointed and this was possible because of the proceeds of crime money recovered by the Partnership.

Councillor Boeck highlighted that in West Berkshire the costs of the waste contract were being tackled which was leading to residents concerns about flytipping. There needed to be more public information regarding unlicensed waste carriers as residents might not know that their waste was being flytipped. Sean Murphy advised that there were arrangements between the PPP and the waste teams in Bracknell and Wokingham to support enforcement work however arrangements with West Berkshire were less formal. He added that social media was often used by residents seeking waste disposal and they might not realise that waste could be dumped.

Paul Anstey highlighted that public perceptions did not always present a true picture of major issues so the PPP would gather evidence to assist in targeting activity. Priorities would be reconsidered annually based on data.

Peter Northey stated that the document was a snapshot of an evolving picture.

Councillor Jorgensen enquired how the PPP's work related to Royal Berkshire Fire and Rescue Service (RBFRS) in respect of high rise buildings. It was noted that different legislation prescribed different functions but a memorandum of understanding had been signed regarding the inspection work. The PPP supported RBFRS's case management unit which was another benefit of the Partnership.

### **RESOLVED that**

- a) The overarching themes identified in the Inter Authority Agreement (IAA) and set out at Appendix C remain relevant and should be retained;**
- b) The functional priorities and cross cutting issues identified in the Strategic Assessment Summary at Appendix E inform service delivery for the coming year; and**
- c) The draft Control Strategy at Appendix F form the preventative, information gathering and enforcement activities of the Public Protection Partnership for the coming year.**

### **43 Public Protection Partnership Performance Report (PP3389)**

Anna Smy gave a presentation in respect of Agenda Item 8 regarding the performance of the Public Protection Partnership (PPP). She advised that at the next meeting she would report on indicators which aligned to the PPP's priorities, in a similar way to the three Councils' performance reports.

**JOINT PUBLIC PROTECTION COMMITTEE - 19 MARCH 2018 - MINUTES**

Councillor Allen noted activity in respect of dog fouling and asked about reporting. Anna Smy explained that the ambition was to have, as with pest complaints, links on each Council's website to a central point. The Communications Strategy would contain more information regarding websites.

Sean Murphy noted that there had been good publicity about rats in Wokingham following proactive advice published by the Partnership.

**RESOLVED that the update was noted.**

**44 Any other items the Chairman considers to be urgent**

The Chairman did not raise any further urgent items.

**45 Date of Next Meeting**

The next meeting was scheduled for 12 June 2018, 7pm at Wokingham Borough Council Offices.

*(The meeting commenced at 7.00 pm and closed at 8.10 pm)*

**CHAIRMAN** .....

**Date of Signature** .....

## Forward Plan for the Joint Public Protection Committee

**18 September 2018**

| Reference | Item  | Purpose   | Decision Body | Month/Year | Officer and Contact No | Directorate             | Lead Member      | Part II | Call In |
|-----------|---|---|---------------|------------|------------------------|-------------------------|------------------|---------|---------|
| PP3570    | Public Protection Partnership Budget 2019/20              | To consider the draft budget prior to submission to the councils  | JPPC          | 18/09/18   | Sean Murphy            | Economy and Environment | Chairman of JPPC | No      | No      |
| PP3571    | Public Protection Partnership Community Fund Applications | To consider applications for the Public Protection Community Fund and where appropriate approve for payment | JPPC          | 18/09/18   | Paul Anstey            | Economy and Environment | Chairman of JPPC | No      | No      |
|           |   |   | JPPC          |            |                        |                         |                  |         |         |
|           |   |   | JPPC          |            |                        |                         |                  |         |         |
|           |   |   |               |            |                        |                         |                  |         |         |
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### PPP Charging Policy for Relevant Protected Sites (Mobile Homes) - Summary Report

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|  |                                   |
|--|-----------------------------------|
| Committee considering report:          | Joint Public Protection Committee |
| Date of Committee:                     | 12 <sup>th</sup> June 2018        |
| Date agreed by Joint Management Board: | 16 <sup>th</sup> March 2018       |
| Report Author:                         | George Lawrence                   |

#### 1. Purpose of the Report

- 1.1 To agree a policy position to enable a consistent approach to charging 'relevant protected sites' i.e. mobile home sites administration & annual inspection fees across the Public Protection Partnership (PPP).

#### 2. Recommendation(s)

- 2.1 To follow JMB decision insofar as requesting that the Joint Public Protection Committee adopt the existing Bracknell Forest Policy across PPP to allow for charging against all relevant protected sites within the PPP's areas.

Nb: This proposal does not introduce any recommendation of altering the existing charging fee formula across the PPP which currently differ.

#### 3. Implications

- 3.1 Financial:** If adopted, annual income would increase by around 7k per year across PPP which is 'ring-fenced' to mobile home site licensing enforcement activity. This would bring the total income from 14k to around 21K assuming 100% recovery. The existing 14k contribution to PPP from Bracknell Forest has already been included in its annual budget position.
- 3.2 Policy:** The Inter-Authority Agreement delegates the responsibility for setting key policy direction with the Joint Committee insofar as those policy areas relate to the Relevant Functions. Housing and Caravan Sites is one such are. If approved the policy would set out the overarching model for charging certain types of protected sites and an annual inspection regime for those sites across the PPP.
- 3.3 Personnel:** The implications of introducing this policy are that

resources would need to increase to deliver on the policy commitment. The increase of inspection number would increase from 10 to 52 across a range of sized sites and may result in disproportionate fee/resource calculation.

**3.4 Legal:** The Mobile Homes Act 2013 affords local authority the ability to place a charge against administering and carrying out annual inspection of certain mobile homes sites, however, the Partnership cannot charge without there being a specific policy in place detailing the charging regime. A consultation review of park home legislation is being carried out by the Ministry of Housing, Communities & Local Government (MHCLG) which has now closed – this will include amongst other areas, elements of the charging regime.

**3.5 Risk Management:** Risk that require mitigating include:

- Ensuring adequate resources to ensure all income collection is made;
- Public perception of penalising the vulnerable should charges be passed onto the owners/tenants of the mobile homes;
- Exemptions and non-payment from operators may create additional resource sacrifice to ensure the poor performers hold not advantage over the better performers;
- Unlawful development control is not identified as a driver in the charging policy and charges are only relevant to those sites that have planning permission and hold a licence;
- The proposed policy does not consider a risk based approach, but rather a fixed annual inspection to all relevant protected sites;
- Not conducting adequate administrative matters annual inspections to sites that are charged may led the Council to be challenged such as ombudsman involvement.

**3.6 Property:** No implications

**3.7 Other:** None

#### 4. Other options considered

To do nothing and accept differing charging positions across PPP.

To cease charging within Bracknell Forest area to provide an alternate consistent approach.

## 5. Executive Summary

- 5.1** The Inter-Authority Agreement (IAA) sets out of the functions that are delegated to the Joint Committee under the terms of the agreement. These include an array of functions relating to the enforcement and administration of licences for authorised caravan sites.
- 5.2** It has long stood that certain authorised mobile home sites require a site licence that imposes certain conditions around the infrastructure and management of that site. Licences have traditionally been issued on receipt of application, and no charges were made that related to administering that application or carrying out site visits to ensure conditions were being met on a frequent basis. The licence is not time limited assuming no changes in management, layout, or planning conditions.
- 5.3** The concept of charging was introduced under The Mobile Homes Act 2013 that amends the Caravan Sites and Control of Development Act 1960 (“the CSCDA 1960”), the Caravan Sites Act 1968 (“the CSA 1968”) and the Mobile Homes Act 1983 (“the MHA 1983”) thus allowing authority’s to charge a fee for issuing a licence and as an ongoing annual charge. The rationale being that annual fees would bring about an inspection regime that would be part-funded as a cost recovery exercise. However, in order to charge, the authority must publish a policy explaining how and who it intends to charge. It is not a requirement to consult.
- 5.4** There exists in Bracknell Forest a charging policy enabling this charge to be made. No such published policy exists in Wokingham and West Berkshire Councils. The most recent (2016) number of LA’s who have adopted a charging regime was around 38% of all LA’s – there is considerable variation in the amounts charged across England.
- 5.5** Assuming an approach to have a charging policy adopted across PPP, each authority must also determine the charging mechanism. The DCLM sets out a number of options, and these have been pre-determined across PPP in its budget setting out fees and charges, but unsurprisingly differ in their respective formulas and amounts.
- 5.6** The demographic of owners and tenants in the mobile homes across PPP are more likely to be either elderly and/or retired due to downsizing or where tenanted, unable to support higher rent prices you would expect to find in more traditional dwelling houses (i.e. brick-built). It is possible that costs/fees imposed upon the licence holder may be passed onto owners/tenants residing in the mobile homes.

- 5.7** There are often disputes between site owners/management and the tenants which can range from allegation of unfair pitch fees, utility charges, and harassment to ‘unlawful’ development, encroachment and poor infrastructure. Charging for licences does not address these issues. Locally, this is evidenced by the types of service requests PPP have received. The MHCLG through its working party has ongoing work and recommendations regarding the regimes in place that might affect any single charging regime.
- 5.8** Adoption of a charging policy may unintentionally penalise the good operators and exclude the poor due to the ability for operators to create and apply for a single licence site which becomes effectively unenforceable and exempt from charging.

## **6 Conclusion**

- 6.1** The policy recommended sets out in detail of how the PPP plans to set out a charging approach.
- 6.2** Should the decision be made to adopt the charging approach, the policy position will require on-going review to ensure that the fees and charges that are in place are correct and appropriate to the amount of time set aside for enforcement matters.
- 6.3.** However, the policy position may have to undergo significant changes should the MHCLG determine in its call for evidence review that the charging regimes requires further reform across the Country or indeed implement the recommendations made by the working group. In which case we will bring the matter back before the Committee for further consideration.

## **Appendices**

Appendix A – Existing Bracknell Forest Mobile Home Charging Policy

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### **Background Papers:**

Review of park homes legislation: call for evidence part 1 & 2.  
<https://www.gov.uk/government/consultations/review-of-park-homes-legislation-call-for-evidence-part-2>

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### **PPP Strategic Aims and Priorities Supported:**

The proposals will help achieve the following Public Protection Partnership aims as stated in the Inter Authority Agreement:

- 1 – Community Protection**
  - 2 – Protecting and Improving Health**
  - 3 – Protection of the Environment**
-

**4 – Supporting Prosperity and Economic Growth**

**5 – Effective and Improving Service Delivery**

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**Officer details:**

Name: George Lawrence

Job Title: Team Manager - Residential

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**Equality Impact Assessment – Stage One**

**We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:**

*“(1) A public authority must, in the exercise of its functions, have due regard to the need to:*

*(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*

*(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:*

*(i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;*

*(ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;*

*(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.*

*(2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.*

*(3) Compliance with the duties in this section may involve treating some persons more favourably than others.”*

**The following list of questions may help to establish whether the decision is relevant to equality:**

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?

- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

|   |  |
|---|--|
| <b>What is the proposed decision that you are asking the Committee to make:</b>         | To agree a policy position to enable a consistent approach to charging 'relevant protected sites' i.e. mobile home sites administration & annual inspection fees across the public protection partnership (PPP). |
| <b>Summary of relevant legislation:</b>   | Section 3, The Mobile Homes Act 2013   |
| <b>Does the proposed decision conflict with any of the partnerships key objectives?</b> | No   |
| <b>Name of assessor:</b>  | George Lawrence  |
| <b>Date of assessment:</b>  |  |

| <b>Is this a:</b> |     | <b>Is this:</b>                             |     |
|-------------------|-----|---|-----|
| <b>Policy</b>     | yes | <b>New or proposed</b>                      | Yes |
| <b>Strategy</b>   |     | <b>Already exists and is being reviewed</b> |     |
| <b>Function</b>   |     | <b>Is changing</b>                          |     |
| <b>Service</b>    |     |   |     |

|  |   |
|--|---|
| <b>1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?</b> |   |
| <b>Aims:</b>   | To provide an ability to charge for administration and recover costs for annual inspection across PPP       |
| <b>Objectives:</b>   | To implement a consistent PPP approach to charging against certain types of mobile home sites               |
| <b>Outcomes:</b>   | To have in place a policy that will lawfully allow the charging regime for certain mobile home sites        |
| <b>Benefits:</b>   | To provide a cost recovery framework for administrating and carrying out annual inspections of site licence |

|  |   |
|--|---|
|  | conditions in applicable mobile home sites. |
|--|---|

**2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.**

(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)

| Group Affected                 | What might be the effect?  | Information to support this            |
|--------------------------------|--|--|
| Age                            | <b>Transferring any charging to owners/tenants who may be elderly or vulnerable.</b> | Local knowledge regarding demographic. |
| Disability                     | <b>Transferring any charging to owners/tenants who may be elderly or vulnerable.</b> | Local knowledge regarding demographic. |
| Gender Reassignment            |  |  |
| Marriage and Civil Partnership |  |  |
| Pregnancy and Maternity        | <b>Transferring any charging to owners/tenants who may be elderly or vulnerable.</b> | Local knowledge regarding demographic. |
| Race                           |  |  |
| Religion or Belief             |  |  |
| Sex                            |  |  |
| Sexual Orientation             |  |  |

**Further Comments relating to the item:**

Local knowledge regarding demographic suggests that the owners/tenants are more likely to be retired (down-sizing) or are on incomes that make other dwellings more affordable.

|  |                 |
|--|-----------------|
| <b>3 Result</b>  |                 |
| <b>Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?</b> | <b>possibly</b> |
| <b>Please provide an explanation for your answer:</b>  |                 |
| <b>Transferring any charging to owners/tenants who may be elderly or vulnerable.</b>   |                 |

|   |                 |
|---|-----------------|
| <b>Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?</b>   | <b>possibly</b> |
| <p><b>Please provide an explanation for your answer:</b></p> <p>That matter of whether the licence holder should decide to pass on the administrative and annual inspection costs imposed is, in the main, a private one. The licence conditions do not allow for this to be addressed and are concerned only with standards relating to common parts infrastructure items. However, should this occur to those at risk, those individuals impacted upon can seek advice on whether this is legally permissible. Should the service be alerted to any identifiable individuals who may feel unfairly treated as a consequence of this policy, they can be sign-posted to relevant support and/or investigated for contractual or rogue landlord disputes matters.</p> |                 |

If your answers to question 2 have identified potential adverse impacts and you have answered ‘yes’ to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

|  |     |
|--|-----|
| <b>4 Identify next steps as appropriate:</b> |     |
| <b>Stage Two required</b>                    | Yes |
| <b>Owner of Stage Two assessment:</b>        |     |
| <b>Timescale for Stage Two assessment:</b>   |     |

**Name:** George Lawrence

**Date:**

## **Bracknell Forest Council**

### **Fee Policy for Protected Sites 2016**

#### **Caravan Sites and Control of Development Act 1960**



#### **Contents**

- 1) Executive Summary
- 2) Introduction
- 3) Fee Structure
- 4) Application for a new licence
- 5) Transfer of an existing licence
- 6) Alteration of Conditions on an existing licence
- 7) Annual fees
- 8) Enforcement action
- 9) Depositing site rules
- 10) Revising the fee

Annex A - Elements included in fee setting

Annex B - Current Fees (correct at time of print)

#### **1. Executive Summary**

This Policy sets out the fees for the licensing process under the Caravan Sites and Control of Development Act 1960. These fees have been arrived at in accordance with guidance issued by DCLG under the Mobile Homes Act 2013 and will be reviewed regularly as part of the Council's annual review of its fees and charges.

#### **2. Introduction**

The Caravan Sites and Control of Development Act 1960 (CSCDA60) introduced a licensing system to regulate the establishment and operation of caravan sites.

The Mobile Homes Act 2013 (MHA13) was introduced in order to provide greater protection to occupiers of residential park homes and caravans as the enforcement provisions had received no significant update since the original legislation. This Act also introduces some important changes to the buying, selling or gifting of a park home and the pitch fee review process which enhances the civil law provisions pertaining to the contract between the site owner and home owner.

There is an expectation that councils will inspect sites regularly in line with a risk based assessment and use the additional powers to ensure compliance with site licence conditions. The council can also now charge a fee for different licensing functions. The legislation also allows the council to serve compliance notices upon the site owner, take on works in default and requires the council to satisfy itself on the legitimacy of and publish any site rules relating to a site.

The charges introduced by the MHA13 only apply to relevant protected sites. A relevant protected site is defined in section 5A (5) and (6) of CSCDA60 (as amended), and further guidance has also been issued by the Department for Communities and Local Government (DCLG) entitled 'Park Homes: Site Licensing, Definition of relevant protected sites' (January 2014), and lists the types of sites which would fall within the definition. In summary:

'any licensable caravan site is a 'relevant protected site' unless it is specifically exempted from being so. A site is exempted if:

- it has planning permission or a site licence for exclusive holiday use
- there is a restriction on use as permanent residential' DCLG 2014

Section 10A (2) of CSCDA60 (as amended) requires a local authority to prepare and publish a Fee Policy where they propose to charge for functions associated with the regulation of relevant protected sites.

Sites which do not fall within the definition of 'relevant protected sites' are still subject to the licensing requirements contained with the CSCDA60, but the provisions relating to payment of fees do not apply.

### **3. Fee Structure**

The Council has calculated fees in accordance with the provisions of MHA13 which allows a local authority to include all reasonable costs and this includes administrative costs, officer visits to the site, travel costs, consultations, meetings, undertakings and informal advice.

In arriving at the fees the tasks detailed in Appendix A were considered together with information collected upon the Council time recording system which relates to the relevant work carried out as part of the licensing process. Each task was apportioned a time based on those records and a rate based upon the cost of the person carrying out that action. So for example if an administrative post was responsible for creating and modifying records the hourly rate for that officer would be used for that task/action; whilst an inspection conducted by a Licensing Officer would be calculated at that rate. All rates of pay are set at full cost recovery. Where there are new tasks such as the depositing, varying and deleting of site rules consideration was made of the elements that will be necessary to complete the task. Where there was data from similar tasks from other areas this was utilised to arrive at the fee.

The fees will be considered annually by the Licensing and Safety Committee and will be published for consultation by the Council along with all other fees and charges that the Council makes.

### **4. Application for a new licence**

All sites (subject to exemptions contained within the Act) require a site licence to operate; failure to apply for licence is an offence under Section 1(2) of CSCDA60. Section 3(2A) of the amended Act allows the local authority to require a fee to accompany applications for licences, and this should accompany any new application. The council may only issue a licence for a site with a valid and correct planning permission for the use.

The fee reflects the fixed costs which would apply to any new licence application plus an amount per pitch to reflect the variation in the cost of processing the application according to the size of the site.

#### **5. Transfer of an existing licence**

Where a licence holder wishes to transfer the licence an application must be made to the council. The fee must accompany the application.

#### **6. Alteration of conditions on an existing licence**

Where a site owner requests a variation to site licence conditions the council will charge a fee.

Applications can be made by licence holders to vary or cancel conditions, the fee is payable at the application stage.

If the council instigates the process to alter conditions no fee is payable.

#### **7. Annual fees**

All relevant protected sites must pay an annual fee to the council (subject to any exemptions stated in this Policy). The fee is due on 1st April each year.

Charges are based on estimates from experience associated with the administration responding to enquiries and conducting inspections of sites varying in type and size. The council is not permitted to make a surplus from this function.

The annual fee covers the costs associated with site inspections to ensure compliance with the site licence conditions and a follow up visit to ensure compliance with any informal schedule of works. If there is still a breach in site licence conditions at the point of the follow up visit further charges may be payable to cover the cost of any enforcement action which may be taken. Further details can be found in section 8 - Enforcement Action.

The fee is calculated on a price per licensed pitch to reflect the variation in cost due to the size of the site. The cost is the annual fee multiplied by the number of licensed pitches permitted by the site licence

DCLG guidance offers a variety of suggested options for local authorities in calculating the annual fee and this approach has been adopted as it is considered to offer transparency and fairness to both residents and site owners.

#### **Exemptions from annual fees**

Sites where there is only 1 unit are excluded from the annual fee. This category of site is exempt from the annual licensing fee as the council do not intend to carry out annual inspections of these sites, however, any complaints or enquiries would be dealt with as appropriate.

## **Charging arrangements**

Where a new site licence is issued part way through the year the annual fee will be pro-rata for that year.

Where an amended licence is issued part way through the year (which included either additional units or a reduction in units), the change in annual fee will be calculated on a pro-rata basis for the remainder of the year

In the event an annual fee is not paid as required the council may apply to the First Tier Tribunal (Property Chamber) for an order requiring the licence holder to pay the amount due.

### **8. Enforcement Action**

Where there has been a breach in a site licence condition the Council may serve a compliance notice. Section 9C of the CSCDA60 (as amended) details the elements which a local authority may include when imposing a charge for enforcement action. A detailed breakdown of the relevant expenses would be provided with the compliance notice. Charges would be based on the hourly rate for the relevant officers. If any works in the compliance notice are not carried out the licence holder commits an offence and the local authority may consider taking legal proceedings. Any costs associated with this process would be at the discretion of the court.

### **9. Fees for depositing, varying or deleting sites rules**

Site rules are put in place by the owner of a site to ensure acceptable standards which benefit occupiers and promote and maintain community cohesion on the site. The MHA13 changes the way site rules must be agreed between both parties. The council must keep an up to date register of site rules on relevant protected sites and publish the register online.

Before publishing the site rules the council will ensure the rules deposited have been made in accordance with the statutory procedure.

The Council can charge a fee for depositing, varying or deleting site rules.

Any site rules deposited with the local authority for the first time or applications to vary or delete existing site rules must be accompanied by the appropriate fee. The fee is the same for either a first deposit or for a subsequent variation or deletion as the process is very similar for all three types of deposits.

### **10. Revising the Fee**

The fees detailed in this Policy have been determined based on full recovery of costs. The costs have been assessed according to past experience of dealing with site licensing with consideration of the likely impact of the changes the new Act has introduced. Some of the processes are new (for example the depositing of site rules) and therefore estimates have been made as to the cost of providing these services. In addition, further regulation by government may impact on the processes and the time involved and therefore may result in a revision to the charges.

The fees will be reviewed as part of the annual review of fees and charges.

## Annex A

The DCLG guidance sets out the activities that the council can and cannot include when calculating its annual fee. A Local Authority **can** include:

- letter writing/calls etc. to make appointments and request documents or other information from the site owner or any third party in connection with the licensing process;
- handling enquiries and complaints;
- updating hard files/ computer systems;
- updating the EU Directive website if appropriate;
- processing the licensing fee;
- land registry searches
- time for reviewing necessary documents and certificates;
- downloading photographs;
- preparing reports on contraventions;
- preparing draft and final licences
- review by manager or lawyers
- review any consultation responses from third parties;
- updating public register
- carrying out any risk assessment process considered necessary
- reviews of decisions or in defending appeals
- A pre-programmed full site inspection;
- A follow-up inspection to check compliance following programmed inspection

A local authority **cannot** take into account when setting fees costs incurred in exercising their functions under

- Section 9A-9I Caravan Sites and Control of Development Act 1960 (the Act) (relating to enforcement due to breach of licence conditions);
- Section 23 of the Act (prohibiting the siting of caravans on common land); or
- Section 24 of the Act (the provision of caravan sites by local authorities).

In addition, section 10A (4) (b) of the Act prohibits a local authority from taking into account when setting fees costs it incurs under the Act, other than those relating to a relevant protected site.

No fees can be charged for holiday or other non permanent residential sites. Sites which are in mixed use i.e. partly holiday with some permanent residential homes which fall within the definition of relevant protected site fees can therefore be charged.

A local authority cannot make a profit. Any charges must be limited to recovering the costs of exercising their licensing function as it relates to relevant protected sites.

## Annex B

### Fees from 1 April 2016 to 31 March 2017

| Type of application                     | Fee  |
|---|--|
| New site licence                        | £406<br>Where the application is for a site with more than 50 pitches, an additional fee of £5.00 will be made for each pitch over 50. |
| Annual fee per licensed pitch           | £13.48   |
| Transfer of site licence                | £172   |
| Amendment to conditions of site licence | £315   |
| Deposit, varying or deleting site rules | £108   |

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**Public Protection Food and Feed Control Plan – Report**

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Committee considering report: Joint Public Protection Committee  
Date of Committee:  
Date agreed by Joint Management Board:  
Report Author: Sean Murphy

**1. Purpose of the Report**

This report accompanies the Food Safety, Food Standards and Animal Feed, Safety and Standards Plan 2018/19 (the Food and Feed Service Plan). The Committee are asked to agree the items summarised in appendix A to this report which are taken from the Food and Feed Service Plan and to note the Plan at Appendix B.

The Food and Feed Service Plan essentially documents the work of the teams involved with food and feed control and details the work carried out to ensure they are enforced within the regulatory framework.

**2. Recommendation(s)**

- 2.1. The Committee is asked to note the Food and Feed Service Plan (Appendix D) including last years activity outturns and,
- 2.2. Approve the Summary set out at Appendix C as the basis for the delivery of the food and feed enforcement service for 2018/19.

**3. Implications**

**Financial:** The resources allocated to these functions are set out in the attached plans. All expenditure for these functions will be met from existing revenue. Local authorities receive grants from the Food Standards Agency for enforcing the controls relating to animal feed.

**Policy:** The Plans set out the over-arching delivery model for all aspects of the Partnership approach to protecting the food chain. The plans include key priority areas as well as setting out how we will deliver against our statutory requirements. This may be subject to change dependant on outcomes of Tasking Group Priorities in the coming year.

**Personnel:** The resource allocated to these functions in terms of officer time is set out in the detailed plans. There are currently a number of vacancies across the Partnership including vacancies in the area of work covered by the attached plans. These are being

considered as part of the wider Public Protection staffing structure and budget position.

**Legal:** The IAA that set up the Partnership effectively delegates responsibility for the strategic direction of the joint service to the Joint Committee. The responsibilities of the committee are set out in Schedule 1 to the agreement.

Included in those responsibilities is the enforcement of legislation relating to the control of food safety, hygiene, quality, labelling and animal feed safety, hygiene and standards. These legislative requirements sit alongside Statutory Codes of Practice issued under the Food Safety Act 1990.

The Food Standards Agency (FSA) developed the 'Framework Agreement on official feed and food law controls' that sets out what the FSA expects from local authorities in their delivery of official controls on feed and food law. It also requires that a feed and food plan(s) is considered annually by each authority with responsibility for exercising controls. This Food and Feed Service Plan has been written according to the detailed headings the FSA have dictated.

**Risk Management:** There are no specific risk identified in this report,

**Property:** No implications.

**Other:** None

#### **4. Other options considered**

4.1 The FSA Framework agreement and Statutory Codes of Practice are fairly prescriptive in who should carry out food enforcement functions, what should be prioritised and how certain activities should be carried out. The plans contain a mixture of activities based on those prescribed as well as other priorities identified through local, regional and national working.

#### **5. Executive Summary**

5.1. The Inter-Authority Agreement (IAA) between the Councils sets out of the functions that are delegated to the Joint Committee under the terms of the agreement. These include an array of statutory functions relating to the enforcement of food hygiene, safety, quality, labelling and health, nutrition claims and other claims such as organic, gm free. In addition there are a range of measures relating to safety, standards, labelling and hygiene of animal feed.

5.2. The IAA also identifies the key priority areas for the service which are community protection; protection and improving health; protection of the environment; supporting prosperity and economic growth and the delivery of effective and improving service.

5.3. The implementation of food and feed controls by local authorities is controlled through a combination of EU and domestic implementing legislation. There are statutory codes (Food Law Codes of Practice) issued under the Food Safety Act 1990 that deal with a range of matters from practical issues relating to risk assessment, inspection programmes and the implementation of enforcement controls. They also deal in detail with officer competences and internal controls required by food and feed enforcement authorities. These controls are subject to a range of reporting requirements to the EU via FSA as well as a Framework Agreement. The FSA also have a local authority audit programme to ensure that all of these requirements are being met. Failure of audits can have significant consequences for enforcement authorities.

5.4. One requirement of the 'Framework Agreement' is that local authorities produce a plan to a prescribed format setting out how they intend to discharge their statutory functions in relation to food and animal feed. The plan is required to set out priorities, inspection targets, areas for improvement and resource levels.

## **6. Conclusion**

6.1. The supporting information at Appendix B sets out in detail how the Partnership plans to deliver the statutory functions of the three authorities that operate through the Partnership arrangement. Officers are of the view the plans represent the best balance between the requirements placed on the service and the resource levels available to deliver against the key requirements and objectives. There is a summary document of the Food and Feed Plan at Appendix C

6.2. This is one of many important areas of responsibility that falls to the Partnership in that it impacts the health and wellbeing of residents and recognises that the food industry at all levels from farming to restaurants is important to the local economy. In this industry confidence is everything. A strong regulatory framework is designed to provide that confidence and ensure fair competition.

6.3. The Committee is asked to consider the plan and agree the summary document at Appendix C.

## **Appendices:**

Appendix A - Supporting Information

Appendix B – Equalities Impact Assessment

Appendix C – Summary of Key Food and Feed Plan Information

Appendix D - Food Safety, Food Standards and Animal Feed Standards Service Plan 2018-19

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**Background Papers:**

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**PPP Strategic Aims and Priorities Supported:**

The proposals will help achieve the following Public Protection Partnership aims as stated in the Inter Authority Agreement:

- 1 – Community Protection**
  - 2 – Protecting and Improving Health**
  - 3 – Protection of the Environment**
  - 4 – Supporting Prosperity and Economic Growth**
  - 5 – Effective and Improving Service Delivery**
- 

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**Public Protection Partnership Food and Feed Plan – Supporting Information**

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**1. Supporting Information – Food Control**

- 1.1 Legal controls relating to food safety, hygiene and quality have been in place for many years. Traditionally they have focussed on preventing adulteration and standards. Over the years a wide range of product specific controls were developed ranging from bread to jam and milk and cheese to meat products and many other products that were considered staple foods. A wide range of these controls are in place supported by broader cross cutting legislation relating to food safety, additives, labelling and traceability.
- 1.2 Issues still arise in relation to adulteration and examples in recent years have included the horsemeat scandal, fake alcohol with all the associated health effects, sudan 1 dye cancer scare etc. Many reports also relate to undeclared allergens on products. These often lead to recalls once identified.
- 1.3 The majority of food controls are European in origin and form part of the framework arrangements for the Single Market. There are still in place domestic controls relating to the nature, substance and quality of food as well as misleading labelling and advertising.
- 1.4 There is a range of legislation also designed to control the safety and handling of food as well as setting out the hygiene standards of premises. These give authorised officers a range of powers including issuing improvement notices through to closing premises by Hygiene Emergency Prohibition Notices and seizure and detention of food. Clearly such significant powers need to be exercised in a defined framework that includes competency requirements assessed annually and CPD requirements.
- 1.5 In recent times the health benefits and risks relating to food have come to the fore. Cardiovascular disease, certain cancers and obesity are often linked to food as a range of benefits in such as cholesterol reducing, health heart and brain functions and a whole range vitamin, mineral and food supplements. In recognition of this a new framework has been put in place to provide for clearer but more comprehensive labelling as well as approved health and nutrition claims. This combined with other specific labelling requirements relating to areas such as genetically modified, organic, geographical protections and irradiated foods allow for informed consumer choice. These are complicated areas of law and the officers that deliver many areas have to meet competence and CPD requirements.

**2. Supporting Information – Animal Feed**

- 2.1 Like food controls these have existed for a long time to govern the safety and composition of animal feeds. Over the years failures in these controls have come to the fore on a number of high profile occasions e.g. salmonella in poultry and eggs, foot and mouth disease and most notably BSE and the links to vCJD. These failures led to health risk, injury to health and loss of life. They also cost the economy many £Bs.
- 2.2 It is also recognised that farmed animals form part of the food chain and safety issues arising in animal feed can pass through to the food chain or indeed affect the health of the animals directly. Examples include dioxins and microtoxins. Attached to the Food and Feed Plan is a briefing note which explains some of the work in his area.
- 2.3 Our work in this area extends beyond hygiene into quality of feed, labelling and contamination. Like food it is a specialised area of law and practice and one that the PPP has significant expertise in. So much so that we host regional officer who carries out visits to farms across Oxfordshire, Hampshire, Berkshire, Surrey and east and West Sussex. The Public Protection Manager is also a member and former Chair of the National Trading

Standards Board - Feed Governance Group who deliver the strategy and managed the funding on behalf of the Food Standards Agency.

### 3. Concluding Comments

- 3.1 This area of work remains high profile and high priority. Safe food and feed, informed choice for consumers and fair competition between businesses are all important as is confidence in food business operators and products. On the latter point we have seen numerous occasions where loss of confidence has led to economic damage and loss of markets. All of our work feeds into a national and international picture and allows foodstuffs to travel freely and be exported.
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Document Control Information



Title:  
Public Protection Partnership  
**FOOD SAFETY, FOOD STANDARDS AND ANIMAL FEED, SAFETY AND STANDARDS PLAN  
2018 - 2019**

Version: 3

Classification: Internal, public

Authors: Rosalynd Gater Team Manager Commercial and John Nash Trading Standards Manager

Quality Assurance: Sean Murphy PPP Service Manager

| version |            |                              |
|---------|------------|------------------------------|
| 1       | March 2018 | FH drafting by RGater        |
| 2       | May 2018   | Final Draft RGater and JNash |
| 3       | May 2018   | RG following JMB             |

It is a requirement that Local Authorities produce a Service Plan each year, the format of which is contained within the Framework Agreement on Official Feed and Food Control by Local Authorities.

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## **PART 1 FOOD HYGIENE**

### **SECTION 1: BACKGROUND TO SERVICE**

#### **Service Purpose**

##### **Food Hygiene Service Aims and Objectives**

To ensure that the risks of illness and injury through poor food safety and hygiene are minimised, and to increase consumer and business awareness of food safety, hygiene and healthy eating. This is achieved by monitoring businesses through risk-based inspections and sampling and by taking appropriate and timely action in response to food related issues, and through liaison and awareness campaigns with food businesses and consumers to provide best advice in relation to good practice and legal compliance.

##### **Scope of the Commercial Team Service**

The staff within the team deal with all food safety related matters including programmed inspections, reactive inspections, food complaints, food hazard warnings and food related illness. Other food safety issues are dealt with by other agencies e.g. Food Standard Agency. There are also a number of approved premises which are manufacturers eg cheese makers, premises which manufacture meat products and fish products. The team also enforces Health & Safety in all Local Authority enforced premises and Smokefree Legislation. The team are also taking an active role in the public health agenda. To date we have launched the Eat out eat well award which rewards food businesses who have healthy options on their menu and who promote healthy eating.

##### **Shared Services**

On 9<sup>th</sup> January 2012 Wokingham and West Berkshire signed a joint service agreement for the environmental health and licensing services. On 9<sup>th</sup> January 2017 Public Protection Partnership was formed, this is a shared service provided by Bracknell Forest Council, West Berkshire Council and Wokingham Borough Council. As such this service plan will cover the work of the 3 Council areas.

##### **Food Hygiene Quality objectives**

- To ensure as far as practicable that food produced and sold within the Boroughs is safe and fit to eat.
- To advise businesses on their legal responsibilities and educate all of our customers on food issues.

##### **Public Protection Partnership**

#### **VISION**

To protect and support residents and legitimate business through the successful use of information and intelligence, delivering safe and healthy neighbourhoods.

