

Briefing Note: Health & Safety Service Update 2023/2024

Committee name: Cabinet

Date: 13th June 2023

Responsible officer: Bernadette Reed

This note provides information to keep Members informed of matters relating to the work of the Cabinet or a committee but where no decisions from Members are needed.

If Members have questions relating to matters shown, they are asked to contact the officer indicated.

1. Service Aims and Objectives

- 1.1** We aim to protect the health, safety and wellbeing of those working within the Borough in premises for which we have enforcement responsibility. We also aim to protect members of the public and others who may be harmed by a work activity.
- 1.2** We aim to support, encourage and advise and where necessary hold to account businesses to ensure they effectively manage the occupational health and safety risks they create.
- 1.3** We aim to use the most appropriate method to influence those creating risks and target our interventions on those business and sectors which pose the higher level of risk.
- 1.4** We aim to contribute to the growth of local businesses by providing advice and guidance to create a level playing field.
- 1.5** We will work in partnership with the HSE and others to ensure effective service delivery.

2. Background

- 2.1** On 14th July 2015, Cabinet approved that health and safety service performance would be communicated to Members and the Leadership Team via a briefing note each year. This briefing note highlights matters of interest, our performance for the year in review and provides a plan of work for the year ahead. A service plan would be prepared for approval every 3 years. The next service plan will be 2024/25

2.2 The responsibility for health and safety enforcement is divided between local authorities and the Health and Safety Executive (HSE). The division of responsibilities depends on the work activity and can be found in the [Health and Safety \(Enforcing Authority\) Regulations 1998](#). For this authority it includes amongst others: offices, shops, hospitality sector, leisure activities, nurseries, museums, residential care homes, places of worship, tyre and exhaust fitting, steel stock holders, camping and caravan sites, animal boarding, beauty parlours and skin piercing.

2.3 Under Section 18 of the Health and Safety at Work etc Act 1974, this authority has a duty to ensure it has adequate arrangements for the enforcement of health and safety statutory provisions for which it is responsible and to ensure it has sufficient suitably qualified and suitably appointed officers to carry out enforcement. We must allocate sufficient time and resources to investigate accidents, dangerous occurrences and cases of occupational ill health in line with the HSE incident selection criteria.

3. Service delivery

3.1 The [Local Authority National Code](#) is statutory guidance issued under Sec 18 (4)(b) of the Health and Safety at Work etc Act 1974. Adherence to the code will ensure that this authority is compliant and consistent in its approach. It sets out a risk-based approach to targeting health and safety interventions by this authority. It provides a framework that recognises the role of businesses and the regulators in the management of risk, concentrating on 4 objectives:

- Clarifying the roles of business, regulators and professional bodies
- Outlining a risk based approach to regulation which this Authority must adopt
- Setting out the need for training and competencies of offices of this authority.
- Outlining arrangements for collection and publication of data.

4. Organisational Structure and resources

4.1 The health and safety function sits within the environmental health team under the Head of Public Protection and the Communities and Place Director. The structure is shown in Appendix 1. On a day to day basis, The Public and Environmental Health Team Leader manages health and safety, and other environmental health teams (animal licensing, food safety, infectious disease, environmental protection). This is shown in Appendix 2.

4.2 The health and safety team is also responsible for animal licensing including (dangerous wild animals, home boarders, kennels, catteries, dog breeding, pet shops and zoos) and the Local Government (Miscellaneous Provisions) registrations (tattooing, acupuncture, semi-permanent make up, body piercing).

