

GENERAL PURPOSES AND LICENSING COMMITTEE – 10 JUNE 2011**HEALTH AND SAFETY INTERVENTION PLAN FOR 2011/2012****1. INTRODUCTION**

1.1 This report seeks approval of the Health and Safety Intervention Plan for 2011/2012.

2. HEALTH AND SAFETY INTERVENTION PLAN FOR 2011/2012-APPENDIX 1

2.1 The Health and Safety at Work Act 1974 requires all local authorities to perform their duties as enforcing authorities in accordance with mandatory Section 18 requirements which set out the arrangements we should make in relation to the regulation of health and safety. As part of this requirement the Health and Safety Intervention Plan for 2011/2012 is presented to the Committee for Member approval. The plan proposes a full range of work for the current year and additionally reviews the work of the Service during the previous year.

4. FINANCIAL IMPLICATIONS

4.1 The Health and Safety Intervention Plan for 2011/2012 contains proposed work for the current year and a review of work completed the previous year which is based on existing budgets. Therefore there are no financial implications as a result of this report.

5. ENVIRONMENTAL IMPLICATIONS

5.1 There are no environmental implications as a result of this report.

6. CRIME & DISORDER IMPLICATIONS

6.1 No crime & disorder implications directly arise as a result of this report

7. EQUALITY AND DIVERSITY IMPLICATIONS

7.1 No equality and diversity considerations arise as a result of this report.

8. RECOMMENDATION

8.1 That the Health and Safety Intervention Plan for 2011/2012 as set out in Appendix 1 be approved.

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Background Papers

The Section 18 Standard

APPENDIX 1



ENVIRONMENTAL HEALTH (COMMERCIAL)

HEALTH AND SAFETY INTERVENTION PLAN 2011/2012

1 INTRODUCTION

1.1 New Forest District Council as a health and safety enforcing authority

- 1.1.1 This Authority is designated as an enforcing authority under the Health and Safety at Work etc Act 1974, and as such has a statutory duty to enforce the appropriate health and safety legislation. This regulatory role is shared with the Health and Safety Executive (HSE) who also enforce health and safety legislation in certain businesses in the District. Whether a business is regulated by a local authority or the HSE is defined in the Health and Safety (Enforcing Authority) Regulations 1998.
- 1.1.2 It is recognised that working in partnership with the Health and Safety Executive (HSE) and other local authorities represents an important means of ensuring that risks in workplaces are managed effectively.
- 1.1.3 Our working priorities as detailed in this intervention plan are shaped by HSE strategy; this identifies types of work that are known to present greatest risk. We deliver these priorities through work which focuses on local needs, as well as regional and national plans.
- 1.1.4 This intervention plan thus examines:
- a) The aim and objectives of the health and safety service;
 - b) The planned work programmes; and,
 - c) A review of the work undertaken in the previous year.

1.2 Decision Making

- 1.2.1 Delivery of the health and safety enforcement function is provided by Environmental Health (Commercial) which forms part of the Public Health and Community Safety Service. This report is consequently brought before the General Purposes and Licensing Committee for Member approval.

2 SERVICE AIMS AND OBJECTIVES

2.1 The Aim

- 2.1.1 The aim of the Service is to prevent the death, injury and ill health of those at work and those affected by work activities.
- 2.1.2 This wording has been changed from last year to reflect the wording used by the HSE. However this does not mean any change to the approach this service has to health and safety regulation.

2.2 The Objectives – Key Delivery Priorities

- 2.2.1 To manage the risk in high risk and poor performing businesses. This is a targeted approach to risk in line with the Better Regulation agenda;
- 2.2.2 To carry out a range of risk based interventions;
- 2.2.3 To investigate major injury incidents and fatalities, and complaints which meet the investigation criteria (published on the Environmental Health web pages);
- 2.2.4 To work in partnership with local, regional and national bodies when it is relevant to do so;
- 2.2.5 To support the Council's corporate plan through the choice of local priorities;
- 2.2.6 To promote the principle of 'sensible risk management' by subscribing to the principles of the HSE strategy document 'Health and Safety of Great Britain – Be Part of the Solution';
- 2.2.7 To undertake regional and national priority work, where appropriate following the programme agreed between Hampshire Authorities (see section 4.5);
- 2.2.8 To ensure enforcement decisions are consistent with our Enforcement Policy, the Health and Safety Commission's Enforcement Policy Statement, and the Enforcement Management Model, and;
- 2.2.9 To train and develop our staff to ensure competence.

