

NORTH LINCOLNSHIRE COUNCIL

**SAFER, GREENER AND CLEANER PLACES
CABINET MEMBER**

HEALTH AND SAFETY (BUSINESS COMPLIANCE) SERVICE PLAN 2017/18

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To approve the Health and Safety (Business Compliance) Service Plan (H&S Service Plan) for 2017/18.
- 1.2 The key points in this report are:
 - The H&S Service Plan is prepared using Health and Safety Executive (HSE) mandatory guidance.
 - It sets out the council's work plan for 2017/18 and what we need to do the work.
 - As well as H&S interventions, 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 business compliance Health and Safety (H&S) related 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 2017/18 (Appendix 1) requires the approval of the council.
- 2.3 The plan shows the resources needed to deliver the different aspects of the H&S service.
- 2.4 We will carry out intelligence led visits only and will engage workplaces with targeted safety projects. We will still give advice and support to businesses 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 appreciate the information and guidance that 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 (ESAG).

3. OPTIONS FOR CONSIDERATION

- 3.1 The Cabinet Member is asked to approve the Health and Safety (Business Compliance) Service Plan for 2017/18.

4. ANALYSIS OF OPTIONS

- 4.1 Approving the plan based on HSE guidance means that we will meet our statutory duty. 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 (IF APPLICABLE)

- 6.1 Workers and the public will be protected from becoming victims of 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 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 INTEREST 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.

8. RECOMMENDATIONS

- 8.1 To approve the Health and Safety (Business Compliance) Service Plan for 2017/18.

DIRECTOR OF OPERATIONS

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Date: July 2017

Background Papers used in the preparation of this report: N/A



NORTH LINCOLNSHIRE COUNCIL

Health and Safety (Business Compliance) Service Plan

2017/2018



1.0 Introduction

This Health and Safety (Business Compliance) 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 5)). 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 2017/18 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 (Commercial) Team will operate to ensure that it and the Council meets 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 2016/17.

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 5) relating to the risk based targeting of interventions.

2.1 Links to Corporate Objectives and Plans

Building on its vision to be an area with aspiring people and inspiring places the council's vision for North Lincolnshire is for it to be the Best Place to Live, Work, Visit and Invest. This vision is underpinned by 4 key outcomes, that ensure people are:

- Safe
- Well
- Prosperous
- Connected

The Health and Safety (Business Compliance) Service Plan 2017/18 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. This 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.

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 Health and Safety Executive in its recently published strategy 'Helping Great Britain Work Well 2016' identified six priority themes to provide a focus for regulatory authorities over the next five years to help Great Britain work well. The broad strategic themes are:

Acting together
Tackling ill Health
Managing risk well
Supporting small employers
Keeping pace with change and
Sharing success

Contribution to these strategic objectives will be delivered locally to meet the key objectives of:

- Maintaining the gains made in safety while giving health a priority;
- Encouraging broader ownership of health and safety issues to improve productivity and business benefits while protecting workers and
- Contributing to the collective and concerted action that is required by everyone in the system, to help Great Britain work well.

