

BIG BROTHER WATCH

**EMARGOED 00:01 FRIDAY 16TH JANUARY
2015**

Entry allowed?:

The number of local authority staff with the power to enter your home or workplace.

A Big Brother Watch report

January 2015

Contents

Key Findings.....	3
Table 1: Local Authorities with the highest number of officials with powers of entry.....	4
Executive Summary.....	5
Policy Recommendations.....	7
About Powers of Entry.....	8
Table 2: Total Number of Employees with powers of entry per Local Authority.....	14
Table 3: Disciplinary Action.....	34
Appendix 1: Methodology.....	35
Appendix 2: Freedom of Information Request.....	36
About Big Brother Watch.....	37

For media enquiries relating to this report and you would like to contact Big Brother Watch, including outside office hours, please call +44 (0) 7505 448925 (24hrs) You can also email press@bigbrotherwatch.org.uk for written enquiries.

Key Findings

All results are for the years 2009 to 2012 unless otherwise indicated. A full list of local authorities is available in table 2 and 3.

- There are more than **19,375 local authority officials with powers of entry**, in 429 local authorities.
- This is an **average of 45 local authority officials with powers of entry** in all 434 local authorities.
- 2 local authorities have **more than 500 officials** with powers of entry
 - Northumberland (541)
 - Leeds (527)

Table 1: Local Authorities with the highest number of officials with powers of entry

	Local Authority	Number of Officials
1	Northumberland	541
2	Leeds	527
3	Hertfordshire	411
4	Chorley	400
5	Cornwall	338
6	Kingston upon Hull	294
7	Glasgow City	226
8	East Riding of Yorkshire	209
9	Durham	183
10	Birmingham	182

Executive Summary

The debate surrounding powers of entry is not new. In 1977 a paper entitled *The Right Approach to the Economy - Outline of an Economic Strategy for the next Conservative Government*, authored by Conservative grandees such as Geoffrey Howe and Keith Joseph, warned about legislation that “*threatened personal liberty and the privacy of the family and home*”¹. Specifically they highlighted the powers of entry that were available to organisations such as Inland Revenue. More recently, Lord Selston and Lord Marlesford have both attempted to legislate for greater restrictions on their use.

Prior to the election, the Conservatives pledged to curb the disproportionate number of these powers. In their manifesto they promised to cut back “*intrusive powers of entry*.”² However, almost four years later, there remain more than 1,000 powers that allow public officials to enter private property. Whilst the Protection of Freedoms Act 2012 did begin the process of reform, with the Home Office leading a Government-wide review, progress has been painfully slow.

The review process brought with it some reductions, with the number now standing at 912.³ However, at least 153 powers were deemed to fall outside the scope of the review, this would bring the total back up to at least 1065. In some local authorities there have been significant increases in the number of staff able to use these powers.

The report builds on the work done in our 2009 report “*Barging in*”, however it expands the scope of the information to consider both officials who can exercise powers with a warrant as well as those who can do so without one exercised without one.

This report highlights the mission creep that has occurred in powers of entry legislation. Indeed, the first progress report into the review of powers of entry demonstrated that many departments, such as the Department for Environment,

¹ G. Howe, K. Joseph, D. Howell and A. Maude (Ed.), *The Right Approach to the Economy - Outline of an Economic Strategy for the next Conservative Government*: <http://fc95d419f4478b3b6e5f-3f71d0fe2b653c4f00f32175760e96e7.r87.cf1.rackcdn.com/BD6C9A0D56FC493BBF5E447BA9DFBF4B.pdf>

² Conservative Party, *Invitation to Join the Government of Britain* (2010), p. 79: <http://www.conservatives.com/~media/files/activist%20centre/press%20and%20policy/manifestos/manifesto2010>

³ J. Brokenshire, *Written Statement to Parliament: Powers of Entry*, 27th November 2014: <https://www.gov.uk/government/speeches/powers-of-entry--2>

Food and Rural Affairs had struggled to initially identify what powers they were actually able to use.⁴ **Entry Allowed?** repeats Big Brother Watch's previous concern that it should not only have been the number of powers under review, but the number of staff able to use them.

Unless life or property is in imminent danger or a crime is taking place, officials should always require a warrant before attempting to enter our homes and businesses. If their purpose does not meet these criteria then council officials should be supervised by a police officer. There are fears that the Home Office's approach may be ineffective. Lord Vinson compared departments deciding which powers were unnecessary to "*allowing a druggie to prescribe his own dose*"⁵. Even if there is a successful review the benefits for home and business owners will be negligent unless the proposed code of practice provides effective sanctions to deter the misuse of powers of entry.

⁴ The Home Office (2013), First Progress report on the review of Powers of Entry, available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/198777/First_progress_report_on_the_review_of_Powers_of_Entry_WEB.pdf

⁵ HL Debate, 6th February 2012, *Protection of Freedoms Bill: Report (2nd Day)*, available at: <http://www.publications.parliament.uk/pa/ld201212/ldhansrd/text/120206-0001.htm>

Policy Recommendations

1. The number of individuals with powers of entry should be reviewed

The Home Office's review process should not only have examined the number of powers, but also the number of local authority officials able to use them.

Something that has been clearly shown by both the progress reports and the final figures is that there are far too many powers. The scale has got to such an extent that public bodies are struggling to properly identify which powers they can use.

Big Brother Watch supports a zero-based approach, where authorities identify which powers are needed rather than just those that are not. The process should be extended to staff; this would then allow the officials who genuinely need them for their job to be separated from those who have unnecessary access.

