

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

**This meeting  
may be filmed.\***



**Central  
Bedfordshire**

**please ask for** Helen Bell  
**direct line** 0300 300 4040  
**date** 1 December 2016

## **NOTICE OF MEETING**

### **LICENSING COMMITTEE**

Date & Time

**Wednesday, 14 December 2016 10.00 a.m.**

Venue at

**Council Chamber, Priory House, Monks Walk, Shefford**

Richard Carr  
**Chief Executive**

To: The Chairman and Members of the LICENSING COMMITTEE:

Cllrs T Nicols (Chairman), K M Collins (Vice-Chairman), Mrs A Barker, J Chatterley, I Dalgarno, Mrs A L Dodwell, K Janes, I Shingler, P Smith, T Swain, N Warren and R D Wenham

[Named Substitutes:

R D Berry, D Bowater, E Ghent, A Ryan, D Shelvey, M A G Versallion and A Zerny]

All other Members of the Council - on request

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

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# AGENDA

1. **Apologies**

Apologies for absence and notification of substitute Member appointments.

2. **Minutes**

To approve as a correct record the minutes of the meeting held on 7 September 2016.

(attached pages 5 to 7)

3. **Chairman's Announcements and Communications**

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

4. **Members' Interests**

To receive from Members any declarations of interest.

5. **Questions, Statements or Deputations**

To receive any questions, statements or deputations from members of the public in accordance with the Public Participation Procedure as set out in Annex 1 of part A4 of the Constitution.

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

To consider a report of the Director of Community Services seeking approval of Health and Safety work undertaken by the Public Protection Team in Central Bedfordshire.

(attached pages 9 to 37)

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**CENTRAL BEDFORDSHIRE COUNCIL**

At a meeting of the **LICENSING COMMITTEE** held in Council Chamber, Priory House, Monks Walk, Shefford on Wednesday, 7 September 2016

**PRESENT**

Cllr T Nicols (Chairman)  
Cllr K M Collins (Vice-Chairman)

Cllrs J Chatterley  
I Dalgarno  
K Janes  
I Shingler

Cllrs P Smith  
T Swain  
R D Wenham

Apologies for Absence: Cllrs Mrs A Barker  
Mrs A L Dodwell  
N Warren

Substitutes: Cllrs R D Berry (In place of Mrs A L Dodwell)  
D Bowater (In place of Mrs A Barker)

Officers in Attendance: Mr T Argent Trading Standards Officer  
Miss H Bell Committee Services Officer  
Mr R Johns Environmental Health Officer  
Ms S McIntyre Senior Solicitor, Regulation and  
Litigation  
Mr B Salvatierra Environmental Health Officer

L/16/29. **Minutes**

**RESOLVED**

**that the Minutes of the meeting held on 9 March 2016 be confirmed and signed by the Chairman as a correct record.**

L/16/30. **Chairman's Announcements and Communications**

The Chairman advised Members that The Lords select Committee on the Licensing Act 2003 had invited interested parties to submit evidence by 2 September 2016.

A copy of a response from the Licensing Department at Central Bedfordshire Council was circulated along with The Chairman, Councillor Nicol's comments.

The Committee considered the two responses. Given the deadline date had now passed but this was the first opportunity the Committee had been given to

discuss the matter, the Chairman invited members to contact the Select Committee with any further submissions.

L/16/31. **Members' Interests**

No declarations of interest were received.

L/16/32. **Questions, Statements or Deputations**

There were no Questions, Statements or Deputations.

L/16/33. **Health & Safety (as a regulator Service Plan 2016-2018)**

The Committee received and considered a report of the Director of Community Services seeking approval of Health and Safety (as a regulator) Service Plan 2016-18. A copy of which was appended to the report at Appendix A.

During detailed consideration of the Service Plan, several concerns were raised regarding figures for the four categories that make up the risk rating system, based on a business's health and safety performance. Particularly, figures relating to unrated businesses. It was suggested that an action plan be included in the report to detail timescales for work on both the unassigned premises and unrated premises.

When considering work of The Health and Safety Executive and Central Bedfordshire Council, the Committee requested that further clarity be sought with regard to what the responsibilities were for both the Health and Safety Executive and Central Bedfordshire Council's Health and Safety Department. It was suggested that a list and flow diagram be included within the report to reflect the different work responsibilities.

**RESOLVED**

That the Health and Safety (as a Regulator) Service Plan 2016-18 be amended to include concerns raised by the Licensing Committee and that it be considered at the next scheduled meeting to be held on 14 December 2016.

(Note: The meeting commenced at 10.00 a.m. and concluded at 10.50 a.m.)

Chairman .....

Dated .....

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Appendix A. Health and Safety (as a Regulator) Service Plan 2016-18

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**Meeting:** Licensing Committee  
**Date:** 14<sup>th</sup> December 2016  
**Subject:** Health and Safety (as a Regulator) Service Plan 2016-2018  
**Report of:** Tim Argent , Principal Officer - Public Protection  
**Summary:** This report presents the above plan to the Committee for their approval in relation to the Health and Safety work undertaken by Public Protection in the Central Bedfordshire area.

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**Advising Officer:** Marcel Coffait, Director of Community Services  
**Contact Officer:** Tim Argent ( Principal Officer- Public Protection)  
**Public/Exempt:** Public  
**Wards Affected:** All  
**Function of:** Council

<b>CORPORATE IMPLICATIONS</b>
<b>Council Priorities:</b>

**Appendix A. Health and Safety (as a Regulator) Service Plan 2016-18**

**Enhancing Central Bedfordshire:**

As the economy grows with an increasing number of businesses and employment, the health and safety service supports such growth. This is achieved via advisory and targeted visits, working with businesses to help them understand how to keep employees safe at work, and protecting visitors to those businesses. This reduces the risk of incidents which can impact on business resources in terms of lost production and/or employee working time, management time in dealing with accidents and ill-health, and controls public and employee liability insurance costs due to civil compensation claims. In addition a healthy workforce is a productive one

**Promote health and wellbeing and protecting the vulnerable:**

The work of the health and safety service promotes healthy working both physically and mentally. A safer workplace reduces the risks of ill health and accidents, both which can have a devastating impact on individuals and their families. This work includes investigating incidents and accidents in particular for vulnerable groups such as the elderly (including the elderly in care settings), people with disabilities and children, ensuring the business put measures in place to prevent a recurrence, and in some cases, taking further action when in the public interest.

