

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



please ask for Martha Clampitt

direct line 0300 300 4032

date 3 February 2011

NOTICE OF MEETING

REGULATION COMMITTEE

Date & Time

Wednesday, 16 February 2011 9.30 a.m.

Venue at

Council Chamber, Priory House, Monks Walk, Shefford

Richard Carr
Chief Executive

To: The Chairman and Members of the REGULATION COMMITTEE:

Cllrs L Birt (Chairman), T Green (Vice-Chairman), D Bowater, I Dalgarno, M Gibson, K Janes, R W Johnstone, H J Lockey, Ms J Nunn, A A J Rogers, G Summerfield and P F Vickers

[Named Substitutes:

P N Aldis, R D Berry, Ms C Maudlin, D McVicar, B J Spurr and Mrs C Turner]

All other Members of the Council - on request

MEMBERS OF THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THIS MEETING

AGENDA

1. **APOLOGIES FOR ABSENCE**

Apologies for absence and notification of substitute members

2. **CHAIRMAN'S ANNOUNCEMENTS AND COMMUNICATIONS**

To receive any announcements from the Chairman and any matters of communication.

3. **MINUTES**

To approve as a correct record the Minutes of the meeting of the Regulation Committee held on 17 November 2010 and note actions taken since that meeting.

(attached)

4. **MEMBERS' INTERESTS**

To receive from Members any declarations and the nature in relation to:-

(a) personal interests in any agenda item

(b) personal and prejudicial interests in any agenda item

5. **PETITIONS**

To receive petitions in accordance with the scheme of public participation set out in Annex 2 in Part A4 of the Constitution.

6. **PUBLIC PARTICIPATION**

To receive any questions, statements or deputations from members of the public in accordance with the Procedure as set out in Part A4 of the Constitution.

7. **STATEMENT OF POLICY ABOUT RELEVANT CONVICTIONS**

A copy of the statement of policy about relevant convictions is attached to assist Members in relation to items

8. **EXCLUSION OF THE PRESS AND PUBLIC**

To consider whether to pass a resolution under section 100A of the Local Government Act 1972 to exclude the Press and Public from the meeting for the following item of business on the grounds that the consideration of the item is likely to involve the disclosure of exempt information as defined in paragraph(s) 1 of Part 1 of Schedule 12A of the Act.

Reports

Item	Subject	Exempt Para.	Page Nos.
9.	Application for a Private Hire Vehicle Licence	* 1	19 - 38

To make a decision whether or not to grant a private hire vehicle licence to Mr Sheraz Ahmed of D and R Taxis in view of the age of the vehicle.

10. **RE-ADMITTANCE OF PRESS AND PUBLIC**

To consider whether to pass a resolution to re-admit members of the press and public on grounds that consideration of the remaining items of business are not likely to involve the disclosure of exempt information as defined by Part 1 of Schedule 12A of the Local Government Act 1972.

Reports

Item	Subject	Page Nos.
11.	Adoption of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982	* 39 - 42

To consider the adoption of the relevant provisions of the Local Government (Miscellaneous Provisions) Act 1982, for the licensing of Street Trading.

12.	Health and Safety (as a Regulator) Service Plan 2011-2012	* 43 - 76
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The report proposes that the Health and Safety (as a Regulator) Service Plan 2011-2012 be endorsed and recommended to Executive for approval. The Health and Safety Service Plan, which sets out the Health and Safety Enforcement activities to be undertaken by Central Bedfordshire Council, is a mandatory requirement of the Health and Safety at Work etc. Act 1974.

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CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **REGULATION COMMITTEE** held in Council Chamber, Priory House, Monks Walk, Shefford on Wednesday, 17 November 2010

PRESENT

Cllr L Birt (Chairman)
Cllr T Green (Vice-Chairman)

Cllrs D Bowater
I Dalgarno
A Fahn
M Gibson

Cllrs K Janes
H J Lockey
Ms J Nunn
A A J Rogers

Apologies for Absence: Cllrs G Summerfield
P F Vickers

Substitutes: Cllrs B J Spurr (In place of Cllr P F Vickers)

Officers in Attendance: Mrs C Bell Team Leader Public Protection
Mrs J Borthwick Service Manager, Public Manager
Mrs M Clampitt Committee Services Officer
Mrs P Davies Licensing & Policy Officer
Mrs M James Licensing and Enforcement Officer
Mr D McBain Licensing Enforcement Officer
Mr M Woolsey Acting Managing Solicitor

REG/09/27 Chairman's Announcements and Communications

At the conclusion of the meeting the Chairman asked Claire Bell, Team Leader Public Protection to provide the Committee with an update on the recent changes to the Licensing Team. The Team Leader Public Protection informed the Committee that the Licensing Team had been reduced to five members of staff. In addition, she informed the Committee that she would be leaving the council at the end of November.

The Committee thanked her for all of her support and hard work.

REG/09/28 Minutes

RESOLVED

that the minutes of the meeting of the Regulation Committee held on 25 August 2010 be confirmed as a correct record and signed by the Chairman.

REG/09/29 **Members' Interests**

(a) **Personal Interests:-**

None.

(b) **Personal and Prejudicial Interests:-**

None.

REG/09/30 **Petitions**

The Chairman announced that no petitions had been referred to this meeting.

REG/09/31 **Public Participation**

No applications had been received in accordance with the Scheme of Public Participation set out in Paragraph 1 of the Scheme of Public Participation set out in Annex 1 to Part A4 of the Constitution.

REG/09/32 **Exclusion of the Press and Public**

The Committee resolved to exclude the press and public from the remainder of the meeting under Section 100A of the Local Government Act 1972 on the grounds that the consideration of the items of business would involve the disclosure of exempt information as defined in Paragraph 1 of Part I of Schedule 12A of the Act.

REG/09/33 **Application for a Private Hire Vehicle License**

The Committee received and considered the report of the Licensing and Enforcement Officer concerning an application for a private hire vehicle licence in respect Taylor's Transport in view of the age of the vehicle.

A copy of the application form and supporting documents were attached as an appendix for Members' information.

The applicant attended the meeting and made representations in support of the application. The Committee were invited to view the vehicle, which was in the car park.

In accordance with the procedures for hearings held in private, the applicant, Team Leader Public Protection and Licensing Officers were asked to withdraw whilst the Committee made their decision. The Committee's deliberation and visual inspection of the vehicle along with the service history and its appearance aided the decision process. Following which all who had withdrawn were recalled to hear the decision.

RESOLVED

that the application for a Private Hire Vehicle Licence for Taylor's Transport be granted in this case, subject to the applicant being reminded of his responsibilities to comply with the conditions of the Licence and that the Council has powers under the Local Government (Miscellaneous Provisions) Act 1976 to revoke the licence at any time.

The applicant was also reminded that the licence was subject to the vehicle passing all required mechanical tests.

REG/09/34 **Application for a Private Hire Vehicle License**

The Committee received and considered the report of the Licensing and Enforcement Officer concerning an application for a private hire vehicle licence in respect D and R Taxis in view of the age of the vehicle.

A copy of the application form and supporting documents were attached as an appendix for Members' information.

The applicant attended the meeting and made representations in support of the application. The Committee were invited to view the vehicle, which was in the car park.

In accordance with the procedures for hearings held in private, the applicant, Team Leader Public Protection and Licensing Officers were asked to withdraw whilst the Committee made their decision. The Committee's deliberation and visual inspection of the vehicle along with the service history and its appearance aided the decision process. Following which all who had withdrawn were recalled to hear the decision.

RESOLVED

that the application for a Private Hire Vehicle Licence for D & R Taxis be refused in this case under Paragraph 59 of the Local Government (Miscellaneous Provisions) Act 1976, as the Committee does not consider the vehicle to be of exceptional condition.

The Applicant would be informed in writing of his right to appeal against the decision to the Magistrates' Court and that the appeal must be made in 21 days of written notification of this decision.

REG/09/35 Re-Admittance of the Press and Public**RESOLVED**

that the Press and Public be re-admitted to the remainder of the meeting.

REG/09/36 Equalities Act 2010

The Committee received and considered the report which sought a decision on the carrying out of a consultation in order to ascertain how the authority could meet the needs of a broad range of disabled people using hackney carriages, not just wheelchair users.

Central Bedfordshire adopted the wheelchair policy in January 2010, at the time it was noted that many of the trade were unhappy that all hackney carriages had to be wheelchair accessible. Any changes could only be made once a full consultation had been carried out. In addition Members were advised that the Department of Transport were themselves carrying out a consultation on how best to meet the needs of a broad range of disabled people, not just wheelchair users. Whilst the Government has made new regulations for taxis and private hire vehicles, the Equalities Act 2010 appears to have superseded the government consultation.

Central Bedfordshire conditions required all drivers of wheelchair accessible vehicles to assist in the loading and unloading of wheelchairs and their passengers and also in relation to their wheelchair use. However there is no provision that allows a driver who themselves suffered from a condition which makes it difficult to provide assistance, claim exemption from this obligation. In addition, the Equality Act 2010 and the Disability Discrimination Act 1995 obligated the drivers to carry guide dogs. Drivers could be exempted on medical grounds.

Officers recommended a 12 week consultation be carried out the results of which would be brought to a future meeting of the Regulation Committee.

RESOLVED

that a 12 week consultation be carried out to seek views on how to meet the needs of a broad range of disabled people using hackney carriages, not just wheelchair users.

that the following groups be consulted:-

- (a) Members of the Hackney Carriage and Private Hire trade;**
- (b) Groups serving the disabled in Central Bedfordshire; and**
- (c) Members of the travelling public.**

REG/09/37 Duration of Combined Hackney Carriage and Private Hire Driver Licences

The Committee received and considered the report which sought instructions on whether or not Members wished to carry out a consultation with the hackney carriage and private hire trade in order to ascertain their views with regard to the issue of three year combined hackney carriage and private hire drivers licences.

