##### HEALTH & SAFETY ENFORCEMENT

##### SERVICE DELIVERY PLAN 2013/14

**ENVIRONMENTAL HEALTH**

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Produced in accordance with the Health & Safety Commission’s Guidance issued under Section 18 of the Health and Safety at Work etc Act 1974

HEALTH & SAFETY ENFORCEMENT SERVICE PLAN 2013/14

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HEALTH AND SAFETY ENFORCEMENT SERVICE PLAN

1. INTRODUCTION

This Service Plan is an expression of this authority’s commitment to the development of the Health and Safety Service and is a requirement of the Health and Safety Commission (HSC) as the body that monitors and audits local authorities activities on health and safety enforcement.

The format and content of this service plan incorporates mandatory guidance issued by the HSC under Section 18 of The Health and Safety at Work etc. Act 1974. This plan should be read in conjunction with the Environmental Health Team Plan 2013/14

2. **SERVICE AIMS, OBJECTIVES, SERVICE STANDARDS AND PRIORITIES**

2.1 **Our Mission**

Together with the Health and Safety Executive, our mission is to prevent death, injury and ill health to those at work and those affected by work activities.

2.2 **Service Aims**

To work with others to protect people’s health and safety by ensuring risks in the workplace are managed properly.

To protect the health and safety of the public and employees affected by work place activities enforced by the Local Authority in North West Leicestershire and to reduce accidents in the workplace through enforcement and education.

**2.3 Service Objectives**

2.3.1 To support the Government’s ‘Strategy for Workplace health and safety in Great Britain to 2010 and beyond’. This sets the following targets:

* To develop new ways to establish and maintain an effective health and safety culture in a changing economy, so that all employees take their responsibilities seriously, the workforce is fully involved and risks are properly managed;
* To do more to address the new and emerging work-related health issues;
* To achieve higher levels of recognition and respect for health and safety as an integral part of a modern, competitive business.

2.3.2 To provide health and safety interventions that form part of the national strategy to reduce accidents, ill health and sickness absence through participation in national and local campaigns.

2.4 **Service Standards**

All service users can expect and will receive an efficient and professional response.

Officers will identify themselves by name in all dealings with service users.

Officers will carry identification cards and authorisations at all times.

Service users will be informed of the name and telephone number of the officer who is responsible for dealing with their service request.

All complaints will be responded to.

The following initial response times to service requests can be expected by service users:-

## Immediate

* Fatalities
* Situations providing a risk of serious personal injury (this includes where the risk is one of traumatic (acute) injury and where the risk is from a long term health hazard which will ultimately contribute to damage to health).

## Within 3 Days

All health and safety related complaints.

**Health and Safety Inspections**

Following a health and safety inspection proprietors will receive a letter within 14 days. The letter will contain details of how to make representations to the Environmental Health Team Leader - Safety.

**2.5 Link to Corporate Priorities**

The work contained within this service plan contributes to the Councils priority of creating a ‘Safer and Healthier District’. The aim of the service is to ensure that employees feel safe and are healthy in their workplace.

3. **SERVICE SCOPE & DEMANDS**

3.1 **Scope of Service**

3.1.1 **Proactive**

* Participating in the HSE/LA partnership strategic programme (priority planning portfolio)
* Targeted inspections (includes health and safety inspections carried out at food businesses)
* Swimming pool water sampling
* Business Engagement Activities
* Advise event organisers regarding public safety issues at major outdoor events such as the Download Music Festival at Donington Park, Strawberry Fields Music Festival, Heather and the Fake Festival, Ashby de la Zouch

3.1.2 **Reactive**

* Accident investigations
* Complaints about health and safety failures
* Advice and Support
* Notifications for asbestos removal
* Notifications for defects on lifting equipment
* Complaints about smoking shelters and other smoking related issues
* Consultations with the Licensing team

3.2 **Service Planning &** **Demands on Service**

3.2.1The enforcement of the Health and Safety at Work etc Act 1974 is split between Local Authorities and the Health and Safety Executive. Local Authorities enforce health and safety in retail/wholesale premises (includes sale of a service), offices, hotels and leisure activities. HSE enforce in manufacturing and processing industries, transport undertakings, health service and education.

