

Briefing Note: Health & Safety Service annual service plan update

Committee: Cabinet

Date: 14th September 2021

**Responsible officer:
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To: All Councillors and Executive Leadership Team

1. Background

On 14th July 2015, Cabinet approved that an annual Health and Safety Service performance and work plan refresh to be communicated to Members and Senior Leadership Team via a Briefing Note each year. This briefing note sets out performance for the year in review and provides a plan for proactive work for the year ahead.

2. Service planning

The Health and Safety (H&S) service is delivered in accordance with recently reviewed Advice/Guidance to Local Authorities on Targeting Interventions. This guidance gives national priorities for both proactive and reactive intervention and must be considered alongside national guidance that local authorities must reduce the number of proactive inspections and justify why they took place. As a result, the emphasis is much more on topic-based inspections according to risk and at only visiting premises when there is a genuine reason to do so. As part of central government's red tape challenge, regulators must comply with a 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 Regulators' Code is available from the following link:

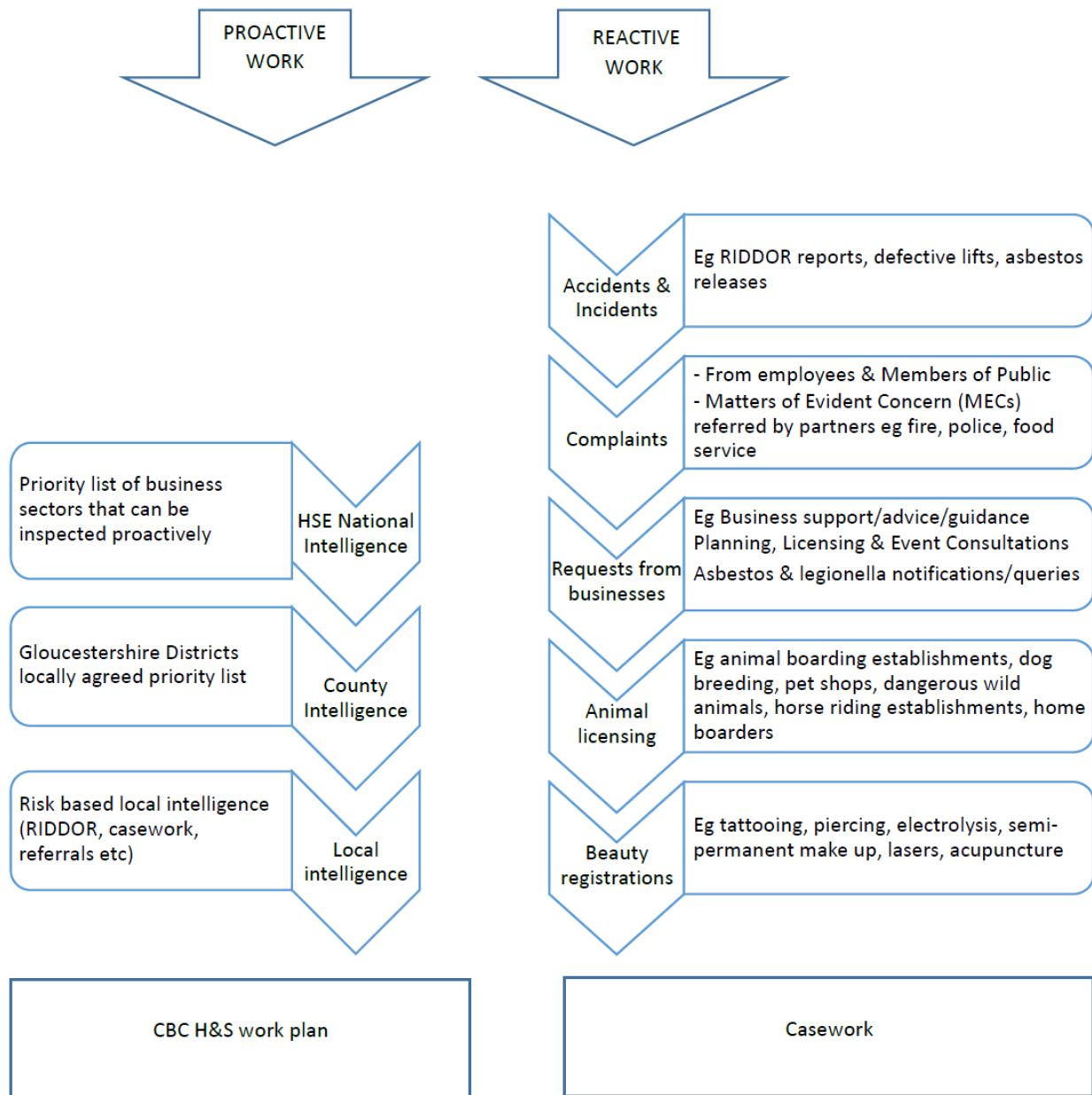
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf

The Health & Safety Executive (HSE) produces an annual list of higher risk activities and sectors suitable for targeting proactive inspection by local authorities. H&S services are only permitted to proactively inspect outside of the list if there is sufficient local intelligence to warrant intervention, and the relevant guidance is followed (ie LAC 67/2 and Supplementary Guidance and the Regulators' Code). <https://www.hse.gov.uk/lau/lacs/67-2.htm>

Cheltenham's profile of local authority enforced workplaces predominantly comprises the hospitality, catering and retail sectors. This means the opportunity for proactive inspection in HSE priority areas is very limited. The HSE allows for consideration of local intelligence when planning proactive inspections. In Gloucestershire this is delivered through the service managers' County Health and Safety Technical Liaison Group which is attended by the Health and Safety Executives enforcement liaison officer and by agreement of local priorities where possible.

The County Group discusses the district level delivery of local priorities linked to national and local intelligence but no longer produces a joint workplan. Each district has its own workplan and maintains the justification for each intervention that it carries out.

The following schematic depicts how proactive and reactive workstreams are formed:



CBC's work plan is a suggested inspection plan drawn from the HSE national priority list and, in compliance with statutory guidance for regulators.

Indemnification

Section 26 of the Health and Safety at Work etc. Act 1974 allows local authorities to indemnify inspectors appointed under that Act under specified circumstances. It is the policy of this authority to indemnify inspectors appointed under that Act against the whole of any damages and costs or expenses which may be involved, if the authority is satisfied that the inspector honestly believed that the act complained of was within their powers and that their duty as an inspector entitled them to do it, providing the inspector was not wilfully acting against instructions.

Reviews

The work plan will be reviewed regularly in response to intelligence gathered. These are some suggested scenarios which may result in the plan being amended (eg projects extended, delayed or deferred):

- If an initial feasibility exercise does not justify the proposed intervention
- If the first proactive inspections do not evidence the need for further interventions
- If initial proactive inspections require more intensive regulatory support (and/or enforcement) due to risks identified
- If capacity in the team is affected by complex or major investigations or legal work, or by officer sickness or corporate priorities
- If the service focuses more extensively on developing commercial interests eg Primary Authority Partnerships, chargeable expert advice, training courses

Interventions

Interventions both proactive and reactive are undertaken by the 1 FTE Senior Environmental Health Officer with support from a Technical Officer. 4 Other officers within Public Protection are authorised under the Health and Safety at Work etc Act 1974 and able to undertake both reactive and proactive work if and when required. Authorised officers in the food team routinely report any matters of evident concern to the Senior EHO for necessary action. The priority in catering has focused on gas safety but also the 'working safely requirements' for reducing the transmission risk of Covid 19. As covid restrictions are lifted health and safety legislation is the recourse to unsafe working practices including the transmission risks of Covid 19. Other reactive work includes: investigating accidents and dangerous incidents; service complaints against the beauty sector (eg tattooing, acupuncture, semi-permanent make up, body piercing, electrolysis) and the animal licensing sector (eg dangerous wild animals, kennels, catteries home boarders, pet shops, zoos). The Senior EHO was redeployed as an authorised officer for the Covid restriction regulations and other associated public health regulations during the pandemic and this continued from March 2020 until the present time. The SEHO also attends Safety advisory groups (SAG) and acts as a consultee for the events consultative groups (ECG) to ensure all event organisers give due regard to their health and safety responsibilities.

3. Annual performance review

a) Statutory reporting to Health & Safety Executive (HSE) through LAE1 return

The service submits an annual statutory return to the HSE which reports against proactive and reactive intervention categories such as the numbers of planned interventions, revisits, accident investigation site visits, requested visits and enforcement action.

Covid 19

Due the pandemic the HSE board agreed to suspend the requirement for Local Authorities to provide a LAE1 data return for 2020/21 but will recommence and be required in April 2022.

Prosecutions are collated separately by the HSE so are not included in the 'enforcement' part of the LAE1. No prosecutions were instigated during 2021 nor are pending.

4. Resources and Risks

The Health and Safety function is delivered within the Public & Environmental Health Service. There is one Senior Environmental Health Officer (FTE) and one Technical Officer (0.8 FTE) who deliver health and safety regulation. The Technical Officer is currently undergoing professional training to become a fully qualified EHO which involves attendance at University for a varying amount of time each week. They also carry out animal licensing function and licenses issued under miscellaneous provisions. 4 Other members of staff are authorised for regulatory health and safety and would assist as necessary eg in the event of a major injury report.

There are no key risks specific to the delivery of the health and safety work plan that need to be highlighted to Members. Risks to service delivery will be regularly reviewed and added to the divisional risk register as appropriate. The most likely emerging risks will be dictated by the future direction of Covid 19.

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