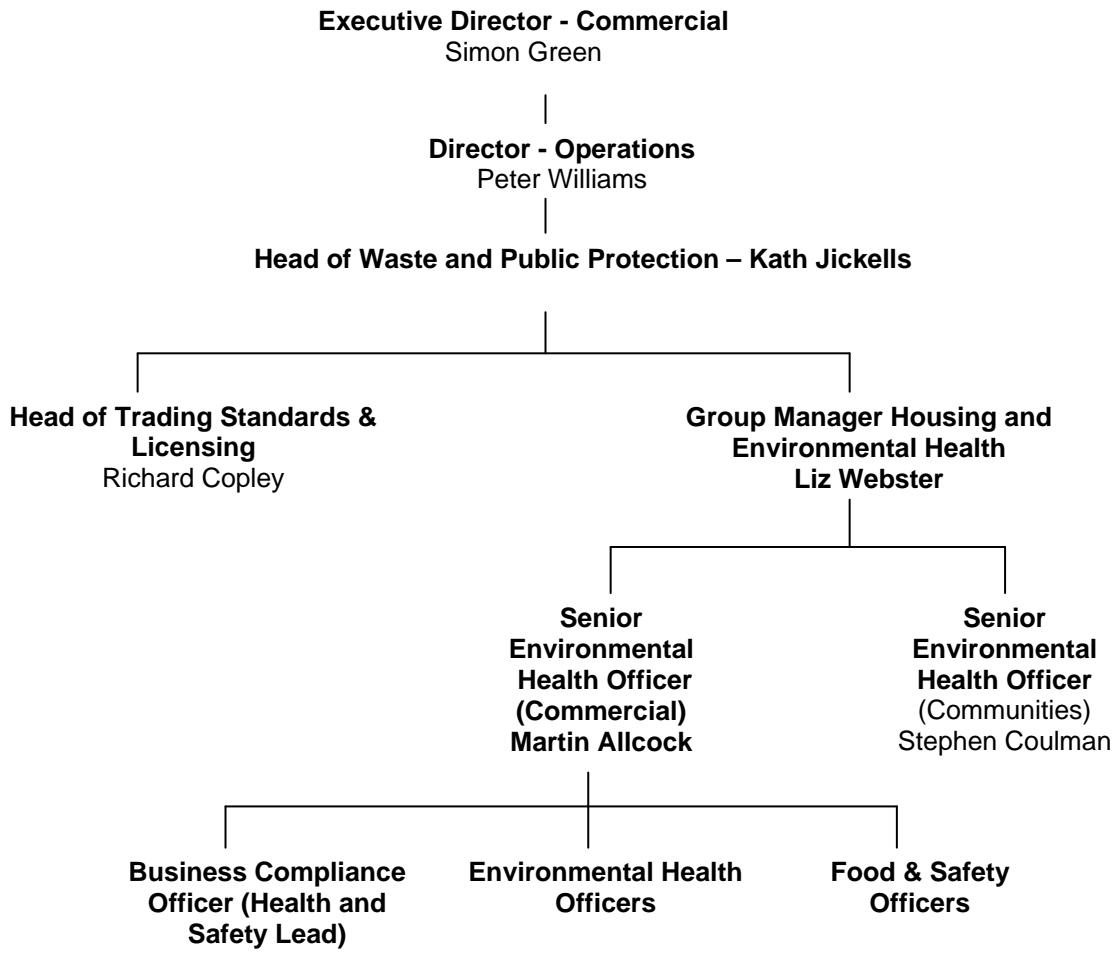
All health and safety activity will be carried out in accordance with the National Local Authority Enforcement Code (Health and Safety at Work). The Code is designed to ensure that the Council carries out its Health and Safety function in a consistent and proportionate manner. The code sets out what 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 (Revision 5) 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. Scunthorpe is today the largest town in North Lincolnshire and serves much of the area in terms of employment, colleges and shopping. At the 2011 census, the area had a total population of 167,446. 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 Scope of the Health and Safety (Business Compliance)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 of the Waste & Public Protection Service within Operations. 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, Crowle & North Aholme, Epworth & South Aholme, 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 (Business Compliance) 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	779
Wholesale shops, warehouses and fuel storage depots	72
Offices	230
Catering, restaurants & bars	651
Hotels, camp sites, and other short stay accommodation	38
Residential Care Homes	49
Leisure & cultural services	163
Consumer services	323
Other premises	235
Total number of premises	2540

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.

3.6 Enforcement Policy

The Service Enforcement Policy provides an umbrella policy for all enforcement work carried out by its teams. 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.

In 2016/2017 3 Improvement Notices and 5 Prohibition Notices were served on duty holders. One prosecution was taken in this period for breach of statutory notices which resulted in fines and costs totalling £2,300.

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 that the HSE's Local Authority Unit can conduct 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 5), the National Local Authority Enforcement Code (Health and Safety at Work) and the Protection of Freedoms Act 2012.

4.1 Targeted Intervention Activity

In accordance with the statutory guidance, proactive health and safety interventions will be carried out at high risk premises only in accordance with HSE guidance. A programme of proactive projects will be operated as has been the case in recent years. The HSE has identified national priorities for the year 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 project work planned for 2017/18 is detailed below.

