

COMMUNITY DIVISION

PROVISIONAL SERVICE PLAN FOR HEALTH AND SAFETY REGULATION 2017-18

**Drawn up in accordance with the National Local Authority
Enforcement Code and Local Authority Circular LAC 67/2 (rev6)**

EXECUTIVE SUMMARY 2017-18

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) which outlines the ways in which local authorities should comply with the national code.

This is a provisional Service Plan which outlines how Huntingdonshire District Council could deliver health and safety regulation in 2017-18. Any references to work delivered in 2016-17 are based upon the latest available data and unless stated otherwise this covers the period between 1 April 2016 and 28 February 2017. The references to programmed work for 2017-18 are estimates and these figures will be confirmed in a subsequent report.

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.

RESOURCES

STAFF

	2016-17	2017-18
Environmental Health Officers (EHO)*	1.15	0.513
Environmental Health Protection Officers (EHPO)*	0.35	0.271
Operational Manager (Business)	n/a	0.15
	1.50	0.934
Business Support Staff	0.16	0.16
Total	1.66	1.094

* These figures represent the proportion of the establishment posts which is allocated to health and safety. Historically this has been 20% but is expected to be 15% based upon 2016 data.

FINANCIAL

	2016-17	2017-18
Direct Costs		
Employees (salaries, NI and pensions)	£79,614	£55,731
Other (Legal fees, sampling, equipment etc.)	£10,028	£1,308
Overheads	£22,063	£14,380
TOTAL	<u>£111,705</u>	<u>£71,419</u>

ACTIVITIES

The range of activities is shown in table 1 (below). The provisional figures for 2016-17 are based upon recorded data up to 28 February 2017.

Table 1 – Health and Safety Activity

Activity	Level of activity	
	Provisional 2016-17	Estimated 2017-18
Premises inspections and interventions (including revisits)	90	100
Health and safety complaints and requests for service	75	75
Accident and dangerous occurrence investigations commenced	25	25
Specific smoke free enforcement visits	0	10
Matters of Evident Concern (MEC)	30	30
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	Five meetings of the Cambridgeshire and Peterborough Food and Occupational Health and Safety Managers Group	

The overall budget for 2017-18 is 36% less than in 2016-17. This is largely attributable to a reduction in the proportion of staff resources allocated to health and safety. The ways in which internal recharges and overheads are calculated has also been reviewed since 2016-17 and there are no longer specific budgets for legal fees, laboratory services and subscriptions.

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 2017-18 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 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” 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 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 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 strategy “Help GB Work Well”
 - The Council’s Corporate Plan 2016-18
 - The HSE’s National Local Authority Enforcement Code
 - Local Authority Circular (LAC) 67/2 (Revision 6)
 - 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 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 almost 2,400 premises on the premises database. Table 2 shows a breakdown by HSE classification.

Table 2 - Analysis of Premises by HSE Classification

Retail Shops	501
Catering, restaurants and bars	493
Offices	373
Consumer services (e.g. hairdressing, tyre fitting, tattooing)	373
Wholesale, warehouses and fuel depots	220
Leisure and cultural services (e.g. cinema, place of worship)	153
Hotels, camp sites and other short-stay accommodation	56
Provision of permanent residential accommodation	55
Other premises (not classified above)	50
HSE enforcement	103

- 2.2.2 Records show that 48 businesses are scheduled to be inspected during 2017-18. However, the 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
 - Where there is local intelligence which shows that risks are not being effectively managed.

In practice this means that the premises which are due for an inspection are unlikely to be visited unless they fall into one of the specified categories.

2.2.3 According to the National Code the high risk sectors which are suitable for proactive inspections include

- Open farms and animal visitor attractions
- Premises with buried metal LPG pipework
- High volume warehousing and distribution
- Industrial retail/wholesale premises
- Large scale public events
- Commercial catering premises that use solid fuel cooking equipment
- Premises with vulnerable working conditions (e.g. lone working)

2.2.4 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.

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

- Falls from height – work on or adjacent to fragile roofs/materials
- Duty to manage asbestos
- Beverage gases in the hospitality industry
- Welfare facilities for delivery drivers

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 (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

2.3.2 The Health and Safety Executive’s (HSE) Helping Great Britain Work Well strategy sets out the priority themes for the effective regulation of health and safety in the workplace. Local authorities can play their part in delivering the strategy with particular reference to the following:

- Tackling ill health – highlighting and tackling the costs of work related ill health

- Managing risk well – simplifying risk management and helping businesses to grow
- Supporting small employers – giving SMEs simple advice so they know what they have to do.