3 STAFF RESOURCES

3.1 Staffing

- 3.1.1 The expected staff profile for this year within Environmental Health (Commercial) is as follows:

1		Environmental Health Manager
2		Senior Environmental Health Officers
4		Environmental Health Officers
3.6	FTE	Environmental Health Technicians
2.2	FTE	Administrative Support

- 3.1.2 It should be noted that these staff undertake a full range of duties, including non health and safety work. The Section 18 Standard which sets out the arrangements we should make in relation to health and safety requires that enforcing authorities have sufficient capacity to carry out their intervention plan. The work of each member of staff has been assessed and an allocation of time set aside for Health and Safety enforcement.

3.2 Staff undertaking health and safety work

3.2.1 For the year 2011/2012, we have calculated the available capacity for health and safety work after considering the full range of duties officers undertake, and constraints due to short-term contracts as follows:

Staff	Full Time Equivalent
1 Manager	0.3 FTE
Officers	3.33 FTE
Administrative Support	0.66 FTE
Total	4.29 FTE

3.2.2 This figure of 4.29 FTEs represents a decrease of 0.22 FTE from the 2010/2011 figure of 4.51 FTEs. This is the result of a loss of an Environmental Health Technician from the end of June 2011. This reduction is discussed in the section 4.6.3 Summary of Resources Required and Available.

4 PLANNED WORK FOR 2011/2012

4.1 How Work is Targeted

- 4.1.1 In accordance with the requirements of the HSE Strategy document 'Health and Safety of Great Britain – Be Part of the Solution', we have applied the following principles to determine appropriate targeted interventions:
- to maximise the impact of interventions in improving health and safety outcomes;
 - to secure action by duty holders to manage and control the health and safety risks of their work activities;
 - to focus our work on duty holders who are best placed to control the risks whether they be employers or others;
 - to engage with other organisations and stakeholders that can influence risk reduction;
 - to direct our attention to activities that give rise to serious risks or situations where hazards are least well controlled;
 - to stop those that seek economic advantage from non-compliance (e.g. rogue traders);
 - to follow national guidance on interventions and priority programmes; and,
 - to work in accordance with local, regional and national programmes.

4.2 Introduction to the Work Plan

4.2.1 This section details the work we propose to undertake in the forthcoming year. The work is separated into three tables, each of which gives an indication of the resources which will be required to complete them.

4.2.2 Maintaining and improving the standards of health and safety in the District is based upon two key aspects of work, proactive and reactive:

- Proactive: the inspection of high risk premises and poorly performing businesses, together with a range of local, regional and national projects which typically focus upon a particular business type, or identified hazard.
- Reactive: we undertake a range of reactive works including accident and incident investigation, service requests and responding to complaints.

4.3 Inspections, investigations, education and advice

4.3.1 Table 1 shows the resources required to undertake high risk inspections, accident investigations and other related work. The level of reactive work is assumed to remain similar to the previous year.

Title/Description of work	Resources required	Output / Outcomes
New Business Risk Rating. This is undertaken by inspection or intelligence gathering.	250 new businesses, equivalent to 40 days.	New Premises Assessed, rated and included in inspection programme or intervention strategies.
High Risk inspection and risk rating – i.e. A, B1 as defined by Local Authority Circular (LAC) 67/2 – Advice/Guidance to Local Authorities on Priority Planning	40 high risk premises inspection for year – equivalent to 60 days.	Greater awareness of H&S risks; Reduction in accidents.
Targeting Poor Performing Businesses – revisits and appropriate enforcement action.	Estimated 40 premises, equivalent to 100 days.	Achieving at least a minimum level of legal compliance.
Hampshire Better Regulation Partnership – Sharing of intelligence between Hampshire enforcing authorities.	Gathering of information during inspection and visits for Hampshire Fire and Rescue and Hampshire Trading Standards, and input of information received in relation to NFDC businesses. Estimated 10 days.	Consistent with better regulation agenda – avoiding multiple enforcing authority visits to business.
Accident / Incident Investigation: investigation of relevant notifications.	160 notified accidents and incidents – estimated 60 investigated in full, equivalent to 110 days.	Duty holders called to account for health and safety offences; Improved management resulting in reduction in formal accident reports.
General Service Requests: Provision of advice to	400 cases, equivalent to 1040	Improved knowledge by dutyholders of health and