4.3 The health and safety team officer allocation is:

0.2 Full time equivalent (FTE) Public and Environmental Health Team Leader
1 x 0.6 Senior Environmental Health Officer (SEHO)

1 x 0.4 Technical Officer TO
0.2 FTE - Business Support Officer

- 4.4 Three additional EHO's within the environmental health team have been appointed as Inspectors under the Health and Safety at Work etc. Act 1974 and provide resilience in the event of an emergency.
- 4.5 This authority is supporting the TO to achieve full baseline qualification as an EHO with 'Registered' status with the Chartered Institute of Environmental Health (CIEH). Training has taken the officer out of the business for a considerable period and put additional pressure on existing officers but provides resilience in the longer term for the environmental health team.
- 4.6 The CIEH is the main professional body for health and safety regulators and sets the standards of professional practice and continued professional development.
- 4.7 This authority supported the SEHO and the TO to obtain their Level 3 OFQUAL qualification for animal licence inspection as required by the Department of Environment Food and Rural Affairs (Defra).
- 4.8 The TO will be increasing to full time with 0.4 spent on carrying out official food controls. This will reduce the health and safety capacity by 0.1 FTE. This is a temporary arrangement until recruitment to the vacant food EHO post is successful.
- 4.9 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. This authority indemnifies inspectors, 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.

5. Demands on the Service

Fig 1: Accident reports 2018- 2023

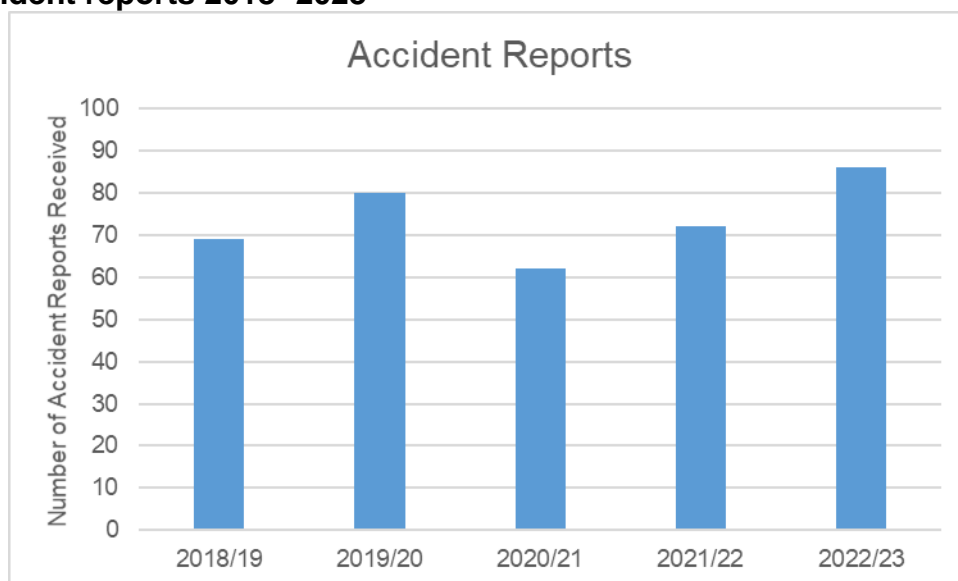
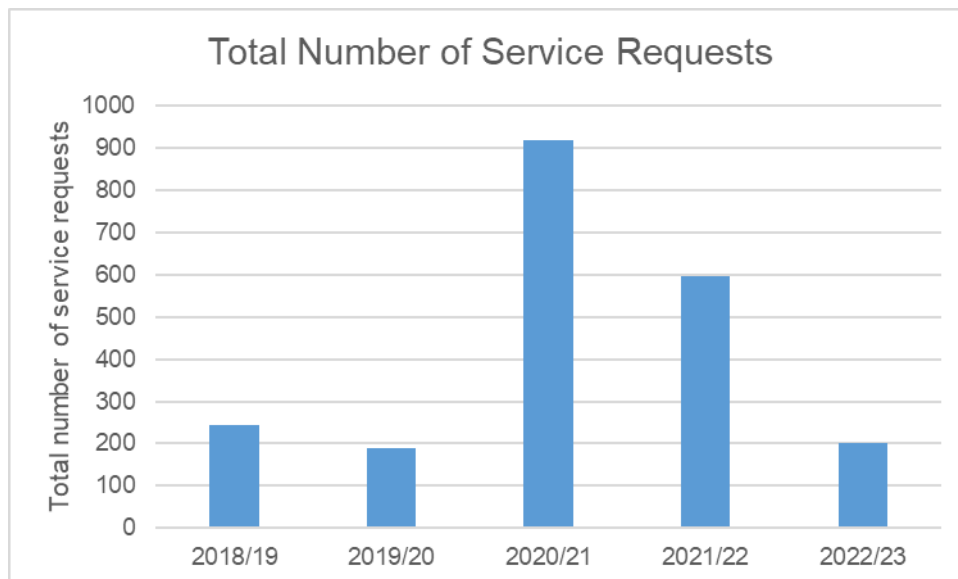


