

# NOTICE OF MEETING

**Meeting:** GENERAL PURPOSES AND LICENSING COMMITTEE

**Date and Time:** FRIDAY, 9 SEPTEMBER 2016, AT 9.30 AM\*

**Place:** COUNCIL CHAMBER, APPLETREE COURT,  
LYNDHURST

**Telephone enquiries to:** Lyndhurst (023) 8028 5000  
023 8028 5588 - ask for Melanie Stephens  
Email: melanie.stephens@nfdc.gov.uk

## **PUBLIC PARTICIPATION:**

\*Members of the public may speak in accordance with the Council's public participation scheme:

- (a) immediately before the meeting starts, on items within the Committee's terms of reference which are not on the public agenda; and/or
  - (b) on individual items on the public agenda, when the Chairman calls that item.
- Speeches may not exceed three minutes. Anyone wishing to speak should contact the name and number shown above.

**Bob Jackson**  
Chief Executive

Appletree Court, Lyndhurst, Hampshire. SO43 7PA  
[www.newforest.gov.uk](http://www.newforest.gov.uk)

**This Agenda is also available on audio tape, in Braille, large print and digital format**

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# AGENDA

## **Apologies**

### **1. MINUTES**

To confirm the minutes of the meeting held on 6 June 2016 as a correct record.

### **2. DECLARATIONS OF INTEREST**

To note any declarations of interest made by members in connection with an agenda item. The nature of the interest must also be specified.

Members are asked to discuss any possible interests with Democratic Services prior to the meeting.

**3. PUBLIC PARTICIPATION**

To note any issues raised during the public participation period.

**4. HEALTH AND SAFETY INTERVENTION PLAN 2016-17 (Pages 1 - 14)**

To approve the Health and Safety Intervention Plan.

**5. DATES OF MEETINGS 2017/18**

The Committee is requested to fix its meeting dates for 2017/2018. The following dates are suggested (all Fridays at 9.30 a.m.):-

9 June 2017  
8 September 2017  
10 November 2017  
12 January 2018  
9 March 2018

**6. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT**

To: **Councillors**

S J Clarke (Chairman)  
L R Puttock (Vice-Chairman)  
G C Beck  
G R Blunden  
Ms L C Ford  
R L Frampton  
A T Glass  
L E Harris

**Councillors**

J M Olliff-Cooper  
A K Penson  
D N Tungate  
A S Wade  
Mrs C V Ward  
J G Ward  
Mrs P A Wyeth

## GENERAL PURPOSES AND LICENSING COMMITTEE – 9 SEPTEMBER 2016

### HEALTH AND SAFETY INTERVENTION PLAN 2016/2017

#### 1. INTRODUCTION

- 1.1 This report seeks approval of the Health and Safety Intervention Plan for 2016/2017.

#### 2. HEALTH AND SAFETY INTERVENTION PLAN FOR 2016/2017 - 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 2016/2017 is presented to the Committee for 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 2016/2017 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 2016/2017 as set out in Appendix 1 be approved.

#### For further information:

Joanne McClay  
Service Manager (Environmental &  
Regulation)

Tel: 02380 285588  
[Joanne.mcclay@nfdc.gov.uk](mailto:Joanne.mcclay@nfdc.gov.uk)

#### Background Papers:

National local Authority Enforcement  
Code Health and Safety at Work  
Supplementary guidance  
List of activities/sectors for proactive  
inspection by LAs

Published on HSE website

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**APPENDIX 1**

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

**HEALTH AND SAFETY INTERVENTION PLAN  
2016/2017**

## **1 INTRODUCTION**

### **1.1 The health and safety intervention plan for 2016/2017**

- 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 is intended to inform businesses and members of the public of the Council's approach to health and safety in providing a fair, consistent, open and effective enforcement service. It reviews the performance of the Commercial team for health and safety in 2015/16 and sets out the priority tasks for 2016/17. The interventions are shaped by the Health and Safety Executive strategy and locally identified priorities to protect health.

### **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 has a statutory duty to enforce 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. The Health and Safety (Enforcing Authority) Regulations 1998. define which organisation can regulate a business. In general, the HSE regulate business activities involving manufacture and this Authority regulates activities of a service and retail sector including leisure.
- 1.2.2 This intervention plan has been produced with regard to the following guidance and codes produced by the HSE and The Department for Business Regulation and Skills:
- National Local Authority Enforcement Code;
  - LAC 67/2 rev4.1 Targeting Local Authority Interventions (sets overall priorities for the work plan);
  - LAC 22/13 rev1 Incident Selection Criteria Guidance (which set the approach for the selection of reactive work);
  - The Regulators` Code;
  - Combining Health and Safety and Food Safety visits from 1 April 2011, and;
  - Helping Great Britain Work Well 2016.