businesses and the public, and internal planning and licensing consultations. Note, this is increased following current trends.	hours (140 days).	safety matters; Appropriate intervention where necessary.
Investigation of complaints.	100 cases, estimated time equivalent to 100 days.	improved health and safety compliance of businesses; positive outcome for complainant.
Enforcement Action: Contingency for enforcement action such as prosecution.	Contingency of 40 days.	Successful enforcement action.
Maintaining Partnerships: Membership and participation in work of formal countywide liaison group.	20 days.	
Training Course Provision - Preparing for and holding 2 health and safety courses	Estimated 4 days	
Staff Training to ensure competence and confidence and to ensure compliance with Section 18 competency standard.	Contingency of 10 CPD hours per officer, and 10 hours assessment and training - equivalent to 240 hours (32 days)	Maintaining competency of enforcement officers.
Total	656 days (2.98 FTEs)	

Table 1.

4.4 Local Projects

4.4.1 Table 2 shows the resources required to undertake locally relevant project work specific to the needs of local businesses, employees, and other persons affected.

Title/Description of work	Resources required	Output / Outcomes
Caravan and Camping Sites (continuation of 2010 project)	Now to be extended to residential sites. Estimated about 200 hours.	<ul style="list-style-type: none"> Increased industry awareness of risks Improved knowledge of the Regulations;
Pressure Vessels (i.e. contained within coffee machines)	Initial contact with potential premises and inspection of approximately 30 premises, equivalent to 150 hours.	<ul style="list-style-type: none"> Increased industry awareness of risks Improved knowledge of the Regulations; Update database
Lasers and Intense Pulse Light treatment in Beauty Premises	Initial contact with potential premises and inspection of all	<ul style="list-style-type: none"> Increased industry awareness of risks Improved knowledge

	those identified: approximately 10-15 premises, equivalent to 100 hours.	of the Regulations; <ul style="list-style-type: none"> • Update database
Health and Safety Arrangements: Enhanced audit of health and safety arrangements in premises subject to accident investigation or complaint.	Development of reference materials and officer visit time: 50 hours.	<ul style="list-style-type: none"> • Improved compliance through enabling self-regulation
Pub Cellar safety – inspection of cellars as part of food hygiene inspection and preparation of follow-up information sheet	Total 150 premises, equates to 30 days work (220 hours).	<ul style="list-style-type: none"> • Education of duty holders in the requirements of health and safety law in relation to cellars; • Enforcement where deemed necessary; • Development of an information sheet, and • Improving officer experience, knowledge and competence in this work area.
Sunbeds – provision of information on change in legislation.	Preparation of resources and selection of premises. Estimated 40 hours.	<ul style="list-style-type: none"> • Awareness and compliance with new legislation • Improved h&s management • Updated database
Swimming Pools (follow-up to 2010 project) visits, sampling and possible re-visits to 9 premises and any necessary enforcement action.	Approximately 7 days (about 100 hours).	<ul style="list-style-type: none"> • Improvement in quality of water in previously poor performing premises • Improvement in management of pools
Noise at Work in the entertainment industry – continuation of ongoing project: includes a combination of noise assessments, monitoring and provision of information.	Contingency of 33 days (about 250 hours).	<ul style="list-style-type: none"> • Education and seeking compliance with standards contained within noise regulations
Bakeries. Research of relevant health and safety issues, and preparation of resources to provide to businesses in the area.	Preparation of resources and selection of premises. Estimated 50 hours.	<ul style="list-style-type: none"> • Increased industry awareness of risks • Improved knowledge of the Regulations; • Update database
Roll Cages – examination of how, when and where they are used, as well as assessment of staff training, repair and	Identification of businesses, inspection and follow-up. Estimated	<ul style="list-style-type: none"> • Increased industry awareness of risks • Improved knowledge

