

**ENVIRONMENTAL AND COMMUNITY HEALTH  
SERVICES DIVISION**

**THE SERVICE PLAN FOR HEALTH AND  
SAFETY REGULATION  
2015-16**

**Drawn up in accordance with the National Local Authority  
Enforcement Code and Local Authority Circular LAC 67/2 (rev4)**



## EXECUTIVE SUMMARY 2015-16

### 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 Leadership Direction strategy 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 circular (LAC 67/2 (rev4) which outlines the ways in which local authorities should comply with the national code.

The health and safety service is one of the functions carried out by officers within the Commercial 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 and smoke free legislation.

### RESOURCES

#### STAFF

	<b>2014-15</b>	<b>2015-16</b>
Environmental Health Officers (EHO)	1.40	1.15
Environmental Health Protection Officers (EHPO)	0.50	0.35
	<b>1.90</b>	<b>1.50</b>
Admin Support Staff	0.75	0.75
<b>Total</b>	<b>2.65</b>	<b>2.25</b>

**FINANCIAL**

	<b>2014-15</b>	<b>2015-16</b>
Direct Costs		
Employees	£106,980	£65,692
Other (Legal fees, sampling, equipment etc.)	£9,570	£9,974
Overheads	£57,410	£45,747
<b>TOTAL</b>	<b><u>£174,360</u></b>	<b><u>£121,413</u></b>

Table 1 – programmed activity

<b>Activity</b>	<b>Level of activity</b>	
	<b>Actual 2014-15</b>	<b>Estimated 2015-16</b>
Premises inspections and interventions (including revisits)	173	150
Health and safety-related complaints	66	75
Accident and dangerous occurrence investigations	25	20
Specific smoke free enforcement visits	0	10
Health and safety promotion and advice to business/enquiries	e.g. provision of training courses, development of newsletter, leaflets, website, educational initiatives (in addition to those identified in “interventions”)	
Liaison with other organisations	Maintenance and development of existing links and initiatives both internal and external	
Staff development and training	Internal and external training courses, and development	
Service management	Overall supervision and management of service, policies and procedures	

The overall budget for 2015-16 is £121,413 which is 30.4% less than for 2014-15. This is because of the loss of an Environmental Health Protection Officer and the impact of the National Local Authority Enforcement Code which directs local authorities to review their commitment to health and safety regulation. It is anticipated that the budget will be sufficient to meet the demands of the service, but in the event of a complex legal case then additional funds will have to be sought.

The administrative support workload includes the production of detailed post-inspection letters, data entry to Flare, recording of enquiries and service requests, collating data on reportable accidents, collation of data for HSE and CIEH returns and internal PI monitoring.

A balanced workload has been proposed for 2015-16 which incorporates a range of intervention activities. The plan assumes that the service remains fully staffed. Long-term sickness, staff secondments to other local authorities as part of a local agreement and long-term vacancies will prejudice our ability to meet the requirements of this service plan. This will have an impact on the completion of inspection targets and the delivery of the Development Plan as outlined below.

The impact of large-scale events such as the Secret Garden Party, carnivals and local heritage events also needs to be recognised. They require significant staff resources during the planning and operational phases.

## **1.0 SERVICE AIMS AND OBJECTIVES**

- 1.1 The health and safety regulation function represents an important mechanism for reducing accidents and ill health in the workplace as well as contributing directly to economic success 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 overall aim of the service is to work with businesses and employees to protect employees and the public from unsafe conditions within businesses for which the Council has enforcement responsibilities under the Health and Safety at Work Act 1974. In particular the service will:
- Fulfil the statutory duty imposed on the council as a “Health and Safety Enforcing Authority” and ensure the effective regulation of health and safety standards
  - 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 this aim through a number of key actions which include:
- Securing compliance with health and safety law, having regard to Approved Codes of Practice and guidance
  - Investigating complaints and taking appropriate action
  - Carrying out a planned risk-based inspection programme 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
  - Taking samples of articles and substances as they relate to a working environment
  - Providing advice and guidance on request, 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 Council's Leadership Direction strategy
- The Council's Sustainable Communities Strategy 2008-2028
- The HSE's National Local Authority Enforcement Code
- The Better Regulation Delivery Office's (BRDO) Regulators' Code
- Huntingdonshire District Council's Corporate Plan 2014-16.

