

COMMUNITY DIVISION

SERVICE PLAN FOR HEALTH AND SAFETY REGULATION 2022-2023

**Drawn up in accordance with the National Local Authority
Enforcement Code and Local Authority Circular LAC 67/2 (rev 11)**

Draft for approval by Licensing and Protection Committee on 29 June 2022

June 2022

EXECUTIVE SUMMARY 2022-2023

The overall aim of the service is to work with businesses and employees to protect people from unsafe working conditions.

The service is linked to the Council's Corporate Plan and aims to comply with the Health and Safety Executive's (HSE) "National Local Authority Enforcement Code".

Much of the work is directed by a national Local Authority Circular (LAC 67/2 Revision 11) which outlines the ways in which local authorities should comply with the national code and reflects the HSE Strategy "Protecting People and Places" 2022-2032.

The Service Plan outlines how Huntingdonshire District Council will deliver health and safety regulation in 2022-23. Any references to work delivered in 2021-22 are based upon the data recorded for the period between 1 April 2021 and 31 March 2022. The references to programmed work for 2022 - 2023 are estimates at this time.

The health and safety service is one of the functions carried out by officers within the Community service. The specialist officers currently report to the Environmental Health Team Leader and also deliver regulatory and advisory functions in the fields of food safety, infectious disease control, drinking water safety and smoke free legislation. Business Support staff provide the following: recording of enquiries, service requests, notices and reportable accidents onto the Environmental Health and Licensing Management System (Tascomi).

The full time equivalent (FTE) of officer's time spent on the Health and Safety function is currently between 0.1-0.2 leading to an overall resource of 0.89 FTE. The overall budget for 2022-23 remains largely the same as 2021-22.

2022-2023 WORKPLAN PRIORITIES

The work plan priorities are guided by the content of Local Authority Circular 67/2 (rev 11), the National Local Authority Enforcement Code and the HSE's new ten-year strategy 2022-2032: Protecting People and Places. Whilst the primary responsibility for managing health and safety risks lies with the business that creates the risk, regulators have an important role in ensuring the effective and proportionate management of risks, supporting businesses, protecting communities and contributing to the wider public health agenda.

- The code requires local authorities to have a means of monitoring, capturing and sharing health and safety intervention, enforcement and prosecution activity. The new Environmental Health and Licensing Management system went live in April 2021. The system is being used but work is ongoing to get the most out of the system and embed it fully into everyday work, there are still issues with reporting to work through
 - The Corporate Plan 2018-22 places a commitment to support people to improve their health and well-being through the facilitation of cultural and leisure activities. It is acknowledged that this plan is currently being updated. Working in collaboration with Agency partners as part of the Safety Advisory Group, we will ensure that health and safety advice is disseminated to event organisers and where appropriate proactively inspect large scale
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public gatherings to ensure risks, including from crowd management, fireworks and inflatables, are controlled effectively.

- The HSE's risk-based approach to complaint handling and incident selection criteria will be adopted to fulfil a statutory duty and select relevant incidents and complaints for investigation so that resources can be targeted effectively.
 - The drive to simplify regulation and ensure that employers are aware of their responsibility is a continuing thread of government policy. Therefore, the focus of any proactive, planned interventions will be in line with the National Local Authority Enforcement Code and the HSE's LAC 67/2 (rev 11) 'national priorities' targeted interventions, alongside any interventions identified through local intelligence.
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1.0 SERVICE AIMS AND OBJECTIVES

