



**CENTRAL BEDFORDSHIRE COUNCIL
PUBLIC PROTECTION**

**HEALTH AND SAFETY (AS A REGULATOR) SERVICE PLAN
2010-2011**

*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 a significant proportion of the workforce of 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:

- Revitalising health and safety;
- Securing health together;
- A strategy for workplace health and safety in Great Britain to 2010 and beyond.

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. An 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.

As a transparent and accountable regulator with a clear focus on tackling the key causes of injury and ill-health at work, Central Bedfordshire Council recognises the need for regulators to achieve their regulatory objectives without imposing unnecessary burdens on those they regulate, as envisaged in the Government's statutory code of practice for regulators (the Regulators' Compliance Code).

Better Regulation in conjunction with HSE initiatives, new Public Protection managers, with 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. (*a managers guide to performance management, 2nd edition, Audit Commission, 2006*).

This Health and Safety (as a Regulator) Service Plan 2010–2011 (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, promotional and educational activities.
- Health and safety reactive work, including accidents, ill-health and complaints.

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 presented to the relevant officers responsible for enforcing health and safety at work.

Last year due to the new Unitary Authority, new corporate and LAA objectives, and the Better Regulation Agenda, the Service plan was changed significant from previous plans. It will be under continuous review over the next few years so that the services the health and safety team offer will be more 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. 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 enables them to see the real financial benefits of improved health and safety within the workplace.

These changes can be defined as Customer Insight and Intelligence led inspections, with the ultimate aim of reducing accidents and ill health within the district.

These improvements will be led by the Assistant Director, Community Safety and Public Protection and 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 inspections of a range of businesses and other activities 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 researching the feasibility of an advisory service
- To improve communication to small businesses on health and safety issues via the Councils website, and letters following inspection
- To work in partnership with the HSE, 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;
- Develop positive incentive schemes
- Improve the way accidents are investigated with a view to self regulation.
- Consider new initiatives in line with the Better Regulation Agenda

1.2 Cross- linkages with other Corporate Plans and Policies

The councils Strategic Plan 2009-2011 has a vision to *"improve the quality of life of all in Central Beds, and enhance the unique character of our communities and our environment"*.

There are a number of themes resulting from this strategic plan which link to the health and safety at a regulator service plan:

- *growing our economy and raising the profile and identity of the county as a great place to live, work and visit.* This Service Plan, in implementing the governments Better Regulation Agenda in conjunction with HSE initiatives to improve health and safety within the workplace, will assist the Council helping to grow the economy by removing unnecessary health and safety regulatory burdens from local businesses whilst at the same time, improving the councils health and safety education and information services for businesses, making them a better place to work, and safer for the public to visit.

- *reducing health inequalities and delivering good health and well-being for our communities.* This Service Plan is fully committed to the government “securing health together” occupational health strategy which tackles work-related ill-health so as to reduce the personal suffering, family hardship and costs to individuals, employers and society.

The above themes have been translated into Local Area Agreements (LAA) between LAs and their partners. As stated in the “Sustainable Communities Directorate Plan 2009-10, the five agreed Council priorities are:

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.

In summary, the Service Plan cross-links with these 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
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. As an example, the Council has been active in providing advice to businesses to assist compliance with the Smoke Free legislation.