**Value for Money:**

The health and safety service provides health and safety training to both business management and its employees. The service also provides advice via appointments in a non regulatory manner. Such action helps keeps the business workforce healthy, thereby contributing to the local economy. In addition, based on national priorities and local intelligence we only focus our resources where they can be most effective in protecting people from real harm and suffering.

**Financial:**

1. All expenditure will be met within existing budgets. In addition the work of the health and safety service brings in additional income.

**Appendix A. Health and Safety (as a Regulator) Service Plan 2016-18**

**Legal:**

2. Central Bedfordshire Council has a statutory duty under secondary legislation made pursuant to section 18 of the Health and Safety at Work etc. Act 1974 (HSWA) to ensure it makes adequate provision for health and safety regulation in its area and in particular for enforcing health and safety in the workplace. There are also mandatory requirements placed on the Council by the Health & Safety Executive through its guidance issued to Local Authorities. The Council can comply with much of this guidance by producing a Health and Safety Service Plan. The Plan for 2016-2018 details clearly and concisely how the Council will discharge its health and safety enforcement functions under the HSWA and associated legislation and guidance. It therefore meets the requirements and may be approved by Members.

**Risk Management:**

3. 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):**

4. Not Applicable.

**Equalities/Human Rights:**

5. 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 via Language Line and training is delivered in other languages when appropriate. We also work 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. Legal advice is sought where needed.

**Public Health:**

6. The service contributes to the public health agenda via health and safety projects such as zoonosis (contagious diseases passed from animals to human), legionella, blood-borne disease (from skin piercing), mesothelioma from asbestos, cancer from sunbeds, and musculoskeletal disorders. These projects help to tackle long term ill-health and morbidity.

**Appendix A. Health and Safety (as a Regulator) Service Plan 2016-18**

**Community Safety:**

7. 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 worker and public safety.

**Sustainability:**

8. Regulation of Health and Safety at businesses in Central Bedfordshire is focused where the greatest risks are found and the service looks to support compliance to ensure best use of resources and the best outcomes for the whole community.

**Procurement:**

9. Not applicable.

**RECOMMENDATION(S):**

**The Committee is asked to:**

1. **Approve the Health and Safety (as a Regulator) Service Plan 2016-18**

**Background**

10. 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.

**Appendix A. Health and Safety (as a Regulator) Service Plan 2016-18**

11. 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.
12. The arrangements for carrying out these tasks in Central Bedfordshire are detailed in the Health and Safety (as a Regulator) Service Plan 2016 -2018
13. Specifically Public Protection seeks to meet Section 18 requirements for member engagement by ensuring the committee are kept informed of progress against the H&S plan and the work of the team.

**Appendices:**

**Appendix A – Health and Safety Service Plan 2016 - 2018**

**Background Papers:** (open to public inspection)

- Public Protection Enforcement Policy, *Council website*
- LAC 67/2 (rev4.1), Targeting local authority interventions *HSE website*
- National Local Authority (LA) Enforcement Code. *HSE website*
- HSE List of LA National Code Activities, *HSE website*
- Regulators Compliance Code, *BRDO, online*
- Better Regulation, HSE, 2014, *HSE website*

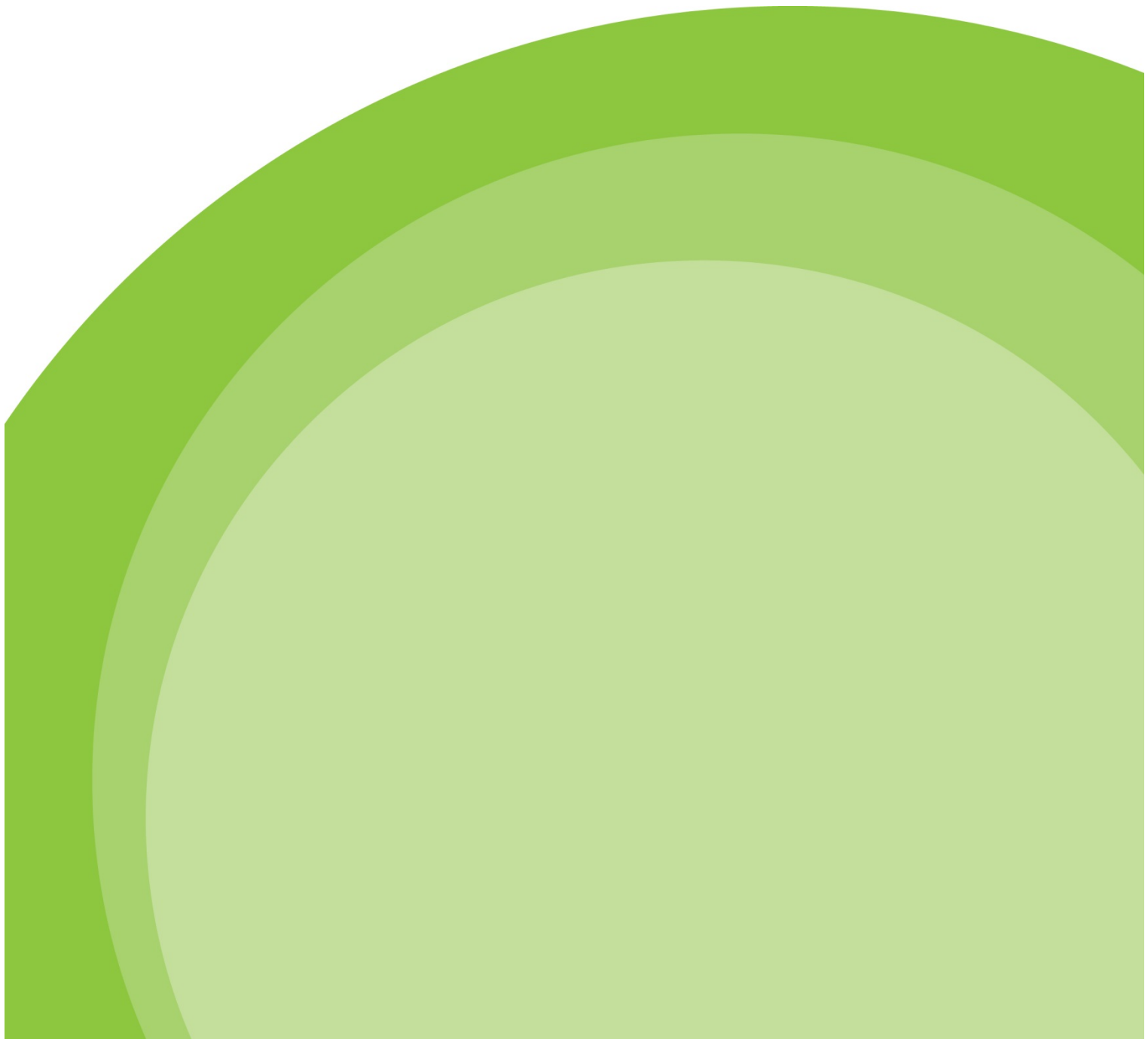
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# **HEALTH AND SAFETY**