At the meeting of the Regulation Committee held on 13 January 2010 the Committee resolved that licences should be renewed on an annual basis rather than every three years.

On 12 October 2010, a request was made that the Council review its decision on the duration of driver licences. The Councillors in attendance at the monthly drivers' forum agreed to put the request forward.

Therefore the Committee was asked to agree a 12 week consultation to seek the views of the hackney carriage and private hire trade on the issue of three year driver licences.

RESOLVED

that a 12 week consultation be carried out with the hackney carriage and private hire trade to seek their views on the issue of three year driver licences.

REG/09/38 Adoption of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 and Section 27 of the Policing and Crime Act 2009

The Committee received and considered the report which requested the adoption of the relevant provisions of the Local Government (Miscellaneous Provisions) Act 1982, for the licensing of Sexual Entertainment Venues. Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 has been amended to empower local authorities to licence not only "sex establishments" which covered sex cinemas and sex shops but following the introduction of Section 27 of the Policing and Crime Act 2009, "sexual entertainment venues" as well. The legislation would come into effect from 1 April 2011 ("the first appointed day").

It as noted that the adoption of the legislation will:-

1. allow local people to raise objections to an application for a sex establishment licence if they have legitimate concerns that a sexual entertainment venue would be inappropriate. Such objections could be based on the character of the area, for example if the area was primarily residential or next to a school etc.
2. require licences to be renewed at least yearly. At the point of each renewal local people will have the opportunity to raise objections with the local authority.

3. allow a local authority to set a limit on the number of sex establishments as they consider appropriate for the area.
4. allow a local authority to impose a wider range of conditions on the licences of lap dancing clubs than they are currently able to under the Licensing Act 2003.
5. allow the local authority to set reasonable fees to cover administration and enforcement costs. (Suggested fees will be proposed during the consultation period, for agreement by the relevant working group).

Local Authorities were not required to adopt the legislation. However, if the legislation was not adopted then after 6 April 2011, consultation with local people must be undertaken to ask whether the legislation should be adopted.

South Bedfordshire District Council and Mid Beds District Council had both adopted the original Schedule 3. The amendments to Schedule 3, which were a result of Section 27 of the Policing and crime Act 2009, require the Schedule to be readopted. Premises which were previously "Regulated entertainment" under the Licensing Act 2003 licences would be required to obtain a sex establishment licence.

Central Bedfordshire currently have four establishments which would be regulated by provisions contained in Schedule 3; two sex shops and two sexual entertainment venues. To date, these venues have been regulated by the addition of voluntary conditions on their premise licence under the Licensing Act 2003.

It is recommended to Council that the legislative provisions be adopted to come into force on 1 April 2011. The Council must then publish a notice in a local newspaper for two consecutive weeks confirming the resolution had been passed and its general effect. The first notice must appear no later than 28 days before the provisions would be due to come into force.

The Regulation Committee also requested that the Constitution Advisory Group revise the scheme of delegated responsibilities to add to the Regulation Committee delegations "Powers to licence sexual entertainment venues" in Part E2 Annex D of the Constitution.

Any existing premise could apply for a sexual entertainment venue licence between 1 April and 1 October 2011 ("the second appointed day"). All applications would be determined collectively after 1 October 2011. The granted licences would be effective from 1 April 2012 (the "third appointed day").

Recommended to Council:-

1. **that the relevant provisions to enable the regulation of sexual entertainment venues be adopted and these provisions come into force on 1 April 2011 as "the first appointed day".**

2. that the responsibility for the licensing of sexual entertainment venues be delegated to the Regulation Committee and the Constitution Advisory Group be asked to amend the Constitution accordingly.

REG/09/39 **Adoption of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982**

The Committee received and considered the report which sought approval to publish a notice of the draft resolution in relation to the adoption of the relevant provisions of the Local Government (Miscellaneous Provisions) Act 1982, for the licensing of Street Trading.

The adoption of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 would enable the Council to control the numbers and quality of street traders in the area.

The definition of "street trading" is the selling or exposing or offering for sale of any article (including a living thing) in a street.

For the Schedule to be successfully adopted, the Council must have published a notice containing a draft of the resolution (Appendix A to the report) in a local paper. The Police and Highway Authority must also receive be served with the notice and the invitation that representations may be made within 28 days.

Following the conclusion of the consultation, should representations not be resolved by Officers a report would be brought to 17 February 2011 Regulation Committee meeting. The resolution from the Regulation Committee would then be taken to Full Council on 24 February 2010 for a decision to adopt or reject resolution. If the resolution is passed a second notice must be placed in the local newspaper for two consecutive weeks stating that they have passed the resolution and its general effect. The first publication must be no later than 28 days before the provisions would be due to come into force.

Should the Council resolve to adopt the legislation, the operator of a premises would be required under the Act to apply for consent to trade.

Adoption of this legislation will:-

1. allow the Council to control the number and quality of street traders in the area.
2. highlight the requirements and standards expected of street traders.
3. add vitality and choice to town centres.

4. allow the local authority to set reasonable fees to cover administration and enforcement costs. (suggested fees will be proposed during the consultation period, for agreement by the relevant working group).

RESOLVED

that the publishing of a notice containing a draft resolution in relation to the adoption of the relevant provisions to enable the regulation of street trading from 1 April 2011, be approved.

Recommended to Full Council:-

that Regulation Committee recommend that Full Council adopts the relevant provisions to enable regulation of street trading, subject to there being no outstanding, or unresolved, negative representations, and that these provisions come into force on the 1 April 2011.

(Note: The meeting commenced at 10.00 a.m. and concluded at 11.40 a.m.)

Chairman

Dated

CENTRAL BEDFORDSHIRE COUNCIL

DRAFT

STATEMENT OF POLICY ABOUT RELEVANT CONVICTIONS

POLICY AIM

To promote and maintain the highest professional standard of hackney carriages and private hire drivers by the continuous monitoring of services and to ensure that each driver is a fit and proper person to hold a hackney carriage or a private hire driver licence.

1. Licences for drivers of hackney carriages and private hire vehicles may only be granted where the Council is satisfied that the applicant is a fit and proper person to hold such a licence.
2. The policy is intended to give guidance to applicants where he or she has previous convictions and or cautions.
3. The Council will endeavour to ensure:-
 - (a) That a person is a fit and proper person
 - (b) That a person does not pose a threat to the public
 - (c) That the public are safeguarded from dishonest persons
4. When submitting an application for a licence to drive a hackney carriage/private hire vehicle, applicants are required to declare all previous convictions they may have. Applicants are also required to declare all formal cautions and all endorsable fixed penalties together with details of all criminal matters of which they are currently subject of criminal investigation or prosecution.
5. Existing holders of driver licences are required to notify the Council, in writing, within seven days of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions)
6. The information given will be treated in confidence and will only be taken into account in relation to the relevant application to assist the Council in determining whether the applicant is a fit and proper person to hold a driver's licence for the purposes of Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976.

7. Applicants should be aware that the Council is empowered by Law to check with the Criminal Records Bureau (CRB) for the existence and content of any criminal record held in their name. This Council abides by the CRB's Policy on the secure storage, handling, use, retention and disposal of disclosure information, which is available on request.
8. The disclosure of a criminal record or other information relating to criminal matters will not necessarily debar an applicant from obtaining a driver's licence. Whether or not an applicant will be granted a licence will depend upon whether or not the Council can be satisfied that the applicant is a fit and proper person to hold such a licence.
9. In accordance with current case law, the Council will not seek to go behind the convictions by reinvestigating the circumstances of the case or questioning the decision of the relevant judicial authority. It will be for applicants to persuade the Council that the conviction is no longer serious, relevant, or is so old that it should not affect their ability to hold a licence.
10. The Council may fail to be satisfied that an applicant is a fit and proper person to hold a driver's licence for any good reason. If adequate evidence that a person is a fit and proper person is not received, or if there is good reason to question or doubt the evidence provided, it could amount to good reason to refuse a licence.
11. In considering evidence of an applicant's good character and fitness to hold a driver's licence, where previous convictions or other information relating to criminal matters are disclosed, the Council will consider the nature of the offence, when it was committed, the date of conviction, the applicant's age when the offence was committed and any other factors which might be relevant.
12. The Council is also entitled to use other records and information that may be available to it in determining applicants or an entitlement to continue holding a licence. This may include information held by the Council or other Councils, and information disclosed by the Police under the Home Office scheme for reporting notifiable offences.
13. Any applicant refused a driver's licence on the grounds that the Council is not satisfied that he or she is a fit and proper person to hold such a licence has a right of appeal to the Magistrates' Court within 21 days of the notice of refusal.
14. The Council has adopted the following guidelines relating to the relevance of convictions to which it refers in determining applications for drivers' licences.
15. The guidelines will also be taken into account by the Council when dealing with applications for the renewal of existing driver's licences and when considering whether to suspend or revoke an existing driver's licence.

GENERAL POLICY GUIDELINES

1. Each case will be decided on its own merits.
2. The Council has a duty to ensure, so far as possible, that drivers are fit and proper persons to hold licences.
3. A person with a conviction for a serious crime need not be automatically barred from obtaining a licence but would normally be expected to (a) remain free of conviction for an appropriate period and (b) show adequate evidence that he or she is a fit and proper person to hold a licence. Simply remaining free of conviction will not generally be regarded as sufficient evidence that a person is a fit and proper person to hold a licence.
4. In some circumstances it may be appropriate to depart from the general policy, for example, where the offence is isolated and there are mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour which will be taken into account. **Applicants will be invited to make representation to the Head of Service, Public Protection, before a final decision on whether an applicant is considered a fit and proper person to hold a licence.**
5. The following examples afford a general guide on the actions which might be taken where convictions are disclosed. **The period of post convictions before applications will be considered are based on the Home Office Guidelines.**

Offence of Dishonesty

- a. Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare. A serious view is taken of any conviction for dishonesty. In general, an application less than 3 – 5 years after conviction is unlikely to be considered favourably.
- b. After 3 years the circumstances of the offence, together with any evidence demonstrating that the person is now a fit and proper person to hold a licence, will be taken into account.