maintenance.	200 hours.	of the Regulations;
Business advice and support – preparation of targeted business advice identifying new legislation, guidance and other resources.	Research and preparation of resources and circulation. Estimated 100 hours.	<ul style="list-style-type: none"> • Provision of targeted business advice; • Promotion of good business/NFDC relations; • Improved knowledge of relevant legislation
Mechanical Lifting Equipment – Identification and inspection of premises with regulated lifting equipment. Assessment of management and enforcement where necessary.	Identification of premises, inspection and follow-up estimated 250 hours.	<ul style="list-style-type: none"> • Increased industry awareness of risks • Improved knowledge of the Regulations; • Ensuring legislative compliance
Inspection and audit of horse riding establishments.	About 14 licensed businesses – 14 days, 100 hours	<ul style="list-style-type: none"> • Increased industry awareness of risks • Reduction in accidents and near misses
Total	1810 hours (245 days (1.11 FTEs))	

Table 2.

4.4.2 Enhanced officer competency is a valued output in relation to all the local projects. This is achieved through a combination of peer training, research and experience.

4.4.3 We will aim to share the results of assessments including best practice with businesses, which it is hoped will lead to improved compliance within the local business community, through a better understanding of specific hazards and practical solutions.

4.5 National and Regional Priorities

4.5.1 Table 3 shows work which is either being undertaken across Hampshire, and coordinated via the Hampshire and Isle of Wight Health and Safety Advisory Group, or nationally.

Title/Description of work	Resources required	Output / Outcomes
LPG Project – premises with unknown/suspect LPG installation notified by HSE, subject to inspection and appropriate defined action	Unknown, but contingency for 45 days	<ul style="list-style-type: none"> • Increased dutyholder knowledge of health and safety in relation to LPG • Partnership working between HSE/LA
Total	45 days (0.2 FTE)	

Table 3.

4.6 Summary of Resources Required and Available

4.6.1 The preceding tables discussed in detail the proposed work plan for the forthcoming year. To summarise this work, the total resources required for the work areas we intend to do are as follows:

Proposed Work	Time (FTEs)
Inspections, investigations, education and advice	2.98
Local Projects	1.11
National and Regional Priorities	0.2
Planned Staff Resources Needed	4.29

Table 4.

4.6.2 An assessment of the resources required and available officer time as detailed in the above table demonstrates that the service has sufficient capacity to undertake the planned work, taking into account areas where a contingency has had to be used.

4.6.3 The reduction in resources allocated to inspections is consistent with the HSE request for resources to be reduced by one third in this area of work. This reflects the reduced burden upon business demanded by the government but will rely on better prioritisation of interventions to ensure the high risk businesses still receive the necessary support and regulation.

5 SUMMARY OF PERFORMANCE 2010/2011

5.1 Comparison between planned interventions and actual performance 2010/2011

5.1.1 The 2010/2011 intervention plan sought to deliver the service by using the full time equivalent of 3.86 officers (4.51 including administrative support) in a combination of planned and reactive work.

Planned Work	Actual Performance
New Business Inspection and risk rating.	116 new premises were recorded as opening in the period and were subject to inspection or intervention questionnaire based on risk.
High Risk inspection and risk rating – i.e. A, B1 as defined by LAC 67/2.	All high risk inspections were completed in period.
Targeting Poor Performing Businesses – revisits and appropriate enforcement action.	A total of 73 revisits to premises were undertaken to establish at least a minimum legal standard.
Accident / Incident Investigation: investigation of relevant notifications.	A total of 53 notifications were investigated; 98% of first responses were within target.
General Service Requests: Provision of advice to businesses and the public, and internal planning and licensing consultations.	347 service requests were investigated.
Investigation of complaints.	116 complaints and other service requests were investigated.