3.2.2 There are currently 1517 known premises at which this Local Authority are responsible for enforcing health and safety legislation. The previous recorded number in 2012/13 was 1400. Inspections have been carried out in 1006 of the above mentioned known premises and a risk rating has been assigned to them in accordance with the nationally recognised scheme. (LAC 67/2 (revision 3).

3.2.3 Although records indicate that this proportion of premises have been inspected, undoubtedly, a high proportion of the premises will have changed ownership since many of the inspections would have been carried out ten or more years ago. There is no premises registration system within the UK to assist with planning health and safety interventions, hence the authority receives no notification of businesses as they open or cease trading. The Health and Safety Executive are aware of this. However, in order to improve the information held – in 2012 the authority carried out surveys of commercial premises within the town centres and at a number of business parks with a view to identifying previously unknown premises. In 2013 it is planned to access information held by other regulators such as the Health & Safety Executive, Leicestershire County Council Trading Standards and Leicestershire Fire Service.

The profile of premises in the district on 1 April 2013 was:-

|  |  |  |
| --- | --- | --- |
| Category | Number | Inspection Frequency |
| A (Highest risk) | 9 | Inspection not less than once every year |
| B1 | 80 | Intervention not less than once every 18 months |
| B2 | 310 | Inspection / Intervention - Intervention frequency not specified |
| C (lowest risk) | 604 | Inspection / Intervention - Intervention frequency not specified |
| Never received an inspection-Unrated | Approximately 514 | Not suitable for inspection – Intervention frequency not specified |
| Total | Approximately 1517 |  |

3.2.4 Under Local Authority Circular LAC 67/2 (rev 3) the guidance requires local authorities to use both national planning priority information and local information to determine the key causes of serious workplace accidents, injuries and ill-health, and to develop intervention plans targeted to poorly performing businesses. The nature of the intervention appropriate to a premises will be primarily determined by the risk rating assigned to the premises. The table below illustrates the appropriate interventions with regard to premises risk.

|  |  |
| --- | --- |
| Category A | Suitable for proactive inspection – Identify the risk and consider the use of all interventions to address that |
| Category B | Not suitable for proactive inspection unless identified as a poor performer – identify the risk and consider how it might be addressed using a range of interventions |
| Category C | Use reactive interventions only |

3.2.5 The LAC states that; ‘It is important that Las are able to justify any inspections they undertake and to confirm to the general Hampton principle of; “no inspection should take place without a reason”. Authorities are now required to consider the full range of interventions at their disposal for managing health & safety risks in their community, these are:

Proactive interventions

1. Partnership working
2. Motivating senior managers
3. Supply chain
4. Design and supply
5. Sector and industry wide initiatives
6. Working with those at risk
7. Education and awareness
8. Inspection (restricted to category A premises and poor performers only)
9. Intermediaries
10. Best Practice
11. Recognising good performance

Reactive interventions

1. Incident and ill-health investigation
2. Dealing with issues of concern
   * 1. The number of businesses owned by ethnic minorities whose first language is not English has no significant impact on the service.

3.3 **Enforcement Policy**

The Regulators Compliance Code produced by the Department for Business Enterprise & Regulatory Reform came into force on 6th April 2008. This provides a Statutory Code of Practice for Regulators. Officers within the Environmental Health Safety Team take into account the principles of good enforcement set out in the Code. The Compliance Code is currently under review with a new Code expected to be published in 2013.

An enforcement policy has been produced and approved by Members. This policy covers all environmental health regulatory functions, including the Health & Safety Enforcement Service.