Violence

- a. As hackney carriage and private hire vehicle drivers maintain close contact with the public, a period of 3 to 10 years free of conviction for offences involving violence (depending on the nature and seriousness of the offence) will generally be required before an application is likely to be considered.

Drugs

- a. An application will normally be refused where the applicant has a conviction for an offence related to the supply of drugs and the conviction is less than 5 – 10 years prior to the date of application.
- b. After 5 years the circumstances of the offence, together with any evidence demonstrating that the person is now a fit and proper person to hold a licence, will be taken into account.
- c. An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 3 to 5 years will require careful consideration of the facts.

Sexual and Indecency Offences

- a. As hackney carriage/private hire vehicle drivers often carry unaccompanied passengers, applicants with a conviction for rape, indecent assault, or other similar offences will normally be refused a licence.
- b. Applicants with a conviction relating to sexual offences will normally be refused a licence until they can show a substantial period (usually between 3 and 10 years) free from any such conviction.

Motoring Convictions

Disqualification.

- a. Where an applicant has been disqualified from driving because of a major traffic offence, the applicant will generally be refused unless a period of 3 years free from conviction has elapsed from the restoration of the DVLA licence, and 5 years where the disqualification relates to drink driving or a major traffic offence.

- b. **Where several motor traffic offences have resulted in the applicant being disqualified from driving for a period of time, this will normally be taken as reflecting seriously on the applicant's driving standard. Generally a period of 3 years free from conviction must have elapsed from the restoration of the DVLA licence.**
- c. In 'totting-up' cases where disqualification is considered by the Court, even if the court does not disqualify a driver (e.g. because of exceptional circumstances), the Council is likely to refuse a hackney carriage/private hire driver's licence because different criteria apply and an applicant will normally be expected to show a period of 12 months free from conviction from the date the Court made its finding of exceptional circumstances justifying the non-disqualification.

Major Traffic Offences.

- a. An application will normally be refused where the applicant has a conviction for an offence within 2 years of the date of the application.
- b. More than one conviction for this type of offence within the last 5 years is likely to merit refusal.

Minor Traffic Offences.

- a. Isolated convictions for minor traffic offences should not prevent a person from obtaining a licence. However, the number, type and frequency of this type of offence will be taken into account and if there are several offences of this nature, the applicant will normally be expected to show a period free of conviction of at least 6 months.

Drunkness

With a motor vehicle

- a. A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. An application will normally be refused where the applicant has a conviction for an offence within 2 years of the date of the application. More than one conviction for this type of offence or one such offence within the last five years is likely to merit refusal. Where a disqualification has occurred as a result of a drink-drive offence, at least 5 years free from conviction should elapse after the restoration of the DVLA licence before an applicant is considered for a licence.

- b. In addition, applications will normally be required to show a period of at least 5 years following successful completion of any rehabilitation course imposed as part of a community penalty.

Not in a motor vehicle.

- a. An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination and refusal of a licence. In addition, applicants will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if he or she was an alcoholic.

Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 and Hackney Carriage Byelaws.

One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 ('the Acts') and Hackney Carriage Byelaws is to ensure the protection of the public. For this reason a serious view is taken of convictions for offences under the Acts (including illegally plying for hire) when deciding whether an applicant is to be treated as a fit and proper person to hold a licence.

In particular an applicant will normally be refused a licence if he or she has been convicted of an offence under the Acts at any time during the 2 years preceding the application or has more than one conviction within the last 5 years preceding the date of the application.

Spent convictions

The Council will only consider spent convictions if it appears to be relevant for deciding whether the applicant is a fit and proper person to hold a licence.

Cautions and Endorsable Fixed Penalties

For the purpose of these guidelines, formal cautions and endorsable fixed penalties shall be treated as though they were convictions.

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Meeting: Regulation Committee
Date: 16 February 2011
Subject: Adoption of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982
Report of: Jane Moakes, Assistant Director Community Safety, Public Protection, Waste and Leisure
Summary: Adoption of the relevant provisions of the Local Government (Miscellaneous Provisions) Act 1982, for the licensing of Street Trading.

Contact Officer: Jo Borthwick (Service Manager) Patricia Davies (Licensing Co-Ordinator)
Public/Exempt: Public
Wards Affected: ALL
Function of: Council

RECOMMENDATIONS:

That the Regulation Committee recommend that Full Council resolve to adopt the relevant provisions to enable regulation of street trading

CORPORATE IMPLICATIONS

Council Priorities:

Creating safer communities- The Council will be able to set conditions for consent to be granted which will help ensure that street trading is carried out safely and in a way which minimises risk of crime and disorder.

Managing growth effectively- The Council will be able to control the number and location of street traders,

Financial:

The costs of licensing street traders will be met by the fees paid for their consents.

Legal:

Compliance with the requirements of the Local Government (Miscellaneous Provisions) Act 1982.

Risk Management:

To ensure street trading is undertaken in a safe and regulated manner

Staffing (including Trades Unions):

None

Equalities/Human Rights:

The Council has a legal duty to proactively promote race, gender and disability equality and to tackle discrimination experienced by other vulnerable groups. It is the role of the Licensing Authority to administer the licensing regime in accordance with the law and each application would be considered on merit.

Community Safety:

The adoption of the legislation to regulate street trading will allow the Council to take all reasonable steps to reduce crime and disorder within Central Bedfordshire under Section 17 of the Crime and Disorder Act 1988.

Sustainability:

In adopting this legislation Central Bedfordshire Council will be able to develop a policy to ensure a vibrant and thriving leisure culture with safe and well run premises. Compliant businesses can be supported and resources can be focused at those businesses that fail to comply.

Introduction

1. Adoption of schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 will enable the Council to control the numbers and quality of street traders in the area.
2. The Council published a notice of its intention to adopt the provisions of Schedule 4 in the Beds on Sunday on 28 November 2010 and in the Herald and Post on 2 December 2010 as required by legislation. Copies were also served on the Police and Highway Authority.
3. There followed a 28 day representation period, from which we received no comments.

Adoption

4. The resolution to adopt Schedule 4 must now be passed or rejected.
5. If passed, the Council must then publish a notice in a local newspaper for two consecutive weeks stating that they have passed such a resolution and its general effect. The first notice must appear no later than 28 days before the provisions are due to come into force.
6. If the Council resolves to adopt the legislation, the operator of a premises under the Act must apply for consent to trade.

Conclusion

7. Adoption of this legislation will:

- Allow the Council to control the number and quality of street traders in the area.
- Highlight the requirements and standards expected of street traders
- Add vitality and choice to town centres
- Allow the local authority to set reasonable fees to cover administration and enforcement costs. (Suggested fees will be proposed during the consultation period, for agreement by the relevant working group).

Appendices: None

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Meeting: Regulation Committee
Date: 16 February 2011
Subject: Health and Safety (as a Regulator) Service Plan 2011-2012
Report of: Gary Alderson – Director of Sustainable Communities
Summary: The report proposes that the Health and Safety (as a Regulator) Service Plan 2011-2012 be endorsed and recommended to Executive for approval. The Health and Safety Service Plan, which sets out the Health and Safety Enforcement activities to be undertaken by Central Bedfordshire Council, is a mandatory requirement of the Health and Safety at Work etc. Act 1974.

Contact Officer: Guy Quint, Environmental Health Officer
Public/Exempt: Public
Wards Affected: All
Function of: Executive

CORPORATE IMPLICATIONS

Council Priorities:

Supporting and caring for an ageing population - The Council is the enforcing body for health and safety in care homes where Council interventions improves the health and safety of both staff and elderly residents

Educating, protecting and providing opportunities for children and young people - The Council, as part of its inspection and intervention programme, educates and where necessary, takes enforcement action, to secure the health and safety and welfare of children at work, children attending nurseries, and children visiting businesses with parents (Garden Centres, Supermarkets etc)

Managing growth effectively - Implementing the Better Regulation Agenda will reduce administrative and regulatory burdens on local business thereby helping economic growth.

Promoting healthier lifestyles and creating safer communities - The Councils health and safety programme which includes intelligence led interventions, accident investigations, topic-based promotional work and providing advice and education to businesses helps create safer communities

The health and safety programme also contributes to developing healthier lifestyles for those working in Central Bedfordshire by seeking to reduce the instances and root causes physical and mental ill health arising in the work place.

Financial:

All expenditure will be met within existing budgets. Budget allocation figures (when provided) are detailed in the Service plan attached at Appendix A.

Legal:

There is a mandatory requirement placed on the Council by the Health and Safety Executive to produce Enforcement Service Plans which are approved by members. The service plan details health and safety enforcement functions carried out by the council under the Health and Safety at Work etc. Act 1974 and associated regulations.

Risk Management:

Failure to properly manage and operate the enforcement services could result in central government agencies intervening to assume responsibility for the function.

Staffing (including Trades Unions):

None

Equalities/Human Rights:

The Service undertakes regular equality monitoring to check that local businesses are aware of the service and able to access information and guidance. Information is translated where necessary and training is delivered in other languages when appropriate. It also works with schools, child care settings, care homes and luncheon clubs to promote the well-being of vulnerable groups. The Service has an important role to play in helping to prevent disability and tackling health inequality caused by unsafe working practices.

