

COMMUNITY DIVISION

SERVICE PLAN FOR HEALTH AND SAFETY REGULATION 2021-22

**Drawn up in accordance with the National Local Authority
Enforcement Code and Local Authority Circular LAC 67/2 (rev9)**

Approved by Licensing and Protection Committee
10th March 2021

EXECUTIVE SUMMARY 2021-22

AIMS AND OBJECTIVES

The overall aim of the service is to work with businesses and employees to protect people from unsafe working conditions.

The service is linked to the Council's Corporate Plan and aims to comply with the Health and Safety Executive's (HSE) "National Local Authority Enforcement Code". Much of this work is directed by a national Local Authority Circular (LAC 67/2 Revision 9) which outlines the ways in which local authorities should comply with the national code.

The Service Plan outlines how Huntingdonshire District Council will deliver health and safety regulation in 2021 -22. Any references to work delivered in 2020-21 are based upon the data recorded for the period between 1 April 2020 and 31 January 2021. The references to programmed work for 2021 - 22 are at this time estimates.

The health and safety service is one of the functions carried out by officers within the Business Team of the Community Division. Those officers also deliver regulatory and advisory functions in the fields of food safety, infectious disease control, drinking water safety, smoke free legislation and licensing.

The current staffing levels allocated to the Health and Safety function is 1.1FTE which is unchanged from 2020-21

Business Support staff provide the following: preparation of reports, letters and notices; updating computer records; recording of enquiries and service requests; collation of data about reportable accidents; collation of data for HSE and CIEH returns and internal PI monitoring.

The overall budget for 2021-22 remains largely the same as 2020-21. Expenditure for 2021-22 is expected to be approximately £42k.

It is very difficult to plan for 2021/22 due to the current effects of Covid 19 and the effect on H&S workload. However a balanced workload has been proposed for 2021-21 which incorporates a range of intervention activities. The plan assumes that the service remains fully staffed. However, unforeseen events can place unexpected demands on the service and will prejudice our ability to deliver the plan. These include fatal accident investigations and any staffing issues arising during the year (eg sickness).

2021-22 WORKPLAN PRIORITIES

The work plan priorities are guided by the content of Local Authority Circular 67/2 (rev 8), the National Local Authority Enforcement Code and the HSE's Helping Britain Work Well Strategy. Whilst the primary responsibility for

managing health and safety risks lies with the business that creates the risk, regulators have an important role in ensuring the effective and proportionate management of risks, supporting business, protecting communities and contributing to the wider public health agenda.

- The code requires local authorities to have a means of monitoring, capturing and sharing health and safety intervention, enforcement and prosecution activity.
- The Corporate Plan 2018-22 places a commitment to support people to improve their health and well-being through the facilitation of cultural and leisure activities. Working in collaboration with the Safety Advisory Group we will ensure that health and safety advice is disseminated to event organisers and where appropriate proactively inspect large scale public gatherings to ensure risks from crowd management, fireworks and inflatables are controlled effectively.
- The HSE's risk-based approach to complaint handling and incident selection criteria will be adopted to select relevant incidents and complaints for investigation so that resources can be targeted effectively.
- The drive to simplify regulation and ensure that employers are aware of their responsibility is a continuing thread of government policy. As part of this initiative we have collaborated through the Better Business for All partnership to continue to work with the HSE in delivering clear concise information to enable businesses to give businesses a better grasp of what "good enough to meet compliance obligations" looks like. Whilst promoting revised HSE guidance on securing competent advice, we will continue to emphasise how smaller, lower risk businesses can "do" health and safety for themselves.
- The effect of Covid 19 has and will continue to take precedence into 2021-22 as reports of non-compliance in the workplace remain constant. Joint working to investigate and provide clear guidance to business has and will continue for the foreseeable future in collaboration with the Health and Safety Executive.

1.0 SERVICE AIMS AND OBJECTIVES

1.1 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.

1.2 The service aims to:

- Help the Council to fulfil its statutory role as a "Health and Safety Enforcing Authority" accountable for the effective regulation of health and safety standards; and
- Deliver a complementary programme of advice and enforcement to ensure that businesses are better placed to comply with their duties.

