

Central
Bedfordshire
Council
Priory House
Monks Walk
Chicksands,
Shefford SG17 5TQ



**TO EACH MEMBER OF THE
LICENSING COMMITTEE**

01 September 2016

Dear Councillor

LICENSING COMMITTEE - Wednesday 7 September 2016

Further to the Agenda and papers for the above meeting, previously circulated, please find attached a replacement Health & Safety Service Plan to be considered in place of the plan issued with the agenda:-

6. Health & Safety (as a regulator Service Plan 2016-2018)

Please note that this replacement plan.

Should you have any queries regarding the above please contact Committee Services on Tel: 0300 300 4040.

Yours sincerely

Helen Bell,
Committee Services Officer
email: helen.bell@centralbedfordshire.gov.uk

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**CENTRAL BEDFORDSHIRE COUNCIL
PUBLIC PROTECTION**

**HEALTH AND SAFETY (AS A REGULATOR) SERVICE PLAN
2016-2018**

Information about this document	
Purpose	Local Authorities are required to produce this document in part fulfilment in complying with mandatory guidance issued by the Health & Safety Executive, under Section 18 Health & Safety at Work etc. Act 1974. (HSWA) and Local Authority Circular 67/2 (rev 4.1)
Primary Target	Appointed Inspectors, Support Officers and Elected Members
Secondary Target	Duty holders in the business sector regulated by the Local Authority, employees and members of the public.
Prepared by	Ben Salvatierra Chartered Environmental Health Practitioner (CMCIEH)
Review by	April 2017

Foreword

This Service Plan sets out how Central Bedfordshire Council (CBC) Public Protection carries out its health and safety enforcement obligations. It also demonstrates how we ensure that health and safety regulation and enforcement is proportionate and flexible so as to allow economic progress.

CBC has a statutory responsibility for safeguarding the health, safety and welfare of employees and the public, working in, or visiting some 2,182 businesses located within Central Bedfordshire. These businesses include retail premises, warehouses, catering establishments, places of entertainment, hotels, animal establishments and the beauty and skin piercing sector.

Whilst the primary responsibility for managing health and safety risks lies with the businesses that create the risk, we have an important role in ensuring the effective and proportionate management of risks, supporting business, protecting their communities, and contributing to the wider public health agenda.

We have taken steps to ensure regulatory resource is used to best effect by targeting specific risks or focussing on specific outcomes, using a broad range of regulatory interventions available to influence behaviours and improve the management of risk. It is our policy that proactive inspections are utilised only for premises with higher risks including those identified as a priority by the HSE, or where intelligence suggests that risks are not being effectively managed.

We have based our risk assessment on both local and national accident data and local intelligence. Initiatives to target specific problem areas have been developed, including asbestos, workplace transport, warehouse racking, working at height and skin piercing activities. By using risk-based targeting, this releases resources to help in supporting businesses via a programme of advisory visits, education and free training. This approach contributes to delivering the growth agenda and, in particular, provides invaluable advice to new business start-ups.

It should be noted that advisory visits are distinct from regulatory visits and are made, at the convenience of businesses and in a non-regulatory manner.

Enforcement action is reserved for uncooperative or persistent offenders, businesses who place vulnerable groups at risk of harm, in particular children and the elderly, or where there are risks of serious personal injury or threat to life.

In addition to the above, in line with our statutory obligations, we carry out proactive inspections of key sectors and activities including businesses deemed as high risk, those that work at height, large scale and other public events, and those presenting zoonotic risks to the public, in particular to children.

The health and safety work which we carry out in Central Bedfordshire is important in helping prevent accidents and illness, thus making Central Bedfordshire a safer place to work and live, whilst at the same time supporting economic growth. We recognise that a healthier workforce is a more productive workforce.

We believe that this Service Plan meets the Council's vision to improve the quality of life and to make Central Bedfordshire a great place to live and work.

Cllr Brian Spurr
Executive Member for Community Services

Management arrangements for a risk-based approach

Our risk-based, targeted and proportionate approach to interventions and enforcement is fully in line with the principles of good regulation. Enforcement is targeted, proportionate, consistent, transparent and accountable.

