

NORTH LINCOLNSHIRE COUNCIL

**NEIGHBOURHOODS
CABINET MEMBER**

HEALTH AND SAFETY SERVICE PLAN 2015/2016

1. OBJECT AND KEY POINTS IN THIS REPORT

1.1 To seek approval for the Health & Safety (H&S) Service Plan for 2015/16.

1.2 The key points in this report are:

- It is based on the Health and Safety Executive (HSE) mandatory guidance.
- It sets out the council's work plan for 2015/2016 and what we need to do the work.
- As well as H&S inspections, the plan includes project work, on a range of safety topics of both local and national importance.
- Visits will be targeted at the highest risk premises to ensure they comply with the law.

2. BACKGROUND INFORMATION

2.1 The Council must make suitable arrangements to carry out Health and Safety (H&S) work within its area. The council uses HSE guidance which sets out an enforcement framework to guide them.

2.2 The H&S Service Plan 2015/2016 (Appendix 1) plan requires the approval of the council.

2.3 The plan shows the resources needed to do the different aspects of the H&S service.

2.4 We are doing fewer visits again this year and will visit high risk premises only. We will still give advice and support to business and respond quickly to complaints and enquiries. We will carry out our work in line with the council's H&S Enforcement Policy.

2.5 Some business operators might think H&S visits are a burden but we also find that businesses with no access to their own H&S advice, like the information and guidance we can give them.

2.6 We will continue to promote public safety, working with our partners on the Safety Advisory Group for Glanford Park and giving advice to groups organising shows, fairs and events through the Event Safety Advisory Group.

3. OPTIONS FOR CONSIDERATION

3.1 Option 1 - To approve the plan

3.2 Option 2 - To not approve the plan

4. ANALYSIS OF OPTIONS

4.1 Option 1 Approving the plan based on the HSE guidance means that we will meet our statutory duty for H&S work.

4.2 Option 2 Ignoring HSE guidance could result in a review of the council's H&S work. The service could then be carried out by the HSE at the council's cost.

5. RESOURCE IMPLICATIONS

5.1 Financial

The H&S plan shows the cost of the service.

6. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT

6.1 Workers and the public will be protected from becoming victims of crime through bad H&S practices.

6.2 The plan provides a framework to encourage safe working which will affect the health of workers.

6.3 The service we provide helps local businesses comply on an equal basis and operate on a 'level playing field'.

6.4 In law the council must carry out a H&S function and publicise an approved plan to demonstrate transparency and accountability.

6.5 The council's reputation may be put at risk if it fails to comply with its statutory duty for H&S. The plan will remove this risk.

7. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED

7.1 We consult with businesses, following visits by staff; consumers who contact us about the service and staff who carry out the service.

7.2 When planning enforcement work we take account of the views of our consultees.

7.3 The Cabinet Member is the proprietor of an establishment that might be subject to the health and safety inspection work that is the subject of this paper. In accordance with the Local Authority (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, an appropriate dispensation has been granted to reflect this declaration.

8. RECOMMENDATIONS

8.1 That the Cabinet Member approves the H&S Service Plan 2015/2016.

DIRECTOR OF PLACES

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Background Papers used in the preparation of this report – North Lincolnshire
Council Occupational Health and Safety Service Plan 2015/2016



NORTH LINCOLNSHIRE COUNCIL

Health and Safety Service Plan

2015/2016



1.0 Introduction

This Health and Safety Service Plan is a statutory document required under S.18 (4) of the Health and Safety at Work etc. Act 1974 (HSW Act). Section 18 requires that councils perform their duties in accordance with guidance from the Health and Safety Executive (HSE). The current guidance is set out in Local Authority Circular 67/2 (LAC 67/2 Revision 4.1). One of the key elements of this mandatory guidance is a requirement to produce an annual service plan detailing the council's arrangements for discharging its duty whilst contributing to current HSE national priorities.