2.3.3 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.

2.3.4 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 inspection programme on the basis of risk.

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 Enforcement Policy.

2.7 Licensing and registration

2.7.1 The service works closely with the Licensing Manager and provides technical advice to support the administration of zoo licensing, riding establishments licensing 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). 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 As at December 2016, 15,850 businesses and 181 primary authorities were in Primary Authority partnerships. There are about 60 companies in Huntingdonshire with partnerships. The Council doesn't have any health and safety partnerships but would consider setting up a partnership 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 and supports the principles laid down in the 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 Since 1 April 2016 officers responded to 5 complaints and enquiries about non-compliance with the regulations. Standards are also assessed during routine food hygiene and health and safety visits of which there have already been almost 800.

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.

	2017-18
Environmental Health Officers	0.513
Environmental Health Enforcement Officers	0.271
Operational Manager (Business)	0.15
	0.934
Business Support staff	0.16
TOTAL	1.094

3.1.2 These figures represent the proportion of the establishment posts which is allocated to health and safety activity. Historically this has been 20% but is expected to be 15% based upon 2016 data.

3.2 Financial

	2016-17	2017-18
Direct Costs		
Employees	£79,614	£55,731
Other (Legal fees, sampling, equipment etc.)	£10,028	£1,308
Overheads	£22,063	£14,380
TOTAL	<u>£111,705</u>	<u>£71,419</u>

3.2.1 The overall budget for 2017-18 is 36% less than in 2016-17. This is largely attributable to a reduction in the proportion of staff resources allocated to health and safety. The ways in which internal recharges and overheads are calculated has also been reviewed since 2016-17 and there are no longer specific budgets for legal fees, laboratory services and subscriptions.

3.2.2 The business support workload includes the production of 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.

3.3 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 2017-18 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, 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 year. There has been a vacant post since 31 December 2014, one officer was on sick leave for about six weeks and then took up a position at another local authority in March.

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. Table 3 compares the level of enforcement activity with the two previous years.

Table 3 – Enforcement Action

	2014-15	2015-16	2016-17 (provisional)
Total number of inspections, visits and revisits	172	99	85
Number of letters	104	42	45
Improvement notices	8	2	2
Prohibition notices	6	1	0
Simple cautions	0	0	0
Prosecutions	0	0	0
Health & Safety complaints and	66	38	70

	2014-15	2015-16	2016-17 (provisional)
service requests			
Accident Notifications	82	68	85

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. The number of letters includes all written notifications to employers, whether or not there were contraventions of health and safety requirements. Of these, 23 related to breaches of health and safety requirements.

5.3 A Review of the Service Plan

5.3.1 Section 5.4 of the 2016-17 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

- Work-related dermatitis
- Fork lift trucks
- Work at height

No enforcement action was necessary.

5.3.3 “Matters of Evident Concern” (MEC) are significant breaches of health and safety requirements that are identified during the course of other activities. These include electrical and gas safety hazards, slip and trip risks and unguarded equipment and 29 have been recorded.

5.3.4 Proactive inspections can be carried out if a food hygiene inspection and a health and safety inspection are both due in the same year. At 1 April 2016 there were 16 such premises: eight have been inspected and five have ceased trading.

5.3.5 Of the 81 incidents reported to date, 22 have been investigated. These included three prescribed work-related diseases and an incident in which someone was hit by a moving horse carriage and sustained life-changing injuries.

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

5.3.7 Increase the coverage of health and safety at work issues in the newsletter – the latest edition of the newsletter contains several health and safety articles.

5.4 Plan of work for 2017-18

- 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 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 14 such premises and they will be inspected accordingly.
- 5.4.4 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 wider strategies. Examples include the following:
 - 5.4.4.1 The management of manual handling activities and the prevention of musculoskeletal disorders.
 - 5.4.4.2 The management of risks at motorised leisure activities and large scale public events.
 - 5.4.4.3 The management of risks at animal visitor attractions
 - 5.4.4.5 The management of risks at industrial retail and wholesale premises
 - 5.4.4.6 The management of risks at high volume warehousing and distribution premises
 - 5.4.4.7 The management of risks associated with the use of solid fuel cooking equipment at catering premises