**(AS A REGULATOR)**

# **SERVICE PLAN**

**2016-2018**



# Health & Safety Service Plan 2016-2018

Information about this document	
Purpose	Local Authorities are required to produce a plan in order to comply with mandatory guidance issued by the Health & Safety Executive, under Section 18 Health & Safety at Work etc. Act 1974. (HSWA) and Local Authority Circular 67/2 (rev 4.1)
Primary Target	Appointed Inspectors, Support Officers and Elected Members
Secondary Target	Duty holders in the business sector regulated by the Local Authority, employees and members of the public.
Prepared by	Tim Argent Principal Officer – Food Safety & H&S
Review by	April 2017



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## 1. Introduction

This Service Plan has been developed to outline the key proposed work streams of the Council's Health and Safety Service ('the Health and Safety Service') for the period of the 1 April 2016 to the 31 March 2018.

The Health and Safety Service reports to the Head of Public Protection and Transport Susan Childerhouse and Marcel Coffait the Director of Community Services. The responsible Cabinet Member for Community Services is Cllr Brian Spurr.

The Service is currently staffed by two full time equivalent Environmental Health Officers and supported by the Services Public Protection Food Safety team (Equivalent to 0.2 FTE).

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

### *The Costs of Health and Safety*

*The financial and human costs of work related illness and injury are vast and impact individuals, businesses and taxpayers. In 2013/2014 the cost to the UK was £14.3 billion. The largest costs impact on the individuals effected, not just in terms of financial cost but quality of life or loss of life. The impact is valued at over £8 billion. The cost to employers is just under £3 billion, and the tax payer costs are just over £3 Billion.*

<http://www.hse.gov.uk/statistics/pdf/cost-to-britain.pdf>

## 2. Foreword

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

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

We have taken steps to ensure regulatory resource is used to best effect by targeting specific risks or focusing on specific outcomes, using a broad range of regulatory interventions available to influence behaviours and improve the management of risk.

It is our policy that proactive inspections are utilised only for premises with higher risks including those identified as a priority by the Health & Safety Executive (HSE), or where intelligence suggests that risks are not being effectively managed.

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

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

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

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

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

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

**Cllr Brian Spurr**

**Executive Member for Community Services**

### ***The Importance of Health and Safety to Business***

*A survey of employees and employers by the Health and Safety Executive highlighted the importance of health and safety in the workplace. Employers tended to see the importance more acutely than employees in many cases (where other work considerations were a higher priority) – however this may be reflective of the general sense that workplaces are in the main safe and controlled environments. There were however a number of responses from employees which raised concerns that their current working environments were not safe. Although a smaller percentage it still amounts to a significant number of workplaces if translated across the whole of the UK.*

*The majority of employers say that:*

- *Health and safety requirements benefit their company as a whole (73%),*
- *Save money in the long-term (64%)*
- *Defend them against unjustified compensation claims (57%).*
- *Most employers also disagree with the contentions that health and safety requirements hamper their business (78%) and are biased against small businesses (54%).*

<http://www.hse.gov.uk/research/misc/attitudes.pdf>

### 3. Central Government Impact:

The Health and Safety Service will continue to adapt any strategies and related policies it implements around various key documents as developed by Central Government. These policy documents include:

- Open Public Services White Paper [open-public-services White Paper](#)
- Reducing Regulation Made Simple [reducing regulation report](#)

The Health and Safety Service will continue to adapt any strategies and related policies it implements around various key documents as developed by national bodies and organisations. These policy documents include:

- Priority Regulatory Outcomes: A New Approach to Refreshing the National Enforcement Priorities for Local Authority Regulatory Services [Priority Reg Outcomes](#)
- No Stone Unturned. In Pursuit of Growth [no-stone-unturned](#)
- The Public Health Outcomes Framework for England, 2013-2016 [PH Outcome FW](#)
- Open for Business: A Shared Vision for Regulation [Open for Business...](#)
- Reclaiming health and safety for all: An independent review of health and safety legislation. [Rec H&S For All](#)
- Regulators Code [Regulators-code.pdf](#)
- Helping Great Britain Work Well [HBWW - HSE](#)
- Health and Safety Executive Business Service Plan 2016-2017 [HSE BP 2016-17](#)
- Cutting Red Tape [Cutting-red-tape](#)

### 4. Management arrangements for a risk-based approach

Section 18 of the Health and Safety at Work etc. Act 1974( [HSAW Act](#)) places a duty on the HSE and the Local Authority (LA) to make adequate arrangements for Health and Safety Enforcement.

The Health and Safety (Enforcing Authority) Regulations 1998 ( [EA Regulations](#) ) allocate the enforcement of health and safety legislation at different premises between LAs and HSE.

