

GENERAL PURPOSES AND LICENSING COMMITTEE – 5 July 2013

HEALTH AND SAFETY INTERVENTION PLAN FOR 2013/2014

1. INTRODUCTION

1.1 This report seeks approval of the Health and Safety Intervention Plan for 2013/2014.

2. HEALTH AND SAFETY INTERVENTION PLAN FOR 2013/2014-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 2013/2014 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.

3. FINANCIAL IMPLICATIONS

3.1 The Health and Safety Intervention Plan for 2013/2014 contains proposed work for the current year and a review of work completed the previous year and is based on existing budgets. Therefore there are no financial implications as a result of this report.

4. ENVIRONMENTAL, CRIME AND DISORDER, EQUALITY AND DIVERSITY IMPLICATIONS

4.1 There are no environmental, crime & disorder or equality and diversity implications as a result of this report.

5. RECOMMENDATION

5.1 That the Health and Safety Intervention Plan for 2013/2014 as set out in Appendix 1 be considered for approval.

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**NEW FOREST DISTRICT COUNCIL
ENVIRONMENTAL HEALTH (COMMERCIAL)**

**HEALTH AND SAFETY INTERVENTION PLAN
2013/2014**

1 INTRODUCTION

1.1 The health and safety intervention plan for 2013/2014

- 1.1.1 This health and safety intervention plan sets out the work of the health and safety service for the present year. It has been developed to satisfy the requirements of mandatory guidance issued under Section 18 of the Health and Safety at Work etc Act 1974 and the National Local Authority Enforcement Code.
- 1.1.2 This intervention plan aims to provide the right interventions aimed at where they are best placed to reduce workplace injury and ill health. Our working priorities are shaped by current HSE strategy and locally identified hazards.

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

- 1.2.1 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.

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.

2.2 The objectives

- 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 which support the Council's corporate plan through the choice of local priorities;
- 2.2.3 To undertake work defined as a priority at a regional and national level;
- 2.2.4 To investigate major injury incidents and fatalities, which meet the investigation criteria;
- 2.2.5 To investigate complaints and respond to other service requests;
- 2.2.6 To work in partnership with local, regional and national bodies when it is relevant to do so;
- 2.2.7 To promote the principle of 'sensible risk management';
- 2.2.8 To ensure enforcement decisions are consistent with our Health and Safety Enforcement Policy which includes the application of the Enforcement Management Model, and;

2.2.9 To have competent staff through training and development.

3 REGULATORY FRAMEWORK

3.1 National Local Authority Enforcement Code

- 3.1.1 A Government review into health and safety enforcement has resulted in the production of the National Local Authority Enforcement Code which will direct the work we carry out in the future.
- 3.1.2 The Code gives the HSE a stronger role in directing local authority health and safety inspection activity. This is designed to ensure local authority regulators take a more consistent and proportionate approach to enforcement.
- 3.1.3 It recognises the roles of business and local authorities in the management of risk. It sets out the risk based approach to be followed by LA regulators and ensures that they make the best use of their regulatory resource.
- 3.1.4 Meeting the requirements of the Code will deliver the central Government expectation that businesses operating in comparatively lower risk premises should not be subject to proactive, unannounced inspections, unless there is reason to suspect poor performance.
- 3.1.5 The work plan incorporates other HSE guidance as follows:
- LAC 67/2 rev3 Advice/Guidance to Local Authorities on Targeting Interventions was published in November 2011. This sets overall priorities for the work plan,
 - Internal policies based upon LAC 22/13 rev1 Incident Selection Criteria Guidance which set the approach for the selection of reactive work;
 - HSE Strategy document “The Health and Safety of Great Britain - Be part of the solution”.

4 SERVICE DELIVERY

4.1 Scope of the service

- 4.1.1 We carry out a full range of health and safety interventions, which range from providing general advice to businesses, investigating accidents and complaints, to the enforcement of health and safety law.
- 4.1.2 The work we do is either proactive or reactive:
- Proactive: the inspection of high risk premises and poorly performing businesses, together with a range of local, regional and national interventions which typically focus upon a particular business type, or identified hazard.
 - Reactive: reacting to accidents, complaints and service requests.

