



# **HEALTH & SAFETY SERVICE PLAN 2015 - 2018**

The Council has a statutory duty to enforce the provisions of the Health and Safety at Work etc Act 1974, and associated regulations in all premises for which it has enforcement duties under the Health and Safety (Enforcing Authority) Regulations 1998. It also has a duty to adequately discharge its function in accordance with mandatory guidance from the Health and Safety Executive – section 18 standard.

## 2. Background to Health & Safety Service Plans

This Health and Safety Service Plan is a statutory document required under Section 18 guidance issued by the Health & Safety Executive (HSE).

This Service Plan sets out how Cheltenham Borough Council (CBC) will fulfil its statutory duty within the financial years 2015-18 and details the priorities, aims and objectives for the enforcement of health and safety along with the mechanisms and arrangements for ensuring the effective delivery of the service.

## 3. Section 18 Standard

Section 18 of the Health and Safety at Work etc Act 1974 (HSWA) puts a duty on the Health and Safety Executive (HSE) and Local Authorities (LAs) to make adequate arrangements for enforcement. The Standard sets out the arrangements that LAs should put in place to meet this duty.

In complying with their duties under Section 18, Enforcing Authorities (EAs) are required to follow the HSE Enforcement Policy Statement (EPS) on the purpose, method and principles of enforcement.

The Section 18 Standard adds to the EPS, setting out the broader requirements for EAs when complying with their duty to make 'adequate arrangements for enforcement'.

Full compliance with the standard was mandatory from 1<sup>st</sup> April 2011. This was achieved in Cheltenham by working in partnership with neighbouring authorities and the HSE in the delivery of the Work Well Gloucestershire project.

## 4. Service Aims and Priorities

Overall **Aim** of the Service

“To work with others to protect people's health and safety by ensuring risks in the changing workplace are managed properly.”

Our **key priorities** are:

- To manage the risk in high risk, poor performing and/or rogue trader businesses in accordance with national guidance
- To investigate major injury incidents and fatalities
- To assist businesses and events/festivals comply with their health and safety responsibilities through the planning, licensing and event management processes
- To aid new business start-ups through the provision of health and safety advice

- To assist existing businesses through local workplan interventions
- To ensure enforcement decisions are consistent with our Enforcement Policy, the HSE's Enforcement Policy Statement and the Enforcement Management Model - ensures proportionate, consistent, transparent and accountable enforcement
- To train and develop our staff to ensure competence - encourages staff retention/recruitment and ensures credibility with local businesses

## 5. Links to Council Strategy

The Corporate Strategy contains three high level outcomes for 2015-16:

- Cheltenham's environmental quality and heritage is protected, maintained and enhanced
- Sustain and grow Cheltenham's economic and cultural vitality
- People live in strong, safe and healthy communities

The Health & Safety Service Plan supports these outcomes by working to achieve: safe workplaces that do not cause or contribute to ill health and accidents; a town with a strong safety record that is attractive to investors and employers; businesses and events and festivals that are safe for those who visit them and work in them - all of which contribute to a commercially sustainable town with safe and healthy work communities.

## 6. Scope of the Service

The Health and Safety (Enforcing Authority) Regulations 1998 determine which businesses are enforced by the Council and which are enforced by the Health and Safety Executive (HSE). Schedule 1 lists those that are the responsibility of the local authority: <http://www.legislation.gov.uk/ukxi/1998/494/schedule/1/made>. The Council aims to provide a full range of services offering a balanced approach between education and enforcement for all work places within our enforcement remit. This Service does not cover Health and Safety for the Council itself which is enforced by HSE and does not form part of this plan.

The majority of commercial premises in the Borough are small or medium sized enterprises (SMEs) employing less than 50 staff with retail and office premises accounting for a high percentage. These businesses have fewer resources to carry out in-house monitoring and do not have access to the support and training provided by multi-national companies. Health and Safety Officers may, therefore, find themselves spending a disproportionate amount of time working with smaller businesses than they would with much larger companies.

National, regional and local statistics provide evidence that the topics identified as priorities are those that cause injury and ill health at work and the aim is to concentrate time and effort on these areas where an impact on the reduction of work related accidents and ill health can be shown.