2. A system of statutory protection must be implemented in order to defend the public from over-zealous or illegal use of powers of entry.

Unless life or property is in imminent danger or a crime is taking place, local authority officials should always require a warrant before attempting to enter our homes and businesses. The current system whereby some powers are warranted and others aren't adds unnecessary confusion and lessens the level of transparency that is available.

At the very least, they should be under the supervision of a police officer if these criteria are not satisfied.

3. An enforceable Code of Practice for powers of entry must be published as a matter of urgency.

It is vitally important that an enforceable code of practice is created. As the report will show the existing code covers powers before, during and after their use. However it does not criminalise the misuse of these powers and is therefore a long way from being effective. If a code can't effectively discourage the over-zealous use of powers then there is little point to it at all.

The basis for improvements should be Lord Selston's proposals. Under his Bill there would have to be clear instructions for the time of day officials can arrive, the number of officials that can be admitted and a proper explanation for the reason of the entry.

Big Brother Watch believe that an enforceable code with proper sanctions would act as a deterrent to officials wishing to use their powers for trivial matters.

About Powers of Entry

What are Powers of Entry?

According to the Home Office, a power of entry is:

*“A **right for a person** (usually a state official such as a police officer, local authority trading standards officer or a member of enforcement staff of a regulatory body) **to legally enter defined premises, such as businesses, vehicles or land for specific purposes.** This power of entry might include undertaking an inspection, dealing with an emergency or searching for evidence during an investigation.”⁶*

Lord Selsdon’s Bill

In 2010, a Bill was presented to the House of Lords which attempted to reform powers of entry. The sponsor, Lord Selsdon proposed that all powers regarding indictable offenses or terrorism would be excluded. Therefore the measures would only have focused on powers of entry for finding out whether crimes had been committed, or examining documents. On these, he imposed some very simple restrictions:

- Authorisation must be provided (on the basis of evidence) by a judge or magistrate, which must then be shown to the occupier of the premises.
- Entry should only take place between 8am and 6pm Monday-Friday, and until 1pm on Saturday.
- A maximum of four people should be allowed to enter.
- The entering official must explain who they are and why they are entering to the occupier.⁷

This model would give occupiers a much clearer idea about how powers of entry function, whilst enabling them to avoid sanctions for obstruction. It gives a legal basis to what most people would regard as common courtesy on the part of an investigative party.

The Bill was rejected by the House of Commons. However it provides a useful reference point in terms of what restrictions could be imposed without harming the

⁶ The Home Office, (2013), *Powers of Entry*, available at: <https://www.gov.uk/powers-of-entry>

⁷ HL Bill 42, 5th March 2010, *Powers of Entry*, London: The Stationary Office, 54/5. Retrieved 22/07/13 from <http://www.publications.parliament.uk/pa/ld200910/ldbills/042/2010042.pdf>

efficiency of necessary powers of entry, or indeed, repealing those which departments deem necessary.

The Coalition and Powers of Entry

In 2010, the Conservative Party Manifesto contained a number of steps to “*protect people from unwarranted intrusion by the state*”, one of which was “*cutting back intrusive powers of entry into homes, which have been massively extended under Labour.*”⁸

The Liberal Democrat Manifesto didn't make any reference to scaling back powers of entry. The Coalition Agreement, while not specifically mentioning powers of entry, did insist that they would “*implement a full programme of measures to reverse the substantial erosion of civil liberties and roll back state intrusion.*”⁹

This pledge led to the Government passing the Protection of Freedoms Act in May 2012 (see page 10).

Lord Marlesford's Amendment

During the final stages of the development of the Protection of Freedoms Act, Lord Marlesford proposed an amendment that would have substantially changed the Act regarding powers of entry. He proposed:

“A further safeguard shall be that, unless explicitly provided for in the statute providing for the power of entry, all powers of entry shall be exercised by agreement with the premises occupier or by warrant.”¹⁰

Marlesford added that this would not be applied to Trading Standards Officers, members of the police, officials of Security Services, or authorities pursuing the protection of a child or vulnerable adult. Also exempt would be authorities who could demonstrate that the original purpose of the power would be frustrated if they had to get a warrant or permission.

Although it was passed in the Lords this minor amendment was rejected by the House of Commons on the grounds that it was “*misconceived*” and that whilst it

⁸ Invitation To Join The Government Of Britain: The Conservative Manifesto 2010, (2010) available at:

<http://www.conservatives.com/~media/Files/Activist%20Centre/Press%20and%20Policy/Manifestos/Manifesto2010>

⁹ The Coalition: our programme for government (2010) available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/78977/coalition_programme_for_government.pdf

¹⁰ HC Bill 317, 12th March 2012, *Lords Amendments to the Protection of Freedoms Bill*, 55/1, London: The Stationary Office, Amendments 16, 17, and 18. Retrieved 22/07/13 from <http://www.publications.parliament.uk/pa/bills/cbill/2010-2012/0317/2012317.pdf>

might “*appear superficially attractive, is incapable of withstanding close scrutiny*”¹¹. Although a re-drafted version was subsequently brought to the Lords it was defeated.

Marlesford said in a speech to the House of Lords that it was a “*pity*” that “*Ministers in this coalition Government should not have seen their prime duty when this Bill was drafted as being to extend real freedom rather than seeking to protect the territorial rights of the bureaucracy.*”¹²

Protection of Freedoms Act 2012

On 11 February 2011, the Prime Minister announced the introduction of the Protection of Freedoms Bill as a part of the coalition's attempt to fulfil its civil liberties and freedoms agenda. The Bill received royal assent and became law on 1 May 2012. The Act includes reforms to rationalise powers of entry relating to domestic, commercial and other types of premises.