## **MISSION**

**The purpose of the service is to: -**

- Give people information so they can make informed decisions and understand their rights and responsibilities.
- Create an atmosphere where legitimate and compliant businesses can thrive and not have their interests undermined by those who choose not to comply.
- Preserve the health, wellbeing and safety of the communities we serve.

## **STRATEGIC PRIORITIES of PUBLIC PROTECTION PARTNERSHIP**

- Community Protection
- Protecting and Improving Health
- Protection of the Environment
- Supporting Prosperity and Economic Growth
- Effective and Improving Service Delivery

### **Strategic priorities of Commercial Team**

- **Health and Safety in the work place**
- **Food safety at business premises and in the home**

Areas not deemed as the Strategic Priorities will be carried out but will not be given priority

The Control Strategy details the activities

| <b>SA PRIORITY:<br/>SA12</b> | <b>Food Safety at businesses premises and in the home</b>  | <b>CORE PRIORITY:<br/>CP1, CP2. CP4</b> | <b>CC IMPACT:<br/>CC1, CC4</b> |
|------------------------------|--|---|--------------------------------|
| <b>Prevention</b>            | Undertake a planned prevention programme of visits / alternative interventions of the risk rated food premises across our area to ensure food placed on the market is safe, members of the public are being protected and non-compliant businesses are not gaining an economic advantage |   |                                |
|                              | All new food premises are inspected to ensure compliance in business practices, that food placed on the market is safe and to assist with the development of the business; ensuring non-compliant businesses are not gaining an economic advantage                                       |   |                                |
|                              | Promotion of the Food Hygiene Rating Scheme to enable the public to make informed choices relating to food hygiene of the business premises they use.  |   |                                |
|                              | Through the use of Infectious Disease questionnaires, leaflets on food poisoning and developing the PPP website ensure that individuals with confirmed food related infectious diseases are given educative preventative information   |   |                                |
|                              | Participate in national prevention campaigns led by FSA and PHE and develop PPP website  |   |                                |
|                              | Engagement with the Primary Authority scheme to provide direction to other LA regulators and to ensure our PA partners are operating legally   |   |                                |
| <b>Intelligence</b>          | Sampling campaigns and PHE FW&E reports and emerging risks reports by PHE FW&E   |   |                                |
|                              | Continue to horizon scan for emerging risks within the Food Industry; using FSA intelligence (Food Fraud), intelligence reports to FSA, new guidance and legislation and Food Alerts   |   |                                |
|                              | Infectious Disease notifications from PHE and emerging risks detected by PHE   |   |                                |
|                              | Using existing links with Berks and Oxon Food Liaison Groups, the National Food Focus Group, the FSA, PHE and PHE FW&E and develop links with other organisations to ensure intelligence is fed back into the PPP  |   |                                |
|                              | scanning social media and media for emerging risks and from following leads gained during preventative intervention work   |   |                                |

|  |   |
|--|---|
|  | Analysing service requests from the public, employees and employers to develop a better understanding of potential issues to better target resources  |
| <b>Enforcement</b>   | Participation in the National and Local sampling programme to identify unsafe food and ensure it is removed from the market and to contribute to national statistics and local intelligence and ensure non-compliant businesses are not gaining economic advantage                                    |
|  | Use the Infectious Disease notifications from PHE to follow up implicated food premises to ensure unsafe food is not placed on the market and take the appropriate action with regard to the cause of the incident  |
|  | Ensure that there are appropriate resources to carry out planned prevention work and sampling and the appropriate intervention can be taken where necessary to ensure non-compliant businesses are not gaining economic advantage   |
|  | Development of officers in investigation, evidence gathering, decision making and production of case files and Court proceedings to optimise success rates  |
|  | Undertake enhanced interventions with the poorest performing food premises (the Zero and One FHRS score premises)   |
|  | Ensuring competency of Authorised Officer in line with FSA COP requirements to ensure any enforcement action taken is legal and uncontested and that the action taken by Authorised Officers is correct and does not cause unlawful economic implications to the businesses or put the public at risk |
| <b>The Role of the Commercial Team with regard to the Strategic Priorities – Food and Public Health;</b> |   |
| Community Protection   | The main role of the team is to ensure that food businesses and premises for which we are the enforcing authority for health and safety are compliant with the legislation; the purpose of this legislation is to protect people.   |
| Protecting and Improving Health  | Our role within Infectious Disease Control meets this requirement; and our public health role including Eat Out Eat Well and the Good Food Challenge, and enforcement of smokefree legislation.   |
| Protection of the Environment  | Enforcing within food premises in connection with waste disposal; both commercial rubbish, food waste and drainage.   |

|   |  |
|---|--|
| Supporting Prosperity and Economic Growth   | We enforce the legislation consistently in all premises ensuring that businesses are not economically advantaged by non compliance. We work with new businesses to ensure that are aware of what they need to do, and what they do not need to do, to comply. We work with the most non compliant food businesses in an educative role to ensure they improve their hygiene rating and therefore increase their customer base. |
| Effective and Improving Service Delivery  | Working on Quality Management Systems to ensure the service is consistent and streamlines; feedback from businesses; ethos of continuous improvement.  |
| <p><b>Public Health</b></p> <p>As of 1st April 2013, local authorities across the country took on direct responsibility for public health from the NHS. This means that the Council leads the transformation and integration of local health and social care services to improve health and wellbeing for the people of Bracknell, West Berkshire and Wokingham. This provides new opportunities, allowing us to focus on improving the health and well-being of our population through all our activities.</p> <p>The transition meant the movement of a small team of public health professionals into the authority who will champion healthy working through the local authority and GP commissioners to integrate health and social care -preventing ill health, protecting against threats to public health and tackling inequalities in health.</p> <p>In 2017 18 we worked to deliver the Good Food Challenge in schools across West Berkshire funded by West Berkshire Public Health Team. This funding has been stopped in 2018 19.</p> |  |

| <b><u>Service Structure</u></b>                     |   |   |                                       |                                       |  |   |  |
|---|---|---|---------------------------------------|---------------------------------------|--|---|--|
| <b><u>Commercial Team Staffing (April 2018)</u></b> |   |   |                                       |                                       |  |   |  |
| Category of staff                                   | Acceptable Food Related Qualification   | Number of Officers in post April 2016                   | Number of Officers in post April 2017 | Number of Officers in post April 2018 | Full Time Equivalent for carrying out food enforcement (70%) | Full Time Equivalent carrying out H&S Enforcement (30%) |  |
| Commercial Team Manager                             | BSc in Environmental Health<br>MSc in Environmental Health<br>Diploma in Environmental Health | 0.81<br>Plus BFBC equivalent<br>0.2 FTE<br>= 1FTE total | 0.81                                  | 0.81                                  | 0.6 Strategic Management                                     | 0.21 Strategic Management                               |  |
| Principal Environmental Health Officer              | BSc in Environmental Health<br>MSc in Environmental Health                                    | 1<br>Plus BFBC  | 1                                     | 1                                     | 0.8 operational management                                   | 0.2 operational management                              |  |

|                                      |  |   |   |                             |  |      |
|--------------------------------------|--|---|---|-----------------------------|--|------|
|                                      | Diploma in Environmental Health  | equivalent 1 FTE<br>= 2 FTE total                             |   |                             |  |      |
| Senior/Environmental Health Officers | BSc in Environmental Health<br>MSc in Environmental Health<br>Diploma in Environmental Health  | 7 (equates to 5.99 FTE<br>Plus 4 FTE BFBC<br>= 9.99 FTE total | 7 (equates to 5.8 FTE<br>Plus 3 FTE BFBC<br>= 8.8 FTE total (1FTE maternity leave back June 2017) | 10 equates to 9.2 FTE total | 6.2  | 3    |
| Senior Food Safety Officer           | EHRB Higher Certificate<br>NEBOSH certificate/Diploma  | 1   | 1   | 1                           | 0.80   | 0.20 |
| Technical Officer                    | Holds Higher Certificate in food inspections; Currently working towards registration with CIEH | 1   | 1   | 0.81                        | 0.81;<br>Carries out non official intervention work only | 0    |
| Total                                |  | 15.09 FTE   | 12.61 FTE   | 12.82 FTE                   | 9.21   | 3.61 |

#### Staff Development Plan and FSA Code of Practice competency assessment

- All staff are subject to a formal appraisal each year with interim monthly review meetings.
- Part of this appraisal process is the development of a training needs analysis for staff.
- Food officers must complete a competency matrix (FSA COP) which provides evidence of their competency in 19 areas.
- The Lead Officer is required to evidence these 19 areas and a further 13.
- A matrix of the training needs of the team is compiled.
- 20 Hrs of 'Continuing Professional Development' (CPD) training is provided for all staff operating under the Code of Practice.
- Each officer is responsible for keeping a record of training undertaken and maintaining their own CPD records.

### **Service Budgets/Resources**

#### Totals for 2018 19

Revenue: £11,242 (incl H&S regulatory function)  
Fee income: £12,000 (main source Primary Authority work)  
Capital: Nil

Staffing Allocation for food – 8 FTE's operational food safety enforcement (equates to 13,024 officer hours) (1FTE = 220 days)

| Food Safety Activity                           | No of Hours (approx.) |
|--|-----------------------|
| Inspections                                    | 3891                  |
| Service Requests                               | 2050                  |
| Re visits                                      | 300                   |
| Samples  | 532                   |
| ID's and Outbreaks                             | 315                   |
| Promotional work                               | 50                    |
| Project work (on line sales, mobiles, brokers) | 111                   |
| Food Hygiene Rating Scheme – running scheme    | 756                   |
| Zero and One Rated Project                     | 300                   |
| Outdoor events                                 | 68                    |
| Eat out eat well award                         | -                     |
| QMS review and update                          | 600                   |
| Audits and action plan implementation          | 100                   |
| Investigations and Formal Action*              | 220                   |
| Training (CPD and mandatory internal)          | 600                   |
| Primary Authority                              | 300                   |
| Meetings (team and Dept.)                      | 1000                  |
| <b>Total</b>                                   | <b>11,193</b>         |

The staffing allocation for food safety is 13,024 officer hours; plus, for the projects above, 0.2 management time (325hrs) (PEHO) = 13,350hrs.

\* This is an estimate based on the experiences of previous years, investigations, prosecutions and serious food poisoning outbreaks can vary considerably in complexity and therefore officer hours.

There is also a reduction in Management capacity through PPP in the Commercial Team; and due to PPP a need for increased Management as there

are more officers which equates to more management time. In addition there is a need to ensure that all systems and procedures are set up consistently which will take management time. In 2018 19 we have realigned the role of Senior officers to carry out internal monitoring.

### **Key Service Partners and Partnerships**

- Berkshire Environmental Health Managers: Berkshire local authorities, to coordinate sub-group activities, and promote good practice.
- Public Health England: advice and information, including liaison with the Consultant in Communicable Disease Control
- Food Standards Agency: target setting, audit and advisory role for LAs
- Berkshire and Oxon Food and Safety Liaison Group: consistency of approach and the exchange of good practice
- Berkshire Infectious Disease Control Liaison Group
- Berkshire Sampling Group

### **Securing Action by Relevant Duty Holders**

All of our inspection activity and enforcement action is carried out in accordance with the PPP Enforcement Policy; and associated procedural guidelines in the Quality Management System.

### **Government Approach – Regulatory Delivery part of the Department for Business, Energy and Industrial Strategy**

Regulators' Code 2014 Better Regulation Delivery Office

This applies to all the work mentioned in the plan – details can be found at <https://www.gov.uk/government/publications/regulators-code>

### **Performance indicators of Commercial Team - Food Hygiene**

These will be reported on quarterly in 2018 19

#### 1) Measure of Broadly Compliant and Fully Compliant –

Broadly Compliant - describes the % of the food premises that have 'some non-compliances' for food hygiene and for structure (and cleaning) and are 'satisfactory' in terms of our Confidence in Management. They are not compliant premises and still have food hygiene contraventions on inspection. They have an officer score of 10 10 10 for those areas on inspection. This indicator has been used by LAs for many years to track food inspection

compliance however its meaning is not fully understood and may not be interpreted incorrectly.

**Broadly Compliant**

To ensure that premises meet satisfactory compliance for the manufacture, preparation and sale of food.

**TARGET = 90%**

Fully Compliant - describes the % of the food premises that have no non compliances at their food inspection ie no statutory requirements under food safety law (there may be recommendations). This indicator has not been previously used and so there will be no comparison data either locally or nationally

**Fully Compliant**

To ensure that premises meet full compliance for the manufacture, preparation and sale of food.

**TARGET = 20%**

2) Statutory Requirements at Inspection

This indicator is similar to fully compliant – it attempts to show the percentage of food inspections carried out where the officer has to take a statutory intervention as the premises are operating in a way that does not comply with relevant legislation. Again, this indicator has not been previously used and so there will be no comparison data either locally or nationally. It will however show what % of premises are required to make improvements following our inspection visits and therefore shows the impact of the inspection regime.

**Statutory Requirements at Inspection**

To demonstrate the activity of the team in ensuring compliance with legislation

**TARGET = it is not appropriate to set a target to work towards his year as this will be a comparison over the next years**

3) Zero / One Score FHRS indicator

Ensure that food premises rated zero and one in the Food Hygiene Rating Scheme at the start of the inspection year achieve a rating of Broadly Compliant or above (3 score and above) by their next full inspection visit (subject to pending enforcement action). The scope of the project will include premises that are zero and one at the start of the inspection year in April; and their next inspection date falls within the inspection year or a requested rescore falls within the inspection year (as this is the date by which another score can be given)

Zero / One Score  
 To ensure that poorly performing premises are brought to 'Broadly Compliant'  
**TARGET = 75%**

4) New Premises inspection within 28 days

New food premises will receive their initial inspection within 28 days of trading commencement where the business has notified us of opening by Registering as a food business. This is so that new businesses are given the assistance they need at an early date to make them aware of their responsibilities and to ensure food premises across the Boroughs prepare and serve food that is safe to eat. It also promotes ensures a level playing field for all food businesses and promotes economic growth

Inspect new food businesses within 28 days of notified date of trading commencement **TARGET = 75%**

**SECTION 2 FOOD HYGIENE SERVICE DELIVERY**

| Type of Premises (FSA Categorisation) | No. of Premises Bracknell Forest | No. of Premises West Berkshire | No. of Premises Wokingham |
|---------------------------------------|----------------------------------|--------------------------------|---------------------------|
| Producers                             | 4                                | 8                              | 8                         |
| Manufacturers/ Packers                | 3                                | 29                             | 11                        |
| Importers/exporters                   | 3                                | 4                              | 2                         |
| Retailers                             | 100                              | 207                            | 157                       |
| Restaurants / Caterers                | 549                              | 698                            | 544                       |
| Distributors                          | 6                                | 22                             | 5                         |
| Care Establishments / childminders    | 291                              | 176                            | 188                       |
| Educative Establishments              | 71                               | 106                            | 71                        |
| <b>Total No. of Food Premises</b>     | <b>1027</b>                      | <b>1250</b>                    | <b>986</b>                |

### **Food Inspections – Key Drivers**

- Minimum frequency of inspection set out in the Food Standards Agency Code of Practice which is determined by the officers' risk rating of the premises at inspection.
- The Code of Practice also permits alternative enforcement strategies to replace the physical inspection of low risk premises. We undertake a system in which low risk food premises (E rated) are sent a self-assessment questionnaire to check whether risks have increased and how they are managing those risks. Inspection visits are made where there are non-returns of questionnaires or where the questionnaire returned shows an increased risk.
- Due to staffing levels we took the decision to reduce the inspection time at D premises. We carry out a partial inspection visit, which consists of a revisit and an examination of the highest risk activity as well as establishing that there have been no other changes. It is within the COP that this is permitted.

### **Food Inspection Programme**

#### **2017 18**

In terms of programmed food inspections carried out we achieved;

- 100% in Wokingham
- 100% in West Berkshire
- 100% in Bracknell

The actual number of food inspections carried out over the past three years are as follows;

|         | Actual number of Food Inspections carried out |                |           | Actual number of Alternative Interventions on E premises carried out in Food Premises |                |           |
|---------|---|----------------|-----------|---|----------------|-----------|
|         | Bracknell Forest                              | West Berkshire | Wokingham | Bracknell Forest  | West Berkshire | Wokingham |
| 2015/16 | 236   | 443            | 360       | 130   | 135            | 95        |
| 2016/17 | 438   | 592            | 437       | 95  | 89             | 89        |
| 2017/18 | 277   | 446            | 383       | 67  | 71             | 71        |

## New Food Businesses

We carry out inspections of new food businesses.

|            | 2016 17 Number of Food Business opening | 2016 17 Number of food businesses which closed | 2017 18 Number of Food Business opening | 2017 18 Number of food businesses which closed |
|------------|---|--|---|--|
| Bracknell  | 38                                      | 10   | 173                                     | 210*   |
| West Berks | 140                                     | 187  | 167                                     | 160  |
| Wokingham  | 118                                     | 132  | 106                                     | 95   |

- \* Following the transfer to a new database cleansing has been ongoing

One of the Performance Indicators of the team is to inspect new food businesses within 28 days of the notified date of opening; the target set is 75%.

The benefits of carrying out inspections of new premises within 28 days are

- The business benefits from an early intervention and can move forward with the expertise in food safety to ensure success in that area which promotes economic development.
- The consumer is protected and can make informed choices of where to eat using the Food Hygiene Rating Scheme
- Unrated premises are given a priority and this ensures that inspections are carried out and therefore the database is kept up to date. In addition it ensures the Broadly Compliant figure and Fully Compliant figures are kept high as an unrated premises is deemed non compliant by definition

The businesses closing are not necessarily those that are due for an inspection in the year.

|                          | % new businesses inspected within 28 days of opening |         |         |
|--------------------------|--|---------|---------|
|                          | 2015 16  | 2016 17 | 2017 18 |
| West Berks and Wokingham | 92.5%  | 93%     | 91.5%   |

100% of new premises do receive an inspection in the year.

We will report on Bracknell unrated in the coming year, issues with the database set up are close to being resolved.

**Food Inspections now due 2018 19**

**The food safety programme of inspections for this year are set out below:**

| <b>2018 19 inspections due</b> |                              |           |            |            |            |                                |               |
|--------------------------------|------------------------------|-----------|------------|------------|------------|--------------------------------|---------------|
| <b>Risk Category</b>           | <b>A (2 visits required)</b> | <b>B</b>  | <b>C</b>   | <b>D</b>   | <b>E</b>   | <b>Unrated (predicted est)</b> | <b>Totals</b> |
| Bracknell                      | 1 (2)                        | 29        | 85         | 165        | 163        | 130                            | <b>574</b>    |
| West Berkshire                 | 6 (12)                       | 31        | 147        | 245        | 206        | 160                            | <b>801</b>    |
| Wokingham                      | 2 (4)                        | 20        | 114        | 177        | 140        | 110                            | <b>565</b>    |
| <b>TOTAL</b>                   | <b>18</b>                    | <b>80</b> | <b>346</b> | <b>587</b> | <b>511</b> | <b>400</b>                     | <b>1940</b>   |

The resources to carry out the 2018 19 inspections are calculated from the table below:

| <b>Risk Rating</b>     | <b>No. of Premises Due 2018 19</b> | <b>Estimated time per inspection <sup>1</sup></b> | <b>Estimate of time needed to deliver all inspections (hours)</b> |
|------------------------|------------------------------------|---|---|
| A                      | 18                                 | 5hrs  | 90  |
| B                      | 80                                 | 4hrs  | 320   |
| C                      | 346                                | 3hrs  | 1038  |
| D (partial insp visit) | 587                                | 1.5hrs <sup>2</sup>                               | 880.5   |

|                                      |           |                          |                   |
|--------------------------------------|-----------|--------------------------|-------------------|
| E (Alternative enforcement strategy) | 511<br>51 | 1 hr<br>1hr <sup>3</sup> | 511<br>51         |
| New Premises <sup>4</sup>            | 400       | 2.5hrs                   | 1000              |
| Totals                               |           |                          | <b>3890.5 hrs</b> |

<sup>1</sup> Includes time for travel, pre-inspection preparation, inspection, and preparation of report.

<sup>2</sup> Categories D will have a partial inspection visit this reduces the time spent by the officer on previous years. This is permitted within the Food Law Code of Practice

<sup>3</sup> Categories E will be inspected using an alternative enforcement strategy. If we assume 10% (approx. 51) will not respond or will respond unsatisfactorily and will therefore require an inspection then there is a resource implication of 51 hours which has been included above.

<sup>4</sup> New premises are those who will register with us in 2018 19 and will require an inspection.

Should a premises operate outside working hours we will inspect them when they are operating.

For mobile traders we will inspect the mobile van when they are operating.

### **Food Hygiene Rating Scheme (FHRS)**

The scheme, along with officer's enforcement visits to premises, encourages food business operators to work to improve their food hygiene practices and so improve their rating. The food business are given a window sticker and encouraged to display these at the entrance to their premises. Display is not yet mandatory but the FSA are looking at bringing in legislation to make it so. The changes to the number of premises at each level as a comparison between the start of April 2017 and April 2018 is demonstrated below.

As can be seen there is an increase in higher ratings and corresponding decrease in lower ratings. This may be attributed to a strong inspection regime where premises who are due for an inspection are inspected and where the lower rating premises are part of the zero and one score project.

| Score Rating  | Number premises at start April 2017 (Percentage) |                |           | Number premises April 2018 (Percentage) |                |           |
|---|--|----------------|-----------|---|----------------|-----------|
|   | Bracknell  | West Berkshire | Wokingham | Bracknell                               | West Berkshire | Wokingham |
|    | 360 (61%)  | 798 (70%)      | 598 (66%) | 404 (70.5%)                             | 762 (72%)      | 620 (78%) |
|    | 145 (25%)  | 179 (16%)      | 124 (14%) | 112 (19.5%)                             | 177 (17%)      | 119 (15%) |
|    | 53 (9%)  | 78 (7%)        | 42 (5%)   | 42 (7%)                                 | 72 (6%)        | 36 (4%)   |
|    | 15 (2%)  | 21 (1.8%)      | 10 (1%)   | 8 (1%)                                  | 26 (2%)        | 15 (2%)   |
|   | 17 (2%)  | 17 (1.7%)      | 16 (2.6%) | 7 (1%)                                  | 13 (1%)        | 5 (0.6%)  |
|  | 1 (0.2%)   | 0 (0%)         | 0 (0%)    | 0 (0%)                                  | 1 (0.1%)       | 0 (0%)    |

The percentage of premises in each rating will constantly be changing as each premises rating is automatically updated onto the site 28 days after the inspection date. The delay of 28 days has been set as the officer has 14 days to inform the business of their rating (and to prepare the report) and then there is a 21 day appeal period. Exempt premises and unrated are excluded from the % calculation.

**Zero / One Score Project**

Officer work with these premises throughout the year using educative visits when appropriate where specific food hygiene topics are discussed and made relevant to the business. The officer then carries out a full risk rating inspection when the business is ready (i.e. when the premises has demonstrated that any changes they have made are sustainable and they have operated to that level for a number of months) or by the next inspection due date.

The project is a continuous one as during the year premises will fall to zero and one and these will be included in the next year project group.

It was decided to add this as a Performance Indicator for the team last year which would focus on ensuring that premises with zero and one score raise their standards by their next Inspection / audit intervention to broadly compliant (see next section below for definition). The target is 75%. Premises whose next inspection date does not fall within the year will not be included in the figure unless the premises applies for a rescore.

This project has been extremely successful in raising the hygiene standards in the premises included with the lowest score rating as 95% of the premises which remained open, benefited from the interventions i.e. showed marked improvements in food hygiene.

|                     | Score at April 2017                   | Score following project March 2018   |      |
|---------------------|---------------------------------------|--|------|
| Bracknell<br>Forest | Zero score – one<br><br>One score – 9 | Ceased trading<br><br>One premises ceased trading<br>3 now 3 score<br>4 now 4 score<br>1 now 5 score | 100% |
|                     |                                       |  |      |
| Wokingham           | Zero score - none                     |  |      |

|            |   |  |  |
|------------|---|--|--|
|            | 1 score – 14 premises                         | 3 premises ceased trading<br>2 premises remained 1 score<br>1 premises 2 score<br>3 premises 3 score<br>4 premises 4 score<br>1 premises 5 score | 73%<br>The premises that remained a one score are subject to enforcement action at premises                    |
| West Berks | Zero score – none<br><br>1 score – 6 premises | 1 premises ceased trading<br>1 premises 1 score<br>3 premises 4 score<br>1 premises 5 score  | 80%  |
|            |   |  | Overall 83% of the premises in scope for the project achieved a rating of 3 or more which is broadly compliant |

With the nature of the turnover of food businesses and the fact that any business can have internal factors which can have a huge bearing on its rating e.g. a new manager, new processes, financial troubles leading to cutting corners etc, which if not managed can mean the premises

becomes a higher risk and therefore a lower score. Therefore, unfortunately there will always be a percentage of premises as zeros and ones, although these will not normally be the same premises.

**Food Compliance Data Results**

The ‘Broadly compliant’ figure is used by the FSA as a performance indicator for LA food enforcement service it is also used in house. It is the percentage of our food premises which are broadly compliant with food legislation at inspection visits. It is determined by the risk rating the officer gives after inspection which is in line with the FSA code of Practice.

The term actually describes the % of the food premises that have ‘some non compliances’ for food hygiene and for structure (and cleaning) and are ‘satisfactory’ in terms of our Confidence in Management. They are not compliant premises and still have food hygiene contraventions on inspection. A score of 10 or less in hygiene practices, structural matters, and confidence in management equates to broadly compliant. These premises are not fully compliant with the legislation.

In 2018 19 we have added a performance indicator of fully compliant.

The performance indicator target set is 90%.

|                                  | <b>March 2015</b> | <b>March 2016</b> | <b>March 2017</b> | <b>March 2018</b> |
|----------------------------------|-------------------|-------------------|-------------------|-------------------|
| Bracknell Broadly Compliant      | 92%               | 90.47%            | 94%               | 96%               |
| West Berkshire Broadly Compliant | 93%               | 93%               | 96%               | 95%               |
| Wokingham Broadly Compliant      | 96%               | 96%               | 96%               | 96%               |

\*This figure includes premises which are newly opened and not yet inspected; in the FSA definition of ‘broadly compliant’ they say that such a premises is to be counted as a non-compliant premises.

In 2016/17, 89.8% of establishments in England were 'broadly compliant' or better compared with the national average of 89.0% for the UK.

### **Outdoor events**

In addition to the normal programmed inspections we also visit many outdoor events to advise and enforce on Food Safety issues.

These events include the Henley Regatta, the Henley Festival, The Rewind Festival, Marvelous Festival, the Newbury Showground, Newbury Racecourse events and Lapland UK.

In 2018 19 there are a number of new events which will take time to advise and inspect – International Polo Event in Bracknell, Englefield Estate Concerts, and possibly a Classical concert before Rewind.

We estimate that enforcement activity at these events equates to 31 person days which is 230 hours. The reason we attend is due to the high number of visitors and the amount of publicity that accompanies these events and so any food poisoning outbreak would be disastrous. The breakdown for the time spent is approximately 30:70 food : H&S; therefore in this service plan 68 **hours** is noted.

### **Revisits**

| <b>Year</b> | <b>No. of Revisits</b> |                       |                  |
|-------------|------------------------|-----------------------|------------------|
|             | <b>Bracknell</b>       | <b>West Berkshire</b> | <b>Wokingham</b> |
| 2015/ 16    | 13                     | 36                    | 48               |
| 2016/ 17    | 16                     | 57                    | 63               |
| 2017/ 18    | 8                      | 37                    | 27               |

A revisit is a follow up visit to an inspection to ensure that remedial work identified as necessary has been carried out. It is to be carried out where the premises are not broadly compliant. To be more efficient we use a self certification system for premises where the breach is less severe.

Revisits should be carried out on all non broadly compliant premises – this is about 5% of our premises. It is estimated that approximately 100 will be carried out in 2018 19; the time implication will be 300 **hours**.

There are also Rescore visits. These are at the request of the premises when they feel they have done sufficient work in order for their Food Hygiene Rating Score to be increased. We have to carry these out where the business have evidenced that they have carried out improvements. They cannot be done within 3 months of the initial inspection (in order to ensure that the business can sustain the improvements) and must be carried out within 3 months.

### **Enforcement Action**

There are a number of enforcement options available to officers ranging from verbal advice through to prosecution. Enforcement actions taken over the previous three years are detailed below.

|   | 15/16     |            |           | 16/17     |            |           | 17/ 18    |            |           |
|---|-----------|------------|-----------|-----------|------------|-----------|-----------|------------|-----------|
|   | Bracknell | West Berks | Wokingham | Bracknell | West Berks | Wokingham | Bracknell | West Berks | Wokingham |
| No. of Hygiene improvement notices served           | 2         | 15         | 4         | 0         | 3          | 0         | 4         | 7          | 1         |
| No. of Hygiene emergency prohibition notices served | 0         | 0          | 0         | 0         | 0          | 0         | 1         | 0          | 0         |
| No. of prosecutions                                 | 0         | 0          | 0         | 0         | 1          | 0         | 0         | 0          | 0         |
| No of simple cautions                               | 0         | 0          | 0         | 0         | 0          | 0         | 0         | 0          | 0         |
| Detention notices                                   | 0         | 0          | 0         | 0         | 0          | 0         | 0         | 0          | 0         |
| Voluntary Closures                                  | 1         | 1          | 3         | 0         | 4          | 0         | 1         | 3          | 0         |

The resource implication of formal action can be significant. An estimation of 50 hours can be put per premises where there is no simple caution or prosecution taken. This figure will rise should a simple caution or prosecution be taken and the work on the service plan would be revised. There is a provisional time of 200 hours in this service plan.

In 2017 18 the formal closure (Hygiene Emergency Prohibition Notice) was carried out on a food premises that had a mouse infestation, it was closed for nearly 2 weeks. The Food Business Operator has subsequently closed the premises and left the Country.

The Voluntary closures were for rat infestations and poor practices.

### **Food Service Requests**

We receive food related service requests and complaints some of which relate to foods produced outside our area. All are investigated and we take action as appropriate. Set out below are the numbers of service requests received.

Service requests can range from complaints about the cleanliness of a premises to consumers finding a foreign body in the food they are eating. We also get general enquiries from businesses and consumers and queries about food hygiene training. Average of 1.5 hours each – 2,050 hours.

In 2018 19 we will be evaluating how the Commercial Team and the Response Team will work together on service requests.

| <b>Period</b> | <b>Food Safety</b> |                       |                  |
|---------------|--------------------|-----------------------|------------------|
|               | <b>Bracknell</b>   | <b>West Berkshire</b> | <b>Wokingham</b> |
| 2015 /16      | 787                | 337                   | 304              |
| 2016 17       | 671                | 441                   | 455              |
| 2017 18       | 500                | 463                   | 402              |

### **Control and Investigation of Outbreaks and Food Related Infectious Disease**

We respond to notifications of food related illness which are emailed to us daily from the Health Protection Unit of Public Health England. Outbreaks and cases of disease are investigated and where necessary the Consultant in Communicable Disease Control is involved. The purpose is to control the spread of disease and to isolate the source so that we can take the appropriate action. There is a Joint Infectious Disease Incident Plan for Berkshire that was produced in conjunction with the Health Protection Unit and the other 5 local authorities which can be activated on a 24 hour basis. We work with Public Health England to investigate cases of infectious disease.

One officer from each area monitors trends and possible connections between cases.

## Infectious Disease Notifications

| Period  | Notifications |                |           |
|---------|---------------|----------------|-----------|
|         | Bracknell     | West Berkshire | Wokingham |
| 2015/16 | 272           | 186            | 229       |
| 2016/17 | 207           | 214            | 237       |
| 2017 18 | 181           | 255            | 282       |

The resource implication is dependent on the type of food poisoning.

On average the resource is 265 **hours**.

| Diagnosis                       | No of cases 2015 /16 |            |     | No of cases 2016 /17 |            |     | No of cases 2017 18 |            |     |
|---------------------------------|----------------------|------------|-----|----------------------|------------|-----|---------------------|------------|-----|
|                                 | Bracknell            | West Berks | Wok | Bracknell            | West Berks | Wok | Bracknell           | West Berks | Wok |
| E. coli                         | *                    | 1          | 4   | 6                    | 1          | 5   | 0                   | 8          | 5   |
| Clostridium difficile           | *                    | 1          | 0   | 0                    | 0          | 0   | 0                   | 0          | 0   |
| Legionellosis                   | *                    | 0          | 0   | 1                    | 1          | 0   | 0                   | 1          | 2   |
| Unable to diagnose              | *                    | 4          | 12  | 0                    | 6          | 0   | 6                   | 1          | 0   |
| Cryptosporidium                 | *                    | 20         | 6   | 6                    | 22         | 13  | 8                   | 4          | 3   |
| Dysentery (Shigella)            | *                    | 1          | 2   | 0                    | 2          | 4   | 2                   | 3          | 3   |
| Salmonellas                     | *                    | 19         | 26  | 11                   | 11         | 31  | 22                  | 20         | 16  |
| Giardia lamblia                 | *                    | 28         | 21  | 4                    | 18         | 28  | 3                   | 10         | 7   |
| Campylobacter                   | *                    | 182        | 156 | 77                   | 147        | 152 | 138                 | 207        | 244 |
| Typhoid Fever                   | *                    | 0          | 0   | 0                    | 0          | 0   | 0                   | 0          | 1   |
| Hepatitis 'A' and 'E'           | *                    | 2          | 1   | 0                    | 5          | 4   | 2                   | 1          | 0   |
| Listeria monocytogenes          | *                    | 1          | 1   | 0                    | 0          | 0   | 2                   | 0          | 1   |
| Leptospirosis                   | *                    | 0          | 0   | 0                    | 1          | 0   | 0                   | 0          | 0   |
| Not specified (database issues) | *                    | 0          | 0   | 100                  | 0          | 0   | 0                   | 0          | 0   |

\* No data available

Our figures reflect the national trend in that Campylobacter is the most common form of food poisoning.

To protect the public we respond immediately to all cases of E.Coli, Legionellosis, Salmonellas, Typhoid Fever and Hepatitis A.

Following the Single cases protocol (an agreement between Environmental Health Teams in Local Authorities of the Thames Valley and Thames Valley Public Health England Centre guiding the roles and responsibilities in follow up of single cases of gastrointestinal disease) we work with PHE to investigate where their intelligence leads to a local food source.

The Single Case Protocol has been revised this year to take effect from 1 April 2017 and there is a small shift of work to Las from PHE. As this relates to single cases only there is a view that the workload shouldn't increase however this will be monitored by PPP.

We have reviewed our procedures for 2018 19 to ensure effective use of Authorised Officer time. We will now not send out questionnaires to campylobacter. This is reducing our time from estimated 600 hours to **265** hours (for Single case and outbreak).

It is estimated that this will reduce the number of IDs Authorised Food Officers actively deal with by questionnaire to the patient to 10% (all will still be processed through Partnership Support Team). The resource is estimated at 3 hours each 215 hours.

We also receive calls from members of the public who experience symptoms of food poisoning and often implicate a food premises. We investigate these and always advise that the people visit their GP and submit a sample so that a diagnosis can be made.