The current policy includes Health and Safety Commission (HSC) requirements and is in line with the Enforcement Concordat Principles of:

* Setting out standards for the level of service and performance
* Openness in providing clear information about the service provided
* Helpfulness
* Dealing effectively with complaints
* Proportionality
* Consistency

Through the Environmental Health Services work the Council will contribute to the principles of the HSC document “A strategy for workplace health & safety in Great Britain to 2010 and beyond”. This document has four key elements:

* Developing closer partnerships
* Helping people to benefit from effective health & safety management and a sensible health & safety culture
* Focussing on enforcing authorities’ core business and the right interventions where we are best placed to reduce workplace injury and ill health
* Communicating the vision

4. **SERVICE DELIVERY 2013/2014**

As a consequence of the new national guidance explained at paragraph 3.2.4 this authority intends carrying out a range of interventions within premises where the greatest health and safety risk within the district has been identified.

4.1.1 **Programmed Visits by Environmental Health Safety Team**

**Proactive Inspections**

As explained at paragraph 3.2.4 only premises within risk category A and those considered to be a ‘poor performer’ are suitable for an inspection.

The following table details the full inspection programme:

|  |  |  |
| --- | --- | --- |
| Risk  Category | intervention | 2013/14  Due inspections |
| A (High) | Full inspection | 9 |
| Poor Performer | Inspection | 10 |

Officers will also target any matters of imminent concern that appear to them in the course of a visit.

4.1.2 **National, Regional and Local Priority Intervention Programme**

**A topic based intervention programme has devised using both national planning priority information and local information. The following initiatives will be delivered:**

**Residential Care Home Initiative**

Aim - To raise the awareness of duty holders of key health and safety risks and precautions affecting residents of care homes andto promote best practice to duty holders

Rationale - The Leicestershire and Rutland Health and Safety Best Practice Group carried out a review of accidents reported throughout the county between 01/01/11 and 31/12/12. Residential care homes, as a business sector, had the highest number of accidents per 100 premises at 80.

Scope – Pre-arranged visits will be made to each premises, focussing on the following health and safety risk areas: legionella, falls from windows, falls from bed (bedrails), handling residents, scalding and violence to staff.

**Warehousing and Workplace Transport**

Aim - To raise the awareness of duty holders of key health and safety risks and precautions affecting warehouse operations andto promote best practice to duty holders

Rationale - The Leicestershire and Rutland Health and Safety Best Practice Group carried out a review of accidents reported throughout the county between 01/01/11 and 31/12/12. Warehousing and distribution, as a business sector, had the second highest number of accidents per 100 premises at 39.

Scope – Visits will be made to each premises with a focus place on workplace transport issues. Smaller warehousing operations will be the target group for this initiative.

**Legionella**

Aims – To raise awareness of the risks posed by Legionella and to ensure businesses are adequately assessing and controlling the risks.

Rationale – Since the 2012 outbreaks of Legionnaires Disease in Edinburgh and Stoke-on-Trent in which there were approximately 120 cases and 4 deaths, Legionella has been identified as a national priority by the Health & Safety Executive.

Scope – To send an educational leaflet out to medium risk premises such as garden centres, retailers of hot tubs/spa. To send a questionnaire and make a visit to some high risk premises such as those with cooling towers.

**Large Scale Public Events**

Aim - To raise the awareness of duty holders of key health and safety risks and precautions affecting employees and members of the public attending the event andto promote best practice to duty holders

Rationale – North West Leicestershire hosts many large scale public events such as the Download Music Festival, Strawberry Fields Music Festival and a number of high profile motorsport events at Donington Park Motor Racing Circuit. For this reason. Leisure, as a business sector consistently has the highest number of accidents reported to this authority each year.

Scope – To actively participate in the planning of the Download and Strawberry Fields music festivals by attending multi-agency planning meetings and providing advice and guidance on the event management plans. To attend both music events and address any matters of concern identified.

In addition the following services are provided by the Environmental Health, Safety team:

4.2 **Swimming Pool Sampling**

Council policy “to carry out routine sampling of swimming pools and spa pools within the district which may be used by the public”.

