

COMMUNITY DIVISION

PROVISIONAL SERVICE PLAN FOR HEALTH AND SAFETY REGULATION 2018-19

**Drawn up in accordance with the National Local Authority
Enforcement Code and Local Authority Circular LAC 67/2 (rev7)**

EXECUTIVE SUMMARY 2018-19

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 7) 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 2018 -19. Any references to work delivered in 2017-18 are based upon the latest available data and unless stated otherwise this covers the period between 1 April 2017 and 21 February 2018. The references to programmed work for 2018-19 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

	2017-18	2018-19
Environmental Health Officers (EHO)*	0.52	0.52
Environmental Health Protection Officers (EHPO)*	0.27	0.27
Operational Manager (Business)	0.15	0.15
	0.94	0.94
Business Support Staff	0.16	0.16
Total	1.10	1.10

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

There are currently two vacancies in the team giving a shortfall of 0.3 FTE however a recruitment process is underway and it is hoped that these posts will be filled shortly.

FINANCIAL

	2017-18	2018-19
Direct Costs		
Employees (salaries, NI and pensions)	£55,731	£55,731
Other (Legal fees, sampling, equipment etc.)	£ 1,308	£1,308
Overheads	£14,380	£14,380
	TOTAL	
	<u>£71,419</u>	<u>£71,419</u>

ACTIVITIES

The range of activities is shown in table 1 (below). The provisional figures for 2017-18 are based upon recorded data up to 21 February 2017.

Table 1 – Health and Safety Activity

Activity	Level of activity	
	Provisional 2017-18	Estimated 2018-19
Premises inspections and interventions (including revisits)	33	10
Health and safety complaints and requests for service	68	75
Accident and dangerous occurrence investigations commenced	33	25
Specific smoke free enforcement visits	0	0
Matters of Evident Concern (MEC)	10	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 2018-19 remains the same as 2017-18.

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 2018-19 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).

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 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 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 7)
 - The Regulators’ Code
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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 almost 2,260 premises on the premises database. Table 2 shows a breakdown by HSE classification.

Table 2 - Analysis of Premises by HSE Classification

Retail Shops	486
Catering, restaurants and bars	505
Offices	360
Consumer services (e.g. hairdressing, tyre fitting, tattooing)	373
Wholesale, warehouses and fuel depots	219
Leisure and cultural services (e.g. cinema, place of worship)	148
Hotels, camp sites and other short-stay accommodation	56
Provision of permanent residential accommodation	57
Other premises (not classified above)	31
HSE enforcement	25

- 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
 - 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

- 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
- Premises with vulnerable working conditions (e.g. lone working)

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 at beverage gases or gas safety. 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 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
- 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 (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
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- 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 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 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 60 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. Such partnerships can be resource intensive but 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 Occupational Health and Safety Managers' Group. 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.

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 2017 officers responded to 3 complaints and enquiries about non-compliance with the regulations. Standards are also assessed during routine food hygiene and health and safety visits.
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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.

	2018-19
Environmental Health Officers	0.52
Environmental Health Enforcement Officers	0.27
Operational Manager (Business)	0.15
	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

	2017-18	2018-19
Direct Costs		
Employees	£55,731	£55,731
Other (Legal fees, sampling, equipment etc.)	£1,308	£1,308
Overheads	£14,380	£14,380
TOTAL	<u>£74,419</u>	<u>£71,419</u>

3.2.1 The overall budget for 2018-19 remains static. 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 (LAE1), 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 informs to 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 2018-19 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
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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 are currently two vacant posts in the team which have been advertised and it is hoped that these will be filled shortly.
- 5.1.3 A fatal accident investigation has taken significant resource with 0.5 FTE tasked with managing the case and coordinating the resultant enforcement activity.

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

	2015-16	2016-17	2017-18 (provisional)
Total number of inspections, visits and revisits	99	95	76
Number of letters	42	84	32
Improvement notices	2	2	3
Prohibition notices	1	0	0
Simple cautions	0	0	0
Prosecutions	0	0	0

	2015-16	2016-17	2017-18 (provisional)
Health & Safety complaints and service requests	38	38	68
Accident Notifications	68	85	59

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.

5.3 A Review of the 2017-18 Service Plan

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

5.3.2 There have been 29 H&S inspections carried out to date, 18 of these have been coordinated with the programmed food inspection.

5.3.3 The work has been 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:

- The management of manual handling activities and the prevention of musculoskeletal disorders – information and signposting to businesses reporting an accident where manual handling was involved
- The management of risks at motorised leisure activities and large scale public events.
- The management of risks at animal visitor attractions
- The management of risks at industrial retail and wholesale premises
- The management of risks at high volume warehousing and distribution premises – interventions have related to accidents occurring at these premises
- The management of risks associated with the use of solid fuel cooking equipment at catering premises

5.3.4 We continued to support businesses and work collaboratively with partners to raise awareness of Health & Safety matters, providing advice and guidance on compliance.

