

GENERAL PURPOSES AND LICENSING COMMITTEE – 13 June 2014

HEALTH AND SAFETY INTERVENTION PLAN FOR 2014/2015

1. INTRODUCTION

- 1.1 This report seeks approval of the Health and Safety Intervention Plan for 2014/2015.

2. HEALTH AND SAFETY INTERVENTION PLAN FOR 2014/2015 - 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 2014/2015 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 2014/2015 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 2014/2015 as set out in Appendix 1 be approved.

For further information:

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Background Papers:

National local Authority Enforcement Code
Health and Safety at Work

APPENDIX 1

NEW FOREST DISTRICT COUNCIL ENVIRONMENTAL HEALTH (COMMERCIAL)

HEALTH AND SAFETY INTERVENTION PLAN 2014/2015

1 INTRODUCTION

1.1 The health and safety intervention plan for 2014/2015

- 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 Health and Safety Executive 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. In broad terms the HSE regulate business activities involving manufacture and alteration of articles and this Authority regulates activities of a service and retail sector including leisure.

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 principles of Better Regulation;
- 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 This Code gives the HSE a stronger role in directing local authority health and safety intervention activity. This is designed to ensure local authority regulators take a more consistent and proportionate approach to enforcement.
- 3.1.2 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.
- 3.1.3 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.
- 3.1.4 The work plan incorporates other HSE guidance as follows:
- LAC 67/2 rev4 Targeting Local Authority Interventions sets overall priorities for the work plan this year;
 - Internal policies based upon LAC 22/13 rev1 Incident Selection Criteria Guidance which set the approach for the selection of reactive work.

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 rev4.

- 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, in accordance with our enforcement policy, formal action is taken 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/instruction in relation to inspection and enforcement. This will help determine a proportionate and consistent response and ensure that any national implications can be considered.

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 Advisory visits

- 4.5.1 We understand the importance of the provision of advice to businesses who request it. We carry out advisory visits on request. This assists businesses to self regulate in relation to health and safety management.

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 2014/2015, the capacity for health and safety work within the service is shown in the following table:

Staff	Full Time Equivalents
Manager	0.3 FTE
Inspectors	2.9 FTE
Administrative Support	0.6 FTE
Total	3.8 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. This requires Local Authorities to provide sufficient resources to undertake its role as an enforcing authority. This assists in identifying training needs.

5.2.2 Training needs form part of the Performance Development Interview and are reviewed on a yearly basis. As in previous years it is envisaged that training for the year ahead will be provided by a mixture of external courses, online training, and internal sessions developed by our own officers to cascade training received from elsewhere.

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.

6.1.2 These national priorities can be summarised as follows:

- Control of Legionella risks in workplaces
- Raising awareness on the duty to manage asbestos
- Control of ill health arising from animal contact at visitor attractions
- Visits to specified sites to address LPG underground pipe work
- Investigation of incidents and complaints
- Reactive work including the monitoring of RIDDOR reports and complaints to identify appropriate interventions within the beauty sector.

6.1.3 The above national priorities have been considered in the preparation of the following work plan for the forthcoming year; this includes routine work, proactive inspections and local priority work.

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 rev 4
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 with other agencies e.g. Hampshire Fire and Rescue Service.
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 improvement and prohibition notices	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.
Event Safety - To provide information and guidance to assist duty holders to plan for, and manage their event safely.	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.

Table 2

6.3 National Priorities

6.4 HSE identified proactive inspections for Local Authorities

6.4.1 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
<p>Preventing legionella from cooling towers. Assess Legionella control measures in premises with cooling towers or evaporative condensers.</p>	No action proposed – there are no local authority enforced cooling towers or evaporative condensers in the District.
<p>Removal of unsafe LPG pipework. Identification of buried metal LPG pipework which could leak causing explosion.</p>	Sites listed on the HSE database will continue to be inspected and appropriate action will be taken to address risks. Other premises including caravan sites will be included when discovered.
<p>Prevention of E.coli or cryptosporidium infection. Assessment of control measures to prevent ill health, particularly to children, from animal contact at open farms/animal visitor attractions.</p>	All relevant visitor attractions will be inspected during the year to ensure controls are in place to prevent possible outbreaks.
<p>Preventing persons from being struck by vehicles. Assessment of control measures where there is use of two post vehicle lifts or workplace transport at tyre fitters and vehicle repairers as part of car sales and at high volume warehousing.</p>	Provision of advice/onsite assessment where appropriate when premises come to our attention through complaint or accident.
<p>Prevention of falls from height /amputation and crushing injuries. Assessment of control relating to work at height, workplace transport, cutting machinery and lifting equipment at industrial retail/wholesale premises e.g. builders and timber merchants.</p>	Provision of advice/onsite assessment where appropriate when premises come to our attention through complaint or accident.
<p>Prevention of industrial disease. Assessment of controls where there is use of isocyanate paint or high levels of noise/dust at motor vehicle repairs, industrial retail /wholesale premises e.g. builders and timber merchants.</p>	Provision of advice/onsite assessment where appropriate when premises come to our attention through complaint or accident.
<p>Preventing falls from height. Assessment of control relating to work at height at high volume warehousing/distribution.</p>	Provision of advice/onsite assessment to a known premises and others that come to our attention through complaint or accident.