The provisions contained in the Act provide the ‘tools’ needed to:

- **Repeal** unnecessary or inappropriate powers
- **Add safeguards** to powers, including number of officials, times of entry, and gaining appropriate authorisation
- **Rewrite** powers of entry without altering their effect.¹³

The Act also required Ministers in each Department to undertake a full review of powers of entry and examine and consider whether or not they are still necessary, proportionate and contain sufficient safeguards. The review required examination of the current ‘stock’ of powers with a view to significantly reducing their number on the grounds they are no longer justified or just duplicate others.

The Act set a two year deadline for formal ministerial responses by May 2014. Individual departments had to provide, by this date, final reports, which had to contain findings and information relating to what would happen to powers. A progress report was intended to have been presented to Parliament every six months.

¹¹ HC Deb, 19 March 2012, col 528, Retrieved 01/04/2014 from

<http://www.publications.parliament.uk/pa/cm201212/cmhansrd/cm120319/debtext/120319-0001.htm#120319600002>

¹² HL Deb 6 February 2012, col 12. Retrieved 22/07/13 from

<http://www.publications.parliament.uk/pa/ld201212/ldhansrd/text/120206-0001.htm>

¹³ The Home Office, (2013), *Powers of Entry*, available at: <https://www.gov.uk/powers-of-entry>

The Home Office had overall responsibility for the powers of entry review and therefore coordinated the work across Whitehall via a cross-departmental Steering Group which included every department.

In the case of each power Departments were asked to consider the following:

- Is it still required or should be repealed?
- Should it have further safeguards added to it?
- Can it be consolidated with other similar powers, to reduce the overall number?¹⁴

As part of its review into powers of entry, the Home Office created a 'gateway' to consider proposals for new powers of entry, in order to "limit the creation of new powers of entry." Therefore, all new, amended or re-enacted powers of entry will now be submitted to the Home Office for approval.^{15 16}

Progress Reports

First progress report – published January 2013.¹⁷

The Executive Summary draws attention to the varying levels of progress. This is attributed to the difference in the number of powers each department has access to. Most notably, at this stage many departments were unable to provide a definitive view of the number of powers they are able to use.

Second progress report – published July 2013.¹⁸

The second review detailed the number of powers that were under review, and began the consultation process.¹⁹ While there are many instances within the report where they mention 'consolidating' powers, there are far fewer where they consider actively repealing them. For example the Department for Food, Environment, and

¹⁴ The Home Office, (2013), *Powers of Entry*, available at: <https://www.gov.uk/powers-of-entry>

¹⁵ The Home Office, (2013), *Power of Entry Gateway Guidance 2011* p. 1: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/98386/powers-entry-guidance.pdf

¹⁶ Ibid

¹⁷ The Home Office, First Progress Report: review of powers of entry, available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/198777/First_progress_report_on_the_review_of_Powers_of_Entry_WEB.pdf

¹⁸ The Home Office, Second Progress Report: review of powers of entry, available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/224133/Second_progress_report_on_the_review_of_Powers_of_Entry_2_.pdf

¹⁹ The Home Office, (July 2013), *Second Progress Report On The Review Of Powers Of Entry*, available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/224133/Second_progress_report_on_the_review_of_Powers_of_Entry_2_.pdf

Rural Affairs (Defra) is responsible for 434 powers, but have already concluded that they cannot repeal any relating to Animal Health (59), or Nuisance (not stated).

Final Departmental reports - 27th November 2014 to 18th December 2014.

The Government's review concluded with a written statement to the House of Commons from James Brokenshire MP. In it he stated that the original number of powers would be reduced from 1237 to 912, a reduction of 325.²⁰ This was achieved by repealing some pieces of legislation and condensing others.

As of the 15th January 2015 a number of organisations are still to publish their reports. These are the Department of Culture, Media and Sport, the Ministry of Defence, the Department of Health and the Food Standards Agency.

Code of Practice

Alongside the completion of the review the Home Office published a new code of practice. The code will provide guidance and set out considerations that apply before, during and after powers of entry and associated powers are exercised.

Before its publication, Lord Taylor, said that the code would ensure that powers of entry are "*used proportionately and not abused.*"²¹ However, while the code is supposed to apply to anyone using any relevant powers of entry, ignoring it is not, in itself, a criminal offence.²² It can be used in court proceedings, but is not a basis for a citizen to bring legal action.

Big Brother Watch's Position on the Code of Practice

A code of practice that applies to the exercise of powers of entry, before, during and after their use, is a positive step. However, the fact that the code is in no way enforceable is of concern. Without legislation to deter the over use of powers there is little point to the code at all.

Considering the number of powers of entry and the variety of uses and users, there is likely to be both proportionate and disproportionate use of the powers if authorities are left to their own devices. What is required is an enforceable code of practice

²⁰ J. Brokenshire, *Written Statement to Parliament: Powers of Entry*, 27th November 2014:

<https://www.gov.uk/government/speeches/powers-of-entry-2>

²¹ Lord Taylor of Holbeach, *Strict new code to prevent powers of entry from being abused*, 22 Jan 2013, Home Office. Retrieved 23/07/13 from <https://www.gov.uk/government/news/strict-new-code-to-prevent-powers-of-entry-being-abused>

²² *Protection of Freedoms Act*, 2012, section 51.

which has a legal basis and can therefore act as a deterrent to officials wishing to use the powers.