4.2 Prioritisation

- 4.2.1 We continue to prioritise our resources, focussing on the highest risk activities and premises, to reduce fatalities, injuries and incidents of ill health. We will target those businesses that are poor performers and not meeting the requirements of health and safety legislation. We therefore plan to only inspect the highest risk businesses in accordance with LAC67/2 rev 3.
- 4.2.2 Reactive work, involving investigation of accidents and complaint investigation is also prioritised according to the greatest risk, in line with our Incident Selection Criteria.

4.3 Enforcement approach

- 4.3.1 We protect the community by using the full range of our regulatory powers, sensibly, proportionately and using risk based and intelligence led action.
- 4.3.2 We follow a graduated approach to enforcement, looking for resolution through the provision of advice or information. However, we will resort to formal action where necessary.
- 4.3.3 New Forest District Council has formally adopted the Enforcement Concordat and this is reflected in the Health and Safety Enforcement Policy which received Member approval in 2010 and can be viewed on the Council's website.
- 4.3.4 Where a business has a Primary Authority we will adhere to the relevant guidance principle in relation to inspection and enforcement.

4.4 Accident and incident investigations

- 4.4.1 Investigations are carried out in accordance with our 'incident selection criteria – investigation of accidents, dangerous occurrences and work related ill health' investigation policy. This targets resources into the more serious accidents, those involving activities in the national priorities, and those affecting vulnerable groups (this includes children and the elderly).

4.5 Flexible Warranting

- 4.5.1 NFDC officers are jointly warranted with HSE inspectors to undertake work in both areas of responsibility. This allows for better partnership working and enforcement in the local area. This allows HSE and local authority staff to work across boundaries as detailed in a mutually accepted memorandum of understanding. This arrangement applies similarly to other local authorities in Hampshire.

4.6 Advisory visits

- 4.6.1 We understand the importance of the provision of advice to businesses who request it. This assists businesses to self regulate in relation to health and safety management, and we hope to allow for a greater provision of this service in the future.

5 STAFF RESOURCES

5.1 Staff undertaking health and safety work

- 5.1.1 EH Commercial staff undertake a full range of duties, including non health and safety work. The amount of time available for each member to undertake health and safety work has been quantified.
- 5.1.2 For the year 2013/2014, the capacity for health and safety work within the service is shown in the following table:

Staff	Full Time Equivalent
Manager	0.3 FTE
Inspectors	3.0 FTE
Administrative Support	0.6 FTE
Total	3.9 FTE

Table 1

5.2 Competency

- 5.2.1 All staff are suitably trained and qualified in the work we do. This is in accordance with a competency and developed scheme called the Regulators' Development Needs Analysis (RDNA). This scheme is designed to meet the requirements of the Section 18 standard. RDNA has been developed by the HSE and is an online self assessment mechanism for identifying development and training needs. All Officers will continue to use this tool to identify any training needs.

6 PLANNED WORK FOR THE COMING YEAR

6.1 Introduction to the work plan

- 6.1.1 This section details the work we propose to undertake in the forthcoming year. It has been considered in the light of the HSE guidance and direction concentrating on the national priorities and identifies work directed at local priorities.

6.2 Interventions arising from routine work

- 6.2.1 The following table details the range of proactive and reactive interventions proposed for the coming year. It includes interventions in businesses already known to have a higher risk. This is work that we will carry out after it has been brought to our attention from a number of sources. It includes HSE priorities for the forthcoming year.

Type of Intervention	Local Implementation
Using the most appropriate form of intervention which may include proactive inspection in category A rated businesses	We will follow guidance contained in LAC 67/2 in relation to high, medium and low risk businesses.

