

## **GENERAL PURPOSES AND LICENSING COMMITTEE – 12 JUNE 2015**

### **HEALTH AND SAFETY INTERVENTION PLAN FOR 2015/2016**

#### **1. INTRODUCTION**

- 1.1 This report seeks approval of the Health and Safety Intervention Plan for 2015/2016.

#### **2. HEALTH AND SAFETY INTERVENTION PLAN FOR 2015/2016 - 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 2015/2016 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 2015/2016 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 2015/2016 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, and the supplementary guidance

List of activities/sectors for proactive inspection by LAs

Published on HSE website

# APPENDIX 1



## NEW FOREST DISTRICT COUNCIL ENVIRONMENTAL HEALTH (COMMERCIAL)

## HEALTH AND SAFETY INTERVENTION PLAN 2015/2016

## **1 INTRODUCTION**

### **1.1 The health and safety intervention plan for 2015/2016**

- 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.
- 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 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;
  - The Regulators` Code, and;
  - Combining Health and Safety and Food Safety visits from 1 April 2011.

## **2 HEALTH AND SAFETY SERVICE AIMS AND OBJECTIVES**

### **2.1 The aim**

- 2.1.1 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 The objectives**

- 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, through raising awareness, promotion, education, and to promote the principle of 'sensible risk management';
- To listen to businesses' views, and to ensure that our activities support them to comply and grow;
- To investigate fatalities and major injury incidents, which meet the investigation criteria, and to investigate complaints and respond to other service requests;
- To investigate statutory notifications, e.g. asbestos works or reports of defective lifting equipment;
- To base our regulatory activity on risk, by ensuring enforcement decisions are consistent with our Health and Safety Enforcement Policy which includes the application of the Enforcement Management Model;
- To work in partnership with local, regional and national bodies when it is relevant to do so, and;
- To ensure that health and safety inspectors receive the necessary support and training to maintain competence.

## **3 SERVICE DELIVERY**

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

3.1.1 We carry out a full range of health and safety interventions; providing general advice to businesses and their employees, investigating accidents and complaints, and the enforcement of health and safety law where necessary.

3.1.2 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.

## **3.2 Prioritisation**

- 3.2.1 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.
- 3.2.2 Reactive work, involving investigation of accidents and complaint investigation is also prioritised according to the greatest risk, in line with our Incident Selection Criteria.

## **3.3 Enforcement approach**

- 3.3.1 We protect the community by using the full range of our regulatory powers, sensibly, proportionately and using risk based and intelligence led action.
- 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 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. 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 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

- 4.1.1 Environmental Health (Commercial) staff undertake a full range of duties, including non health and safety work. The amount of time available for the manager, inspectors and admin staff to undertake health and safety work has been quantified. For the current year, the capacity for health and safety work within the service is shown in the following table:

Staff	Full Time Equivalent
Manager	0.1 FTE
Inspectors	1.6 FTE
Administrative Support	0.4 FTE
<b>Total</b>	<b>2.1 FTE</b>

Table 1

### 4.2 Competency

- 4.2.1 All staff are suitably qualified for the work they do. Inspectors' competency is maintained through the provision of training. The Regulators' Development Needs Analysis tool is used as part of the yearly Performance Development Interview to assist in identifying training needs. As in previous years it is envisaged that training for the year ahead will be provided by a mixture of external courses, online training, shadowing other inspectors and internal sessions developed by our own officers to cascade training received from elsewhere.

## 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 directed at local priorities.

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

- Key Interventions including the investigation of accidents and reacting to service requests;
- National priorities identified by the HSE, appended to the National Local Authority Enforcement Code
- Local priorities identified from our knowledge of businesses and accidents in the local area.

### 5.2 Key interventions

5.2.1 Proactive inspection in category A rated businesses (those which are the highest risk) in line with LAC67/2 rev4.

5.2.2 Reacting to intelligence from various sources, which indicate poor performance or potential significant breaches of health and safety law.

5.2.3 Investigation of 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.

5.2.4 We will take 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.

5.2.5 Reacting to general requests for service, including the provision of advice to businesses and the public, and internal planning and licensing consultations.

5.2.6 Participation in the Safety Advisory Group process, which includes the provision of information and guidance in relation to event safety.