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

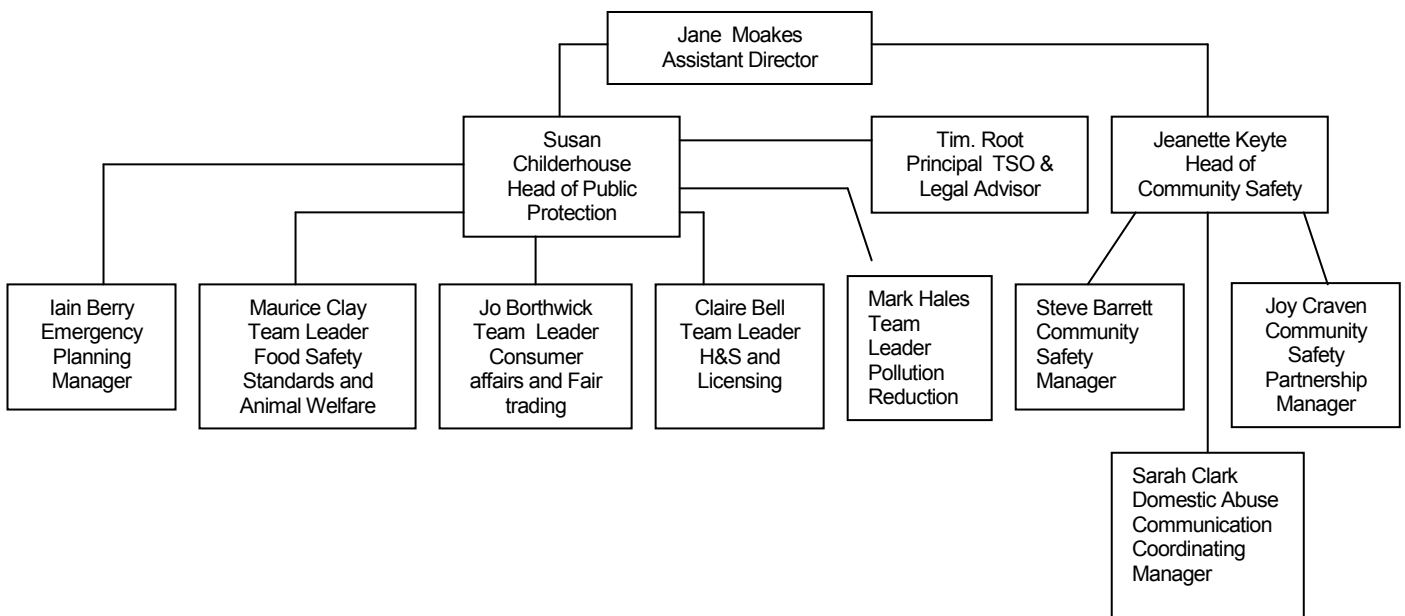
The current population of Central Bedfordshire is 255,000 (2008 mid year estimate, Office for National Statistics - ONS). The 2009 mid year estimate is likely to be published in August 2010. Central Bedfordshire's population is forecast to increase to around 320,000 by 2031.

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, Community Safety, and Trading Standards. It operates under the direction of the Assistant Director Community Safety and Public Protection, Jane Moakes who is accountable to the Director of Sustainable Communities, Gary Alderson.

This new organisational structure will allow for a more improved service delivery of health and safety in particular by once segregated divisions now being part of one team allowing inter partnership working thereby reducing inspection burdens on businesses and the service being 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.

Following the elections in June 2009, the Council elected Councillor Mrs. Patricia E. Turner (MBE) as Leader to serve a two year term of office (until the next full Council elections in 2011). The Executive consists of the Leader together with nine other councillors including a Deputy Leader. Members of the Executive were 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, for Safer and Stronger Communities represents the Public Protection Service.

The Council has established five Overview and Scrutiny Committees (mirroring the Council's Departmental Structure). The 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 Overview and Scrutiny Committees may, from time to time, appoint Task Forces to investigate in depth matters of concern. All non-Executive members are eligible to serve on task forces and are appointed on the basis of their interest in or experience of the matter being reviewed. The Sustainable Communities Overview and Scrutiny Committee will be responsible for matters relating to environment and public protection.

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-assessments, promotional and educational activities.
- Health and safety reactive work, including investigation of accidents, ill health, complaints and queries.

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.

There are a total of 2434 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 and it is anticipated that the actual number of premises under the enforcement remit of the Council may be significantly higher.

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, subject to:

- There being insufficient resources to complete programmed inspections, due to sickness, vacancies or other unforeseen pressures on the service.
- Agency contractors meeting the requirements of Health and Safety Commission guidance on competency of inspectors.
- Costs being met within existing budgets;

During 2008 one agency contractor was employed to assist with health and safety promotion. Should the need arise; the department can call upon reputable contractors. Their details are shown in appendix 1.

