



**COTSWOLD**  
DISTRICT COUNCIL

## **Environmental Services**

### **Service plan for Health and Safety at work enforcement**

**2014 / 2015**

Drawn up in accordance with the Health and Safety Commission Guidance to Local Authorities under Section 18 of the Health and Safety at Work etc. Act 1974

## 1.0 Roles and responsibilities

Cotswold District Council has a statutory responsibility for health and safety enforcement as outlined in Section 18(4) of the Health and Safety at Work etc. Act 1974. The premises for which the Council has a statutory responsibility are defined in the Health and Safety (Enforcing Authority) Regulations 1998.

The role of the regulator is to support, encourage, advise and where necessary enforce to ensure that businesses effectively manage occupational health and safety risks.

The Service Plan sets out how the council will fulfil its statutory duty within the financial year 2014/2015 and details the priorities, aims and objectives for the enforcement of health and safety along with the mechanisms and arrangements for ensuring the effective delivery of the service.

This plan should be read with the Environmental Services Service Delivery Plan for 2014/2015.

In addition to the role of the regulator, the work of the local authority impacts on the wider public health outcomes and health inequalities.

## 2.0 Service Aims

The council's aim is to ensure a **risk-based regulatory approach** whereby interventions are targeted on those businesses and sectors that represent a higher level of risk to the health and safety of workers and the public.

## 3.0 Service Objectives

- Comply with the National Local Authority Enforcement Code and supplementary guidance
- Identify poor performers within the District and carry out appropriate interventions
- Develop and promote links with the local business community to improve standards of health and safety management
- Provide advice and support to businesses
- Develop partnership working with neighbouring local authorities and the Health and Safety Executive
- Develop partnership working with Public Health England to protect public health and safety through promotion and appropriate interventions;

The council recognises that most businesses and individuals want to comply with the law and it will, where possible help businesses meet their legal obligations without unnecessary expense. However, the Service will take formal action against those businesses that do not comply with the law or act irresponsibly, including prosecution where appropriate.

In addition to health and safety, the Commercial Team is responsible for other statutory regulation covering enforcement and promotion in areas of:-

- Food safety and hygiene
- Prevention and control of infectious diseases
- Smoke free compliance
- Licensing

#### 4.0 Service delivery arrangements

The Commercial Team are responsible for service delivery and are placed within the Public Protection Service. The Commercial Team structure consists of the Shared Environmental Health Manager, who is responsible for operational service delivery. The service is provided by authorised officers whose have suitable and ongoing competence in order to exercise the powers granted under to the Health and Safety at Work etc Act 1974.

#### Organisational structure



Expert assistance is provided to the team by the following external organisations:-

- Health and Safety Executive;
- Health and Safety Laboratory;
- Worcester Scientific Services - Public Analyst;
- Bristol Scientific Services;
- Birmingham Public Health Laboratory;
- Employment Medical Advisory Service;
- Health Protection Agency;
- Gloucestershire Health and Safety Technical Group

#### 5.0 Training and Competence

The local authority has a statutory duty under section 18 to ‘make arrangements for enforcement’ and to legally appoint suitably qualified inspectors.

Procedures are in place to legally authorise competent inspectors and remove them if they are no longer valid.

To ensure inspectors have suitable ongoing competence Officers are required to complete the Regulators Development Needs Assessment (RDNA) **tool at least annually** and to maintain competence through the Guidance to Regulator’s Information Point (GRIP).

The RDNA sets specific competencies and behaviours for health and safety regulators. The outcome of the assessment is discussed with the Shared environmental Health Officer to review their development needs and how they might be addressed.

Training is provided in-house, through the Gloucestershire Health and Safety Liaison Group and by accessing free HSE training.

The Better Regulation Delivery Office (BRO) hosts the web page <http://www.bis.gov.uk/brdo/resources/competency> that links to the RDNA and GRIP.