- Tattoo Hygiene Rating Scheme – Phase 2 – Scheme promotion and development to increase membership. (Local)
- Continuing projects - Electrical Safety in Catering Premises. (Local)
- Continuing projects - Catering Gas Safety in new food businesses. (Local)
- Business Health and Safety Support Information Pack Development – Phase 2 - Publication and access. (Local)
- Beverage Gas Safety in the Hospitality Sector National Initiative (Local)
- Workplace Transport – Fork Lift Truck Safety. (National)

4.2 Targeted Intervention Activity

Under the terms of LAC 67/2 (Rev 5) 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 Team will actively identify intelligence streams to develop strategies to respond to health and safety issues relative to the

local area. This will involve the investigation of health and safety complaints, health and safety incidents and the reviewing of workplace related safety data.

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 health and safety complaints for 2017/2018 is 35 (31 recorded in 2016/2017).

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 2017/2018 is 130 based on the 129 received in 2016/2017.

In 2016/17, Officers from the Team were also involved in the investigation of a fatal accident at a local transport warehousing depot and are currently compiling an accident investigation report for the HM Coroner.

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 325 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, 2 hydro therapy pools, 3 spa pools and public water amenities. 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 2016/2017, 250 samples were taken of which 6 were unsatisfactory and required further investigation. It is anticipated that 250 samples will be taken in 2017/2018.

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.
- North Lincolnshire Health and Safety Group
- North of England Regulatory Liaison Group

Formalised liaison arrangements are also in place for the review of Planning, Building Control and applications made under the Licensing Act 2003. The Team have contributed to 103 consultations during 2016/2017.

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 twice a year to discuss proposed events. In 2016/17, 100 application enquiries were received and the Group were instrumental in raising awareness of safety at firework events.

The council has recently been invited to join the Local Resilience Forum Event Management Sub Group that is an initiative to bring together event safety management representatives from the Humber Authorities with the Humber Emergency Planning Service to share expertise and best practice and provide a coordinated and consistent approach to event safety across the Humber region.

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 Group Manager- Environmental Health & Housing 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 Safety at Sports Grounds legislation.

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 2.19 FTE.

5.1 Resource Allocation

Designation	Posts	FTE	Health and Safety Resource (FTE)
Senior Environmental Health Officer (Commercial)	1	1.0	0.423
Environmental Health Officers	2	1.8	0.234
Business Compliance Officer	1	1.0	0.600
Food & Safety Officers	4	3.0	0.810
Environmental Health Technical Assistant	1	0.4	0.100
Total	9	7.2	2.190

5.2 Financial Allocation

The budget for 2017/2018 is detailed below:

	£
Staff costs	79,689
Travel	2,121
Equipment/Sampling	4,848
Income	-6,000
Total	80,658

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 quarterly employee performance review (EPR) meetings. This formal process does not preclude additional training needs being addressed 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 EPR 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. Three members of the Team hold membership of the Institute of Occupational Safety and Health (IOSH) with two at Chartered Member level.

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 (Business Compliance) 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 2016/17

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

Work Area	Target 2016/17	Actual 2016/17	Comments
Inspections – High Risk	100%	100%	Achieved. Target revised to a project completion target for 2017/2018
Complaints	93%	93%	Achieved. (70 complaints received – all but 5 investigated within target response.)
Accident Investigations	35%	67%	131 notifications received. 4 referred to the HSE. 44 Non reportable. 83 reviewed in accordance with national selection criteria. 56 investigated. Investigation rate reflects intelligence led approach to health and safety regulation.

During 2016/17 the project-based activity focusing on key health and safety priorities was affected by the need to balance proactive and reactive workloads. The activity achieved in 2016/2017 is detailed in the table below. Reports summarising the outcomes of these projects are available on request from the team.

Project / Topic based interventions 2016/17	Number of premises Identified
Electrical Safety in Catering Project visits	66
Tattoo Hygiene Rating Scheme	14
Band Saw Safety Project	29
Gas Safety in Catering Premises (continuing project)	41
Firework Event Safety	12

TOTAL	162
7.2 Targets for 2017/18	

The review process has identified the need to target the following areas in 2017/2018:

- Maintain performance on health and safety projects. (Target 100%)
- 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.
- In the light of the value provided by this intelligence the accident investigation rate will be increased where resources allow.
- To maintain response rates to health and safety complaints (Target 93% - 93% in 2016/17)