- 1.1 The overall aim of the service is to work with businesses and employees to protect people from unsafe working conditions.
- 1.2 Section 18(4) of the Health and Safety at Work Act etc. 1974 places a statutory duty on Local Authorities to make 'adequate arrangements for the enforcement' of health and safety and the National Local Authority Enforcement Code sets out what is meant by 'adequate arrangements for enforcement'.
- 1.3 Health and safety regulation is an important mechanism for reducing accidents and ill health in the workplace as well as contributing to economic growth and a safe working environment. The aim is to ensure that everyone can enjoy a working environment that is safe and without undue or unreasonable risk to health.
- 1.4 The service aims to:
- Help the Council to fulfil its statutory role as a "Health and Safety Enforcing Authority" accountable for the effective regulation of health and safety standards; and
 - Deliver a complementary programme of advice and enforcement to ensure that businesses and duty holders are better placed to comply with their duties.
- 1.5 The service seeks to meet these aims through a number of key objectives which include:
- Securing compliance with health and safety law, having regard to relevant legislation, Approved Codes of Practice and Guidance.
 - Investigating complaints and taking appropriate action as necessary, having regard to relevant legislation, approved codes of practice and guidance.
 - Delivering a programme of targeted and proportionate regulatory interventions, in accordance with the HSE's LAC 67/ 2 (rev 11) and statutory guidance.
 - Investigating reported accidents, dangerous occurrences and notifiable diseases, in line with the HSE's incident selection criteria guidance (LAC 22/13), and taking appropriate enforcement action as necessary, having regard to relevant legislation, approved codes of practice and guidance.
 - Maintaining a register of premises for which the Council has enforcement responsibility.
 - Maintaining a register of relevant evaporative condensers and water cooling towers, as required by The Notification of Cooling Towers and Evaporative Condensers Regulations 1992.
 - Responding to statutory notifications concerning the removal of Asbestos or Asbestos-containing materials (ACM) (The Control of Asbestos Regulations 2012).
 - Responding to statutory notifications of 'A' defects ("defects which could cause a danger to persons") of lifting equipment, during thorough examinations. (The Lifting Operations and Lifting Equipment Regulations 1998).
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- Taking samples of articles and substances, as required, as part of any health and safety investigation or intervention.
- Providing relevant, targeted health and safety advice and guidance, in particular to new businesses.
- Working in partnership with other organisations to promote health and safety in the workplace.

1.6 The plans and initiatives to which the service must have regard include:

- The Council's Corporate Plan 2018-22, it is noted that this is currently being updated in 2022
- The Council's Service Plan for Community to which this Service Plan is appended
- The HSE's new strategy 2022-2032: "Protecting People and Places".
- The HSE's National Local Authority Enforcement Code
- Local Authority Circular (LAC) 67/2 (Revision 11)
- The Regulators' Code

2.0 BACKGROUND

2.1 Authority Profile

2.1.1 Covering almost 360 square miles and situated in the valley of the Great Ouse, the District of Huntingdonshire forms the most westerly part of Cambridgeshire. It is the largest district in the County by both land area and population. The 2021 population is estimated to be 182,420 and is forecast to grow to 212,200 by 2036 (data from Cambridgeshire Insight).

2.1.2 The main centres are the market towns of Huntingdon, St Neots, St Ives, Yaxley and Ramsey. A large proportion of the district is rural, with village settlements providing the main population centres and facilities outside the market towns.

2.1.3 The employment rate in the district is 77.4% with 79% of people being economically active (1 January 2021 – 31 December 2021) 98% of businesses are classified as small or micro (2021) (Office for National Statistics; nomis UK).

2.2 Organisational Structure

2.2.1 The Health and Safety service is delivered by specialised officers within the Community service area. Community is currently operating an interim structure and the officers undertaking the work covered by this service plan currently report to the Environmental Health Team Leader. The Environmental Health Team Leader reports to the interim Community Service Manager who reports to the Chief Operating Officer.

3.0 SERVICE DELIVERY

3.1 Remit of Huntingdonshire District Council

3.1.1 Huntingdonshire District Council are responsible for enforcing health and safety at certain workplaces including: offices (except government offices), shops, hotels, restaurants, leisure premises, nurseries and playgroups, pubs and clubs, museums (privately owned), places of worship, sheltered accommodation and care homes. Full listings are given in the Health and Safety (Enforcing Authority) Regulations 1998 and the accompanying A-Z guide to allocation published by HSE.

3.1.2 There is no longer a statutory requirement for businesses to notify authorities when starting to operate, it is estimated there are approximately 2,500 business premises in the district that HDC regulates for health and safety. Records are held on the Environmental Health and Licensing management system but as there is no requirement for businesses to notify the council of their operations the data can only be used as a guide.