The estimated economic cost of health and safety ill health incidents (accidents and ill health) in Cheltenham is between £24.7 million and £37.8 million. The estimated cost for accidents in Cheltenham is between £7.6 million and £13.8 million.

## 7. Service Delivery

The Health and Safety function is delivered by the Public Protection Department which includes two FTEs dedicated to H&S regulation and licensing and registrations with a health and safety and/or public safety element (these include animal licensing and beauty sector registrations).

Competence is an essential aspect of service delivery and must comply with the Section 18 standard. All regulators undertake the RDNA (regulators development needs analysis tool) which is mirrored in the Council's Learning Gateway which captures their development needs as part of the annual appraisal process.

Officers delivering the service are responsible for the following work areas:

- health and safety regulation, including inspections and requests for service
- investigation of reported accidents, dangerous occurrences and cases of occupational ill health
- advisory and promotional activities
- investigation of complaints relating to premises, practices and procedures
- the responsible authority in relation to public safety for licensing applications
- responsible authority for planning applications
- attendance at Event Consultative Groups or Safety Advisory Groups as necessary to advise on matters of public safety and health and safety at work
- registration/licensing of practices such tattooing, skin piercers, acupuncture, electrolysis and the provision of advice to emerging sectors such as novel beauty treatments
- animal licensing including dangerous wild animals, boarding establishments, pet shops and riding schools
- administration of the Tattoo Hygiene Rating Scheme
- new business start-up advice
- participation in Regulatory and Environmental Services Transformation (REST) including new business customer journey.

We will deliver our H&S service in accordance with recently reviewed Advice/Guidance to Local Authorities on Targeting Interventions (now on revision 4): <http://www.hse.gov.uk/lau/lacs/67-2.htm> . This guidance gives national priorities for both proactive and reactive intervention. National guidance published in the last few years was that local authorities must reduce proactive inspections by a third. As a result, the emphasis is much more on topic-based inspections according to risk and at only visiting a premises when there is a genuine reason to do so. As part of central government's red tape challenge, the Health and Safety Executive have released a Local Authority National Code for enforcement which is a risk based approach for targeting health and safety interventions and recognises the respective roles of business and the regulator in the management of risk. The Code contains a list of higher risk activities and sectors suitable for targeting proactive inspection by local authorities, but has not yet been updated by the HSE since last year. Therefore the 2013-14-list will be used for the current years' service planning and the updated guidance will inform future years' service planning

In addition, local intelligence is used to aid service planning as a County group of health and safety regulators through a specific workplan.

### **Performance monitoring and review**

There are no national indicators relating to health and safety enforcement and guidance from central government is that proactive inspections are to reduce by a third year on year. An annual statutory return LAE1 (local authority enforcement) is submitted to the HSE each year, and the council's health and safety service monitors itself against that throughout the year.

A review of performance against the district and county workplan is carried out as part of officer 121s, team meetings and Work Well Gloucestershire meetings. Performance is also discussed at team meetings and management meetings as well as at the county health and safety liaison group (at which the HSE is represented).

An annual performance briefing will be provided to Senior Leadership Team and Members to update them on the council's health and safety at work function.

## **8. Investigation of Complaints**

Complaints received about workplace activities we regulate are dealt with in accordance with the criteria of the Section 18 standard. A complaint is a concern, originating from outside the council, in relation to a work activity for which the council is the enforcing authority, that is sufficiently specific to enable identification of the issue and the dutyholder and/or location and that either:

- has caused or has potential to cause significant harm, or alleges the denial of basic employee welfare facilities, or
- appears to constitute a significant breach of law for which we are the enforcing authority

### ***Matters of Evident Concern (MEC)***

Health and Safety regulators are sometimes made aware of significant health and safety issues via third parties (such as other council officers, the police or fire service). This would usually lead to an intervention with the local authority enforced premises. MECs are monitored locally and used as intelligence to inform service planning.

