



SERVICE PLAN FOR HEALTH AND SAFETY REGULATION

2022-23

**Drawn up in accordance with the National Local Authority
Enforcement Code and Local Authority Circular LAC 67/2 (rev 12)**

Draft for approval by Licensing & Protection Committee on

28 June 2022

1. Service Aims and Objectives

- 1.1. The overall aim of the service is to work with businesses and employees to protect all people, including members of the public, from unsafe working conditions by fulfilling the council's statutory role as a 'Health and Safety Enforcing Authority'.
- 1.2. Section 18(4) of the Health and Safety at Work Act etc. 1974 places a statutory duty on Local Authorities to make 'adequate arrangements for the enforcement' of health and safety and the National Local Authority Enforcement Code sets out what is meant by 'adequate arrangements for enforcement'.
- 1.3. Health and safety regulation is an important mechanism for reducing accidents and ill health in the workplace as well as contributing to economic growth and a safe working environment. The aim is to ensure that everyone can enjoy a working environment that is safe and without undue or unreasonable risk to health.
- 1.4. The service seeks to meet this aim through a number of key objectives which include:
 - Securing compliance with health and safety law, having regard to relevant legislation, Approved Codes of Practice and Guidance
 - Investigating complaints and taking appropriate action as necessary, having regard to relevant legislation, approved codes of practice and guidance
 - Responding to requests for advice from duty holders / businesses
 - Investigating reported accidents, dangerous occurrences and notifiable diseases, in line with the HSE's incident selection criteria guidance (LAC 22/13), and taking appropriate enforcement action as necessary.
 - Maintaining a register of relevant evaporative condensers and water cooling towers, as required by The Notification of Cooling Towers and Evaporative Condensers Regulations 1992.
 - Responding to statutory notifications concerning the removal of Asbestos or Asbestos-containing materials (ACM) (The Control of Asbestos Regulations 2012).
 - Responding to statutory notifications of 'A' defects ("defects which could cause a danger to persons") of lifting equipment, during thorough examinations. (The Lifting Operations and Lifting Equipment Regulations 1998).
 - Delivering a programme of targeted and proportionate regulatory interventions, in accordance with the HSE's LAC 67/ 2 (rev 12) and statutory guidance.
- 1.5. The plans and initiatives to which the service must have regard include:
 - The Council's Corporate Plan 2023-2028

- The Council's Service Plan for Community to which this Service Plan is appended
- The HSE's new strategy 2022-2032: "Protecting People and Places".
- The HSE's National Local Authority Enforcement Code
- Local Authority Circular (LAC) 67/2 (Revision 12)
- The Regulators' Code

2. Background

2.1. Authority Profile

2.1.1. Huntingdonshire is a large (900 square kilometres) and predominantly rural area forming the most westerly part of Cambridgeshire. Over 40% of the population live in our three largest market towns of St Neots, Huntingdon and St Ives. Village settlements provide the main population centres and facilities outside of the market towns. With an estimated 180,800 residents and 76,900 households in 2021, the population has grown significantly over recent decades (up by 47% since 1981) and is forecast to grow further.

2.1.2. Economic activity (64% of those aged 16+) and employment rates (61.6% of those aged 16+) are both higher than the national average. There are pockets of higher deprivation within the district but most areas have relatively low levels, as measured by the 2019 Indices of Deprivation. (data from the Corporate Plan 2023 – 2028). 98% of businesses are classified as small or micro (2022) (Office for National Statistics; nomis UK).

2.2. Organisational Structure and Resourcing

2.2.1. Huntingdonshire District Council operates an 'Executive Leader and Cabinet' model of decision-making. Under this model, the executive leader, appoints their own deputy executive leader and cabinet, which comprises seven other councillors.

2.2.2. The health and safety service is one of the services provided by specialist officers within the Community service area. The Environmental Health Service Manager is responsible for the day to day operation of Environmental Health Service and they report to the Community Service Manager who in turn reports to the Chief Operating Officer.

2.2.3. There are currently five officers (4.5 FTE) with a specific responsibility for the delivery of the health and safety service of which approximately 15% of the officer's available time is dedicated to health and safety making a resource of approximately 0.9 FTE. There is vacancy in the team which will be recruited to in 2023/24. The current officers are a combination of Environmental Health Officers and Environmental Health Protection Officers.