There are no direct implications for human rights. The application of legislation may have human rights implications in instances where premises are closed down or prosecutions are brought.

Community Safety:

The Service Plan details how the Council will discharge its responsibility to enforce health and safety law within Central Bedfordshire. The implementation of the service plan will work to minimise criminal contraventions of the legislation which is intended to ensure workers and public safety.

Sustainability:

To help create a safer, stronger, healthier and more prosperous community

RECOMMENDATION(S):

that the Regulation committee

- 1. endorses the Health and Safety (as a Regulator) Service plan for 2011 - 2012;**
- 2. recommends that Executive approve the Health and Safety (as a Regulator) Service Plan for 2011 - 2012;**

3. gives the Assistant Direct Community Safety, Public Protection, Waste and Leisure, in consultation with the Portfolio Holder for Safer Communities and Healthier Lifestyles, delegated authority to undertake any necessary minor amendments to the requirements prior to publication.

Background

1. The Health and Safety Executive (HSE) is a body, appointed by the Secretary of State, whose primary function is to make arrangements to secure the health, safety and welfare of people at work, and of the public in their dealings with commercial undertakings. The HSE are also responsible for proposing new laws and standards; conducting research and providing information and advice; and developing policy on fundamental and strategic health and safety issues. The HSE has specific powers to monitor and audit the activity of Local Authorities enforcing health and safety legislation to ensure relevant guidance is being followed.
2. Section 18 of the Health and Safety at Work etc. Act 1974 requires Local Authorities to make adequate arrangements:
 - for the enforcement of health and safety in premises under the Authorities enforcement remit;
 - to perform the legal duties imposed on them;
 - to undertake any other function conferred on them by relevant statutory provisions; and
 - to set out its commitment, priorities and planned interventions.

The arrangements for carrying out these tasks in Central Bedfordshire are detailed in the Health and Safety (as a Regulator) Service Plan 2011 -2012 as set out in Appendix A.

Conclusion and Next Steps

3. This report seeks endorsement of the Health and Safety (as a Regulator) Service Plan 2011 - 2012 for Central Bedfordshire Council by the Regulation Committee.
4. On the 15 March approval will be sought at Executive for the Health and Safety (as a Regulator) Service Plan 2011 - 2012 along with the other statutory service plans.
5. Once approved the plan will be published on the internet and open to scrutiny by the Health and Safety Executive/Local Authority Enforcement Liaison Committee (HELA), and HSE.

Appendices:

Appendix A – Health and Safety (as a Regulator) Service Plan 2011 - 2012

Background Papers: (open to public inspection)

Central Bedfordshire Enforcement Policy
HSE Section 18 Standard on Enforcement

Location of papers: Priory House, Chicksands

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**CENTRAL BEDFORDSHIRE COUNCIL
PUBLIC PROTECTION**

**HEALTH AND SAFETY (AS A REGULATOR) SERVICE PLAN
2011-2012**

*In accordance with the Health and Safety Executive's
section 18 standard 1st April 2008*

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Foreword

Central Bedfordshire Council, a Unitary Authority, has a clear and influential role in safeguarding the health and safety of the workforce within Central Bedfordshire and is committed to comprehensively discharging its duty as an enforcing authority under health and safety legislation.

To help achieve this role, the Council has fully embraced three significant strategies which are published by the Health and Safety Executive (HSE). These are as follows:

- Securing health together;
- A strategy for workplace health and safety in Great Britain to 2010 and beyond.
- “Common Sense – Common Safety” – The recent report by Lord Young on his review of health and safety, which included aspects of health and safety enforcement.

In summary, the aims of these strategies are to improve health and safety within the workplace, and educate businesses on how to make their activities safer and healthier, whilst adopting a sensible and proportionate approach to risk. A consistently important strategy for Local Authorities (LAs), working in partnership with the Health and Safety Executive (HSE), is to annually develop and deliver work plans. These are delivered through projects based on identified local and national priorities for health and safety. This is a sustained strategic programme developed to concentrate LA and HSE resources in areas that will most effectively bring about a reduction in work related injuries and ill health.

This annually published plan provides a clear statement of enforcement policy and practice as well as detailing the Council's aims and objectives for the enforcement and improvement of health and safety at work. It also sets out arrangements for ensuring consistent good practice, and for benchmarking performance against other LAs.

Better Regulation

Central Bedfordshire Council is fully committed to ensuring that regulations are fair and effective for everyone. Regulations are needed to protect people at work: but to avoid unnecessary burdens on business, it is important to strike the right balance.

The recent review of health and safety by Lord Young is still being analysed and its recommendations are in the process of being implemented. Some of the recommendations, such as reducing the inspection burden for low risk premises and combining food hygiene and health and safety inspections are already being implemented by the Public Protection Service, through its alternative enforcement strategy and inspection approach for food businesses. Others, such as the proposed changes to the RIDDOR reporting system are likely to assist in the targeting of enforcement resources towards the more significant health and safety incidents.

Better Regulation in conjunction with HSE initiatives, new Public Protection Service Managers, and improvements in both work efficiency and officer competency, should result in significant improvements in the way that officers carry out health and safety inspections thereby benefiting businesses whilst at the same time safe-guarding the health and safety of businesses customers and employees.

Portfolio Holder for Safer and Stronger Communities

INTRODUCTION

Service or business plans are a cornerstone of effective performance management. An effective plan provides a solid foundation for achievement and forms a vital part of the golden thread, so each person understands how they contribute to achieving the council's improvement objectives.

This Health and Safety (as a Regulator) Service Plan 2011–2012 (the Service Plan) deals exclusively with the health and safety enforcement functions carried out by the Council as a regulator under the Health and Safety at Work etc. Act 1974 (HSWA) and associated regulations. It addresses the following specific areas: -

- Health and safety proactive work, including inspections, self-assessment, partnership working and promotional and educational activities.
- Health and safety reactive work, including accidents, ill-health and complaints (including flexi-warranted partnership work with the HSE).

The Service Plan is an expression of the authority's commitment to the development of the health and safety service and is legally required by the HSE, the body that monitors LA's health and safety enforcement activity.

In April 2008 the HSE published a new section 18 standard prescribing mandatory elements, which must be included within this type of plan. A key change in the new standard was for Enforcing Authorities to promote sensible risk management and work in partnership with other enforcing authorities, regulators and stakeholders. Central Bedfordshire Council is fully committed to partnership working. Other section 18 key matters are:

- Commitment, priorities and planned interventions;
- Capacity and management
- Maintaining and improving officer competency
- Enforcement taking into account proportionality, accountability, consistency transparency and targeting

The HSE require that the Service Plan is submitted to the relevant member forum for agreement to ensure local transparency and accountability and to make clear the arrangements for contributing to current HSE priorities.

During team meetings this service plan will be reviewed by the relevant officers responsible for enforcing health and safety at work.

The Service Plan will be under continuous review over the next few years to ensure that the services the health and safety team offer continue to be efficient and effective, targeting resources towards priority groups such as children, and those suffering injury or ill health from work or visiting a place of work. Where possible, resources will also be targeted at national targets (i.e. working at height, musculoskeletal and slips, trips and falls) and other areas as a result of statistical analysis of accidents.

To further improve the health and safety service, a better understanding of the needs of local businesses is required so that incentives and initiatives can be devised that engage businesses, and which enable them to see the real financial benefits of improved health and safety within the workplace. An example of this is the recent Duty to Manage Asbestos Project that was carried out in conjunction with the HSE and other local authorities. The project combined information and education for businesses together with enforcement action where appropriate, but also included an element of evaluation by business of the overall intervention delivery and how future projects could be improved as a result.

The above changes can be achieved through improved customer insight and intelligence led interventions, with the ultimate aim of reducing accidents and ill health within the Central Bedfordshire. The interventions themselves can include:

- Risk-based inspections
- Topic or industry sector based initiatives e.g. Asbestos Duty to Manage Project, LPG Programme
- Increased education and awareness through the promotion of appropriate information and topic-based training delivery to businesses
- Self-assessment by businesses for key risk areas, with assessments reviewed by trained and competent officers.

These improvements will be led by the Assistant Director, Community Safety, Public Protection, Waste and Leisure and the Head of Service.

1.0 SERVICE AIMS AND OBJECTIVES

1.1 Service Objectives

The Public Protection Team, part of the Sustainable Communities Directorate, actively seeks to achieve the Council's vision to improve the quality of life in Central Bedfordshire by the delivery of a range of high quality and cost effective statutory services.

In seeking to achieve these goals there are a number of detailed objectives, which are outlined below:

- To carry out intelligence led and risk based interventions of a range of businesses to secure health and safety at work;
- To ensure effective and timely action to remove significant risks to health and safety at work;
- To develop, simple and helpful information for small businesses, including research currently being undertaken by the Herts & Beds Health & Safety group into the feasibility of a single point advisory web-site for business;
- To improve communication to small businesses on health and safety issues via the Councils website, and letters and other relevant information following an intervention;
- To work in partnership with the HSE, the Herts and Beds Occupational Safety Group, fire authority, local businesses and others to reduce the burdens on businesses whilst at the same time improving health and safety within the workplace;
- To work in partnership with the Emergency Services and other relevant Council Services to promote best practice in event and public safety management for public events within Central Bedfordshire;
- To develop positive incentive schemes;
- To improve the way accidents are investigated with a view to self regulation, where appropriate;
- To consider new initiatives in line with the Better Regulation Agenda.
- To work with Economic Development at Central Bedfordshire Council including attending business engagement workshops and contributing to Local Enterprise Partnerships to enhance our relationships with local businesses;

1.2 Cross- linkages with other Corporate Plans and Policies

The Health and Safety work of the Public Protection team reflects the vision for Central Bedfordshire Council of creating an economic powerhouse that is globally connected, delivering sustainable growth to ensure a green, prosperous and ambitious place for the benefit of all through its support for businesses and interventions to reduce accidents and physical and mental ill health in the work place.