2.7 Demands for the Health and Safety Service

The commercial premises in Central Bedfordshire are split between risk categories, as defined by Health and Safety Executive/Local Authority Enforcement Liaison Committee (HELA) in LAC 67/1(rev3). There are a total of 2434 premises for enforcement within Central Bedfordshire; the breakdown is shown in Table 1.

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

Risk category	A	B1	B2	B3	B4	C
Inspection frequency	Yearly	2 yearly	3 yearly	4 yearly	5 yearly	7-10 yearly
Number of premises (old)	9	24	67	179	353	1919

In addition to the above table there are up to 515 additional premises, which have not been assigned a risk category, however this information is currently under review and it is expected this figure will reduce. This number theoretically should reduce during 2010 – 2011, however a district survey may reveal more premises. Any increase in premises numbers may have a resource impact on staffing levels. However the service will look into initiatives to improve health and safety in these premises.

2.8 Registrations

A total of 26 installations are registered under the Notification of Cooling Towers and Evaporative Condensers Regulations 1992. There are 77 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; District Offices High Street North Dunstable; Customers may contact us in the following ways:

- 1) By telephone between 8:30am – 5:30pm (4:30pm Friday) on
0300 300 8000
- 2) By Fax on 01462 611277
- 3) By email on individual officer email addresses or by email to
health&safety@centralbedfordshire.gov.uk
customer.services@centralbedfordshire.gov.uk
- 4) 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
- 5) 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.
- 6) 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 Citizone Points of Presence (PoPs) in Ampthill, Biggleswade, Leighton Linlade or Leighton Buzzard. The Customer Services team deals with enquiries face to face, via telephone and by email.

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.

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.

The level and range of enforcement activity undertaken from 2008-2009 in relation to Health and Safety is summarised in Table 2 below:

Activity type	Number of actions
Inspections	355
Other visits	63
Formal notices	34
Informal notices	103
Advice letters	7
Simple cautions	0
Prosecutions completed	0
Prosecution started	0
Being considered for prosecution	0

Appendix 5 details the breakdown of formal enforcement action taken for 2008-09 & 2009-2010

The inspection programme for 2009 to 31st March 2010 is shown in Table 3 below. The inspections due for 2010 –2011 are also shown at Table 3 below.

Completion of the intelligence-led programme will require an estimated staff resource of 2.23 FTE.

Table 3 Health and safety inspection details for 2009/2010

Risk category	A	B1	B2	B3	B4	C	TOTAL
Number of inspections to 31.12.09	1	2	4	14	35	138	194
2009-2010							
Inspections Due							
2010-2011	5	13	16	47	92	211	384

There is a history of monitoring the number of premises inspected. To ensure Value for Money, it may be prudent to measure effectiveness. However it is difficult to identify satisfactory indicators to measure effectiveness of inspections. One suggestion is 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. This would be a measurable outcome for health and safety inspections however; it would add significant time to the inspecting officers. The Team Leader and Head of Service will look into the feasibility of this option.

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 present a low risk.

From 1st April 2009 up to the 31st December 2009, 18 complaints were received. It is estimated that for 2010-2011, 60 complaints will be received requiring a staff resource of 0.14 FTE

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 Herts & Beds.

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.
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. It is anticipated that 2 inspectors from Central Bedfordshire Council will be authorised to hold the Flexible Warrant. It is likely that the resources required for such work will be 0.02 Full Time Equivalent (FTE).

3.4 Primary Authority Partnership Scheme

Effective local regulation requires confidence and mutual trust. Businesses should be able to rely on the environmental health, licensing and trading standards advice received from LAs, in the knowledge that it is expert opinion, applicable across the UK, and a secure basis for investment and operational decisions. The Primary Authority scheme – which commenced on 6 April 2009 – drives and supports progress towards this outcome.

For the first time, businesses will be able to form a statutory partnership with a single LA, which will provide robust and reliable advice that other councils must take into account when carrying out inspections or dealing with non-compliance. The scheme builds on the foundation created by voluntary home and lead authority initiatives, but entails a fundamental shift in the nature of the relationship between the regulated and the regulator – bringing benefits to both parties.