3.1.3 Data from the Office for National Statistics nomis shows in 2020 the largest employment areas within Huntingdonshire are Wholesale And Retail Trade; Repair Of Motor Vehicles And Motorcycles (15.8%), Manufacturing (13.2%) and Human Health And Social Work Activities (11.8%).

3.2 Health and Safety Interventions

3.2.1 The service will deliver a mixture of proactive and reactive interventions which will be consistent with HSE's LAC 67/2 (rev 11) and any statutory guidance. In practice this is likely to comprise of planned interventions for the highest risk workplaces, alongside targeted projects aligned with HSE's LAC 67/2 (rev 11). These will be supplemented with risk-based reactive interventions in response to reported accidents, statutory notifications and work-related incidents, diseases, dangerous occurrences and complaints.

3.2.2 Targeted advice, visits and support to local businesses can aid local business growth particularly with new business start-ups. It is recognised that by supporting business to manage their risks effectively and proportionately, communities will be better protected, and the wider public health agenda will benefit.

3.2.3 National Local Authority Enforcement Code (supported by LAC 67/2) states that targeted planned interventions should only be used for:

- Specific projects/programmes of interventions identified by HSE for LA attention, either contained within Annex A of the HSE's LAC 67/2 (Rev 11) or by directly communication to LAs for urgent attention as a result of new intelligence arising from an incident/ investigation.
- High risk activities listed in Annex B of the HSE's LAC 67/2 (Rev 11).
- Where specific local intelligence indicates that a business is failing to effectively manage their health and safety risks.

3.2.4 The national priorities, from LAC 67/2 (Rev 11), Annex B, which are suitable for proactive inspections and planned interventions include:

- Communal/amenity buildings on caravan/camping parks with buried metal LPG pipework- explosion caused by leaking LPG.
 - Open farms and animal visitor attractions- infection control.
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- High volume warehousing and distribution- workplace transport, manual handling and work at height.
- Industrial retail/wholesale premises- workplace transport, work at height, lifting and cutting equipment, noise, exposure to RCS and welding fume.
- In-store bakeries and retail craft bakeries- exposure to flour dust and associated enzymes.
- Residential care homes- manual handling
- Large scale public events- crowd management.
- Commercial catering premises using solid fuel cooking equipment- CO poisoning.
- Premises with vulnerable working conditions (e.g. lone working) – violence at work.
- Professional firework display operators- risk of fire due to initiation of explosives.

3.2.5 The national priorities, from LAC 67/2 (Rev 11), Annex A, which are suitable for proactive inspections and planned interventions include:

- Raising awareness of the work-related stress and mental health campaign 'Working Minds' with businesses
- Electrical safety in hospitality settings
- Raising awareness to commercial premises who are clients for construction work re: the duty to manage Asbestos, falls from height due to work on/adjacent to fragile roofs/materials; moving and handling construction materials and the health risks from respirable silica dust (RSD).
- Visitor attractions to prevent or control ill-health arising from animal contact.
- Inflatable amusement devices.
- Raising awareness with trampoline park operators regarding improved information provision and supervision of users.
- Gas safety in commercial catering premises.
- Regulation of pesticide application.
- Spa pools and hot tubs on display regarding Legionella risks.
- Welfare facilities for delivery drivers.
- Work related road safety in particular user of two-wheeler vehicles (motorbikes, mopeds, bicycles etc.).
- Awareness of the need to prevent injury to members of the public from accessing large commercial waste and recycling bins.
- Promoting worker involvement in safety management systems

3.3 Other health and safety interventions

3.3.1 There is a range of intervention types which can be used as an alternative to unannounced proactive inspections. These include the following:

- Visits by appointment.
 - The provision of advice and information.
 - Sector-specific initiatives which target local problems.
 - Responding to "local intelligence" which gives cause for concern.
 - Dealing with serious matters as they are observed or brought to an inspector's attention during advisory or other interventions.
 - These include Matters of Evident Concern (MECs) – issues that create a risk of serious personal injury or ill-health; and Matters of Potential Major Concern (MPMCs)
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– those with a realistic potential to cause either multiple fatalities or multiple cases of acute or chronic ill-health.