## 2.0 SERVICE DELIVERY

### 2.1 Introduction

- 2.1.1 The health and safety service is delivered by officers within the Commercial Team of the Community Division.
- 2.1.2 The Commercial Team 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 (rev4). These will be supplemented with risk-based reactive interventions in response to reported accidents, work-related diseases, dangerous occurrences and complaints.
- 2.1.3 Whilst the need to work in accordance with national guidance is recognised, the service will also honour the Council's long standing commitment to provide support for businesses.

### 2.2 Health and safety inspections

- 2.2.1 There are 2340 premises on the database for which the Council is the health and safety enforcing authority. A breakdown by HSE classification is shown below. According to the database almost 230 of these businesses are due for an inspection during 2015-16, of which 170 haven't been inspected since before 1 January 2011. However, the National Local Authority Enforcement Code supported by LAC 67/2 (rev4) requires 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 and where there is local intelligence which shows that risks are not effectively managed. This means that many of the premises which are due for an inspection will not be visited unless they are within the specified categories.

Table 2 - Analysis of premises by type

Retail Shops	506
Catering, restaurants and bars	491
Offices	370
Consumer services (e.g. hairdressing, tyre fitting, tattooing)	351
Wholesale, warehouses and fuel depots	208
Leisure and cultural services (e.g. cinema, place of worship)	156
Hotels, camp sites and other short-stay accommodation	56
Provision of permanent residential accommodation	51
Other premises (not classified above)	55
Not classified	96



2.2.2 It is the Council's policy that unannounced health and safety inspections are restricted to the highest risk premises and to those sectors identified in the national code. Other interventions will be used in accordance with the National Local Authority Enforcement Code.

2.2.3 The health and safety premises database contains a number of businesses due for an inspection before 31 March 2016 whose inspection history is such that they are deemed to present a high risk and they have been placed in category A. They will have a full inspection during 2015-16.

2.2.4 The following high risk sectors have also been identified as being suitable for unannounced inspections in accordance with the national code.

- The management of legionella risks
- The management of risks associated with buried liquefied petroleum gas (LPG) pipework
- Working at height and transport risks in high volume warehousing
- The management of risks in premises with vulnerable working conditions and lone working.

### **2.3 Other health and safety interventions**

2.3.1 LAC 67/2(rev4.1) 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.

2.3.2 We will continue to support HSE's wider strategic aims subject to available resources.

### **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 new planning applications are circulated to officers for review and appropriate advice is provided to the applicant where necessary. When new businesses open they are added to the inspection programme on the basis of risk.

### **2.5 Health and safety complaints and enquiries**

2.5.1 Health and safety complaints 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.

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 Enforcement Policy.

## **2.7 Licensing and registration**

2.7.1 The service acts as a consultee for applications, representations for new premises licences, or variations to existing licences. The public safety aspects of the proposals are considered and reported to the Licensing Officer. Visits are also carried out following applications for registration of skin-piercing and tattooing activities. The service also carries out inspections under the Zoo Licensing Act and Riding Establishments Act and administers those licensing processes.

## **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 of these areas to ensure that safe working practices are in place.

## **2.9 Advice to businesses**

2.9.1 The service provides an opportunity for the Council to engage with local businesses and to protect the health of our community. The service provides guidance and advice with a particular focus on start-up businesses. This work helps to maintain public confidence in the safety standards of local businesses; helps them to comply with relevant legislation; and in turn promotes fair competition. This helps well-run businesses to flourish and to contribute to the local economy.

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:

- The provision of advice during the course of inspections and other visits
- Site visits prior to new businesses opening
- Responding to enquiries
- Commenting on plans at building regulation and planning application stages
- Awareness seminars and targeted mail shots prompted by changes in legislation

- Maintenance and development of the department's web site.
- The use of consultation mechanisms to seek comments on proposals and policies
- Consultations with local businesses to identify training needs and then facilitate relevant training courses and materials
- Provision of training when resources permit
- A bi-annual business newsletter which contains information about health and safety requirements
- Ad hoc seminars and lectures for schools, trade and voluntary groups
- Provision of free advisory leaflets for businesses and employees.