This document sets out our aims and objectives for 2015/16 in the enforcement of health and safety at work, safety at sports grounds and event safety. The plan also aims to ensure that there is a level playing field for all business operators. The plan details how Environmental Health will meet its responsibilities under Health & Safety legislation. This involves a combination of measures, which include supporting business to comply and where necessary enforcing safety law, sampling, the investigation of accidents and incidents and investigating complaints. It also reviews the work undertaken in 2014/15.

2.0 Aims and Objectives

To support business and protect the health, safety and welfare of employees and safeguard others from the risks associated with work activities the council will:-

- Promote occupational health and safety through the inspection programme via education, persuasion and enforcement.
- Provide advice and guidance to local businesses to assist them in understanding how to comply with relevant occupational health and safety requirements.
- Support the Primary Authority principle.
- Investigate reported accidents and major incidents.
- Investigate complaints and infringements of legislation and take proportionate action.
- Work in partnership with the HSE and in accordance with guidance given in Local Authority Circular 67/2 (Revision 4.1) relating to the risk based targeting of interventions.

2.1 Links to Corporate Objectives and Plans

Building on its vision to be dynamic, high performing and customer focused the council will continue to develop 'Aspiring People' and 'Inspiring Places'.

Our strap line is "One Council Putting Our Customers First".

The four priorities that will guide the council's work are:-

- Excellence in customer service
- Provide value for taxpayers' money
- Make our communities safer and stronger
- Regenerate our area and increase prosperity

The council will work to improve health and wellbeing of the residents of all of North Lincolnshire.

The Health and Safety Service Plan 2015/16 contributes to the council's priorities in the following ways:-

- The inspection of workplaces for health and safety, both from a physical and management perspective ensures there are safe practices for employees and customers and has an important impact on reducing workplace injuries and ill health in our community.
- Providing business advice will help businesses to succeed economically.
- Working with business on health and safety will ensure that when young people start work they do so in workplaces that comply with health and safety standards that they don't work with dangerous machinery or in dangerous environments or work activities and that they have age related jobs.

2.2 Links to national priorities

A key priority for the Government is to ease the burden of bureaucracy on business as part of the goal to make Britain more growth based. The Government is committed to transforming the way it delivers regulation at the front line and an important part of this is to change the culture of health and safety.

One of the outcomes of the national review of operational health and safety carried out by Professor Ragnar Lofstedt resulted in the publication of the National Local Authority Enforcement Code (Health and Safety at Work). The Code is designed to ensure that the Council carries out its Health and Safety function in a consistent and proportionate manner. The code sets out what is meant by 'adequate arrangements

for enforcement' and requires the Council to meet its statutory obligations by adopting a risk based regulatory approach. It also confirms the need for its regulators to meet competency standards and clarifies the roles and responsibilities of regulators, business and professional bodies to promote a shared understanding of risk management.