Our key points regarding the draft code of practice are:

- The code of practice should contain provisions to reassure people that redress will be available when there is a breach of the code and where powers of entry are not used proportionately by authorities.
- Linked to this there should be a clear set of sanctions that can be applied to organisations guilty of breaching the code.
- The code should include provisions to deal with the number of individuals able to use powers within each organisation.

Table 2: Total Number of Employees with powers of entry per Local Authority

Local Authority	Number of officials with powers of entry	Total number of officials – broken down by department ²³
City of London and London Boroughs		
City of London	170	
Barking and Dagenham	0	
Barnet	108 ²⁴	Planning, building control and local land changes: 58, Building control: 9, Trading standards: 3, Licensing: 3, Priority Intervention Team: 6, Environment Health: 19
Bexley	30	
Brent	34	
Bromley	47	
Camden	73	
Croydon	47	
Ealing	Unknown	<i>“Officers from many areas can apply for warrants”</i>
Enfield	53	
Greenwich	59	
Hackney		Did not respond to FOI
Hammersmith and Fulham	100	
Haringey	75 ²⁵	Enforcement and Regulatory Services: 21 Housing Improvement Team: 14 officers and 3 members of agency staff, Building Control: 10, Planning Enforcement: 20,

²³ This information wasn't requested in the Freedom of Information request, however it was provided by some local authorities. It has therefore been included here to add further clarity

²⁴ Officials must obtain a warrant to force entry.

²⁵ Includes 3 “agency staff”.

		Tactical Enforcement and Trade Waste Team: 7
Harrow	36	Engineering: 7, Environmental Protection & Commercial Services: 13, Private Sector Housing Enforcement: 6, Building Control: 8 Planning: 2
Havering	51	Food/Health & Safety: 13, Trading Standards: 14, Environmental Protection and Housing: 11, Customer Services: 2 ²⁶ , Social Care & Learning: 11
Hillingdon	70	
Hounslow		Request refused: "Information not held or held in an unstructured format"
Islington	91	Planning Enforcement Staff: 6, Planning officers and design & conservation officers: 32, Building control officers: 14, Residential Environmental Health: 20, Noise and Pollution: 19.
Kensington and Chelsea	61	
Kingston upon Thames	21 ²⁷	
Lambeth	45	
Lewisham	19	
Merton	33	Certificated Bailiffs: 9 Environmental Health, Trading Standards and Licensing: 24
Newham	74	
Redbridge	47	Community Safety: 20, Housing: 8, Planning and Regeneration: 19
Richmond upon Thames	25	Consumer Protection (Trading Standards, Commercial Environmental Health and Licensing): 25

²⁶ Permitted to make "peaceful entry".

²⁷ Authorized to enter Commercial Private Properties.

Southwark	84	Pest Control: 6, Environmental Health & Trading Standards: 69, Housing: 9
Sutton	5 ²⁸	
Tower Hamlets	61	Health & Housing Team: 7, Public Health Team: 5, Pollution Team: 12, Trading Standards: 12, Environmental Health: 25.
Waltham Forest	46	
Wandsworth	104	
Westminster	103	
English County Councils		
Buckinghamshire	23	Trading Standards: 22, Planning Enforcement: 1
Cambridgeshire	37 ²⁹	
Cumbria	32	Trading Standards: 32 ³⁰
Derbyshire	43	Trading Standards: 43
Devon	61	
Dorset	24	
East Sussex	22	Trading Standards: 21 ³¹ , Inspection & Enforcement for Economy, Transport & Environment: 1
Essex	0	
Gloucestershire	Information not held: "District Councils are responsible"	
Hampshire	0	
Hertfordshire	411	Trading Standards Officers and Highways Staff
Kent	69	
Lancashire	53	
Leicestershire	88	Trading Standards: 32 ³² , Planning and Housing: 16, Environment & Transport: 1,

²⁸ Can enter "specified business premises".

²⁹ Officials would require a warrant.

³⁰ May not enter premises used solely as a dwelling.

³¹ May only enter premises used as a dwelling.

³² May enter business premises without a warrant.

		Highways Asset Management: 3, Approved Mental Health Professionals: 36 ³³
Lincolnshire	48	
Norfolk	12 ³⁴	Planning Services: 5, Flood and Water Management: 6, Accredited Financial Investigator: 1 ³⁵
Northamptonshire	33	
North Yorkshire	2	
Nottinghamshire	68	
Oxfordshire	32	
Somerset	Information not held: "District Councils are responsible"	
Staffordshire	36	
Suffolk	33	Trading Standards: 33
Surrey	52 ³⁶	
Warwickshire	57	
West Sussex	30	
Worcestershire	Refused: "Exceeds cost and time limits" ³⁷	
English Unitary Authorities		
Bath and North East Somerset	74 ³⁸	Public Protection: 31, Neighbourhood Environmental Protection Team: 14, Housing: 17, Local Authority Approved Mental Health Professionals: 12.
Bedford	89	
Blackburn with Darwen	128	
Blackpool	47 ³⁹	Environmental Protection Officers: 4, Contaminated Land Officer: 1 ⁴⁰ , Public Protection: Right of Access subject to

³³ Officials must obtain a warrant before entry.

³⁴ Authorised to enter private land only.

³⁵ May only enter a private dwelling after obtaining a warrant.