Table 4 Summary of 2017-18 Joint Inspections Work Plan

Premises for joint H&S and food inspection	Justification HSE - LAC 67-2 (not all will be present in every premises)	Justification Local Intelligence	Intervention	Numbers of premises identified	2017-18 completed
wet sale pubs	Beverage gases, falls from height (underground cellar) Legionella (with rooms) Asbestos Violence	MEC data – 25% falls , 25% electrical (possibility of live bands) Where the premises has had no H&S inspection for >5 years, carry out full inspection	Target for both food and H&S proactive inspection Provide information on resources available on these topics.	15	9
Hotels	Beverage gases, falls from height (underground cellar) Legionella (with rooms) Asbestos	MEC data Where the premises has had no H&S inspection for >5 years, carry out audit or inspection of relevant matters	Target for both food and H&S proactive inspection Provide information on resources available on these topics.	10	4
Takeaways and restaurants that have not had H&S activity in last 5 years – with hazards from the HSE list	Gas safety CO beverage gases,	MEC data Mixers – Electrics Pressure vessels	Target for both food and H&S proactive inspection	14	5
New catering business	Gas safety, CO beverage gases, falls from height (underground cellar) Legionella (with rooms)	Corporate plan – support business	Offer new business support visit information on resources to control these risks	60	40

Premises for joint H&S and food inspection	Justification HSE - LAC 67-2 (not all will be present in every premises)	Justification Local Intelligence	Intervention	Numbers of premises identified	2017-18 completed
	Asbestos violence				
New skin piercing premises	Joint working	Joint working with Licensing team	Inspection by appointment provision of resources to achieve compliance and public safety	20	14

Table 5 Summary of Health & Safety Project Workplan

Priority Outcome	Regulatory	Action	Reason	Activity	Update
Management of risks associated with the use of solid fuel cooking equipment at catering premises and the fire risk associated with extract systems.		<ol style="list-style-type: none"> 1. Article in newsletter 2. Joint inspection of food premises to identify matters of evident concern 3. Provision of advice to new businesses either face-to-face or supply of written material. 	<ol style="list-style-type: none"> 1. National Priority 2. Local food businesses with relevant equipment 	<ol style="list-style-type: none"> 1. Education and Awareness 2. Proactive inspection 3. Non-inspection interventions 	Every kitchen inspection includes a visual check of the condition of the extract system, Dates of the last deep clean of the ducting and certification checked. We work closely with fire protection officers from Cambs. Fire Authority to resolve any matters of evident concern.
Environmental swabbing of surfaces on gym equipment and water sampling from showers, spa pools and similar		<ol style="list-style-type: none"> 1. Collaborative working with One Leisure 2. Promotion of service 3. Delivery between June and November 2017 	<ol style="list-style-type: none"> 1. Support for national priority (PHE Study 61) 	<ol style="list-style-type: none"> 1. Proactive sampling at One Leisure and private facilities 2. Provision of education 	Sixteen environmental swabs of contact points across two One Leisure Gyms were taken to support a Public Health England study. Results showed that those surfaces were clean, with no harmful levels of micro-organisms detectable. This demonstrated that an effective cleaning regime was being

Priority Outcome	Regulatory	Action	Reason	Activity	Update
					maintained in the gyms.
Visits to relevant sites to assess the management of risks associated with underground LPG pipework		<ol style="list-style-type: none"> Proactive visits to relevant premises Update LLARD database and report back to HSE 	<ol style="list-style-type: none"> Support for national strategy 	<ol style="list-style-type: none"> Review of HSE's LLARD database Identification of relevant premises 	The HSE have not brought any of these sites to our attention during the current plan
Reactive Health & Safety work in response to emerging MEC and MPMC		Undertake a review of premises operating water sports activities	<ol style="list-style-type: none"> In response to a fatal accident investigation, and results of the Coroner's Inquest 	<ol style="list-style-type: none"> Review of registered premises Identification of relevant premises Provision of information and informal inspection 	Lessons learnt from the investigation are being cascaded to water sports venues across the district, highlighting organisers' responsibilities to health and safety. There is a large water sports festival taking place in summer 2018 and the safety management plan is currently being reviewed to ensure a safe event.
Reactive Health & Safety work in response to emerging MEC and MPMC		Undertake a review of zoo licensed, and dangerous wild animal licensed premises	<ol style="list-style-type: none"> In response to a fatal accident investigation 	<ol style="list-style-type: none"> Review of registered premises Identification of relevant premises Provision of information and informal inspection 	Work is continuing to develop best practice in public safety, emergency escape plans and risk assessment of Category 1 animals that can be

Priority Outcome	Regulatory	Action	Reason	Activity	Update
					rolled out to support businesses involved in the zoo and dangerous wild animal sector.
Reactive Health & Safety work in response to emerging MEC and MPMC		Depending on situation 1. visits to/dialogue with relevant premises.	1. Response to local or national issues affecting H&S	Any of above as considered appropriate to the situation	There have been no other emerging issues that have had an impact on service delivery this year.

5.4 Plan of work for 2018-19

- 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 Owing to the impact of on-going investigations there is a great deal of programmed work that has not progressed as envisaged in the 2017-18 plan we will therefore roll this over to 2018-19 as resources allow. Whilst visiting businesses we will take note and address Matters of Evident Concern where they arise.
 - 5.4.3 In 2018-19 we will review the complaints procedure to ensure that it captures sufficient detail to inform local intelligence gathering and identify emerging priorities, whilst triaging the incident appropriately to focus resource on those incidents that pose the greatest risks.
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