Fig 2:Service requests 2018-2023



- 5.1 The above figures show accident notifications have remained reasonably consistent at an average of 74 per year over the last 5 years.
- 5.2 Service requests fluctuate and peaked due in 2020/21 and 2021/22 due to Covid-19 service requests. If Covid requests are discounted, health and safety service requests average around 192 per year.

Table 1: Overview of work undertaken 2022-2023

Intervention	2022-23	
		Received
H&S Service requests*	Investigated	64
	Visited	16
	Received:	85
RIDDOR incident reports **	Actioned	20
	Visited	5
	Issued:	66
Registrations / Beauty Sector	Inspected	13
	Issued/ Inspected:	17
Animal Licensing	Related enquiries including infection	30
	Visited:	2

H&S proactive inspections		
	Intervention	39
Enforcement Notices		0
Safety Advisory Groups		9

***Service Requests (SRs)**

39.2% of H&S SRs were concerns about commercial premises including events, 28.4% animal infection and licenced premises enquiries, 23.5% concerns about registrations/byelaws, 6.8% adverse lift reports, 1% gas safety, 1.9% animal infection.

****Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013**

All notified incidences are subject to the HSE Incident Selection Criteria test.

2022-23 RIDDOR incidents were: 28% slips/trips on the same level, 14% falls from height, 9% injured while carrying and lifting. The next most reported categories were: 'other', stuck against something fixed struck by moving object, exposure or contact with substance, injured by animal, violence and one report of struck by moving machinery.