## **2.10 Health and Safety Partnership Working**

2.10.1 The Council supports the principles of the Primary Authority Partnership Scheme (PAPS). A company with multiple outlets in different local authority areas can ask one of them to enter into a PAP. The local authority is not obliged to do so but if it agrees then it must be mindful of the significant demand on resources that will result.

2.10.2 Nationally there are just over 1500 direct partnerships with 153 different local authorities. In Huntingdonshire it is estimated that there are just over 50 businesses with partnerships. Currently the Council doesn't have a health and safety partnership but will consider doing so if approached. Such partnerships are resource intensive but costs can be 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. There is regular dialogue in a variety of settings:

- Cambridgeshire and Peterborough Food and Occupational Health and Safety Managers' Group
- East of England Region Health and Safety Policy Forum
- Cambridgeshire and Peterborough Public Protection and Safety Group
- Cambridgeshire Business Partnership
- FLARE User Group
- Huntingdon Racecourse Safety Advisory Group
- Local business groups and networks.

2.10.4 There is regular liaison and consultation with officers from other departments within the Council on issues relating to health and safety such as planning and building control applications, the Corporate Office and Licensing. There is liaison with the Head of Legal Services where appropriate.

## **2.11 Enforcement Policy**

2.11.1 Huntingdonshire District Council has signed up to the Enforcement Concordat. The Division endorses the principles laid down in the Better Regulation Delivery Office's Regulators' Code and will consider the Code for Crown Prosecutor's Guidelines when making enforcement decisions. The Enforcement Policy and subsequent reviews have been

endorsed by the Chairman and Vice Chairman of the Licensing and Protection Panel.

## **2.12 Smoke free Implementation**

- 2.12.1 Smoke free enforcement work has now become integrated into routine inspection activity and in response to specific complaints.
- 2.12.2 In the year up to 31 March 2015 our officers responded to 8 complaints about non-compliance with the regulations. Standards are also assessed during routine food hygiene and health and safety visits of which there were just over 1000.

### 3.0 RESOURCES

#### 3.1 Staffing

- 3.1.2 The Commercial Team comprises eight authorised officers, five of whom are Environmental Health Officers. Administrative support is provided by the ECHS Administration Team.

	<b>2015-16</b>
Environmental Health Officers	1.15
Environmental Health Enforcement Officers	0.35
	1.50
Admin support staff	0.75
<b>TOTAL</b>	<b>2.25</b>

#### 3.2 Financial

	<b>2014-15</b>	<b>2015-16</b>
Direct Costs		
Employees	£106,890	£65,692
Other (Legal fees, sampling, equipment etc.)	£9,970	£9,974
Overheads	£57,410	£45,747
<b>TOTAL</b>	<b><u>£174,360</u></b>	<b><u>£121,413</u></b>

- 3.2.1 The overall budget for 2015-16 is £121,413 which is 30.4% less than for 2014-15. This is because of the loss of an Environmental Health Protection Officer post and the impact of the National Local Authority Enforcement Code which directs local authorities to review their commitment to health and safety regulation. It is anticipated that the budget will be sufficient to meet the demands of the service, but in the event of a complex legal case then additional funds will have to be sought.
- 3.2.2 The administrative support workload includes the production of detailed post-inspection letters, data entry to Flare, recording of enquiries and service requests, collating data on reportable accidents, collation of data for HSE and CIEH returns and internal monitoring.
- 3.2.3 A balanced workload has been proposed for 2015-16 which incorporates a range of activity. The plan has been based on the Service being fully staffed. Long-term sickness, vacancies and other absenteeism will prejudice our ability to meet the requirements of the service plan. These would impact on the completion of inspection targets and the delivery of the plan of work outlined in Section 5.4.
- 3.2.4 The impact of large-scale events such as the Secret Garden Party, carnivals and local heritage events also needs to be recognised. They require significant staff resources during the planning and operational phases.