Targeting

This is achieved by

- (a) Having risk-based intervention plans focussed on tackling specific risks;
- (b) Considering the risks that we need to address and using the whole range of interventions to target these specific risks;
- (c) Reserving unannounced proactive inspection only for the activities and sectors published by HSE and where intelligence suggests risks are not being effectively managed; and
- (d) Using national and local intelligence to inform priorities.

Proportionality

Public Protection has developed a training programme to ensure that officers are competent and can exercise professional judgement to:

- (a) Differentiate between varying levels of risk or harm;
- (b) Decide how far short a business has fallen from effective management of the risks it creates; and
- (c) Apply proportionate decision making in accordance with CBC's Enforcement Policy, HSE's Enforcement Policy Statement and the Enforcement Management Model (EMM).

Consistency

This means that we always take a similar approach, in similar circumstances to achieve similar outcomes. CBC is part of the Herts and Beds Occupational Health and Safety Group which meets regularly and encompasses 13 Local Authorities (LAs). In addition, CBC:

- (a) Ensures nationally published guidance is applied appropriately to address both local and national priorities;
- (b) Takes full account of Primary Authority;
- (c) Promotes a consistent approach to a regulator's competence;
- (d) Sets clear expectations for delivery; and
- (e) Allows appropriate comparison and transparency via annual publication of health and safety data (LAE1 returns to the HSE).

Transparency

CBC aims to ensure that businesses are clear on what is and what is not expected of them and what they can expect from the Council.

This is achieved by:

- (a) Having a clear and easily accessible enforcement policy;
- (b) Following HSE guidance on targeting and inspections;
- (c) Providing easily accessible information on the services and advice available to businesses; and
- (d) Having arrangements for keeping employees, their representatives, and victims or their families informed.

Accountability

CBC is accountable to the public and businesses on its actions. This is achieved by:

- (a) Making publically available the Health and Safety Service Plan which includes information on health and safety interventions, enforcement, and prosecution activity; and
- (b) Carrying out peer review with our LA partners in the Herts and Beds Occupational Health and Safety Group.

Committee structure and involvement

The Constitution and Committee Structure for the Unitary Authority was adopted by the Central Bedfordshire Shadow Council on 26 February 2009. Further details of the Council's constitution, Executive and committee structure can be found at:

<http://www.centralbedfordshire.gov.uk/council/committees-meetings-agendas/landing.aspx>

The Health and Safety Plan is approved by the Licensing Committee every 2 years. The Committee questions and approves various matters so as to ensure that the plan is achieving its aims and objectives for the benefit of the community and business environment.

The service is delivered predominately in normal office hours. Out of normal working time, there is an on call Duty First Contact arrangement in place. The role of the duty officer is to contact the relevant officer(s) in an emergency situation e.g. a workplace fatal accident occurring out of hours.

Demands on the Health and Safety Service

CBC targets its resources based on national priorities, local intelligence and through the classification of all workplaces within the area.

There are four Categories (A, B1, B2 and C) which make up the risk-rating system based on a business's health and safety performance, as follows:

(a) Those sectors that present comparatively high risk and where proactive inspection remains necessary as part of the overall regulatory approach. (**Category A premises**);

(b) Those sectors where there remains a comparatively high risk but "non-inspection" national or local interventions are required (typically **Category B1 and B2 premises**); and

(c) Those areas where "non-inspection - local problem" reactive interventions are required (typically **Category C premises**).

In addition to the above, HSE now require LAs to consider the need to carry out proactive inspections of specific types of activities in the following sectors:

- Open farms and animal visitor attractions.
- Tyre fitters.
- Warehousing.
- Builder / timber merchants.
- Large scale public gathering.
- Premises with Cooling towers/evaporative condensers.
- Premises where lone working occurs e.g. Betting shops, petrol stations.
- Premises with buried metal gas pipework.
- Commercial catering premises where there is risk of carbon monoxide poisoning.

As of 31st March 2016, approximately 2,182 businesses, assessed as requiring LA enforcement, are recorded on the database and detailed in their relevant categories as shown in the table below. A comparison with the previous 2 years' profiles is also provided.

