



**CENTRAL BEDFORDSHIRE COUNCIL
PUBLIC PROTECTION**

**HEALTH AND SAFETY (AS A REGULATOR) SERVICE PLAN
2014 - 2016**

February 2014 information

Information about this document	
Purpose	Local Authorities are required to produce this document to demonstrate fulfilment in complying with the LA National Code issued by the Health & Safety Executive, under Section 18(4) of the Health & Safety at Work etc Act 1974. (HSWA)
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	Richard Johns Chartered Environmental Health Practitioner
Review by	February 2016

Foreword

This Service Plan sets out the how Central Bedfordshire Council (CBC) Public Protection carries out its health and safety enforcement obligations. It also demonstrates how we ensure 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 over 3700 businesses within Central Bedfordshire. These businesses include retail premises, warehouses, catering establishments, places of entertainment, hotels, animal establishments and the beauty and skin piercing sector.

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

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

We have risk assessed local and national accident data and local intelligence. Initiatives to target problem areas have been developed including, asbestos, workplace transport, warehouse racking, and skin piercing activities. Using risk based targeting frees up resources to help support business via a programme of advisory visits, education and free training. This approach contributes to delivering the growth agenda and in particular, provides invaluable advice to new business start-ups.

Please note advisory visits are distinct from regulatory visits and are made at the convenience of business in a non-regulatory manner.

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

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

The health and safety work we carry out in Central Bedfordshire is important in helping prevent accidents and illness 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 this Service Plan meets the Councils vision to improve the quality of life in Central Bedfordshire

Cllrs Brian Spurr
Executive Member Sustainable Communities - Services

Management arrangements for a risk based approach

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

Targeting

This is achieved by

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

Proportionality

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

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

Consistency

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

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

Transparency

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

This is achieved by

- (a) Having a clear and easily accessible enforcement policy
- (b) Following HSE guidance on targeting and inspections
- (c) Providing easily accessible information on the services and advice available to businesses
- (d) Having arrangements for keeping employees, their representatives, and victims or their families informed; and
- (e) Regularly reporting on the work that we do which is made public.

Accountability

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

- (a) Making publically available the Health and Safety Service Plan which includes information on health and safety interventions, enforcement, and prosecution activity;
- (b) Having an easily accessible complaints procedures that clearly references the "[Independent Regulatory Challenge Panel](#)"; and
- (c) Carrying out peer review with our LA partners in the Herts and Beds Occupational Health and Safety Group

Committee structure and involvement

Details of the Council's constitution, Executive and committee structures can be found at:

<http://www.centralbedfordshire.gov.uk/modgov/mgListCommittees.aspx?bcr=1>

The Health and Safety Plan is approved by the Regulation Committee every 2 years. In addition the Service Manager collates and presents update reports to the Committee at least every 6 months. The Committee question and approve various matters so as to ensure the plan is achieving its aims and objectives for the benefit of the community and business environment.

Demands on the Health and Safety Service

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

There are four Category (A, B1, B2 and C) premises risk-rating system based on a business's health and safety performance as follows:

- A. Those sectors that present comparatively high risk and where proactive inspection remains necessary as part of the overall regulatory approach. (**Category A premises**);
- B. Those sectors where there remains a comparatively high risk but non-inspection national or local interventions are required (typically **Category B1 and B2 premises**); and
- C. Those areas where non-inspection local problem reactive interventions are required (typically **Category C premises**)

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

- Zoos & other animal contact places i.e. Mead Open Farm
- Independent tyre fitters
- Warehouses
- Builders/Timbers Merchants
- Large scale public events
- Motorised and similar leisure activities
- Betting shops, off-licences (where intelligence indicates risks are not managed)
- Children's nurseries & care homes (where intelligence indicates risks are not managed)

As of February 2014, there are approximately 3700 premises falling to the local authority for enforcement are present on the database, detailed in their relevant categories below.