## **9. Investigation of Injuries, Diseases and Dangerous Occurrences at Work**

Around 80 accidents, work related ill health or dangerous occurrences at work are reported to CBC each year under the Reporting of Injuries and Dangerous Occurrences Regulations 2013 (RIDDOR) <http://www.hse.gov.uk/riddor/>. Reported accidents and incidents are investigated in accordance with LAC 22/13 – Incident Selection Criteria Guidance <http://www.hse.gov.uk/lau/lacs/22-13.htm>

## **10. Liaison with other organisations**

The Health and Safety Service actively participates in liaison arrangements with a number of other local authorities, agencies and professional organisations in order to facilitate consistent enforcement, share good practice and reduce duplication of effort.

The service represents and actively participates in the Gloucestershire Health and Safety Group, comprising of peer representatives from each of the six District and Borough Councils in the County and also a local representative from the Health and Safety Executive. The group have produced a workplan to tackle cross-county issues and these proactive inspections will be compliant with the new national Code for regulators. **The priority areas for Gloucestershire in 2015 – 16 are:** legionella in spa pools (hotels and leisure facilities); large scale public events; gas safety in commercial premises, reactive

interventions through the beauty sector strategy; promotion of the Tattoo Hygiene Rating Scheme (THRS) and improved consistency between health and safety regulators.

## 11. Service Performance Review

The following table summarises the interventions undertaken in 2014-15 – figures in brackets indicate performance for previous year:

<b>Intervention</b>	<b>Number of businesses reached</b>
Reactive complaint investigations	54 service requests & 10 (17) visits
RIDDOR accident investigations	11 (6) visits
Asbestos – notifications/service requests	12 (10)
Requests for advice	23 visits (including beauty sector without beauty sector)
Beauty sector service requests	71
Animal licensing service requests	4 and 10 visits (8)

### Performance Monitoring review

<b>Intervention</b>	<b>Targets 2014-15</b>	<b>Performance 2014-15</b>
Reactive complaint investigations	Initial investigation within 3 working days for 95% of actionable complaints/requests for service	98% achieved (n=53/54)
RIDDOR accident investigations	98% actioned within 2 working days of notification where investigation criteria are met	95% (n = 39/41)
Event safety advice	100% attendance at relevant Event Consultative Groups	100%
	100% of requests for advice actioned within 3 working days	100%
Legionella notifications	95% actioned within 3 working days	83% (n=5/6)
Warehouse and distribution workplace transport interventions	95% of interventions to be delivered	Not taken forward on county plan
Asbestos	Action 100% of all ASB5 notifications (for asbestos removal) within 3 working days or before the 10 day notification period begins (whichever is soonest)	86% (n=6/7)
	Action 98% of Duty to Manage Asbestos service requests (DTM) within 3 working days	100% (n=1)
Industrial/retail/wholesale interventions relating to falls from height, cutting	95% of interventions to be delivered	Not taken forward on county plan

machinery and lifting equipment		
Workplace health/healthy eating awards	Trial an award system (subject to resource allocation from PHE)	Scheme successfully trialled. 20 premises visited. Two gold and two bronze awards. Feedback given to county group.
Gas safety in commercial premises	95% of interventions to be delivered and training for enforcement officers to be held	100% of Matters of Evident Concern actioned – resulting in 1 x Improvement Notice and 1 x Prosecution for gas safety offences. Refresher training held.

**Performance outcomes and targets for 2015 – 16** (this table will form the basis of the annual performance briefing for Members and Senior Leadership Team)

<b>Intervention</b>	<b>Targets 2015 - 16</b>
Reactive complaint investigations	Initial investigation within 3 working days for 95% of actionable complaints/requests for service
RIDDOR accident investigations	98% actioned within 2 working days of notification where investigation criteria are met
Event safety advice	100% attendance at relevant Event Consultative Groups  100% of requests for advice actioned within 3 working days  Safety Awareness Day for event and festival organisers (dependent on County resource)
Legionella notifications	95% actioned within 3 working days
Beauty Sector Strategy	Action 95% of reactive work within 3 working days
Asbestos	Action 100% of all ASB5 notifications (for asbestos removal) within 3 working days or before the 10 day notification period begins (whichever is soonest)  Action 98% of Duty to Manage Asbestos service requests (DTM) within 3 working days
Gas safety in commercial premises	100% of MECs to be investigated within 3 working days