### **3.3 Competency and Professional Development**

- 3.3.1 All members of staff are involved in a staff review and development process with annual appraisals and six-monthly reviews. Staff training needs are identified as part of this process together with routine assessments of competency and each contributes to the training programme.
  
- 3.3.2 Officers who are routinely involved in health and safety enforcement are appropriately qualified and are offered training to maintain and improve their level of competence. During 2015-16 they will have access to any training which is necessary to fulfil the requirements of the Chartered Institute of Environmental Health (CIEH) Continuing Professional Development (CPD) scheme and the requirements of the Regulators Development Needs Assessment and HSE Competency Frameworks.

## **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 by the Team Leader
- Periodic assessment of competencies
- Accompanied visits with the Team Leader
- Regular team meetings
- Review of officers' personal work plans
- Annual performance appraisal and development interviews
- County-wide working groups addressing specific issues, consistency of enforcement, training issues.

## **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 year. An Environmental Health Protection Officer left the authority on 31 July 2014: the post was not advertised and was subsequently cut from the establishment. The Senior Environmental Health Officer left the authority on 31 December 2014 and the post is still vacant.
- 5.1.3 As a consequence of the issues identified above, the Service was not able to complete all the work that was identified in the service plan. However 259 premises had an inspection, intervention or visit. Further details are provided in section 5.3.
- 5.1.4 The Secret Garden Party, a licensed annual music and arts festival attracting over 25,000 visitors, required significant resources and officer involvement. This included the inspection of site infrastructure, displays, event areas, water and lake-based activities, car parking and camping areas. A large number of vendors were visited, and several food and water samples were taken. Formal action was taken where appropriate. A growing number of other large-scale events, fairs, shows and heritage attractions place a significant demand on the service resulting in increased proactive and reactive work often at weekends and unsociable hours. These activities have been absorbed within existing budgets and resources but their impact should be noted.

### **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 normally 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. There were 14 enforcement notices served: 8 improvement notices for significant breaches of health and safety requirement and 6 prohibition notices for imminent risks to health and safety.

Table 3 shows a comparison with the enforcement activity carried out in the previous years.



Table 3 – enforcement action

	2012-13	2013-14	2014-15
Total number of inspections, visits and revisits	273	259	172
Number of letters	124	109	104
Improvement notices	6	12	8
Prohibition notices	2	2	6**
Simple cautions	0	3	0
Prosecutions	4	0	0
Health & Safety complaints	89	87	66
Accident Notifications	96*	84	82

\*\*4 of these notices were served on the same business but then withdrawn following liaison with HSE

\*Changes to reporting requirements implemented in April 2012 have resulted in a gradual reduction in the number of notifiable accidents and incidents.

### 5.3 A Review of the Service Plan

5.3.1 Section 5.4.3 of last year's Service Plan described the Divisional Plan of Work for the year. The following is a summary of the activity in those areas.

5.3.2 The continuation of work to assess the management of piped gas safety risks in food businesses

*There were more inspections of catering premises and some serious breaches of health and safety requirements were identified. All the highest risk premises have now been visited. There will not be a specific gas safety project in 2015-16 but instead gas safety checks will be integrated into routine inspections.*

5.3.3 A project to assess the management of risks associated with the increasing use of solid fuel gas appliances in catering premises

*Carbon monoxide monitors were installed in ten premises, three of which had living accommodation above the kitchen. This presents an additional risk if there are elevated levels of carbon monoxide. All the businesses were required to install carbon monoxide alarms, in one of*

*which the alarm sounded when the ventilation system malfunctioned. This allowed a member of staff to vacate the premises before he was exposed to dangerous levels of gas.*

- 5.3.4 A project to assess the management of risks in premises within the “beauty sector”. This will primarily focus on tattooing and body piercing activities together with the emerging nail bar sector