1.3 The service seeks to meet these aims through a number of key

objectives which include:

- Securing compliance with health and safety law, having regard to Approved Codes of Practice and Guidance
- Investigating complaints and taking appropriate action
- Delivering a programme of targeted and proportionate regulatory interventions in accordance with statutory guidance
- Investigating reported accidents, dangerous occurrences and notifiable diseases on the basis of risk and taking appropriate enforcement action
- Maintaining a register of premises for which the Council has enforcement responsibility
- Maintaining a register of evaporative condensers and water-cooling towers on behalf of the HSE
- Responding to statutory notifications about the removal of asbestos or asbestos-containing material
- Responding to Adverse Insurance Reports (AIR) submitted by engineers appointed by insurance companies
- Taking samples of articles and substances as they relate to a working environment
- Providing advice and guidance, in particular to new businesses
- Working in partnership with other organisations to promote health and safety in the workplace.

1.4 The plans and initiatives to which the service must have regard include:

- The HSE's Covid strategy
- The Council's Corporate Plan 2018-22
- The HSE's National Local Authority Enforcement Code
- Local Authority Circular (LAC) 67/2 (Revision 9)
- The Regulators' Code

2.0 SERVICE DELIVERY

2.1 Introduction

2.1.1 The health and safety service is delivered by officers within the Business Team of the Community Division.

2.1.2 The service will deliver a mixture of proactive and reactive interventions which will be consistent with government guidance. In practice this will comprise programmed inspections of the highest risk workplaces alongside targeted projects aligned with LAC 67/2. These will be supplemented with risk-based reactive interventions in response to reported accidents, work-related diseases, dangerous occurrences and complaints.

2.1.3 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 we will protect communities and

contribute to the wider public health agenda.

2.2 Health and safety inspections

2.2.1 There are 2,334 premises on the premises database which remains similar to previous years:-

Analysis of Premises by HSE Classification

Retail Shops	494
Catering, restaurants and bars	549
Offices	349
Consumer services (e.g. hairdressing, tyre fitting, tattooing)	363
Wholesale, warehouses and fuel depots	231
Leisure and cultural services (e.g. cinema, place of worship)	144
Hotels, camp sites and other short-stay accommodation	53
Provision of permanent residential accommodation	56
Other premises (not classified above)	42
HSE enforcement	26

2.2.2 National Local Authority Enforcement Code (supported by LAC 67/2) states that unannounced proactive inspections should only be used for

- The highest risk premises
- Those on HSE's published list of specific local authority enforced sectors Annex B LAC 67/2 (Revision 9)
- Where there is local intelligence which shows that risks are not being effectively managed.

2.2.3 The high-risk sectors which are suitable for proactive inspections include

- Premises with cooling towers/evaporative condensers
- Communal/amenity buildings on caravan/camping parks with buried metal LPG pipework
- Open farms and animal visitor attractions
- High volume warehousing and distribution
- Industrial retail/wholesale premises
- In-store bakeries and retail craft bakeries where loose flour is used and inhalation of dust if likely to frequently occur
- Residential care homes
- Large scale public events
- Commercial catering premises using solid fuel cooking equipment
- Premises with vulnerable working conditions (e.g. lone working)
- Professional firework display operators

2.2.4 Proactive inspections may also be carried out at premises where a food hygiene inspection is due and a health and safety inspection can be targeted. These premises will be inspected accordingly but cannot count as a proactive inspection on the health and safety return as it was not the primary cause for the visit.

2.2.5 LAC 67/2 also identifies specific topic areas that should be addressed during the course of routine visits or other intervention. These include

- Falls from height – work on or adjacent to fragile roofs/materials
- Health risks from respirable silica dust
- Duty to manage asbestos
- Visitor attractions to prevent or control ill-health arising from animal contact
- Inflatable amusement devices (Bouncy castles)
- Beverage gases in the hospitality industry
- Gas safety in commercial catering premises
- Welfare facilities for delivery drivers
- Awareness of the need to prevent injury to members of the public from accessing large commercial waste and recycling bins

2.3 Other health and safety interventions

2.3.1 LAC 67/2 identifies several other 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 (MEC`s) 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 including Covid related matters.

2.3.2 The HSE’s detailed plans are contained in their Health and Work strategy and in their 19 sector-specific strategies which are based on industry type and risk profile. These sectors include commercial consumer services, logistics/transport and sports and leisure.

2.3.3 These sectors include businesses as diverse as beauty, retail, hospitality, catering, distribution centres, children’s play, swimming and thrill-seeking activities such as bungee jumping and motorised leisure pursuits. Collectively, they account for almost two thirds of the

businesses on our database and subject to resources we will deliver a range of interventions to support the HSE's wider strategic themes.