## **2 SERVICE AIMS AND OBJECTIVES**

### **2.1 Aim**

The aim of the Health and Safety Service is to prevent the death, injury and ill health of those at work and those affected by work activities.

### **2.2 Links to the Corporate Plan**

2.2.1 The Council's Corporate Plan sets out a vision of securing a better future for the New Forest by;

- Supporting local businesses to prosper for the benefit of the community
- Assisting the well being of those people who live and work within the district
- Protecting the special and unique character of the New Forest.

2.2.2 The health and safety service contributes to the key priorities in the plan by protecting the local community through providing safe places to work and visit in the New Forest and by providing advice and ensuring a level playing field to help local businesses develop and grow.

### **2.3 Service Objectives**

The service objectives include;

- To provide clear information, guidance and advice to businesses and their employees, to help those we regulate to meet their legal responsibilities.
- To encourage businesses to adopt good practice, raising awareness, promotion, education, and promoting 'sensible risk management';
- To listen to businesses' views, and ensure our activities support them to comply and grow;
- To investigate all fatalities and major injury incidents and to investigate complaints and service requests;
- To investigate all statutory notifications relating to asbestos removal and defective lifting equipment;
- To base our regulatory activity on risk, ensuring enforcement decisions are consistent with the Enforcement Policy and the Enforcement Management Model;
- To work in partnership with local, regional and national bodies and;
- To ensure that health and safety inspectors maintain their competence.

### **3 SERVICE DELIVERY**

#### **3.1 Scope of the service**

- 3.1.1 Health and safety enforcement sits within the Environmental Health Service and is carried out by officers of the commercial team. Their responsibilities also include food safety, infectious disease control and caravan site licensing. To improve efficiency, Officers combine health and safety hazard spotting with other food inspections which meets the requirements of the HSE document, Combining Health and Safety and Food Safety Visits.
- 3.1.2 The service provides a full range of health and safety interventions; including general advice to businesses and their employees, investigating accidents and complaints, and the enforcement of health and safety law where necessary.
- 3.1.3 Local authorities are the enforcing authority for activities and businesses which include; retail premises and those providing consumer services, offices, leisure activities, catering, hotels and caravan sites.
- 3.1.4 Within these types of business the service will provide;
- Programmed risk based inspections in category A rated businesses (those which are the highest risk) in line with LAC67/2 rev4.1.
  - Planned interventions and surveys based on specific higher risk work activities.
  - Investigation of workplace accidents, ill-health and dangerous occurrences reported by employers.
  - Investigation of complaints about businesses with poor management or welfare conditions.
  - Appropriate action where matters of evident concern / or significant breaches of health and safety law are identified during visits for another primary purpose – e.g. during a food hygiene inspection.
  - Response to intelligence from various sources, which indicate poor performance or potential significant breaches of health and safety law.
  - The provision of health and safety advice to employers, employees and members of the public.
  - Investigation of engineer reports of defective lifting equipment
  - Assessment of asbestos removal works.
  - Inspection of skin piercing businesses including acupuncture and tattooing.
  - Membership of the Council's Safety Advisory Group and the provision of advice to event organisers and regulation where necessary.
  - Maintaining the register of Cooling Towers and Evaporative Condensers
  - Statutory consultee for health and safety on licences issued under the Licensing Act 2003

#### **3.2 Demands on service and prioritisation**

- 3.2.1 Resources are prioritised based on risk of activities and premises to improve health and safety and reduce the likelihood of fatalities, injuries and incidents of ill health. Inspections are prioritised for poor performing businesses which do not comply with health and safety legislation and expose employees to



risk. The plan is therefore to only inspect the highest risk businesses in accordance with LAC67/2 rev4.1

- 3.2.2 Reactive work, including the investigation of accidents and complaints is also prioritised based on risk. Accidents reported by employers under the Reporting of Injuries Diseases and Dangerous Occurrences Regulations 2013 are investigated in accordance with the Incident Selection Criteria and local/national priorities.