Many cases of vomiting and diarrhoea which are reported to us are diagnosed during the investigation as norovirus. This virus can commonly be spread by contact with those who are ill and via surfaces including food and so we take a role in preventing the spread and in investigating the source.

It is not uncommon for outbreaks to involve 100s of people ill and such an outbreak can take a lot of officer time, it is estimated that 50 hours will be spent on these outbreaks.

### **Food Sampling**

Sampling of foodstuffs and cloths and swabbing of surfaces and equipment are carried out as national and local projects. In addition samples are taken in response to problems observed during routine inspections and as a result of service requests from the public.

| <b>Period</b> | <b>Food Hygiene</b> |   |  |
|---------------|---------------------|---|--|
|               | Bracknell           | West Berks                              | Wok                                      |
| 2015/16       | 12                  | 39                                      | 40                                       |
| 2016/17       | 6                   | 74 (17 of these from approved premises) | 140 (78 of these from approved premises) |
| 2017/18       | 16 (2 premise)      | 11 (from one premises)                  | 15 (3 premises)                          |

This is an area where, due to prioritisation of the food inspection program and reactive work, the resources for sampling has fallen dramatically over the year and this shows in the figures.

The time implication for sampling should be approximately 2 days per month per authority – 532 hrs.

### **Food Safety Incidents**

Food Hazard Warnings are received via the FSA in box and are actioned in accordance with the Code of Practice. We also have a procedure in place to notify the Food Standards Agency should we become aware of any serious localised incident or a wider food safety problem.

### **Primary Authority**

The **Regulatory Enforcement & Sanctions Act 2008** introduced the **Primary Authority Principle**, placing a particular responsibility upon local authorities to provide information, advice and support to local businesses that operate in more than one local authority area.

The Act seeks to secure national co-operation and consistency of regulatory enforcement by setting up a 'Primary Authority'; which came into effect April 2009. There is provision for local authorities to charge for this service and consideration needs to be given to how this requirement can be managed.

West Berkshire and Wokingham Shared Service has a Primary Authority arrangement with Prezzo and HiPP, Bracknell with Waitrose.

This has a large time implication, although we charge for our time at a cost recovery rate, the level of officer involved with the work cannot be backfilled and so there has been a reduction in quality monitoring.

The time implication is estimated at **300 hours**.

### **Promotional and Educational Work**

The Strategic Priority has highlighted a need to look at food poisoning in the home. As this is the remit of the FSA and PHE any input we have will have minimal effect in comparison to the input by these national bodies. However, we will participate in any national projects.

In addition we send a Food Poisoning information sheet to all patients reported with food poisoning that are LAs responsibility under the PHE Single case protocol.

No more than **50 hours** will be spent on general promotional work during 2018 19.

The main promotional activity is running of the Food Hygiene Rating Scheme. Each month the resource will be approximately 21 hours (file monitoring dealing with review requests and work on the website) giving a total of 756 **hours**. The benefits of this scheme in encouraging increased compliance will outweigh the time implications in its running and the monitoring is in line with our QMS procedures based on FSA COP.

## **PUBLIC HEALTH ROLE OF THE COMMERCIAL TEAM**

### **Healthy Eating**

The prevalence of obesity among adults has increased sharply during the 1990s and early 2000s. By 2050 obesity is predicted to affect 60% of adult men, 50% of adult women and 25% of children (Foresight 2007).

Obesity is associated with a range of health problems including type 2 diabetes, cardiovascular disease and cancer. The resulting NHS costs attributable to overweight and obesity are projected to reach £9.7 billion by 2050, with wider costs to society estimated to reach £49.9 billion per year (Foresight 2007). These factors combine to make the prevention of obesity a major public health challenge.

Knowing the principles of eating healthily is important but if the range of food available does not reflect these principles it is not possible to make a choice. Additionally if individuals are not aware of what constitutes healthy eating they cannot be expected to incorporate it into their everyday diet.

As we have an involvement with all food businesses in the Borough the Commercial team are very well placed to assist in the introduction of healthier options in catering premises.

The eat out eat well award is a free award scheme for caterers which is already well established in Surrey County Council and is being run through West Berkshire and Wokingham Environmental Health.

We launched the Eat out eat well scheme in May 2012 however take up amongst food businesses is slow and we are not resourced as a team to spend much time in its promotion.

In addition this has not been determined as a service priority, and so has a limited resource allocation.



The aim of this award is to increase awareness and knowledge of healthier food options amongst both consumers and food business operators and to highlight businesses that make it easier for their customers to have a healthier diet.

It rewards businesses that use healthy ingredients and incorporate better preparation practices to provide healthier food across the menu and who promote healthy eating, and those who make it easier for consumers to find healthier food choices when eating out or taking away. In addition businesses can go one step further by clearly identifying items on their menu and/or within the food display area that meet the standards in the conditions for achieving the award.

The award is open to all types of establishments that cater for the general public, including takeaways, cafes, sandwich shops, and restaurants.

It is not intended to apply to premises that cater for individuals with specific dietary requirements. These include care homes for older people, state schools and nurseries where there are already guidelines or measures in place to improve the healthiness of food available. However, the award is open to establishments such as private schools where there is no requirement to adhere to national guidelines.

The award has three levels – Bronze, Silver, and Gold, and is symbolised by an apple logo in the shape of a heart.

The level of award is based on a scoring system that takes into account the type of food on offer, cooking methods, and how caterers promote it to their customers. To obtain a Gold Award, key members of staff will need to undertake some form of accredited or recognised training in nutrition.

### **Good Food Challenge**

We received funding from the Public Health Team in West Berkshire to run a series of healthy eating workshops with year 3 pupils in primary schools. This funding has not been renewed in 2018 19.

### **Food Hygiene Training for the Public**

Due to low take up of this service over recent years due to increasing reliance on line training, leading to an income loss in the region of £9k we no longer provide this service.

### **Quality Management Systems**

At present the accreditation to the quality management system ISO 9001 held by Wokingham lapsed pending accreditation of the joint service. The QMS system is still however used by the team to ensure consistency in work and this year we will be ensuring that all Bracknell procedures are merged.

Part of our QMS system includes the procedures for monitoring the quality of the work carried out.

|                   |   |  |
|-------------------|---|--|
| <b>COM M P003</b> | Internal Monitoring Food                      | This included quality checks on inspections and SRs                  |
| <b>COM M P008</b> | Accuracy of Food Hygiene Inspection Recording | This ensures accurate data entry and subsequent correct FHRS display |

### **SECTION 3: BERKSHIRE COMPARISON AND RISK ASSESSMENT ON FOOD SERVICE**

Number of professional Food Hygiene and Food Standards FTE (Full time equivalent) posts reported in LAEMS (Local Authority Enforcement Monitoring System) 2016/17

| LA                                | FTE  | No Food Premises | Ratio premises per FTE |
|-----------------------------------|------|------------------|------------------------|
| Bracknell Forest                  | 2    | 1012             |                        |
| Reading                           | 5    | 1463             | 1:293                  |
| Slough                            | 4.62 | 889              | 1:192                  |
| West Berkshire                    | 3.6  | 1,143            |                        |
| Windsor and Maidenhead            | 5.5  | 1,371            | 1:249                  |
| Wokingham                         | 3.9  | 976              |                        |
| West Berks and Wok shared service |      |                  | 1:283                  |

In 2016 17 the figure of 2 FTE for food in Bracknell appears low bearing in mind the FTE in the team at the time.

Wokingham and West Berkshire have staffing levels on the lower side in Berkshire for the number of food premises.

Looking at the number of premises which are classed as Broadly Compliant provides insight, as does the % of interventions achieved:

| Authority Name         | Total % of Interventions achieved - 2016 17 | Total % of Broadly Compliant establishments (including unrated) 2016 17 |
|------------------------|---|---|
| Bracknell Forest       | 95.78                                       | 94.07   |
| Reading                | 61.64                                       | 90.77   |
| Slough                 | 89.58                                       | 83.13   |
| West Berkshire         | 100   | 96.41   |
| Windsor and Maidenhead | 59.87                                       | 92.56   |
| Wokingham              | 100   | 96.41   |

It should be noted that Broadly Compliant figures, where not all interventions are achieved, are inaccurate as they do not take account of any changed in rating of those premises not inspected.

PPP figures for 2017 18 were 9.4 FTE (this includes management TM and PO level) for 3131 food premises ratio 1: 333 which was the lowest staffing ratio in Berkshire

PPP figures for 2018 19 are predicted as 9.21 FTE (this includes management TM and PO level) for 3131 food premises ratio 1: 339 which will be the lowest staffing ratio in Berkshire

However, when the work carried out is analysed PPP are actually the highest achievers.

In 2018 19 Bracknell, Wokingham and West Berkshire have achieved 100% of inspections due and Broadly Compliant figures of 96% Bracknell; 95% West Berkshire and 96% Wokingham. Some reasons for this are that food inspections are given the highest priority in the team and other work is stopped we monitor the inspection work across the year to ensure that there will not be a shortfall. In addition we do not have the numbers of Primary Authorities that other LAs have and therefore work is not diverted from the food inspection work. In 2017 18 Officers were also encouraged to take an allocation of food inspections as overtime as 2 officers left (although we have recruited to those vacancies there was still down time between new recruits and time taken in inductions).

**Risk of a Reduced Food Enforcement Service / Reduced Targets For Food Inspections**

| Description                           | Service Level Comment  | Consequences if no or reduced service.   |
|---------------------------------------|--|--|
| Food safety service requests          | Responding to all service requests and complaints from business and individuals about food, food premises, food hygiene etc.   | <ul style="list-style-type: none"> <li>• A statutory function (Regulation (EC) 882/2004); FSA COP</li> <li>• Poor hygiene in premises could be missed.</li> <li>• Food hazards could be overlooked.</li> <li>• We use investigations to prevent similar occurrences</li> <li>• Direct impact on food hygiene and food quality and therefore, public health and consumer protection.</li> <li>• Increasing service request numbers and infectious disease notifications.</li> <li>• Increasing pest population in the Council areas.</li> <li>• Missed opportunities to take formal enforcement action against premises.</li> <li>• Increased complaints of inequality from businesses within the community towards us as the enforcing authority.</li> <li>• Poor public perception of service and increase in complaints about the service and ombudsman complaints.</li> <li>• FSA monitor to ensure service carried out to standard in COP; sanction can remove service and charge Council for running of service.</li> <li>• Reduction in staffing can lead to reduction in monitoring activity with officers leading to a failure to comply with FSA COP Competency and Authorisation of officers.</li> </ul> |
| Routine inspections of food premises. | <p>Undertake routine, planned inspections of premises based on current risk assessment criteria set by Food Standards Agency COP</p> <p>Undertake initial assessment of all new food businesses regardless of risk. Provide consumers with information</p> | <ul style="list-style-type: none"> <li>• A statutory function (Regulation (EC) 882/2004); FSA COP</li> <li>• Poor hygiene standards in individual premises and standards for district generally would drop.</li> <li>• As food hazards are not detected there will be a direct impact on personal and public health and consumer protection.</li> <li>• Reduction in inspections can affect the accuracy of the Food Hygiene Rating Scheme which will undermine the system and will give the consumer incorrect information on the standards of the premises.</li> <li>• Also removes the ability of the consumer in making an informed choice of where to eat</li> <li>• Can mislead the consumer as the information on FHRS will not be maintained up to date ie a 5</li> </ul>  |

relating to hygiene standards. Inspections within 28 days of opening or due date

- score may no longer be 5.
- In addition the fact that all inspection data is published along with the last inspection date premises not receiving an inspection will be in the public domain.
  - There will be an impact on the Broadly Compliant figure (percentage of premises which meet satisfactory compliance for the manufacture, preparation and sale of food) which is used by the FSA and is a Performance Indicator.
  - There will be an effect on the performance indicator to Inspect new food businesses within 28 days of notified date of trading commencement which helps to encourage new businesses.
  - Increasing service request numbers and infectious disease notifications.
  - Increasing pest population in the Council areas.
  - Missed opportunities to take formal enforcement action against premises.
  - Increased complaints of inequality from businesses within the community against the council as an enforcing authority.
  - Poor public perception of service and increase in complaints about the service and ombudsman complaints.
  - FSA monitor to ensure service carries out the food inspection to the service level set down in the FSA Code of practice which details frequency of inspection and that work is carried out to the standard in COP; sanction can remove service and charge Council for running of service.
  - Reduction in staffing can lead to reduction in monitoring activity with officers leading to a failure to comply with FSA COP Competency and Authorisation of officers.
  - Not inspecting the lower risk premises can also lead to an inaccurate database, it is in the COP that the LA database remains accurate.
  - In addition low risk premises can change hands and management and can become high risk and without an inspection regime this would be missed leading to public safety issues.

|                              |   |  |
|------------------------------|---|--|
| Communicable Disease Control | Investigation of food borne infections including food poisoning and suspected food poisonings as per SLA with PHE<br>This also includes water borne e.g. Legionnaires | <ul style="list-style-type: none"> <li>• A statutory function (Regulation (EC) 882/2004); It is in legislation that we assist the CCDC (Consultant in Communicable Disease Control) at Public Health England in disease management and investigation.</li> <li>• Offences not detected or prevented.</li> <li>• On going issues not detected leading to public health risk; this can lead to multiple fatalities in the cases of legionnaires, E Coli 0157 for example.</li> <li>• Missed opportunities to take formal enforcement action against premises.</li> <li>• Poor public perception of service and increase in complaints about the service and ombudsman complaints.</li> <li>• FSA monitor to ensure service carries out their duties to the service level set down in the FSA Code of practice; sanction can remove service and charge Council for running of service.</li> </ul> |
| Sampling                     | Samples taken as part of active investigations, surveillance and verification of food safety management systems.  | <ul style="list-style-type: none"> <li>• Part of a statutory function.</li> <li>• Sale of food harmful to human health.</li> <li>• Offences not detected or prevented.</li> <li>• Longer term detrimental effect on public health.</li> <li>• Routine sampling can inform about the hygiene of the premises.</li> <li>• Formal sampling can be used as evidence in formal action.</li> <li>• Unsatisfactory sample results can be a useful tool to demonstrate to the business the consequences of poor practices and hygiene and can have an educative role in changing attitudes.</li> <li>• The introduction of the FSA COP Competency Framework (April 2016) means that in order to take a 'sample' and record it as such for the purposes of the formal return the officer must be an authorised officer ie meet the baseline qualification and be registered with CIEH.</li> </ul>       |

Any changes to the way in which we carry out food inspections may be covered under the FSA review 'Regulating our Future'.

For these reasons we still see it as a priority to carry out 100% of the inspections due in the year. However, this year we have had to look at ways to reduce inspection time due to reduced staffing levels and more premises with PPP. Therefore, as has been detailed, all D visits will be by partial inspection.

#### **SECTION 4: FOOD SAFETY MONITORING**

As part of the evaluation of the effectiveness and efficiency of the service provided is required to be undertaken.

We identified the following that we are using to monitor food safety trends for 2017 18 (please note these have been extended for 2018 19):

- % of inspections of food premises that were carried out
- % of premises found to be broadly compliant with food hygiene law
- % of premises in each category of Food Hygiene Rating Scheme
- % of new premises inspected within 28 days of registration
- Customer satisfaction with the service (reported centrally)

The purpose of these indicators is to demonstrate that we are continuously improving as a service and that the work that we are doing is having a positive impact.

#### **% of inspections of food premises due that were carried out**

| Year    | % Inspections Carried Out |                |           |
|---------|---------------------------|----------------|-----------|
|         | Bracknell                 | West Berkshire | Wokingham |
| 2015/16 |                           | 100%           | 100%      |
| 2016/17 | 95.78%                    | 100%           | 100%      |
| 2017/18 | 100%                      | 100%           | 100%      |

We have managed to achieve 100% of our targeted food inspections which is an excellent achievement for the team and reflects the hard work put in by officers and management of absences and prioritisation of work.

**% of premises found to be broadly compliant**

| Year       | % broadly compliant* |                |           |
|------------|----------------------|----------------|-----------|
|            | Bracknell            | West Berkshire | Wokingham |
| March 2014 |                      | 89%            | 96%       |
| March 2015 |                      | 93%            | 96%       |
| March 2016 |                      | 93%            | 96%       |
| March 2017 | 94%                  | 96%            | 96%       |
| March 2018 | 96%                  | 95%            | 96%       |

\*This figure included premises which are newly opened and not yet inspected; in the FSA definition of ‘broadly compliant’ they say that such a premises is to be counted as a non-compliant premises.

It is probable that this percentage will not be increase by much more due to the turnover of businesses; we will however endeavour to work with businesses to ensure they achieve broad compliance with food legislation and that they maintain this standard. In addition the zero/one score project will target those that are not broadly compliant to raise the standard.

% of premises in each category of the Food Hygiene rating Scheme with comparison to April 2017

| Score Rating  | No premises at start April 2017 (Percentage) |           |           | No premises at April 2018 (Percentage) |           |           |
|---|--|-----------|-----------|--|-----------|-----------|
|   | Bracknell                                    | West berk | Wokingham | Bracknell                              | West berk | Wokingham |
|  | 61%  | 70%       | 66%       | 70.5%                                  | 72%       | 78%       |
|  | 25%  | 16%       | 14%       | 19.5%                                  | 17%       | 15%       |

|   |      |      |      |    |      |      |
|---|------|------|------|----|------|------|
|  | 9%   | 7%   | 5%   | 7% | 6%   | 4%   |
|  | 2%   | 1.8% | 1%   | 1% | 2%   | 2%   |
|  | 2%   | 1.7% | 2.6% | 1% | 1%   | 0.6% |
|  | 0.2% | 0%   | 0%   | 0% | 0.1% | 0%   |

The standard of premises in all areas has improved. This is down to a strict inspection regime and prioritisation of food inspection programme and skilled Inspectors.

### **Percentage of new premises inspected within 28 days of registration**

One of the team Performance Indicators is to inspect new food businesses within 28 days of the notified date of opening; the target set by West Berkshire Council is 75%. 2014 15 was the first year we have had this performance indicator, in 2018 19 Bracknell will be included

|         | West Berkshire | Wokingham | Bracknell |
|---------|----------------|-----------|-----------|
| 2014 15 | 86%            | 86%       |           |
| 2015 16 | 94%            | 90%       |           |
| 2016 17 | 92%            | 95%       |           |
| 2017 18 | 89%            | 94%       |           |

The difficulty with this indicator is ensuring that the Food Business Operators gives us the exact date of opening. Dates on food registration forms do not always match the actual date. In addition food premises in private houses need an appointment and food is not always prepared every day.

The percentage has reduced slightly reflecting staffing levels.

**Table 1 Performance in 2017 18 against the work plan**

| <b>No.</b> | <b>Key Target</b>  | <b>Start Target Date (beginning of)</b> | <b>Responsible Officer (s)</b> | <b>Budget implication (if any)</b> | <b>Commentary</b>  | <b>Year end outcome</b>  |
|------------|--|---|--------------------------------|------------------------------------|--|--|
| 1          | Successful merge of the 3 LAs Commercial Teams                 | April 2017                              | RG                             | Officer time                       | Ensure processes and procedures are combined               | This is still in progress due to prioritisation of customer facing work. Also due to the complexities of 3 databases and 3 IT systems and issues with access |
| 2          | Programmed Food Hygiene Inspections (including outdoor events) | Throughout the year                     | All (RG to lead)               | Officer time                       | As programmed and using alternative enforcement strategies | Achieved 100%  |

|   |   |                     |                        |               |   |  |
|---|---|---------------------|------------------------|---------------|---|--|
| 3 | Ensure that FHRs is maintained accurately                       | Throughout the year | PEHO / (All to assist) | Officer time; | Maintain FHRs database by uploading inspection details every 2 weeks and maintaining quality checks on data entry                                     | FHRs has been uploaded but due to reduction in management the level of monitoring has dropped    |
| 4 | Monitor to ensure that all premises are risk rated consistently | Throughout the year | PEHO                   | Officer time  | File monitoring to ensure the FHRs ratings are fair and consistent  | due to reduction in management the level of monitoring has dropped                               |
| 5 | Zero and low one rated project                                  | Throughout the year | PEHO                   | Officer time  | To provide assistance to the poorest performing premises to increase compliance (to achieve 75% premises at Broadly Compliant or greater by year end) | Overall 83% of the premises in scope for the project achieved a rating broadly compliant or more |
| 6 | Infectious Diseases   | Throughout the year | SFSO / EHO             | Officer time  | Consider all notifications of Infectious Disease and action accordingly   | Completed  |
| 7 | Food related Service Requests                                   | Throughout the year | All                    | Officer time  | As allocated to officers  | Completed  |
| 8 | Partnership working across Berkshire                            | Throughout the year | RG                     | Officer time  | Attend regional working groups<br><br>Carry out work in group work plan   | Completed  |
| 9 | Participate in local regional and national sampling programmes  | Throughout the year | PEHO                   | Officer time  | Deliver on sampling plan  | Very reduced sampling activity this year due to  |

|    |  |                     |          |                              |  |   |
|----|--|---------------------|----------|------------------------------|--|---|
|    |  |                     |          |                              |  | prioritisation and staffing levels                              |
| 10 | Eat out eat well award   | Throughout the year | RG       | Officer time;                | promote the Eat out eat well award for healthier options in catering premises, concentrate on a specific sector                                      | No activity this year due to prioritisation and staffing levels |
| 11 | Imported Food Control  | Throughout the year | All      | Officer time                 | To include checks as part of routine inspections and document findings   | Completed   |
| 12 | Ensure through the appraisal system that staff are trained and competent | Throughout the year | All (RG) | Officer time; training costs | Comply with WBC Appraisal policy<br><br>Arrange and attend training  | Completed   |
| 13 | Implement the FSA COP competency requirement for officers                | April 2016          | All (RG) | Officer time; training costs | Ensure QMS reflects the requirement.<br><br>Officers to fill in self assessment<br><br>TM / PEHO to review and implement a training plan             | Completed   |
| 14 | Food mobiles & FHRS  | Throughout the year | EHO      | Officer time;                | To ensure that the food mobiles we have on our database and uploaded to FHRS meet the requirements of the Brand Standard(carry forward form 2016 17) | Part completed due to prioritisation and staffing levels        |
| 15 | Food Brokers   | Throughout the year | EHO      | Officer time;                | To identify the food brokers and ensure they meet the requirements brought in by the new FSA guidance (carry forward form 2016 17)                   | Not carried out due to prioritisation and staffing levels       |
| 16 | On line Food Premises  | 2 <sup>nd</sup> Q   | S / EHO  | Officer time;                | To identify the premises   | Not carried out due to  |

|    |                     |                     |    |  |   |   |
|----|---------------------|---------------------|----|--|---|---|
|    |                     |                     |    |  | with on line foods and ensure they meet the requirements brought in by the new FSA guidance | prioritisation and staffing levels      |
| 18 | Good Food Challenge | Throughout the year | RG | Officer time; funded by West Berks PH team | Promote healthy eating in year 3 primary schools in West Berks                              | This is still running as is school year |

**Table 2: Reviews and Inspections Expected for 2018 19**

| <b>Reviews and inspections we expect in 2018 19 (and inspecting body)</b> | <b>Desired Outcome</b> | <b>Comment (how the service is planning for the inspection and where joint responses are required with other services)</b> | <b>Responsible Officer</b> |
|---|------------------------|--|----------------------------|
| QMS   | Combine PPP            | Work towards readiness for accreditation   | <b>RG</b>                  |
| In House audit plan   | Sat                    | Determine audits to take place; one per quarter  | <b>RG</b>                  |

**SECTION 5: OUR SERVICE PRIORITIES, OBJECTIVES & TARGETS 2017 18**

A key component of the FSA's strategic commitment to playing its part in achieving "food we can trust" is an effective, robust and proportionate system of ensuring that food businesses comply with the regulations put in place to protect consumers' interests.

In January 2016 the FSA Board agreed that the FSA should engage with key stakeholders to begin the process of designing a new approach to supporting regulatory compliance. This is still ongoing and we are awaiting more consultation papers.

The FSA state that they are not approaching this fundamental rethink by starting with the status quo and seeking incremental change. They are starting with the best system they can aspire to, and then planning how we collectively take steps to achieve it. It will demand ongoing change within the FSA as well as in business and local authorities.

More detail is contained within appendix 3 and 4.

## **SECTION 6: PLANS FOR MEETING STATUTORY/ REGULATORY REQUIREMENTS**

### **Work Plan for 2018 19**

**Targets must specific, measurable, include a responsible officer.**

| <b>No.</b> | <b>Key Target</b>  | <b>Start Date (beginning of)</b> | <b>Target</b> | <b>Responsible Officer (s)</b> | <b>Budget implication (if any)</b> | <b>Commentary</b>   |
|------------|--|----------------------------------|---------------|--------------------------------|------------------------------------|---|
| 1          | Successful merge of the 3 LAs Commercial Teams                 | Ongoing from April 2017          |               | RG                             | Officer time                       | Ensure processes and procedures are combined  |
| 2          | Programmed Food Hygiene Inspections (including outdoor events) | Throughout the year              |               | All (RG to lead)               | Officer time                       | As programmed and using alternative enforcement strategies  |
| 3          | Ensure that FHRS is maintained accurately                      | Throughout the year              |               | PEHO / (All to assist)         | Officer time;                      | Maintain FHRS database by uploading inspection details every 2 weeks and maintaining quality checks on data entry |
| 4          | Monitor to ensure that all premises are risk rated             | Throughout the year              |               | PEHO                           | Officer time                       | File monitoring to ensure the FHRS ratings are fair and consistent  |

|    |  |                     |            |                                 |  |
|----|--|---------------------|------------|---------------------------------|--|
|    | consistently   |                     |            |                                 |  |
| 5  | Zero and low one rated project   | Throughout the year | PEHO       | Officer time                    | To provide assistance to the poorest performing premises to increase compliance  |
| 6  | Infectious Diseases  | Throughout the year | SFSO / EHO | Officer time                    | Consider all notifications of Infectious Disease and action accordingly  |
| 7  | Food related Service Requests  | Throughout the year | All        | Officer time                    | We will explore the integration of Commercial SRs into the Response Team within the competency requirements laid down by the Food Law Code of Practice                     |
| 8  | Partnership working across Berkshire                                     | Throughout the year | RG         | Officer time                    | Attend regional working groups<br><br>Carry out work in group work plan  |
| 9  | Participate in local regional and national sampling programmes           | Throughout the year | PEHO       | Officer time                    | Deliver on sampling plan   |
| 10 | Eat out eat well award   | Throughout the year | RG         | Officer time;                   | This will continue to run but with a low priority as it has not been identified as a Strategic Priorities  |
| 11 | Ensure through the appraisal system that staff are trained and competent | Throughout the year | All (RG)   | Officer time;<br>training costs | Comply with WBC Appraisal policy<br><br>Arrange and attend training  |
| 12 | Continue to implement the FSA COP competency requirement for officers    | April 2016          | All (RG)   | Officer time;<br>training costs | Ensure QMS reflects the requirement.<br><br>Officers to update self assessment<br><br>TM / PEHO to review and implement a training plan                                    |
| 13 | Food mobiles & FHRS  | Throughout the year | EHO        | Officer time;                   | Complete this project To ensure that the food mobiles we have on our database and uploaded to FHRS meet the requirements of the Brand Standard(carry forward form 2016 17) |
| 14 | Good Food Challenge  | Throughout          | RG         | Officer time;                   | Complete by July 2018 – no Public Health   |

|  |  |          |  |                              |                                     |
|--|--|----------|--|------------------------------|-------------------------------------|
|  |  | the year |  | funded by West Berks PH team | Funding to carry this out next year |
|--|--|----------|--|------------------------------|-------------------------------------|

### Work with Trading Standards

|    |   |            |       |         |               |  |
|----|---|------------|-------|---------|---------------|--|
| 15 | Food Brokers                                    | From 2016  | April | EHO     | Officer time; | Work with Trading Standards to identify the food brokers and ensure they meet the requirements brought in by the new FSA guidance (carry forward from 2016 17) |
| 16 | On line Food Premises                           | From 2016  | April | S / EHO | Officer time; | Work with Trading Standards to identify the premises with on line foods and ensure they meet the requirements brought in by the new FSA guidance               |
| 17 | Allergens                                       | On going   |       | All AO  | Officer Time  | We will continue to work with Trading Standards to ensure all premises are compliant with Allergen legislation   |
| 18 | FHRS Misleading Sticker Display                 | April 2018 |       | All AO  | Officer time  | Officers to report a reduction in FHRS score to TS who can then target their visits to ensure that the higher sticker is not left in place                     |
| 19 | Food Hygiene Low Risk Inspection questionnaires | July 2018  |       | RG      | Officer time  | Where TS are inspecting a premises that requires a food hygiene questionnaire return the TS officer will ensure the questionnaire is filled in at the visit    |
| 20 | Unrated insp                                    | April 2018 |       | All AO  | Officer time  | We will try, within the constraints of the 28 day, to combine food hygiene inspector and food standards inspector visits                                       |
| 21 | TS low risk                                     | July 2018  |       | RG      | Officer time  | We will look at a project to see impact of Food Hygiene Inspectors carrying out Food Standards inspection where appropriate in low risk premises               |

### Work With Housing

|    |                           |      |         |        |              |  |
|----|---------------------------|------|---------|--------|--------------|--|
| 22 | Residential Accommodation | July | ongoing | All AO | Officer time | We will continue to report intelligence back |
|----|---------------------------|------|---------|--------|--------------|--|

|  |  |      |  |  |   |
|--|--|------|--|--|---|
|  |  | 2018 |  |  | on residential accommodation discovered when we are in commercial premises. |
|--|--|------|--|--|---|

APPENDICES

**Appendix 1: Financial Information**

There are no revenue implications.

**Appendix 2: Risk register**

This is covered in the Commercial Risk Register which is reviewed monthly Author: Rosalynd Gater Commercial TM; and in the Service Risk Register author Sean Murphy.

**Appendix 3: National Picture for Food Safety and the work of the team**

|  |   |
|--|---|
| National Picture for Food Safety and the work of the team  |   |
| LBRO has now been rebranded as the Better Regulation Delivery Office (BRDO). Better Regulation Delivery Office became part of Regulatory Delivery in March 2016. – See <a href="https://www.gov.uk/government/publications/priority-regulatory-outcomes-for-england">https://www.gov.uk/government/publications/priority-regulatory-outcomes-for-england</a> for more information. |   |
| <b>The work of the team supports the Priority Regulatory Outcomes in the following ways;</b>   |   |
| <b>Priority 1: Support economic growth, especially in small businesses, by ensuring a fair, responsible and competitive trading environment</b>  |   |
| <b>Priority Regulatory Outcomes</b>  | <b>Work of the Commercial Team</b>  |
| The burden of regulation remains a significant concern for UK businesses and needs to be addressed at both national and local level. The regulatory system as a whole, and local regulators individually, should tailor their approaches to support businesses into compliance in a way that meets their needs   | Food premises are inspected according to risk; the full range of inspection interventions are utilised including partial inspections and self assessment for the low risk premises. Educative approach used with zero and one rated premises to give them the information and encouragement to improve.   |
| Businesses want proportionate and consistent enforcement, which is targeted at non-compliant businesses, ensuring a fairer playing field for the businesses that do invest in compliance.  | Formal enforcement is taken where other techniques have failed and where it can be seen that the business will not respond to non formal methods. Thus it is targeted at premises who wilfully disregard the legislation. All businesses are given a report following the inspection which clearly states the area where they are not meeting the requirements and gives recommendations on how to improve. All food businesses are subject to inspection and all are inspected |

|   |  |
|---|--|
|   | when due.  |
| <b>Priority 3: Improve quality of life and wellbeing by ensuring clean and safe neighbourhoods</b>  |  |
| 37% of residents surveyed across England think that rubbish or litter lying around is a very big or fairly big problem in their local area  | Food waste and the outside bin area forms a part of all food inspections and we respond to service requests on food waste and related problems.  |
| <b>Priority 4: Help people to live healthier lives by preventing ill health and harm and promoting public health</b>  |  |
| Preventing ill health requires an ambitious strategy and innovative techniques to help people take responsibility for their own health.<br><br>Reducing health inequalities requires a focus on the health behaviours of smoking, alcohol consumption, obesity and unhealthy nutrition. Regulatory services have an important and unique contribution to make to preventing ill health and harm and reducing health inequalities. | The team plays a lead role in infectious disease control and in control of food borne illnesses by routine inspections of food premises and by investigating food borne illness.<br><br>The team launched the Eat Out Eat Well award to promote healthier options in food premises. This award is free and available to all caterers (with the exception of those where there is a more specific nutritional requirement). |
| In England today, over a fifth of the adult population smokes – 8.8 million people. Smoking is one of the most significant factors underlying health inequalities and life expectancy and as such, a key focus of improving public health.  | At all food inspections the team ensures that the premises are complying with smokefree legislation with prohibits smoking in enclosed and partially enclosed premises.  |
| In 2008-2009, there were 24.8 million working days lost overall in England, 20.6 million of these were due to work related ill health and 4.1 million due to workplace injury. GPs are more likely to see people suffering from work related stress, musculoskeletal disorders, skin or respiratory disease than any other work-related reason.   | This is a key role for the team as we enforce health and safety legislation in addition to food hygiene legislation. The PPP Health and Safety Enforcement Service Plan contains more detail.  |
| <b>Priority 5: Ensure a safe, healthy and sustainable food chain for the benefits of consumers and the rural economy</b>  |  |
| Currently, about half of the food consumed in the UK is imported. The Government believes that more needs to be done to support the farming industry and encourage sustainable food production  | This is the main role of the team – and the Service aims and objectives of the team support this; to ensure that risks of illness and injury through poor food safety and hygiene are minimised, and to increase consumer and business   |

|  |  |
|--|--|
| <p>here in the UK. To support the farming industry, it is important to ensure a safe, healthy and sustainable food chain that benefits consumers and the rural economy. Enforcement of food safety law ensures that food purchases are produced, transported and sold in line with requirements and ultimately, that food is safe to eat. Delivery of food safety and consumer protection across the food chain is shared by a number of agencies and delivery partners, including local authorities, the Food Standards Agency, DEFRA and Animal Health.</p>  | <p>awareness of food safety, hygiene, healthy eating and sustainable procurement practices. This is achieved by monitoring businesses through risk-based inspections and sampling and by taking appropriate and timely action in response to food related issues, and through liaison and awareness campaigns with food businesses and consumers to provide best advice in relation to good practice and legal compliance.</p> |
| <p>Poor diet is recognised as one of the main causes of ill-health and premature death. It has been estimated that approximately one third of deaths from heart disease and a quarter of deaths from cancer can be attributed to poor diet. The public health implications of poor diets are becoming more significant.</p>  | <p>The Eat out eat well award and work in the public health field supports this.</p>   |
| <p>The consumption of unsafe or unfit food can give rise to food borne disease. During 2008-9, approximately 80,000 food premises were rated as non-compliant with food safety legislation at a level that exposes consumers to risk.</p>  | <p>To prevent the consumption of unsafe or unfit food is one of the main role of the team.</p>   |
| <p>Food borne disease is a major cause of illness in the UK and imposes a significant burden on individuals, healthcare services and the economy. It is estimated that each year in the UK around 1 million people suffer a food related illness, which leads to 20,000 people receiving hospital treatment and 500 deaths each year from food borne disease.</p> <p>The cost to the economy of food borne disease is estimated to be in the order of £1.5 billion per annum, due to loss of production, health care costs and damage to business. This does not include the costs of major incidents and food scares.</p> | <p>To control food borne disease is one of the main roles of the team.</p>   |
| <p>This clearly shows the importance which the Government has set on the work of the team and the priorities which the local authority should be</p>   |  |

investing in.