Type of Intervention	Local Implementation
Reacting to intelligence from other Agencies which indicate poor performance / potential significant breaches of health and safety law	Consideration is given to information from other enforcing authorities, reported accidents over a period of time, recurring complaints etc. This also includes intelligence gathered and shared as part of The Hampshire Better Regulation Partnership .
Investigation of a single complaint, RIDDOR report or adverse insurance report where the nature of the information indicates poor performance / potential significant breaches of health and safety law	We will investigate complaints from the public and employees, accidents or incidents which come to our attention. We will establish failures in relation to health and safety law and take action where necessary. This may be in the form of advice, education, and where needed, more formal action. This applies to rated and unrated premises.
Where matters of evident concern / or significant breaches of health and safety law are identified during visits for another primary purpose – e.g. food hygiene inspection	At premises we are visiting for another purpose, we will react to significant health and safety matters which come to our attention. This will be dealt with as detailed above.
To check compliance with a notice	It is essential that we revisit businesses for which it is has been necessary to serve legal notice to ensure that the matters have been addressed.
General Service Requests:	Provision of advice to businesses and the public, and internal planning and licensing consultations. Note, this has increased following recent changes to licensing legislation.
Dealing with matters of evident concern in HSE enforced premises	Joint warrants are held by NFDC inspectors allowing them to take enforcement action in HSE enforced premises where there is prior agreement.

Table 2

6.3 HSE identified proactive inspections for Local Authorities

6.3.1 We will inspect businesses falling within the categories below in line with the National Local Authority Enforcement Code as detailed in the following table.

Type of Intervention	Local Implementation
Cooling towers. Assess Legionella control measures in premises with cooling towers or evaporative condensers.	Inspection of two known premises with evaporative condensers.

Type of Intervention	Local Implementation
<p>LPG safety. Inspect the safety of premises with buried metal LPG pipework.</p>	<p>Old and damaged buried LPG pipework has been shown to present a significant risk of leakage and possible explosion. We will continue to inspect businesses with LPG installations as notified by the HSE to ensure that users and suppliers are managing the risk.</p>
<p>Open farms. Appropriate intervention to prevent or control ill health from animal contact, particularly to children, at open farms/animal visitor attractions.</p>	<p>All relevant visitor attractions will be inspected during the year to ensure controls are in place to prevent possible outbreaks and the serious effects of illness such as E.coli. or cryptosporidium</p>
<p>Vehicle repairs. Assessment of controls in place to prevent persons being struck by vehicles (Use of two post vehicle lifts) and exposure to isocyanate paint.</p>	<p>Provision of advice/onsite assessment where appropriate of tyre fitters/motor vehicle repair as part of car sales (not part of national chain)</p>
<p>Warehousing/distribution. Assessment of controls in place to prevent persons falling from height, being struck by vehicles.</p>	<p>Provision of advice/onsite assessment where appropriate of high volume warehousing and distribution</p>
<p>Builders and timber merchants. Assessment of controls in place to prevent persons falling from height, and risk of amputation, crushing, industrial diseases (asthma/deafness)</p>	<p>Provision of advice/onsite assessment where appropriate of industrial retail/wholesale premises</p>
<p>Solid fuel cooking equipment. Assessment of controls in place to prevent carbon monoxide poisoning/gas explosion from using solid fuel cooking equipment at catering premises.</p>	<p>Appropriate measures will be taken during food hygiene inspection of commercial catering premises using solid fuel cooking equipment.</p>
<p>Violence at work Assessment of controls in place to assess violence at work.</p>	<p>Provision of advice/onsite assessment of premises where lone/night working/ cash handling takes place.</p>

Table 3

6.4 Local Priorities.

6.4.1 The following table details work planned for the coming year following consideration of local and regional issues.

What we intend to do	Why this is important.
<p>Hotels. To provide advice and guidance to hotels in the District to aid awareness and assist in the measures to be taken to control the risk of legionellosis.</p>	<p>Local hotels assessed have been found to have not controlled the risk arising from Legionella adequately.</p>