³⁶ 8 officials are employees of Hampshire County Council.

³⁷ Wyre Forest's response shows 100 officials authorised to use powers of entry by Worcestershire County Council. These are shown in the entry for Wyre Forest.

³⁸ Officials may force entry after obtaining a warrant.

³⁹ Environmental Protection Officers are authorised to make an entry after obtaining a warrant.

⁴⁰ Business premises only.

		procedural requirements: 19, Access to private business premises: 23
Bournemouth	21	Planning Enforcement: 6, Building Regulation: 7, Private Sector Housing: 8
Bracknell Forest	21	
Brighton and Hove	76	Trading Standards: 12 ⁴¹ , Building Control: 13 ⁴² , Development Control: 4, Environmental Health Officers: 47
Bristol, City of	63	Public Protection: 21, Private Housing: 33, Benefit Fraud: 9
Central Bedfordshire	101	
Cheshire East	110 ⁴³	
Cheshire West and Chester	131	
Cornwall	338	Port Health: 5 Approved Mental Health Professionals: 31 ⁴⁴
Darlington	37	
Derby	62	
Durham	183	
East Riding of Yorkshire	209	
Halton	19	Halton's consumer protection function is undertaken by Warrington Borough Council.
Hartlepool	22	
Herefordshire	65	
Isle of Wight	40	
Kingston upon Hull, City of	294	Revenues & Benefits: 1, Housing: 218 ⁴⁵ , Approved Mental Health Professional: 18,

⁴¹ Must obtain a warrant before entry.

⁴² Must obtain a warrant before entry.

⁴³ Officials must gain a warrant before forcing entry.

⁴⁴ Secoded to the Cornwall Foundation Trust.

⁴⁵ Officials must give 24 hour's notice and be accompanied by a second member of staff to gain entry.

		Mainly Environmental Health and Trading Standards: 52 ⁴⁶ , Licensing: 5 ⁴⁷
Leicester	89	
Luton	58	
Medway		Refused: "Exceeds cost and time limits"
Middlesbrough	24 ⁴⁸	
Milton Keynes	66 ⁴⁹	
North East Lincolnshire	52	
North Lincolnshire	36	
North Somerset	50 ⁵⁰	Licensing: 4, Development Control: 31, Environmental Protection: 15
Northumberland	541	
Nottingham	73	
Peterborough	27	
Plymouth		Refused: "Exceeds cost and time limits"
Poole	79 ⁵¹	Planning: 23, Environmental & Consumer Protection Services: 38, Adult Social Care: 18
Portsmouth	14	
Reading	53	Planning Enforcement: 5, Building Control: 9, Consumer Protection: 23, Environmental Health: 16
Redcar and Cleveland		Information not held
Rutland	15	
Shropshire	58	
Slough		Refused: "Exceeds cost and time limits"
South Gloucestershire	108	
Southampton	73.4 FTE	Health and Adult Social Care: 17.4 FTE ⁵² ,

⁴⁶ Officials are authorised to enter commercial properties at all "reasonable times" but need to give 24 hours notice for domestic properties.

⁴⁷ Officials have the power to enter any properties where a licensable activity may be going on.

⁴⁸ Must give 24 hours' notice.

⁴⁹ Enforcement powers exercised with a warrant.

⁵⁰ Environmental Protection Officers may use powers after obtaining a warrant.

⁵¹ Adult Social Care Officers must apply for a warrant before entry.

		Planning: 51, Licensing: 5
Southend-on-Sea	38	Planning and Enforcement Officers: 10, Regulatory Services Officers and Enforcement Officers: 18 ⁵³ , Private Sector Housing Staff: 10
Stockton-on-Tees	84	
Stoke-on-Trent	38	Staff with powers classified as “ <i>public protection staff</i> ”
Swindon	7 ⁵⁴	
Telford and Wrekin	44	
Thurrock	46	
Torbay	41	
Warrington	0	
West Berkshire	44 ⁵⁵	Planning Service: 24, Environmental Health Residential Team: 11, Authorised under Food Hygiene (England) Regulations 2006: 9
Wiltshire	76	
Windsor and Maidenhead	6	
Wokingham	0	
York	55	
Welsh Unitary Authorities		
Blaenau Gwent	27	
Bridgend	28	
Caerphilly	51	
Cardiff	68	Includes 22 Approved Mental Health Professionals.
Carmarthenshire	98	Planning Services: 53, Environmental Enforcement: 12, Public Health: 33
Ceredigion	43	

⁵² Rounded to 17 for totals.

⁵³ Must obtain a warrant before entries.

⁵⁴ Must give 24 hours’ notice.

⁵⁵ Planning Service and Food Hygiene Staff must give 24 hours’ notice.

Conwy	74	
Denbighshire		Refused: "Exceeds cost and time limits"
Flintshire	82	
Gwynedd	50	
Isle of Anglesey	73	Building Control: 4, Environmental Health: 19, Enforcement: 3, Trading Standards: 15, Planning: 32
Merthyr Tydfil	27	
Monmouthshire		Information not held
Neath Port Talbot	68	
Newport	38	Public Protection: 32 ⁵⁶ , Environmental Health: 6
Pembrokeshire	116	
Powys	84	
Rhondda, Cynon, Taff	92	
Swansea	125	
The Vale of Glamorgan	33	Building Control: 4, Planning Enforcement: 5, Licensing: 5, Environmental Health (Commercial Team): 10, Trading Standards: 9
Torfaen	30	
Wrexham	39	Public Protection: 39
Northern Ireland District Council Areas		
Antrim	8	Environmental Health: 8
Ards	26	
Armagh	0	
Ballymena	16	
Ballymoney	13	
Banbridge	8	
Belfast	0 ⁵⁷	
Carrickfergus	8	

⁵⁶ Must obtain a warrant before entry. May not enter a premises used purely as a dwelling.