The Government has, for a number of years, pursued a programme of wide-ranging regulatory reform based, initially, on the recommendations of the 'Hampton' report (2005) whose remit was to reduce unnecessary burdens on businesses. The Government's aim is to work towards a vision of a regulatory system that is based around risk and proportionality.

**The Regulatory Enforcement & Sanctions Act 2008** is an important step forward in delivering this vision, and will significantly impact on all local authority regulatory services, and in particular Health and Safety and Food Safety Enforcement.

The Act introduced the **Primary Authority Principle**, placing a particular responsibility upon local authorities to provide information, advice and support to local businesses that operate in more than one local authority area.

#### **Appendix 4: The Future for Food Safety**

##### **FSA Regulating our Future**

In early 2016 the FSA took the decision to revisit the review into the food regulatory service delivery model, this review is still ongoing.

A key component of the FSA's strategic commitment to playing its part in achieving "food we can trust" is an effective, robust and proportionate system of ensuring that food businesses comply with the regulations put in place to protect consumers' interests.

In January 2016 the Board discussed this, reaffirmed its commitment to the protection of consumers' interests as the central driver of any new system, and agreed that the FSA should engage with key stakeholders to begin the process of designing a new approach to supporting regulatory compliance.

The FSA's 2015-20 strategy focuses on the role that the FSA plays in delivering "food we can trust" and recognises the critical importance of working in partnership with others to protect consumers' interests in relation to food.

The FSA state that they are not approaching this fundamental rethink by starting with the status quo and seeking incremental change. They are starting with the best system they can aspire to, and then planning how we collectively take steps to achieve it. It will demand ongoing change within the FSA as well as in business and local authorities.

Within this overall, high level vision, which will take several years to fully design and deliver, there are some priorities and more immediate requirements. The design of delivery options needs to identify new ways of deriving assurance, and better enforcement of official controls. The FSA say it must propel them and businesses towards better use of new technology, and be compatible with consumer empowerment through increased transparency.

Where there are immediate incremental improvements that can be made to consumer protection, they will make them as part of their business as usual activities, but the objective of this programme is to define and then deliver a new regulatory blueprint for a food industry unrecognisable from the one that existed when the current system was designed.

There are a number of Principles which the FSA adopt and these will remain the basis for the model following review;

**Businesses are responsible for producing food that is safe and what it says it is, and should be able to demonstrate that they do so. Consumers have a right to information to help them make informed choices about the food they buy – businesses have a responsibility to be transparent and honest in their provision of that information**

This is a fundamental principle of food law. We need to help businesses understand what is required of them, and make sure they're doing what they need to, so consumers can be confident about the food they eat. Businesses need to recognise this responsibility, and demonstrate to us and consumers that they meet it.

Business transparency across a wide range of consumer interests in relation to food is essential in building and maintaining confidence in the industry. Consumers should be able to make informed choices based on the things that matter to them – and businesses need to enable that.

**FSA and regulatory partners' decisions should be tailored, proportionate and based on a clear picture of UK food businesses**

There is enormous variation in food businesses, in their size, the type of food they produce, the processes they use and their attitude to food safety and authenticity. They will need different levels of support, and different levels of scrutiny. One size will not fit all so we will be considering how to segment businesses – and to do that, we will need good quality, up to date information about them.

**The regulator should take into account all available sources of information**

There is a wealth of information concerning food businesses that we could be using to build our picture of business behaviour. This can include data industry collects about itself from its own audits and checks, and information from other sources, such as consumers and other regulators. Once we're confident we can rely on these, we should focus our efforts on filling the gaps rather than repeating the work of others. Large businesses with experience of using a range of food data sources have a leadership role to play, in sharing safety and authenticity related insights they gain.

**Businesses doing the right thing for consumers should be recognised; action will be taken against those that do not**

Many businesses want to produce food that is safe and what it says it is, and do so. They know that consumer confidence in the whole industry is crucial, so are as keen as we are to drive out those who put that confidence at risk. Businesses who put consumers at risk, either deliberately or negligently, need to know that there will be consequences, while businesses who demonstrate to us that they are transparent and prioritise food safety and authenticity will benefit from reduced regulatory scrutiny.

We are open to using a range of tools to encourage business behaviour change, including reputational recognition and sanctions.

**Businesses should meet the costs of regulation, which should be no more than they need to be** UK food is some of the safest in the world, and UK businesses benefit from consumers (in home and domestic markets) trusting the food they produce. The industry tells us they value a strong, independent regulator. We believe that the regulatory regime should be as cost-effective as possible, for example by working with others and using a range of sources of information. Industry should meet that cost, with those requiring the greatest regulatory intervention/attention contributing the most.

As can be seen there will be far reaching changes to the food service but as yet we do not know what those will be and how it will affect the Public Protection Partnership.

## ACRONYMS

|           |  |
|-----------|--|
| AES       | Alternative Enforcement Strategy                                 |
| BIS       | Department for Business, Innovation and Skills                   |
| COM TM    | Commercial Team Manager  |
| EHRB      | Environmental Health Registration Board                          |
| EOEW      | Eat out eat well rating scheme                                   |
| FSA       | Food Standards Agency  |
| FSMS      | Food Safety Management System                                    |
| FHRS      | Food Hygiene Rating Scheme                                       |
| HoCS      | Head of Corporate Services                                       |
| IDs       | Infectious Diseases  |
| LAA       | Local Area Agreement   |
| LAEMS     | Local Authority Enforcement Monitoring System                    |
| NEBOSH    | The National Examination Board in Occupational Safety and Health |
| PEHO / PO | Principal Environmental Health Officer                           |
| PPP       | Public Protection Partnership                                    |
| RH/RG     | Rosalynd Gater (Hale) (Commercial Team Manager)                  |
| S/EHO     | Senior / Environmental Health Officer                            |
| SEHA      | Senior Environmental Health Assistant                            |
| SFBB      | Safer Food, Better Business                                      |
| SFSO      | Senior Food Safety Officer                                       |
| SM        | Sean Murphy PPP Manager  |
| SMEs      | Small and Medium Sized Enterprises                               |

**PART 2**

**TRADING STANDARDS SERVICE**

**FOOD STANDARDS AND ANIMAL FEED, SAFETY AND STANDARDS DELIVERY PLAN**

**2018 - 2019**

## **1.0 Aims and Objectives**

### **1.1 Aims and Objectives**

The annual Food Law Enforcement Plan is designed to deliver on the Public Protection Partnership aims and priorities in respect of promoting and protecting health and supporting reputable businesses. This plan covers the local authority areas of Bracknell Forest, West Berkshire and Wokingham. Specifically it sets out how these authorities regulate and protect the food chain from 'farm to fork' in respect of food and feed quality, standards and labelling. This includes protection from contamination.

The annual Food Law Enforcement Plan seeks to deliver a focussed approach through the successful use of information and intelligence.

It is the responsibility of food and feed business operators to ensure they comply with relevant standards and legislative requirements. It is the role of the Public Protection Partnership to ensure that food produced and sold in Bracknell, West Berkshire and Wokingham meets legal standards and is labelled and marketed in such a manner as to allow consumers to make informed choices. This compliments the educational approach taken to allow consumer information to be used.

The regulation of animal feed operators is needed to protect the health of animals and ultimately the food chain.

Failures in regulation, nationally and internationally, has led to injuries to health, damage to markets and loss of consumer confidence e.g. BSE, Foot and Mouth and various food standards and safety alerts including contaminated alcohol and meat products.

The programme is structured to ensure that national and local priorities are incorporated within it.

### **Key Objectives**

- To ensure that we inspect our High and Medium Risk food businesses on a risk based frequency. This includes the provision of legal and practical advice at the time of the visit to improve compliance rates.
- Assess unrated and new premises to bring them into the risk based audit programme.

- To identify where current quality standards are not being met or areas of consumer risk exists e.g. undeclared allergens through the use of targeted sampling and intelligence led focused audits.
- To respond to customer complaints and requests for our service as well as requests for advice from businesses.
- In line with national priorities to visit relevant primary producers and feed business operators to ensure compliance with the Food and Feed hygiene requirements.
- To provide information to consumers to allow them to make informed choices

## **1.2 Local Priorities**

The relevant Public Protection Partnership priorities are:

- 1) Community Protection including tackling the issues that cause the greatest harm to individuals.
- 2) Protecting and Improving Health including allowing residents to make informed choices and delivering initiatives designed to improve and enhance health.
- 3) Supporting Prosperity and Economic Growth including the provision of advice to businesses and protecting them from unfair trading.

## **2.0 Background**

### **2.1 Organisational Structure**

On 9<sup>th</sup> January 2017 Bracknell Forest, West Berkshire and Wokingham councils entered into a joint service agreement for Trading Standards, Environmental Health and Licensing. This function is provided by the Public Protection Partnership. The food and feed enforcement functions in their entirety fall under the remit of the Public Protection Manager.

Prior to January 2017 the Food Standards and Feed functions were undertaken by two separate services: Bracknell Trading Standards undertook this function within the Bracknell Forest area and West Berkshire & Wokingham Trading Standards undertook the function within the areas of West Berkshire & Wokingham councils.

## **2.2 Scope of the Feed and Food Service**

The Trading Standards Service has responsibility for the following areas of food chain and animal feed enforcement and education:

- Ensuring the accuracy of food labels and descriptions that are applied to food
- Ensuring claims made in the course of the marketing of food are accurate and legal
- Ensuring food standards are maintained
- Enforcement of Food Alerts relating to food standards or chemical contamination are responded to as appropriate
- Ensuring that legally required food hygiene standards are met at primary production (farms and growers) premises
- Ensuring that legally required feed hygiene and compositional required standards are met throughout the supply chain and on farm
- Ensuring that animal feed is appropriately labelled and marketed
- Ensuring businesses are appropriately advised in line with the advice policy
- Ensuring that consumers have the required knowledge base to make informed choices when purchasing food or feed
- Ensuring complaints from consumers relating to food or feed issues are assessed and assigned to an officer for action or are recorded for intelligence purposes
- Deliver part of the regional feed programme on behalf of a number of South East feed enforcement authorities

If appropriate, other relevant inspections (eg product safety, weights & measures, pricing, animal health) will be carried out at the time of the food or feed standards inspection. This is dependent on the premise type, risk assessment and resource level. With limited resource we aim to target our interventions at the most critical points.

## **2.3 Demands on the Feed and Food Service**

The Service offers confidential and impartial advice for businesses of Bracknell, West Berkshire and Wokingham to ensure compliance with law. Dealing with complex and technical enquiries along with inspecting and monitoring activities are essential parts of the workload.

In line with the Hampton principles the Food Standards Agency has allowed local authorities to adopt a more flexible and varied approach in developing a suitable strategy to maintain compliance. As a result the team will continue to visit a number of high and medium risk food premises but look to alternative enforcement strategies to keep under review low and non inspectable risk food premises. Audits and sampling will continue to be targeted at nationally or locally recognised areas of concern.

Currently the Partnership has approximately 3566 food businesses on its databases showing as liable for food standards work. Of those premises 48 are classified as high risk, approximately 480 medium risk, approximately 1286 low risk and approximately 500 as being outside of the scope of the programme. The remainder is made up of unrated premises. This presents the biggest challenge for the service as these need to be brought back into the audit programme. This figure changes on a yearly basis.

In terms of feed premises there are 598 primary producers (including livestock farms) and 103 inland feed premises.

The risk rating for each premise is assessed at each visit and by reference to events such as levels of compliance, local risk and the category of individual businesses. In addition the Service will have regard to the principles of the Hampton Review, ensuring that no inspection is conducted without a reason and local risk factoring is applied.

The Food and Feed Service provided is specific to the needs and nature of the area. As a consequence time is spent on Primary and Home Authority responsibilities, this includes allocating time to our major food producers.

We will also advise and seek compliance on highly specific labeling criteria. This will include the traceability of foods and feeding stuffs and the declaration of foods which contain allergens.

## **2.4 Service Contact Details**

Email:

[tsadvice@westberks.gov.uk](mailto:tsadvice@westberks.gov.uk)

Telephone:

01635 519930 (Out of hours 01635 42161)

Located at:

Council Offices, Market Street, Newbury, Berkshire. RG14 5LD

Civic Offices, Shute End, Wokingham, Berkshire RG40 1WW.

Council Offices, Time Square, Market Street, Bracknell RG12 1JD

Opening hours are 9am-5pm Monday to Thursday and 9am to 4.30pm Friday.

## **2.5 Regulation Policy**

The Enforcement policy for the Public Protection Partnership (PPP):

- 1) The Regulators Code forms the guidelines that PPP uses for the basis for general enforcement work,
- 2) The Code for Crown Prosecutors is used as the basis for decisions to prosecute in all criminal matters;

In the context of this policy PPP consists of those matters enforced by the Trading Standards, Environmental Health and Licensing Services

For the Code for Crown Prosecutors see:

[http://www.cps.gov.uk/publications/docs/code\\_2013\\_accessible\\_english.pdf](http://www.cps.gov.uk/publications/docs/code_2013_accessible_english.pdf)

Regulators Code:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/300126/14-705-regulators-code.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf)

## **3.0 Service Delivery**

### **3.1 Interventions at Food and Feeding stuffs establishments**

Each local authority is required by the Food Standards Agency's Codes of Practice to document, maintain and implement an interventions programme for those premises for which they have enforcement responsibility.

There is a risk based approach in relation to food and feed advice and enforcement. Resources dedicated to food and feed related activities are balanced against the demands of other regulatory activities. This risk based approach allows more intensive regulation to be directed at those businesses presenting the greatest risk.

Official controls include – inspection, audit, surveillance, verification, sampling and monitoring and other interventions which can effectively support businesses to achieve compliance with legislative requirements include – education, advice, information and intelligence gathering. The different interventions allow the authority to choose the most appropriate action to be take to increase levels of compliance.

**The proposed 2018/19 intervention programme of work is detailed below:**

| Category | Minimum intervention rating | Intervention Type  | Number of premises due | Target   |
|----------|-----------------------------|--|------------------------|--|
| HIGH     | At least every 12 months    | Inspection, partial inspection, audit or sampling                                    | 42                     | 100%   |
| MEDIUM   | At least every 24 months    | Inspection, partial inspection, audit or sampling                                    | 204                    | 100%   |
| LOW      | At least every 60 months    | Alternative Intervention Strategy, inspection, partial inspection, audit or sampling | 613                    | In response to complaints, request by the business or as part of identified projects |
| UNRATED  | Not known until risking     | Inspection /desktop for premise outside the scope of programme                       | 814                    | Action plan to be introduced to address outstanding unrated list                     |

During this financial year we will continue working on categorizing and risk assessing our feed and food hygiene premise at primary

production in line with the Codes of Practice.

We aim to carry out interventions to those premises in line with the Food Standards Agency profiling.

As part of regional feed work we will be carrying out 26 Inland Feed inspections and 6 Primary Production inspections.

Where appropriate Animal Health Inspectors will carry out some of the Food and Feed Hygiene inspections alongside their routine Animal Health visits.

### **3.2 Feed and Food Complaints**

Food and feed complaints are investigated by the service in line with departmental procedures.

In responding to complaints we aim to ensure that:

- the composition of food meets legal requirements
- action is taken as necessary under Food Safety Act and/ or relevant legislation
- food is accurately labelled and advertised
- feed is wholesome and correctly described
- action under Animal Feed (England) Regulations and / or other relevant regulations is taken appropriately
- the risk of recurrence is reduced

### **3.3 Primary Authority Scheme**

The concept of Primary Authority was formalised under the Regulatory Enforcement and Sanctions Act 2008. Under this legally recognised scheme (overseen by the Regulatory Delivery), any business operating across more than one Local Authority can form a legally recognised partnership, effectively creating a focus for consistent advice. It is the gateway to simpler, more successful

local regulation, and previous changes to the scheme has meant a significant expansion to the range of businesses that can participate, to now include so-called 'Co-ordinated Partnerships', such as franchise operations, trade associations and other business groups.

We offer Primary Authority partnerships to businesses wishing to take advantage of the scheme.

Currently we are in a primary authority relationship with two food companies, Prezzo Ltd and HiPP UK Ltd, these businesses currently do not require large amounts of officer time in relation to food standards.

### **3.4 Advice to Business**

The Public Protection Partnership offers advice and guidance to food and feed businesses based in Bracknell, West Berkshire and Wokingham either if requested or as part of interventions and inspections.

We have implemented this principle by providing advice and information on the legality of product ranges, packaging, composition, labelling and advertising. This service is delivered pro-actively during the inspection of premises and reactively in response to requests from businesses and referrals from other agencies.

Resources to deliver business advice are drawn from across the competent officers identified in the service.

The Public Protection Joint Committee has agreed that we will continue to support the Home Authority Principle but that this work will become chargeable at the same rate as Primary Authority work. Small businesses will receive up to half an hour of free advice.

### **3.5 Food and Feed Sampling**

The Partnership recognises the important contribution targeted sampling makes to the protection of the food chain including the health of farm animals. Analysis is undertaken for compositional quality and safety purposes as well as for determining compliance with labelling regulations.

The Service produces its own annual sampling programme to establish the effectiveness of the management of food and feed standards in local businesses. The programme reflects local, regional and national trends. The plan is sufficiently flexible to take account of any areas which require attention as they arise i.e. food incident warnings, consumer complaints.

We anticipate this will translate to approximately 100 food and feed samples being taken in the next financial year.

The Partnership partakes in regional and national sampling programmes and other national initiatives as appropriate. Regional sampling this year will include food supplements for unauthorised ingredients and non-permitted health claims, identifying local on line sellers and bringing them into compliance, and targeting takeaway premises looking at a range of issues such as use of colours, GM Oil, meat and fish speciation and allergen control.

Local sampling will include samples taken from local importers and manufacturers as well as extending the sampling programme into areas where last year's sampling results indicated there was a problem.

### **3.6 Feed/Food Safety Incidents**

Food and Feed Alerts are issued by the Food Standards Agency (FSA) to all Food Authorities in the country when a national food or feed safety issue has arisen with a specific product.

Alerts are responded to as directed by the warning notification received from the FSA and in accordance with the Code of Practice. All warnings are received by email and any subsequent action taken is recorded and retained on file.

### **3.7 Liaison with Other Organisations**

We work closely with a number of organisations and to avoid duplication of effort we have clear guidelines on who is responsible for what.

Partners include:

- Sixteen other Trading Standards authorities in the South East Region that together make up Trading Standards South East Limited (TSSEL). Activities include liaising on all key Trading Standards issues, co-ordinated inspection, sampling and advice projects and sharing of information and in particular the national feed programme delivered on behalf of the FSA.
- Environmental Health Teams across the Thames Valley.

- Bracknell, West Berkshire and Wokingham Public Health Teams - for preventative healthy eating initiatives and tackling obesity.
- Food Standards Agency
- Members of Bracknell, West Berkshire and Wokingham Councils are consulted prior to the plan being approved
- The Public Protection Manager is a member of the National Feed Governance Group on behalf of National Trading Standards

### **3.8 Feed and Food Safety and Standards promotional work and other non-official Controls and interventions**

The promotion of food standards and feed safety will be achieved through local initiatives and publicity and by supporting national initiatives. The Partnership will aim to :

- contribute to the wider public health agenda through the promotion of healthier eating options.
- raise awareness of food issues to local food businesses and residents
- undertake 20 educational talks
- give advice to local business at the time of routine visits about upcoming changes to legislation.
- ensure that the effectiveness of promotional activities are evaluated via feedback from businesses and the public
- make use of the many guidance leaflets for business on feed and food topics that are available to download from [www.businesscompanion.info](http://www.businesscompanion.info) and from the FSA

## 4.0 Resources

### 4.1 Financial and Staffing Allocation

Our primary resources are our staff. There is the equivalent of 3.0 FTE trading standards posts involved with food standards and feed enforcement. In total there are 16 officer posts of which this 3 FTE is drawn from, whose work involves some aspect of food and /or feed enforcement as part of their day to day duties, consisting of:

- 1 x Team Manager
- 6 x Trading Standards Officers
- 7 x Trading Standards Enforcement Officers / Fair Trading Officers

The net total cost of the service for 2018/19 is estimated to be £97K

|   |       |
|---|-------|
| Staffing Costs (approx. including on costs) | £86K  |
| Travel                                      | £6K   |
| Sampling & Analysis                         | £25K  |
| FSA Income                                  | -£20K |

This work often is conducted alongside other work including weights and measures and animal health and welfare.

The Trading Standards Team Manager is responsible for the allocation and delegation of budgets allocated to the feed and food enforcement functions.

The service also makes use of monies offered by the Food Standards Agency for carrying out specified feed work.

### 4.2 Staff Development Plan

Each of the staff involved with the delivery of this plan (with the exception of the educational aspect) are food and / or feed competent and have undergone an assessment of their competency via the competency framework laid down in the statutory Code of Practice.

Individual training needs are identified via the appraisal and 1:1 process and is linked to operational and resource.

In line with the Code of Practice authorised officers must undertake 20 hours training per year with at least 10 hours in the core subject to maintain competency in food law and 10 hours for feed officers.

## **5.0 Quality Assessment**

### **5.1 Quality assessment and internal monitoring**

- Ensuring sample analysis is carried out only by laboratories that are accredited and appointed for the purpose of the various statutes.
- Following inspections and complaint / service request completion the department has a system of sending “Satisfaction Survey” questionnaires. These are sent to every food premises visited by officers and to a proportion of service requests. Feedback received is then recorded, the results for 2017/18 was –
  - Customer satisfaction – tbc
  - Business satisfaction – tbc
  - Business & customer satisfaction (combined) – tbc
- Internal monitoring is conducted every quarter to assess performance against the plan.

## **6.0 Review**

### **6.1 Review of Delivery Plan**

- The objectives are regularly reviewed by the Lead Officer for Food and Feed and the Trading Standards Manager to ascertain whether objectives are being achieved and any variations highlighted.
- The Feed and Food Delivery Plan is set against the Public Protection Partnership priorities as well as local and national reporting frameworks. These include:
  - Interventions to High and Medium Risk food premises against target
  - Response to food and feed complaints

- Number of samples against target
- Interventions to feed premise against target set by the National Feed Programme
- Prosecutions and other legal actions

We will review the plan, at the end of the financial year, as part of the service planning process, lead by the Trading Standards Manager, to ensure it continues to meet the needs of our customers.

## **6.2 Identification of any variation from the Delivery Plan**

- Variations from the plan will be reviewed at regular tasking meetings with management
- Variances will be documented.
- If changes are made they would be subject to final agreement by the Public Protection Manager under delegated authority.

## **6.3 Areas of Improvement**

- Areas for improvement are incorporated into the following year's objectives, or dealt with as soon as possible if there are no additional financial implications.
- Identified areas:
  - Ensuring that intelligence reports from the FSA and other sources eg. Public Analyst , direct our audit programme
  - Continue to improve quality of data held on the database – including ensuring that feed premise coding is in line with the Code of Practice, and matching of EH and TS food premises
  - Prioritising potential High and Medium risk along with new unrated premises
  - Development of Alternative Enforcement Strategies for Low risk premise interventions
  - Develop further a documented process / procedure for the internal monitoring of food and feed work in line with the Code of Practice.
  - To examine the basis of our response particularly in relation to follow up action regarding Food and Feed Alerts received from the FSA.

## **7. Our Performance Out-turn for 2017-18**

In producing our Food and Feed Law Plan we reflect on the previous year's activities. This process provides the opportunity to identify what went well and what went less well, and identify trends or key areas for focus moving forward. The food and feed law enforcement activity undertaken during 2017/18 is summarised as follows:

- Inspected 486 food businesses and undertook approximately 88 other related visits
- Dealt with 183 complaints, including advice requested by business
- Formal Cautions accepted by 2 food operators
- Issued 119 written notifications and/or warnings where businesses were found not to comply with legal requirements
- Undertook approximately 150 food samples and screening tests for composition
- Carried out 37 visits to primary production premises and 9 inland feed visits

Areas of concern identified as a result of audits, sampling or other interventions included:

- Un-declared allergens in catering establishments
- Food found on sale past its marked Use By date and thus deemed unsafe
- Undeclared meat and fish species / substitution
- Imported food labelling and standards
- Misleading food descriptions
- Failure to mention the use of GM containing products

**APPENDIX: Relevant Officers**

| <b>Officer</b>       | <b>Role Food</b>                                 | <b>Role Feed</b>                 |
|----------------------|--|----------------------------------|
| Sean Murphy          | Head of Service                                  | Head of Service                  |
| John Nash            | Trading Standards Manager /<br>Competent Officer | Trading Standards Manager        |
| Tammie Hambridge     | Lead Officer / Competent Officer                 | Lead Officer / Competent Officer |
| Lisa Brown           | Trading Standards Officer / Competent            |                                  |
| Vicky Lister         | Trading Standards Officer / Competent            |                                  |
| Toby Green           | Trading Standards Officer / Competent            |                                  |
| Heather Parson       | Trading Standards Officer / Competent            |                                  |
| Robert Charlton      | Trading Standards Officer / Competent            |                                  |
| Glenda Cameron-Lloyd | Enforcement Officer / Competent                  |                                  |
| Heather Flemming     | Regulatory Services Officer /<br>Competent       |                                  |
| Elizabeth Brewster   | Fair Trading Officer / Competent                 |                                  |
| Jacqui Turner        | Fair Trading Officer / Competent                 |                                  |
| Joel Theobald        |  | Fair Trading Officer / Competent |
| David Hillier        |  | Enforcement Officer / Competent  |
| Joanne Withey        |  | Enforcement Officer / Competent  |

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**Public Protection Partnership Food and Feed Plan – Summary**


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**1. Food Hygiene Service**

1.1 **Scope of Commercial Team** – enforcement of Food Hygiene Legislation and Infectious Disease Control, enforcement of Health and Safety at Work Legislation including investigation into workplace accidents and fatalities, enforcement of Smokefree Legislation, and public health work. Service requests on these areas from business and the public also form a part of the work. We are also the Primary Authority for Waitrose, Prezzo and HiPP.

1.2 **Team Priority** - Investigations into major injuries and fatalities, investigations into serious breaches of food and H&S legislation, investigations into serious public health breaches and programmed food inspection work are given priority. As such resource can be reallocated from programmed health and safety topic inspections and public health topics.

1.3 **Resource** – there are 14 Officers (12.82 FTE) (includes Team Manager and Principal Officer) which equates to 9.21 FTE for Food Hygiene and 3.61 FTE for Health and Safety.

Revenue £11,242

Fee Income £12,000

1.4 **Programmed Food Inspection Work** - There are close to 3,300 food businesses across the three authorities. These range from large manufacturers through to small scale caterers operating from home such as child minders. Each presents their own risk profile based on the type and scale of business and the history of the operator and the findings at inspection. In the 2018 19 inspection year 1,940 of these premises are due to be inspected. The lowest risk premises are permitted under the Food Law Code of Practice to be subject to alternative enforcement in the form of a food hygiene questionnaire.

We will undertake routine, planned inspections of premises based on current risk assessment criteria set by Food Standards Agency COP

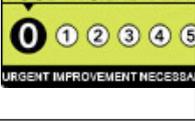
In terms of programmed food inspections carried out we achieved 100% of food hygiene inspections across the 3 areas for 2017 18, this is despite a reduction in staffing levels. This was achievable due to a number of inspections being carried out as out of work hours inspections by the team and because food inspections were given priority over other team work. As a consequence there was work which we were not able to complete, for example,

- Health and safety topic inspections reduced to 51%
- Food related projects put on hold
- Quality Management System procedure updating on hold
- Eat Out Eat Well award scheme put on hold
- Reduced samples taken
- Reduced time on the zero / one project
- Reduced time on quality monitoring and competency assessments of officers

## Public Protection Partnership Food and Feed Plan – Summary

In the service plan for 2018 19 it is noted that there has been a realignment of Senior officers duties to enable statutory monitoring of officers' competence and quality of work and to ensure consistency; the officers have been allocated additional numbers of inspections which will be monitored to see if targets are being reached and controls will be implemented as necessary. This is monitored through monthly performance reports and risk register.

1.5 Food Safety Rating Scheme – The results of the Authorised Officers risk rating at inspections are converted to a score and this is uploaded onto the Food Standards Agency Food Safety Rating Scheme website (FHRS). This promotes good businesses, encourages poorer performers to improve and gives the consumer an informed choice as to where to eat. For these reasons we will continue to support this scheme.

| Score  | Number premises at start April 2017 (Percentage) |              |              | Number premises April 2018 (Percentage) |              |              |
|--|--|--------------|--------------|---|--------------|--------------|
|  | BF   | WB           | Wok          | BF                                      | WB           | Wok          |
| <br>FOOD HYGIENE RATING 5<br>VERY GOOD                      | 360<br>(61%)                                     | 798<br>(70%) | 598<br>(66%) | 404<br>(70.5%)                          | 762<br>(72%) | 620<br>(78%) |
| <br>FOOD HYGIENE RATING 4<br>GOOD                           | 145<br>(25%)                                     | 179<br>(16%) | 124<br>(14%) | 112<br>(19.5%)                          | 177<br>(17%) | 119<br>(15%) |
| <br>FOOD HYGIENE RATING 3<br>GENERALLY SATISFACTORY        | 53<br>(9%)                                       | 78<br>(7%)   | 42<br>(5%)   | 42<br>(7%)                              | 72<br>(6%)   | 36<br>(4%)   |
| <br>FOOD HYGIENE RATING 2<br>IMPROVEMENT NECESSARY        | 15<br>(2%)                                       | 21<br>(1.8%) | 10<br>(1%)   | 8<br>(1%)                               | 26<br>(2%)   | 15<br>(2%)   |
| <br>FOOD HYGIENE RATING 1<br>MAJOR IMPROVEMENT NECESSARY  | 17<br>(2%)                                       | 17<br>(1.7%) | 16<br>(2.6%) | 7<br>(1%)                               | 13<br>(1%)   | 5<br>(0.6%)  |
| <br>FOOD HYGIENE RATING 0<br>URGENT IMPROVEMENT NECESSARY | 1<br>(0.2%)                                      | 0<br>(0%)    | 0<br>(0%)    | 0<br>(0%)                               | 1<br>(0.1%)  | 0<br>(0%)    |

### 1.6 Performance indicators of Commercial Team - Food Hygiene

These will be reported on quarterly in 2018 19

**Broadly Compliant** - describes the % of the food premises that have 'some non-compliances' for food hygiene and for structure (and cleaning) and are 'satisfactory' in terms of our Confidence in Management. They are not compliant premises and still have food hygiene contraventions on inspection.

**Broadly Compliant**

To ensure that premises meet satisfactory compliance for the manufacture, preparation and sale of food.

**TARGET = 90%**

**Fully Compliant** - describes the % of the food premises that have no non compliances at their food inspection ie no statutory requirements under food safety law (there may be recommendations). This indicator has not been previously used and so there will be no comparison data either locally or nationally

**Fully Compliant**

To ensure that premises meet full compliance for the manufacture, preparation and sale of food.

**TARGET = 20%**

**Statutory Requirements at Inspection -**

This indicator is similar to fully compliant – it attempts to show the percentage of food inspections carried out where the officer has to take a statutory intervention as the premises are operating in a way that does not comply with relevant legislation. Again, this indicator has not been previously used and so there will be no comparison data either locally or nationally. It will however show what % of premises are required to make improvements following our inspection visits and therefore shows the impact of the inspection regime.

**Statutory Requirements at Inspection**

To demonstrate the activity of the team in ensuring compliance with legislation

**TARGET = it is not appropriate to set a target to work towards his year as this will be a comparison over the next years**

**Zero / One Score Food Hygiene Rating Indicator**

Ensure that food premises rated zero and one in the Food Hygiene Rating Scheme at the start of the inspection year achieve a rating of Broadly Compliant or above (3 score and above) by their next full inspection visit (subject to pending enforcement action). The scope of the project will include premises that are zero and one at the start of the inspection year in April; and their next inspection date falls within the inspection year or a requested rescore falls within the inspection year (as this is the date by which another score can be given)

**Zero / One Score**

To ensure that poorly performing premises are brought to 'Broadly Compliant'

**TARGET = 75%**

**New Premises inspection within 28 days**

New food premises will receive their initial inspection within 28 days of trading commencement where the business has notified us of opening by Registering as a food business. This is so that new businesses are given the assistance they need at an early date to make them aware of their responsibilities and to ensure food premises across the Boroughs prepare and serve food that is safe to eat. It also promotes ensures a level playing field for all food businesses and promotes economic growth

Inspect new food businesses within 28 days of notified date of trading commencement

**TARGET = 75%**

1.7 Risk of a Reduced Food Enforcement Service / Reduced Targets For Food Inspections (Full table listed in Food and Feed Service Plan)

|  |   |   |
|--|---|---|
| <p>Routine inspections of food premises.</p> | <p>Undertake routine, planned inspections of premises based on current risk assessment criteria set by Food Standards Agency COP</p> <p>Undertake initial assessment of all new food businesses regardless of risk. Provide consumers with information relating to hygiene standards. Inspections within 28 days of opening or due date</p> | <ul style="list-style-type: none"> <li>• A statutory function (Regulation (EC) 882/2004); FSA COP</li> <li>• Poor hygiene standards in individual premises and standards for district generally would drop.</li> <li>• As food hazards are not detected there will be a direct impact on personal and public health and consumer protection.</li> <li>• Reduction in inspections can affect the accuracy of the Food Hygiene Rating Scheme which will undermine the system and will give the consumer incorrect information on the standards of the premises.</li> <li>• Also removes the ability of the consumer in making an informed choice of where to eat</li> <li>• Can mislead the consumer as the information on FHRS will not be maintained up to date ie a 5 score may no longer be 5.</li> <li>• In addition the fact that all inspection data is published along with the last inspection date premises not receiving an inspection will be in the public domain.</li> <li>• There will be an impact on the Broadly Compliant figure (percentage of premises which meet satisfactory compliance for the manufacture, preparation and sale of food) which is used by the FSA and is a Performance Indicator.</li> <li>• There will be an effect on the performance indicator to Inspect new food businesses within 28 days of notified date of trading commencement which helps to encourage new businesses.</li> <li>• Increasing service request numbers and infectious disease notifications.</li> <li>• Increasing pest population in the Council areas.</li> <li>• Missed opportunities to take formal enforcement action against premises.</li> <li>• Increased complaints of inequality from businesses within the community against the council as an enforcing authority.</li> <li>• Poor public perception of service and increase in complaints about the service and ombudsman complaints.</li> <li>• FSA monitor to ensure service carries out the food inspection to the service level set down in the FSA Code of practice which details frequency of inspection and that work is carried out to the standard in COP; sanction can remove service and charge Council for running of service.</li> <li>• Reduction in staffing can lead to reduction in monitoring activity with officers leading to a failure to comply with FSA COP Competency and Authorisation of officers.</li> <li>• Not inspecting the lower risk premises can also lead to an inaccurate database, it is in the COP that the LA database remains accurate.</li> <li>• In addition low risk premises can change hands and management and can become high risk and without an inspection regime this would be missed leading to public safety issues.</li> </ul> |
|--|---|---|

| Description                  | Service Level Comment  | Consequences if no or reduced service.   |
|------------------------------|--|--|
| Food safety service requests | Responding to all service requests and complaints from business and individuals about food, food premises, food hygiene etc. | <ul style="list-style-type: none"> <li>• A statutory function (Regulation (EC) 882/2004); FSA COP</li> <li>• Poor hygiene in premises could be missed.</li> <li>• Food hazards could be overlooked.</li> <li>• We use investigations to prevent similar occurrences</li> <li>• Direct impact on food hygiene and food quality and therefore, public health and consumer protection.</li> <li>• Increasing service request numbers and infectious disease notifications.</li> <li>• Increasing pest population in the Council areas.</li> <li>• Missed opportunities to take formal enforcement action against premises.</li> <li>• Increased complaints of inequality from businesses within the community towards us as the enforcing authority.</li> <li>• Poor public perception of service and increase in complaints about the service and ombudsman complaints.</li> <li>• FSA monitor to ensure service carried out to standard in COP; sanction can remove service and charge Council for running of service.</li> <li>• Reduction in staffing can lead to reduction in monitoring activity with officers leading to a failure to comply with FSA COP Competency and Authorisation of officers.</li> </ul> |

## 2.0: Food Standards and Animal Feed Controls

### 2.1: Resource - People

- There are a total of 10 officers within the Trading Standards Service currently competent to carry out food standards enforcement activity.
- There are 4 officers currently competent to carry out enforcement activity in relation to animal feed. Two of which are competent to carry out feed standards enforcement and all four are competent to carry out feed hygiene and food safety enforcement at primary production (farms).
- The Lead Officer / Competent Officer for Food Standards and Animal Feed Controls is Tammie Hambridge, Senior Trading Standards Officer
- The Head of the Food Standards and Animal Feed Service is Sean Murphy, Public Protection Manager

### 2.2: Resources – Financial

- The allocation for food and feed sampling and analysis for 2018/19 will be 25K
- The expected grant to be received for feed work from the Food Standards Agency is tbc
- The income target for feed work conducted on behalf of other authorities for 2018/19 is £20K (to include Oxfordshire, Hampshire, Bucks and Surrey, Slough and West Sussex and East Sussex)
- The total estimated net spend on the Food Standards and Feed Standards / Hygiene enforcement programme in 2018/19 will be £97K including officer time.