What we intend to do	Why this is important.
<p>Gas safety. To assess the safety of fixed gas installations in commercial catering establishments</p>	Similar work undertaken in Hampshire has identified significant failings to conform to gas safety requirements.
<p>Health & Safety Arrangements. An audit of health and safety arrangements will be carried out as part of an accident or complaint investigation. As a result we will seek to provide practical solutions to improving health and safety management.</p>	Empirical evidence shows that many accidents and complaints arise due to the failure of businesses to implement proactive controls.
<p>Event Safety. To provide information and guidance to assist duty holders to plan for, and manage their event safely.</p>	The transient nature of temporary events presents hazards which require good planning and management. The duty holder may not always have the expertise or knowledge to adequately control them.
<p>Lyme disease. To provide information leaflets and guidance to residents and visitors to the New Forest on the hazard of Lyme Disease. Enhance awareness of the disease, precautions and recognition of symptoms.</p>	The HPA has identified a significant increase in the trend of reported cases over the last decade.

Table 4

7 SUMMARY OF PERFORMANCE FOR PREVIOUS YEAR

7.1 Comparison between planned interventions and actual performance for last year

7.1.1 The following table details the work done in relation to planned local intervention work last year. It details the scope of the work done and the results of that work.

Planned work	Outcomes
<p>To develop information on control of the legionella risk in holiday accommodation. To provide the information to businesses. Sampling will be carried out and follow-up action undertaken for businesses where failures are identified.</p>	<p>440 information leaflets were sent to caravan sites and holiday accommodation businesses. Ten water samples were taken from camping and caravan sites. Follow up letters to address issues found during visits sent. A number of requests for information regarding the subject were responded to. A presentation was given to a group of self catering owners on controlling legionella in holiday apartments and example risk assessments were distributed.</p>

Planned work	Outcomes
To assess and improve levels of compliance with pressure systems legislation for coffee machines at hotels, restaurants and pubs. Our initial approach will be informal.	This completed the work started in the previous year by including businesses which had not been previously contacted. In these businesses advice on compliance was provided during routine food hygiene inspections.
To assess the safety of opening windows in hotels in preventing falls from height. Consideration will also be given to management of certain contractors working at height.	A letter was sent to all the hotels within the District informing them of the concerns expressed by the HSE and informing them of their legal duties. A hotel installed limiters to opening windows above ground floor level in response to a complaint from a guest. It was decided that an informative letter would suffice for the remaining hotels. This topic can be addressed further during future visits.
An audit of health and safety arrangements will be carried out as part of an accident or complaint investigation. As a result we will seek to provide practical solutions to improving health and safety management.	A pro-forma based on HSE resources was produced. This was used to assist the inspector in more complex investigations and to provide practical advice to the duty holder.
We will inspect cellars as part of a food hygiene inspection, to ensure compliance with health and safety legislation.	This work was continued from previous years and was carried out during routine food hygiene inspections at premises that had not received this type of intervention previously.
To provide information and guidance to assist duty holders to plan for, and manage their event safely.	All notified events within the District have been considered with respect to size, type of event, perceived risk, documentation submitted etc. A risk based approach has been used to make contact with event organisers, provide advice through a variety of means, including at Safety Advisory group meetings, to review event plans and risk assessments, carry out site visits, and on occasion to visit and advise during the event.
To provide information leaflets and guidance to residents and visitors to the New Forest on the hazard of Lyme Disease. Enhance awareness of the disease, precautions and recognition of symptoms.	The leaflets have been freely available to organisers of events within the District, and provided to Doctors' surgeries who requested them. Leaflets have also been made available at a cost to organisations outside of the District.

Table 5

8 CONCLUSION

- 8.1.1 This report has detailed the work we intend to undertake in relation to health and safety regulation over the coming year. This work has been targeted to ensure that our resources are used the most effectively. It has been designed to be wide reaching and relevant for the businesses

in the New Forest District whilst following national policy for the regulation of health and safety.

- 8.1.2 This year has seen the introduction of the National Local Authority Enforcement Code – Health and Safety at Work, which directs the scope of our work.
- 8.1.3 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. The plan has been shown to be realistic and achievable with the current staff resources; naturally, any changes that occur in relation to these resources will necessitate a review of targets.