Enforcement Action: Contingency for enforcement action such as prosecution.	A simple caution was administered, 4 prohibition notices and 30 improvement notices were also served.
Promotional work: provision of advice to lower risk businesses	Promotion of HSE online risk assessment. Provision of practical advice in person and through printed materials. Maintaining the web pages.
Training Course Provision - Preparing for and holding 2 health and safety courses	The online availability of training has reduced demand to the point of not being able to run a viable course.
Staff Training to ensure competence and confidence and to ensure compliance with Section 18 competency standard.	All staff achieved the minimum level of Continuing Professional Development to maintain competence.
Caravan and Camping Sites	12 holiday caravan sites received intervention.
Pub Playgrounds	10 premises received an intervention and revisits where necessary to achieve compliance.
Garden Centres	All potential sites in the District were identified and contacted. Those with a retail element were selected and received inspection and appropriate follow up.
Day Nurseries – investigate knowledge and compliance within this sector, with the intention of providing relevant guidance.	After research which included some preliminary inspections, this sector was considered to be highly regulated by OFSTED and inappropriate for our intervention at this time.
Pub Cellar safety – inspection of cellars as part of food hygiene inspection and preparation of follow-up information sheet	All cellars were inspected as part of food hygiene inspections and matters of evident concern received appropriate intervention.
Legionella – follow up to care home project, reviewing and revisiting premises to assess and ensure compliance with requirements.	A risk based approach was used to provide appropriate intervention i.e. advice, inspection, revisit and enforcement as necessary.
Flooring in Catering Establishments – continuation of previous ‘Fit3’ project, looking at slip/trip risks in flooring during routine food hygiene inspections and providing resources.	As part of food hygiene inspections, floors presenting a slip or trip hazard were identified, and where appropriate guidance resources were provided, or further intervention as necessary.
Swimming Pools visits, sampling and possible re-visits to 9 premises.	Considerable work was undertaken to improve compliance within this sector – this included sampling, audits, inspection and revisits where required.
Noise at Work in the entertainment industry – continuation of ongoing project: includes a combination of noise assessments, monitoring and provision of information.	The long-term nature of this work makes it particularly labour intensive. However, considerable progress has been made in evidence gathering, establishing corrective measures, and service of notice.

Cold Working Temperatures – combination of mailshot, visits and provision of information via NFDC website to educate businesses.	All relevant complaints were responded to, and resources were provided to assist businesses in fulfilling their duties.
Use of slip assessment tool to assess grip of flooring – focused upon takeaways sector.	A comprehensive survey identified premises appropriate for inspection. All high risk premises were visited, the floor assessed and advice given where appropriate.
Ladder Amnesty – provision of information in relation to a national ‘amnesty’ where old/defective ladders can be exchanged for discounted new ladders, discounts on ladder hire and other information. Project will also involve assessment of ladders during routine health and safety and food inspections.	NFDC lead this project and produced a toolkit used by all local authorities in Hampshire to encourage businesses to replace defective ladders.
Asbestos: duty to manage project – a combination of mailshots, site visits, and provision of other information with possible cross boundary flexible warranted work.	A scoping exercise was carried out, which included 45 letters sent to dutyholders. Of those, 28 premises were inspected and advice given. Ultimately 11 improvement notices were served to secure compliance.
LPG Project – premises with unknown/suspect LPG installation notified by HSE, subject to inspection and appropriate defined action	HSE resources were used to develop policy and procedures, and relevant training was provided. Premises have been identified which will require inspection.

Table 5.

5.2 Section 18 Standard

- 5.2.1 The Health and Safety Executive have issued legally binding mandatory requirements called the ‘The Section 18 Standard’. The intention of the Section 18 standard is to ensure that all enforcing authorities are equipped to make adequate arrangements for enforcement of Health and safety law.
- 5.2.2 The HSE set the following targets for completion by 31st March 2011; this service has met the requirement:
- Assessment of the service against the standard;
 - Production of an action plan to achieve full compliance.

5.3 Government Report 'Common Sense Common Safety'

- 5.3.1 This report was commissioned by David Cameron to review health and safety culture in the UK. The result was published in October 2010 and this was the subject of an advisory report to the General Purposes and Licensing Committee.
- 5.3.2 In brief, the review was to focus on curtailing the compensation culture and raising the standard of health and safety consultants operating in the private sector. It also contained some observations on sensible risk management and health and safety enforcement.
- 5.3.3 The report recommended resources be developed to assist lower risk businesses. The HSE have developed an interactive risk assessment template for such small and medium enterprises.
- 5.3.4 It was recommended that food safety and health and safety inspections are combined; this is already undertaken where possible.
- 5.3.5 The report also made recommendations in respect of proportionate and sensible health and safety enforcement that are reflected in this service plan and our enforcement policy.