⁵⁷ 145 officials have right of entry to private property subject to a obtaining a warrant.

Castlereagh	19	
Coleraine⁵⁸		All Environmental Health Offices and Building Control Officers are authorised.
Cookstown	4	
Craigavon	19	
Derry City	26	
Down	42	
Dungannon and South Tyrone	21	
Fermanagh	24	
Larne	14	
Limavady	5	
Lisburn	141	
Magherafelt	18	
Moyle	7	
Newry and Mourne	26	Technical Staff (Building Regulations and Licensing): 9, Environmental Health: 17
Newtownabbey	32	18 EHOs, 2 Dog Wardens, 5 Enforcement Officers, 1 Health and Safety Officer, 6 Building Control Officers
North Down	17	
Omagh	26	
Strabane	17	
Scottish Council Areas		
Aberdeen City	52	Private Sector Housing Unit: 10, Housing: 3, Environmental Health & Trading Standards: 39
Aberdeenshire	26	EHOs: 25, HMO Officer: 1
Angus	0	
Argyll and Bute	72 ⁵⁹	
Clackmannanshire	24	

⁵⁸ 25 officials have right of entry.

⁵⁹ Must obtain a warrant before entry.

Dumfries and Galloway	15	
Dundee City	1	
East Ayrshire	53	
East Dunbartonshire	35	
East Lothian	29	
East Renfrewshire		Information not held
City of Edinburgh	114	
Eilean Siar	9	
Falkirk	73	
Fife	34 ⁶⁰	
Glasgow City	226	
Highland	179	Estimated on current levels of staff by FOI Officer
Inverclyde	36	
Midlothian	0	
Moray	0	
North Ayrshire	55	Environmental Health: 21, Trading Standards: 6, Building Standards: 11, Development Management: 9, Development Plans: 8
North Lanarkshire	156	
Orkney Islands	27	
Perth and Kinross	70	
Renfrewshire		Information not held
Scottish Borders	28	
Shetland Islands	6	
South Ayrshire	58	
South Lanarkshire	153	
Stirling		<i>"The number of people who are granted power to enter on private property varies from time to time according to operational requirements."</i>

⁶⁰ Excludes entry to "private dwellings".

West Dunbartonshire	44	
West Lothian	29	Revenues and Benefits: 6, Trading Standards: 8, Environmental Wardens: 15
English Metropolitan Districts		
Barnsley	43 ⁶¹	Business Regulation Unit: 20, Pollution Control and Licensing: 12, Environmental Regulatory Unit: 11.
Birmingham	182	Regulation and Enforcement Services: 182
Bolton	8	
Bradford	173	
Bury	50	
Calderdale	64.9 Full Time Equivalent ⁶²	
Coventry	68	Approved Mental Health Practitioners: 32, Licensing: 36 ⁶³
Doncaster	89	Contracted Bailiffs: 68
Dudley	15 ⁶⁴	Licensing Enforcement: 6, Children's Services: 9.
Gateshead	59	
Kirklees	69	Customer & Exchequer Services: 16 Environmental Health: 41 Private Sector Housing: 12
Knowsley	75	
Leeds	527 ⁶⁵	Environmental Health Officers are also authorised, however they are not included in the number as this would have exceeded the cost/time limit.
Liverpool	72	
Manchester⁶⁶	129	

⁶¹ Officials must apply for a warrant before entry.

⁶² Rounded to 64 in total.

⁶³ Other officials may be granted powers of entry on a case by case basis "based upon legislative and operational requirements and always through a signed warrant from a magistrate".

⁶⁴ Children's Services officers must obtain a JP's warrant before entry.

⁶⁵ Certain officials must apply for a warrant before entry, however the information is not held centrally.

⁶⁶ Questions 2 and 3 would have exceeded cost and time limits.

Newcastle upon Tyne	107	
North Tyneside	0	
Oldham	22	
Rochdale	33	
Rotherham	46	
Salford	59	Environmental Health: 12, Trading Standards: 13, Landlord Licensing: 21, Licensing: 4, Environmental Protection Team: 9
Sandwell	61	
Sefton	100	
Sheffield	165	
Solihull	12	
South Tyneside	61	
St. Helens	41	Trading Standards: 9, Building Control: 7, Private Sector Housing: 8, Environmental Health: 17
Stockport	36	
Sunderland		Refused: "Exceeds cost and time limits"
Tameside	50	
Trafford	44	
Wakefield	44	Environmental Health: 39, Strategic Housing: 5
Walsall	40	Environmental Health: 24, Planning: 4, Natural Environment Team: 1, Engineering and Transportation: 11
Wigan	53	Regulatory Services: 42 ⁶⁷ , Citizens Support: 4, Housing: 5, Enforcement: 2
Wirral	68	
Wolverhampton	71	Environmental Health (Commercial): 26, Environmental Health (Public Protection): 27, Trading Standards: 17, Head of Service:

⁶⁷ 13 officials permitted to enter business premises only.