2.2.4. Officers who are routinely involved in health and safety enforcement are appropriately qualified and training is provided for them in order maintain their level of professional competency. During 2023-2024 they will continue to have access to any training which is necessary to maintain their professional competency and level of authorisation.

2.2.5. The budget for 2022-23 is shown in the Table below:

| Direct Costs | 2022-23 (£) |
|---|--------------------|
| Employees (salaries, NI, pensions) | 39,700 |
| Other (Legal fees, PPE, equipment etc.) | 1400 |
| Transport | 700 |

3. Service Delivery

3.1. Remit of Huntingdonshire District Council

3.1.1. Huntingdonshire District Council are responsible for enforcing health and safety at certain workplaces including: offices (except government offices), shops, hotels, restaurants, leisure premises, nurseries and playgroups, pubs and clubs, museums (privately owned), places of worship, sheltered accommodation and care homes. Full listings are given in the Health and Safety (Enforcing Authority) Regulations 1998 and the accompanying A-Z guide to allocation published by HSE.

3.1.2. There is no longer a statutory requirement for businesses to notify authorities when starting to operate, it is estimated there are approximately 2,500 business premises in the district that HDC regulates for health and safety. Historic records are held on the Environmental Health and Licensing information management system but as there is no requirement for businesses to notify the council of their operations the data can only be used as a guide.

3.2. Health and Safety Interventions

3.2.1. The service will deliver a mixture of proactive and reactive interventions which will be consistent with HSE's LAC 67/2 (rev 12) and any statutory guidance. LAC 67/2 (rev 12) advises that local authorities should focus on improved outcomes e.g. better risk management, reduced injuries to employees or members of the public. There is flexibility for local priorities to be addressed alongside national priorities set by HSE and local authorities have the discretion as to whether or not proactive inspection is the most appropriate intervention using their local knowledge/intelligence of the dutyholder.

3.2.2. National Local Authority Enforcement Code (supported by LAC 67/2) states that targeted planned interventions should only be used for:

- Specific projects/programmes of interventions identified by HSE for LA attention, either contained within Annex A of the HSE's LAC 67/2 (Rev 12) or by directly communication to LAs for urgent attention as a result of new intelligence arising from an incident/ investigation.
- High risk activities listed in Annex B of the HSE's LAC 67/2 (Rev 12), see 3.2.4
- Where specific local intelligence indicates that a business is failing to effectively manage their health and safety risks.

3.2.3. The national planning priorities listed in LAC 67.2 (Rev 12) are:

- Construction; duty to manage asbestos, falls from height/fragile roofs, respirable silica dust and moving and handling construction materials
- Visitor attractions to prevent or control ill-health arising from animal contact
- Inflatable amusement devices
- Trampoline parks – improved information provision and supervision of users
- Gas safety in commercial catering premises
- Electrical safety in hospitality settings
- Spa pools and hot tubs on display regarding Legionella risks
- Welfare facilities for delivery drivers
- Work related road safety in particular user of two-wheeler vehicles (motorbikes, mopeds, bicycles etc.)
- Awareness of the need to prevent injury to members of the public from accessing large commercial waste and recycling bins
- Promoting worker involvement in safety management systems
- Raising awareness of the work-related stress and mental health campaign 'Working Minds' with businesses

3.2.4. The list of higher risk activities/sectors suitable for targeting for proactive inspection is:

- Communal/amenity buildings on caravan/camping parks with buried metal LPG pipework- explosion caused by leaking LPG.
- Open farms and animal visitor attractions- infection control.
- High volume warehousing and distribution- workplace transport, work at height and manual handling
- Industrial retail/wholesale premises- workplace transport, work at height, cutting machinery, lifting equipment, exposure to excessive noise, exposure to respirable crystalline silica and welding fume.
- In-store bakeries and retail craft bakeries- exposure to flour dust and associated enzymes.
- Residential care homes- manual handling.
- Large scale public events- crowd management.
- Commercial catering premises using solid fuel cooking equipment- CO poisoning.
- Premises with vulnerable working conditions (e.g. lone working) – violence at work.

- Professional firework display operators- risk of fire due to initiation of explosives.