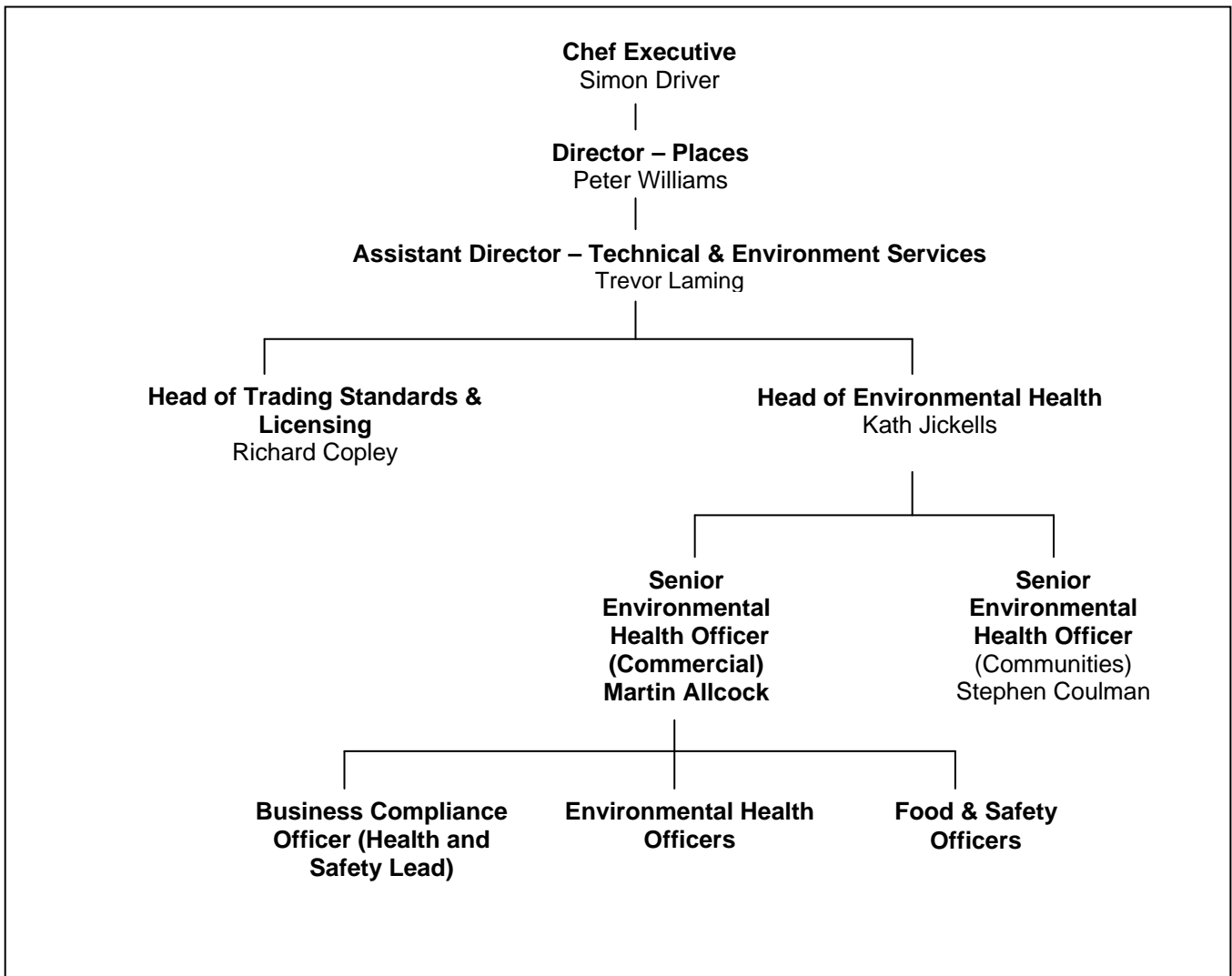
The council will achieve the requirements in the following ways:-

- Use the national priority planning information provided by the HSE and local information to determine the key causes of serious work place accidents and ill health in order to target interventions effectively.
- Maintain and increase access to tailored information and interventions to meet specific business or sector needs via the council website with appropriate sign posting to HSE guidance.
- Full implementation of the risk rating system as set out in Local Authority Circular 67/2 (Rev 4.1) with proportionate risk based interventions in line with the enforcement protocol.
- Conduct interventions in line with the risk profile and have regard to any Primary Authority inspection plans. Only high risk category A premises and those identified as national and local priorities will receive pro-active inspections
- Action will be proportionate in cases of serious non-compliance and publicity for successful enforcement action will be actively pursued.

3.0 Profile of North Lincolnshire

North Lincolnshire Council is a Unitary Authority, established in 1996, covering an area of around 85 000 hectares located on the southern side of the Humber estuary and occupying tracts of land on either side of the River Trent. It is a largely agricultural area and the pattern of settlements reflects this, with market towns surrounded by many small villages. An important exception to this is the substantial urban and industrial area of Scunthorpe. Approximately 50% of the total population live in this one area. With a population of approx. 62,000 Scunthorpe today is the largest town in North Lincolnshire and serves much of the area in terms of employment, colleges and shopping. The area has a total population of 167,500. Agriculture also dominates to the east of the Trent and the Trent itself together with the River Ancholme and the Humber estuary formed important communication links. This rich agricultural heritage is reflected in the development of several historic market towns including Brigg, Barton, Kirton in Lindsey and Epworth. The council is responsible for delivering a full range of local government services and is divided into 17 electoral wards represented by 43 councillors. Within the administrative area there are 8 Town Councils and 49 Parish Councils.