3.4 New business enquiries and advice to businesses

3.4.1 Health and safety legislation does not require new businesses to notify the Council when they start their operation. The service maintains a commitment to the provision of advice to new businesses. Where possible, the first contact with a new business will focus on the provision of compliance advice. When the service becomes aware of new businesses, they are added to the Environmental Health and Licensing database and the enforcing authority is identified.

3.4.2 All planning applications are circulated to officers for review, and advice is provided to the applicant where necessary.

3.4.3 The Council supports the philosophy that effective regulation involves working with businesses. Officers will work with businesses to help them to comply with the law and to encourage the use of best practice.

3.4.4 Officers will work with the Communications Team to use all available media outlets, including the Council's website to promote any relevant national strategies, changes in legislation or identified areas of concern.

3.5 Health and safety complaints and requests for service

3.5.1 These fall into one of the following broad categories:

- Complaints about unsafe working conditions, practices or equipment.
- Complaints about welfare-related issues such as working hours, welfare facilities, and meal breaks.
- Complaints about the lack of suitable training, supervision or instruction for employees.

3.5.2 These are investigated in accordance with internal procedures and central guidance. Enforcement action is in accordance with the Corporate Enforcement Policy with reference to the Enforcement Management Model

3.6 Notifiable accidents, injuries, diseases and dangerous occurrences (RIDDOR)

3.6.1 Investigations are carried out in accordance with relevant guidance and procedures, including the HSE's incident selection criteria guidance. Enforcement action is in accordance with the Corporate Enforcement Policy with reference to the Enforcement Management Model.

3.7 Licensing and registration

3.7.1 The service works closely with the Licensing team and provides technical advice and support regarding health and safety and the administration of licensing activities, including zoo licensing, riding establishments licensing, and skin piercing registrations. Technical

health and safety advice and support is also provided to event organisers via the premises licence and TEN notification statutory consultee process, and via safety advisory groups, managed by the Licensing team.

3.8 Formal notifications

3.8.1 The Council receives formal notifications from specialist engineers relating to lifting equipment (statutory notifications of 'A' defects - defects which could cause a danger to persons); work with asbestos; pressure systems and location of cooling towers. Follow-up work is often required in all these areas to ensure that safe working practices are in place.

3.9 Health and Safety Partnership Working

3.9.1 The Council supports the principles of the Primary Authority Partnership Scheme (PAP) and when dealing with business will check to see if they have a relevant partnership in place. Inspection Plans and Primary Authority (Assured) Advice must be taken into consideration when dealing with any relevant business.

3.9.2 There are a number of businesses operating in Huntingdonshire who are in a Primary Authority Environmental Health Partnership with another local authority. The Council does not currently have any health and safety partnerships but maybe open to exploring them with interested parties, subject to resources and in line with Corporate plans and policies. Costs are recovered from the business partner.

3.9.3 The Council recognises the importance of liaison with businesses and statutory bodies to ensure a consistent approach to enforcement. The most established mechanisms for this are through working with colleagues via the Cambridgeshire and Peterborough Food and Health and Safety Managers Group; liaising with businesses and Trading Standards colleagues regarding the Licensing of Sports Stadia; and liaising with organisations and Agency partners when attending safety advisory group meetings.

3.10 Enforcement Policy

3.10.1 In February 2018 Huntingdonshire District Council adopted a Corporate Enforcement Policy which sets out its approach to proportionate, transparent, fair and effective regulation and enforcement in accordance with the principles laid down in the Regulators' Code. Any Health and Safety at Work Enforcement will be in accordance with the Corporate Enforcement Policy.

4.0 SERVICE DELIVERY

4.1 Staffing

4.1.1 The Interim Community Services Manager is responsible for the overall management of the service which is delivered by six officers who currently report to the Environmental Health Team Leader. Some administrative support is provided by the Business Support Team.

	2022-23
Environmental Health Officers/Graduate Officer/Environmental Health Protection Officers	0.74
Business Support Officers	0.10
Total	0.84

4.1.2 These figures represent the proportion of the establishment posts which is allocated to health and safety activity is 15% The full time equivalent (FTE) of officer's time spent on the Health and Safety function is currently 0.1-0.2.