### 2.3: Official Controls – Inspections and Sampling

- The number of food standards inspections and interventions conducted in 2018/19 are: 42 High Risk, 204 Medium Risk and 814 Unrated.
- A review will also take place of low risk premises and where appropriate risk based interventions will be carried out.
- The total number of risk based feed inspections programmed for 2018/19 is 26 plus 6 High Risk Food Hygiene at primary production
- Total number of food and feed samples to be carried out in 2018/19 will be at least 120. These will be based on complaints, locally produced items or part of regional food and feed surveys.

### 2.4: Additional Food Standards and Feed Activity

The promotion of food standards and feed safety will be achieved through local initiatives and publicity and by supporting national initiatives. The Partnership will aim to :

- contribute to the wider public health agenda through the promotion of healthier eating options.
- raise awareness of food issues to local food businesses and residents
- Act as Primary Authority for Prezzo Restaurants and HiPP Nutrition (Baby foods)
- undertake 20 educational talks
- give advice to local business at the time of routine visits about upcoming changes to legislation.
- ensure that the effectiveness of promotional activities are evaluated via feedback from businesses and the public
- make use of the many guidance leaflets for business on feed and food topics that are available to download from [www.businesscompanion.info](http://www.businesscompanion.info) and from the FSA
- Investigation and where appropriate (in line with enforcement policy) prosecution of offenders

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#### Officer details:

Name: Sean Murphy  
Job Title: Public Protection Manager  
Tel No: 01635 519840  
E-mail Address: [sean.murphy@westberks.gov.uk](mailto:sean.murphy@westberks.gov.uk)

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## Equality Impact Assessment – Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:**
    - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
    - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

|   |  |
|---|--|
| <b>What is the proposed decision that you are asking the Committee to make:</b> | To approve the Public Protection Partnership Food and Feed Plans |
| <b>Summary of relevant legislation:</b>   | Food Safety and Hygiene (England) Regulations 2013               |

|   |   |
|---|---|
|   | Food Safety Act 1990<br>Agriculture Act 1970<br>European Communities Act 1972 and various orders and regulations made thereunder. |
| <b>Does the proposed decision conflict with any of the Council's key strategy priorities?</b> | No  |
| <b>Name of assessor:</b>  | Sean Murphy   |
| <b>Date of assessment:</b>  | 10 5 2018   |

| Is this a: |     | Is this:                             |     |
|------------|-----|--------------------------------------|-----|
| Policy     | No  | New or proposed                      |     |
| Strategy   | Yes | Already exists and is being reviewed | Yes |
| Function   | Yes | Is changing                          | No  |
| Service    | Yes |                                      |     |

| 1. What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it? |  |
|--|--|
| <b>Aims:</b>   | To agree and the priorities of the Partnership in relation to its statutory food and animal feed control duties  |
| <b>Objectives:</b>   | To ensure that the functions are delivered in a way that meets the requirements of the law and in so doing protects and promotes health of people and farm animals |
| <b>Outcomes:</b>   | Well-regulated food businesses and the provision of informed choice  |
| <b>Benefits:</b>   | The protection of health of humans and animals and scope for better health choices as well as fair competition between businesses.                                 |

| 2. Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this. |                           |                             |
|--|---------------------------|-----------------------------|
| (Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)   |                           |                             |
| Group Affected   | What might be the effect? | Information to support this |
| Age  | None                      |                             |
| Disability   | None                      |                             |
| Gender Reassignment  | None                      |                             |
| Marriage and Civil Partnership   | none                      |                             |

|   |      |   |
|---|------|---|
| Pregnancy and Maternity   | None |   |
| Race  | Yes  | Food businesses are operated by a range of operators some of whom do not have English as a first language. Advice and guidance is maintained and provided in a variety of languages to meet the needs of local operators. |
| Religion or Belief  | None |   |
| Sex   | None |   |
| Sexual Orientation  | None |   |
| <b>Further Comments relating to the item:</b>   |      |   |
| The proposal is for the relocation of staff by co-locating with BL services within the Public Estate and as such is compliant with current accessibility requirements |      |   |

|  |           |
|--|-----------|
| <b>3. Result</b>   |           |
| <b>Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?</b> | <b>No</b> |
| <b>Please provide an explanation for your answer: The premises are accessibility compliant</b>   |           |
| <b>Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?</b>              | <b>no</b> |
| <b>Please provide an explanation for your answer:</b>  |           |

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

|   |    |
|---|----|
| <b>4. Identify next steps as appropriate:</b> |    |
| <b>Stage Two required</b>                     | No |
| <b>Owner of Stage Two assessment:</b>         |    |
| <b>Timescale for Stage Two assessment:</b>    |    |

Name: Sean Murphy

Date:

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) ([rachel.craggs@westberks.gov.uk](mailto:rachel.craggs@westberks.gov.uk)), for publication on the WBC website.

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### Public Protection Partnership Service Performance Report 2017/18

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|  |                                   |
|--|-----------------------------------|
| Committee considering report:          | Joint Public Protection Committee |
| Date of Committee:                     | 12 <sup>th</sup> June 2018        |
| Date agreed by Joint Management Board: | 18 <sup>th</sup> May 2018         |
| Report Author:                         | Anna Smy                          |

#### 1. Purpose of the Report

- 1.1 To inform the Joint Public Protection Committee of the headline performance information for the whole Public Protection Service in 2017/18.
- 1.2 This is the first full year of reporting against the Key Performance Indicators set out in the Inter Authority Agreement and service standards agreed by the JPPC in previous reports.

#### 2. Recommendation(s)

- 2.1 It is recommended that the JPPC approve the report and circulate as appropriate to Members of the 3 authorities.

#### 3. Implications

- 3.1 **Financial:** The service as referred to in the attached performance report if funded entirely from the revenue granted to the Joint Committee by virtue of the inter-authority agreement and income. The financial basis of the net revenue contribution from each authority was determined following a full assessment of levels of demand and measures of volume each authority had prior to the agreement. There are no significant changes in these measures or volumes which would indicate the financial basis needs to be amended. It is proposed that whilst there may be minor variances from year to year that the first full assessment should be based on the average of the first full three years.
- 3.2 **Policy:** The Inter-Authority Agreement (IAA) places a responsibility on the Joint Public Protection Committee (JJPC) to determine service policies and priorities and also to maintain oversight of performance. During the first year the JPPC has approved a range of key policy

documents from the Business Plan and the use of Proceeds of Crime Act Incentivisation Grant to the Strategic Assessment and Control Strategy The report today.

- 3.3 **Personnel:** The service was restructured to deliver the operating model specifically with the introduction of the cross cutting Response Team. Further work is to be conducted to consider the most appropriate delivery structure for the programme delivery element of the service. We are looking closely at cross-cutting teams looking at all aspects of certain areas of our work such as housing (residential), environmental protection etc.

There are no specific personnel implications from this report although some of the areas of improved performance we believe to have been delivered as a result of the new operating model.

- 3.4 **Legal:** The IAA sets out the legal basis for the Public Protection Partnership. The JPPC is responsible for setting strategic direction and overseeing financial and service performance. The production and consideration of this report is a requirement under the IAA.

- 3.5 **Risk Management:** The PPP maintains both a Strategic and Operational Risk Register. Key areas of concern are reported to the Joint Management Board and action plans in place to limit any risks. For the performance reporting the main risk has been around ensuring resource and finance has been shared appropriately across the partnership.

- 3.6 **Property:** Further work is being done to consider how best to use the available property to deliver efficiencies. The Customer Care and Response Teams have now been centralised to Theale. We are looking at options around other teams bases. This is very much linked in with the ICT strategy and the move to one system. Working on three systems and two networks is very inefficient and as we work through the ICT options it is likely that the Joint Management Board will bring further options around

Property to the JPPC.

3.7 **Other:** None

#### 4. Other options considered

4.1 A draft of the performance report format has been before the committee in 2017. As the format was agreed no other options were considered.

#### 5. Executive Summary

5.1 We have had a challenging year to deliver a service in key areas such as Processing Licences, meeting targets set out in statutory plans (such as the Food Plan). We have focussed on areas which require resources and other areas may have seen a reduction in the quality of our service.

5.2 We have found ourselves taking more risks and providing less oversight in areas such as auditing of inspections and quality management systems. In order to complete the basic Food Inspection programme proactive project work has been stopped. We have learnt from this and through the operating model we know we can use the great transferable skill set of the staff to enable us to deliver a wider range of activities to meet the priorities.

ICT and accessibility issues have caused issues for officers operationally and managers for oversight and local information . This has impacted on some teams more than others and is reflected in some of the data within the report. This has in some instances impacted on the overall integration of the three authorities into one partnership as many procedures and initiatives have remained separate, despite this we have maintained our service standards.

5.3 The Response Team which is key to delivery of our operating model came together in September 2017 and have created a multifunctional team of officers able to respond to a wide range of complaints and requests. The team have spent a disproportionate time triaging inquiries compounded by the lack of a PPP website for clear signposting and advice. Although we no longer have generic response times the team have worked together in such a way that these have improved in most areas.

5.4 The reporting framework for all PPP functions has historically evolved around our response to the demands on the service, for example “Respond to 98% of all service requests within 2 days” and fed into

corporate Key Performance Indicators.

- 5.5 During 2017/18 we have monitored Measures of Volume and Demands on the service (see Appendix C) and in some instances the outcomes of the interactions such as improvements in Food Hygiene ratings following educational project. These show that the service is continuing in a similar form to previous years and not how we are achieving the vision of the service.
- 5.6 We have provided a comparison of the areas of demand across the three authorities and it remains in line with the original Inter Authority Agreement. Where there are a limited number of measures where there is any significant difference either between the 3 authorities or compared to previous years. These differences where there is a reduction or increase in demand is reflected across the PPP area and not generally isolated to one authority. The main differences have occurred in the processing of complaints and approach to undertaking activities, access to ICT within Bracknell has also skewed some of the reporting as officers time may be apportioned to the wrong authority for some actions not linked to the database.

## 6. Conclusion

- 6.1 The Partnership have made progress in the first full year in delivering services to our stakeholders at a standard at or above that prior to the partnership being formed.
- 6.2 The quality and professionalism of all staff has ensured that the front line provision has been maintained, however areas such as shared ICT systems (and lack of access), consistent management from the Joint Management Team and other strategic areas has meant that the operating structure has not functioning as intended.
- 6.3 We have put in place a number of strategic projects within the Joint Management Team and those responsible will be accountable for delivering these. We have a project management process in place to help deliver the Control Strategy and Planned Work Activity to ensure resources are appropriately balanced, this is closely linked to the development of a more robust performance reporting set up for 2018/19
- 6.4 Communication of our performance in 2017/18 has grown as we create better links with the local press and have a more focused approach to social media and our contacts. The Members Bulletin will show the

success stories of the service and how the three authorities have a robust partnership to enable this to happen.

## Appendices

Appendix A – Supplementary Information and Equalities Assessment

Appendix B – Performance Report 2017/18

Appendix C – Measures of Volume Statistics

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## Background Papers:

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### PPP Strategic Aims and Priorities Supported:

The proposals will help achieve the following Public Protection Partnership aims as stated in the Inter Authority Agreement:

- 1 – Community Protection**
- 2 – Protecting and Improving Health**
- 3 – Protection of the Environment**
- 4 – Supporting Prosperity and Economic Growth**
- 5 – Effective and Improving Service Delivery**

---

### Officer details:

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## Appendix A

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### Public Protection Partnership Performance Update - Supporting Information

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#### Background Papers:

None.

Papers containing facts or material you have relied on to prepare your report. The public can access these background papers.

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#### PPP Strategic Aims and Priorities Supported:

The proposals will help achieve the following Public Protection Partnership aims as stated in the Inter Authority Agreement:

- 1 – Community Protection
  - 2 – Protecting and Improving Health
  - 3 – Protection of the Environment
  - 4 – Supporting Prosperity and Economic Growth
  - 5 – Effective and Improving Service Delivery
- 

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## Equality Impact Assessment – Stage One

**We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:**

*“(1) A public authority must, in the exercise of its functions, have due regard to the need to:*

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:*
  - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;*
  - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the*

*need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.*

*(2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.*

*(3) Compliance with the duties in this section may involve treating some persons more favourably than others.”*

**The following list of questions may help to establish whether the decision is relevant to equality:**

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

**Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.**

|   |  |
|---|--|
| <b>What is the proposed decision that you are asking the Committee to make:</b>         | This is for information only   |
| <b>Summary of relevant legislation:</b>   | The service is run through an Inter Authority Agreement with a Joint Committee which relates to:<br>S101,102 & 111 Local Government Act 1972<br>S9EA & 9EB Local Government 2000 (as amended)<br>Local Authorities (Arrangements for Discharge of Functions)(England) Regulations 2012<br>All other Legislation is listed within the Schedule 2 of the IAA |
| <b>Does the proposed decision conflict with any of the partnerships key objectives?</b> | No   |
| <b>Name of assessor:</b>  | Anna Smy   |

|                            |            |
|----------------------------|------------|
| <b>Date of assessment:</b> | 08/05/2018 |
|----------------------------|------------|

| <b>Is this a:</b> |     | <b>Is this:</b>                             |     |
|-------------------|-----|---|-----|
| <b>Policy</b>     |     | <b>New or proposed</b>                      |     |
| <b>Strategy</b>   |     | <b>Already exists and is being reviewed</b> | Yes |
| <b>Function</b>   | Yes | <b>Is changing</b>                          |     |
| <b>Service</b>    |     |   |     |

**1. What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?**

|                    |  |
|--------------------|--|
| <b>Aims:</b>       | To demonstrate that the service is running in line with legal agreements and service standards. This is for Members information but business owners or residents may wish to view the information/data if they feel they have had an unreasonable or focussed interaction with the Partnership       |
| <b>Objectives:</b> | To support the vision of the service:<br>To protect and support residents and legistivmate business through the succesfful use of information and intelligence, delivering safe and healthy neighbourhoods<br>The report should show we are carrying out interventions across the Partnerships scope |
| <b>Outcomes:</b>   | The performance report shows the improvements made in line with the indictors listed in the IAA  |
| <b>Benefits:</b>   | Transparent information sharing, demonstration that the service is providing comparable levels across all three areas. When differences in service standards are provided these can be justified, the need demonstrated and the outcomes demonstrated and monitored                                  |

**2. Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.**

(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)

| <b>Group Affected</b>          | <b>What might be the effect?</b>  | <b>Information to support this</b>  |
|--------------------------------|---|---|
| Age                            | None  |   |
| Disability                     | None by the decision however, the layout and colour may be difficult for some to view | May need to provide an alternative version with enlarged print or different colour contrast |
| Gender Reassignment            | None  |   |
| Marriage and Civil Partnership | None  |   |
| Pregnancy and                  | None  |   |

|   |      |  |
|---|------|--|
| Maternity                                     |      |  |
| Race  | None |  |
| Religion or Belief                            | None |  |
| Sex   | None |  |
| Sexual Orientation                            | None |  |
| <b>Further Comments relating to the item:</b> |      |  |
|   |      |  |

|  |           |
|--|-----------|
| <b>3. Result</b>   |           |
| <b>Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?</b> | <b>No</b> |
| <b>Please provide an explanation for your answer:</b>  |           |
| <b>Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?</b>              | <b>No</b> |
| <b>Please provide an explanation for your answer:</b>  |           |

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

|   |    |
|---|----|
| <b>4. Identify next steps as appropriate:</b> |    |
| <b>Stage Two required</b>                     | No |
| <b>Owner of Stage Two assessment:</b>         |    |
| <b>Timescale for Stage Two assessment:</b>    |    |

Name: Anna Smy

Date: 8<sup>th</sup> May 2018

A shared service provided by Bracknell Forest Council, West Berkshire District Council and Wokingham Borough Council.

# PERFORMANCE INFORMATION

Summary for Members of the Joint Public  
Protection Committee

2017-18

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## 1. Summary

The Partnership has been running for 18 months and this is the first full report on the overall performance and our key achievements.

The overall governance is set out in the Inter Authority Agreement and the Business Plan. The Joint Public Protection Committee met 4 times in 201/18 and information on previous meetings is publically available on all three authority websites [Joint Public Protection Committee](#). The Joint Management Board has met on a monthly basis and received reports and information from the Public Protection Managers as well as Team Managers.

The Business Plan sets out that the Partnership will follow an operating model which requires a number of documents and processes to be followed in order to deliver the aims of the partnership. The key document the [Strategic Assessment](#) was agreed by the JPPC in March 2018 and will be delivered and reported on in the next financial year. In the interim the service provided a “business as usual” service, however with the set up of the Response Team and Tactical Tasking we have already started elements of the operating model and focussing on priority areas. The [Control Strategy](#) (a more detailed document containing activities and projects to deliver the priorities) was also agreed in March 2018 and looks at the work we will focus on in 2018/19. Again this confirms our focus on 2017/18 being about consolidation of the service and preparing for the new operating model.

In September 2017 the Response Team was formed, they are a multi-disciplinary team able to discharge functions across the PPP and work together using transferable skills to take initial action when appropriate. The team is fundamental in the delivery of the operating model, the development of the Website and the new Customer Care roles within the Partnership Support team will help the team deliver on this

In some areas the service has even outperformed previous years. In any year this would be an achievement worthy of recognition. This year though has been particularly challenging though with a significant reduction in budget (£350K), loss of some income due to the changing trading environment, a restructure of the service, the ever present ICT challenges and the introduction of a completely new delivery model.

## 2. Key Strategic Progress

|         |   |
|---------|---|
| Finance | <ul style="list-style-type: none"><li>Overall PPP Service Budget for 17/18 set at £3.213M</li><li>Significant work completed on merging, deleting and setting up Cost Centres to support service delivery</li><li>Building on work in 2017/18 the Fees and Charges work for aligning in 2019/20 has progressed and will meet timescales for each authority to agree during 18/19</li><li>Unachievable income targets have added pressure to the service (in particular licensing, drop in the number of licenced premises and loss of income over time in other areas of licensing</li><li>Income from work conducted on behalf of other councils and also government grants have helped deliver elements of the service</li><li>The outturn for 2017/18 was -£67</li></ul> |
| HR      | <ul style="list-style-type: none"><li>Introduction of Regulatory Apprentices was delayed but will start to progress in 18/19</li><li>We are looking at the options around being part of the delivery arrangements for Regulatory Apprenticeships</li><li>Three Partnership Support Apprentices are being recruited</li></ul>  |

|   |   |
|---|---|
|   | <ul style="list-style-type: none"> <li>▪ Project around competency framework and staff development has commenced</li> <li>▪ Restructure has taken place. Officers are functionally tasked rather than geographically.</li> </ul>  |
| ICT   | <ul style="list-style-type: none"> <li>▪ There continues to be complications from the ICT set up with access to all three authorities. Work on the Virtual Private Network was finally completed in March 2018 allowing access from the West Berkshire network to the Bracknell Forest database, however this is not the long term solution but has made an immediate impact on operations</li> <li>▪ Business Case for a single operational database drawn up.</li> </ul>  |
| Property  | <ul style="list-style-type: none"> <li>▪ The move into Theale Gateway building has been a successful transition with the Customer Services aspect of the Partnership Support Team having moved centrally and a number of other staff making use of the new space</li> </ul>   |
| Legal   | <ul style="list-style-type: none"> <li>▪ An SLA has been agreed with West Berkshire Legal Services</li> <li>▪ An SLA is being developed with Wokingham Legal Services</li> <li>▪ The Joint Case Management Unit is now providing support to Oxfordshire Trading Standards and Fire and Rescue Service and Royal Berkshire Fire and Rescue Service.</li> <li>▪ This is an area of risk financially with legal costs around prosecution work still proving challenging. We are looking to conduct more and more legal work within the Joint Case Management Unit as this is by far the most cost effective delivery route.</li> </ul> |
| Performance and Service Development               | <ul style="list-style-type: none"> <li>▪ Work on 2017/18 performance against the KPI's set out in the IAA took place</li> <li>▪ There has been work on developing methodology for progressing KPI's linked to Control Strategy and the IAA for future years.</li> <li>▪ Changes to the current databases to improve monitoring around outcomes</li> </ul>   |
| Business Development                              | <ul style="list-style-type: none"> <li>▪ Relationships with RBFRS continue to develop with Legal Case work and an agreement is in place.</li> <li>▪ Environmental Protection work carried out on behalf of Reading Borough Council (based on cost recovery)</li> <li>▪ Fly tipping legal case work for West Berkshire took place and Service Level Agreement to carry out some work on behalf of Wokingham Borough Council.</li> <li>▪ Trading Standards shared post with Reading Borough Council to deliver on investigations</li> <li>▪ Development of some Primary Authority work</li> </ul>                                     |
| Risk (Emergency Planning and Business Continuity) | <ul style="list-style-type: none"> <li>▪ Emergency Planning work has been allocated a lead officer, however this area needs development across the PPP</li> <li>▪ Business Continuity was tested in the early part of the year with the resilience of the Partnership Support team, other teams have experienced some similar issues more recently.</li> </ul>  |

### 3. Team news

(This outlines personnel matters, complicated or high profile cases, specific political or media issues.)

The Members Bulletin was intended to be presented to all Councillors across the three authorities as a way of introduction, a reflection on the first year and to promote the delivery of the IAA outcomes. The first edition has coincided with the production of the annual performance report. High level team news can be found within this document, for more detailed team information the Team Managers can be contacted directly (see structure chart for contact details).

In addition to the Members Bulletin a number of newsletters/updates have been provided to the Licensing Committees of each partner.

In addition the Case Management Team continues to support the operational teams as well as our partner agencies. Alongside the legal cases they have directly supported the PPP in, they have also provided legal advice to Royal Berkshire Fire and Rescue Service in 5 instances and have taken on 13 cases for Oxfordshire County Council (Trading Standards).

#### 4. Communication and Community projects

(This outlines the work of the Community Engagement Officer and the Community Fund spend)

Claire Lockwood joined the service in the summer of 2017, she has been instrumental in raising the profile of the new Public Protection Partnership and worked with the individual Marketing and PR teams at each authority to ensure a consistent message is provided to our residents. She has managed our press inquiries and we have (since we began recording in November 17) monitored our success stories. The table below shows the variety of media and subject areas we have been involved with in order to share our messages:

| Service Area                               | Internet | Print | Radio | TV | Total |
|--|----------|-------|-------|----|-------|
| Environmental Health                       | 1        |       |       | 1  | 2     |
| Commercial                                 | 7        | 2     |       |    | 9     |
| Licensing                                  | 2        | 1     |       |    | 3     |
| PP Community Fund                          | 2        |       |       | 2  | 4     |
| Residential                                | 4        | 1     | 1     |    | 6     |
| Trading Standards                          | 9        | 1     | 4     | 1  | 15    |
| Trading Standards/PPP Case Management Unit | 6        | 1     |       |    | 7     |
| Total                                      | 31       | 6     | 5     | 4  | 46    |

Table 1: number of media interactions based on subject area and media type

The Communications Strategy has been agreed and work on the PPP Website continues

The new Public Protection Community Fund is funded from assets seized from criminals as a result of their criminal activity. Grants of up to £7,500 per group have been awarded to seven local not-for-profit organisations seeking funding for community related initiatives that met the criteria for the Asset Recovery Incentivisation Scheme, successful projects were:

- [Browns Community Services CIC](#) – awarded £7,500 to provide bespoke employment courses focusing on employment, empowerment, education and employment for offenders, ex-offenders, or those at risk of offending.
- [Free Legal Advice Group for Domestic Violence](#) – awarded £5,000 to help towards a part-time Coordinator who will promote their services, increase the number of solicitors as delivery partners, arrange free legal advice clinics/telephone advice sessions and raise awareness of domestic violence and abuse and its multiple impacts.
- [Jealott’s Hill Community Landshare](#) – awarded £7,500. Jealott’s Hill is an inspirational six acre multi-purpose garden for community use. The award will enable them to communicate with and direct onsite works and activities across a plethora of partners and organisations including Probation Services (Community Payback), Youth Offending



services, persons recovering from drug and alcohol dependency and NEATS youth person's services.

- [Recovery In Mind](#) – awarded £7,500 to provide free of charge courses that support the recovery of anyone living in the authority area living with a wide variety of mental health challenges.
- [The Wayz](#) – awarded £6,488.98. After several incidents, and in consultation with community groups, businesses and young people, the grant will help The Wayz to run a mobile youth bus.
- [Twyford Youth and Community Centre](#) – awarded £3,750 to run a special session to engage with young people with challenging behavior and to show them that there is an alternative to hanging around getting into trouble and upsetting local residents.
- [West Berkshire CAB](#) – awarded £5,665 to participate in 'Scams Awareness' month July 2018, featuring similar activities to their previous successful campaigns. They will run publicity and education activities involving their extensive contact network of community organisations."

This, the first round of the Public Protection Community Fund, was launched last November and the good news is the Partnership has more funds available for a second round of applications. We will learn lessons from this round of bidding and make changes to the process during 2018/19.

## 5. Business plan

To fulfil its role the JMB identified 8 business areas to manage its work-plan and had allocated lead officers, with Paul Anstey being promoted to Head of Service in September 2017 and now sitting on the board it was agreed that a 6 month secondment would be offered to ensure some of these areas were covered, this was filled by Anna Smy who commenced the role in January 2018.

- Finance (Sean M)
- HR (Sean M)
- ICT (Anna S)
- Property (Anna S/Joe D)
- Legal (Sean M)
- Performance and Service Development (Anna S - secondment)
- Business Development (Sean M / Peter Northey)
- Risk (Emergency Planning and Business Continuity) (Anna S -Secondment)

Further work around the overall work plan and strategic oversight was needed to ensure the operating model works effectively. This is being undertaken with projects and work streams being allocated through the Joint Management Team. An exercise in Feb/March 2018 resulted in a Strategic Programme which will develop in 2018/19.

### 5.1. Finance projects (aims c, d, g, h and i)

- Fees and Charges have been aligned in some areas but continue to differ. We have a project set up for the key licence fees and a timetable set out to ensure that the committee process and decision making is done in a timely manner.

- Review of assets, contracts and agreements to determine where opportunities to reduce costs exist and negotiate new deals with existing providers. This work had stalled and will be revisited in 2018/19. Some smaller savings from shared training and subscription services have been actioned.
- Regular finance meetings have been set up with the Accountant at Bracknell Forest and the West Berkshire accountant attends the beginning of the Joint Management Team meeting on a Monthly basis (in addition to meeting with the Public Protection Manager)

## 5.2. HR projects (aims b, c, h and j)

- Full management restructure, establishing new teams and hierarchy was needed. The Day 100 structure is still in place for some aspects of the service. Review needed in line with operating model to ensure the service is effective and resourcing in the correct place
- Secondment of EQ Team Manager to Strategic Projects Lead to ensure the Strategic Direction of the service continues and develops. The Principal EHO in the team is acting up into the Team Manager role with support from the Senior Officers
- Although additional recruitment of a Case Manager (Solicitor) has helped with development of the Case Management Team the Team Manager has recently taken maternity, again there is an acting up arrangement.
- The creation of a Customer Service Lead and Finance Lead in the Partnership Support Team took place in February 2018. A Lead Officer for Applications will also be recruited internally
- We successfully appointed to 3 Environmental Control Officer posts (2x Residential and 1xEnvironmental Quality)
- The Trading Standards team have appointed a Fraud Victim Support Officer (POCA funded) to focus on work with our more vulnerable residents and have brought in temporary staff to work on complex investigations.
- National Apprenticeship for Regulatory Services Officers is developing with the potential of 4 posts identified in order to develop our own competent officers with good transferable skills
- Three Apprentices are in the process of being appointed to the Partnership Support Team.
- The areas of pressure within the service are in Response and Case Management and more recently Environmental Quality.
- We have invested in staff development and this year we have seen one officer qualify as a Accredited Financial Investigator, one as a Trading Standards Officer and another Fair Trading Officer pass several more modules. In addition we are supporting two EHO's through degrees and our Apprentice in Customer Services was awarded Young Apprentice of the Year by the Training Consortium.

## 5.3. ICT projects (aims a, c, d, e, g, h and i)

- The Virtual Private Network link to enable remote access from West Berkshire network to Bracknell Forest network is now functioning. This required significant escalation within West

Berks IT. It is now being rolled out across the necessary operational officers, it has allowed the teams to start working more effectively across all three authorities

- Review of office access to systems and information – this incorporates remote access, Wi-Fi, secure log-ins, multiple staff profiles, coding structures within case management systems, reporting tools. –This area is not progressing as much as considered necessary due to accessibility to administration rights
- Procurement of Enterprise – management reporting tool for case management systems which align data extraction and presentation of data for managers to assess workloads and demand activity. This has developed slowly but immediate improvements in delivering Licensing Consultations as these are now a paperless process and officers can pick up work from any office.

#### **5.4. Property projects (aims d, g and h)**

- Accommodation – The Offices at Theale are fully operational (at March 18) with increased officer usage and the permanent movement of the Customer Services part of the Partnership Support team.
- Review of accommodation is needed as a new project to identify how savings can be made alongside improved service delivery and maintaining a presence within each partner authority.

#### **5.5. Legal projects (aims a, b, c, e, h, i and j)**

- Development of the Case Management Team – providing specialist services for partners such as Royal Berkshire Fire and Rescue, Oxfordshire Fire and Rescue and Oxfordshire Trading Standards on a cost recovery basis.
- Centralisation of the enforcement management – bringing together all elements of enforcement to ensure consistency and best practice, this also allows for better overview of resource allocation for investigations.
- Defined SLA's with partner legal services – this states the relationships with in-house legal teams and the ability for the PPP to allocate resources more effectively and in a timely fashion to reduce the risks to investigations and subsequent proceedings.
- The service has conducted a number of high quality investigations supported by the Joint Case Management Team. A number of these have received significant coverage in local media as part of our wider strategy to raise awareness and act as a deterrent.

#### **5.6. Performance and Service Development Projects (aims a, b, c, d, e, g and i)**

- Development of the operational model – the response team have been operating since September 2017. A review of this period has been undertaken by the Team Manager and identified areas where the process is not fully functioning. This links with the evaluation of the Tactical Tasking Group, without all aspects of the operational model being agreed and functioning as intended.

- Development of the strategic assessment and control strategy – Report was submitted to the Joint Public Protection Committee in March 2018, documents set out key activities to be undertaken and are linked to the aims of the IAA.
- Work with West Berkshire Strategic Support Officer and Team Managers has created a method for collating and presenting relevant KPI's, all Projects born from the Control Strategy will require evaluation and these will be reflected in Performance Report going forward.

### **5.7. Business Development**

- Reading BC – The service already provides support to Reading Regulatory Services in areas such as Petroleum, Financial Investigations, Tobacco Control and Environmental Protection. A new arrangement is being develop around trading standards investigation work as well as environmental protection work. These like the other areas of work will be based on cross border staff sharing arrangements.
- We have signed a new SLA with Wokingham Borough Council to conduct waste enforcement investigations. This new arrangement is working well with the first investigations under way.
- Several new Primary Authority Partnerships operating on cost recovery and negotiated retainers for business advice.

### **5.8. Risk (Emergency Planning and Business Continuity)**

- Formation of strategic risk register – this has identified 23 risk profiles (1 red, 8 amber and 14 green). The red risk relates to staff numbers and an action plan has been drawn up to address the problem.
- New report format for identifying risks has been set up for the board for future meetings as an overview of the strategic position
- All projects identified within the Control Strategy and any Planned Work Activity will have a project plan and operational risks identified within this will be part of the Operational Portfolio Risk Register
- Strategic and Operational Projects will be monitored through use of MS Project and risk reporting through Project Management Methodology.
- Emergency Planning and Business Continuity lead for PPP has been agreed and initial work will identify gaps in our provision and ensure appropriate resourcing and skills

## 6. Inter Authority Agreement – Key Performance Indicators for 17/18

Five Key Performance Indicators are set out in Schedule 5 of the Inter Authority Agreement:

- Decreasing the level of detriment suffered by residents
- Increasing levels of compliance in critical areas
- Effective budget management and use of resources
- Preventing residents from harm through expanding the use of social media and key communication channels
- Maintaining high levels of customer and business satisfaction

### 6.1 Decreasing the level of detriment suffered by residents

- Working with the Royal Berkshire Fire and Rescue Service a Memorandum of Understanding has been created that is designed to address risks presented by the Grenfell tower incident. This has resulted in joint inspections to all relevant blocks in the three areas with colleagues from the RBFRS, to secure fire safety matters.
- Over 1100 Planning applications were assessed by the service with nearly 100 of these being Major applications including quarries, housing estates of over 250 properties and new roads. Conditions for noise, air quality and land contamination were imposed to protect existing and future residents from harm.
- Following the sampling, analysis and risk assessment of private water supplies a total of seven statutory notices were served and / or revoked (following completion of remedial works) during the year. We estimate that this has resulted directly in improvements to the quality of water supplies and significantly reduced the risk to the health to at least 72 households. This estimate does not include the pupils at a boarding school or the live-in boat users at a marina where improvements have been made following enforcement actions.
- Customer redress (where Trading Standards involvement has seen residents have their money returned/refunded) has amounted to over £87,000

### 6.2 Increasing levels of compliance in critical areas

- Officers have improved living conditions for occupiers in large high risk multiple occupied mobile home sites within Wokingham and West Berkshire
- PPP has secured minimum standards of management and living conditions across 25 licensable houses in multiple occupation.
- Through a targeted approach of education with the highest risk food premises the Commercial Team ensured that 74% of food premises rated zero and one in the Food Hygiene Rating Scheme achieved a rating of Broadly Compliant or above by their next full inspection visit.