More specifically the Council priorities given below-

1. Supporting and caring for an ageing population
2. Educating, Protecting and Providing Opportunities for children and young people;
3. Managing Growth Effectively;
4. Creating Safer Communities;
5. Promoting healthier lifestyles

are cross-linked with the Service Plan priorities as follows:

1. The Council is the enforcing body for health and safety in care homes where Council interventions improves the health and safety of both staff and elderly residents
2. The Council, as part of its inspection programme, educates and where necessary, takes enforcement action, to secure the health, safety and welfare of children at work, children attending nurseries, and children visiting businesses with parents (Garden Centres, Supermarkets etc)
3. Implementing the Better Regulation Agenda will reduce administrative and regulatory burdens on local business thereby helping economic growth, use of alternative interventions and training packages help businesses comply
4. The Councils health and safety programme which includes intelligence led inspections, accident investigations, and providing advice and education to businesses helps create safer communities. This approach is also reflected in the multi-agency Safety Advisory Group which promotes best practice in public safety at larger public events held within Central Bedfordshire.
5. The health and safety programme also contributes to developing healthier lifestyles for those working in Central Bedfordshire by seeking to reduce the instances and root causes of physical and mental ill health arising in the work place.

2.0 BACKGROUND

2.1 Central Bedfordshire Profile

Central Bedfordshire lies in the heart of the county, covering some 716 square km from Leighton Linlade and Dunstable in the west to Sandy and Arlesey in the east, and from Woburn to Whipsnade. The area is diverse with picturesque villages and towns. There are numerous industrial estates with offices and large warehouses. It is home to a number of industries including leisure, aircraft and defence-related engineering. The district is traversed by a number of major trunk roads including the M1, A1 and A6. It is one of the most rapidly growing areas in England and is planning for substantial additional development and as part of the Milton Keynes and South Midlands growth areas. The largest communities within Central Bedfordshire are Ampthill, Biggleswade, Dunstable, Flitwick, Houghton Regis, Leighton Linlade, Sandy and Shefford.

2.2 Demographics

Central Bedfordshire has a population of around 252,900 (2009 mid year estimate, Office for National Statistics) and this is expected to rise to some 292,100 by 2021. Of the estimated current total population figure, some 157,200 (62%) are considered to fall within the “working age” category. This compares with estimated figures of 97,900 (62% of total district population) for neighbouring Bedford Borough and 122,900 (63%) for Luton Borough.

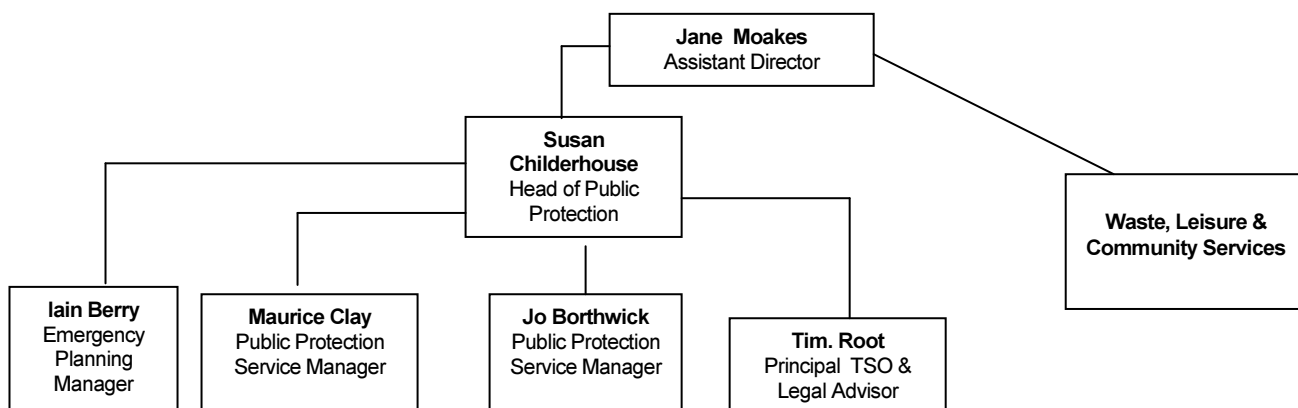
The largest centres of population are the towns of Leighton Linlade (37,000), Dunstable (35,120), Houghton Regis (16,670), Biggleswade (16,420), Flitwick (13,370) and Sandy (11,620).

2.3 Organisational structure

The health and safety function is part of the Community Safety and Public Protection Service, which also deals with Emergency Planning, Food Safety and Food Standards, Animal Welfare & Licensing, Pollution Reduction, Licensing, Community Safety, and Trading Standards. It operates under the direction of the Assistant Director Community Safety, Public Protection, Waste and Leisure Jane Moakes who is accountable to the Director of Sustainable Communities, Gary Alderson.

This new organisational structure allows for a more improved service delivery of health and safety by integrating once separated divisions into one team, thereby facilitating inter-discipline working, reducing inspection burdens on businesses and enabling the service to become more cost effective and efficient

Figure 1. Management structure for delivery of the Health and Safety (as a regulator) Service Plan.



2.4 Committee Structure

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/modgov/mgListCommittees.aspx?bcr=1>

The Executive consists of the Leader of the Council together with nine other councillors including a Deputy Leader. Members of the Executive are appointed by the Leader. The Executive is responsible for making most operational decisions. However the Council is responsible for approving or adopting the Policy Framework and the budget.

The Executive Portfolio Holder Safer Communities and Healthier Lifestyles (formerly the Portfolio Holder for Safer and Stronger Communities), represents the Public Protection Service.

Overview and Scrutiny Committees assist the Council and the Executive in the development and review of its Budget and Policy Framework and reviews and scrutinises the decisions made by and performance of the Executive. The Sustainable Communities Overview and Scrutiny Committee will be responsible for matters relating to environment and public protection. Further details on the Sustainable Communities Overview and Scrutiny Committee can be found at:

<http://www.centralbedfordshire.gov.uk/modgov/mgCommitteeDetails.aspx?ID=648>

The Health and Safety Plan is approved by the Regulation Committee, details as at link above, where with effect from April 2011 quarterly reports will be made to ensure that members are fully aware of the work being carried out by the team under this plan.

2.5 Scope of Health and Safety Regulation

The health and safety service covers the following specific areas: -

- Health and safety proactive work, including inspections, self-assessment interventions, partnership working and promotional and educational activities.
- Health and safety reactive work, investigation of accidents, ill health, complaints and queries, and including flexi-warranted partnership work with the HSE.

Nationally the enforcement of health and safety is divided between LAs and the HSE, depending upon the type of premises and activity undertaken. In general, LAs are responsible for offices, warehouses, catering, residential accommodation, shops, hotels, sports and leisure and tyre and exhaust premises. There is no duplication of inspection in relation to any individual business.

However, the recent introduction of flexi-warranting for both LA and HSE inspectors should allow greater flexibility to respond to urgent matters of evident concern within Central Bedfordshire, irrespective of who the responsible enforcing authority for the premises is. This in turn will further enable the service to deliver effective and timely action to remove significant risks to health and safety at work within Central Bedfordshire.

There are a total of **xxxx** workplaces for which Central Bedfordshire Council is the enforcing authority for health and safety. The majority of these premises fall into retail, warehouse and office categories. However, an audit of the district is due to be carried out and it is anticipated that the actual number of premises under the enforcement remit of the Council may be significantly higher. The first stage of the audit, the acquisition of a business list for Central Bedfordshire, has now been completed.

2.6 Use of Contractors

It was the policy of the legacy Councils to engage the services of outside contractors to assist in programmed health and safety inspections. Contractors are no longer engaged by the Council for the delivery of the regulatory health and safety service.

2.7 Programmed Health and Safety Service Interventions

The commercial premises in Central Bedfordshire are currently split between risk categories, as defined by Health and Safety Executive/Local Authority Enforcement Liaison Committee (HELA) in LAC 67/2, with effect from April 2010. There are a total of **xxxx** premises for enforcement within Central Bedfordshire; the current breakdown is shown in Table 1.

Table 1. Risk categories of health and safety premises in Central Bedfordshire.

Risk category	A	B1	B2	C
Intervention Type	Full or Targeted Inspection	Full or Targeted Inspection	Inspection or other suitable Intervention Technique	Non-Inspection Interventions
Intervention frequency	Yearly	2 yearly	3 - 5 yearly	7-10 yearly
Number of premises (old)				

In addition to the above table a further **801** additional premises have been identified which have currently not been assigned a risk category. During the course of 2010 Officers have been inspecting some of these premises, where service demands permit, enabling them to be given an appropriate risk rating and brought within the main health and safety intervention strategy. To date **32** premises have been inspected, with **769** outstanding.

It is anticipated that this work will continue through 2011, subject to existing resource demands. The unrated premises number is therefore expected to reduce further during 2011 – 2012, but conversely this will result in an increased number of premises within the overall intervention strategy. Any such increase in premises numbers could have a resource impact on staffing levels. However the service will look into suitable alternative initiatives to improve health and safety in these premises wherever possible.

Working on the current target of 20% of these premises inspected per annum, and allowing for a reduced inspection time, it is estimated that the resource required to cover these unrated premises inspections is **0.23 FTE**.

2.8 Registrations

A total of **26** installations are registered under the Notification of Cooling Towers and Evaporative Condensers Regulations 1992. There are **xx** premises registered for skin piercing activities, specifically ear piercing, acupuncture, electrolysis and tattooing, under the Local Government (Miscellaneous Provisions) Act 1982.