Provisional figures

Category	Number of Premises 2013-14
A	10
B1	126
B2	686
C	2378
Unrated	500
Total	3700

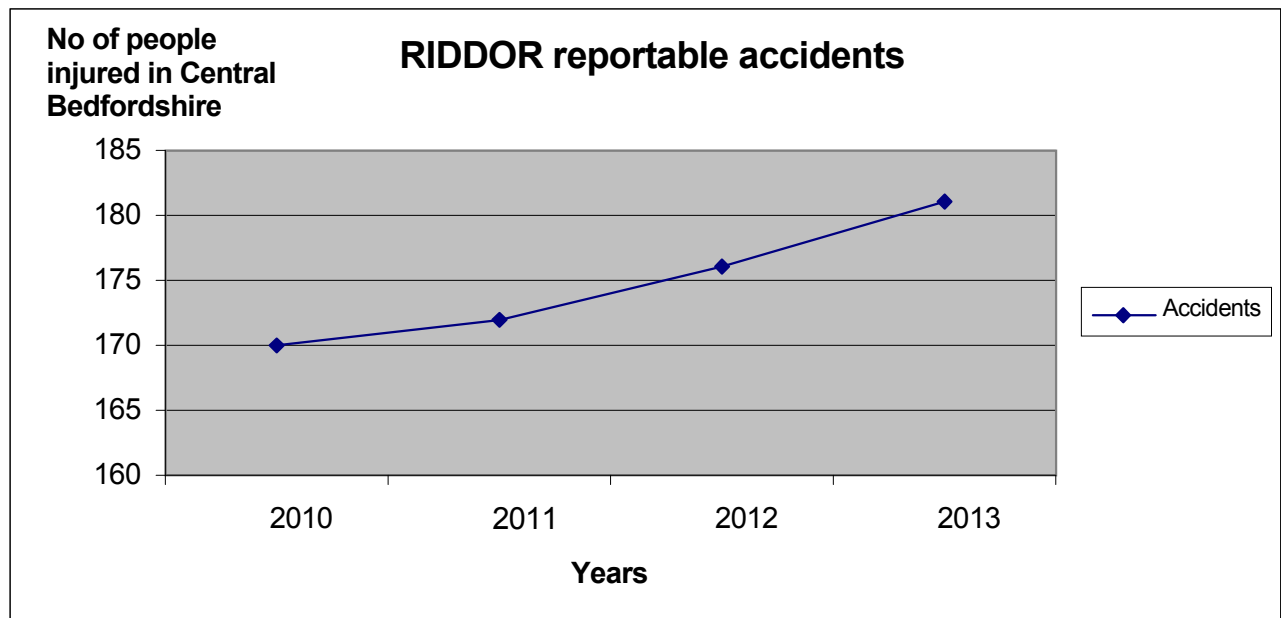
Accident Investigations

Employers and duty holders are required by the Reporting of Injuries, Diseases and Dangerous Occurrence Regulations 1995 (RIDDOR) to report specific accidents and incidents, such as

broken bones, when the employee has taken days off work due to a workplace incident, or where member of the public has been taken to hospital direct from the accident scene.

In April 2012, RIDDOR programme changed the accident reporting trigger point for employees, increasing it from three to seven days incapacitation. At that time the expectation was that the number of RIDDOR reported accidents would significantly decrease.

An analysis of accident data from 2010 up to the end of 2013 revealed a continuing increase in reported accidents despite the changes in 2012. Whilst accident data can vary for difference reasons, including an increasing awareness of the RIDDOR reporting requirements, the economy grew by 1.9% during 2013, with unemployment falling significantly. It is possible that this resulted in an increase in incidents, and possibly the increase in more accidents with serious injuries or ill-health. Please see accident data below.



In 2013 slips and trips remained the biggest cause of injuries, followed by manual handling, being struck from a falling object, then falls from height. This local accident data helps the service to determine what its priorities will be for the next 2 years.