### 6.3 Effective budget management and use of resources

- Tactical Tasking Group has been set up and contributed to by officers to ensure best use of resources to key high risk areas.

- The Service has provided 24 hour, 7 day a week dogstray collection provision at minimal cost to the service (through two separate contractors).

#### 6.4 Preventing residents from harm through expanding the use of social media and key communicaiton channels

- On-line reporting for dog fouling has resulted in a number of patrols across highly reported cluster areas in Wokingham and West Berkshire
- 2 large scale pest surveys have been carried out in Wokingham resulting in publicised advice and introduction of on-line surveillance reporting for all service users
- Animal Warden facebook page has been used throughout 17/18 to provide key messages to dog owners; this includes, alabama rot advice, dog-fouling advice, breeding and puppy purchasing advice.

#### 6.5 Maintian high levels of customer and business satisfaction

- The Animal Welfare team has received a golden paws award for its contribution to animal welfare and stray dog services.
- The Customer Satisfaction continues to be high with **76.8%** of complainants and businesses asked rating the service at Fair-Excellent (currently only monitored in West Berkshire and Wokingham)
- We also keep a note of comments and feedback submitted directly to officers and managers or through the customer feedback forms:



Many thanks again for your time, effort and enthusiasm yesterday. It was a perfect talk – your “props” were very appreciated too and the children are still buzzing

Thank you so much for your email outlining the avenues I can explore for safety in selling my lampshades. You have been so kind

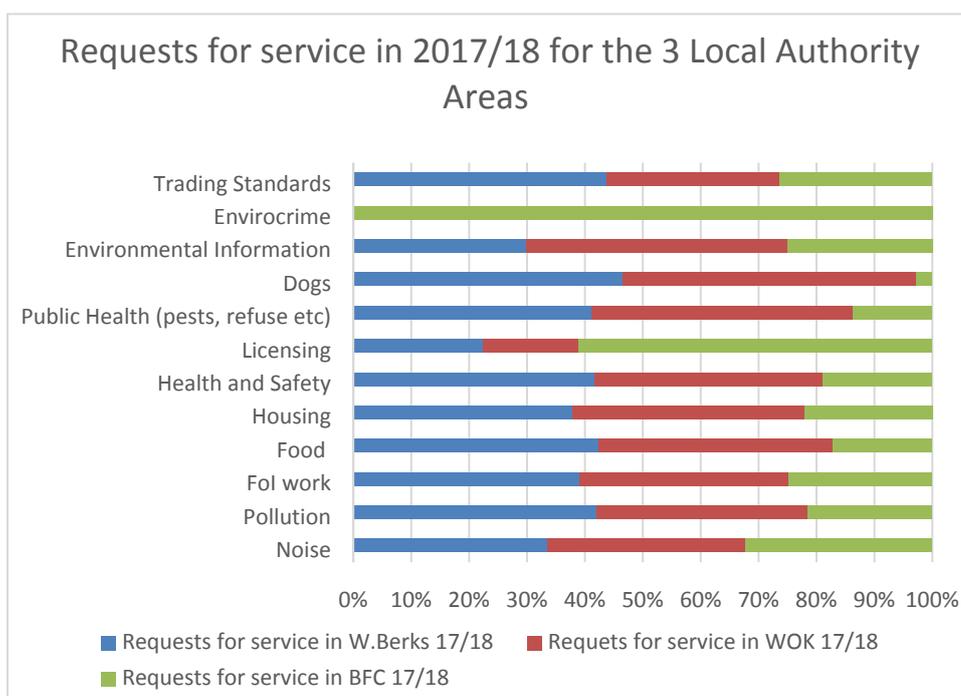
Can you please pass on to - the powers that be - how absolutely wonderful Zoë Alder, the Senior Environmental Health Officer is. She went that extra mile to be helpful and provide information and deserves to be recognised for this.

I have a refund! 😊 Thank you so much for your help, you’ve been an absolute lifesaver

## 7. Service Performance across the Partnership

### 7.1 Measures of Volume and Key Demographics

- The measures of volume for the service have been considered within the initial legal agreement and in proposed performance reports at more recent JPPC meetings.
- The data sheets and a number of other statistics can be found in Appendix C
- Although work on reporting and streamlining codes within the case management systems has taken place, due to the different set ups and access rights, we have not been able to streamline the reporting process across the PPP. In some areas there are still estimates used as some types of complaint are recorded differently or service requests are recorded when a simple inquiry is made to the Service such as in the case of Bracknell Forest Licensing.
- The table below shows the split of Service Requests for the year they show there are distinct similarities in the percentage split across each authority with exceptions around Envirocrime (only Bracknell Forest for 2017/18) and Licensing (due to the difference in recording).



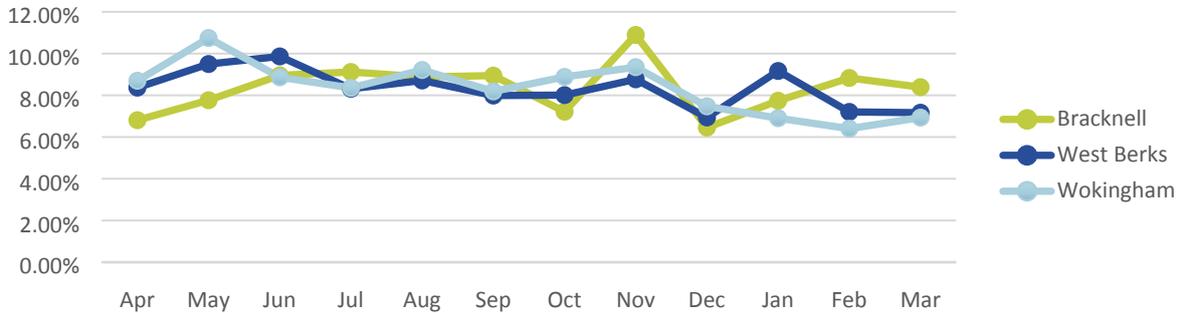
- The number of service requests compared to last year saw a drop of 7% overall, however in areas such as Trading Standards and Health and Safety there has been an increase. Looking at data from 2013 through to now there has been a decline in requests for service as a whole. The operating model will help us deal with these changing demands and also allow us in future to identify projects around reporting (such as has been demonstrated already with the Dog Fouling reporting tool) and show reduced numbers following certain initiatives.

| Type of Request   | 2016/17 | 2017/18 | Difference |
|---|---------|---------|------------|
| Food premises related complaints and enquiries e.g. Hygiene and hazard warnings     | 1603    | 1552    | ↓ 3%       |
| Health and Safety complaints and enquiries e.g. Accidents                           | 349     | 518     | ↑ 48%      |
| Licensing complaints and enquiries e.g. Taxi and animal welfare concerns            | 1294    | 1254    | ↓ 3%       |
| Environmental Information Requests  | 145     | 208     | ↑ 43%      |
| Pollution (inc Planning)  | 3012    | 1911    | ↓ 40%      |
| Noise   | 1788    | 1779    | ↓ 10%      |
| Private sector housing complaints and enquiries e.g. HMO's, rented housing problems | 887     | 656     | ↓ 26%      |
| Public health complaints and enquiries e.g. Pests, accumulations, drainage          | 1612    | 1364    | ↓ 15%      |
| Dog related complaints and enquiries e.g. Strays and fouling                        | 851     | 902     | ↑ 6%       |
| Freedom of Information Requests   | 214     | 202     | ↓ 6%       |
| Envirocrime - inc flytipping and Abandoned Vehicles                                 | 688     | 429     | ↓ 36%      |
| Trading standards   | 5289    | 5795    | ↑ 10%      |
| Total   | 17732   | 16570   | ↓ 7%       |

## 7.2 Proactive and Inspection work

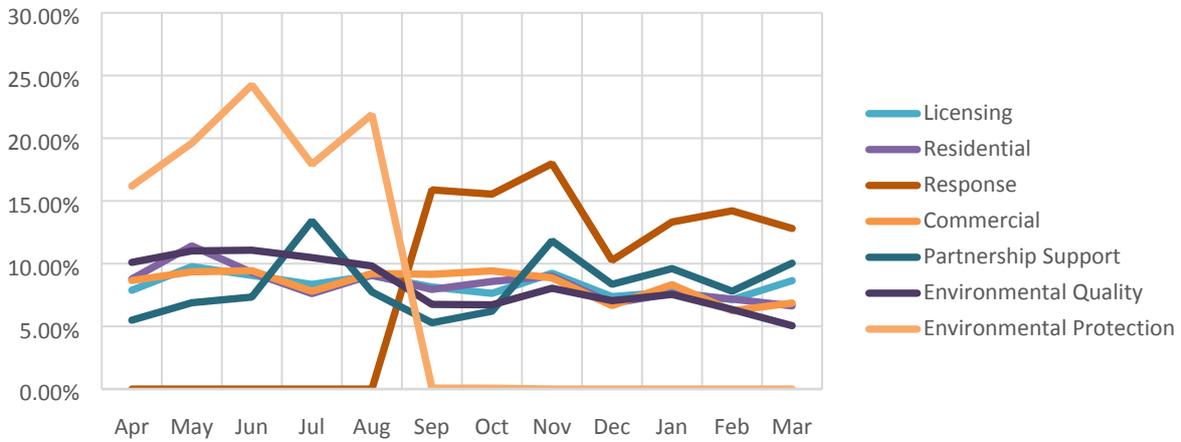
- Other work such as proactive inspections and investigations are included in appendix C.
- Officers carryout time recording when undertaking activities on cases. This has not been consistent across teams within the PPP or the databases in use currently. It is however a useful indication of where resources are focussed and any trends where there are lulls in certain activities. Each authority shows a relatively consistent volume of work across the year, this may be as we are already aware of any peaks and troughs and manage the resources effectively in that time.
- Very limited recording of time has been undertaken by Trading Standards, although separate recording is carried out when necessary such as Investigations.

### % of operational work carried out for each Local Authority within the Partnership for financial year 2017/18



- In analysing the nature of the work throughout the year there are no particular peaks within the work areas. There is a distinct peak in November for Bracknell Forest, this appears to be an increase in activity in all areas and not one particular function. Access to the Bracknell database has been problematic and it may be simply this coincided with improved access.

### % of operational work carried out for Team within the Partnership for financial year 2017/18

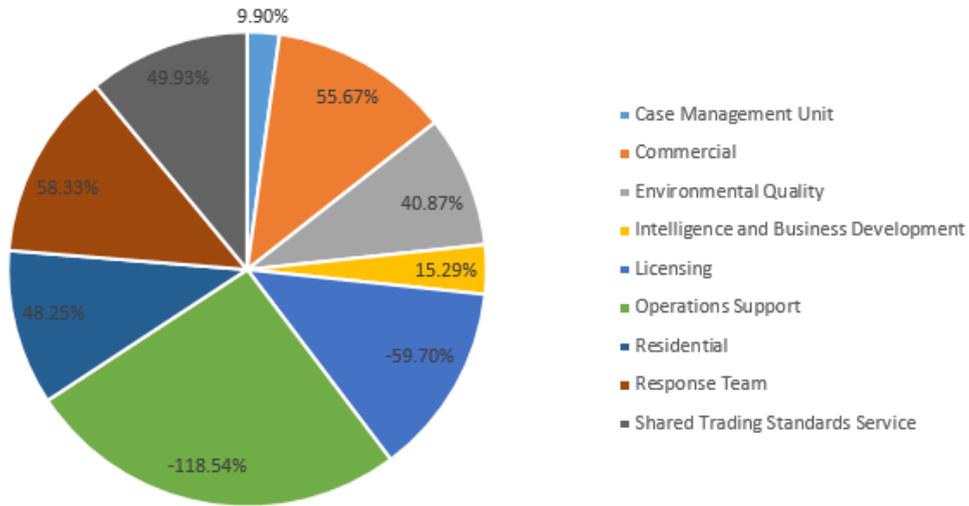


- The Response Team started taking on work in September 2017, there was a period of transition within the teams. The pre PPP Bracknell Forest Environmental Protection and Housing team ceased to exist and the work was spread amongst the Response and other Operational Teams.

### 7.3 Financial Performance

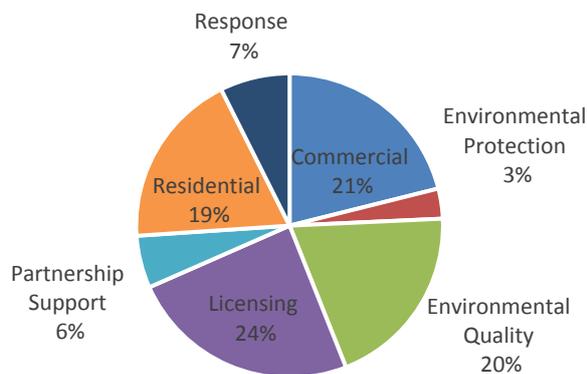
- The overall service budget was split within the functional teams of the service, the charts below show the overall split of the budget. The Operational Support Team (now Partnership Support) is where the financial arrangements between the authorities is held and licensing budget has cost recovery balanced with the income stream so these both start in a deficit.

Percentage of budget split across functional teams 2017/18



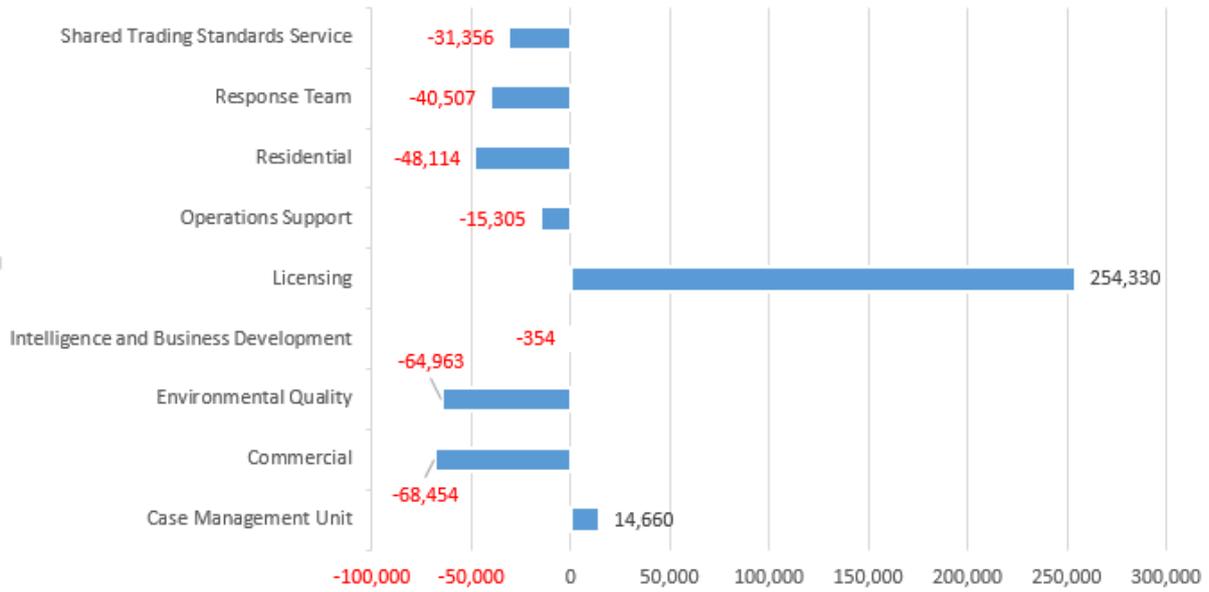
- The % split of operational time by the teams broadly reflects the budget with the Environmental Quality, Commercial and Residential Teams have a similar budgets and similar time spent on operational work. The majority of work by the Partnership Support team is licensing processing within Bracknell Forest. The Response Team function has only been operational for 7 months and there has been transitional work undertaken across all teams in that time. As noted above the Trading Standards service have not historically used the database to record time spent on activities, this is currently being introduced.

Grand Total of operational time (including requests for service) for teams in 2017/18



- The overall variance at the end of the year is shown below. The significant licensing variance is due to the fees and charges (in particular with Taxi fees). This has had a resource impact across the whole PPP with savings being made across the service to enable the final outturn for the PPP service to be £67. This has impacted on delivery in some areas and will be addressed going into future years.

### End of year variance across functional teams 2017/18



## 8. Service Complaints

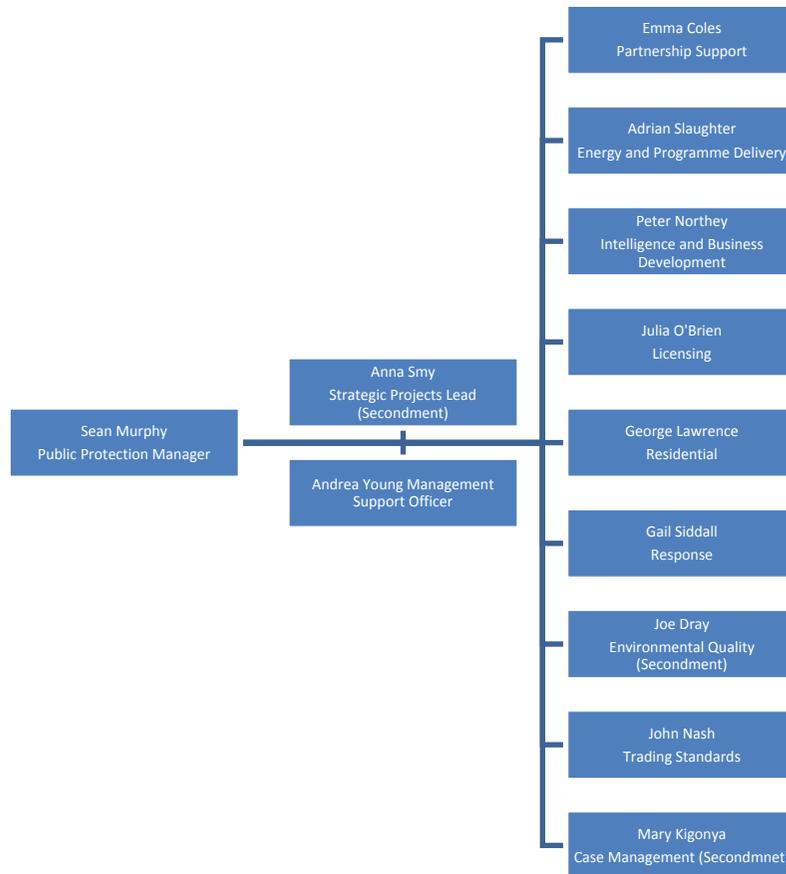
15 Ombudsman inquires (some only initial information gathering which went no further) were made against the PPP. No findings of maladministration were found in any cases. Some continue to be investigated. This compares to 9 for the West Berkshire and Wokingham Shared service and X for Bracknell in 16/17

35 Councillor led complaints were received, some of these were on behalf of residents (and in some cases a group of residents)

## 9. Risk profiles

| <u>Extreme Impact – Unlikely</u>  | <u>Extreme Impact – May occur</u>  | <u>Extreme Impact – Likely</u>   | <u>Extreme Impact – Certain</u>     |
|---|--|--|-------------------------------------|
| 4   | 8  | 12   | 16                                  |
| <u>Major Impact – Unlikely</u> <ul style="list-style-type: none"> <li>▪ Failure to deliver responsibilities as ‘Food Authority’</li> <li>▪ Failure to deliver responsibilities as ‘Health and Safety Authority’</li> <li>▪ Inability to adapt to a change in legislation</li> <li>▪ Action taken by the Local Government Ombudsman for failing to deal with a complaint effectively</li> <li>▪ Resources unavailable to maintain technical competency</li> <li>▪ Civil claim against the service for professional negligence</li> <li>▪ Failure to deliver responsibilities as the ‘Licensing Authority’</li> <li>▪ Data security incident</li> <li>▪ Evidence compromised</li> <li>▪ Inability to conduct secure interviews under caution</li> </ul> | <u>Major Impact – May occur</u> <ul style="list-style-type: none"> <li>▪ Unavailability of technically competent staff</li> <li>▪ Deficient professional oversight of criminal investigation</li> <li>▪ Unavailability of Legal Services</li> <li>▪ Action taken by the Information Commissioner for failing to deal with and FoI or DPA request</li> <li>▪ Failed performance indicators</li> <li>▪ Case Management system failure</li> <li>▪ Poor customer satisfaction</li> </ul> | <u>Major Impact – Likely</u> <ul style="list-style-type: none"> <li>▪ Low staff levels</li> <li>▪ Low staff morale</li> <li>▪ Reportable accident at work</li> </ul> | <u>Major Impact – Certain</u>       |
| 3   | 6  | 9  | 12                                  |
| <u>Significant Impact – Unlikely</u> <ul style="list-style-type: none"> <li>▪ Disagreement over policy direction</li> <li>▪ Overspent budget</li> <li>▪ Failure to deliver responsibilities as the ‘Gambling Authority’</li> </ul>  | <u>Significant Impact – May occur</u>  | <u>Significant Impact – Likely</u>   | <u>Significant Impact – Certain</u> |
| 2   | 4  | 6  | 8                                   |
| <u>Minor Impact - Unlikely</u>  | <u>Significant Impact – May occur</u>  | <u>Minor Impact - Likely</u>   | <u>Minor Impact - Certain</u>       |
| 1   | 2  | 3  | 4                                   |

## 10. Structure chart and functions



## 11.Primary Authority Partnerships (PAPs)

### Existing PAPs

- Dell
- Fork Lift Truck Association
- Hewlett Packard
- HIPP
- Honda
- Knowledge Academy
- MTS Tyres
- Panasonic
- Prezzo
- The Gym Group
- Waitrose

### Home Authority with potential to move PAP:

- Adama Agricultural Solutions Ltd
- Champion
- Cracker Drinks Ltd
- English Pastries
- English Provender Company
- JV Foods Ltd
- Laithwaites
- Microsoft UK
- Mobile Phones Direct Ltd
- Rolson Tools Ltd
- Sally Hair and Beauty
- Vodafone Group plc

## 12.Contracts with other organisations

| Organisation                           | Area of Work                | Scope   |
|--|-----------------------------|---|
| Reading BC<br>(TS)                     | H&S (Petroleum)<br>EPA 1990 | Enquiries<br>Inspections<br>Investigations                  |
| Reading BC<br>(TS and Corporate Fraud) | Proceeds of Crime Act 2002  | Shared Financial Investigator                               |
| Reading BC                             | Tobacco Control             | Schools<br>Businesses<br>Enforcement                        |
| Wokingham BC<br>(PH)                   | Tobacco Control             | Schools<br>Businesses<br>Enforcement                        |
| Wokingham BC<br>(Adult Social Care)    | Support with Confidence     | Administration of the SWC scheme for<br>Wokingham providers |
| Wokingham BC (Legal)                   | Proceeds of Crime           | Investigations  |
| Oxfordshire TS                         | Case Management             | Full remit  |
| Oxfordshire Fire and                   | Case Management             | Full remit  |

|   |  |                                  |
|---|--|----------------------------------|
| Rescue  |  |                                  |
| Royal Berkshire FRS   | Case Management  | Full remit                       |
| Slough BC (PP)  | Animal Health, Welfare and Agriculture   | All functions                    |
| Oxfordshire CC<br>Surrey CC<br>Hampshire CC<br>RBWM<br>West Sussex CC<br>East Sussex CC | Animal Feed Enforcement  | Livestock and Primary Production |
| Berkshire PH  | Infection control audit – small scale project to assist with procurement compliance on £60M contract | One off project                  |
| Wokingham Cleaner Greener   | Management of Fly Tipping investigations   | Investigations (under SLA)       |

### 13. Customer charter / Service commitments

**All Statutory Timescales will be automatically adopted as a target:**

- TENS
- Planning consultations

#### **Priority 1 (P1) - Urgent – same day**

Examples:

- Rogue Traders on site
- Active Criminal behaviour
- Serious pollution incident
- Serious workplace accident
- Serious infectious disease incident

#### **Priority 2 (P2) – Important – 5 days**

- Standard complaint response
- Councillor referred complaints
- JMB referred complaints
- High value customers (primary authority and business client matters)

#### **Priority 3 (P3) – Routine – 10 days**

- Councillor requests for advice
- JMB requests for advice
- Resident requests for advice
- Business requests for advice
- MP referred complaints
- FOI's
- Stage 1 complaints about the PPP

## Performance Report 2017-18

### Demographics

| Activity   | Financial Year 2017-18 |             |             |             |
|--|------------------------|-------------|-------------|-------------|
|  | Total                  | BFC         | WOK         | NBY         |
| No of food establishments  | 3226                   | 940         | 1029        | 1257        |
| No of feed establishments – Livestock                                  | 515                    | 16          | 70          | 429         |
| No of feed establishments – Arable                                     | 77                     | 2           | 5           | 70          |
| No of agricultural holdings with livestock                             | 521                    | 17          | 54          | 450         |
| No of licenced premises - regulated entertainment (Licensing Act 2003) | 1207                   | 255         | 430         | 522         |
| No of licenced premises – other (inc Dermal, Scrap metal etc.)         | 488                    | 159         | 110         | 219         |
| No of Taxis and Private hire vehicles                                  | 875                    | 287         | 255         | 333         |
| No of Taxis and Private hire drivers                                   | 1029                   | 324         | 349         | 356         |
| No of Private Hire operators   | 133                    | 43          | 37          | 53          |
| No of Pollution, prevention and control premises (industrial)          | 106                    | 27          | 27          | 52          |
| No of Private water supplies   | 318                    | 0           | 111         | 207         |
| No of Air quality management areas                                     | 7                      | 2           | 3           | 2           |
| No of Air quality monitoring sites                                     | 121                    | 38          | 46          | 37          |
| <b>Total</b>   | <b>8623</b>            | <b>2110</b> | <b>2526</b> | <b>3987</b> |

There continues to be a good variety of businesses and premises where the PPP have relationships and interactions. There has been a drop in the number of licences held across all three areas which has affected income levels, this appears to reflect the national trend, although taxi related issues with Bracknell appear anecdotally to be affected by the presence of Uber within Slough Borough Council.

### Demand analysis

| Broad Description   | Financial Year 2017-18 |     |     |     |
|---|------------------------|-----|-----|-----|
|   | Total                  | BFC | WOK | NBY |
| Noise Complaints  | 1779                   | 574 | 610 | 595 |
| Pollution Complaints.   | 1189                   | 621 | 254 | 314 |
| Freedom of Information Requests   | 202                    | 50  | 73  | 79  |
| Food premises related complaints and enquiries e.g. Hygiene and hazard warnings     | 1552                   | 266 | 629 | 657 |
| Private sector housing complaints and enquiries e.g. HMO's, rented housing problems | 656                    | 145 | 263 | 248 |
| Health and Safety complaints and enquiries e.g. Accidents                           | 518                    | 98  | 204 | 216 |

|   |              |             |             |             |
|---|--------------|-------------|-------------|-------------|
| Licensing complaints and enquiries e.g. Taxi and animal welfare concerns (for BF inc general licence inquiries) | 1254         | 766         | 208         | 280         |
| Public health complaints and enquiries e.g. Pests, accumulations, drainage                                      | 1364         | 186         | 617         | 561         |
| Dog related complaints and enquiries e.g. Strays and fouling  | 902          | 25          | 457         | 420         |
| Environmental Information Requests  | 208          | 52          | 94          | 62          |
| Consumer Complaints (at time of writing unable to separate out)   | 5413         | 1527        | 1583        | 2303        |
| Business enquiries  | 382          | 0           | 155         | 227         |
| <b>Total</b>  | <b>15419</b> | <b>4310</b> | <b>5147</b> | <b>5962</b> |

Included in the demands identified above the Pollution Complaints includes the following, within Bracknell Forest Council, 370 Abandoned Vehicle complaints, 14 Envirocrime "Inquires", 73 fly tipping, 9 Flyposting, 15 Graffiti, 4 litter, 7 nuisance vehicle.

## Activity analysis

| Activity   | Financial Year 2017-18 |             |             |             |
|--|------------------------|-------------|-------------|-------------|
|  | Total                  | BFC         | WOK         | NBY         |
| No of food inspections (full and partial) undertaken* (will be adjusted) | 1106                   | 277         | 383         | 446         |
| No of feed visits undertaken   | 45                     | 5           | 6           | 34          |
| No of Health and Safety Topic based inspections                          | 261                    | 72          | 97          | 92          |
| Total No of licences/consents etc. issued - non-premises                 |                        | 760         |             | 1039        |
| No of Temporary Event Notices issued                                     | 1286                   | 265         | 450         | 571         |
| No road traffic investigations   | 99                     | 0           | 4           | 95          |
| No of criminal investigations concluded                                  | 20                     | 2           | 7           | 11          |
| No of air quality monitoring site samples collected                      | 1836                   | 696         | 672         | 468         |
| No of notices served (formal and informal)                               | 321                    | 45          | 149         | 127         |
| No of prosecutions   | 27                     | 2           | 12          | 13          |
| No of planning applications requiring consultation                       | 1151                   | 219         | 444         | 488         |
| No of s61 applications   | 28                     | 0           | 12          | 16          |
| No of private sector housing inspections conducted                       | 31                     |             | 31          | 0           |
| No of infectious disease notifications processed                         | 736                    | 192         | 290         | 254         |
| No of food and water (PWS and Pool) samples taken                        | 411                    | 105         | 56          | 250         |
| No of workplace accidents reported (investigated)                        | 167                    | 52          | 48          | 67          |
| <b>Total</b>   | <b>7525</b>            | <b>1932</b> | <b>2630</b> | <b>2932</b> |

Planned Work outside of Service Requests is recorded in other modules within the various databases. During 2017/18 the Bracknell staff have not as a matter of course been recording time against all their actions so nominal figures have been added when an action has been completed. Trading Standards also have a variety of methods of reporting on time taken which again are not included in the numbers below.

Historically officers have recorded more project based work within their preferred database so for example the majority of Air Quality work was undertaken by someone allocating their time dealing with the Wokingham air quality management area into the West Berks database. We have amended the Time Recording Procedure for all PPP staff and in 17/18 would expect to provide a clearer delineation of time across the various functions.

| Row Labels         | Bracknell     | Wokingham     | West Berks    | Grand Total    | Comments   |
|--------------------|---------------|---------------|---------------|----------------|--|
| Air Quality        | 0.00%         | 0.90%         | 3.71%         | 4.61%          | Work not recorded in Bracknell for 2017/18, Wokingham time on Action Plan recorded under West Berks          |
| Contaminated Land  | 0.00%         | 0.07%         | 0.35%         | 0.43%          | Work generally stopped in line with Contaminated Land Strategy (London Rd Landfill, BFC recorded separately) |
| Dogs               | 0.00%         | 0.15%         | 0.00%         | 0.15%          | Additional work to complaint work  |
| Accidents          | 0.65%         | 0.00%         | 1.03%         | 1.68%          | Reports and investigations   |
| H&S                | 0.18%         | 0.25%         | 1.37%         | 1.81%          | Where clearly defined project and inspection work identified   |
| Food Hygiene       | 3.47%         | 7.32%         | 9.65%         | 20.44%         | May include some H&S work due to reports from flare not distinguishing                                       |
| Food Project       | 0.00%         | 3.54%         | 3.75%         | 7.29%          | Not recorded in BFC  |
| Food Sampling      | 0.00%         | 0.02%         | 0.16%         | 0.18%          | Not recorded in BFC  |
| ID                 | 0.59%         | 0.27%         | 0.58%         | 1.45%          | Reports and investigations   |
| Housing            | 0.04%         | 1.84%         | 0.78%         | 2.67%          | Majority reported within Service Requests  |
| Land Charges       | 0.00%         | 0.49%         | 0.13%         | 0.62%          | Inc. in SRs in BFC   |
| Licensing          | 10.54%        | 17.90%        | 21.75%        | 50.18%         |  |
| Noise Project      | 0.00%         | 0.21%         | 0.07%         | 0.27%          | Not recorded in BFC  |
| Planning           | 0.00%         | 0.04%         | 0.58%         | 0.63%          | Majority reported within Service Requests  |
| PPC                | 0.00%         | 0.11%         | 1.09%         | 1.20%          | BFC work within Licensing data at the moment   |
| PW                 | 0.70%         | 0.54%         | 5.16%         | 6.41%          | BFC work is swimming pool sampling, reflects the number of supplies within West Berks                        |
| <b>Grand Total</b> | <b>16.18%</b> | <b>33.65%</b> | <b>50.18%</b> | <b>100.00%</b> |  |

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### Public Protection Partnership Statement of Fees and Charges Methodology - Summary Report

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|  |                                   |
|--|-----------------------------------|
| Committee considering report:          | Joint Public Protection Committee |
| Date of Committee:                     | 12 <sup>th</sup> June 2018        |
| Date agreed by Joint Management Board: | 18 <sup>th</sup> May 2018         |
| Report Author:                         | Julia O'Brien                     |

#### 1. Purpose of the Report

At the JPPC meeting in December 2017 members agreed that proposals on an aligned set of fees and charges be presented to this meeting. Detailed work was to be undertaken with a view to implementing the cost recovery model from 2019/20. Cost recovery would involve a consistent assessment of the time undertaken on different activities and services and then multiplying that with the hourly rate.

Members recognised the detailed level of work that this would require and it was suggested that taxi licensing be made a priority.

The report, attached Appendix A, sets out the proposed methodology to amalgamate the fees and charges across the PPP, based on the Local Government Association published guidance of principles of how the charges may be calculated and the local intricacies of the authority areas.

The outcome of this work, would then be presented to the three Licensing Committees to consider implementing. This could result in different rates being set in different areas but each local authority could decide to subsidise any particular licence to seek to address any local concerns.

#### 2. Recommendation(s)

**2.1** It is recommended that the Committee approve the Fees and Charges methodology and resolve that:

- a)** The methodology set out in Appendix A be adopted with regard to the setting of PPP wide fees based on full cost recovery;

#### 3. Implications

- 3.1 Financial:** The fees and charges cover all work undertaken as part of the core work by the PPP that attracts a fee or charge. The fees set are either prescribed, in the case of those

issued under the Licensing Act 2003 and Gambling Act 2005, or discretionary, for example taxis and private hire, animals, street trading, which are based on the cost recovery model. The methodology described in Appendix A will form the basis of a PPP fee for all the licences and will include the efficiencies that economies of scale provide working with other authorities as part of shared working arrangements.