The table below give a general break down between LA & HSE enforcing responsibility over the following type of premises:

LA responsibility	HSE responsibility
<ul style="list-style-type: none"> <li>• offices (except government offices)</li> <li>• Storage warehouses</li> <li>• Zoo's, open farms, other animal licenced premises</li> <li>• Tattooists, piercing and beauty</li> <li>• shops</li> <li>• hotels</li> <li>• restaurants</li> <li>• leisure premises</li> <li>• nurseries and playgroups</li> <li>• pubs and clubs</li> <li>• museums (privately owned)</li> <li>• places of worship</li> <li>• sheltered accommodation and care homes</li> </ul>	<ul style="list-style-type: none"> <li>• factories</li> <li>• farms</li> <li>• building sites</li> <li>• mines</li> <li>• schools and colleges</li> <li>• fairgrounds</li> <li>• gas, electricity and water systems</li> <li>• hospitals and nursing homes</li> <li>• central and local government premises</li> <li>• offshore installations</li> </ul>

For further information to establish the enforcing authority where Local Authorities (LAs) as Regulators may have an interest as a duty holder see ([www.hse.gov.uk/lau/lacs/22-10/22-10-appendix-4.pdf](http://www.hse.gov.uk/lau/lacs/22-10/22-10-appendix-4.pdf)).

The new Health and Safety strategy, 'Helping Great Britain Work Well' [HBWW HSE strategy](#) was published on 29 February 2016. This sets out six strategic themes for the whole of the national health and safety system. LA workplace health and safety regulators are a key part of that system, to play their role in:

- Encouraging and recognising improvements, being increasingly joined up to deliver improved outcomes and minimise unnecessary burdens on businesses;
- Continuing to promote the risk-based, goal-setting regulatory regime that has served health and safety in Great Britain so well;
- Working with partners in the system to make workplaces safer and healthier, providing a level playing field for responsible employers with regulators and co-regulators, by advising, promoting, and where necessary, enforcing good standards of risk control;
- Using proportionate, risk-based regulation to support better outcomes, innovation and the safe use of new technologies;
- Developing services and products that contribute to improved management and control of risks, sharing our knowledge, and
- Continuing the dialogue and conversation with stakeholders to make the system better, always looking to provide simple, pragmatic advice and support.

## Local Authority Enforcement Code

In May 2013 the HSE published the National Local Authority Enforcement Code ([the Code](#)). The Code was developed in response to the recommendation in "Reclaiming health & safety for all: an independent review of health & safety legislation" ([lofstedt-report.pdf](#)) by Professor Ragnar Löfstedt for HSE to be given a stronger role in directing Local Authority (LA) health and safety inspection and enforcement activity and as an outcome of the Red Tape Challenge on health and safety.

The Code is designed to ensure that LA health and safety regulators take a more consistent and proportionate approach to their regulatory interventions. It sets out the Government expectations of a risk based approach to targeting. Whilst the primary responsibility for managing health and safety risks lies with the business who creates the risk, LA health and safety regulators have an important role in ensuring the effective and proportionate management of risks, supporting business, protecting their communities and contributing to the wider public health agenda.

LAs nationally are responsible for regulating over 1.6 million workplaces and it is neither proportionate nor effective to deliver a regulatory function based on inspection of individual workplaces – particularly since many of those workplaces will already be managing their risks effectively.

Inspection can be very effective in the right circumstances where individual face-to-face contact with a duty holder is necessary to influence their management of risk. However, it is the most resource intensive and should be limited to the highest risk premises; conversely it may not be considered to be the best use of public resource to inspect comparatively lower risk premises.

Furthermore it is perceived by Government that implementing and complying with the Code requirements will deliver the central Government expectation that business operating in comparatively lower risk premises should not be subject to proactive, unannounced inspections, unless there is real and proportionate reason to suspect poor performance.

## Risk Rating System

The national risk rating system introduced by the HSE in order to assist prioritisation of business interventions is broken down into four Categories (A (High), B1, B2 and C (Low)). The assigned risk rating is given following an intervention by the LA based on the businesses:

- Confidence in management
  - Safety performance
  - Health performance
  - Welfare compliance gap
- **Category A premises** - Those sectors that present comparatively high risk and where proactive inspection remains necessary as part of the overall regulatory approach.
  - **Category B1 and B2 premises** Those sectors where there remains a comparatively high risk but “non-inspection” national or local interventions are required (typically)
  - **Category C premises** those areas where “non-inspection - local problem” reactive interventions are required (typically).

For a detailed explanation of the assessment and decision criteria behind the assigned risk rating please see: [Targeting LA interventions LAC/67](#).

Central Bedfordshire current risk ratings are as shown in the table below.

Category	Number of premises 2016
A	14
B1	90
B2	400
C	1754
Unrated	891
<b>Total</b>	<b>3149</b>

*Note: The information should only be used as an indication of the level/No. of businesses within the area and cannot be relied upon to be wholly accurate. There is no longer a requirement for business to register with the local authority and there is no requirement on the local authority to undertake routine inspections. There is no proportionate way or need to maintain a fully live accurate database.*

In order to assess how local authorities are meeting these requirements, HSE will monitor local authority data returns. Where there is a lack of information or where the information

prompts questions HSE will work with the local authority in question to assist their implementation and compliance with the Code.

HSE will annually publish a report detailing how local authorities are complying with providing transparency on regulatory activity carried out.

Where business considers that they operate in a lower risk sector and have been unreasonably subject to a proactive health and safety inspection by a local authority they can complain to the Independent Regulatory Challenge Panel whose members have the competence and experience to assess regulatory matters. They will look into the complaint and the outcome of their deliberations will be made publically available on the HSE website.

The focus of local authorities is often broader than specific health and safety outcomes as they can also have an impact on wider public health outcomes/health inequalities. This authority will use the list of national priorities for proactive inspection as well as local information and advice provided by Primary Authorities so that we can determine the key risks of serious workplace accidents, injuries and ill-health and will develop local intervention plans for poorly performing businesses; we will then target our resources more effectively using the whole range of available interventions to influence behaviours and improve the management of health and safety risks.