5.4 Enforcement Action

- 5.4.1 There were no circumstances requiring prosecution. A simple caution was issued against a hotel for non compliance with an improvement notice issued under the Health and Safety at Work Act 1974. This was conducted under the guidelines set by the Home Office.
- 5.4.2 For all businesses, we undertake whatever action is appropriate within our enforcement policy to secure compliance. This resulted in the service four prohibition notices and thirty improvement notices.

5.5 Priority Planning

- 5.5.1 This Authority's method for determining due interventions and rating of businesses has been updated to reflect the requirement of the Section 18 Standard. The priority planning system has been successfully used since 1st April 2010.
- 5.5.2 This new scheme rates the performance of a business against a simplified rating system, based upon confidence in management, health performance, safety performance and welfare standards. This is in line with better regulation principles as it clearly identifies those businesses which are high, medium and low risk. This information is used to identify businesses that are a priority to receive an intervention and to determine the appropriate type of intervention.

5.6 Partnership Working

- 5.6.1 The Service is represented on the Hampshire and Isle of Wight Health and Safety Advisory Group (Comprised of all Hampshire Local Authorities) which seeks to ensure consistent enforcement of health and safety in the County.
- 5.6.2 We have strong links with HSE inspectors who work in the region, and who were jointly warranted with NFDC inspectors to undertake work in both areas of responsibility.
- 5.6.3 Liaison between NFDC and the HSE concerning the activities and inspection history of local premises and national businesses.
- 5.6.4 This Authority is participating in the Hampshire Better Regulation Partnership which sees sharing of intelligence between different enforcing bodies: local authorities, Hampshire Fire and Rescue and Hampshire Trading Standards. The aim of the project is to reduce multiple agency visits to low risk businesses and to enable appropriate intervention where risks are identified.
- 5.6.5 Availability of resources in the HSE was drawn upon to investigate noise levels at work with noise meters on loan from the HSE.
- 5.6.6 Seminars and training is provided on current topics by the HSE at no cost to the Service.
- 5.6.7 A NFDC inspector represents the Hampshire and Isle of Wight Health and Safety Advisory Group on The South East Region Partnership Forum and provides a link between the HSE and Hampshire local authorities.
- 5.6.8 Printed materials are obtained from the HSE which are distributed to local businesses to support advice and compliance.
- 5.6.9 Joint warrants are held by NFDC inspectors allowing them to take enforcement action in HSE enforced premises where there is prior agreement. This power also extends to premises in other Hampshire Authorities.

5.7 Performance Indicator

- 5.7.1 The performance indicator for the year 2010/2011 sought to identify the percentage of businesses inspected that are identified by the new priority planning guidance as high and medium risk. The planned frequency for inspection of a high risk business is one year and for medium risk is 18 months. All of the businesses within these categories received a full inspection before the end of the financial year.

5.8 Primary Authority Partnership Scheme

- 5.8.1 This authority recognises businesses that are part of the Primary Authority Partnership Scheme and undertakes to consult with the relevant primary authority prior to deciding on appropriate enforcement action.

5.9 Business Surveys

- 5.9.1 The service regularly surveys the satisfaction of businesses in relation to our health and safety work and adverse comments are acted upon. The responses show a high level of satisfaction and have been combined with other parts of environmental health and licensing to report for the national indicator NI182 which measures the satisfaction of business with local authority regulation services. The result for the year 2010/2011 was good with the overall result dropping one percentage point from last year to 85%.

6 CONCLUSION

- 6.1.1 The work plan for the year 2011/2012 has been designed to be wide reaching and relevant for the businesses in the New Forest District. It is based upon a combination of inspection of high risk or poor performing businesses and a range of projects which focus upon either a particular risk or particular business sector. In addition, we will continue to undertake reactive work, responding to complaints and queries and investigating accidents.
- 6.1.2 It should be noted that there has been a reduction in resources allocated to inspections. This is a direct result of losing a member of staff at the end of June 2011. This plan seeks to maintain the effectiveness of the service by the careful use of appropriate interventions, and by concentrating resources where the risk is greatest.
- 6.1.3 The plan has been shown to be realistic and achievable with the current staff resources; any changes that occur in relation to these resources will necessitate a review of targets.
- 6.1.4 Last year the Service used a range of interventions to promote and regulate Health and Safety compliance. A full review of the work undertaken showed that it was carried out in accordance with last year's plan, and was largely a success. Results have been used to shape this year's work plan.