### **3.3 Enforcement approach**

- 3.3.1 We protect the community by using the full range of regulatory powers, with a staged approach which is proportion to the risk and intelligence led.
- 3.3.2 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.
- 3.3.3 New Forest District Council has formally adopted the Health and Safety Enforcement Policy which received Member approval in 2010 and can be viewed on the Council's website. This is due to be reviewed to ensure it meets the requirements of the regulators code produced by the Better Regulation Office. We welcome feedback and comments from businesses about their needs and how to improve our service.
- 3.3.4 New Forest District Council operates a complaints and appeals procedure which initially encourages contact with the inspector dealing with the matter, and also offers a means of escalating issues should this be necessary. In addition, businesses may approach the Health and Safety Executive Independent Regulatory Challenge Panel. They investigate complaints regarding advice given by Local Authority Inspectors where the business believes that incorrect information has been given or recommended controls of risk exceed what the law requires.
- 3.3.5 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.

### **3.4 Accident and incident investigations**

- 3.4.1 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 local and national priorities, and those affecting vulnerable groups (this includes children and the elderly).

### **3.5 Provision of Advice**

- 3.5.1 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

grow and prosper by encouraging self regulation through good health and safety management.

## **4 STAFF RESOURCES**

### **4.1 Staff undertaking health and safety work**

Environmental Health (Commercial) staff undertake a full range of duties, including non health and safety work. There are 7 inspectors within the service that spend part of their time carrying out health and safety work. The amount of time available for the manager, inspectors and admin staff to undertake health and safety work is quantified in the table below. The officer time necessary to carry out the work proposed in this report is considered to be within the capacity of the current resources of the service.

Staff	Full Time Equivalents 2015/16	Full Time Equivalents 2016/17
Manager	0.1 FTE	0.2 FTE
Inspectors	1.6 FTE	1.3
Administrative Support	0.4 FTE	0.4 FTE
<b>Total</b>	<b>2.1 FTE</b>	<b>1.9 FTE</b>

Table 1

### **4.2 Competency**

All staff are suitably qualified for the work they carry out and received training when required. The Regulators' Development Needs Analysis tool is included in the yearly Performance Development Interview to assist in identifying training needs. Training for this year will be provided by external courses, online training, shadowing other inspectors and internal sessions developed by officers to cascade training received.

## **5 PLANNED WORK FOR THE COMING YEAR**

### **5.1 Introduction to the work plan**

5.1.1 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 to address local priorities.

5.1.2 The work which we undertake can be categorised as follows:

- Interventions including the investigation of accidents and reacting to service requests;
- Interventions resulting from national priorities identified by the HSE, This list is appended to the National Local Authority Enforcement Code, and;
- Interventions to address local priorities. These have been identified from our knowledge of businesses and accidents in the local area.

## 5.2 National priorities and planned interventions

Each year the HSE provide national priorities. These are work activities and types of trade that are considered to be the highest risk. Therefore local authorities are expected to focus their resources in these areas. In line with the National Local Authority Enforcement Code, these priorities are considered individually in the following table.

Type of Activity and Risk	Local Implementation
<p><b>Falls from height.</b></p> <p>Premises with fragile roofs (thin sheet materials) present a risk to maintenance workers.</p>	<p>When identified during visits (including food hygiene inspection) the dutyholder will be made aware of the risk and their legal duties.</p>
<p><b>Health risks from breathing silica dust.</b></p> <p>Building works including block cutting, chasing brickwork and cutting concrete floors produces harmful respirable crystalline silica dust.</p>	<p>During visits, officers may come across minor building works involving this activity and officers will address the risk with the dutyholder or involve the HSE where under their enforcement.</p>
<p><b>Duty to manage asbestos.</b></p> <p>It is found in many older buildings and presents a risk when deteriorating and /or disturbed.</p>	<p>Officers will raise the awareness of a dutyholder to their legal responsibilities when premises come to our attention through complaint or when we are aware of building works. Failure to manage the risk will be dealt with through normal enforcement.</p>
<p><b>Preventing legionella infection from cooling towers.</b></p> <p>Legionella is easily spread in the air from cooling towers if poorly maintained.</p>	<p>No action proposed – there are no local authority enforced cooling towers in the District.</p>
<p><b>Removal of unsafe LPG pipework.</b></p> <p>Identification of buried metal LPG pipework which could leak causing explosion.</p>	<p>Premises were identified by the HSE and all have now received appropriate intervention from this service. Similar premises that come to our attention will be addressed.</p>
<p><b>Prevention of ill health arising from animal contact at visitor attractions.</b></p> <p>Infections such as E.coli or cryptosporidium may be caught from animals if the risk of infection is not controlled.</p>	<p>All relevant visitor attractions will be inspected during the year to ensure controls are in place to prevent possible ill health.</p>
<p><b>Preventing persons from being struck by vehicles.</b></p>	<p>Provision of advice/onsite</p>