- 3.2 Policy:** It is a key responsibility of the Joint Committee to set the methodology for fee setting of the service. Detail of the proposed methodology is set out in Appendix A to this report.
- 3.3 Personnel:** There are no specific personnel issues arising out of this decision.
- 3.4 Legal:** The process of fee setting is provided for under The Local Government Act 2003 which provides powers for all Local Authorities to charge as well as specific pieces of legislation covering the wide range of the licensing regime. Functions delegated to the Joint Committee by the Councils have their basis in statute. Some of these fees are prescribed in the respective legislation others are able to be set by the local authority based on cost recovery.
- 3.5 Risk Management:** The failure to set the correct justifiable fee could result in a challenge to the fees or inability to undertake the required processes due to lack of resource from the fee not set high enough. The fees must be appropriately documented to ensure they can be justified and are appropriate – this is supported by the detailed methodology.
- 3.6 Property:** Nothing specifically arising from these proposals. It is recognised however that local delivery remains a high priority.
- 3.7 Other:** None

#### 4. Other options considered

None, the methodology laid out in Appendix A considers all fee and charges inclusions

## 5. Executive Summary

The report attached as Appendix A sets out the LGA guidance which aims to help councils understand the full breadth of issues that should be considered when setting local licence fees in order to meet legal obligations and provide the necessary reassurances to local businesses together with a proposed way forward of allocating the fees and charges for the PPP

## 6. Conclusion

**6.1** The proposed methodology sets out the fee setting process for the PPP in line with the LGA guidance and legislative requirements.

### Appendices

Appendix A – Supporting Information

Appendix B – Equalities Impact Assessment

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### Background Papers: LGA Guidance

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#### PPP Strategic Aims and Priorities Supported:

The proposals will help achieve the following Public Protection Partnership aims as stated in the Inter Authority Agreement:

- 1 – Community Protection**
- 2 – Protecting and Improving Health**
- 3 – Protection of the Environment**
- 4 – Supporting Prosperity and Economic Growth**
- 5 – Effective and Improving Service Delivery**

---

#### Officer details:

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Job Title: Team Manager – Licensing

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### Statement of Fees and Charges – Methodology to be followed towards consistency across the Public Protection Partnership

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Date of Meeting: JMB 16<sup>th</sup> March 2018

Report Author: Julia O'Brien

#### 1. Purpose of the Report

To inform the Joint Management Board (JMB) on the proposed methodology to amalgamate the fees and charges across the PPP based on the Local Government Association published guidance of principles of how the charges may be calculated and the local intricacies of the authority areas.

#### 2. Executive Summary

The report sets out the LGA guidance which aims to help councils understand the full breadth of issues that should be considered when setting local authority fees and charges in order to meet legal obligations and provide the necessary reassurances to local businesses together with a proposed way forward of allocating the fees and charges for the PPP.

:

#### 3. Background to Fee Setting – LGA Guidance

Regulatory services are increasingly recognised as being at the heart of councils' approaches to economic growth, officers working in Trading Standards, Environmental Health and Licensing licensing have regular interactions with businesses and can therefore have an important role in helping them become established and grow, at the same time as ensuring they adhere to important safeguards.

The Licensing service is responsible for administering a range of licences and approvals relating to both national legislation and discretionary functions that are agreed locally. For the majority of these regimes the costs are recovered through fees set by the council and paid by the licence applicant. It is an accepted principle in relation to these schemes that those who benefit from the system (eg licence holders) should cover the cost of it. Locally set fees are a vital means of ensuring both that full costs can be recovered thus reducing the risk of needing a subsidy from local tax payers, and that businesses do not pay more than they should.

Fees in relation to licences/permits etc within local government may be long established, however the decisions that are being made by individual councils in this area are facing increased scrutiny from businesses, the public and in the media, particularly in relation to fee setting. Recent case law resulting from the European

Services Directive for example has placed an added emphasis on the need for fees to be set in a legally robust and transparent manner.

The Local Government Association (LGA) has produced guidance to help councils understand the full breadth of issues that should be considered when setting local licence fees in order to meet legal obligations and provide the necessary reassurances to local businesses. There is no 'fee calculator' as such because there is no uniformity of service design and associated costs, rather each council should be free to design the service that best serves the needs of their community and recover costs accordingly.

It is an accepted principle that licensed activities should be funded on a cost-recovery basis, paid for by those benefiting from the licensed activity, rather than drawing on the public purse.

Where councils have the flexibility to set local fees, it is possible to consider how resources can be focused on risk; whether business support is effective; and how the burden of inspections can simply be removed where it is not necessary. A streamlined approach to licensing will ensure that fees are kept to a minimum and businesses can be encouraged to prosper.

The European Services Directive aims to make it easier for service and retail providers to establish a business anywhere within Europe. The principle of ensuring that regulation is transparent and that the burdens placed on businesses are kept to a minimum is an objective that all councils can support. However, the legal requirements in the Directive do have practical implications for local licensing regimes, including fee setting.

The Directive does not apply to licensing of taxis, or gambling activities; however, the principles remain a helpful way of providing a transparent and business-friendly approach to licensing.

The general principles of the Services Directive apply to all processes and administrative procedures that need to be followed when establishing or running a service or retail business, including the setting, charging and processing of fees for licences.

The core principles of the Directive – non-discriminatory; justified; proportionate; clear; objective; made public in advance; transparent and accessible – apply to fee setting and have the aim of ensuring a fair and transparent approach for local businesses and communities.

The principle of 'non-discrimination' applies to fee setting meaning that all applicants must be treated equally irrespective of location and/ or nationality. Councils should not, for instance, seek to subsidise businesses operating in one geographical area by offering comparatively lower fees than required of those operating in another. This would be discriminatory. The importance of this approach has also been established by case law on taxi and PHV licensing which, as it is not covered by the Services Directive, demonstrates that some core principles are shared between UK and EU legislation. *Cummings v Cardiff* ruled that the charges within a licensing regime for

different categories of licence should not subsidise each other; so a surplus gained on hackney carriage licences should not reduce the cost of a private hire vehicle licence. This can be logically extended to mean that the fees received under one licensing regime must not subsidise fees charged under another. For instance, a surplus generated by taxi fees must be reinvested back into taxi licensing and not used to reduce the cost of, for instance, a scrap metal dealers licence.

All councils should therefore ensure that they have individual, discrete cost-calculations for each of the licensing regimes that they operate.

Under the Services Directive councils need to ensure that details of any fees are easily accessible online, including the ability to make payments online.

Councils should be able to separate out the cost of processing an initial application from those costs associated with the ongoing administration of a scheme, because this latter element cannot be charged to unsuccessful licence applicants. This was a key issue in the *Hemming v Westminster* case. In this it was established that licensing authorities need to ensure their fee structures for fees covered by the Services Directive, that application fees relate solely to the cost of authorisation procedures (ie, the costs associated with reviewing an application and granting / refusing a licence).

Further more successful licence applicants should subsequently be charged an additional fee relating to the costs of administering and enforcing the relevant licensing framework.

Not all legislation permits councils to separate out elements of the fee in this way. For instance, the Licensing Act 2003 has fees set nationally, which constrains councils' ability to adopt this approach.

It is deemed appropriate that councils should calculate the notional costs of administration and enforcement separately and make applicants aware of the two elements to the fee. In addition to meeting the transparency requirements of the Services Directive, this enables councils to examine the efficiency of their internal processes and make improvements where necessary.

The Directive also includes specific requirements that apply to the charging of fees. Charges must be reasonable and proportionate to the cost of the processes associated with a licensing scheme. Councils must not use fees covered by the Directive to make a profit or act as an economic deterrent to deter certain business types from operating within an area.

Fees should be broadly cost neutral in budgetary terms, so that, over the lifespan of the licence, the budget should balance. Those benefitting from the activities permitted by the various licences should not, so far as there is discretion to do so, be subsidised by the general fund. To ensure that fees remain reasonable and proportionate it is necessary to establish a regular and robust review process. Annual reviews allow for the fine tuning of fees and allow councils to take steps to avoid either a surplus or deficit in future years.

Councils that divert fees income from the relevant licensing scheme to fund other licensing work, or to fund other council activities, will be breaking the law. Where fees charged result in a surplus, both *Hemming v Westminster* and *Cummings v Cardiff* state that this surplus must be used to reduce the fees charged in the following year.

Deficits can similarly be recovered<sup>5</sup>, although where there is a significant deficit, councils may want to consider how recovery can be undertaken over more than one year so as not to financially harm otherwise viable businesses.

In the interests of transparency it is helpful to give an indication of how the fee level has been calculated; the review process in place and a contact method for businesses to query or challenge the fees. Open consultation with businesses and residents to design a local service, including understanding the implications for fees, helps to provide a robust answer to challenge.

### **What can be included in a licence fee?**

The following elements may be considered when setting licence fees depending on whether they apply locally, or individual pieces of legislation may have specific items that may or may not be chargeable under the scheme.

Initial application costs could include:

**Administration** – this may cover basic office administration to process the licence application, such as resources, photocopying, postage or the cost of handling fees through the finance department. This could also include the costs of specialist licensing software to maintain an effective database, and printing licences.

**Initial visit/s** – this could cover the average cost of officer time if a premises visit is required as part of the authorisation process. This may include travel time and ‘on-costs’

**Third party costs** – some licensing processes will require third party input from experts, such as veterinary attendance during licensing inspections at animal related premises.

**Liaison with interested parties** – engaging with responsible authorities and other stakeholders will incur a cost in both time and resources.

**Management costs** – these may be included as an average management fee where it is a standard process for the application to be reviewed by a management board or licensing committee or alternatively as an ‘on cost’

**Local democracy costs** – consideration of the recovery of any necessary expenditure in arranging committee meetings or hearings to consider applications may be considered.

**On costs** – including any recharges for payroll, accommodation, including heating

and lighting, and supplies and services connected with the licensing function.

**Development, determination and production of licensing policies** – the cost of consultation and publishing policies can be fully recovered.

**Web material** – the EU Services Directive requires that applications, and the associated guidance, can be made online and the budget for this work may be included.

**Advice and guidance** – this includes advice in person, production of leaflets or promotional tools, and online advice.

**Setting and reviewing fees** – this includes the cost of time associated with the review, as well as the cost of taking it to a committee for approval.

Further compliance and enforcement costs could include:

**Additional monitoring and inspection visits** – councils may wish to include a charge for risk based visits to premises in between licensing inspections and responding to complaints. As with the initial licensing visit, councils can consider basing this figure on average officer time, travel, administration, management costs and on costs as above.

**Local democracy costs** – councils may want to recover any necessary expenditure in arranging committee meetings or hearings to review existing licences or respond to problems.

**Registers and national reporting** – some licensing schemes require central government bodies to be notified when a licence is issued. The costs of doing this can be recovered.

### **Charging for action against unlicensed traders**

A Councils' ability to charge for these costs as part of a licensing scheme depends on the licensing scheme in question. In *Hemming v Westminster*, the Supreme Court ruled that the Services Directive made no mention of enforcement costs. Councils' ability to charge these costs to applicants for licences is therefore dependent on the UK legislation.

The Court ruled that licensing authorities are entitled under the Local Government (Miscellaneous Provisions) Act 1982 to impose fees for the grant or renewal of licences covering the running and enforcement costs of the licensing scheme; in this case, e.g. sex shops. However, legal interpretation of taxi and PHV licensing suggests that councils do not have the power to recover the costs of any enforcement against licensed or unlicensed drivers at all, although they may recover the costs of enforcement against vehicles.

The LGA believes that section 70(1) of the 1976 Act makes it clear that the costs of

enforcement against licensed operators can also be recovered through a fee; however, the position on recovering these costs is contested. Home Office guidance under the Scrap Metal Dealers Act, which councils must have regard to, prevents the recovery of enforcement costs against unlicensed dealers only.

### **Unrecoverable costs**

It is worth considering that the costs of defending appeals in the magistrate's court or via judicial review can be recovered through the courts. Including these costs within the fees regime could lead to recovering the costs twice, which would be inconsistent with the Services Directive.

### **4. PPP fees and charges setting**

The current fees for West Berkshire/Wokingham and Bracknell have not been amalgamated as yet but it is the clear wish for the PPP that they are as consistent as is possible as agreed by the JPPC in December 2018, it is seen as a good opportunity to review all of the fees and charges as a fresh start and produce a meaningful robust and transparent fee structure that are well founded.

The JPPC agreed at the December meeting that the fees should be looked at with the high volume fees as a priority-taxis and PHV licences. The differences in the two fees structures is particularly notable in this area.

It is anticipated that the timescale for this would mean a proposed set of fees could be brought back to the JMB by August/ September to allow for them to be part of each Councils budget setting in October..

It is proposed that a review of the animal licence fees is not included as there is a proposed change to this licensing regime likely to come into effect later this year which is thought to include standard fees.

The basic model for setting the discretionary fees across the service will be to look at each licence type – taking into account the guidance of the LGA Open for Business publication and the principles it outlines on what can and cannot be charged for and arrive at a time/cost equation for the process and fee based on the hourly fee of £55. This hourly fee was a result of work undertaken by Paul Anstey in 2017 for the PPP.

The time element of the fees setting will be informed by time recording which is currently carried out across the service and by some additional 'time and motion' studies for each licence type.

Following an agreed fees and charges statement, it will need to go through the appropriate process in each authority of the PPP, which will include the Licensing Committee for information and full Council. It is a matter for each Authority them if they agree the figures proposed but as the fees will be set on a cost recovery based model any diversion from this will need to be subsidised by the authority, which is a potential risk for them.



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### Equality Impact Assessment – Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:**
    - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
    - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

|   |  |
|---|--|
| <b>What is the proposed decision that you are asking the Committee to make:</b>               | To approve the methodology for fee setting across the Public Protection Partnership. |
| <b>Summary of relevant legislation:</b>   | Various pieces of legislation depending on the type of licence                       |
| <b>Does the proposed decision conflict with any of the Council's key strategy priorities?</b> | No   |
| <b>Name of assessor:</b>  | Julia O'Brien  |
| <b>Date of assessment:</b>  | 11.05.2018   |

| Is this a: |     | Is this:                             |     |
|------------|-----|--------------------------------------|-----|
| Policy     | No  | New or proposed                      |     |
| Strategy   | Yes | Already exists and is being reviewed | New |
| Function   | Yes | Is changing                          | No  |
| Service    | Yes |                                      |     |

|   |   |
|---|---|
| <b>1. What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?</b> |   |
| <b>Aims:</b>  | To approve the methodology on the setting of fees and charges across the PPP  |
| <b>Objectives:</b>  | To harmonise the PPP fees and charges across all 3 authorities as currently Bracknell's are different to the West Berkshire/Wokingham ones. On a cost recovery basis. |
| <b>Outcomes:</b>  | A standard set of fees and charges across the PPP.  |
| <b>Benefits:</b>  | A single set of fees is to the benefit of service users by being easier to understand as being operated as a single service.  |

|   |                                  |                                    |
|---|----------------------------------|------------------------------------|
| <b>2. Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.</b> |                                  |                                    |
| (Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)          |                                  |                                    |
| <b>Group Affected</b>   | <b>What might be the effect?</b> | <b>Information to support this</b> |

|   |      |  |
|---|------|--|
| Age   | None |  |
| Disability  | None |  |
| Gender Reassignment   | None |  |
| Marriage and Civil Partnership  | none |  |
| Pregnancy and Maternity   | none |  |
| Race  | None |  |
| Religion or Belief  | None |  |
| Sex   | None |  |
| Sexual Orientation  | None |  |
| <b>Further Comments relating to the item:</b>   |      |  |
| The harmonisation of fees across the PPP may lead to some of West Berkshire and Wokingham's to go up and down to meet Bracknell's which may also go up or down to meet West Berkshires and Wokingham's. |      |  |

|  |    |
|--|----|
| <b>3. Result</b>   |    |
| <b>Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?</b>   | no |
| <b>Please provide an explanation for your answer:</b><br>Some types of licence fee may go up as well as others going down but the harmonisation of fees will mean licence types across the PPP are the same in the majority of cases save where there are local reasons why this should not occur. |    |
| <b>Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?</b>  | No |
| <b>Please provide an explanation for your answer:</b>  |    |

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment. If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

|   |   |
|---|---|
| <b>4. Identify next steps as appropriate:</b> |   |
| <b>Stage Two required</b>                     | <b>No (see note above concerning individual activities and the need for further assessment)</b> |

|  |  |
|--|--|
| <b>Owner of Stage Two assessment:</b>      |  |
| <b>Timescale for Stage Two assessment:</b> |  |

**Name: Sean Murphy**

**Date: 11/05/2018**

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**Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) ([rachel.craggs@westberks.gov.uk](mailto:rachel.craggs@westberks.gov.uk)), for publication on the WBC website.**

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### GDPR - Summary Report

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|  |                                   |
|--|-----------------------------------|
| Committee considering report:          | Joint Public Protection Committee |
| Date of Committee:                     | 12 <sup>th</sup> June 2018        |
| Date agreed by Joint Management Board: | 20 <sup>th</sup> April 2018       |
| Report Author:                         | Emma Coles                        |

#### 1. Purpose of the Report

To set out the key processes and policies relating to the Public Protection Partnership information governance arrangements for the period 2018-2021 in line with the General Data Protection Regulations.

#### 2. Recommendation(s)

- 2.1** That the Committee Note the work to date to achieve compliance with the General Data Protection Regulations as well as the content of the draft policies.

#### 3. Implications

- 3.1 Financial:** Uniform West Berks module was paid for in the last financial year. Uniform BFC has been invoice for 18/19 at £2500. Flare which we will be reviewing on the 17<sup>th</sup> April 2018 have quoted a one off charges: GDPR Toolkit £10,000, Consultancy for installation/training: £1,360 and a Annual: £2,500 pa maintenance this would again be spilt with our partners that share this system. Opentext would also be a split payment arrangement with Planning in West Berks waiting on quote. The average cost of modules is £10,000. Over time payments may be required to complete parts or all of the project a set budget would need to be agreed if this is the case.
- 3.2 Policy:** The Joint Committee is tasked with oversight of the delivery of all aspects of the functions that have been delegated to it by the Councils. This includes awareness of and where appropriate approval of key policies. This report includes drafts of a number of policy documents relating to compliance with General Data Protection Regulations.
- 3.3 Personnel:** The setting up of the GDPR module will remove resource from the intelligence team and is likely to have an impact on the daily tasks that the RIA's perform. To get a consultant in to process this work load would add additional financial pressure to the IT budget for this year 18/19. Over time could be offered to complete this project

but that would be an additional financial aspect to be taken from the budget. Increased workload even as over time would affect the work life balance of the RIA's and the senior Management Team which could have an impact on moral. The paper file project that has been identify will not be completed by the 25<sup>th</sup> May 2018 but will also need resource allocation to complete either within work hours or as over time.

- 3.4 Legal:** Compliance with GDPR became a statutory requirement as of the 25<sup>th</sup> May 2018. This includes the need to have clear policies in place.
- 3.5 Risk Management:** The risks for this project are based around capacity for the implementation. We have the skill within the service but not the skill to back fill the RIA's posts within the service which would mean that other areas of work would be put at risk during the implementation period.
- 3.6 Property:** None
- 3.7 Other:** None

#### 4. Other options considered

- 4.1** The Strategy and policies need not be developed or reviewed. This would hinder progress in regard to the changes in legislative. It would also delay PPP's ability to comply with necessary developments in regards to GDPR legislation.
- 4.2** We could do nothing but then we would be liable if audited for the new fine system being put in place with the GDPR legislation.

#### 5. Executive Summary

- 5.1** The General Data Protection Regulation (GDPR) has updated the way of working in regards to data protection. This has had an impact on the way personal data is managed and as such the documents, processes and policies have to be refreshed to capture this change.
- 5.2** The review ensures that legal updates are recorded and changes implemented. Also that the risks are reviewed in a timely manner to negate any issues.

#### 6. Conclusion

- 6.1** Implementation of this legislation needs to occur not only for the financial protect of the service but also for the protection of our customers.

### Appendices

- Appendix A – PPP Privacy Notice Template
- Appendix B – PPP Retention and Destruction Schedule
- Appendix C – PPP Right to be Forgotten Policy
- Appendix D – PPP Information Management Strategy
- Appendix E – GDPR Briefing Note

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### Background Papers:

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### PPP Strategic Aims and Priorities Supported:

The proposals will help achieve the following Public Protection Partnership aims as stated in the Inter Authority Agreement:

- 1 – Community Protection**
- 2 – Protecting and Improving Health**
- 3 – Protection of the Environment**
- 4 – Supporting Prosperity and Economic Growth**
- 5 – Effective and Improving Service Delivery**

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### Officer details:

Name: Emma Coles

Job Title: Team Manager – Partnership Support Team

Tel No: 01344 352583

E-mail Address: emma.coles@westberks.gov.uk

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## **Privacy Notice template for service area to comply with GDPR**

**Privacy Notice** - This notice explains when we collect personal data, what we use it for, who we share it with and your rights.

**Who are we:** *Insert your service name, address and contact details.*

**The lawful basis for processing the information:** *Please insert the legislation that you work to, for example 'Local Government Finance Act 1992'*

**How do we collect information from you:** *Provide a description of how you collect the information* .... is it provided by the data subject or from another source?

For example: Personal data is supplied by service users or by completing 'insert what forms are filled in or by completing our online forms on our website' or by third parties such as .Gov, Landlords and Agents.

**What type of information is collected from you:** *Provide details of the personal data your team collects.* This might include name, address, contact details .. expand on any other types of personal data your service collects.

**How we use the information you have provided:** *Provide a detailed explanation of what you do with the personal data*

**Who has access to the information about you:** *Provide an explanation of who would be able to access the information and why (not names of individual employees).*

**Who we may share your information with:** *Provide details of other service areas and organisations that you may be required to share information with.*

**How long we store your information:** *This will be a link to PPP's retention schedule once it has been completed.*

**Does your service utilise automate decision making?** - individuals have the right not to be subject to a decision when it is based on automated processing unless it is necessary for entering into or performance of a contract between you and the individual, is authorised by law (eg for the purpose of fraud or tax evasion prevention) or is based on explicit consent.



## Public Protection Partnership

### Records Retention & Destruction Schedule

**DOCUMENT CONTROL:**

|                  |  |
|------------------|--|
| VERSION          | Version 1  |
| DATE AGREED      |  |
| NEXT REVIEW DATE |  |
| AGREED BY        |  |
| AUTHOR(S)        | Emma Coles – Team Manager<br>Partnership Support |

## Introduction

This document sets out the legislation, guidance and policy about record retention; it cannot provide for every eventuality.

All records should be reviewed at the end of any quoted time and considered both as individual records and in relation to departmental records as a whole, bearing in mind the purpose and value of their retention. For legal reasons a small number of records will need to be kept in their original manual format as well as electronically.

### This document has been set out in columns:

|   |                             |   |
|---|-----------------------------|---|
| 1 | <b>Record</b>               | Describes the kinds of files and documents that the PPP uses.   |
| 2 | <b>Legislation/Guidance</b> | Information about the actual law or the area of law that is appropriate for such records. There is not always a law setting out a retention period; in such instances it is guidance, departmental policy or usage which dictates the retention period. RGLA means retention Guidelines for Local Authorities issued by the Records Management Society. |
| 3 | <b>Retention Period</b>     | Retention Period describes minimum retention periods. Where there is no clear indication as to when this time should be counted from it should be assumed that the Retention Period is from the time the file/record is closed.<br><br>All retention periods quoted as legislative requirements are minimum periods for retention only.                 |
| 4 | <b>Retention Policy</b>     | Retention Policy describes what should be done at the end of the retention period; destroy or review it to see if it should be held for longer.   |
| 5 | <b>Location</b>             | Location describes where the records should spend their Retention Period and where you may move them to after they have been reviewed.  |
| 6 | <b>Staff responsible</b>    | This gives the post title of the person who should make sure that all the retention and destruction rules are kept and that all actions are taken. This is not necessarily the person who does the review or carries out the actual destruction.  |

## Confidential Information

All records which contain confidential information should be stored, transported and disposed of in a secure way.

## Litigation

Where Records are subject to litigation, they must not be destroyed until any known threat of litigation has been resolved.

## Destruction Policy

Files and electronic information should be destroyed in a manner which prevents their reconstitution. This includes backup copies stored on alternative media (server/microfilm/paper).

## Review

The Joint Management Board will consider suggested changes, and if agreed will have the schedule updated accordingly, ensuring adequate audit trail and version control is maintained.

## Record storage

Documents will be disposed of (once scanned), Only in cases where there is a compelling legal reason, should hard copy file notes, letters, inspection reports, memos, database printouts, plans and other day-to-day documents be kept.

The data Management systems (FLARE (APP) / UNIFORM West Berks / UNIFORM BFC) and the Opentext EDRMS / IDOX EDRMS will be password protected to restrict access only to authorised staff members.

Documents are to be stored electronically against the appropriate case record within one of PPP's data management systems. Where documents are not immediately scanned, they are to be put on the appropriate file within 10 working days.

**Please note that statutory retention periods will always take precedence over this Schedule.**

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## Performance

| Record                         | Legislation/<br>Guidance | Retention<br>Period | Retention Policy | Retention<br>Location | Member of Staff<br>Responsible |
|--------------------------------|--------------------------|---------------------|------------------|-----------------------|--------------------------------|
| Joint Management Board Minutes |                          | 6 years             | Destroy          | I drive secure file   | Management Support Officer     |
| Key Performance Indicators     |                          | 6 years             | Destroy          | I drive secure file   | Management Support Officer     |
| Service Complaints             | RGLA                     | 6 years             | Destroy          | I drive secure file   | Management Support Officer     |

## Communications

| Record                   | Legislation/<br>Guidance | Retention<br>Period                         | Retention Policy | Retention<br>Location | Member of Staff<br>Responsible      |
|--------------------------|--------------------------|---|------------------|-----------------------|-------------------------------------|
| Photography              | GDPR                     | Photographs and permission slips – 2 years. | Destroy          | I drive secure file   | Communications & Engagement Officer |
| Information on Newsflash | GDPR                     | 5 years                                     | Destroy          | I drive secure file   | Communications & Engagement Officer |

### Information Management

| Record   | Legislation/<br>Guidance         | Retention<br>Period | Retention<br>Policy | Retention<br>Location | Member of Staff<br>Responsible |
|--|----------------------------------|---------------------|---------------------|-----------------------|--------------------------------|
| Record of information destroyed  | Freedom of Information Act (s45) | 20 years            | Destroy             | I drive secure file   | Management Support Officer     |
| Freedom of Information Responses   |                                  | 2 years             | Destroy             | I drive secure file   | Management Support Officer     |
| Freedom of Information Monitoring Information (depersonalised information) |                                  | 10 years            | Destroy             | I drive secure file   | Management Support Officer     |

### Hospitality Register

| Record               | Legislation/<br>Guidance | Retention<br>Period | Retention<br>Policy | Retention<br>Location | Member of Staff<br>Responsible |
|----------------------|--------------------------|---------------------|---------------------|-----------------------|--------------------------------|
| Hospitality Register |                          | 6 years             | Review              | I drive secure file   | Management Support Officer     |

**Human Resources Files**

| <b>Record</b>                                    | <b>Legislation/<br/>Guidance</b> | <b>Retention<br/>Period</b>      | <b>Retention<br/>Policy</b> | <b>Retention<br/>Location</b>            | <b>Member of Staff<br/>Responsible</b> |
|--|----------------------------------|----------------------------------|-----------------------------|--|--|
| Personal files of employees                      |                                  | 7 years after ceasing employment | Destroy                     | Electronic file server at West Berkshire | Human Resources Team                   |
| Disciplinary records                             |                                  | 7 years                          | Destroy                     | Electronic file server at West Berkshire | Human Resources Team                   |
| Expenses and salary records (eg Phone, overtime) |                                  | 6 years                          | Destroy                     | Electronic file server at West Berkshire | Payroll                                |
| Sign in sheets                                   | Working Time Regulations 1998    | 2 years for managers use         |                             | I drive secure file                      | Partnership Support Manager            |
| Holiday Records                                  | Working Time Regulations 1998    | 2 years for managers use         |                             | I drive secure file                      | Partnership Support Manager            |

## Recruitment & Appraisal Documentation

| Record  | Legislation | Retention Period   | Retention Policy                  | Retention Location                                      | Member of Staff Responsible                    |
|---|-------------|--|-----------------------------------|---|--|
| Recruitment documentation (including unsuccessful applicants) |             | Six months<br><br>Six months                                 | Destroy<br><br>Remove from system | Held Borough Wide (paper records)<br>Electronic records | Recruiting Manager<br><br>Human Resources      |
| Staff appraisal   |             | 7 years after ceasing employment                             | Destroy                           | I drive secure file                                     | Line Manager.                                  |
| Job descriptions  |             | 15 years or as Personnel file                                |                                   | I drive secure file                                     | Line Manager<br><br>Management Support Officer |
| Person specifications   |             | 15 years or as personnel file                                |                                   | I drive secure file                                     | Line Manager<br><br>Management Support Officer |
| Information regarding permission to work in UK                |             | Held on personal file until 7 years after ceasing employment | Destroy                           | HR Team<br>West Berkshire                               | HR   |
| Criminal Records Disclosure                                   |             | 6 months (in accordance with DBS guidelines)                 | Destroy                           | 6 Months in HR Sections                                 | HR   |

### Staff Sickness Records

|  |  |                           |         |   |                            |
|--|--|---------------------------|---------|---|----------------------------|
| Self Certification Sick Notes            |  | Current year plus 3 years | Destroy | HR West Berkshire                         | Line Managers and HR       |
| Doctor's Medical Certificate             |  | Current year plus 3 years | Destroy | HR West Berkshire                         | Line Managers and HR       |
| Departmental Monthly Returns of Sickness |  | 2 years                   | Destroy | I drive secure file and HR West Berkshire | Management Support Officer |

### Learning & Development

| Record   | Legislation/ Guidance        | Retention Period         | Retention Policy                                      | Retention Location  | Member of Staff Responsible |
|--|------------------------------|--------------------------|---|---------------------|-----------------------------|
| Information on NVQ assessors/candidates/ verifiers               | Requirement of Awarding Body | 3 years after completion | Copy of final certificate retained on Personnel file. | I drive secure file | Partnership Support Manager |
| Staff training records (excluding NVQ)                           |                              | See staff/personal files | Review  | I drive secure file | Partnership Support Manager |
| Records of one off/independent training carried out within teams |                              | 1 year                   | Destroy   | I drive secure file | Partnership Support Manager |

## Finance

(Retention Periods should be read as full financial years after closure or last entry)

| Record  | Legislation/<br>Guidance                      | Retention<br>Period                                 | Retention Policy | Retention<br>Location | Member of Staff<br>Responsible               |
|---|---|---|------------------|-----------------------|--|
| Audited Accounts/<br>Statement of<br>accounts   | Audit, Tax, VAT,<br>Statute of<br>Limitations | Indefinitely  |                  | Corporate Finance     | Borough Treasurer                            |
| Financial System<br>reconciliations   | “ “   | Current year +1                                     | Destroy          | Corporate Finance     | Corporate Group<br>Accountant                |
| Annual Budget   | RGLA 7.11                                     | Permanently   |                  | I drive secure file   | Partnership<br>Support Manager<br>Accountant |
| Process of<br>developing local<br>authority budget<br>(draft budgets,<br>departmental<br>budgets, draft<br>estimates) | RGLA 7.12                                     | 2 years after<br>annual budget<br>adopted           | Destroy          | I drive secure file   | Partnership<br>Support Manager<br>Accountant |
| Monthly budget<br>monitoring reports  | RGLA 7.13                                     | Until the next years<br>annual budget is<br>adopted | Destroy          | I drive secure file   | Partnership<br>Support Manager<br>Accountant |

## Financial Documentation

| Record  | Legislation/<br>Guidance                | Retention<br>Period | Retention<br>Policy | Retention<br>Location | Member of Staff<br>Responsible |
|---|---|---------------------|---------------------|-----------------------|--------------------------------|
| Record of payment by debit or credit card                               |   | 3 months            | Destroy             | I drive secure file   | Partnership Support Manager    |
| Purchase orders and order books   | Audit, Tax, VAT, Statute of Limitations | 6 years             | Destroy             | I drive secure file   | Partnership Support Manager    |
| Delivery Notes  | “ “                                     | 6 years             | Destroy             | I drive secure file   | Partnership Support Manager    |
| Goods received book   | “ “                                     | 6 years             | Destroy             | I drive secure file   | Partnership Support Manager    |
| Creditor Invoices received  | “ “                                     | 6 years             | Destroy             | I drive secure file   | Partnership Support Manager    |
| Credit notes received   | “ “                                     | 6 years             | Destroy             | I drive secure file   | Partnership Support Manager    |
| Finance correspondence where it provides evidence of income/expenditure | “ “                                     | 6 years             | Destroy             | I drive secure file   | Partnership Support Manager    |

**ICT**

| <b>Record</b>                       | <b>Legislation/<br/>Guidance</b>                         | <b>Retention<br/>Period</b>         | <b>Retention Policy</b> | <b>Retention<br/>Location</b> | <b>Member of Staff<br/>Responsible</b> |
|-------------------------------------|--|-------------------------------------|-------------------------|-------------------------------|--|
| IT logs                             | Government Connect V4.1 requirement 13.3                 | 6 months                            | Review and destroy      | I drive secure file           | Intelligence Team Manager              |
| Software licences                   | Copyright (Computer Programs) Regulations 1992 (SI 3233) | For duration of licence plus 1 year | Review and destroy      | I drive secure file           | Intelligence Team Manager              |
| Project files                       |  | 6 years                             | Destroy                 | I drive secure file           | Project Manager                        |
| Security reports, access violations |  | 6 years                             | Review                  | I drive secure file           | Intelligence Team Manager              |

**E Mails**

**This applies to all e-mails sent and received**

| <b>Record</b>              | <b>Legislation/<br/>Guidance</b> | <b>Retention<br/>Period</b> | <b>Retention Policy</b> | <b>Retention<br/>Location</b> | <b>Member of Staff<br/>Responsible</b> |
|----------------------------|----------------------------------|-----------------------------|-------------------------|-------------------------------|--|
| E mails in Archive Manager | GDPR                             | 5 years                     | Destroy                 | Archive Manager               | Intelligences Team Manager             |
| Back up of Archive Manager | GDPR                             | 6 years                     | Destroy                 | Archive Manager               | Intelligences Team Manager             |

**Environmental Health**

| <b>Record</b>  | <b>Legislation/<br/>Guidance</b> | <b>Retention<br/>Period</b>  | <b>Retention Policy</b> | <b>Retention<br/>Location</b> | <b>Member of Staff<br/>Responsible</b> |
|--|----------------------------------|--|-------------------------|-------------------------------|--|
| Applications for food registration   | All                              | Disposed of once closed  | Destroy                 | I drive secure file           | Commercial Team Manager                |
| Service enquiries not resulting in court or simple caution                     |                                  | 3 years  | Destroy                 | I drive secure file           | Senior Management Team                 |
| Notices  | All                              | 2 years after expiry/compliance  | Destroy                 | I drive secure file           | Senior Management Team                 |
| Supporting documentation (complaints, investigations, relating to court cases) | All                              | Until payment received or court case concluded and period of appeal expired, plus 3 years. | Original documents      | I drive secure file           | Senior Management Team                 |
| Accident report forms  | Health & Safety Act 1974         | 7 years (insurance claims reasons). If a minor until they reach 21 years of age            | Destroy                 | I drive secure file           | Commercial Team Manager                |
| Private Water Supplies   | Private Water Supply Regs 2009   | 30 years for all supplies  | Destroy                 | I drive secure file           | EQ Team Manager                        |

## Trading Standards

| Record   | Legislation/<br>Guidance              | Retention<br>Period   | Retention Policy | Retention<br>Location | Member of Staff<br>Responsible |
|--|---------------------------------------|---|------------------|-----------------------|--------------------------------|
| Applications for licenses/consents/<br>Permits/registration                    |                                       | Duration of Licence plus 3 years.<br>Original documents to be kept whilst current, then to be electronically stored | Destroy          | I drive secure file   | Partnership Support Manager    |
| Service Enquiries  |                                       | 3 years   | Destroy          | I drive secure file   | Senior Management Team         |
| Notices  | All                                   | 2 years after expiry / compliance   | Destroy          | I drive secure file   | Senior Management Team         |
| Supporting documentation (complaints, investigations, relating to court cases) | All                                   | Until payment received, or court case concluded and period of appeal expired, plus 3 years.                         | Destroy          | I drive secure file   | Senior Management Team         |
| Documents regarding storage of explosives and petroleum                        | Explosives Act 1875<br>Petroleum Acts | Indefinitely unless the plan etc is replaced/updated/amended  |                  | I drive secure file   | Trading Standards Manager      |
| Details of premises inspections  | All                                   | 3 years   | Destroy          | I drive secure file   | Senior Management Team         |

**Stray Dogs**

|   |                                   |         |         |                     |                          |
|---|-----------------------------------|---------|---------|---------------------|--------------------------|
| Dog Register (stray and abandoned dogs) | Environmental Protection Act 1990 | 2 years | Destroy | I drive secure file | Residential Team Manager |
|---|-----------------------------------|---------|---------|---------------------|--------------------------|





## Public Protection Partnership Right to be Forgotten Policy

|                  |   |
|------------------|---|
| Version          | Version 1                                     |
| Date Agreed      |   |
| Next Review Date |   |
| Agreed by        | Joint Management Board                        |
| Author(s)        | Emma Coles – Partnership Support Team Manager |

## Introduction

The new General Data Protection Regulation (GDPR) replaces the longstanding Data Protection Act in May 2018. It significantly tightens up the rules on privacy and consent. The new General Data Protection Regulation increases individuals' rights on personal data and will be fully enforceable by May 2018. Under Article 17 of the GDPR individuals have the right to have personal data erased. This is also known as the 'right to be forgotten'. The right is not absolute and only applies in certain circumstances.