6. Partnership working

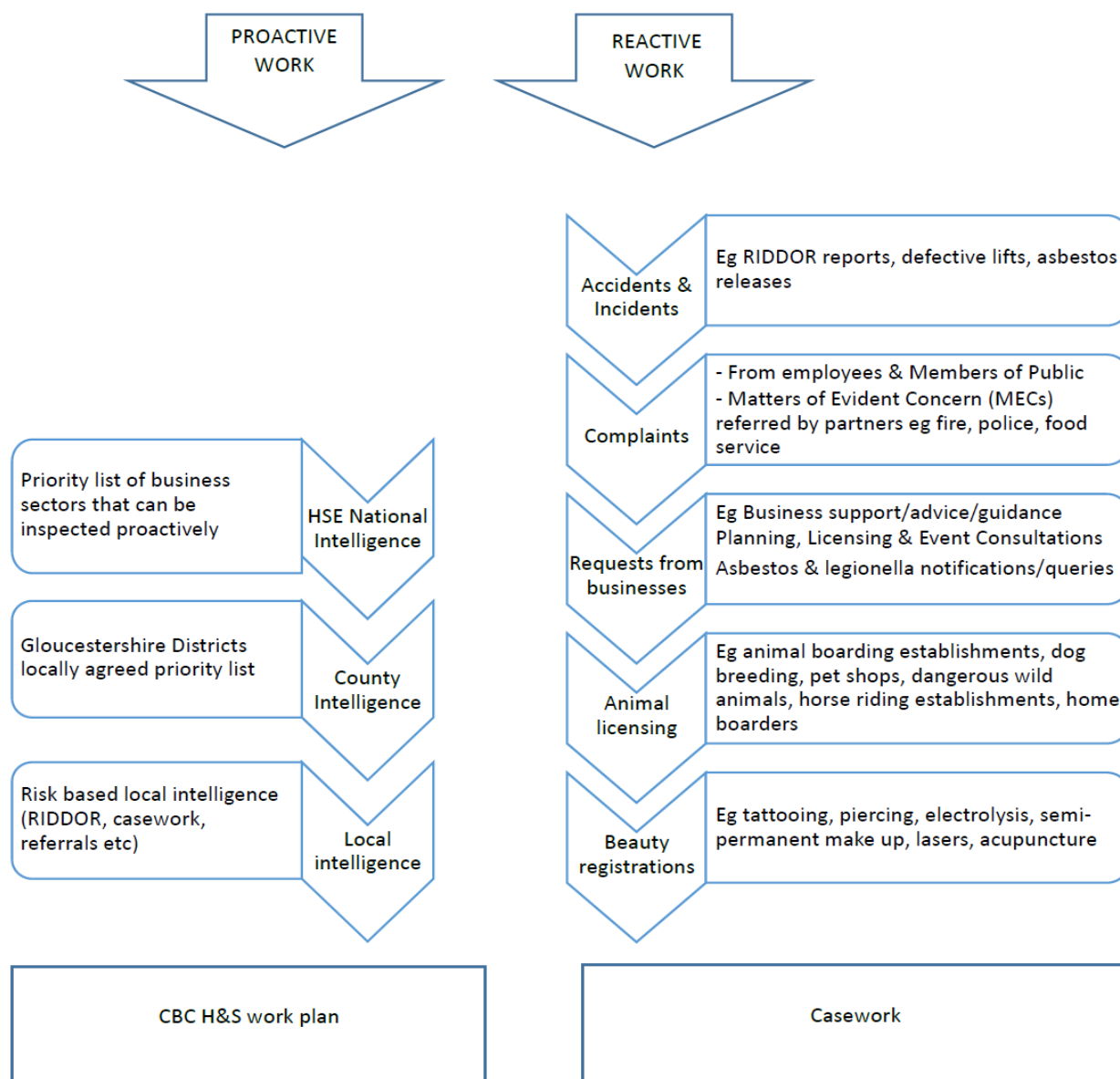
6.1 The HSE Enforcement Liaison Officer (ELO) and representatives from all Gloucestershire's Districts aim to attend a quarterly County Health and Safety Technical Group. There were 3 Meetings in 2022-23 due to resource issues across the county. The group aims to facilitate joint service objectives such as, priority lists, training, officer competency, joint working and mutual aid where/if necessary. We work with others and the HSE to establish best practice and consistency in enforcement as required by law.

6.2 We will be updating the County Council on our health and safety work streams via the health protection board in September 2023.

6.3 Officers attend the Councils and the Race Course's Safety Advisory Groups (SAGs) and the events consultative groups (ECGs). All event organisers give due regard to their health and safety responsibilities.

7. Risk based Intervention Plan

7.1 The following schematic depicts how proactive and reactive work streams are formed:



8. Intervention plan

- 8.1 The authority's health and safety intervention plan is delivered each year in accordance with the HSE Local Authority Circular on 'Setting Priorities and Targeting Interventions' revision 12 [LAC 67/2](#)
- 8.2 The Circular provides guidance and tools for priority planning and targeting of interventions, enabling the authority to meet the requirements of the National Local Authority Enforcement Code.
- 8.3 Our approach to interventions are targeted, proportionate, consistent and transparent in line with the Enforcement Code.
- 8.4 Appendix 3 shows Cheltenham Council's risk based intervention plan for 2023-24. This plan is based on specific business sectors and nationally recognised specific hazards, identified by the HSE. Proactive inspection must only be used in the high-risk activities and sectors specified by the HSE or where local intelligence suggests risks are not being effectively managed.

8.5 The HSE guidance allows for consideration of local intelligence when formulating the intervention plan.

8.6 The focus of the plan will be reviewed in the following circumstances:

- 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

9. Monitoring

9.1 This authority has a duty to monitor and share intervention data with the HSE and the public. The authority submits an annual statutory return to the HSE (LAE1), 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. This allows us to benchmark and peer review our data against other authorities. This data is publically available.

