

COMMUNITY DIVISION

THE SERVICE PLAN FOR HEALTH AND SAFETY REGULATION 2016-17

**Drawn up in accordance with the National Local Authority
Enforcement Code and Local Authority Circular LAC 67/2 (rev5)**

EXECUTIVE SUMMARY 2016-17

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 circular (LAC 67/2 (rev45 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

| | 2015-16 | 2016-17 |
|---|----------------|----------------|
| Environmental Health Officers (EHO)* | 1.15 | 1.15 |
| Environmental Health Protection Officers (EHPO) | 0.35 | 0.35 |
| | 1.50 | 1.50 |
| Admin Support Staff | 0.75 | 0.16 |
| Total | 2.25 | 1.66 |

* These figures represent the full time equivalent posts on the establishment. There has been a vacancy (0.2 FTE) since 31 December so in practice only 0.95 FTE EHO posts have been available to deliver the service since then.

FINANCIAL

| | 2015-16 | 2016-17 |
|--|------------------------|------------------------|
| Direct Costs | | |
| Employees (salaries, NI and pensions) | £78,830 | £79,614 |
| Other (Legal fees, sampling, equipment etc.) | £10,848 | £10,028 |
| Overheads | £48,934 | £22,063 |
| TOTAL | <u>£138,611</u> | <u>£111,705</u> |

Table 1 – programmed activity

| Activity | Level of activity | |
|--|--|------------------------------|
| | Actual 2015-16 | Estimated 2016-17 |
| Premises inspections and interventions (including revisits) | 197 | 100 |
| Health and safety complaints | 38 | 40 |
| Accident and dangerous occurrence investigations | 19 | 20 |
| Specific smoke free enforcement visits | 6 | 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 2016-17 is 19% less than in 2015-16. This is almost entirely attributable to a reduction in the cost of overheads which is due to changes in the methods of allocating internal recharges.

The administrative support comprises 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.

A balanced workload has been proposed for 2016-17 which incorporates a range of intervention activities. The plan assumes that the service remains fully staffed. Unforeseen events can place unexpected demands on the service and will prejudice our ability to deliver the plan. These include fatal accident investigations and staffing issues such as long term sickness.

1.0 SERVICE AIMS AND OBJECTIVES

- 1.1 Health and safety regulation 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 service aims to:
- 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 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 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
 - Delivering a programme of 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
 - 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 strategy “Help GB Work Well”
 - The Council’s Corporate Plan 2016-18
 - The HSE’s National Local Authority Enforcement Code
 - The Better Regulation Delivery Office’s (BRDO) Regulators’ Code

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 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 (rev5). 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 2371 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 71 businesses are due for an inspection during 2016-17. However, the National Local Authority Enforcement Code supported by LAC 67/2 (rev5) 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 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 | 502 |
| Catering, restaurants and bars | 497 |
| Offices | 376 |
| Consumer services (e.g. hairdressing, tyre fitting, tattooing) | 365 |
| Wholesale, warehouses and fuel depots | 218 |
| Leisure and cultural services (e.g. cinema, place of worship) | 151 |
| Hotels, camp sites and other short-stay accommodation | 54 |
| Provision of permanent residential accommodation | 53 |
| Other premises (not classified above) | 51 |
| Not classified | 104 |

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 Proactive inspections can also be carried out at premises where a food hygiene inspection and a health and safety inspection are both due in the same year. These premises will be inspected accordingly.

2.2.4 These are the high risk sectors that according to the National Code are suitable for unannounced inspections

- Open farms and animal visitor attractions
- Independent tyre fitters
- High volume warehousing and distribution
- Large scale public events
- Commercial catering premises that use solid fuel cooking equipment

2.3 Other health and safety interventions

2.3.1 LAC 67/2(rev5) 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 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 inspection programme on the basis of risk.

2.4.2 This year the service will increase its commitment to the provision of advice to new businesses. Where possible and according to risk, 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 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. Any 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 the 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 these areas to ensure that safe working practices are in place.

2.9 Advice to businesses

2.9.1 This year the service will increase its commitment to the provision of advice to new businesses. Where possible and according to risk, 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). A company with multiple outlets in different local authority areas can invite one to set up 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 almost 2000 direct partnerships with 176 different local authorities. It is estimated that there are about 60 companies in Huntingdonshire with partnerships. The Council doesn't have any health and safety partnerships 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. The most established mechanism is the Cambridgeshire and Peterborough Food and Occupational Health and Safety Managers' Group.

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. .

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 2016 our officers responded to 10 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 900.

3.0 RESOURCES

3.1 Staffing

3.1.2 The Commercial Team comprises seven posts, one of which has been vacant since 31 December 2014. Administrative support is provided by the Community Administration Team.

| | 2016-17 |
|--|----------------|
| Environmental Health Officers (1 post vacant since 31/12/14) | 1.15 |
| Environmental Health Enforcement Officers | 0.35 |
| | 1.50 |
| Admin support staff | 0.16 |
| TOTAL | 1.66 |

3.1.3 These figures represent the full time equivalent posts on the establishment. There has been a vacancy (0.2 FTE) since 31 December so in practice only 0.95 FTE EHO posts have been available to deliver the service since then.