4.1.3 The current staffing levels allocated to the Health and Safety function is 0.84 FTE which is slightly reduced from 2021-22 largely due to the interim structure in place.

4.1.4 Business Support staff provide the following: recording of enquiries, service requests, notices and reportable accidents onto the Environmental Health and Licensing Management System (Tascomi).

4.2 Financial

Direct Costs	2022-23 (£)
Employees (salaries, NI, pensions)	42600
Other (Legal fees, PPE, equipment etc.)	1400
Transport	700

4.2.1 The budget for 2023-23 is slightly increased and reflects that the service is now fully staffed and the 2% annual pay award

4.3 Competency and Professional Development

4.3.1 All members of staff are involved in a staff review and development process with annual appraisals and quarterly reviews. Staff training needs are identified as part of this process together with routine assessments of competency and each informs their training programme.

4.3.2 Officers who are routinely involved in health and safety enforcement are appropriately qualified and training is provided for them in order maintain their level of professional competency. During 2022-2023 they will continue to have access to any training which is necessary to maintain their professional competency and level of authorisation.

5.0 QUALITY ASSESSMENT

5.1 The following methods are used to assist with the quality assessment of the service:

- Standard Operating Procedures
- Periodic benchmarking and peer review exercises
- Review of post-inspection paperwork
- Periodic assessment of competencies

- Periodic accompanied visits
- Regular team meetings
- Review of officers' personal work plans
- Annual performance appraisal and development interviews
- County-wide working groups addressing specific issues and/or consistency of enforcement.
- Access to HSE Local Authority Advisory Unit and local liaison officer

6.0 REVIEW

6.1 Review of Performance 2021-2022

- 6.1.1 The Health and Safety Executive (HSE) has issued guidance to all local authorities. This requires them to review their performance in order that any variances from the requirements of the Service Plan can be identified.
- 6.1.2 The service was not fully staffed for the whole year. The two vacant environmental health officers (one full-time, one part-time) were filled part way through the year.
- 6.1.3 The continuation of the Covid-19 pandemic into 2021-2022 severely impacted the delivery of the Service Plan as officers were called to officers support the NHS Test, Track and Trace scheme and implement the various Coronavirus Regulations.

6.2 Formal Enforcement Action

- 6.2.1 The Corporate Enforcement Policy Statement states that sequential, proportionate and transparent action will be taken and that, as a general rule, officers initial contact with businesses will be supportive. Wherever possible, officers will aim to ensure compliance with legislation through the provision of support, advice and information, ensuring that they promote understanding of both statutory responsibilities (minimum standards) and good practice (desirable standards).
- 6.2.2 In most cases, compliance is secured by informal means, most commonly by letter. However, it is sometimes necessary to use formal methods. Table 1 provides the level of enforcement activity in 2021-2022.

Table 1 – Enforcement Action

	2021-22
Total number of proactive inspections, visits and revisits	37

Improvement notices <i>(the fewer the better)</i>	0
Prohibition notices <i>(the fewer the better)</i>	0
Simple cautions <i>(the fewer the better)</i>	0
Prosecutions <i>(the fewer the better)</i>	0
Health & Safety complaints and service requests	77
Accident Notifications	68

6.2.3 The number of visits is in line with the expectation that local authorities will only carry out unannounced inspections of high-risk businesses that are identified within LAC 67/ 2 (Rev 11) or by local priorities.

6.3 A Review of the 2021-22 Service Plan

6.3.1 Where possible and according to risk, the first contact with a new business is focused on the provision of compliance advice.

6.3.2 We continue to support businesses and work collaboratively with colleagues and agency partners to raise awareness of Health & Safety matters, providing advice and guidance on compliance. There has been a rise in the number of outdoor events and festivals this last year and the Safety Advisory Group continues to provide advice and guidance to ensure these are managed safely. Officers have attended at least 19 Safety Advisory Group meetings at which time health and safety information, advice and guidance were shared with event organisers.