9.2 Key performance indicators (KPI's) have been developed which include response times to health and safety service requests and responses to accident notifications. This will ensure compliance with the HSE incident selection criteria. All data is recorded on the authority's management information system (MIS) Uniform Idox.

10. Future Demands on the service

10.1 It is considered that we will have sufficient resource to meet the health and safety expectations subject to the identified risks below. This is based on the establishment profile in the Cheltenham area, the number of staff within the team, the number of officers authorised as Inspectors, analysis of historic service data and maintenance of a duty officer system. However, the considerable uncertainty of the current regulatory operating environment must be recognised.

11. Risks

11.1 There are no key risks specific to the delivery of the health and safety work plan that need to be highlighted to Members. It is expected that this intervention plan can be met based on analysis of previous service demand data and anticipated service demand.

11.2 Recruitment of appropriately trained staff is challenging. We continue to work with our human resources business partner (HRBP) to recruit to career graded posts and provide quality 'on the job' training where necessary. We also work with our HRBP to retain existing qualified officers.

11.3 Not all businesses are required to register with us which poses challenges for data led intelligence and targeted interventions and keeping our MIS up to date.

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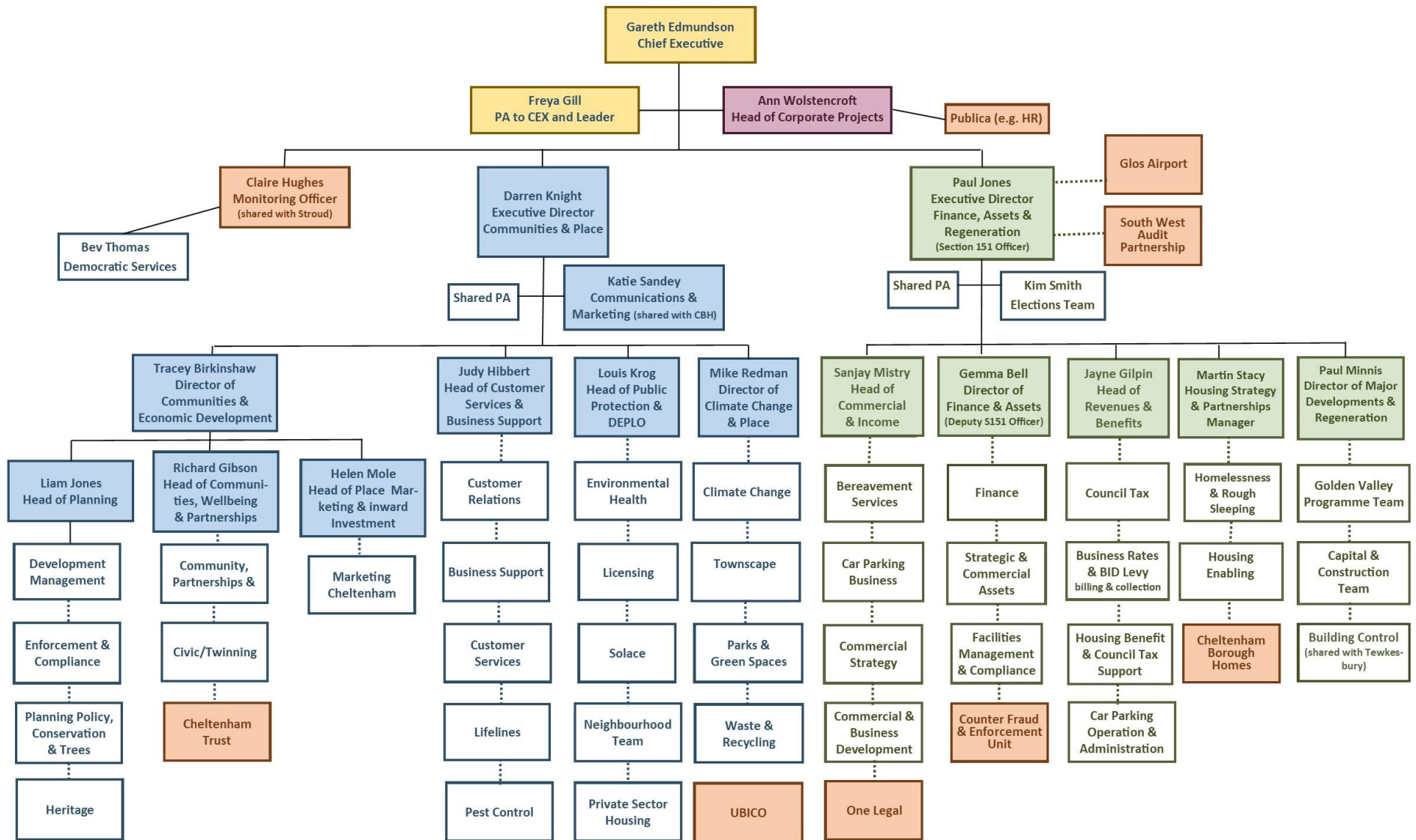
Reference documents:

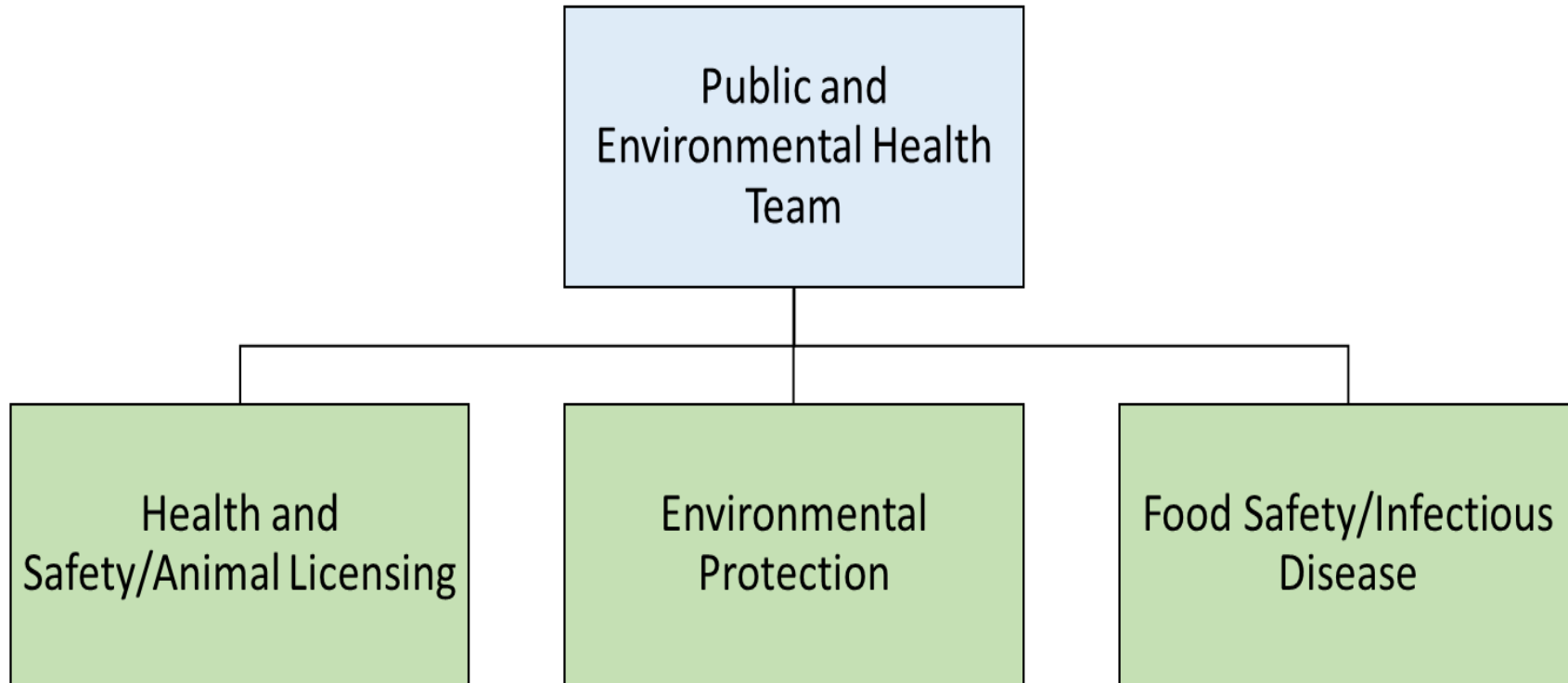
[LAC 67-2 \(Revision 12\) - Setting Local Authority Priorities and Targeting Interventions](#)