3.2 Financial

| | 2015-16 | 2016-17 |
|--|------------------------|------------------------|
| Direct Costs | | |
| Employees | £78,830 | £79,614 |
| Other (Legal fees, sampling, equipment etc.) | £10,848 | £10,028 |
| Overheads | £45,747 | £22,063 |
| TOTAL | <u>£138,611</u> | <u>£111,705</u> |

3.2.1 The overall budget for 2016-17 is 19% less than in 2015-16. This is almost entirely attributable to a reduction in the cost of overheads caused by changes in the methods of allocating internal recharges.

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 2016-17 which incorporates a range of activity. 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 training is provided for them in order maintain their level of competence. During 2016-7 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. A vacancy has been held open since 31 December 2014.
- 5.1.3 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.

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. Two improvement notices were served for significant breaches of health and safety requirements and one prohibition notice was served for an imminent risk to health and safety.

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

Table 3 – enforcement action

| | 2013-14 | 2014-15 | 2015-16 |
|--|---------|---------|---------|
| Total number of inspections, visits and revisits | 259 | 172 | 99 |
| Number of letters | 104 | 104 | 42 |
| Improvement notices | 12 | 8 | 2 |

| | 2013-14 | 2014-15 | 2015-16 |
|----------------------------|----------------|----------------|----------------|
| Prohibition notices | 2 | 6 | 1 |
| Simple cautions | 3 | 0 | 0 |
| Prosecutions | 0 | 0 | 0 |
| Health & Safety complaints | 87 | 66 | 38 |
| Accident Notifications | 84 | 82 | 68 |

5.2.3 The reduction in the number of visits is in line with the expectation that local authorities will only carry out unannounced inspections of high risk premises. The number of letters includes all written notifications to employers, whether or not there were contraventions of health and safety requirements. Of these, 27 related to breaches of health and safety requirements.

5.3 A Review of the Service Plan

5.3.1 Section 5.4 of the 2015-16 Service Plan contained the plan of work for the year. The following is a summary of that work.

5.3.2 Several groups of premises were visited in order to assess the management of risks associated with the following

- Respirable dusts and fumes (including asthmagens).
- Vehicle movements in and around warehouses
- Work at height
- Lone working

No enforcement action was necessary.

5.3.3 A system was developed that allows officers to deal with “Matters of Evident Concern” (MEC) which are noted during other routine activities such as food hygiene visits. These include electrical and gas safety hazards, slip and trip risks and unguarded equipment. This ensures that potentially dangerous situations can be dealt with quickly without imposing unnecessary burdens on the business.

5.3.4 The databases of skin piercers and skin piercing premises were reviewed. There are several fundamental discrepancies which until resolved will hamper further work in this area.

5.3.5 All the highest risk (category A) premises were inspected. Enforcement action was taken to deal with any breaches of legal requirements.

5.3.6 Of the 68 accidents that were reported, 19 required an investigation. One of these involved a fatality at a local ski club and the investigation has been necessarily time consuming. It has involved extensive liaison with the Police and the Coroner's Office. The investigation has already accounted for over 100 hours of officer time and has yet to be completed.

5.4 Plan of work for 2016-17

5.4.1 The work will be guided by the content of Local Authority Circular (LAC) 67/2 (rev5), the National Local Authority Enforcement Code and the HSE's Help GB Work Well Strategy.

5.4.2 Whilst we recognise the need to work in accordance with national guidance we will also honour the Council's long standing commitment to provide support for businesses and this will be reflected in this year's plan of work. Where possible and according to risk, the first contact with a new business will focus on the provision of compliance advice.

5.4.3 Proactive inspections of existing premises can be carried out where a food hygiene inspection and a health and safety inspection are both due in the same year. There are 16 such premises and they will be inspected accordingly.

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 together with support for the HSE's Help GB Work Well strategy. Examples include the following:

5.4.3.1 The management of work-related asthmagens – building on the work carried out in 2015-16 to provide information to businesses via the Newsletter.

5.4.3.2 The management of fork lift trucks – write to relevant small businesses to remind them of their legal duties and then follow up with visits to assess staff training and maintenance of vehicles.

5.4.3.3 Increasing compliance support for new businesses – provision of a bespoke health and safety business card to signpost employers to relevant sources of information.

5.4.3.4 Newsletter – increase the coverage of health and safety at work issues in the newsletter. Consider an occasional health and safety "special edition" newsletter.

5.4.3.5 The management of work-related dermatitis – identify small catering businesses at which employees don't have access to dishwashing machines and then assess the management of risk.

5.4.3.6 The management of working at height and workplace transport in warehouses – building on the work carried out in 2015-16.

5.4.3.7 Continue to deal with "matters of evident concern" which arise during the course of other interventions (e.g. food hygiene visits) and take appropriate enforcement action.