3.1 Organisational Structure



3.2 The Scope of the Health and Safety Service

The council is responsible for the full range of duties under the Health & Safety at Work etc. Act 1974 and subordinate legislation. This includes a risk based inspection programme, the investigation of accidents and complaints, advice to business and the promotion of safe working practices.

Health and Safety is the responsibility of the Environmental Health Commercial Team within the Technical and Environment Division, of the Places Directorate. The team are also responsible for Food Safety legislation as a joint discipline, infectious disease control, sampling and health promotion activities.

3.3 Service Delivery Points

The service is based at Church Square House, Scunthorpe.

Church Square House is a Local Link Office in a town centre location, and is routinely available during normal office hours (9am to 5pm Mon to Thurs, 9am to 4.30pm Fri). Direct dial telephone capability is used to enhance the accessibility of the service. An increasing amount of information is being made available via the council's web site (www.northlincs.gov.uk) and contact via e-mail is encouraged. An email address has been established for safety related enquiries at food.safety@northlincs.gov.uk.

The service is also accessible via a network of seven other Local Link offices based in Barton, Brigg, Crowle & North Axholme, Epworth & South Axholme, Winterton, Ashby and Scunthorpe. 24hr emergency contact is available via the council's Emergency Control Centre. **(01724 276444)**

3.4 Demands on the Health and Safety Service

The area contains a mix of workplaces, which are subject to health and safety regulation by the team. The businesses vary from blue chip companies to small and medium sized enterprises. The town of Scunthorpe, in particular, contains a number of businesses operated by traders of Sikh, Pakistani, Bangladeshi, Eastern European and Chinese origin. Generally, the owners of these businesses have a good command of English.

H&S Premises Profile	
Retail shops	937
Wholesale shops, warehouses and fuel storage depots	89
Offices	315
Catering, restaurants & bars	536
Hotels, camp sites, and other short stay accommodation	41
Residential Care Homes	56
Leisure & cultural services	153
Consumer services	404
Other premises	117
Total number of premises	2648

3.5 Access to Expertise

The Health and Safety Executive (HSE) Local Authority Enforcement Liaison Officer is the contact point for requesting technical support from within HSE. This potentially provides access to a range of specialist officers and services.

The Public Health England Laboratory at York provides bacteriological analysis of water samples. Chemical analysis of potable and leisure water is currently undertaken by the Environment Agency.

The Consultant in Communicable Disease Control, Public Health England North Yorkshire and Humber Team provides specialist support in relation to occupational health and infectious disease control. The Employment Medical Advisory Service (EMAS) in Leeds provides occupational health, medical and nursing support.

The Director of Public Health can provide specialist advice on health related aspects of occupational health and safety.

Multi-Racial Advice is available from the South Humber Racial Equality Council located at the Community Hub in Scunthorpe.

3.6 Enforcement Policy

The Technical and Environment Divisional Enforcement Policy provides an umbrella policy for all enforcement work carried out by its Divisions. Operating within this general enforcement framework are documented policies including the Health and Safety Service enforcement policy. The enforcement policy and associated procedures are designed to provide a quick and effective response to flagrant breaches of the law and a discriminating and efficient approach to other breaches.

The policy is based on the principles of proportionality, consistency, transparency and targeting of resources when applying the law and is consistent with the principles of the Regulator's Compliance Code.