2.4 New business enquiries and inspections

2.4.1 Health and safety legislation does not require new businesses to notify the Council when they start up. The service has an online form which a business can complete instead and there is liaison with the NNDR team where necessary. All planning applications are circulated to officers for review and advice is provided to the applicant where necessary. When new businesses open they are added to the database and the enforcing authority is identified.

2.4.2 Where possible, the first contact with a new business will focus on the provision of compliance advice.

2.5 Health and safety complaints and requests for service

2.5.1 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 and meal breaks
- Complaints about the lack of suitable training, supervision or instruction for employees
- Adverse Inspection Reports about lifting equipment and pressure vessels

2.5.2 They are investigated in accordance with internal procedures and central guidance.

2.6 Notifiable accidents, injuries, diseases and dangerous occurrences

2.6.1 Investigations are carried out in accordance with relevant guidance and procedures. Enforcement action is in accordance with the Corporate Enforcement Policy with reference to the Enforcement Management Model.

2.7 Licensing and registration

2.7.1 The service works closely with the Licensing Manager and provides technical advice to support health and safety and the administration of zoo licensing, riding establishments licensing, tattooing and skin piercing activities.

2.8 Formal notifications

2.8.1 The Council receives formal notifications from specialist engineers relating to lifting equipment; 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.

2.9 Advice to businesses

2.9.1 The service will maintain a commitment to the provision of advice to new businesses. Where possible, the first contact with a new business will focus on the provision of compliance advice.

2.9.2 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. This is achieved through a range of activities which include:

- Awareness seminars and targeted mail shots prompted by changes in legislation
- Maintenance and development of the department's web site.
- Provision of training when resources permit
- A periodic business newsletter which contains information about health and safety requirements
- Ad hoc seminars and lectures for schools, trade and voluntary groups

2.10 Health and Safety Partnership Working

2.10.1 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 partnership in place. Inspection Plans and assured advice must be taken into consideration when dealing with the organisation.

2.10.2 There are about 78 companies operating in Huntingdonshire who are in a partnership with another council. The Council doesn't have any health and safety partnerships but is open to exploring them with interested parties. Costs are recovered from the business partner.

2.10.3 The Council recognises the importance of liaison with businesses and statutory bodies to ensure a consistent approach to enforcement. The most established mechanism is the Cambridgeshire and Peterborough Food and Safety Group. However, the newly formed working group set up to explore Better Business for All is ideally placed to develop innovative ways of working collaboratively to raise awareness and standards of management practice in relation to Health and Safety.

2.11 Enforcement Policy

2.11.1 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. The Health and Safety at Work Enforcement Policy Statement will be refreshed and updated to reference the new policy statement.

3.0 RESOURCES

3.1 Staffing

3.1.1 The Operational Manager (Business) is responsible for the overall management of the service which is delivered by six officers in the Business Team. Administrative support is provided by the Business Support Team.

	2021-22
Environmental Health Officers	0.67
Environmental Health Enforcement Officers	0.12
Operational Manager (Business)	<u>0.15</u>
	0.94
Business Support staff	0.16
TOTAL	1.10

3.1.2 These figures represent the proportion of the establishment posts which is allocated to health and safety activity, 15%.

3.2 Financial

	2021-22
Direct Costs	
Employees (salaries, NI and pensions)	£42,600
Other (Legal fees, PPE, equipment etc.)	£1,350
Transport	£1,000
Income & Fees	-£3,000
TOTAL	<u>£41,950</u>

3.2.1 The overall budget for 2021-22 remains largely the same as 2020-21 with an increase of 1% to staffing costs.

3.2.2 The business support workload includes the production of post-inspection letters, data entry to Civica APP, recording of enquiries and service requests, collating data on reportable accidents, collation of data for HSE (LAE1), CIEH returns and internal monitoring.

3.3 Competency and Professional Development

3.3.1 All members of staff are involved in a staff development process with annual appraisals and regular reviews. Staff training needs are identified as part of this process together with routine assessments of competency and each informs their training programme.

- 3.3.2 Officers who are routinely involved in health and safety enforcement are appropriately qualified and training is provided for them in order to maintain their level of competence. During 2021-22 they will have access to any training which is necessary to maintain their competence and level of authorisation.