### At a glance

- The GDPR introduces a right for individuals to have personal data erased.
- The right to erasure is also known as 'the right to be forgotten'.
- Individuals can make a request for erasure verbally or in writing.
- PPP have one month to respond to a request.
- The right is not absolute and only applies in certain circumstances.
- This right is not the only way in which the GDPR places an obligation on PPP to consider whether to delete personal data.

### When does the right to erasure apply?

Individuals have the right to have their personal data erased if:

- the personal data is no longer necessary for the purpose which you originally collected or processed it for;
- you are relying on consent as your lawful basis for holding the data, and the individual withdraws their consent;
- you are relying on legitimate interests as your basis for processing, the individual objects to the processing of their data, and there is no overriding legitimate interest to continue this processing;
- you are processing the personal data for direct marketing purposes and the individual objects to that processing;
- you have processed the personal data unlawfully (ie in breach of the lawfulness requirement of the 1st principle);
- you have to do it to comply with a legal obligation; or
- you have processed the personal data to offer information society services to a child.

### How does the right to erasure apply to data collected from children?

There is an emphasis on the right to have personal data erased if the request relates to data collected from children. This reflects the enhanced protection of children's information, especially in online environments, under the GDPR. Therefore, if PPP process data collected from children, PPP should give particular weight to any request for erasure if the processing of the data is based upon consent given by a child – especially any processing of their personal data on the internet. This is still the case when the data subject is no longer a child, because a child may not have been fully aware of the risks involved in the processing at the time of consent.

### Do we have to tell other organisations about the erasure of personal data?

The GDPR specifies two circumstances where PPP should tell other organisations about the erasure of personal data:

- the personal data has been disclosed to others; or
- the personal data has been made public in an online environment (for example on social networks, forums or websites).

If PPP have disclosed the personal data to others, you must contact each recipient and inform them of the erasure, unless this proves impossible or involves disproportionate effort. If asked to, PPP must also inform the individuals about these recipients.

The GDPR defines a recipient as a natural or legal person, public authority, agency or other body to which the personal data are disclosed. The definition includes controllers, processors and persons who, under the direct authority of the controller or processor, are authorised to process personal data.

Where personal data has been made public in an online environment reasonable steps should be taken to inform other controllers who are processing the personal data to erase links to, copies or replication of that data. When deciding what steps are reasonable you should take into account available technology and the cost of implementation.

### **When does the right to erasure not apply?**

The right to erasure does not apply if processing is necessary for one of the following reasons:

- to exercise the right of freedom of expression and information;
- to comply with a legal obligation;
- for the performance of a task carried out in the public interest or in the exercise of official authority;
- for archiving purposes in the public interest, scientific research historical research or statistical purposes where erasure is likely to render impossible or seriously impair the achievement of that processing; or
- for the establishment, exercise or defence of legal claims.

The GDPR also specifies two circumstances where the right to erasure will not apply to special category data:

- if the processing is necessary for public health purposes in the public interest (eg protecting against serious cross-border threats to health, or ensuring high standards of quality and safety of health care and of medicinal products or medical devices); or
- if the processing is necessary for the purposes of preventative or occupational medicine (eg where the processing is necessary for the working capacity of an employee; for medical diagnosis; for the provision of health or social care; or for the management of health or social care systems or services). This only applies where the data is being processed by or under the responsibility of a professional subject to a legal obligation of professional secrecy (eg a health professional).

### **Can we refuse to comply with a request for other reasons?**

PPP can refuse to comply with a request for erasure if it is manifestly unfounded or excessive, taking into account whether the request is repetitive in nature. In either case a justification your decision will need to be made.

### **What should we do if we refuse to comply with a request for erasure?**

Inform the individual without undue delay and within one month of receipt of the request.

PPP should inform the individual about:

- the reasons PPP are not taking action;
- their right to make a complaint to a supervisory authority; and
- their ability to seek to enforce this right through a judicial remedy.

Also provide this information if PPP request a reasonable fee or need additional information to identify the individual.

### **Can we charge a fee?**

No, in most cases PPP cannot charge a fee to comply with a request for erasure.

However, as noted above, where the request is manifestly unfounded or excessive PPP may charge a “reasonable fee” for the administrative costs of complying with the request.

### **How long do we have to comply?**

PPP must act upon the request without undue delay and at the latest within one month of receipt.

PPP should calculate the time limit from the day after you receive the request (whether the day after is a working day or not) until the corresponding calendar date in the next month.

### **Can we extend the time for a response?**

PPP can extend the time to respond by a further two months if the request is complex or PPP have received a number of requests from the individual. PPP must let the individual know without undue delay and within one month of receiving their request and explain why the extension is necessary.

### **Can we ask an individual for ID?**

If PPP have doubts about the identity of the person making the request PPP can ask for more information. However, it is important that PPP only request information that is necessary to confirm who they are.

PPP must let the individual know without undue delay and within one month that you need more information from them to confirm their identity. PPP do not need to comply with the request until you have received the additional information.

### **PPP Processes**

GDPR requests will be processed by PPP in the same way as we currently process FOI requests. The Information compliant Officer for each of the council's we support will email the request to the Management Support officer. On receipt it will be recorded in the audit spreadsheet and the request will be directed to the correct Team Manager/s and System operators within the service to remove the data. They will reply when the request has been completed (within the 1 month time limit) and that will be recorded on the audit spreadsheet and the applicant informed that their request has been completed.

### **Monitoring and review:**

This process will be reviewed on an annual basis by the Senior Management Team. The Management Support Officer will hold in a secure folder the audit log of those who have used their right to be forgotten.

## Appendix A

### Checklists

#### Preparing for requests for erasure

- We know how to recognise a request for erasure and we understand when the right applies.
- We have a policy for how to record requests we receive verbally.
- We understand when we can refuse a request and are aware of the information we need to provide to individuals when we do so.

#### Complying with requests for erasure

- We have processes in place to ensure that we respond to a request for erasure without undue delay and within one month of receipt.
- We are aware of the circumstances when we can extend the time limit to respond to a request.
- We understand that there is a particular emphasis on the right to erasure if the request relates to data collected from children.
- We have procedures in place to inform any recipients if we erase any data we have shared with them.
- We have appropriate methods in place to erase information.





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## **Public Protection Partnership Information Management Strategy 2018-2021**

|                  |  |
|------------------|--|
| Version          | Version 1                                |
| Date Agreed      |  |
| Next Review Date |  |
| Agreed by        | Joint Management Board                   |
| Author(s)        | Emma Coles – Partnership Support Manager |

## Introduction

The Public Protection Partnership (PPP) uses a vast amount of data to inform its strategies and plans. Information Management is about good record-keeping practices and managed use of information. As a general principle, PPP seeks to be open in the way in which it operates, in particular as to how it delivers local services and how it makes decisions.

The way the PPP manages its information is crucial to maintaining effective and efficient business operations.

## Purpose

Information management has become an increasing challenge due to the continuing development of technological advances, legislative requirements, joint working/partnership arrangements and central government requirements.

**PPP's vision for information management is for it to create, maintain, retrieve and dispose of its information in a professional, consistent and efficient manner.**

This Strategy provides an overarching framework which will assist PPP to manage its information more effectively. It establishes a framework for developing better information flows. The Strategy sets principles for controlling the information lifecycle from creation to disposal. Its implementation will enable PPP staff to have the right information in the right format at the right time and therefore underpins delivery of all services.

Effective information management results in the PPP keeping personal information safe and protecting the interests of residents and service users. It also enables the PPP to work better with its partners by sharing relevant information appropriately.

## The PPP's Core Priority Themes

- Community Protection
- Protecting and Improving Health
- Protection of the Environment
- Supporting Prosperity and Economic Growth
- Effective and Improving Service Delivery

This Information Management Strategy will assist in delivering PPP's services and meeting its priorities. In particular, better information management will increase accountability and effective partnership working, efficiency and provide value for money. The Strategy will also aid the statutory obligations, for example, in relation to data protection and safeguarding vulnerable people.

## Defining Information

Information means information held:

- On paper
- In corporate systems such as Agresso and Geographical Information System
- In departmental systems – Uniform West Berks, Uniform BFC, Flare, Opentext EDRMS, IDOX EDRMS.
- In documents produced by desktop applications such as Microsoft Office and email
- On the three Councils intranets and public websites (Wokingham, West Berks and BFC).

## Aims

The aims of this Strategy are to:

- Improve appropriate access to information and ensure it is available to all who are authorised to access it.
- Ensure efficient and effective management of information which is relevant, fit for purpose, accurate and reliable.
- Provide staff with appropriate skills through training to enable them to manage information resources confidently and effectively and also to comply with existing policy/legal obligations.
- Facilitate information-sharing across the three council environments and with relevant stakeholders whilst complying with legal obligations, with appropriate security to protect the rights of the data subjects and owners and prevent inappropriate disclosure.
- Ensure information security through appropriate technical systems and provision for protection in accordance with legislation.

The successful implementation of this strategy will assist PPP to:

- Fulfil its statutory obligations including those relating to the disclosure of information including under the Data Protection Act, General Data Protection Regulation, subsequent data protection laws, Freedom of Information Act and Environmental Information Regulations in the most cost effective way.
- Hold, process and manage information in a secure way.
- Empower employees to be well informed about good information management practice.
- Provide staff and councillors with access to the information they require to fulfil their duties, in accordance with appropriate security and access policies.
- Provide value for money by using information effectively and avoiding duplication of time and resources.
- Collect information only when it is necessary.
- Be transparent and accountable and respond to a request for information promptly and have a culture in the organisation of being open to share information unless there is a good reason not to.
- Provide the public with readily available access to information they are entitled to, unless there is a reason access should not be afforded which outweighs the presumption of openness.
- See information as a resource for the whole organisation and share as appropriate to increase consistency, avoid duplication and unnecessary storage.
- Increase effective partnership working by facilitating appropriate information sharing.

## Monitoring and review:

This is a medium term, 3 year strategy. The implementation and success of the strategy and the Action Plans made in accordance with it will be monitored quarterly by the Joint Management board and PPP Senior Management Team. As part of this review and where appropriate, the priority level for implementation will be amended and any work that is deemed to be complete will be removed from the programme.

**Work programme for ongoing actions**

|   | Objective  | Actions  | Responsible officer              |
|---|--|--|----------------------------------|
| <b>Aim 1: Access to information</b>                                     |  |  |                                  |
| 1.1   | To maintain a central repository of all policies and guidance relevant to information management so that staff and members can easily access them. | The Information Management Hub is a central repository for all policies and guidance relevant to information management.   | Management Support Officer       |
| 1.2   | To maintain a list of the information the PPP creates, receives and maintains.   | The Information Asset Register is in place and is reviewed every year.   | Management Support Officer       |
| <b>Aim 2: Efficient and effective management of information</b>         |  |  |                                  |
| 2.1   | To ensure policies relating to information management are subject to an appropriate review cycle.  | The maintenance of the Information Policy Register and to undertake policy reviews when required.  | Management Support Officer       |
| <b>Aim 3: Staff with appropriate skills in dealing with information</b> |  |  |                                  |
| 3.1   | Increase staff awareness of information management and security.   | Existing information management and security policies are communicated to all members of staff on a regular basis.   | Senior Management Team           |
|   |  | Information management and security training is incorporated into the induction process.   | Senior Management Team           |
|   |  | Information management and security training is incorporated into the learning and development programme.  | Senior Management Team           |
| 3.2   | Continue to raise staff awareness of Freedom of Information and access to records under the GDPR and other data protection law obligations.        | Freedom of Information/information to records training is incorporated in the induction process.   | Senior Management Team           |
| 3.3   | Ensure refresher training is booked for a maximum of three years after undertaking initial training.   | GDPR Training schedule development   | Partnership Support Team Manager |
| <b>Aim 4: Appropriate information sharing</b>                           |  |  |                                  |
| 4.1   | Have clear and relevant Information Sharing Protocols in place and raise staff awareness of these.   | Exercise undertaken to:<br>Identify where information sharing takes place.<br>Where information sharing takes place, a protocol is developed if one did not already exist.<br>Review existing protocols. | Senior Management Team           |

**Work programme for actions identified as priority 1, 2 or 3**

Priority:

1 = to be achieved as a priority

2 = to be achieved as a medium term priority

3 = to be achieved as and when resources are available

|                                     | Objective   | Actions   | Priority | Responsible officer    |
|-------------------------------------|---|---|----------|------------------------|
| <b>Aim 1: Access to information</b> |   |   |          |                        |
| 1.1                                 | To enhance the effectiveness of the external website.   | Review management arrangements and resource requirements. To include all pages with publication of information e.g. .gov links  | 1        | Claire Lockhart        |
| 1.2                                 | To maintain a well organised electronic network drive.  | Each team to develop a plan for the arrangement of their electronic network drive to enable it to prevent duplication and clean their existing network drive file stores. | 2        | Senior Management Team |
| 1.3                                 | To utilise a Corporate Electronic Document Management System  | Each department to contribute to the implementation of the EDRMS project.   | 3        | Senior Management Team |
| 1.4                                 | To publish all mandatory information as required under the Local Government Transparency Code 2015. | All teams publish their own information as prescribed by the 2015 Code and to ensure publication in accordance with mandatory timescales.                                 | 2        | Senior Management Team |

|                                    | Objective  | Action   | Priority | Responsible officer    |
|------------------------------------|--|--|----------|------------------------|
| <b>Aim 5: Information security</b> |  |  |          |                        |
| 5.3                                | To have in place appropriate technical and organisational measures against unauthorised or unlawful processing of personal data and against accidental loss, destruction or damage to personal data. | As part of the existing review process, all relevant information security policies and procedures are revised (where appropriate) to take into account legislation, changes in existing policy and mandatory requirements. | 2        | Senior Management Team |

## **Resource implications of this Strategy**

The implementation of this Strategy will have resource implications, similar to keeping publications up to date and checking that information is accurate. The attainment and timing of the implementation of the Strategy will be contingent upon whether sufficient resources can be made available and if so when.

## Briefing Note – 23/02/2018

### GDPR for the Public Protection Partnership

#### Purpose:

The EU's General Data Protection Regulation (GDPR) will apply from 25 May 2018, when it supersedes the UK Data Protection Act 1998. Significant and wide-reaching in scope, the new law brings a 21st century approach to data protection. It expands the rights of individuals to control how their personal information is collected and processed, and places a range of new obligations on organisations to be more accountable for data protection.

#### Proposed Action:

The ability to prove compliance is critical, and a comprehensive and effective privacy compliance framework will develop evidence to support your claims of compliance. UK organisations handling personal data will still need to comply with the GDPR, regardless of Brexit. The GDPR will come into force before the UK leaves the EU, and the government has confirmed that the Regulation will apply, a position that has been stated by the Information Commissioner's Office (ICO).

The 6 Principles of the Act are;

- Lawful, fair and transparent
- Collected for a legitimate, explicit purpose
- Adequate, relevant and limited
- Accurate and, where necessary, kept up to date
- Kept for no longer than is necessary
- Security of the personal data

**July-Dec 2017 - Phase One:** Preparation and understanding of the legislation

**Jan-Mar 2018 - Phase Two:** Data Mapping process [DFM]

**April-May 2018 - Phase Three:** Review of practices and procedures (Practising what to do after 25 May 2018)

- Policies
- Processes
- Security
- DPIA
- Privacy Notice

#### Reason for decision to be taken:

The General Data Protection Regulation (GDPR) demands greater accountability and transparency from the public protection Partnership in how they collect, process and store personal information.

Some obligations can be resolved fairly simply and quickly. Others could have significant budgetary, IT, personnel, governance and communications implications and could require a great deal of work or specific expertise. Ensuring buy-in from senior management and key stakeholders is critical to meeting the obligations.

### High risk areas for PPP

- G/M/I Drive – Access and security levels
- Flare and Uniform System - Access and security levels, Data in relation to retention and destruction policy
- Idox EDRMs- Access and security levels, Data in relation to retention and destruction policy
- Personal Drives - Data

### Policy:

Retention and destruction policy needs to be written for PPP, currently three policies are all being updated  
Information Sharing Agreement need to be published  
Data Breach Policy need to be reviewed  
Data Privacy impact assessments being reviewed  
PIA need to be identify and Information Asset Register brought in line with the new legislation

### Financial:

Uniform Retention and destruction Module West Berks – Purchased  
Uniform Retention and destruction Module Bracknell – 13k waiting for Planning to decide if 3 or 4 way slip  
Flare Wokingham Retention and destruction Module – Price to be confirmed

### Personnel:

The main contacts at the three councils are Chucks Golding (Bracknell Forest), James Gore (West Berkshire) and Stuart Brignell (Wokingham). Emma Coles is leading the project for the Public protection partnership. Team Managers are updating Retention and Destruction policies currently in place at the three councils. Process for data management in line with the retention and destruction policy will require management input. Assessing the current forms used by all areas of the PPP need to be reviewing in line with the new legislation, due to the high volume of forms for the service area this will require input from all teams.

### Conclusion:

Progress has been made by each of the three councils yet we will not be compliant by the 25<sup>th</sup> May 2018. There are plans and projects in place across the Public Protection Partnerships to show that we are working towards best practise. Phase 1 has been completed (there have been presentations at West Berks for the staff to raises awareness of GDPR at both a manager and staffing level). The Berkshire GDPR Networking Group and are supporting each other with Phase 2 and Phase 3 to reduce the capacity and financial implications of the project. The risk assessment shown in appendix A shows BFC, James and Stuart are currently updating the risk assessments for West Berks and Wokingham yet the high risk area point 15 is the same across all three councils and is becoming the current main focus point. Training has been provided yet refresher close to the time of implementation will highlight the roles and responsibilities of both the staff and the Management team.

| Risk                                     | BFC Action  | Wokingham Action   | West Berkshire Action          |
|--|---|--|--------------------------------|
| G/M/I Drive – Access and security levels | Implementing Share save.<br>Access to each drive being reviewed | Implementing Information At work.<br>Access to each drive being reviewed | Still Waiting for confirmation |

|  |   |  |  |
|--|---|--|--|
| <b>Idox EDRMs / Smart Office- Access and security levels, Data in relation to retention and destruction policy</b> | Retention and destruction policy being reviewed. Module being purchased. Security review of Uniform access being completed. | Retention and destruction policy being reviewed. Looking at cost of module purchase. | Retention and destruction policy being reviewed. Module has been purchased. Security review of Uniform access being completed. |
| <b>Personal Drives – Data</b>  | Are to be removed   | Still Waiting for confirmation   | Still Waiting for confirmation   |
| <b>Do Managers Know their Roles</b>  | More Training Needed - PPP  | More Training Needed - PPP   | More Training Needed - PPP   |
| <b>Do the team know their roles</b>  | More Training Needed - PPP  | More Training Needed - PPP   | More Training Needed - PPP   |

## Appendix A

### GDPR RISK REGISTER 2018

|   | Potential Risks - Bracknell  | Risk Appetite Score |        |       |  | Current Residual Risk Score |         |       | Status | Actions to Mitigate Risk  | Responsible Officer  | Target Date |
|---|--|---------------------|--------|-------|--|-----------------------------|---------|-------|--------|---|--|-------------|
|   |  | Likelihood          | Impact | Total |  | Likelihood                  | Impact. | Total |        |   |  |             |
| 1 | Senior officer not made aware of delays and issues with implementation of GDPR due to limited number of IMG meetings before GDPR comes into effect.                                      | 2                   | 3      | 6     |  | 2                           | 3       | 6     | Green  | Engagement Plan being implemented.<br><br>IMG meetings scheduled for next few months and additional ad hoc IMG meetings will be arranged if required. | Lawyer (Information. Management & Security)                    | 30/4/18     |
| 2 | Limited central resources to implement GDPR together with competing for limited officer time in the directorates to undertake tasks to support implementation such as data flow mapping. | 2                   | 3      | 6     |  | 3                           | 3       | 9     | Yellow | IMG will monitor progress.<br><br>Departmental representatives will feed back to IMG on progress and flag any resourcing issues.                      | Borough Solicitor/ Lawyer (Information. Management & Security) | 30/4/18     |

|   |   |   |   |   |  |   |   |   |  |   |  |         |
|---|---|---|---|---|--|---|---|---|--|---|--|---------|
| 3 | Policies do not reflect GDPR.                                 | 2 | 3 | 6 |  | 3 | 3 | 9 |  | Policies to be updated. Schedule for updating policies being developed.<br>Need to be reviewed across PPP to provide consistent service delivery. | Lawyer (Information. Management & Security) EC | 30/4/18 |
| 4 | Staff in high risk areas are not aware of the introduction of | 1 | 3 | 3 |  | 2 | 3 | 6 |  | Engagement Plan to be drawn   | Lawyer (Information.                           | 30/4/18 |

| Potential Risks  | Risk Appetite Score |        |       |  | Current Residual Risk Score |         |       | Status | Actions to Mitigate Risk   | Responsible Officer   | Target Date |
|--|---------------------|--------|-------|--|-----------------------------|---------|-------|--------|--|---|-------------|
|  | Likelihood          | Impact | Total |  | Likelihood                  | Impact. | Total |        |  |   |             |
| GPDR and do not understand the consequences for their teams. |                     |        |       |  |                             |         |       |        | <p>up and implemented.</p> <p>Departmental representatives will act as GDPR champions.<br/> <b>Presentation to representatives on GDPR at November IMG has flagged to managers in high risk areas.</b></p> <p>Various other existing communication channels will be used –</p> <ul style="list-style-type: none"> <li>• Staff newsletter (Forestviews)</li> <li>• Staff intranet</li> <li>• School bursars meetings attendance to provide GDPR update</li> </ul> <p><b>High risk areas for PPP within BFC</b></p> <ul style="list-style-type: none"> <li>• G/M/I Drive – Access and security levels</li> <li>• Uniform System - Access and security levels, Data in relation to retention and destruction policy</li> <li>• Idox EDRMs- Access and security levels, Data in relation to retention and destruction policy</li> <li>• F Drives - Data</li> </ul> | <p>Management &amp; Security)</p> <p>EC and Team managers</p> |             |

|   |   |   |   |   |  |   |   |   |  |   |   |         |
|---|---|---|---|---|--|---|---|---|--|---|---|---------|
| 5 | Members are not aware of the introduction of GDPR and do not understand the consequences. | 2 | 3 | 6 |  | 3 | 3 | 9 |  | Engagement Plan to be drawn up and implemented which will include briefing sessions for Members. Email on these sessions has been drafted ready for issue to Members.<br><br>Outcome from briefing sessions to be set out in a bulletin to be | Lawyer (Information. Management & Security) | 30/4/18 |
|---|---|---|---|---|--|---|---|---|--|---|---|---------|

|   | Potential Risks   | Risk Appetite Score |        |       |  | Current Residual Risk Score |         |       | Status | Actions to Mitigate Risk   | Responsible Officer                                     | Target Date |
|---|---|---------------------|--------|-------|--|-----------------------------|---------|-------|--------|--|---|-------------|
|   |   | Likelihood          | Impact | Total |  | Likelihood                  | Impact. | Total |        |  |   |             |
|   |   |                     |        |       |  |                             |         |       |        | issued to all Members  |   |             |
| 6 | Residents and the general public are not aware the changes affecting them under GDPR.   | 2                   | 3      | 6     |  | 3                           | 3       | 9     |        | To be included in the Town and Country newsletter. Lawyer (Information. Management & Security) to liaise with Comms Team on getting this into the next publication.  | Lawyer (Information. Management & Security)             | 30/4/18     |
| 7 | Lack of current awareness of data transfer risks due to limited knowledge on what data transfers are taking place and who with.   | 2                   | 3      | 6     |  | 3                           | 3       | 9     |        | Lawyer (Information. Management & Security) to liaise with Departments to communicate the need for data flow mapping to be completed by Departments and to provide guidance on what this should entail. .  | Lawyer (Information. Management & Security)<br><br>DMTs | 30/4/18     |
| 8 | Council processes out of standard office hours, at weekends and over bank holiday periods are not sufficiently robust to ensure we will meet the 72 hour deadline for reporting reportable incidents to the ICO. <b>NB no reportable incidents have occurred to date and likelihood score reflects this</b> | 2                   | 3      | 6     |  | 3                           | 3       | 9     |        | Policy will be updated.<br><br>Support in the event of the Lawyer (Information Management & Security) being on leave to be considered.<br><br>Lawyer (Information Management & Security) to work with Emergency Duty Officers , ICT and Forestcare to identify appropriate processes and controls. | Lawyer (Information. Management & Security)             | 30/4/18     |

|    | Potential Risks  | Risk Appetite Score |        |       | Current Residual Risk Score |         |       | Status | Actions to Mitigate Risk   | Responsible Officer  | Target Date |
|----|--|---------------------|--------|-------|-----------------------------|---------|-------|--------|--|--|-------------|
|    |  | Likelihood          | Impact | Total | Likelihood                  | Impact. | Total |        |  |  |             |
| 9  | Failure to put in place arrangements to respond to subject access requests within the reduced 28 days deadline to avoid financial penalty. <b>NB the number of such requests is low and likelihood score reflects this</b>         | 2                   | 3      | 6     | 3                           | 3       | 9     |        | Subject Access Request procedure to be updated.<br><br><b>PPP process needs to be reviewed</b>   | Lawyer (Information. Management & Security)<br><br><b>?</b>                                    | 30/4/18     |
| 10 | Failure to put in place arrangements to seek explicit consent  | 2                   | 3      | 6     | 2                           | 3       | 6     |        | Discussions to be held with departments. Legitimate activity/intent means consent is not required.   | Lawyer (Information. Management & Security)  | 30/4/18     |
| 11 | Current legislation/ mandatory retention periods the various Councils Teams not being adhered to and lack of clarity about how to process deletion requests may result in breach of the GDPRs "right to be forgotten" requirement. | 2                   | 3      | 6     | 3                           | 3       | 9     |        | National guidance to be referred to when it is issued. IAR to be updated<br><br><b>All retention and destructions policies need to be reviewed and updated</b> | Lawyer (Information. Management & Security)<br><br><b>EC to send out all managers to amend</b> | 30/4/18     |
| 12 | Failure to put in place adequate procedures and processes to obtain parental or guardian consent for data collected on children under the age of 13.   | 2                   | 3      | 6     | 3                           | 3       | 9     |        | To monitor national guidance which will clarify the age limit in the UK to assess if this is relevant to local authorities given this is legitimate activity.  | Lawyer (Information. Management & Security)  | 30/4/18     |
| 13 | Children may not understand the Privacy Notice.  | 2                   | 3      | 6     | 3                           | 3       | 9     |        | The Privacy Notice will be written in a language for children to understand  | Lawyer (Information. Management & Security)  | 30/4/18     |
| 14 | Inaccuracies are not addressed as subject access   | 2                   | 3      | 6     | 3                           | 3       | 9     |        | The SAR process to be reviewed.  | Lawyer (Information.   | 30/4/18     |

|    | Potential Risks  | Risk Appetite Score |        |       |  | Current Residual Risk Score |         |       | Status | Actions to Mitigate Risk   | Responsible Officer  | Target Date |
|----|--|---------------------|--------|-------|--|-----------------------------|---------|-------|--------|--|--|-------------|
|    |  | Likelihood          | Impact | Total |  | Likelihood                  | Impact. | Total |        |  |  |             |
|    | requests for amendments to data are not processed in all departments. <b>N.B. low number of subject access requests and likelihood score reflects this</b>                                     |                     |        |       |  |                             |         |       |        | Introduction of a central list to inform staff who to contact. IAR may be a useful starting place for this.<br><br>E-form for online requests to be drafted.<br><br>The e-form to be received into a single point at the Council to be logged and appropriately disseminated | Management & Security)                                       |             |
| 15 | Data Privacy impact assessments not completed for historic or smaller systems or where a contract waiver has been obtained and the need for a pia is not addressed through a procurement plan. | 2                   | 3      | 6     |  | 4                           | 3       | 12    |        | To ask departments whether DPIAs are in place.<br><br>Departments to ensure DPIAs are completed where missing.   | Lawyer (Information. Management & Security)<br><br>DMTs      | 30/4/18     |
| 16 | Individuals not made aware of breaches and how this might affect them.   | 2                   | 3      | 3     |  | 3                           | 3       | 9     |        | A procedure to be implemented.<br><br><b>PPP need a written policy of how this will be dealt with</b>  | Lawyer (Information. Management & Security)<br><br>?         | 30/4/18     |
| 17 | Loss of officer time through inefficient manual processes to redact information for subject access requests  | 3                   | 3      | 9     |  | 3                           | 3       | 9     |        | Redaction software to be investigated to determine whether it could assist staff.<br><br><b>Being actioned</b>   | Lawyer (Information. Management & Security)<br><br><b>AS</b> | 30/4/18     |
| 18 | Failure to identify where biometric data is collected to ensure GDPR requirements are met.   | 2                   | 3      | 6     |  | 3                           | 3       | 9     |        | Attendance at school bursar meeting next term to update them on GDPR. Biometric data (fingerprint recognition) is possibly being used currently in   | Lawyer (Information. Management & Security)                  | 30/4/18     |

|  | Potential Risks | Risk Appetite Score |        |       |  | Current Residual Risk Score |         |       | Status | Actions |
|--|-----------------|---------------------|--------|-------|--|-----------------------------|---------|-------|--------|---------|
|  |                 | Likelihood          | Impact | Total |  | Likelihood                  | Impact. | Total |        |         |
|  |                 |                     |        |       |  |                             |         |       |        | school  |

## Appendix B

### The key elements of the GDPR

#### Personal data

The GDPR applies to personal data. This is any information that can directly or indirectly identify a natural person, and can be in any format.

The Regulation places much stronger controls on the processing of special categories of personal data. The inclusion of genetic and biometric data is new.

| Personal data                | Special categories of personal data |
|------------------------------|-------------------------------------|
| Name                         | Race                                |
| Address                      | Religion                            |
| Email address                | Political opinions                  |
| Photo                        | Trade union membership              |
| IP address                   | Sexual orientation                  |
| Location data                | Health information                  |
| Online behaviour (cookies)   | Biometric data                      |
| Profiling and analytics data | Genetic data                        |

#### Wider scope

The GDPR applies to all EU organisations – whether commercial business, charity or public authority – that collect, store or process the personal data of individuals residing in the EU, even if they're not EU citizens.

Organisations based outside the EU that offer goods or services to EU residents, monitor their behaviour or process their personal data will be subject to the GDPR.

Service providers (data processors) that process data on behalf of an organisation come under the remit of the GDPR and will have specific compliance obligations. An example might be a company that processes your payroll or a Cloud provider that offers data storage.

## **Data protection principles**

Personal data must be processed according to the six data protection principles:

- Processed lawfully, fairly and transparently.
- Collected only for specific legitimate purposes.
- Adequate, relevant and limited to what is necessary.
- Must be accurate and kept up to date.
- Stored only as long as is necessary.
- Ensure appropriate security, integrity and confidentiality.

## **Accountability and governance**

You must be able to demonstrate compliance with the GDPR:

- The establishment of a governance structure with roles and responsibilities.
- Keeping a detailed record of all data processing operations.
- The documentation of data protection policies and procedures.
- Data protection impact assessments (DPIAs) for high-risk processing operations.
- Implementing appropriate measures to secure personal data.
- Staff training and awareness.
- Where necessary, appoint a data protection officer.

## **Data protection by design and by default**

There is a requirement to build effective data protection practices and safeguards from the very beginning of all processing:

- Data protection must be considered at the design stage of any new process, system or technology.
- A DPIA is an integral part of privacy by design.
- The default collection mode must be to gather only the personal data that is necessary for a specific purpose.

## **Lawful processing**

You must identify and document the lawful basis for any processing of personal data. The lawful bases are:

- Direct consent from the individual;
- The necessity to perform a contract;
- Protecting the vital interests of the individual;
- The legal obligations of the organisation;
- Necessity for the public interest; and
- The legitimate interests of the organisation.

## **Valid consent**

There are stricter rules for obtaining consent:

- Consent must be freely given, specific, informed and unambiguous.
- A request for consent must be intelligible and in clear, plain language.
- Silence, pre-ticked boxes and inactivity will no longer suffice as consent.
- Consent can be withdrawn at any time.
- Consent for online services from a child under 13 is only valid with parental authorisation.

- Organisations must be able to evidence consent.

### **Privacy rights of individuals**

Individuals' rights are enhanced and extended in a number of important areas:

- The right of access to personal data through subject access requests.
- The right to correct inaccurate personal data.
- The right in certain cases to have personal data erased.
- The right to object.
- The right to move personal data from one service provider to another (data portability).

### **Transparency and privacy notices**

Organisations must be clear and transparent about how personal data is going to be processed, by whom and why.

- Privacy notices must be provided in a concise, transparent and easily accessible form, using clear and plain language.

### **Data security and breach reporting**

Personal data needs to be secured against unauthorised processing and against accidental loss, destruction or damage.

- Data breaches must be reported to the data protection authority within 72 hours of discovery.
- Individuals impacted should be told where there exists a high risk to their rights and freedoms, e.g. identity theft, personal safety.

### **Data protection officer (DPO)**

The appointment of a DPO is mandatory for the council

A DPO has set tasks:

- Inform and advise the organisation of its obligations.
- Monitor compliance, including awareness raising, staff training and audits.
- Cooperate with data protection authorities and act as a contact point.