There are 11 premises within the district where a privately owned swimming pool and/or spa pool is located. Samples from each of these premises are scheduled to be taken between 2 and 4 times a year. The samples taken are submitted to the HPA Food, Water and Environment Laboratories at Good Hope hospital, Birmingham. The Authority is provided with a sampling allocation which currently enables 2 samples per pool to be examined free of charge. In addition an enhanced level of sampling of pool water will be undertaken at a number of sites for a charge.

**Reactive Interventions**

4.3 **Accident Investigations**

Council policy “to investigate accidents notified under the requirements of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 which meet the selection criteria laid down within LAC 22/13 and internal procedure note PNHS 2.0: Accident Investigations

In deciding which accidents to investigate regard shall be had to the severity and scale of actual harm, the seriousness of any potential breach of the law and previous history of the duty holder.

Generally, the following categories of accident will be investigated:

* All fatalities arising out of work activities;
* Certain incidents reportable under RIDDOR namely – defined major injuries, diseases and dangerous occurrences related to the severity of the outcome;
* All RIDDOR incidents where there is likely to have been a serious breach of health and safety law.

4.4 **Complaints about Health and Safety Failings**

Council policy “To investigate all complaints made about health and safety practices/conditions and to advise all complainants of the outcome”.

Complaints fall into three broad categories:

* Complaints about unsafe working conditions or practices
* Complaints about welfare related issues i.e. working hours, breaks, temperature
* Complaints about lack of suitable training, supervision or instruction of employees

4.5 **Advice to Business/Employees/Public**

Council policy “to provide advice on health and safety to business, employees and the public”.

The Leicester and Leicestershire Better Business For All Partnership was formed in 2011. The overriding objective of the Partnership is to improve engagement with local businesses and provide them with advice and guidance to assist in reducing the burden of regulation on business.

4.6 **Notifications of Licensed Asbestos Removal Work**

Council policy “to assess all Licensed Asbestos Removal Notifications and visit site to check method of work and compliance with law”.

The Team receives notifications of licensed asbestos removal work which is to be carried out in Local Authority enforced premises. Due to the serious risk arising from exposure to asbestos dust during asbestos removal or repair all such works need to be assessed and visited.

4.7 **Notifications of Defects in Lifting Equipment**

Council policy “all notifications of defects in lifting equipment will be investigated”.

The Team receives notifications from insurance and engineering companies regarding defects requiring repairs in forklift trucks, lifts and other lifting equipment. These require investigation to check that companies have carried out these repairs to remove any risk to health and safety.

4.8 **Licensing & Registration**

The Team is involved in registering premises and individuals performing electrolysis, ear piercing, acupuncture and tattooing.

The Team will comment on the arrangements relating to public safety on any new and variation premises licence applications received under the Licensing Act 2003.

Under the Gambling Act 2005 the team are consulted by the Licensing team on applications received.

4.9 **Liaison with Other Organisations**

The Council is represented on the following groups:-

External groups:

Leicester, Leicestershire and Rutland CIEH Health and Safety Best Practice Group

Leicester, Leicestershire and Rutland CIEH Managers Group

Leicester, Leicestershire Regulatory Services Partnership

Download Festival Event Planning Group

Strawberry Fields Festival Event Planning Group

Internal groups:

Business CAT

4.10 **Firework Safety – Voluntary Registration Scheme**

Firework displays and bonfire events can present an acceptable risk to the public if not organised and managed effectively. A voluntary registration scheme was devised in 2012 and will be offered again in 2013. Any event organiser can voluntarily register their event and will receive free health and safety support and advice from a member of the Safety Team.

4.11 **Smoking Controls in all Enclosed Public Areas and Workplaces**

The ban on smoking in workplaces and all enclosed public places came into force on July 1st 2007. This legislation is enforced by Environmental Health Officers and Licensing Enforcement Officers. Enforcement and Advisory work will continue during 2013/14.

5**. RESOURCES**

5.1 **Financial Allocation**

The budget for the provision of the health and safety enforcement service is £135,768

5.2 **Staffing Capacity**

It is the Council’s policy to authorise officers appropriately as per their qualifications and experience. All Officers have been authorised as per internal procedure PN5.0: Authorisation of Officers.