In managing the enforcement processes our council will aim to:

- Fulfil the HSE/LAU objective of reducing risks and protecting people;
- Implement HSE/LAU aims and strategic themes
- Achieve the balance of enforcement processes which optimises overall effectiveness;
- Ensure the immediate control of serious risk and promote continuous improvement and long term compliance;
- Work with duty holders, employees and their representatives by establishing effective dialogue to encourage open contribution and co-operation in achieving appropriate standards of health and safety;
- Use the information supplied by the duty holder and employee representatives to help target enforcement activity proportionately and appropriately to promote cost effective compliance;
- Maintain transparent arrangements to promote public confidence;
- Meet stakeholders' expectations and current Government performance targets;
- Collect, analyse and disseminate information to improve the effectiveness of processes, law policy and guidance and inform stakeholders;
- Work in collaboration with other regulatory authorities e.g. HSE, Police and Fire Brigade.

Officers are authorised in writing to undertake the tasks for which they are appointed. Procedures are in place to enable information to be disclosed, as permitted under Section 28 of the Health and Safety at Work etc. Act 1974.

In 2014/2015 3 Prohibition Notices and 5 Improvement notices were served on duty holders. No prosecutions were taken in this period.

3.7 Complaints about North Lincolnshire Council or its Officers

North Lincolnshire Council has an established complaints procedure, which, in the first instance, requires complaints to be directed to the officer's line manager. If a complaint remains unresolved to the satisfaction of the complainant, the complainant will be advised of the availability of an approach to HSE's Local Authority Unit for an external investigation.

4.0 Service Delivery

All interventions at premises are carried out using a risk-based approach and in accordance with Local Authority Circular 67/2 Revision 4.1 and the Regulators Compliance Code.

4.1 Premises Risk Profile

Premises Risk Profile		Inspection Programme
Category A premises (High risk)	4	4
B1	192	192*
B2	667	0
C (Low Risk)	1162	0
Unrated	513	0
Total	2538	196*

4.2 Targeted Intervention Activity

*Proactive health and safety inspections will be carried out at high risk A rated premises and those premises as national and local priorities. For 2015/16 this will be as detailed below.

The rating process evaluates the following four different elements of a business's health and safety performance:-

- Confidence in management
- Safety performance
- Health performance
- Welfare compliance gap

Businesses are scored as high risk because in the past, formal action such as a prohibition or improvement notices have been necessary, indicating that risks were not being adequately controlled. If the inspection reveals that standards have been maintained since compliance was achieved, the premises may be re-scored.

Under the terms of LAC 67/2 Rev 4.1 inspections of new premises are not required, however the team will visit on a request from a business operator or upon discovering new premises in order to provide guidance to new duty holders.

Any issues which are considered to be high risk (matters of evident concern) will be dealt with in a proportionate manner.

The HSE has identified national priorities for the year 2015/16 and local intelligence from North Lincolnshire and other regional councils has resulted in a number of priorities that will be dealt with by way of specific projects focused at these sectors only. The projects planned for this year are:-

- Tattoo Hygiene Rating Scheme – Phase 2
- Unregistered Tattooists (Scratchers) Operation
- Electrical Safety in Catering Premises
- Continuing projects – Catering Gas Safety and Legionella Control in New Businesses.
- New Business HSW Information Pack Development

4.3 Reactive Interventions

Complaints about health and safety practices will be dealt with as a matter of priority with a planned response time of 3 days. Any action taken will be proportionate having regard to the risk history of the premises and the severity of the issues identified. The estimated number of complaints for 2015/2016 is 20 (19 recorded in 2014/2015).

Accidents will be prioritised and investigated in accordance with the service Accident Investigation Protocol that incorporates HSE guidance. The estimated number of accident notifications for 2015/2016 is 150 based on the 147 received in 2014/2015 (including 1 fatality).