[National Local Authority Enforcement Code](#)

[LAE 1 Returns](#)

[Incident Selection Criteria Guidance HSE- LAC 22/13 rev 1](#)





Health and Safety Service Intervention Plan 2023-24

Proactive - Inspection

National HSE Priority Area	Risk areas activities / rationale	Dates	Actions / Considerations
Industrial or large retail/ wholesale / warehouse and distribution	Struck by vehicles, falls, major injury, occupational deafness, falls from height, manual handling	Visits begin: Aug / Sep 23	Inspections focusing on areas of concern.
Occupational lung disease asthma in bakeries	Health – frequent exposure to inhalation of flour dust and/or associated enzymes (e.g. tipping ingredients into mixers, bag disposal, weighting and dispensing, mixing, dusting with flour via hand or sieve, use of flour on dough brakes and roll machines, maintenance or workplace cleaning)	Visit by: Jan 24	Bakery follow up inspections following information intervention in 2022/23.
Occupational lung disease silica in retail/wholesale	Health - Stone Cutting exposure to respirable crystalline silica. In retail outlets that cut own stone or high silica content ' manufactured stone' e.g. gravestones or kitchen resin/stone tops	Visited by: Jan 24	Stone cutting follow up inspections following information provision intervention in 2022/23

Proactive- Intervention

National HSE Priority Area	Risk areas activities / rationale	Key Dates	Actions / considerations
Crowd management in large scale public gatherings e.g. cultural events, sports, festivals & live music	Safety – Events may lack suitable planning, management and monitoring of crowd movement and behaviour risks. During arrival, leaving and moving around at a venue	On going	Safety Advisory Group (SAG) and Event Consultation Group (ECG) Entertainment Licence applications
Priority areas supported by any national campaign e.g. work related stress	Various	On going linked to HSE promotion weeks	Promotion of HSE material through social media sites
Worker consultations for safety management	Business benefit of effective consultation with employees includes: better efficiency and quality; higher levels of workforce motivation, and a healthier and safer workplace.	Relevant H&S reactive and proactive visits	Contact safety representatives or employees on visits and send information
Trampoline Parks	Number of accidents increasing nationally. Suggests lack of user understanding of risks & unchallenged reckless behaviour results in injuries.	On going If new business	Raise awareness of need for improved information provision and supervision of users. - Establish procedures to check user understanding of risk - effective supervision - improved court monitor training in line with BSI PAS 5000:2017
Local - Intervention	Risk areas activities / rationale	Key Dates	Actions / considerations
Access / egress maintenance, specifically at heritage sites.	Trips and falls associated with non-highlighted and/or poorly maintained thresholds.	Action by	Promote need and methods to ensure safe access and egress from risk premises.