### 5.3 National priorities and planned interventions

5.3.1 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
<b>Preventing legionella from cooling towers.</b> Assess Legionella control measures in premises with cooling towers or evaporative condensers.	No action proposed – there are no local authority enforced cooling towers or evaporative condensers in the District.

<p><b>Removal of unsafe LPG pipework.</b> Identification of buried metal LPG pipework which could leak causing explosion.</p>	<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>
<p><b>Prevention of E.coli or cryptosporidium infection.</b> Assessment of control measures to prevent ill health, particularly to children, from animal contact 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.</p>
<p><b>Preventing persons from being struck by vehicles.</b> 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>	<p>Provision of advice/onsite assessment where appropriate when premises come to our attention through complaint or accident.</p>
<p><b>Prevention of falls from height, amputation and crushing injuries.</b> 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>	<p>Provision of advice/onsite assessment where appropriate when premises come to our attention through complaint or accident.</p>
<p><b>Prevention of industrial disease.</b> 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>	<p>Provision of advice/onsite assessment where appropriate when premises come to our attention through complaint or accident.</p>
<p><b>Prevention of injuries to crowds arising from vehicles</b> 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><b>Prevention of carbon monoxide poisoning.</b> 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><b>Prevention of violence at work.</b> 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 businesses in high risk sectors during food hygiene inspections. The investigation of all incidents that come to our attention through complaint or RIDDOR reporting.</p>

Table 2



## 5.4 Local priorities and planned interventions.

5.4.1 We will use local information to determine the key risks of serious workplace accidents, injuries and ill-health to identify their priorities. 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><b>Cleaning at height in food premises.</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.</p>	<p>A serious accident in the District has shown that there can be inadequate management of safety for those working at height.</p>
<p><b>Hotels.</b> 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>Hotels which have already received an intervention and have not been found to have adequately controlled the risk arising from Legionella will receive appropriate intervention.</p>
<p><b>Gas safety.</b> To continue with the work started last year to assess the safety of fixed gas installations, specifically tandoori ovens in commercial catering establishments.</p>	<p>Similar work undertaken in Birmingham &amp; Hampshire has identified significant failings of some catering establishments to conform to minimal gas safety requirements.</p>

Table 3

## 6 SUMMARY OF PERFORMANCE FOR PREVIOUS YEAR

6.1.1 The following table details the work done in relation to the planned local 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 premises 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 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><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</p>	<p>We monitored for incidents / complaints, but no significant issues arose during the year.</p>

<p>motor vehicle repair and industrial retail premises.</p> <p><b>Preventing falls from height at high volume warehousing.</b></p>	
<p><b>Solid fuel cooking equipment.</b></p> <p>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></p> <p>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 was explored by visiting businesses trading in the evening. Health and Safety advice was given. Our findings have led to the planning of interventions in this subject area.</p>
<p><b>Flooring in Catering Establishments.</b></p> <p>Identifying premises with slip/trip risks in food preparation areas during routine food hygiene inspections, or using other intelligence. To provide advice and guidance to aid awareness and assist in the measures to be taken to control the risk.</p>	<p>Premises were identified during routine food hygiene inspections for further intervention. Those selected were visited and the flooring assessed using a friction measuring tool. On the basis of results obtained, appropriate advice was given to businesses to reduce the slip risk.</p>
<p><b>Hotels.</b></p> <p>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 their knowledge of the subject and how they control the risk. Advice has been given where requested. Further work is planned to be undertaken.</p>
<p><b>Gas safety.</b></p> <p>To assess the safety of tandoori ovens in commercial catering establishments.</p>	<p>Premises with tandoori ovens were assessed during routine food hygiene inspections. A total of 15 have been inspected, and it was necessary to serve Improvement Notices on 9, which have all been complied with. Additionally, one notice was served in relation to the gas cooking equipment at a mobile food business. All premises not yet inspected will be carried out with this year's food hygiene inspections.</p>
<p><b>Event Safety.</b></p> <p>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</p>

	meetings, to review event plans and risk assessments, carry out site visits, and on occasion to visit and advise during the event.
<p><b>Lyme disease.</b></p> <p>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 leaflets have been freely available to organisers of events within the District, and provided to Doctors' surgeries who requested them. Leaflets were available at a cost to organisations outside of the District.

Table 4

## 7 CONCLUSION

- 7.1.1 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 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 including compliance with the Local Authority Enforcement Code which directs the scope of our work.
- 7.1.2 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.