Vehicle movements as part of car sales, tyre fitting and warehousing present a risk to employees and public.	assessment where appropriate when premises come to our attention through complaint or accident.
<b>Prevention of falls from height, amputation and crushing injuries.</b> This may involve workplace transport, cutting machinery and lifting equipment at industrial retail/wholesale premises e.g. builders and timber merchants.	Provision of advice/onsite assessment where appropriate when premises come to our attention through complaint or accident.
<b>Prevention of industrial disease.</b> This risk is present 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.	Provision of advice/onsite assessment where appropriate when premises come to our attention through complaint or accident.
<b>Prevention of injuries to crowds at large scale events.</b> There are risks at events that have the potential to cause severe and numerous injuries.	Events that require monitoring are identified through the Safety Advisory Group and Licensing Service. Advice and where necessary, enforcement is provided in conjunction with other Council Services.
<b>Prevention of carbon monoxide poisoning.</b> A lack of ventilation at commercial catering premises using solid fuel cooking appliances will put staff at risk.	Appropriate measures will be taken during food hygiene inspections where such appliances are found.
<b>Prevention of violence at work.</b> Vulnerable working conditions may exist because of a lack of security measures and procedures in premises where employees are at greater risk through lone/night working and cash handling e.g. betting shop, off licences and care settings.	The investigation of all incidents that come to our attention through complaint or RIDDOR reporting.

Table 2

### 5.3 Local priorities and planned interventions.

We will use local information to determine work activities that are a higher priority and should receive greater attention. We are a part of the Hampshire Health and Safety Advisory Group which shares information about service planning. This information has been used in identifying our priorities which are detailed in the following table.

What we intend to do	Why this is important
<b>Cleaning at height in food premises.</b> The identification of premises with	Management of working at height

<p>extraction systems that work at height for cleaning and maintenance. Any uncontrolled risk will be assessed and appropriate intervention will be undertaken. Food businesses with high level extraction have been surveyed by questionnaire. The risk appears not to have been controlled in 26 food businesses. These will be assessed at the same time as the routine food hygiene inspection.</p>	<p>must always address the hazard of falling. A serious accident in the District has shown that there can be inadequate management of safety for cleaning contractors working at height. This also addresses the risk of falling through fragile roofs identified as a national priority.</p>
<p><b>Swimming pools in hotels</b></p> <p>We will provide information to all hotels with pools to enable them to understand their legal duties. We will enable them to comply by directing them to relevant sources of information and visit to provide additional advice where requested.</p>	<p>The risk of drowning must be risk assessed and controlled, particularly for unattended pools. Additionally the chemical handling involved with pool cleansing must also be controlled to prevent a release of poisonous fumes that could affect staff and bathers. As a holiday destination the district has many hotels with pool facilities.</p>
<p><b>The safe use of food slicers</b></p> <p>We will make assessment of the slicing equipment, how it is used and training of staff during food hygiene inspections. Proportionate enforcement will be applied where necessary.</p>	<p>By their nature, food slicers have the potential to cause serious and permanent injury if used incorrectly. This intervention has the advantage that it can be carried out with the minimum of resources because of our work commitment in food premises.</p>
<p><b>Riding establishments</b></p> <p>A new guidance document produced by the Chartered Institute of Environmental Health will be brought to the attention of licensed riding establishments. The guidance gives practical advice on compliance with the law. Where requested we will visit to provide additional more specific advice.</p>	<p>The 12 licensed riding establishments are inspected each year for animal welfare but not their management of health and safety. There are known to be a number of rider falls each year which have the potential to cause serious harm. Riding establishments should have emergency procedures in place.</p>