English Non-Metropolitan Districts		
Adur		Information not available
Allerdale	36	
Amber Valley	29	
Arun	52	Environmental Health: 15, Planning and Building Control: 32, Housing: 5
Ashfield	35	
Ashford	42	
Aylesbury Vale	77	
Babergh		Information not provided
Barrow-in-Furness		<i>"Does not record numbers of officers who may use powers of entry"</i> .
Basildon	23	
Basingstoke and Deane	33	
Bassetlaw	47	
Blaby	17	
Bolsover	36	
Boston	18	
Braintree	20	
Breckland	25	
Brentwood	15	Environmental Health: 15
Broadland	43	
Bromsgrove	17	Also 88 staff from Worcestershire Regulatory Services.
Broxbourne	6	
Broxtowe	24	
Burnley	42	
Cambridge	38	
Cannock Chase	27	
Canterbury	19	
Carlisle	42	

Castle Point	21	
Charnwood	34	
Chelmsford	3	Benefit Investigators: 3
Cheltenham and Tewkesbury	34	
Cherwell	25	
Chesterfield	41	
Chichester	55	
Chiltern	14	
Chorley⁶⁸	400	
Christchurch	16	
Colchester	26	
Copeland	10	Environmental Health: 10
Corby	0	
Cotswold	52	
Craven	12	
Crawley	26 ⁶⁹	Environmental Health: 15, Building Control: 11
Dacorum	16	Planning: 3, Environmental Health: 13
Dartford	47	Building Control: 4, Planning: 10, Housing: 3, Enforcement: 10, Environmental Health: 20 ⁷⁰
Daventry	22	
Derbyshire Dales	23	
Dover	39	
East Cambridgeshire	39	
East Devon	53	
East Dorset	See Christchurch Borough Council's response	
East Hampshire	14	

⁶⁸ From FOI: "All Corporate Directors have the power to take Executive decisions, including authorising entry to land for council officers in their directorate. It follows that all council staff (approximately 400) are potentially able to use powers of entry legislation, provided they have been authorised to do so by their Corporate Director."

⁶⁹ Building Control is shared with Horsham Borough Council.

⁷⁰ Environmental Health staff shared with Sevenoaks District Council.

East Herfordshire	37	
East Lindsey	18	
East Northamptonshire	47	
East Staffordshire	17	
Eastbourne	27	
Eastleigh	8	Countryside and Trees: 4 ⁷¹ , Building Control: 4
Eden	15	
Elmbridge	21	
Epping Forest	65	
Epsom and Ewell	24	
Erewash	41	
Exeter	14	
Fareham	37	
Fenland	34	
Forest Heath⁷²	40	Shared service with St. Edmundsbury, officers are authorised for both areas. Forest Heath Officers: 40 St. Edmundsbury Officers: 3
Forest of Dean	34 ⁷³	Planning: 12
Fylde	13	
Gedling	23	
Gloucester	37	
Gosport	22	
Gravesham	18	
Great Yarmouth	17	
Guildford	45	Community Care: 4, Environmental Health and Licensing: 14, Neighbourhood and Housing Management: 3, Planning: 24
Hambleton	41	

⁷¹ Marked as "3 or 4" in the response, figure rounded up for simplicity.

⁷² Shared service with St Edmundsbury, officers are authorised for both areas. Forest Heath Officers: 40, St Edmundsbury Officers: 3.

⁷³ Aside from the 12 planning staff a further 22 were from unspecified departments.

Harborough	13	Commercial Team: 3, Environment Team: 4, Licensing Team: 2, Planning Enforcement: 4
Harlow	2	
Harrogate	69	69 is the number of posts that hold powers of entry, they are not all "currently filled".
Hart	30	
Hastings	40	Environmental Health: 31, Housing Services: 9
Havant	43	
Hertsmere	23	
High Peak	35	
Hinckley and Bosworth	37	
Horsham	68	
Huntingdonshire	19	Environmental and Community Health Services: 19
Hyndburn	20	
Ipswich	45	Planning: 1, Environmental Health: 25, Building Control: 9, Housing: 10
Isles of Scilly	1	
Kettering	50	Environmental Health Officers: 23, Development Services Officers: 23, Private Sector Housing Officers: 4
King's Lynn and West Norfolk	26	
Lancaster	67	
Lewes	61	
Lichfield	33	
Lincoln	21	Food, Health & Safety: 3, Environmental Protection & Private Sector Housing: 18
Maidstone	25	
Maldon	16	
Malvern Hills	16	

Mansfield	24	
Melton	19	
Mendip	27	
Mid Devon	32	
Mid Suffolk	31	
Mid Sussex	0	
Mole Valley	0	
New Forest	94	
Newark and Sherwood	12	
Newcastle-under-Lyme	28	
North Devon	48	
North Dorset	26	
North East Derbyshire	24	
North Hertfordshire	40	
North Kesteven	38	
North Norfolk	31	
North Warwickshire	23	
North West Leicestershire	34	
Northampton	31	
Norwich	20	
Nuneaton and Bedworth	36	
Oadby and Wigston	12	
Oxford	Oxford Council does not hold a "composite list of officers with powers of entry"	
Pendle	25	
Preston	26	
Purbeck	36	
Redditch	2	Also 88 staff from Worcestershire Regulatory Services.
Reigate and Banstead	35	

Ribble Valley	12	Environmental Health: 8, Building Control: 4 ⁷⁴ .
Richmondshire	0	
Rochford	13	
Rossendale	27	Communities Team: 7, Planning and Enforcement: 6, Regeneration Health and Housing (Including Environmental Health): 10, Building control: 4
Rother	50	
Rugby	48	
Runnymede	13	
Rushcliffe	60 ⁷⁵	
Rushmoor	15	
Ryedale	26	
Scarborough	10	
Sedgemoor	14	Environmental Department: 14
Selby	19	
Sevenoaks	35	
Shepway	23	Environmental Health: 9 ⁷⁶ , Private Sector Housing: 6, Development Control: 13, Building Control: 4
South Bucks	27	Building control: 5, Enforcement and conservation: 6, Environmental Health: 6, Licensing: 1, Sustainable Development: 9
South Cambridgeshire	50	
South Derbyshire	34	
South Hams	37	
South Holland	4	
South Kesteven	11	
South Lakeland		Refused: "Exceeds cost and time limits"

⁷⁴ Response also states that Housing, Planning and Benefits has these powers, but doesn't provide a number.