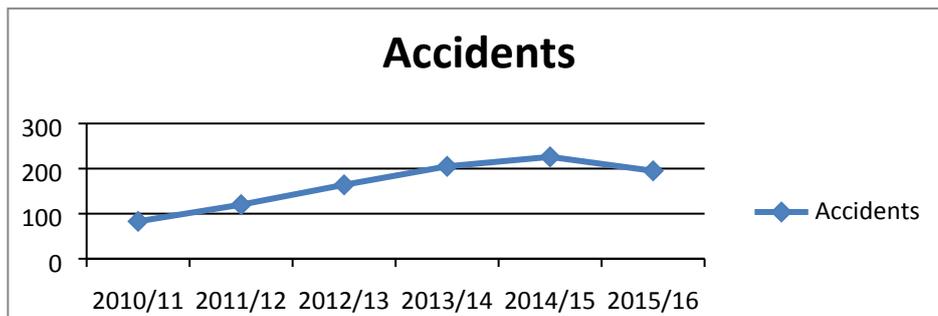
Provisional figures – updated 31st March 2016

Category	Number of premises 2014	Number of premises 2015	Number of premises 2016
A	14	9	10
B1	63	58	64
B2	343	356	358
C	2090	1559	1550
Unrated	560	295	200
Total	3,070	2,277	2,182

As can be seen from the above table, in 2016, there were 200 additional premises that were not assigned a risk category. Further classification, through inspections, alternative enforcement such as desktop assessment and reactive work is ongoing to reduce this figure.

Accident Investigations

Employers and duty holders who, to some extent, have control of premises are required by the Reporting of Injuries, Diseases and Dangerous Occurrence Regulations 1995 (RIDDOR) to report specific accidents and incidents. The main trigger for employees reporting accidents and incidents have been where there has been a major injury such as broken bones, where the employee has taken more than seven days off work due to an incident, or where a member of the public has been taken to hospital direct from an accident scene.



Historically accident investigations have been prioritised according to:

- a) The information revealed in the accident report;
- b) Investigating incidents involving vulnerable groups such as children and the elderly;
- c) Major injuries, activities that give rise to serious risks;
- d) Where hazards are not properly controlled and have resulted in a fatality.

It should also be noted that accident investigation work can place a heavy and largely unpredictable demand on the Service, as notifications can vary significantly year on year. For example in 2014/15, the Team had to deal with a fatality in the workplace and a separate near-death incident, together with other serious major accident investigations.

Registrations

In order to control the risks of legionella within the district, premises have to register with the LA under the Notification of Cooling Towers and Evaporative Condensers Regulations 1992; at present there are a total of 25 premises registered with CBC under these Regulations. These premises fall either to the CBC or HSE for enforcement.

There are 54 premises registered for skin piercing activities, specifically body piercing, acupuncture, electrolysis, tattooing, and semi-permanent make-up. Within those premises there are 133 registered persons deemed competent to carry out these activities.

Health and Safety Inspections and Activity

The Service also concentrates on animal welfare licensing, local on-site health and safety training and advice, and health and safety projects such as skin piercing, asbestos at work, electrical safety, slips and trips, and safety in outdoor children's play equipment.

For comparison, the levels and range of all enforcement activities undertaken during 2014 and 2016 are summarised below:

Activity type	Number of actions	
	2014	2015 up to 31.03.16
Complaints	42	25
Accidents	218	192
Service requests	95	62
Statutory Improvement Notices	9	9
Statutory prohibition notices	32	6
Simple cautions	0	1
Prosecutions	0	0

Health and Safety Complaints and Service requests

Health and safety complaints and Service requests received are listed in the following broad categories:

- Complaints concerning businesses from employees, trade unions, contractors or members of the public about work conditions or safety concerns.
- Notifications of defective lifting equipment reports received from insurance companies.
- Notifications of asbestos stripping operations.
- Under the Licensing Act 2003, the Service acts as statutory consultee for all premises licence applications received by this Authority.
- Responses to solicitors acting on behalf of their clients who may have had an accident at work, through Solicitors' Information Requests.
- New Business advice on health and safety matters.