3.2.5. The projects selected in the 2022-23 work plan are still considered to be relevant and are carried forward to this service plan to be continued within 2023-24. They are detailed below:

| | Project | Action |
|----------|--|---|
| 1 | Inflatable amusement devices – Would need to do some research/ brainstorm what businesses in district have permanent inflatables- soft play places- or may hire in inflatables for events (fetes/ parties at pubs etc)- before doing email or letter mail shot, visits etc. | Officers to target relevant businesses and events |
| 2 | Raising awareness of electrical safety in hospitality settings- reminders to duty holders to get their fixed installations and electrical appliances inspected by competent people, especially any in outdoor settings. Could do email or letter mailshot or business newsletter | Officers to target relevant businesses and work with Communications Team to raise awareness |
| 3 | Raising awareness of the need to prevent injury to members of the public from accessing large commercial waste and recycling bins- Could produce reminder leaflet to go out with commercial bins or email from Waste Services to customers of commercial bin service/ business newsletter. | Officers to target relevant businesses work with Communications Team to raise awareness |

3.3. Types of interventions

3.3.1. As well as proactive interventions there are a range of intervention types which can be used as an alternative to unannounced proactive inspections. These include the following:

- Visits by appointment.
- The provision of advice and information.
- Sector-specific initiatives which target local problems.
- Responding to “local intelligence” which gives cause for concern.
- Dealing with serious matters as they are observed or brought to an inspector’s attention during advisory or other interventions.
- These include Matters of Evident Concern (MECs) – issues that create a risk of serious personal injury or ill-health; and Matters of Potential Major Concern (MPMCs) – those with a realistic potential to cause either multiple fatalities or multiple cases of acute or chronic ill-health.

3.4. New business enquiries and advice to businesses

- 3.4.1. Health and safety legislation does not require new businesses to notify the Council when they start their operation. The service maintains a commitment to the provision of advice to new businesses where the council is the enforcing authority. Where possible, the first contact with a new business will focus on the provision of compliance advice. The Council supports the philosophy that effective regulation involves working with businesses. Officers will work with businesses to help them to comply with the law and to encourage the use of best practice.
- 3.4.2. Targeted advice, visits and support to local businesses can aid local business growth particularly with new business start-ups. It is recognised that by supporting business to manage their risks effectively and proportionately, communities will be better protected, and the wider public health agenda will benefit
- 3.4.3. All planning applications are circulated to officers for review, and advice is provided to the applicant where necessary.
- 3.4.4. Officers will work with the Communications Team to use all available media outlets, including the Council's website to promote any relevant national strategies, changes in legislation or identified areas of concern.

3.5. Health and safety complaints and requests for service

- 3.5.1 These fall into one of the following broad categories:
- Complaints about unsafe working conditions, practices or equipment.
 - Complaints about welfare-related issues such as working hours, welfare facilities, and meal breaks.
 - Complaints about the lack of suitable training, supervision or instruction for employees.
- 3.5.2 Any reactive intervention will be proportionate and risk-based with reference to the HSE's risk-based approach to complaint handling and incident selection criteria. Interventions will most likely include contact with the duty holder, this may be a visit or other form of contact.

3.6. Notifiable accidents, injuries, diseases and dangerous occurrences (RIDDOR)

- 3.6.1. Notifications of accidents, injuries, diseases and dangerous occurrences are received via the HSE Extranet service. On receipt of a RIDDOR notification the case will be allocated to an officer who will determine whether an investigation will be carried out or not.
- 3.5.3 Investigations are carried out in accordance with relevant guidance and procedures, including the HSE's incident selection criteria guidance. Interventions will most likely include contact with the duty holder, this may be a visit or other form of contact.

3.7. Licensing, skin piercing registration and events

- 3.7.1. The service works closely with the Licensing team and provides technical advice and support regarding health and safety and the administration of licensing activities such including zoo licensing, riding establishments licensing. Joint inspections will be undertaken where appropriate.
- 3.7.2. In 2022-23 the administration of the skin piercing registration scheme was moved from licensing team to environmental health. This was to improve efficiency of the process. In 2023-24 it is anticipated that a review of existing registrations will begin, and an inspection regime developed for existing registrations. New registrations are inspected as part of the registration process.
- 3.7.3. There are due to be changes to the regulation of non-surgical cosmetic procedures with the introduction of new legislation with a licensing scheme anticipated in 2023-24. Work will be undertaken to implement any new scheme and publicise it to affected businesses.
- 3.7.4. Technical health and safety advice and support is also provided to event organisers via the premises licence and TEN notification statutory consultee process, and via the Safety Advisory Group.

3.8. Formal notifications

- 3.8.1. The Council receives formal notifications from specialist engineers relating to lifting equipment (statutory notifications of 'A' defects - defects which could cause a danger to persons); work with asbestos; pressure systems and location of cooling towers. Follow-up work is often required in all these areas to ensure that safe working practices are in place.