Accident investigations are only carried out where the accident is linked to a priority area, involves vulnerable groups such as children and the elderly, major injuries, activities that give rise to serious risks, or a fatality.

It should also be noted that accident investigation work can place a heavy and largely unpredictable demand on the service. In 2013 we investigated a serious accident at an outdoor fitness course, asbestos exposing multiple employees to asbestos dust, and 12 employees all suffering serious musculoskeletal disorders over an 8 week period from one warehouse. Two of these investigations are ongoing.

Registrations

In respect of controlling the risks of legionella within the area a total of 8 installations are registered under the Notification of Cooling Towers and Evaporative Condensers Regulations 1992, though only 5 are still active. However work is currently being considered to improve legionella risks by targeting more local potential sources alongside plotting local legionella hazards onto GIS and improving the Legionella Outbreak Plan.

In 2012 there were 56 premises registered for skin piercing activities, specifically body piercing, acupuncture, electrolysis, tattooing, and semi-permanent make-up. In 2013 we visited the majority of these and other new premises and identified 29 individuals carrying out skin piercing illegally. Officers investigated each person which resulted in 16 individuals choosing to stop voluntarily. The remaining 13 individuals applied for and obtained registration with the Council after they were able to successfully demonstrate their training and competence. In addition an additional 6 registrations were received by businesses. This work generated an income of £2700.

Plans are currently underway to check and reduce the risk of infectious diseases which may be linked to skin piercing activities via an immunisation programme in partnership with Health colleagues. Body piercers and tattooists will be targeted in the first instance.

Health and Safety Activity

In line with its obligations under the LA National Code, CBC publishes its health and safety activity which are as follows

Provisional figures February 2014

Activity type	2013-2014
Complaints	80
Accidents	197
Business support	40
Statutory Improvement Notices	43
Statutory prohibition notices	12
Simple cautions	0
Prosecutions	0

Advice to Businesses

Public Protection is committed to working with and supporting businesses, including Small and Medium Enterprises (SMEs) and those hosting public events. This is achieved through a range of mechanisms: -

- Advice given during the course of proactive inspections and interventions
- Directing businesses to free advice including that on the HSE website e.g. Health and Safety Made Simple

- Response to business requests for advice and assistance;
- Information posted on the Council's website.
- Attending and actively involved in the Safety Advisory Group (SAG)

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 its area, and to encourage the health, safety and well being of the public, operatives and competitors at such venues and events. The SAG is a partnership which brings together relevant Services within the Council together with colleagues from the Emergency Services to review and advise on public safety arrangements at selected public events. Part of the key aims of CBCs roles is advising the duty holders of such events so as to help ensure they are successful and able to hold similar events in the future. During 2013, the health and safety team assessed and gave advice on **108** public safety events.

Priority Outcomes for 2012 - 2014

A number of priority outcomes were successfully achieved, with others ongoing as detailed below:

General Work

- Scheduled proactive inspections of all category A premises: **Achieved**
- Provide on-site and other support to local businesses and public events: **Ongoing**
- Updating information held on the database in relation to premises on district. **Ongoing**
- Inspections of outstanding unrated premises **Ongoing** (NB: unrated businesses have increased due to increased new business start-ups)
- Respond to all service requests and complaints within relevant timescales. **Achieved**
- Respond to and investigate all priority accidents and incidents. **Ongoing**
- Fully commitment to SAG and attending all meetings **Achieved**

Intervention projects based on HSE or local priorities

- Devise and complete electrical safety. **Achieved**
- Devise and implement Warehouse safety training: **Ongoing**
- Participate in National Priority Programme on Legionella risks in Cooling Towers or Evaporative Condensers - **Achieved**
- SME Risk assessment training: **Ongoing**
- Skin piercing safety and registration checks: **Achieved**
- Zoonosis (Animal contact safety): **Achieved**
- Laser use safety: **Achieved**
- Asbestos **Ongoing**
- Completion of Tyre and Exhaust premises project: **Outstanding**
- Children's safer play equipment: **Outstanding**
- Slips and trips in catering premises: **Outstanding**
- Manual handling in catering premises: **Outstanding**