Investigations of complaints are carried out in accordance with the guidance at Section 18 of the Health and Safety at Work etc. Act 1974, and associated Service procedures. It is the policy of Public Protection to prioritise complaints on a risk basis, taking into account existing unforeseeable problems, the risk rating of the premises, compliance history, whether not vulnerable groups were involved, and any other relevant factors.

Advice to Businesses

In line with the principles of the Compliance Code for Regulators and the Council's Business Support Unit, Public Protection is committed to working with and supporting businesses, in particular small to medium enterprises. This is achieved through a range of mechanisms:

- Advice given during the course of inspections and other visits;
- Provision of advisory leaflets and guidance notes, including in other languages, where required;
- Response to business requests for advice and assistance;
- Information posted on the Council's website.

As part of the Environmental Health qualification, officers learn about business studies. This training alongside years of inspection experience enables the Service to offer a high level of business support. A typical example of this offer is the starting up of a new skin piercing premises. Officers usually deal with first time business owners using the following methods:

- on-site advisory visits,
- liaising with two other experienced similar companies outside the district,
- provision of written information and guidance,
- officers being available to give advice via their mobile phones at any time during office work hours. This has helped businesses to prosper in their aims and objectives.

The Central Bedfordshire Safety Advisory Group (SAG) was established in May 2010 to uphold standards of public safety at all sports grounds and public events within the Council's area, and to encourage the health, safety and well being of the public, operatives and competitors at such venues and events. The SAG is a partnership which brings together relevant Services within the Council together with colleagues from the Emergency Services to review and advice on public safety arrangements at selected public events. Part of the key aims of Central Bedfordshire Council's role is advising the duty holders of such events so as to help ensure they are successful and able to hold similar events in the future.

Priorities for 2016-18

In addition to responding to complaints, investigating accidents, offering business advice and training etc. the Service has developed its interventions for the next two years, concentrating on national priorities, local accident data, and other local intelligence. These interventions, overseen and managed by the line manager and scrutinised by the Head of Service are fully compliant with Section 18 guidance and the LAC 67(4.1) revised. The priority work is summarised on the attached Dynamic Intervention Planning Summary table.

Other work

The Health and Safety Team enforce animal licensing for the activities listed below, whilst work is also undertaken, on a procured basis, for other LAs such as North Herts DC and Watford BC.

- Zoos.
- Breeding establishments.
- Animal boarding establishments.
- Pet shops.
- Dangerous Wild Animals.
- Performing Animals.

Dynamic Intervention Planning Summary table 2016 – 2018

Sector, premises type or specific cross sector activity	Evidence that identified the concern and set its priority	Planned intervention type	Rationale for intervention	Planned activity or resource
Workplace Transport	National Priority	Education, awareness, enforcement and other interventions	Reduce risk of serious accidents and injury	Letters, follow up inspections Inspections -ongoing
Asbestos	National priority	Education, awareness, enforcement and other interventions	Increase awareness, reduce cancer risk	Letters, follow up inspections
Work at Height	National priority	Sector/Industry wide initiatives e.g. catering establishments	Reduce serious accidents and injury	Letters, follow up inspections
Skin piercing	Complaints, inspector assessment of compliance	Partnerships with Luton and Beds Hepatitis network. Assessment of infection control measures	Reduce risk of blood borne infections and to increase awareness	Inspections- ongoing
Special Treatments: Use of Laser / Intense Pulse Light	It is a high risk activity and Regulatory function has been transferred to LAs	Sector/Industry wide initiatives	Reduce serious accidents and injury	Inspections- ongoing
Crowd control & injuries / fatalities to the public	National priority	Sector/Industry-wide initiatives Reduce incidents, serious accidents and injury/liaison and attendance at SAG meetings	Reduce serious accidents and injury	Liaison work with the Emergency Planning Team. Inspections and assessments of organisers' risk assessments.
Violence at work	National priority	Targeted at late night petrol stations following local intelligence	Raise awareness and priority to reduce personal injury or impact of violence at work.	Inspections and assessments of business', advice and follow up-inspections.
Level 2 H&S training for employees /employer	Local intelligence reveals low levels of training for employees in all CBC enforced sectors	Education and awareness	Raise awareness of health and safety risks	Officers to deliver low cost training at an agreed venue