2.9 Access to the Health and Safety Service

The Public Protection Teams are currently located at Priory House, Monks Walk, Chicksands, Shefford; and Watling House, High Street North Dunstable.

Customers may contact us in the following ways:

- 1) By telephone between 8:30am – 5:00pm (4:00pm Friday) on **0300 300 8302**
- 2) Or by email using an individual officer email addresses or health&safety@centralbedfordshire.gov.uk or customer.services@centralbedfordshire.gov.uk
- 3) By Fax on 0300 300 8231
- 4) By email on individual officer email addresses or by email to health&safety@centralbedfordshire.gov.uk or customer.services@centralbedfordshire.gov.uk
- 5) Out of regular office hours there is an officer on call for emergency situations. The number to access this service is 07850 032360 or 01582 665698
- 6) In person by calling into our reception area at Priory House, Monks Walk, Chicksands, Shefford, Beds or High Street North Dunstable, or Borough Hall Bedford.
- 7) As the service is dealing with a number of customers whose first spoken or written language is not English then the authority is able to offer through Language Line the following:
 - a 24 hour telephone interpreting service,
 - a written translation service
 - a face-to-face interpreting service.

In addition to the main offices at Priory House, the Council operates several one stop shop advice points branded as Customer Service Centres in Ampthill, Biggleswade, Leighton Linlade or Leighton Buzzard. The Customer Services team deals with enquiries face to face, via telephone and by email.

The link below provides more contact information-

<http://www.centralbedfordshire.gov.uk/council-and-democracy/csrvs/contact.aspx>

2.10 Enforcement Policy

The Public Protection Team is guided by the Council's Enforcement Policy. It also operates in accordance with the Food Safety and Health and Safety Enforcement Policies. All of these policies comply with the principles of the Central and Local government Concordat on Good Enforcement Practice and the Regulators' Compliance Code. Further details on the enforcement policy can be found at: <http://www.centralbedfordshire.gov.uk/modgov/ieDecisionDetails.aspx?Id=820>

3.0 SERVICE DELIVERY

3.1 Health and Safety Inspections

The Service is committed to increasing and improving compliance with nationally driven outcomes. In particular it will seek to ensure that issues highlighted in the HSE/Local Authority Enforcement Liaison Committee (HELA) Strategy are prioritised in inspections, and embedded in divisional procedures. The HELA Strategy priority areas are summarised at Appendix 2.

The frequency of interventions has undergone a major review in the past year, culminating with the issue of advice from HELA in Circular 67/2. This allows LAs more flexibility in designing their inspection programme. Other interventions are suggested for a number of the risk categories including mail shot / questionnaires, accident report monitoring, seminars, telephone advice and self-inspection/assessment packs. When self assessment questionnaires are returned they are assessed for compliance against Health and Safety legislation and 5% of the returned questionnaire are randomly inspected to ascertain that the information provided by businesses are a true reflection of their declaration. Any non-returns are also inspected, although all reasonable efforts are made to encourage participation in the self-assessment regime wherever possible.

The level and range of enforcement activity undertaken for 2010-2011 (to date) in relation to Health and Safety is summarised in Table 2 below:

Activity type	Number of actions
Inspections	
Other visits (Project work)	51
Alternative Enforcement	28 (north)
Formal notices	39
Informal notices	
Advice letters	
Simple cautions	0
Prosecutions completed	0
Prosecution started	0
Being considered for prosecution	2

Appendix 5 details the breakdown of formal enforcement action taken for 2010-2011 (to date)

The inspection programme for 2010-2011 to 31st March 2011 is shown in Table 3 below. The inspections due for 2011-2012 from 1st April 2011 are also shown at Table 3 below.

Completion of the intelligence-led programme will require an estimated staff resource of **XXXX**

Table 3 Health and safety inspection details for 2010-2011

Risk category	A	B1	B2	C	TOTAL
Number of inspections to 31st March 2011					
2010-2011					
Inspections Due					
2011-2012					

Historically, it had been usual to monitor service inputs through the recording the number of premises inspected. In order to better evaluate the value for money provided by health and safety inspections, it is considered more appropriate to measure intervention outputs and hence their effectiveness. It is difficult however to identify satisfactory indicators to measure the effectiveness of inspections.

The previous service plan identified one possible approach: that, following a revisit to premises it would be possible to measure if there has been a reduction in health risk, safety risk and an increase in confidence in management. The feasibility of this has been considered further but a significant concern is the additional time required to carry out revisits following every inspection, rather than in the most serious of circumstances as happens at present.

Whilst this approach would provide measurable outcomes for all health and safety inspections, it would also add significant time demands to the inspecting officers. In view of current resources, revisits to establish the success of interventions will take place in a time scale determined by risk and these figures will be extrapolated to measure performance.

Performance Indicators

The current service performance indicators that are relevant to the health and safety service are:

- Businesses brought into compliance after an intervention
- Health & Safety - total number of interventions
- Number of businesses moving from a higher to a lower risk category (this is for all areas where risk rating is part of the visit)
- Business Satisfaction levels

The use of these indicators is currently being considered by the Public Protection Management Team.

It is estimated that the resource required to cover inspections is **xxxx FTE**. This does not include identified premises that have not been assigned a risk category (unrated premises – see section 2.7 above).

3.2 Health and Safety Complaints

Health and safety complaints received by this service 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.
- Notification of defective lifting equipment reports received from insurance companies and notification of asbestos stripping operations.

Investigations of complaints are carried out in accordance with section 18 guidance issued by the HSE and service procedures. It is the policy of Public Protection to prioritise complaints on a risk basis. In relation to complaints concerning commercial businesses, priority is focused upon those posing a significant risk to health and relating to a high-risk activity rather than those which are considered to present a low risk.

From 1st April 2010 up to the 31st December 2010, **xx** complaints were received. However, with the introduction of the Flexible Warrant Scheme (see 3.3 below); it is likely that reactive complaint work will increase as Officers are able to respond to matters on district that would previously have been outside their enforcement jurisdiction. It is estimated that for 2011-2012, **xx** complaints will be received requiring a staff resource of **xx** officers (this excludes those arising from the Flexible Warrant Scheme which are included in section 3.3 below).

3.3 Flexible Warrant Scheme

As part of the Scheme, Central Bedfordshire Council have signed up to the Memorandum of Understanding (MoU) along with 12 other LAs within Hertfordshire and Bedfordshire.

Purpose of the Memorandum of Understanding (MoU)

1. This MoU establishes a framework for a Flexible Warranting Scheme (FWS) between the HSE and the LAs listed below.
2. The purpose of the MoU is to allow:-
 - a. LAs to appoint and indemnify suitably qualified HSE Inspectors to undertake work within the LAs field of responsibility; and/or
 - b. LAs to appoint and indemnify suitably qualified LA Inspectors from other LAs, to undertake work within the LAs field of responsibility; and/or
 - c. HSE to appoint and indemnify suitably qualified LA inspectors to undertake work within the HSE's field of responsibility.

It is anticipated that the partnership along with the FWS will have an impact on our resources where joint working will be required to undertake mandatory special projects which reflect on local and national health and safety issues. Currently 2 inspectors from Central Bedfordshire Council are authorised to hold the Flexible Warrant, and a third inspector is expected to be authorised later this year. It is likely that the resources

required for such work will be **0.05 Full Time Equivalent (FTE)**. This figure does not include proactive partnership work (see section 3.8 and 3.9 below).

3.4 Primary Authority Partnership Scheme

The Regulatory Enforcement and Sanctions Act 2008 establishes a statutory scheme for businesses trading across local authority boundaries called the Primary Authority Scheme. Under this scheme a business can enter into a formal partnership with a local authority. Having entered into a Primary Authority partnership, the advice provided by the local authority has to be taken into account by other councils before enforcement action can be taken against the business concerned.

Central Bedfordshire Council and Moto Hospitality Ltd have formed a Primary Authority Partnership to deal with health and safety issues arising from the enforcement actions of Local Authorities in relation to Moto services of which there are 55 locations in the UK. It is anticipated that scheme will require a resource of **0.02 FTE**.

3.5 Specialist Consultancy and Examination

The need for examination and sampling of materials articles and substances will be determined according to the following criteria:

- Requirements in respect of accident investigations or other reportable incidents.
- Value in enabling an appropriate course of action to be identified.
- Degree of public or employee involvement in a case.

Samples will be examined by the appropriate Specialist Laboratories, or by Health and Safety Laboratory (HSL). Further details of these services are listed in Appendix 1.

3.6 Advice to Businesses

In line with the principles of the Compliance Code for Regulators, Public Protection is committed to working with businesses; in particular small to medium enterprises to help them comply with the law and to encourage the use of good practice. This is to be achieved through a range of mechanisms: -

- Advice given during the course of inspections and other visits, in particular on risk assessment and risk management is available;
- Provision of advisory leaflets and guidance notes, including those in other languages, where required;
- Response to business requests for advice and assistance;
- Information posted on the Council's website;
- Information via press releases;
- Targeted/topic based interventions to local businesses;
- Other initiatives as outlined in the Service Objectives (1.1)

From the 1st April 2010 to 31st December 2010, **xx** requests for advice were received by the service. This does not include advice given during the course of inspections and other visits, plus more educational approaches to businesses, educational establishments and others. It is estimated that **xx** requests for advise will be received for 2011- 2012. This will require a staffing resource of **xx FTE**. In addition to the above, the service deals with Planning and Premises Licence consultations in relation to applications made by businesses. This area of work will require a resource of **xx FTE**.