4.4 Primary Authority Scheme

The council is fully committed to the Primary Authority Scheme (PAS) created by the Regulatory Enforcement and Sanctions Act 2006. The scheme was introduced in 2009 by the Better Regulation Office (BRDO) to build on existing schemes to allow large businesses trading across local authority boundaries the opportunity to form a statutory partnership with a single local authority. Such a partnership would require the Primary Authority to offer a consistent point of contact for other local authorities in respect of enforcement matters. The scheme is key to achieving better regulation at local level, promoting consistency across council boundaries, encouraging a new relationship between local authority regulators and giving businesses the confidence to invest and grow. It will drive efficient, effective and consistent regulation across the system for the benefit of all. Whilst the council does not currently have any primary authority agreements with any businesses it will remain open to requests and will respect these arrangements where they are relevant to the enforcement of health and safety at premises in North Lincolnshire. The level of resourcing will have to be reviewed if an opportunity to enter into a formal arrangement arises. At a local level the council operates a multiple outlets policy whereby businesses with multiple premises can receive health and safety advice from a single point of contact within the team.

4.5 Advice to Business

The council has a policy of offering comprehensive advice to any business for which we are, or are likely to become, the enforcing authority for any part of the business based within our area. This includes giving advice on legal and technical matters where we have expertise and assisting in the resolution of enquiries involving other enforcement agencies. The team also receive and respond to a range of enquiries relating to topical occupational health and safety issues from the public, business or the media. The service received 271 requests for such service last year.

4.6 Sampling

The service carries out a programme of routine sampling of leisure water at 7 swimming pools and 3 spa pools. All pool operators should routinely sample their own pool water for microorganisms. The purpose of our sampling programme is to monitor the effectiveness of disinfection systems operated by duty holders at these pools. The samples are taken by a trained officer and analysed at an accredited laboratory.

In 2014/2015, 231 samples were taken of which 16 were unsatisfactory and required further investigation. It is anticipated that 250 samples will be taken in 2015/2016.

The service is also called upon to identify suspicious / hazardous materials because of complaints or enquiries received from members of the public or business.

4.7 Liaison

The council is committed to ensuring the service is consistent with that of neighbouring authorities. Consequently, the council supports a number of national and local liaison groups to secure this aim. The council receives guidance from a number of bodies but principally the Health and Safety Executive, Local Authority Unit and the Chartered Institute of Environmental Health. For health and safety issues the authority is a member of: -

- The South Yorkshire and Humberside Health and Safety County Liaison Group.
- The District Control of Infection Committee
- North Lincolnshire Health and Safety Group

Formalised liaison arrangements are also in place for the review of Planning, Building Control and applications made under the Licensing Act 2003.

4.8 Safety Promotion

The service will carry out a limited amount of programmed health and safety promotion during the year through the focus being placed on project related work in workplaces across North Lincolnshire.

4.9 Event Safety Advisory Group

The Event Safety Advisory Group (ESAG) is a multi- agency group formed to offer guidance to anyone organising a public event in North Lincolnshire. The council will aim to ensure that assistance is consistent and will encourage a minimum standard of safety at all events held throughout the area.

The group provides an opportunity to implement a co-ordinated process that enables organisers of public events to give notification of a future event and to ensure this information is disseminated across all the agencies. Currently the group is chaired by a representative of the Environmental Health (Commercial) team with the following council departments being represented:

- Corporate Safety
- Tourism
- Licensing
- Highways

There are also representatives from the 3 main emergency services; -

- East Midlands Ambulance Service
- Humberside Fire and Rescue
- Humberside Police

The group will meet at least quarterly to discuss proposed events. In 2014/15, 81 applications and 2 enquiries were received.

4.10 Safety Advisory Group

The aim of the Safety Advisory Group is to assist the council in the exercise of its powers under the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sports Act 1987 in respect of the safety certificate for Glanford Park.

The group is chaired by the Head of Environmental Health and has representatives from;-

- Building Control
- Commercial Health and Safety
- Emergency Planning Service
- East Midlands Ambulance Service

- Sports Ground Safety Authority
- Humberside Fire and Rescue
- Humberside Police
- Scunthorpe United Football Club.

The group meets 4 times throughout each year with inspections of the ground and match day inspections being carried out by several members of the group in accordance with the Protection of Freedoms Act 2012.