5.2.1 The details of the staffing levels in the Team are as follows:-

Environmental Health Team Manager – The post holder has responsibility for health and safety enforcement, food safety and licensing and is fully authorised under the Health and Safety at Work etc Act 1974. Health and Safety related work = 0.1 FTE – Non operational

Environmental Health Team Leader – The post holder supervises the work of the health and safety and food teams. The post holder is fully authorised under the Health and Safety at Work etc Act 1974. Health and Safety related work = 0.3 FTE

Environmental Health Officer – The post holder carries out duties under the Health and Safety at Work etc. Act 1974 in addition to food safety duties. The post holder is fully authorised under the Health and Safety at Work etc Act 1974. Health and Safety related work = 0.4 FTE

Environmental Health Officer – The post holder carries out duties under the Health and Safety at Work etc. Act 1974 in addition to food safety duties. The post holder is fully authorised under the Health and Safety at Work etc Act 1974. Health and Safety related work = 0.2 FTE

Environmental Health Officer – The post holder carries out duties under the Health and Safety at Work etc. Act 1974 in addition to food safety duties. The post holder is fully authorised under the Health and Safety at Work etc Act 1974. Health and Safety related work = 0.2 FTE

Health & Safety Compliance Officer (Part time) – Vacant

Environmental Health Technician– The post holder carries out limited duties under the Health and Safety at Work etc. Act 1974 = 0.1 FTE

Environmental Health Technical Assistant - The post holder is currently seconded to the licensing team. The post remains vacant

Environmental Health Technical Assistant (Part time) - Vacant

Technical Administrator – The post holder provides support to the Team. Health and Safety related work = 0.2 FTE

Senior Technical Administrator - The post holder provides support to the Team. Health and Safety related work = 0.1 FTE

5.3 **Staff Development**

The Environmental Health Team has embraced the principles of the Best Employee Experience (B.E.E) Project. The individual Performance Appraisal and Development Scheme (PADS) is a key element of North West Leicestershire District Councils performance management framework. An individual’s generic training needs are identified through this process. In addition the RDNA Tool is used to identify an individual’s technical based training needs.

Training courses on specific health and safety subjects are frequently hosted and run by the Leicester, Leicestershire and Rutland CIEH Health and Safety Best Practice Group. Key areas for training this year will be collated by each local authority and reported to the County group to form a training plan.

5.4 **Issues for 2013/14**

* To further develop partnership working with members of the Leicester and Leicestershire Regulatory Services Partnership
* To further embed the Primary Authority principals into the proactive and reactive work undertaken.
* To review the premises listed on the IDOX UNI-form database and undertake works to ensure its accuracy and completeness. To trial a data exchange protocol with other regulators.
* To increase the level of support and advice provided to businesses by promoting the Better Business For All Business single contact number.
* To further develop the methods of engagement and consultation with businesses by linking with the work undertaken by the Leicester Leicestershire Enterprise Partnership (LLEP) through the Better Business For All Programme.

6. **REVIEW 2012/2013**

6.1 **Performance Review Against the Service Plan**

6.1.1 **Programmed Inspections**

Each of the 4 businesses categorised as high risk received a full health and safety inspection. All 4 businesses improved the level of compliance with health and safety law and are now categorised as medium risk.

**6.1.2 Topic Based Interventions**

**Beauty Sector Initiative**

A telephone survey of 5 Beauty premises was carried out. 4 businesses were found to be carrying out ear piercing without the required registration. Of the 4 businesses, 2 now hold the required registration with the other 2 businesses making a decision to stop the ear piercing part of their business.

**Event Safety Initiative**

An event safety guide was devised intended for use by organisers of small public events. Officers attended multi agency planning events for the Download, Strawberry Fields and Fake music festivals. In addition Officers worked with the event organisers in the drafting and shaping of the event management documentation and attended all 3 of the music events.