3.7 Investigation of Accidents, Diseases and Dangerous Occurrences

The Service will investigate cases of accidents, disease and dangerous occurrences notifications under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 in accordance with adopted procedures. The recent review of health and safety carried out by Lord Young has recommended a change to the RIDDOR accident notification system. It is proposed to extend the time period where any employee is unable to carry out their normal work duties due to an accident at work from the current 3 days to 7 days (in line with current sickness certification arrangements) before an incident becomes notifiable to the enforcing authority.

These cases are investigated on the basis of risk assessment and priority will be given to fatalities, serious injuries, ill health and dangerous occurrences. Also those potentially involving a serious breach of the law or affecting vulnerable groups will take precedence. The criteria to be used in determining which incidents will be investigated are set out in the accident investigation procedure.

From 1st April 2010 to 31st December 2010, there were **xx** accident notifications. Based on these statistics, it is estimated that **xx** notifications will be received in 2011-2012. Investigations will be undertaken in accordance with LAC 22/13 by the Division on the basis of carrying out an initial assessment of each report with the aim of investigating 100% of all accidents. Such investigations will, as a minimum, involve contacting the injured person and ascertaining their version of events. In view of the proposed changes to the RIDDOR system outlined above, it is considered likely that the number of “over 3 day” incidents reported will reduce in time and enable officers to focus further on the more serious reportable incidents. In 2010, **XXX** over 3 day injuries were reported, accounting for **XXX** of the overall number of reported accidents. However, the revised regulations are not envisaged to come into effect until October 2011 at the earliest, which is outside the scope of this service plan. Resource calculations are therefore still based on the existing reporting system.

Investigation time will require a staff resource of **xx FTE**. It should be noted that in the event that there is a work-related fatality, staff resources will need to be significantly increased due to the intensive nature of such an investigation.

3.8 Liaison with other Organisations & Services

The service is committed to the principle of consistency as set out in the Enforcement Concordat. This is to ensure that all enforcement actions, be they verbal warnings, statutory notices or prosecution, are consistent with national guidance and other LAs. In pursuance of this commitment, liaison currently takes place with the following organisations:

- Chartered Institute of Environmental Health (CIEH)
- Herts & Beds Occupational Health and Safety Group
- HSE
- Health and Safety Laboratory
- Other LAs.

It is estimated that during the year 2011-2012 this activity, along with other internal administration, will require a staffing resource of **0.02 FTE**.

3.9 Health and Safety Promotion

Promotional work will be undertaken in 2010 -2011 by officers within the Team and in partnership with other agencies and bodies. This work will be achieved through a number of activities, including: -

- Participation in health and safety initiatives via Herts and Beds Group;
- Dissemination of health and safety information via the Council's website;
- Talks at local schools, colleges and groups on health and safety.
- Additional advice and on-site training for small businesses on carrying out risk assessments;
- Participation in Health and Safety Week
- Activities identified to comply with the Better Regulation Agenda and agreed by the Public Protection Manager.

The service was involved in 2 major partnership projects in 2010:

- The national joint partnership with the HSE focussing on the risks associated with bulk Liquid Petroleum Gas (LPG) installations. 8 Inspections were carried out resulting in 6 improvement notices being served. This project is envisaged to continue until 2014.
- The Herts & Beds Asbestos Duty to Manage Project, to raise awareness of the need for individual businesses to identify and to manage asbestos within their buildings. The service carried out 80 initial information and education visits followed by a further 43 inspections, with 6 improvement notices being served. The service was also represented on the project steering committee.

This work has required a resource of **0.17 FTE** in 2010 (including professional trainer training). It is anticipated that following the completion of the necessary training qualifications, officers in the service will be delivering health and safety training to local businesses, as well as further focussed project work in 2011. It is estimated that these activities will require a staff resource of **0.12 FTE**.

3.10 Central Bedfordshire Safety Advisory Group

The Central Bedfordshire Safety Advisory Group (SAG) was established in 2010 to uphold standards of public safety at all sports grounds and public events within its 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 advise on public safety arrangements at selected public events.

Although the remit of the SAG extends beyond health and safety at work, health and safety is a key player in the partnership and the role of the SAG Coordinator is fulfilled by an officer from the health and safety service. In 2010 this role required a resource of **0.12 FTE**. It is estimated that in 2011 this work will require a similar staff resource of **0.12 FTE**.

A summary of the staffing resources required for service delivery in totality for 2010-2011 is shown in Appendix 3.

4.0 RESOURCES

4.1 Financial Allocation

The budget allocation for health and safety enforcement in 2010-2011 and 2011-2012 (estimated) is set out in Table 4 below.

Table 4 Budget allocation for health and safety enforcement.

Budget (£)	2010-2011 (from previous service plan)	2010-2011 (actual to date)	2011-2012 (budget estimate)
Staffing	£249,424	£104,108	
Transport	£2,843	£1,835	
Central support	£15,273	£74,264	
Gross Expenditure	£267,540	£180,207	
Population	255,000	252,900	
Cost per head of population (including central support costs)	1.0	0.71	

The staffing costs cover the FTE's carrying out health and safety as well as a proportion of the Head of Service Public Protection, Service manager for Health, Safety and Licensing and Technical Administrators costs. It has been estimated that the administrative work will require **0.54 FTE** and the management input is **0.33 FTE**.

Costs incurred in pursuing court action are met from the overall service budget. Where, after consultation with Legal Services, Counsel Opinion or barrister representation is required, each case will be considered on its merits, with the enforcement policy as a guide. All costs arising from successful cases in the Magistrates' Court will be paid back into Legal Services. Consultants costs or, in rare cases, recovery of witnesses costs, will be recharged to the Public Protection budget.

4.2 Staffing Allocation

The qualifications for all officers having a direct health and safety enforcement role are outlined in Appendix 4. The table specifies what types of enforcement activity the officers are authorised to undertake given their qualifications and experience. Levels of competencies are expressed with reference to section 18 guidance on competency.

4.3 Staff development plan

Officers will be appropriately qualified and receive regular training to maintain and improve their level of competence. For 2011-2012 Officers will need access to at least 20 hours update training per year, which equates to **0.05 FTE** officers. The training structure comprises:

- Employment of officers competent in health and safety enforcement.
- Evidence of formal qualifications commencing appointment.
- Performance Development Reviews and formal identification of training need.

4.4 Regulator's Development needs Analysis (RDNA)

All Health and Safety qualified staff will have conducted their analysis by April 2011 as required with their line manager. Areas of development will be identified which will be addressed as part of the Personal Development Reviews conducted with each member of staff. Identified training and development needs will be met which will ensure a competent work force in line with S18 of the Health and Safety at Work etc Act 1974.

5.0 QUALITY ASSESSMENT

The measures and monitoring arrangements which will be taken to assess the quality of the service, including performance against HSE guidance, are outlined below:

- Inspection evaluation questionnaire sent out following a programmed inspection.
- Review samples of post inspection paperwork.
- Peer Group inspection performance.
- Measurement against National Performance Indicators
- Monthly Team Meetings.
- Joint visits with colleague officers for validation and consistency purposes.
- One-to-one meetings with individual staff and the relevant Public Protection Service Manager. Six monthly Personal Development Reviews of officers by the Service Manager
- Publication and monitoring of performance against the Customer Service Standard.
- Annual review of practice against enforcement policy.
- Section 18 completion will identify areas for improvement which will be actioned as part of this Plan

6.0 REVIEW

6.1 Review against the Service Plan

Service Performance Indicators are set as given below, although these are subject to review. The Council also sets response times for complaints and enquiries which will apply and identifies our values which will be reflected in the way we go about our work. It is anticipated that these will be monitored and reviewed by senior management, Portfolio Holders and the Executive.

A review of the Public Protection Services Service Plan will be undertaken every year and the Head of Public Protection will integrate any changes into the Health and Safety (as a regulator) Service Plan.

From April 2011 the Health and Safety team will provide a report to the Regulation Committee on a quarterly basis to advise them of progress against this plan.

6.2 Health and Safety Performance

The Key Performance Indicators are monitored monthly and significant variations reported identifying remedial action when required.

- Inspections completed 100% (xxx) Currently (xxx/xxx) xx %

6.3 Areas for Improvement.

The Public Protection Service shall identify key areas for improvement as a result of the completed S18 analysis. These will be addressed on priority are outlined below-

Thus far it has been recognised that there needs to be a better flow of information and involvement from members in the Health and Safety work carried out by the Service. To this end it has been decided to produce quarterly reports detailing progress against the plan to the regulation committee.

In addition members will be invited to shadow officers in their work to gain an insight into the scope and demands of the work.

The service also recognises a requirement to improve engagement with businesses to develop a better understanding of their needs. Feedback gathered through Economic Development workshops on business engagement will support this as will work with Local Better Regulation Office researching interactions with local businesses looking at frequency, mode and nature, for a sample of different business types.

7.0 INTER AUTHORITY AUDITING – HSE expects all LAs to undergo an audit of their management of health and safety enforcement at least once every five years. The audit may form part of the Best Value review and a HELA inter authority audit protocol has been designed as a tool which LAs can use in their Best Value reviews. The HSE may review audit reports and any subsequent action plans, which will identify aspects of LAs' management of health and safety enforcement, which may need to be improved. The Herts and Beds health and safety enforcement liaison group have an agreement to undertake audits within their authorities. Mid Beds DC and South Beds DC were audited in 2005. An improvement plan was developed based upon the audit findings and fully implemented. An audit of the Central Bedfordshire Health & Safety Service may be due in

the near future, although no indications of when this will take place have been received at the present time.