## 5. Key Service Drivers

- To ensure that all premises where people work, visit or are entertained are safe for the purpose and without risk to health.
- To improve the overall health and safety management standards within regulated businesses by providing a comprehensive risk based intervention strategy that targets resource at higher risk activities or where there is a history of poor compliance.
- To provide a comprehensive health and safety enforcement and advisory service to business and other stakeholders.
- To work in partnership with the HSE, other local authorities and interested bodies to promote a positive health and safety culture.
- To efficiently and effectively respond to and investigate accidents, dangerous occurrences and diseases reported.
- To assess and investigate complaints in line with the HSE and the Services Enforcement Policy and procedure [PP Enforcement Policy](#)
- Act in the role as a statutory Responsible Body in relation to the Licensing Act 2003 and applications made there under.
- React to 100% of all notifications made under the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) [LOLER HSE](#)
- Assess and investigate 100% asbestos ASB5 notifications [HSE Notifications](#) .
- To ensure that requirements regarding the storage and use of pesticides in workplaces are met.
- To register premises and practitioners and enforce laws relating to tattooing, electrolysis, acupuncture, cosmetic piercing and semi-permanent skin colouring.

- To licence and enforce laws relating to Animal welfare in Pet shops, Zoo's, boarding establishments, riding schools and keepers of wild/dangerous animals.

## 6. Objectives

The Council's Health and Safety Service always continues to seek to conduct its affairs in adherence with the principles of better regulation and the various legislative requirements relating thereto. In particular:

- Transparency
- Accountability
- Consistency
- Proportionality
- Utilising Intelligence led targeting

In pursuit of these principles the primary objectives of the Health and Safety Service are as follows:

- Delivering improved regulatory outcomes
- Reducing unnecessary burdens on business
- To maintain a common approach to enforcement policies
- Build safer, healthier and stronger local communities
- Achieve Consistency in advice and enforcement
- Adding Value
- Transparency

## 7. The National Enforcement Priorities

The priorities of the Council's Health and Safety Service for 2016/2018 have been determined in line with and paying all due regard to the National Enforcement Priorities. These Priorities are as set out in the document published in November 2011 by the Local Better Regulation Office of "Priority Regulatory Outcomes: A New Approach to Refreshing the National Enforcement Priorities for Local Authority Regulatory Services" [Priority Regulatory Outcomes](#)

The Services priorities have been primarily focussed around the following two out of the five key national priority areas:

- **National Priority One:**  
Support Economic Growth, especially in Small Businesses by Ensuring a Fair, Responsible and Competitive Trading Environment
- **National Priority Four:**  
Help People to Live Healthier Lives by Preventing Ill Health and Harm and promoting Public Health
- **Public Health:**



The Council's Health and Safety Service continues to clearly recognise that as an enforcement body, it plays a key role in the delivery of key aspects of the Public Health Agenda.

Public Health 'came home' on 1 April 2013 and is being re-shaped to fulfil its original purpose of tackling inequalities. One of the key documents that outline the role of local authority services within the delivery of the Public Health agenda is the Public Health Outcomes Framework for England 2013-2016 [PH Outcomes Framework](#)

- **HSE National Priorities for LA's:**

The Health and Safety Service will continue to successfully deliver effective support and protection for legitimate business and consumers alike. The Service clearly recognises that our key role is particularly important during the difficult economic period that is affecting the whole global economy. Prioritisation of work is therefore of paramount importance. Below are details of work for the 2016/18 period in the national areas of priority given by the HSE:

*Although most construction work is regulated by HSE, LA health and safety regulators make a significant contribution to addressing construction health and safety risks. Where the owners/occupiers of commercial premises at general visits appear likely to be clients for construction work, We will draw their attention to the Construction (Design and Management) Regulations (CDM) 2015 and the duties they have as CDM clients, referring them to advice available. In addition, there are a number of specific topic areas us as the LAs will address during the course of their visits, as outlined below. These concur with priorities in the HSE Construction Division Plan of Work 2015-16.*

- **Falls from height** – work on/adjacent to fragile roofs/materials/skylights etc., can be found at many premises that fall to LAs for enforcement. Where they are identified during visits we will discuss the associated risks, to ensure that prospective clients for repair and maintenance work (owner or building user) is aware of their duties under CDM 2015 [CDM 2015](#) and the precautions needed, referring them to the [appropriate guidance](#). On occasions, LA health and safety regulators may come across work on a fragile roof that is underway at the premises being visited (typically, small-scale repairs/maintenance such as gutter cleaning). The risks may give rise to a matter of evident concern (MEC), in which case, poor standards will be addressed with all duty holders – client, designers and contractors, and any enforcement action taken in accordance with the [Enforcing Authority \(EA\) Regulations 1998](#) and in collaboration with HSE, where appropriate and using normal channels.
- **Health risks** - Respirable silica dust, containing harmful respirable crystalline silica (RCS), can be generated during common operations such as block cutting, chasing brickwork and cutting concrete floors. The standards for controlling this dust are detailed in HSE guidance. During visits, LAs may come across minor construction work that is generating significant quantities of silica dust that give rise to a MEC. Poor standards will be addressed with duty holders, and any enforcement action taken in accordance with the EA Regulations 1998, collaborating with HSE where appropriate, using normal channels. See [operational guidance on silica](#) used by HSE Inspectors.
- **Duty to manage asbestos** - In premises likely to contain asbestos (i.e. built before 2000) LA health and safety regulators should draw duty holders' attention to

their duty to manage and the relevant HSE guidance/webpages. On occasions, failure to manage the risks from asbestos (e.g. failure to maintain in a safe condition or minor construction work that breaches the fabric of the building without proper surveys, controls or planning) may need to be dealt with as a MEC during general visits. Where management of asbestos risks arises as an MEC and standards are particularly poor, we will take appropriate enforcement action, in accordance with the [EA Regulations 1998](#) , collaborating with HSE where necessary and using normal channels.

- **Visitor attractions** - to prevent or control ill health arising from animal contact - select the most appropriate intervention (See [Preventing or controlling ill-health from animal contact at visitor attractions – guidance on inspection and enforcement](#) and [List of activities/sectors for proactive inspection by LAs](#) ).
- **Investigation of incidents and complaints** - LAs should use HSEs incident selection criteria and complaint handling to select relevant incidents and complaints.
- **Other reactive work** including the monitoring of RIDDOR reports and complaints to identify reports of ill health, accidents, incidents, poor performance, trends and local issues which may require further interventions or issues which may need to be taken forward nationally.