6.3.3 During food hygiene inspections, officers have identified matters of concern on at least 18 occasions which were highlighted to food business operators at the time of the inspection.

6.3.4 Officers have carried out at least 13 pre-registration skin piercing visits at which time health and safety information, advice and guidance, and any health and safety matters of concern were shared with the skin piercing practitioner.

6.3.5 One accident, which resulted in a fatality, took up more time than initially anticipated for the officer involved.

6.3.6 Over the last year, the Service's health and safety interventions have been impacted by Covid-19 in that most proactive inspections and non-inspection interventions, including face-to-face contact and visits, were suspended unless there was a significant cause for concern, in accordance with Government guidance. Where non-inspection intervention

visits were requested, most were dealt with by 'phone and via photographs rather than undertaking face-to-face visits.

6.3.7 Over the past year there have been resource issues in that the team responsible for health and safety regulation was not fully staffed until October 2021 and there have also been significant illnesses within the team which has impacted output. As such, the main focus this year has been responding to accident notifications, requests for advice and matters of evident concern.

6.3.8 Over the past year, the service has migrated across to a new cloud-based information management system, which has had an impact on resources and on effective and efficient data input and retrieval.

7.0 PLAN OF WORK FOR 2022-23

7.1 The work will be guided by the content of Local Authority Circular (LAC) 67/2 (Rev 11) and the National Local Authority Enforcement Code.

7.2 The code requires local authorities to have a means of monitoring, capturing and sharing health and safety intervention, enforcement and prosecution activity. The new Environmental Health and Licensing Management system went live in April 2021. The system is being used but work is ongoing to get the most out of the system and embed it fully into everyday work, there are still issues with reporting to work through. This is impacting on resources as officers spend additional time accessing, inputting and retrieving data.

7.3 The Corporate Plan 2018-22 places a commitment to support people to improve their health and well-being through the facilitation of cultural and leisure activities. Working in collaboration with Agency partners as part of the Safety Advisory Group, we will ensure that health and safety advice is disseminated to event organisers and where appropriate proactively inspect large scale public gatherings to ensure risks, including from crowd management, fireworks and inflatables, are controlled effectively.

7.4 The HSE's risk-based approach to complaint handling and the HSE's incident selection criteria will be adopted to select relevant incidents and complaints for investigation so that resources can be targeted effectively.

7.5 It is very difficult to plan for 2022-2023 due to the knock-on effects from the Covid-19 pandemic creating a backlog of work which is currently impacting the officers who undertake health and safety work. However, a balanced workload has been proposed for 2022-2023, which incorporates a range of intervention activities. The proposed plan assumes that the service remains fully staffed and continues to have access to the Business Support team and other resources within the Council, such as the Communications Team for raising awareness campaigns.

7.6 Unforeseen events can place unexpected demands on the service which can impact our ability to deliver the plan. Such events include, fatal accident investigations, major food safety issues and any staffing issues during the year, such as staff leaving or staff illness.

Ongoing uncertainties around Covid-19, such as a recurrence or change in Covid-19 variant may also impact the delivery plans.

7.7 Health and Safety Project Work for 2022-2023

These projects are taken from LAC 67/2 Rev 11 and are considered to be relevant and achievable within 2022-23 given current resources and other pressures on the wider Environmental Health service.

	Project	Action
1	Inflatable amusement devices – Would need to do some research/ brainstorm what businesses in district have permanent inflatables- soft play places- or may hire in inflatables for events (fetes/ parties at pubs etc)- before doing email or letter mail shot, visits etc.	Officers to target relevant businesses and events
2	Raising awareness of electrical safety in hospitality settings- reminders to duty holders to get their fixed installations and electrical appliances inspected by competent people, especially any in outdoor settings. Could do email or letter mailshot or business newsletter	Officers to target relevant businesses and work with Communications Team to raise awareness
3	Raising awareness of the need to prevent injury to members of the public from accessing large commercial waste and recycling bins- Could produce reminder leaflet to go out with commercial bins or email from Waste Services to customers of commercial bin service/ business newsletter.	Officers to target relevant businesses work with Communications Team to raise awareness