5.0 Resources

Provided below are details of the resources that are allocated to each aspect of the service. The resources available for the delivery of the Occupational Health and Safety Service are shared across the Commercial Team, which as its name suggests also has broader responsibilities for Food Safety and Environmental Protection functions. Projected statutory workload targets and discretionary activities will reflect the resource available to this service area. The establishment resource for the Health and Safety Service is 2.12 FTE.

5.1 Resource Allocation

Designation	Posts	FTE	Health and Safety Resource (FTE)
Senior Environmental Health Officer (Commercial)	1	0.5	0.22
Environmental Health Officers	3	2.2	0.47
Business Compliance Officer	1	1.0	0.60
Food & Safety Officers	4	3.0	0.83
Total	9	6.7	2.12

5.2 Financial Allocation

The projected year end expenditure for 2014/2015 is detailed below:

	£
Staff costs	96,000
Travel	2,560
Equipment/Sampling	5,760
Income	-5,000
Total	99,320

5.3 Administration

The Health and Safety Service is supported by a centralised Administration Team, which provides advisory, administrative and some clerical support for a range of services based at Church Square House in addition to offering a focused point of contact and referral for service users.

5.4 Staff Development Plan

Staff's individual training needs are identified formally during employment appraisals (EA) held annually with an optional review after six months. This formal process does not preclude additional training needs being addressed during the year or prevent staff from taking advantage of other opportunities that may arise. Training will be provided using a range of techniques including formal qualifications; external training courses; internal training courses; cascade training; shadowing and mentoring. Officers also have access to an on-line competence assessment programme which provides officers and managers with a structured framework for identifying areas where they require further professional development. It is hoped to develop the use of this assessment tool in line with the EA programme already in use. On an annual basis, refresher training is organised for the team on aspects of enforcement and new legislation.

The council supports all members of the Commercial Team in maintaining continuing professional development (CPD) and encourages Environmental Health Officers to maintain membership of the Chartered Institute of Environmental Health and the minimum CPD levels as required. Currently 1 member of the Team holds Chartered Environmental Health Practitioner status and 2 members of the Team hold Chartered membership and 1 member holds membership of the Institute of Occupational Safety and Health (IOSH).

6.0 Quality Assessment

The team has a number of internal health and safety performance indicators against which the service is assessed.

- Percentage of planned high-risk health and safety inspections completed (target 100%)
- Complaints/enquiries to the service responded to within three working day (target 93%)

The performance of the team is subject to a detailed monthly audit using an in house reporting system.

7.0 Review against the Service Plan

This Health and Safety Service Plan will be formally reviewed on an annual basis. The review will include information on the previous year's performance with particular emphasis on specified performance targets, standards and outcomes.

7.1 Annual Performance for 2014/15

A review of the previous year's targets for service delivery and quality assessment are detailed below with, where relevant, an explanation for any variance from the Service Plan.

Work Area	Target 2014/15	Actual 2014/15	Comments
Inspections – High Risk	100%	100%	Achieved
Complaints	93%	87%	Not Achieved.
Accident Investigations	35%	40%	Achieved 147 notifications received. 59 investigated in accordance with national selection criteria

During 2014/15 the project-based activity focusing on key health and safety priorities was affected by resource constraints. The reduced activity in this area is detailed in the table below. Reports summarising the outcomes of these projects are available on request from the team.

Project / topic based interventions 2014/15	
Legionella Project visits	47
Tattoo Hygiene Rating Scheme Phase 1	24
TOTAL	71

7.3 Targets for 2015/16

The review process has identified the need to target the following areas in 2015/2016

- Maintain inspection performance of high-risk premises. (Target 100%, 100% in 2014/15)
- To continue to contribute to the HSE Strategy partnership working with the HSE and the use of topic, project, intelligence and national priority based interventions.
- Maintain accident investigation rate in accordance with agreed accident selection criteria and investigation protocol (min 35%).
- To improve response rates to health and safety complaints (Target 93% 87% in 2014/15)