Table 3

## 6 SUMMARY OF PERFORMANCE FOR PREVIOUS YEAR

- 6.1.1 The following table details the work done last year in relation to the planned intervention work. 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><b>LPG safety.</b> Inspect the safety of premises with buried metal LPG pipework.</p>	<p>A single premise was subject to formal action.</p>
<p><b>Open farms.</b> Appropriate intervention to prevent or control ill health from animal contact, particularly to children, at open farms/animal visitor attractions.</p>	<p>The one open farm in the District was inspected. Appropriate controls were found to be maintained to prevent possible infections in visitors. In addition, a farm open day provided washing facilities and other measures after advice was provided.</p>
<p><b>Preventing persons from being struck by vehicles</b> at tyre fitters and car repairs. <b>Prevention of falls from height, amputation and crushing injuries</b> at industrial retail/wholesale premises. <b>Prevention of industrial disease</b> at motor vehicle repair and industrial retail premises. <b>Preventing falls from height</b> at high volume warehousing.</p>	<p>We monitored for incidents / complaints, but no significant issues arose during the year.</p>
<p><b>Solid fuel cooking equipment.</b> Assessment of controls in place to prevent carbon monoxide poisoning/gas explosion from using solid fuel cooking equipment at catering premises.</p>	<p>No new installations were identified in the past year.</p>
<p><b>Violence at work</b> Assessment of controls in place to assess violence at work.</p>	<p>All incidents that came to our attention have been investigated. The issue of customer violence towards staff working at night was explored. Lyndhurst, Totton and individual businesses elsewhere were visited whilst trading in the evening and Health and Safety advice was given. Our findings have concluded that betting shops have well established procedures. Other businesses do not have a significant number of incidents and adequate procedures were found.</p>
<p><b>Hotels.</b> To continue the work of the previous year by providing advice and guidance to hotels to aid awareness</p>	<p>After previously receiving guidance, hotels were surveyed to establish controls in place. There were 5 hotels</p>

and ensure suitable measures are taken to control the risk of Legionellosis.	which did not appear to have adequate controls in place and received a visit to assess the risk. Appropriate practical advice was given.
<b>Gas safety.</b> To continue with the work started in the previous year to assess the safety of fixed gas installations, specifically tandoori ovens in commercial catering establishments.	We inspected 15 restaurants and takeaways which use a tandoor oven and 8 were subject to formal action by improvement notice. All required works are satisfactorily completed.
<b>Event Safety.</b> 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.
<b>Cleaning at Height</b> Identification of premises with extraction systems that present difficult access for cleaning and maintenance. The risk will be assessed and appropriate intervention will be undertaken.	A survey questionnaire was sent to appropriate food premises to establish whether suitable controls were applied to this work activity. The premises suitable for an intervention were identified.
<b>Asbestos</b> Assessment of asbestos control measures in place for premises likely to contain asbestos	The removal of asbestos containing materials as licensed work was monitored. Visits were carried out to ensure the work met with the legislative requirements covering this activity.  There were no premises requiring significant interventions during the year.

Table 4

- 6.1.2 In addition to the above planned work, the service investigated 64 accidents and undertook 65 visits to investigate complaints. All interventions carried out by inspectors resulted in a satisfactory level of compliance
- 6.1.3 There were 31 visits carried out to provide guidance to employers and a total of 100 contacts made by letter or telephone call.
- 6.1.4 During the year formal action was taken on 3 occasions to secure health and safety improvements and compliance with legislation. Improvement notices were served on two businesses requiring the tandoori oven to be inspected by a competent gas engineer and any necessary remedial works carried out.

One business received a notice requiring replacement of underground steel gas pipework with a type that is corrosion resistant. A Prohibition Notice was also served to prevent the use of a commercial spin drier until the safety interlock on the lid had been repaired. With the exception of the underground gas pipework, all works have been satisfactorily completed. The notice period for the underground pipework expires in December 2016 due to the expense and time taken to complete the work.

## **6.2 Review against the 2015-16 plan**

In 2015-16 the service completed all investigations that were identified in the plan. This included investigating all formally reported accidents that met the requirements of the Incident Selection Criteria or of a type that were within the local/national priorities. All complaints were also investigated. In all cases the investigation sought to ensure that appropriate measures were taken to reduce risks to an acceptable level. The interventions completed based on local priorities were inspection of premises and provision of advice on legionella in hotels and gas safety of tandoor ovens. The topic of cleaning at height in food premises was begun last year and is being continued into the current year. Whilst much of the preparation and training was completed last year, visits to businesses to assess their controls will be carried out this year.

## **7 CONCLUSION**

- 7.1** This report details the work we intend to undertake in relation to health and safety regulation in 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.
- 7.2** 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.