Other Work

The health and safety team enforce animal licensing for the following businesses:

- Zoos
- Breeding establishments
- Animal boarding
- Pet Shops
- Dangerous wild animals

- Riding establishments
- Some Performing Animal Registrations (In conjunction with Trading Standards Colleagues)

In 2013, the health and safety team licensed the following premises

:

- 29 Commercial Animal Boarding Establishments
- 7 Home boarding establishments
- 17 Pet shops
- 1 Dog breeder
- 2 Dangerous Wild Animals
- 12 Riding Establishments
- 26 Premises in North Hertfordshire District

The work includes carrying out inspections, enforcing licence conditions, issuing licences and responding to complaints. The work for North Hertfordshire District Council brings in additional income.

Priorities for 2014 – 2016

In addition to responding to complaints, investigating accidents and other reactive work, we have developed interventions for the next 24 months, concentrating on national priorities, local accident data, local intelligence and economic growth. These interventions were derived following the service carrying out a risk assessment of its health and safety regulatory functions and outcomes. In doing this all available relevant data was assessed and we considered the combined effect of:

- the potential impact of non-compliance on regulatory outcomes; and
- the likelihood of non-compliance.

The service risk assessment has changed the way we operate so as to help achieve improved and measureable outcomes and to support economic growth. The changes include a proposal to put in place provision for an increase of 1 Full time equivalent (FTE) officer in the health and safety team as well as increasing the number of regulatory consistency meetings. We will also review our complaints system and make increased use of the Enforcement Management Model (EMM). It is hoped that these changes will effectively tackle the increase in reactive work including serious accidents and achieve better regulatory outcomes.

We also intend to consult and involve regulated entities and other interested parties in designing our risk methodologies and publish details of these.

The service will regularly review and where appropriate, improve risk methodologies. In doing so, the health and safety team will take into account feedback and other information from regulated entities and other interested parties

The interventions, consultation with businesses, advisory and enforcement work are overseen and managed by the service manager and scrutinised by the Head of Service so as to ensure compliance with the LA National Code. A summary table of the proposed interventions is attached to this document. These interventions alongside other service information will be reported to the Regulation Committee every six months so to give an update as to how well our service is being delivered.

Dynamic Intervention Planning Summary table 2014 – 2016

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
Skin piercing businesses	Complaints, inspector observations during visits	Partnership with Public Health, intervention to immunise piercers against Hepatitis. Review of body piercing following officer training	Reduce risk of blood illnesses and injuries, raise awareness,	To be decided
Asbestos	Local intelligence reveals poor compliance (80% plus)	Sector/Industry wide initiatives	Raise awareness, reduce cancer risk	Advisory visits, letters, revisits to check compliance
Warehouse workplace transport, falls from height, manual handling	Local accident data	Education and awareness	Raise awareness; reduce risk of serious personal injury.	Free training for businesses and compliance assessments
H&S Management	Local intelligence	Education and awareness	Economic by keeping employees safer & at work,	Free risk assessment training for businesses
Children’s outdoor play equipment	Local intelligence revealing dangerous play equipment	Education and awareness	Raise awareness; reduce risk of serious personal injury.	Advisory visits, provision of information, revisits to check compliance
New business start-up/unrated premises	BERR Regulators Statutory Compliance Code, LA National Code	Education and awareness	Raise awareness in particular for slips and trips, reduce risk of serious personal injury, improved economics by keeping employees safe and at work	Advisory visits, provision of information, revisits to check compliance if matters of evidence concerned noted, or risks to vulnerable groups
Level 2 H&S Training for employees	Local intelligence reveals low levels of training for employees in all CBC enforced sectors	Education and awareness	Raise awareness of health and safety risks	Free training for businesses