Reactive

Priority* given to the following accidents and complaints received:

*(priority actions are outside normal risk selection procedure of the 'incident selection criteria' and the 'complaints filter' which may indicate no action)

National HSE Priority Areas Suitable for proactive inspection	Risk areas activities / rationale	Actions / considerations
Solid fuel use in catering.	Health – Lack of suitable ventilation and/or unsafe appliances carbon monoxide poisoning from wood fired pizza ovens and BBQs in commercial catering using solid fuel.	Visit new business with solid fuel in catering.
Violence at Work - vulnerable workers e.g. Lone/night working/betting shops/off licences/hospitality.	Safety – Lack of suitable security measures / procedures. Police/licensing intelligence advises local factors increasing the risk of violence at work e.g. located in high crime area, or targeted due to criminal campaign Or situation not managed effectively	Visit advise, where intelligence given.
Professional firework operators	Safety – Poorly managed fusing of fireworks Fires and explosions caused by initiation of explosions by	Events advise and visit where necessary
National HSE Priority Area	Risk areas activities / rationale	Actions / considerations
Referral via Events: <i>(in addition to general events consultations which includes crowd management above)</i>		
Animal Visitor Attractions	E coil/Crypto infection in children related to open farms / visitor attractions Commercial operations whose primary purpose is leisure/entertainment where visitors are encouraged to have hands-on contact with animals. Risk of E.coli, <i>parvum</i> and other micro-organisms are expected and exposure prevention is not possible.	Events advise and visit where necessary
Inflatable Amusement Devices	Serious incidents where inflatable amusement devices have collapsed or blown away in windy conditions. - Information relating to Anchorage to ground - Arrangements for measuring wind conditions on site - Annual Inspection and build compliance to BS EN 14960	Events advise and visit where necessary
Spa Pools and hot tubs on display	Nationally there is a number of cases and outbreaks of Legionnaires' disease associated with display or demonstration spa pools and hot tubs. When filled and in operation. Systems present	Events advise; ensure safe system of work

		an appreciated risk of infection.	Visit / sample where necessary
Officer Referral (matters of evident concern): <i>(all other areas of the intervention plan may also be referred)</i> Food, Licensing, Neighbourhood Team, Trading Standards etc.			
Electrical Safety in Hospitality Settings		Faulty electrical equipment has caused fatalities. Pubs, restaurants and cafés to ensure outdoor electrical equipment e.g. lights, heaters are designed for outdoor use, installed by a competent person and checked regularly for damage or water ingress.	Raise awareness of need and take action where necessary
Gas Safety in Catering		Gas safe report commercial caterers are not fully aware of their legal duties under the Gas Safety (Installation and Use) Regulations 1998. Leading to appliances being unsafe. Risks of CO exposure due to faulty appliance, bad installation and poor ventilation / inadequate extraction systems.	Request evidence of gas safety maintenance and checks. Action where failure occurs
Delivery – Driver welfare provision - Road safety		LA enforced in premises which receive or send regular deliveries (including those picked up by aggregator drivers/ riders). H&S law requires onsite toilet, handwashing and rest facilities to be made available to visiting workers. Vehicle and driver safety on food deliveries. Highest risk of death or injury when riding two wheelers (e.g. motorcycles, mopeds, or bicycles). Robust risk management approach needed take account of road safety risks: vehicle condition, time pressures, weather, distraction, skill, loads, navigation, clothing and fatigue.	Raise awareness of needs. Action if necessary.
Waste bins - Preventing public access of >660 litre		Fatalities and injury have occurred following people sheltering in large waste bins (660 litres or above)	Raise awareness of needs. Action if necessary.
Construction	CDM	CDM 2015 draw attention to if intending works.	Raise awareness of needs refer to HSE for action where necessary
HSE request to react to & highlight relevant	Managing Asbestos	Asbestos in premises built before 2000 and refurbishment or works identified to refer to guidance	

areas if LA enforcement area work is planned or taking place in:			
	Falls from Heights	Repair and maintenance work involving work on/adjacent to fragile roofs/materials. Relevant to building owner or user.	
	Respirable Silica	Health risk from block cutting, chasing brickwork and cutting concrete floors.	
	Moving and Handling Construction Materials	Health risk from poor handling of paving stones, plasterboard and glazing units etc.	