<p>Prevention of injuries to crowds arising from vehicles Assessment of organisation and/or supervision of high speed or off road vehicle movements.</p>	<p>No action proposed as there are no planned events that meet this criteria.</p>
<p>Prevention of carbon monoxide poisoning. Assessment of ventilation of cooking appliances using solid fuel at commercial catering premises.</p>	<p>Appropriate measures will be taken during food hygiene inspections where such appliances are found.</p>
<p>Prevention of violence at work. Assessment of security measures and procedures in premises where employees are at greater risk through lone/night working and cash handling e.g. betting shop</p>	<p>Provision of advice/onsite assessment of premises where premises come to our attention through complaint or incident.</p>

Table 3

6.5 Local Priorities.

6.5.1 We will use local information to determine the key risks of serious workplace accidents, injuries and ill-health to identify their priorities.

6.5.2 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 continue the work of last year's intervention in providing advice and guidance to hotels to aid awareness and assist in the measures to be taken to control the risk of legionellosis.</p>	<p>The hotels which have already received an intervention have not been found to have adequately controlled the risk arising from Legionella. The complex nature of the risk means some hoteliers may not have put adequate controls in place.</p>
<p>Gas safety. To assess the safety of fixed gas installations, specifically tandoori ovens in commercial catering establishments.</p>	<p>Similar work undertaken in Birmingham & Hampshire has identified significant failings of some catering establishments to conform to minimal gas safety requirements.</p>
<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>	<p>Public Health (England) has identified a significant increase in the trend of reported cases over the last decade. The habitat of The New Forest supports the occurrence of ticks.</p>
<p>Flooring in Catering Establishments Identifying premises with slip/trip risks in food preparation areas during routine food hygiene inspections, or using other</p>	<p>A recent serious accident in the District and reports by Officers carrying out routine food hygiene</p>

intelligence. To provide advice and guidance to aid awareness and assist in the measures to be taken to control the risk.	inspections has shown some catering establishments have not adequately controlled the risk of injury arising from slips/trips.
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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. The following represents both national and local priorities.

Planned Work	Outcomes
<p>Cooling towers. Assess Legionella control measures in premises with cooling towers or evaporative condensers.</p>	Officer training was completed and the public register of cooling towers was reviewed. The two evaporative condensers in Local Authority regulated premises were inspected.
<p>LPG safety. Inspect the safety of premises with buried metal LPG pipework.</p>	Three premises were identified which required pipework renewal. Two businesses have completed the work and one has a future compliance date to complete the work.
<p>Open farms. Appropriate intervention to prevent or control ill health from animal contact, particularly to children, at open farms/animal visitor attractions.</p>	The one open farm in the District was 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>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>	Local Authority regulated premises were identified and visited (where tyre fitters/motor vehicle repair were part of car sales and not part of a national chain). Onsite assessment carried out and advice on controls provided.
<p>Warehousing/distribution. Assessment of controls in place to prevent persons falling from height, being struck by vehicles.</p>	During the course of investigating accidents, the risks were assessed and action taken to ensure the duty holder put into place suitable and sufficient controls.
<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>	As no accidents, complaints or other intelligence were received during the year no interventions were undertaken. Future intelligence led inspections will be undertaken based on risk.

<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>Where solid fuel cooking equipment was found during food hygiene inspections, measures were taken to ensure any risks arising from poor ventilation were addressed.</p>
<p>Violence at work Assessment of controls in place to assess violence at work.</p>	<p>As no incidents, complaints or other intelligence were received during the year no interventions were undertaken. However, this activity remains suitable for full inspection where intelligence reveals the risks are not adequately controlled.</p>
<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>All hotels in the district received a questionnaire to assess knowledge of the subject and controls put in place. Advice has been given as requested and follow up work will be undertaken on higher risk businesses.</p>
<p>Gas safety. To assess the safety of fixed gas installations in commercial catering establishments</p>	<p>Formal action by a Hampshire Local Authority failed in court. This required the need to re-think the work activity. Training at County level has not been provided. Therefore this activity has been deferred to the current years work programme.</p>
<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>	<p>This activity has been carried out as part of full inspections. This practical approach aids duty holders with their understanding of solutions.</p>
<p>Event Safety. To provide information and guidance to assist duty holders to plan for, and manage their event safely.</p>	<p>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.</p>
<p>Lyme disease. To provide information leaflets and guidance to residents and visitors to the New Forest on the hazard of</p>	<p>The leaflets have been freely available to organisers of events within the District, and provided to Doctors' surgeries who</p>

Lyme Disease. Enhance awareness of the disease, precautions and recognition of symptoms.	requested them. Leaflets were available at a cost to organisations outside of the District.
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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 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 including compliance with the Local Authority Enforcement Code which directs the scope of our work.
- 8.1.2 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.