The administration of Primary Authority is a statutory responsibility of Local Better Regulation Office (LBRO) whose role is to register partnerships, issue guidance, approve inspection plans, and resolve disputes.

Central Bedfordshire is one of three national pilots for the Primary Authority Partnership Scheme with MOTO, initially this will only deal with food safety and standards; but work is ongoing to expand this to cover health and safety and environmental permitting. It is anticipated that scheme will require a resource of 0.06 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;
- Input into the Newsletter a publication by the Division which is sent to all businesses and includes updates on health and safety;
- Information posted on the Council's website;
- Information via press releases;
- Targeted presentations to local businesses;
- Other initiatives as outlined in the Service Objectives (1.1)

From the 1st April 2009 to 31st December 2009, 42 requests for advice were received 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 60 requests for advise will be received for 2010- 2011. This will require a staffing resource of 0.03 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 0.01 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.

These cases are investigated on the basis of risk assessment and priority will be allocated 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 1 April 2009 to 31st December 2009, there were 183 accident notifications. Based on these statistics, it is estimated that 244 notifications will be received in 2010-2011. 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. The officer will then use discretion which report will require full investigation. Such investigations will, as a minimum, involve contacting the injured person and ascertaining their version of events. Investigation time will require a staff resource of 0.3 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.

In 2008 the LA in partnership with the HSE investigated a fatality when an employee was hit by a moving vehicle outside a warehouse.

3.8 Liaison with other Organisations

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 2010-2011 this activity 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. In particular those projects under consideration include: -

- 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 Team Leader.

It is estimated that these activities will require a staff resource of 0.09 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 2009-2010 and 2010-2011 (estimated) is set out in Table 4 below. Table 4 Budget allocation for health and safety enforcement. The figures for the table are currently unavailable. Once this is provided by the Finance Department, it will be included in the Service Plan.

Budget (£)	2009-2010 (original)	2010-2011 (estimate)
Staffing	x	x
Transport	x	x
Supplies and Services	x	x
Premises	x	x
Central support	x	x
Gross Expenditure	x	x
Population	x	x
Cost per head of population (including central support costs)		

The staffing costs cover the FTE's carrying out health and safety as well as a proportion of the Head of Service Public Protection, Team Leader Health, Safety and Licensing and Technical Administrators costs. It has been estimated that the administrative work will require 0.40 FTE and the management input is 0.5 FTE.

Where requested enforcement officers are supplied with a desktop PC where they can access the commercial premises database, e-mail, the Internet, word processing, spreadsheets and other information sources e.g. technical indices.

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 2010-2011 all CIEH Chartered Status officers will have access to at least 30 hours update training per year, which equates to 0.02 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)

The RDNA is a structured ongoing training framework which was developed to ensure competence of the appropriate standards for regulators of health and safety is achieved and in line with business need. The process will effectively lead to and maintain compliance with S18 for ensuring a competent workforce.

Officers will be required to carry out an assessment of their training needs with the involvement of the relevant line manager. A targeted action plan is then put in place to ensure that identified training needs are met. The target date for full implementation of the process will be 2011.

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.
- Benchmarking for Best Value for key services in Herts and Beds. Authorities Environmental Health Group and the review of performance against BV166.
- Monthly Team Meetings.
- Joint visits with colleague officers for validation and consistency purposes.
- One-to-one meetings with individual staff and the Public Protection Team Leaders. Six monthly Personal Development Reviews of officers by the Public Protection Team Leaders
- Publication and monitoring of performance against the Customer Service Standard.
- Annual review of practice against enforcement policy.

6.0 REVIEW

6.1 Review against the Service Plan

Local Performance Indicators, which include response times to complaints and the level of programmed inspections, form part of the Council's performance management approach. It is anticipated that this 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.

6.2 Health and Safety Performance

The Key Performance Indicators are monitored monthly and significant variations reported identifying remedial action when required. For 2009-2010 the total number of inspection due is 353. Up to the 31st December 2009, 194 (55%) inspections had been completed .