Appendix 1**Provision of external health and safety and other consultant support*****Consultancy***

Health and Safety Executive Specialist Inspectors
Woodlands
Manton Lane
Manton Lane Industrial Estate
Bedford
Tel: 01234 220550
Fax: 01234 200633

www.hse.gov.uk

Health and Safety Laboratory
Broad Lane
Sheffield
S3 7HQ
0845 345 0055

<http://www.hsl.gov.uk/>

Appendix 2

HELA strategy: priority issues

Slips and trips

- Ensure that slips and trips are given an adequate focus and priority in inspections, accident and complaint investigations and other dealings with stakeholders

Work at height, workplace transport, musculoskeletal disorders, and stress

- prioritise inspection effort to tackle these issues;
- contribute to the workplace transport priority programme to segregate vehicles and pedestrians and eliminate reversing movements where reasonably practicable;
- consider the role of other LA enforcement functions and roles in improving health and safety;

Occupational ill health

- facilitate discussions within all departments of the Council to consider and document their potential contribution to 'Revitalising and Securing Health Together' as intermediaries;
- contribute to current data on occupational ill health by supplementing it with local surveys and enquiries;
- focus on key occupational ill health issues when developing enforcement regimes and service plans;
- develop good practice and share among other LAs;
- contribute to the key programme on stress;

Engagement of stakeholders

- follow good practice on contact with employer representatives;
- develop contacts with small firms to disseminate health and safety awareness and change health and safety management culture;
- develop and publish local service plans to publicise intended approach and to engage businesses, trade unions and other stakeholders;
- develop involvement in the Lead Authority Partnership Principle to develop sector type arrangements to engage business and consumer interests in a strategic dialogue;
- promote awareness of health and safety as a core principle of LA services and look to secure better working environments rather than just compliance with the law and
- play a role in developing a policy on the contribution of other initiatives to health and safety improvements.

Appendix 3

Estimated Staff Resources per Activity 2010-2011

HEALTH AND SAFETY AS A REGULATOR ACTIVITY EQUIVALENTS	FULL TIME
<i>Programmed inspections</i>	xx
<i>Unrated Premises Inspections</i>	0.23
<i>Complaints</i>	xx
<i>Enquiries and requests for advice</i>	xx
<i>Accident investigations</i>	xx
<i>Liaison</i>	0.02
<i>Work involving use of Flexible Warrants</i>	0.05
<i>Lead/Primary authority enquiries and maintenance</i>	0.02
<i>Officer training</i>	0.05
<i>Promotional work/advice</i>	0.12
<i>Planning & premises licence consultation</i>	0.04
<i>Administration</i>	0.54
<i>Management</i>	0.33
<i>Enforcement</i>	0.31
<i>Central Bedfordshire Safety Advisory Group</i>	0.12
Total estimated staffing resource required	xxx
Estimated staff resources available for the Health and Safety Service 2010-2011	Total xxx FTE

Appendix 4

Competency of inspectorate (*under review*)

Competency	No. of Officers Achieving Standard FTE
<i>Inspection of risk management systems</i>	9
<i>Inspection of risk category A and B1 premises</i>	3
<i>Inspection of risk category B2 and C premises</i>	9
<i>Service of Improvement Notices</i>	9
<i>Service of Prohibition Notices</i>	3
<i>Seizure of equipment and substances</i>	9
<i>Dealing with complaints – advice given</i>	9
<i>Dealing with complaints - investigations</i>	9
<i>Accident investigations potentially leading to legal proceedings</i>	9
<i>Other Accident Investigations</i>	9

Competence

LAs are expected to ensure that they only appoint inspectors who possess the necessary competencies to carry out the tasks they are authorised to do. The HSE considers that competency is achieved by meeting the essential elements in the standards for Occupational Health and Safety Regulation published by the Employers' National Training Organisation. Inspectors should therefore be able to do the following;

Identify the objectives, plans and priorities of the regulatory authority for work-related health and safety, and personally contribute to them effectively.

- Manage time effectively to ensure the efficient use of resources.
- Inspect duty holders, worksites and activities for the purposes of work-related health and safety regulation.
- Prepare for inspections of workplace health and safety for the purposes of regulation.
- Conduct inspections of workplace health and safety for the purposes of regulation.
- Report on the conduct and findings from inspections of workplace health and safety for the purposes of regulation.

Investigate work-related accidents, incidents, ill-health reports and complaints for the purposes of health and safety regulation.

- Prepare for investigations of work-related accidents, incidents, cases of ill health or complaints for regulatory purposes.
- Determine immediate action needed to ensure effective investigation and manage any continuing risk.
- Carry out investigations of work-related accidents, incidents, cases of ill health or complaints for regulatory purposes.
- Evaluate the extent of intervention and enforcement needed for regulatory purposes.
- Manage and conclude investigations.

Plan and gather evidence for the purposes of work-related health and safety regulation.

- Plan the taking of evidence for the purpose of work-related health and safety regulation.
- Gather and preserve evidence for the purpose of work-related health and safety regulation.

Enforce statutory provisions and brief a prosecutor for the purposes of work related health and safety regulation.

- Prepare reports recommending prosecution for alleged breaches of work-related health and safety legislation.
- Initiate and report on prosecution proceedings.

Enforce statutory provisions and present guilty pleas in a magistrates' court for the purposes of work-related health and safety regulation.

- Prepare reports recommending prosecution for alleged breaches of work-related health and safety legislation.
- Initiate legal proceedings for alleged breaches of work-related health and safety legislation and present the prosecution case in a magistrates' court, when a guilty plea is entered by the defendant.
- Draft and serve notices or other statutory enforceable documents for the purposes of work-related health and safety regulation.

Influence health and safety duty holders and others for the purposes of work related health and safety regulation.

- Work with duty holders and others to establish work-related health, safety and welfare standards, procedures and management arrangements in force in the organisation.
- Influence duty holders and others to improve work-related health, safety and welfare standards, procedures and policies.
- Communicate externally, with duty holders, employee representatives and external parties.
- Communicate internally, with colleagues.

Improve work-related health and safety through promotional activities.

- Plan and contribute to local projects and initiatives to promote work-related health and safety.
- Promote work-related health and safety awareness through dissemination of appropriate information.

Appendix 5

Formal Enforcement Action Taken 2010-2011

Prosecutions: 0

Possible Prosecutions Pending: 2 (see table below)

ACTION TAKEN	PREMISES TYPE	CONTRAVENTION
Currently Under Investigation November 2010 onwards	Tyre & Exhaust Premises	A worker lost a finger when he fell from a ladder whilst putting away tyres. Matter currently under investigation.
Currently Under Investigation November 2010 onwards	Scout Group	18 members of the public were injured by a stray firework at a firework display run by a local Scout Leader. Matter currently under investigation.

Appendix 6

Glossary of Terms

EHO	Environmental Health Officer
EHP	Environmental Health Practitioner
FTE	Full time equivalent member of staff. This may comprise of more than one officer
HELA	Health and Safety Executive/Local Authority Enforcement Liaison Committee
HSE	Health and Safety Executive
LA	Local Authority
HSWA	Health and Safety at Work etc Act 1974
Fit 3 Campaign	<p>Fit for work, Fit for life, Fit for tomorrow. As part of the HSC business plan for 2005-2006 & 2007-2008 the 'Fit3' Strategic Delivery Programme was introduced. This campaign is based on analysis of injury and ill health generation across known hazard and sector hotspots in businesses, large and small. It aims to deliver a 6% reduction in the incidence rate of cases of work-related ill health. Major initiatives are planned, as a contribution to rising to the challenge of occupational health, include:</p> <ul style="list-style-type: none"> • A major communication campaign on musculoskeletal disorders, which includes piloting the 'Backs Week' projects designed to reduce the incidence of manual handling injuries; • Rolling out the management standards for stress across key sectors, including the public sector ; • Launching the Workplace Health Direct advice line and selecting partners to pilot new occupational health support services, to provide accessible advice and support; • Targeted initiatives to reduce the incidence of skin disease in the hairdressing and beauty sectors; • Targeted initiatives to reduce the incidence of occupational asthma in the manufacture, woodworking, and health services; • Introducing new Vibration Regulations and Noise Regulations; • Raising awareness on duty to manage asbestos in the workplace.

The programmes of work will include a mix of interventions, ranging from the innovative and original to the well tried and proven. HSE and LA inspectors have worked closely in these proactive interventions (as well as maintaining reactive investigations) to reach target groups in more user-friendly ways.

Improvement Notices

Where the breach of health and safety law is more serious, the inspector may issue an improvement notice to tell the duty holder to do something to comply with the law. The inspector will discuss the improvement notice and, if possible, resolve points of difference before serving it. The notice will say what needs to be done, why, and by when. The time period within which to take the remedial action will be at least 21 days, to allow the duty holder time to appeal to an Industrial Tribunal if they so wish. The inspector can take further legal action if the notice is not complied with within the specified time period.

Prohibition Notices

Where an activity involves, or will involve, an imminent risk of serious personal injury, the inspector may serve a prohibition notice prohibiting the activity immediately or after a specified time period, and not allowing it to be resumed until remedial action has been taken. The notice will explain why the action is necessary. The duty holders are told in writing about the right of appeal to an Industrial Tribunal. Failure to comply with an Improvement or Prohibition notice carries a fine up to £20,000, or 6 months imprisonment.

Simple Caution

Simple cautions may be considered as an alternative to prosecution. They will not be used as an alternative where it is thought that insufficient evidence is available to prosecute.

The purpose of simple cautions is:

- To deal quickly and simply with less serious offences;
- To divert less serious offences away from the Courts;
- To reduce the chances of repeat offences.

The following conditions must be fulfilled before a caution is administered.

- There must be evidence of the suspected offender's guilt sufficient to give a realistic prospect of conviction.
- The suspected offender must admit the offence.

The suspected offender must understand the significance of a formal caution and give an informed consent to being cautioned.