



CHELTENHAM
BOROUGH COUNCIL

HEALTH & SAFETY SERVICE PLAN 2013-14

Service Obligations

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.

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 year 2013-2014 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.

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 1st April 2011. This was achieved in Cheltenham by working in partnership with neighbouring authorities and the HSE in the delivery of Work Well Gloucestershire project.

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 - a targeted approach to risk in line with the Better Regulation agenda
- Investigating major injury incidents and fatalities
- 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
- Train and develop our staff to ensure competence - encourages staff retention/recruitment and ensures credibility with local businesses

Links to Council Strategy

The Council strategy sets out three community objectives:

- Enhancing and protecting our environment;
- Strengthening our economy; and
- Strengthening our communities.

Our health and safety service contributes to all of these in the overall improvement in the wellbeing of those who live, visit and work in Cheltenham.

A key driver is that we provide value for money services that effectively meet the needs of our customers.

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). 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.

Service Delivery

The Health and Safety function is delivered by Public Protection Department which includes two FTEs dedicated to H&S regulation (NB in 2012-13 the service operated on the equivalent of 1.58 FTE due to extended jury service and a secondment).

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 as tattooing, skin piercers, acupuncture, electrolysis and the provision of advice to emerging sectors such as novel beauty treatments.

We will deliver our H&S service in accordance with recently reviewed Advice/Guidance to Local Authorities on Targeting Interventions (now on revision 3): <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 activities/sectors suitable for targeting proactive inspection](#) by Local Authorities. This list has been considered by the County Health and Safety Group when formulating the 2013-14 workplan. (see below).

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. Therefore, local performance indicators have been chosen that reflect service standards for incident and complaint investigation and statutory return fields. An evaluation against district and county workplans would be included in the review of 2013-14 in the 2014-15 service plan. Please see 'service performance review' for more further details.

A monthly review of performance against those indicators is carried out as part of officer 121s. 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).

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 CBC, in relation to a work activity for which we are 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

Investigation of Injuries, Diseases and Dangerous Occurrences at Work

Over 100 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 1995 (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>

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 L.A.s. **The priority areas for Gloucestershire in 2013-14 are:** event safety; legionella, the beauty sector (which has seen some deregulation in times of emerging novel special treatments); asbestos and gas safety.

Service Performance Review

The following table summarises the interventions undertaken in 2012-13:

Intervention	Number of businesses reached
Reactive complaint investigations	33 including 10 visits
RIDDOR accident investigations	19
Duty to manage asbestos interventions	10
Other interventions eg liquid nitrogen, gas safety, work-related violence, noise at work	34
Licensing and planning consultations	11
Requests for advice	30

Performance targets for 2013-14

Intervention	Target for 2013-14
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
Legionella interventions	95% of planned interventions delivered
Beauty sector project	95% of target premises to receive specific guidance and/or visits
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	Action 98% of referrals of matters of evident concern within 3 working days.
Work related violence	Action 100% of referrals from Gloucestershire Police where the criteria have been met.
Planning & licensing consultations	98% response within the statutory consultation period (varies according to application)