6.3 Areas for Improvement.

Any service issues identified during the reviews or by routine performance monitoring will be recorded in writing and an appropriate action plan to address them agreed with the Head of Public Protection. Improved monitoring would significantly assist the Council in achieving its LAA targets.

There is a history of reporting the historical data from previous years and an estimate provided for the following year. A change in this reporting would improve the performance information provided to senior management and assist in service improvement in delivering better outcomes on issues of local concern or priority. Improvements would also enable senior management and Executive to see, year on year, if the service is meeting the LAA priorities, in particular, Creating Safer Communities. The inclusion of accident trend graph, other graphs could include:

- No of inspections completed
- No of premises reducing risk
- No of premises increasing risk
- No of Improvement Notices served
- No of Prohibition Notices served
- No of cautions given
- No of prosecutions undertaken

This information will enable decisions to be made locally on how best to serve the local community – that is, businesses, employees of those businesses and visitors to those businesses, and target resources appropriately.

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. For 2010, the format for IAA may change in line with the proposed Section 18 LA peer review. The planning for the peer review will be subject to discussion by the Herts & Beds Health and Safety group and the HSE.

Appendix 1

Provision of external health and safety and other consultant support

Consultancy

Health and Safety Executive Specialist Inspectors
AW House
6-8 Stuart Street
LUTON
Bedfordshire
LU1 2SJ
Tel: 01582 444200
Fax: 01582 444320
www.hse.gov.uk

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

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

Contractors

Carol Gregory
Hadley EHS Ltd
Scrubbitts Park Road
Radlett, Herts
WD7 8JP
Tel No.07973 502216

John Dunne & Associates (Environmental Health) Ltd
9 Lauderdale Road
Hunton Bridge
Kings Langley
Herts
WD4 8QA
01923 449719

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>	2.23
<i>Complaints</i>	0.14
<i>Enquiries and requests for advice</i>	0.03
<i>Accident investigations</i>	0.3
<i>Liaison</i>	0.02
<i>Work involving use of Flexible Warrants</i>	0.04
<i>Lead/Primary authority enquiries and maintenance</i>	0.06
<i>Officer training</i>	0.02
<i>Promotional work/advice</i>	0.09
<i>Planning & premises licence consultation</i>	0.01
<i>Administration</i>	0.40
<i>Management</i>	0.5
<i>Enforcement</i>	0.2
Total estimated staffing resource required	4.04
Estimated staff resources for the Health and Safety Service 2010-2011	Total 4.04 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>	9
<i>Inspection of risk category B1, B2, B3 and C premises</i>	9
<i>Service of Improvement Notices</i>	9
<i>Service of Prohibition Notices</i>	5
<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 2008-2009 & 2009-2010

ACTION TAKEN	PREMISES TYPE	CONTRAVENTION
Prosecution December 2009	Animal Farm	CBC prosecuted the owners of a farm in partnership with the RSPCA as a result of breaches of animal welfare legislation and an allegation regarding the running of a Horse Riding Establishment. The latter required significant health and safety interventions. Bedford Magistrates found the owners not guilty on animal welfare issues and the chance of a successful conviction for Health and Safety was compromised as key witnesses failed to attend the hearing. As it could not be proven that a Horse Riding Establishment existed, the relevant Health and Safety legislation were deemed inapplicable.
Prosecution May 2009	Newsagents	<p>Failure to remove damaged asbestos from area used by employees. Failure to put in place a management plan regards asbestos.</p> <p>The Company pleaded guilty Bedford Magistrates Court and were fined£18,500. In addition they had to pay £8,500 costs to the Central Bedfordshire Council.</p>
Prosecution April 2008	Sunbed salon x2	<p>Failure to comply with Improvement Notices requiring the provision of electrical safety certificates at two salons operated by the same proprietor.</p> <p>The proprietor was sentenced in respect of both premises to 16 weeks imprisonment (serving 8 weeks) for failure to comply with the Improvement Notice, in lieu of fines imposed and in lieu of costs</p> <p>[s.2(1) HSW £200 for each premises, s.3(1) HSW £200 for each premises and Electricity Regulations £100 for each premises. A cost contribution was ordered of £500 for each premise.]</p>

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

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.