**Asbestos Initiative**

An Asbestos advice letter was circulated to 55 businesses all trading on small industrial estates within the district, to increase awareness about asbestos and the duty to manage it safely. The advice letter was also made available on the Council website and a press release issued.

**Firework Safety Initiative – voluntary registration scheme**

A voluntary registration scheme was introduced whereby a business registers their event and receives safety advice and guidance from an Inspector. Despite promoting the scheme with businesses both face to face during visits and by telephone, only 2 businesses chose to use this scheme.

**Gas safety at food establishments**

Health and safety interventions were carried out at food establishments in 2011 and 2012 focusing on gas safety. A number of business inspected previously were revisited to verify that the required works had been undertaken.

6.1.3 **Swimming Pool Sampling**

|  |  |  |  |
| --- | --- | --- | --- |
|  | 2010/11 | 2011/12 | 2012/13 |
| Swimming/Spa Pool water samples - Total | 336 | 122 | 157 |
| % unsatisfactory | 27% (90) | 4% (5) | 11% (17) |

6.1.4 **Accident Investigations**

It was estimated that between 100 and 120 reportable incidents/diseases/dangerous occurrences would be reported.

|  |  |  |  |
| --- | --- | --- | --- |
|  | 2010/11 | 2011/12 | 2012/13 |
| Workplace incidents/diseases/dangerous occurrences reported to Team - Total | 176 | 160 | 136 |
| Number investigated | 61 | 51 | 10 |
| Number related to activities at Donington Park Motor Racing Circuit | 14 | 35 | 53 |

6.1.5 **Complaints about Health and Safety Failings**

It was estimated that the Team would receive in the range of 25-35 complaints.

|  |  |  |  |
| --- | --- | --- | --- |
|  | 2010/11 | 2011/12 | 2012/13 |
| Complaints about H&S failings - Total | 35 | 24 | 36 |

6.1.6 **Advice to Business/Employees/Public**

The Team gave health and safety advice over the telephone to a considerable number of businesses. The total number of calls is not recorded.

|  |  |  |  |
| --- | --- | --- | --- |
|  | 2010/11 | 2011/12 | 2012/13 |
| H&S requests for advice resulting in research or visit | 44 | 36 | 19 |

6.1.7 **Notifications of Licensed Asbestos Removal Work**

It was estimated that the team would receive up to 5 notifications.

|  |  |  |  |
| --- | --- | --- | --- |
|  | 2010/11 | 2011/12 | 2012/13 |
| Asbestos Removal - Total notifications | 0 | 4 | 1 |

6.1.8 **Notification of Defects in Lifting Equipment**

It was estimated that the Section would receive up to 5 notifications.

|  |  |  |  |
| --- | --- | --- | --- |
|  | 2010/11 | 2011/12 | 2012/13 |
| Defects in Lifting Equipment – Total notifications | 0 | 1 | 1 |

6.1.9 **Registrations issued for premises/individuals for performing electrolysis, ear piercing, acupuncture and tattooing**

|  |  |  |  |
| --- | --- | --- | --- |
|  | 2010/11 | 2011/12 | 2012/13 |
| Registrations issued | 8 | 25 (Premises: 10 Persons 15) | 18 (Premises 6 Persons 12) |

6.1.10 **Licensing Applications**

Officers from the Safety Team were involved in providing responding to new applications and application to vary existing licences. Some applications resulted in a representation to the Licensing Authority as the Responsible Authority on the issue of public safety.

|  |  |  |  |
| --- | --- | --- | --- |
|  | 2010/11 | 2011/12 | 2012/13 |
| Total variation / new applications (LA2003) result in a in research or a representation being made | 20 | 35 | 30 (15 new / 15 variation) |

6.1.11 **Enforcement Action**

Compliance with health and safety law increased as a result of the provision of advice and support and enforcement actions. The following enforcement actions were taken:

0 Prohibition Notices were served.

1 Improvement Notices were served.

0 Conviction for offences under Health and Safety at Work etc Act 1974.