*Skin piercing and tattooing can be high risk activities if they are not properly managed and regulated, with the risk of blood-borne infections such as hepatitis. The Council has a number of premises and artists in its database who are registered to undertake the practice of tattooing and skin piercing activities in its district. This database is old and the records may not be accurate or up to date. In the past, premises and people have been registered with minimal scrutiny of the applications and premises; however, there has not been any recent scrutiny of the practices and management of these premises.*

*This intervention carried out a review of the way that the Council operated the current registration schemes for the practices of skin piercing and tattooing. A Standard Operating Procedure (SOP) has been developed which will put into place a procedure for dealing with the registration of premises and people who wish to undertake tattooing and skin piercing. An inspection programme is also being developed for these premises which will be based on the principles of the CIEH tattoo toolkit and Annex F of the HSE LAC 67/2 (rev4).*

*There are seven nail bars on the premises database all of which were visited to assess the management of risks associated with exposure to hazardous substances, the most significant of which are respirable hydrocarbons with carcinogenic properties. No enforcement action was necessary but several of the premises had insufficient mechanical ventilation and written advice was provided.*

- 5.3.4 A project to assess the management of risks associated with working with pesticides

*The purpose of the project was to assess the management of risks associated with the use of pesticides in the leisure, entertainment and grounds maintenance sectors. Twenty premises were included in the project, eleven of which were visited. The businesses responded positively to our interventions, levels of compliance were good and the project provided a useful learning and development opportunity as it involved premises and work activities outside our normal sphere of operation.*

- 5.3.5 A project to assess the management of security and lone working risks in retail premises. This will also involve working with the Council’s Licensing Team and the local Crime and Disorder Partnership

*This intervention initially targeted 10 food businesses which offered fast-food late-night refreshments in the St Neots area. The visits were chosen to coincide with their food hygiene inspection or revisit or were in an area where there had been incidences of violence and/or anti-social behaviour.*

*These visits assessed the measures that food businesses had taken to reduce the likelihood of violence occurring on their premises. This intervention found that the internal lighting was deemed adequate in all the premises while the external lighting was adequate in only 56% of the premises. The internal design/layout was deemed to be adequate in 89% of the premises. 22% of food businesses admitted to allowing their staff to work alone in their premises.*

*All the businesses had a system in place for managing the amount of cash handled, or readily available in the till as well as a safe system for banking the takings. 33% of the businesses conceded that a member of the staff have been subjected to robbery, violence, aggression or abusive behaviour of some description.*

*33% of the food businesses have provided training in dealing with robbery, violence, aggression or abusive behaviour was 67% of the businesses providing no training in such matters. 56% of the businesses had enhanced security, such as CCTV. 78% of the businesses did not have a defined system for reporting, recording instances of robbery, violence, aggression and/or abusive behaviour. Again 78% did not have a risk assessment and reporting/recording instances.*

- 5.3.6 A continued commitment to the provision of information and advice to new and emerging businesses as part of the Council's wider support for the local economy

*There were nineteen requests from businesses for specific health and safety advice. Most of them were dealt with by providing verbal or written advice but there were also eleven specific business support visits.*

- 5.3.7 Unannounced inspections of the highest risk premises based upon their inspection history or HSE classification.

*The highest risk premises are classified as category A and are based upon historical inspection records. Twelve such premises were identified at the beginning of 2014-15 and they were all visited. Many had been included in subject-specific projects in previous years but these visits highlighted the fact that general standards of safety management were poor. Most of them will need to be inspected again during 2015-16.*

#### **5.4 Plan of work for 2015-16**

- 5.4.1 The work will be guided by the content of Local Authority Circular (LAC) 67/2 (rev4) and the National Health and Safety Regulators' Code which specifies and directs the premises for which unannounced proactive inspections are deemed to be appropriate (high risk premises). The code directs that unannounced inspections must not be used for other types of premises and that alternative interventions must be considered.

- 5.4.2 Whilst we recognise the need to work in accordance with national guidance we are also keen to honour the Council's long standing commitment to provide support for businesses and this will be reflected in this year's plan of work.

- 5.4.3 The work will be a mixture of conventional inspections and targeted interventions which will focus on the priority sectors and activities identified in the HSE Code.