⁷⁵ Response calls this an approximate number and states that they are mainly used by environmental health officers and planning officers.

⁷⁶ Environmental Health Officers "have powers of entry to private property but only on the issue of a warrant by a JP."

South Norfolk	53	
South Northamptonshire	48	
South Oxfordshire	53	
South Ribble	31	
South Somerset	5	
South Staffordshire	18	
Spelthorne	36	
St Albans	25	
St Edmundsbury	3	Shared service with Forest Heath, officers are authorised for both areas. Forest Heath Officers: 40 St Edmundsbury Officers: 3
Stafford	19	
Staffordshire Moorlands		See High Peak Borough Council's reponse.
Stevenage	29	
Stratford-on-Avon	35	
Stroud	44	
Suffolk Coastal	15	
Surrey Heath	14	
Swale	29	
Tamworth	11	
Tandridge	9	
Taunton Deane	17 ⁷⁷	Revenues and Benefits: 2, Health and Housing: 13, Deane DLO: 2 ⁷⁸
Teignbridge	33	
Tendring	43	
Test Valley	109	
Tewkesbury	34	
Thanet	35	
Three Rivers	30	
Tonbridge and Malling	54	Planning Services: 31, Waste & Street

⁷⁷ Additionally Planning Officers "have right to enter without warrant to enable them to carry out their duties".

⁷⁸ DLO Officers must obtain a warrant before entry.

		Scene: 9, F&S & EP: 11, Housing: 3.
Torrige	39	"Figure includes some part time staff"
Tunbridge Wells	60	
Utlesford		Request refused under s.1 (3) of the Freedom of Information Act 2000.
Vale of White Horse	52	
Warwick		Information not provided
Watford	19	
Waveney	55	
Waverley	54	
Wealden	69	
Wellingborough	21	Building Control: 4, Planning: 6, Housing: 1, Health Protection: 6, Environmental Protection: 4.
Welwyn Hatfield	22	
West Devon	17	
West Dorset	40	Shared with Weymouth and Portland Borough Council
West Lancashire	40	
West Lindsey	15	
West Oxfordshire	18	
West Somerset	18	
Weymouth and Portland		See West Dorset District Council
Winchester	60 ⁷⁹	
Woking	20	
Worcester	1	
Worthing		Information not available
Wychavon	28	
Wycombe	43	
Wyre	35	
Wyre Forest	109	9 Housing officials exclusively for Wyre

⁷⁹ Approximate figure.

Forest and 100 are part of Worcestershire Regulatory Services. They presumably have a wider remit than just Wyre Forest.

Total **19375**

Table 3: Disciplinary Action

Local Authority	Number of People Disciplined				Details of the Disciplinary Action
	2009	2010	2011	2012	
Bedford	0	1	0	0	1 Instance: Internal proceedings. Verbal Warning

Appendix 1: Methodology

A Freedom of Information Request was sent to all UK local authorities on the 25th January 2013. We asked how many officers had the power to enter a home, and also how many had been disciplined in 2009, 2010, 2011, and 2012.

Of the 432 local authorities in England we received a 99% response rate. Only four did not respond fully: Hackney, Fareham, Harborough, and Norwich. A further 22 could not provide usable information, generally for lack of information recorded, or the request potentially exceeding the standard cost and time limits for an FOI.

Appendix 2: Freedom of Information Request

Under the Freedom of Information Act I would like to request details about the use of 'powers of entry' laws by officials from your council.

Please provide me with the answers to the following questions:

1. The total number of people within the council who are granted the right to use powers of entry legislation to enter a private property as of the 1st January 2013
2. The number of people who have been disciplined for the misuse of these powers
3. Details of any disciplinary action taken in relation to Q2.

I request that the period covered for questions 2 and 3 is 1st January 2009 to 31stDecember 2012.

About Big Brother Watch

Big Brother Watch was set up to challenge policies that threaten our privacy, our freedoms and our civil liberties, and to expose the true scale of the surveillance state.

Founded in 2009, we have produced unique research exposing the erosion of civil liberties in the UK, looking at the dramatic expansion of surveillance powers, the growth of the database state and the misuse of personal information.

We campaign to give individuals more control over their personal data, and hold to account those who fail to respect our privacy, whether private companies, government departments or local authorities.

Protecting individual privacy and defending civil liberties, Big Brother Watch is a campaign group for the digital age.

If you are a journalist and you would like to contact Big Brother Watch, including outside office hours, please call +44 (0) 7505 448925 (24hrs). You can also email press@bigbrotherwatch.org.uk for written enquiries.

Email: info@bigbrotherwatch.org.uk

Mail:

Big Brother Watch

55 Tufon Street

London SW1P 3QL

www.bigbrotherwatch.org.uk