## 8. Local Priorities

Local knowledge and information will also be used by us to determine the key risks of serious workplace accidents, injuries and ill-health to identify their priorities.

Matters of Evident Concern (MECs) are defined as those that create a risk of serious personal injury or ill-health and which are observed (i.e. self-evident) or brought to the inspector's attention. Matters of Potential Major Concern (MPMCs) are those which have a realistic potential to cause either multiple fatalities or multiple cases of acute or chronic ill-health.

We will monitor MECs or MPMC's dealt with during advisory or other regulatory visits as well as complaints and incidents to identify any matters that may present a potential significant local issue

## 9. Proactive Inspections & Enforcement Programs

Proactive inspection should only be used for:

a) For high risk activities within the specific LA enforced sectors published by HSE (See [List of Proactive Inspections HSE 2016](#) );

or

b) Where there is intelligence showing that risks are not being effectively managed.

**Table 1 -Intervention Planning & Approach**

Risk Rating	Comments	Intervention	Re-rate Y/N
Category A	Suitable for proactive inspection where: a) Activities within the specific LA enforced sectors published by HSE, or b) Where there is intelligence showing that risks are not being effectively managed.*	Identify the risk and consider the use of <b>all</b> interventions to address that risk, including proactive inspection. Where a food hygiene inspection or other visit is combined, officers will have regard to matters of evident concern or matters of potential major concern.	<b>Y</b>
Category B1	Premises in this category are generally not suitable for proactive inspection; however a combination of the remaining interventions available may be used. May be suitable for proactive intervention where: a) Activities within the specific LA enforced sectors published by HSE, or b) Where there is intelligence showing that risks are not being effectively managed.*	Where a food hygiene inspection or other visit is combined, officers will have regard to matters of evident concern or matters of potential major concern. Where that inspection or visit coincides with the due date under the risk rating scheme, the risk rating will be reviewed and where necessary re-rated. Where no visit, for non health & safety purposes, or other intervention is planned and local intelligence shows risk concerns then a focused advisory visit will be allocated. In other circumstances the business will be subject to the other intervention strategy**. The premises will be re-rated with the previous risk score for the date of intervention.	<b>Y</b>
Category B2	Premises in this category are generally not suitable for proactive inspection; however a combination of the remaining interventions available may be used. May be suitable for proactive intervention where: a) Activities within the specific LA enforced sectors published by HSE, or b) Where there is intelligence showing that risks are not being effectively managed.*	Where a food hygiene inspection or other visit, officers will have regard to matters of evident concern or potential major health & safety concerns. Where that inspection or visit coincides with the due date under the risk rating scheme, the risk rating will be reviewed and where necessary re-rated. Where no visit, for non health & safety purposes, or other intervention is planned and local intelligence shows risk concerns then a focused advisory visit will be allocated. In other circumstances the business will be subject to the other intervention strategy**. The premises will be re-rated with the previous risk score for the date of intervention.	<b>Y</b>
Category C	Premises in this category are generally	Where a food hygiene inspection or other visit, officers will have regard to	<b>Y</b>

	<p>Not suitable for proactive intervention, however a combination of the remaining interventions available may be used.</p> <p>May be suitable for advisory visit where there is intelligence showing that risks are not being effectively managed.*</p>	<p>Matters of evident concern or potential major health &amp; safety concerns. Where that inspection or visit coincides with the due date under the risk rating scheme, the risk rating will be reviewed and where necessary re-rated. Where no visit, for non health &amp; safety purposes, or other intervention is planned and local intelligence shows risk concerns then a focused advisory visit may be allocated. In other circumstances the business will be subject to the other intervention strategy**. The premises will be re-rated with the previous risk score for the date of intervention.</p>	<p><b>(where premises was due or significant change to business or fall in standards)</b></p>
New Business	<p>LAs are able to rate a new premise by desktop assessment, an advisory visit, or in exceptional cases a proactive inspection.</p> <p>Often the information available in relation to the new premises will be minimal and as such a visit is usually necessary.</p>	<p>Advisory Visit.</p> <p>Any matters of evident concern or matters of potential major concern will be addressed in line with enforcement policy.</p>	<p><b>Y</b></p>
Revisits	<p>Used to follow up enforcement action and advisory visits</p>	<p>All enforcement activity will be followed by a revisit to confirm compliance or institute further action.</p> <p>Where requested or agreed, and where appropriate, further visits may be made to follow up advisory visits and other interventions.</p>	<p><b>Y</b></p> <p><b>(where significant improvement in standards)</b></p>
Accidents and service requests (premises complaints, etc.)	<p>In relation to RIDDOR reports, follow the <a href="#">HSE Accident selection criteria</a>.</p>	<p>All accidents recorded, reviewed. Investigations as appropriate.</p> <p>All service requests are recorded, reviewed and investigated in line with council policies, but having regard to the code.</p>	<p><b>N</b></p>

*\*for local planning purposes business sectors identified as more significant in terms of accident reports, and service request demands will be focus of proactive inspection or intervention visit.*

*\*\* Other intervention strategy can include visits (project / advisory/structured training), but mainly will consist of non-visit communication and information provision.*

## 10. Service Activities 2016/18:

Due to the unpredictability and largely reactive nature of H&S regulation/enforcement this Service Plan firstly establishes a clear order for prioritising activities.