4.0 QUALITY ASSESSMENT

- 4.1 The following methods are used to assist with the quality assessment of the service:
- Standard Operating Procedures
 - Periodic benchmarking and peer review exercises
 - Review of post-inspection paperwork
 - Periodic assessment of competencies
 - Accompanied visits
 - Regular team meetings
 - Review of officers' personal work plans
 - Annual performance appraisal and development interviews
 - County-wide working groups addressing specific issues and/or consistency of enforcement

5.0 REVIEW

5.1 Review of Performance

- 5.1.1 The Health and Safety Executive (HSE) has issued guidance to all local authorities. This requires them to review their performance in order that any variances from the requirements of the Service Plan can be identified.
- 5.1.2 The service was not fully staffed for the whole year, However 2 qualified EHO's joined us in Oct 2020. One of which has extensive Health & Safety experience.

5.2 Formal Enforcement Action

- 5.2.1 The Health and Safety at Work Enforcement Policy Statement states that a graduated approach to enforcement will be adopted and that in the first instance duty holders will be given the opportunity to discuss and remedy problems before action is taken. In order to determine the best course of action, an officer will assess the degree of risk, the severity of the offence, the technical means by which the contravention can be remedied, together with the known compliance history of the duty holder. The most appropriate enforcement option must always be governed by the particular circumstances of the case.
- 5.2.2 In most cases, compliance is secured by informal means, most commonly by letter. However, it is sometimes necessary to use

formal methods. Table 3 compares the level of enforcement activity with the previous year.

Table 3 – Enforcement Action

	2020-21 To Jan 21	2021-22 estimate
Total number of inspections, visits and revisits	83	400
Improvement notices (Low is good)	27	50
Prohibition notices (low is good)	3	10
Simple cautions (low is good)	0	1
Prosecutions (low is good)	0	0
Health & Safety complaints and service requests	225	350
Accident Notifications	71	95

5.2.3 The number of visits is in line with the expectation that local authorities will only carry out unannounced inspections of high risk premises that are identified within the national list or by local priorities and include an estimate to take into account significant increased work load due to Covid 19.

5.3 A Review of the 2020-21 Service Plan

5.3.1 Where possible and according to risk, the first contact with a new business has been focused on the provision of compliance advice.

5.3.2 Owing to the vacancies in the team the main focus this year has been responding to key reactive areas including accident notifications, Covid related enquiries provision of advice primarily around Covid and matters of evident concern.

5.3.3 We have where possible continued to support businesses and work collaboratively with partners to raise awareness of Health & Safety matters, providing advice and guidance on compliance either directory or through partnership working with other HDC teams and Health & Safety executive.

5.3.4 Covid compliance has been the major factor during 2020-21

accounting for more than 85 requests for service which has more than doubled the workload in respect of Health & safety matters

- 5.3.5 We have continued to work with Licensing in respect of risk assessing applications for Skin piercing and tattoo parlours

5.4 Plan of work for 2021-22

- 5.4.1 The work will be guided by the content of Local Authority Circular (LAC) 67/2, the National Local Authority Enforcement Code and the HSE's Help GB Work Well Strategy.
- 5.4.2 The code requires local authorities to have a means of monitoring, capturing and sharing health and safety intervention, enforcement and prosecution activity. As the environmental health management information system is being replaced, resource will need to be allocated to ensure that the data migration is accurate. Process flows and data requirements are currently being identified and this project will span 2021-22.
- 5.4.3 The Corporate Plan 2018-22 places a commitment to support people to improve their health and well-being through the facilitation of cultural and leisure activities. Working in collaboration with the Safety Advisory Group we will ensure that health and safety advice is disseminated to event organisers and where appropriate proactively inspect large scale public gatherings to ensure risks from crowd management, fireworks and inflatables are controlled effectively.
- 5.4.4 The HSE's risk based approach to complaint handling and incident selection criteria will be adopted to select relevant incidents and complaints for investigation so that resources can be targeted effectively. Appendix 1 outlines expected activity in 2021-22.
- 5.4.5 The drive to simplify regulation and ensure that employers are aware of their responsibility is a continuing thread of government policy. As part of this initiative we will continue to work through the Better Business for All partnership to give businesses a better grasp of what "good enough to meet compliance obligations" looks like. Whilst promoting revised HSE guidance on securing competent advice, emphasis will be placed on how smaller, lower risk businesses can "do" health and safety for themselves via advice on our website, the sign-2-grow website and inspections and visits.
- 5.4.6 Following the coroners findings in September 2019, we will aim to work closely with the owners of Hamerton Zoo to review and update a range of policies and procedures that will improve a range of areas related to health & safety.