3.9. Health and safety partnership working

- 3.9.1. The Council supports the principles of the Primary Authority Partnership Scheme (PAP) and when dealing with business will check to see if they have a relevant partnership in place. Inspection Plans and Primary Authority (Assured) Advice must be taken into consideration when dealing with any relevant business.
- 3.9.2. There are a number of businesses operating in Huntingdonshire who are in a Primary Authority Environmental Health Partnership with another local authority. The Council does not currently have any health and safety partnerships but maybe open to exploring them with interested parties, subject to resources and in line with Corporate plans and policies. Costs are recovered from the business partner.
- 3.9.3. The Council recognises the importance of liaison with businesses and statutory bodies to ensure a consistent approach to enforcement. The most established mechanisms for this are through working with colleagues via the Cambridgeshire and Peterborough Food and Health and Safety Managers

Group; liaising with businesses and Trading Standards colleagues regarding the Licensing of Sports Stadia; and liaising with organisations and Agency partners when attending Safety Advisory Group meetings.

3.10. Enforcement policy

3.10.1. In February 2018 Huntingdonshire District Council adopted a Corporate Enforcement Policy which sets out its approach to proportionate, transparent, fair and effective regulation and enforcement in accordance with the principles laid down in the Regulators' Code. Any Health and Safety at Work Enforcement will be in accordance with the Corporate Enforcement Policy.

4. Quality assessment and performance

4.1. Monitoring

4.1.1. The Environmental Health Service Manager is responsible for the overall monitoring of the service.

4.1.2. In general terms the service is monitored internally in accordance with Standard Operating Procedure (SOP) CT04. The practical arrangements include the following

- Reactive work is monitored with reference to response time and closure of service requests
- Programmed work is monitored against targets
- Periodic reviews of policies and procedures
- Weekly team meetings
- One-to-ones between the Environmental Health Service Manager and Officers
- County-wide working groups addressing specific issues and/or consistency of enforcement.
- Access to HSE Local Authority Advisory Unit and local liaison officer

4.1.3. Quarterly monitoring reports will be prepared for Licensing and Protection Committee. The activities reported on have been more clearly defined for 2023-24 and are presented in Appendix 1. A breakdown will be provided of service request types to help clarify the source. New indicators have been added for skin piercing registrations and RIDDOR notifications received (as oppose to just investigated) to account for these areas of work. The predicted activity for Matters of Evident Concern (MEC) has been increased in line with the number of MEC's observed in 2022-23. These are generally issues observed during other routine inspections such as food hygiene and this is likely to be a reflection of the length of time since businesses were last inspected due to the pandemic.

5. Review of 2022-23

5.1. Health and safety work has largely been focussed on health and safety complaints and requests for service (including participation in Safety Advisory

Group) and investigation of RIDDOR notifications where the risk-based selection criteria suggests intervention is necessary.

- 5.2.** More proactive work, including the work plan outline in the service plan for 2022-23, has been impacted by prioritisation of food hygiene inspections and consequently the projects identified have been carried forward for completion into this year.

Appendix 1: Predicted Health and Safety Activity 2023-24

| Activity | Predicted activity 2023-24 | Total activity 2022-23 |
|--|-------------------------------|---------------------------|
| Premises inspections and interventions (including activities identified in Work Plan) | 40 | 41 |
| Health and safety complaints and requests for service (including advice to business/enquiries) * | 100 | 88 |
| Skin piercing registrations | 50 | - |
| Accident and dangerous occurrence reports received | 70 | 60 |
| Accident and dangerous occurrence investigations commenced ** | 30 | 40 |
| Specific smoke free enforcement visits*** | 0 | 0 |
| Matters of Evident Concern (MEC)**** | 35 | 35 |
| Health and safety promotional activity | 3 | 0 |

* This figure includes statutory notifications about working with asbestos, Adverse Insurance Reports (AIR) about unsafe work equipment and requests for advice and information. The diversity of work illustrates the importance of maintaining resources in order that effective investigations can be carried out. A breakdown of service request areas will be giving

**The selection of accidents for investigation is founded upon the risk-based criteria in Local Authority Circular (LAC) 22/13.

*** This figure is driven by the number of relevant complaints received by the service.

**** Matters of Evident Concern are significant health and safety problems that officers have noted during non-health and safety activities. (The fewer the better)