### Workload Priorities:

Priority	Category	Description
1	Emergencies, serious incidents and threats to public health	<ul style="list-style-type: none"> <li>• Fatalities / serious accidents.</li> <li>• Public health incidents.</li> <li>• Revisits to secure compliance.</li> <li>• Formal action to protect public health (prohibition notices etc.)</li> <li>• Serious workplace safety concerns.</li> </ul>
2	Highest consequence proactive	<ul style="list-style-type: none"> <li>• Proactive workplace safety inspections:               <ul style="list-style-type: none"> <li>○ Risk band A and HSE priority list</li> </ul> </li> </ul>
3	High consequence proactive / reactive	<ul style="list-style-type: none"> <li>• Guidance to potentially high risk new establishments.</li> <li>• Project / support activities to address high consequence public health issues.</li> </ul>
4	Medium consequence proactive / reactive	<ul style="list-style-type: none"> <li>• Routine health and safety interventions:               <ul style="list-style-type: none"> <li>○ Unrated.</li> <li>○ Risk band B2.</li> </ul> </li> <li>• Project / support activities to support service delivery and customer / business information access.</li> </ul>
5	Lower consequence proactive / reactive	<ul style="list-style-type: none"> <li>• Alternative enforcement interventions:               <ul style="list-style-type: none"> <li>○ Risk band C.</li> </ul> </li> <li>• Consultations / comments - license/registration/knowledge of small events, planning etc.</li> <li>• Guidance to low risk new establishments.</li> </ul>

### • Proactive Inspections, projects & key priority areas

This year the Service will continue to carry out proactive inspections in accordance with the above, at those premises with higher risk activities (for 2016/17 this is at the 14 A Risk rated premises). Inspections will also be carried out where justified, at premises where there is intelligence showing that the risks are not being effectively managed (intel/complaints etc.) and at those premises targeted through project work (both local and regional).

In 2015/16 Officers carried out a total of 183 health & safety related visits to businesses across Central Bedfordshire giving an indication of the inspection work carried out in addition to the routine inspections carried out at the 'A' Risk rated businesses.

During the aforementioned visits and in addition to assessing areas such as manual handling, slips and trips, officers will also focus/cover compliance in the following areas:

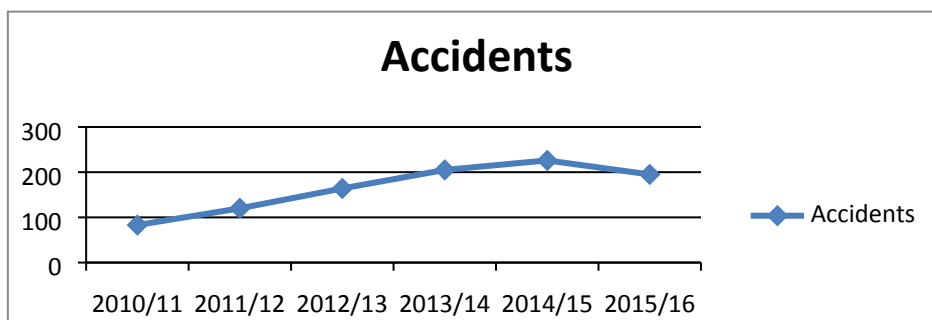
- **Asbestos** - In addition to the ongoing reactive work (notification or complaints) and routine work (monitoring and advice during inspections) the Service is, due to an identified 85% failure rate within CBC, rolling out its comprehensive 'Asbestos, Under Control' project. The project will target identified geographical areas and involve business engagement, advice, structured training and result in 100% businesses being brought into full legal compliance or face legal action to achieve this.
- **Work at Height** - Employers and those in control of any work at height activity must make sure work is properly planned, supervised and carried out by competent people. This includes using the right type of equipment for working at height. Low-risk, relatively straightforward tasks will require less effort when it comes to planning. The Service will utilise its expertise in this technical national priority area and continue to focus on improving standards within businesses assisting employers and those in control to first assess the risks or taking action against those who won't.
- **Workplace Transport** - Every year, there are accidents involving transport in the workplace, some of which result in people being killed. People are knocked down, run over, or crushed against fixed parts by vehicles (e.g. HGVs, lift trucks and tractors), plant and trailers. People also fall from vehicles – whether getting on or off, working at height, or when loading or unloading. The Service will utilise its expertise in this national priority area, maintaining its position as one of the lead Authorities in the region rolling out a regional project focused on improving standards within businesses.
- **Violence at Work** - The Service is looking to run a joint project with its Trading Standards colleagues visiting Petrol Station Kiosks where there are vulnerable working conditions (lone, late night and cash handling) to provide advice and guidance to employees and employers.
- **Legionella** - The Service will visit or carry out other interventions at premises posing a risk from legionella. Legionellosis is the collective name given to the pneumonia-like illness caused by legionella bacteria. This includes the most serious Legionnaires' disease, as well as the similar but less serious conditions of Pontiac fever and Lochgoilhead fever. Legionnaires' disease is a potentially fatal form of pneumonia and everyone is susceptible to infection. However, some people are at higher risk, including:
  - People over 45 years of age
  - Smokers and heavy drinkers
  - People suffering from chronic respiratory or kidney disease
  - Anyone with an impaired immune system
- **COSHH** - The Management of Health and Safety at Work Regulations 1999 ([MHSWR](#)) provide a broad framework for controlling health and safety at work and more specifically the Control of Substances Hazardous to Health Regulations 2002 (COSHH) which provide a framework of duties designed to assess, prevent or control the risk from bacteria like Legionella. The service will carry out compliance checks where applicable.

- **Compliance Checks** - The Service will continue to check compliance of:
  - The Central Bedfordshire Byelaws on the 55 registered tattooing, acupuncture, electrolysis and cosmetic piercing premises
  - The 133 registered persons deemed competent to carry out the aforementioned activities.
  - The 3 Zoo's with regards to their licence conditions,
  - The 49 registered Animal boarders and breeders,
  - The 14 registered pet shops and 11 registered Riding establishments.
  - The advisory and inspection work for North Herts District Council covering their inspection obligations (23 inspections).
- **Advice and Information** - The Service has developed and will continue to roll out its comprehensive 'Core Skills' training packages as part of the Public Protection Training Programme. It will also continue to review and update the detail and content held on the CBC website related to Health and Safety.
- **Regional Project Work** - The Service will continue to be a lead authority and centre of excellence within the region participating in the construction and execution of regional project works such as Work Place transport project and carbon monoxide poisoning within food businesses projects.
- **Safety Advisory Group key member** - The Central Bedfordshire Safety Advisory Group (SAG) was established in May 2010 to uphold standards of public safety at all sports grounds and public events within the Council's area, and to encourage the health, safety and well being of the public, operatives and competitors at such venues and events. The SAG is a partnership which brings together relevant services within the Council together with colleagues from the Emergency Services to review and advise on public safety arrangements at selected public events. Part of the key aims of Central Bedfordshire Council's role is advising the duty holders on such events so as to help ensure they are successful, safe and able to hold similar events in the future.
- **Accident Investigations & Prevention** – A large part of the work the team undertakes is reactionary detailed assessment and investigation of accidents, Intel & complaints submitted regarding H&S non-compliance. Notified accidents and complaints will be dealt with according to the [incident selection criteria](#) (rev 1) issued by the HSE. The guidance is used for the selection of Reporting of Injuries, Deaths and Dangerous Occurrences Regulations 1995 (RIDDOR) notifications. It provides a common proportionate, transparent and targeted procedure for the selection and investigation of accidents and incidents. Using this procedure supports the service in

our duty to 'make adequate arrangements for enforcement' under Section 18 of the Health and Safety at Work Act 1974 [HSAW Section18](#) (HSWA).

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

No. of RIDDOR reported Accidents to CBC:



Historically accident investigations have been prioritised according to:

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

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



## Dynamic Intervention Planning Summary table 2016 – 2018

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

## 11. Enquiries, Complaints & Contacts

The Health and Safety Service will continue to respond to all enquiries and complaints as directed through to it. These enquiries and complaints typically come from a number of sources including the contact centre, the services mailbox and from the HSE.

In 2015/2016 the Service dealt with the following contacts:

Activities:	2015/16
RIDDOR reportable incidents accepted/reviewed/investigated	198
visits made re complaints received in relation to health and safety matters	10
Service requests received	63
ASB5 notifications received	7
Notifications under the Lifting Operations and Lifting Equipment Regs	6
Applications for registration beauty treatments	22

Activity type	Number of actions	
	2014-15	2015-16
Complaints	34	26
Accidents	218	198
Service requests	95	63
Statutory Improvement Notices	30	15
Statutory prohibition notices	32	12
Simple cautions	0	1
Prosecutions	0	0

## 12. Government Response

In particular the Service notes the Governments overall intention to develop “**A different and more mature relationship with business**”. [Transforming regulatory enforcement paper](#)

The Health and Safety Service also notes the Government’s intention to address the following key points:

- It will review all regulators
- It will be presume that co-regulation be introduced
- It wants to see existing regulatory regimes make much more use of “earned recognition”
- It will work with businesses and local authorities through Local Enterprise

Partnerships to promote better local regulation

- It will establish a presumption that regulators should help businesses comply with the law
- It will also clarify that no business should face a sanction for simply asking a regulator for advice
- It will put a new partnership between Government, regulators and businesses at the heart of the new regulatory system, bringing the expertise of the Better Regulation Delivery Office into Government
- It will extend the Primary Authority scheme to improve the coherence, accountability and transparency of local regulation
- It will strengthen inspection plans to deliver earned recognition for business,
- It will allow more organisations to participate, within the Primary Authority scheme, benefiting small business
- It will include specific policy areas, which are currently out of scope, within the Primary Authority scheme
- It will retain the Regulator's Code, giving it a higher profile, placing it at the heart of the reviews of regulators and ensuring that it is understood by customers

### 13. Primary Authority

The Primary Authority Agreement enables a business to form a legally recognised partnership with a single local authority, which is called its 'primary authority'. The primary authority can provide the business with robust and reliable regulatory advice which other local authorities must take into account in their dealings with the business. In this way, Primary Authority promotes consistency and fairness in the way that local councils enforce regulations. A primary authority is also able to guide the way that other local authorities carry out checks such as inspections, by developing an inspection plan.

The government is committed to developing Primary Authority and sees the scheme as playing a key role in its work to improve the way that regulations are enforced.

The service will continue to actively promote Central Bedfordshire Council as a centre of excellence for H&S regulation and look to develop our existing relationships with business and formalise agreements with prospective new businesses within the scheme.

Central Bedfordshire Council currently has PA partnerships with:

- Moto Hospitality Ltd
- Whitbread Group PLC ( Costa Coffee, Premier Inn, Brewers Fayre, Table-Table, Beefeater Grill and Taybarns)
- Connells Estate Agents
- BODYBUILDING UK LTD
- Going through the process Hy-Pro International Ltd.

## 14. Regulators Code

The Health and Safety Service actively acknowledges the publication of the “Regulators Code” by BRDO on the 23 July 2013. [Regulators Code HSE.](#)

The Government is committed to reducing regulatory burdens and supporting compliant business growth through the development of an open and constructive relationship between regulators and those they regulate. The Regulators’ Code provides a flexible, principles based framework for regulatory delivery that supports and enables regulators to design their service and enforcement policies in a manner that best suits the needs of businesses and other regulated entities.

The expectation was that by clarifying the requirements contained in the previous Regulators’ Compliance Code, in a shorter and accessible format, regulators and those they regulate will have a clear understanding of the services that can be expected and will feel able to challenge if these are not being fulfilled.

Regulators within scope of the Regulators’ Code are diverse but they share a common primary purpose – to regulate for the protection of the vulnerable, the environment, social or other objective. This Code does not detract from these core purposes but seeks to promote proportionate, consistent and targeted regulatory activity through the development of transparent and effective dialogue and understanding between regulators and those they regulate.

*“I believe the Regulators’ Code will support a positive shift in how regulation is delivered by setting clear expectations and promising open dialogue. Ultimately this will give businesses greater confidence to invest and grow”.*

**Michael Fallon MP**

## 15. Concluding Summary

The Councils Health and Safety Service remains committed that this Service Plan will allow for the diverse and wide reaching effects of Health & Safety regulation to be applied properly to enable business to self regulate, take action against those who fail to do so whilst protecting employees, customers, residents and others. Respecting the continued value of joined up working across all Health and Safety Services in the region as well as continuing to deliver its work plan in partnership with Central Government departments and key agencies and organisations within the Consumer Landscape, together with legitimate businesses.

Local Government continues to undergo significant resource pressures and the Service has clearly recognised this and continues to do so, emphasising the need to adapt to the challenges presented by the new and evolving regulatory landscape of the future.



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