## **6.0 Risk Based Approach to Regulation**

### **6.1 Targeting interventions**

In March 2011 the Government published 'Good Health and Safety, Good for Everyone' which details the reform of the health and safety system in Britain. The focus moves to 'a lighter touch concentrating on higher risk industries and on tackling serious breaches of the rules'. The Government's reforms reduce the number of inspections carried out, have greater targeting where proactive inspections continue; and provide accessible information to small businesses.

The Joint HSE/LGG statement 'Reducing Proactive Inspections' provides guidance for local authorities on determining 'proactive interventions with flexibility' in order to deliver local and national health and safety priorities.

The National Code, launched in May 2013, was developed in response to the recommendation made by Professor Löfstedt in his report "Reclaiming health & safety for all: an independent review of health & safety legislation" and the results of the Red Tape Challenge. It provides a framework for a risk based approach to targeting health & safety regulatory interventions. The Code was designed to ensure a consistent and proportionate approach to enforcement by LA Health & Safety regulators.

**Types of interventions:** there are either proactive or reactive (2 interventions types) available for use, these are:

Proactive interventions include:

1. Partnerships
2. Motivating Senior Managers
3. Supply Chain
4. Design and Supply
5. Sector and Industry -wide Initiatives
6. Working with Those At Risk
7. Education and Awareness
8. Inspections and enforcement
9. Intermediaries
10. Encouraging compliance
11. Recognising Good Performance
12. Other interventions

Reactive interventions include:

1. Incident and Ill Health Investigation
2. Dealing with Issues of Concern and Complaints

#### **Proactive Inspections:**

Previously proactive inspections applied to Cat A risk rated premises. The guidance has been revised to state that risk ratings alone cannot be used to determine the use of a particular intervention or decide on an intervention frequency.

The use of an 'inspection' intervention should only be determined by;

(a) High risk sectors/activities identified in the list of activities/sectors for proactive inspection by local authorities [published by HSE]

(b) Where intelligence suggests risks are not being effectively managed and proactive inspection is identified as the most appropriate intervention.

**Non- inspection interventions:** other non-inspection techniques can be used for other categories of premises.

Reference: Advice and Guidance to local authorities on targeting interventions LAC 67/2 rev 4

<http://www.hse.gov.uk/lau/lacs/67-2.htm>

Using risk based targeting enables resources to be used to provide advice to new business start-ups which in turn promotes the 'growth agenda'.

### **Intervention Plan**

The Code includes the following national priorities;

- National programme of work for the control of legionella risks in the workplace.
  - Raising awareness on the duty to manage asbestos
  - Visitor attractions to prevent or control ill health arising from animal contact
  - Visits to specified sites as part of the coordinated national Campaign to address LPG underground pipe work in response to the Lord Gill recommendation
  - Investigation of incidents and complaints using the incident selection criteria and complaint handling procedure
  - Reactive interventions in accordance with the Beauty sector strategy

The Intervention Plan follows the principles of the Code and is developed taking into account the above national priorities and the list of activities/sectors for proactive inspection by LA's.

The Plan focuses on specific risks and identifies the most appropriate intervention to target these risks.

The risk based intervention plan has had regard to:

- Strategic programmes of work - HSE sector strategy 2012-15
- National information (accident statistics, national planning priorities 2014/15)
- List of activities/sectors for proactive inspection by LA's
- Local intelligence e.g. complaints, RIDDOR reports, adverse insurance reports, information from other enforcing authorities etc, poor performance and/or potential significant breaches of health and safety law

### **6.2 Proportionality**

Interventions and enforcement must be related to the relative level of health and safety risks or to the seriousness of any breach of the legislation.

Decisions will be in accordance with our Enforcement Policy, HSE's Enforcement Policy Statement<sup>1</sup> and the Enforcement Management Model.

Incidents are selected for investigation by following the incident selection criteria developed by HSE.

The risk based approach developed by HSE to complaint handling will be considered for implementation in 2014.

#### References:

HSE Enforcement Policy Statement <http://www.hse.gov.uk/pubns/hse41.pdf>

Incident selection Criteria Guidance <http://www.hse.gov.uk/lau/lacs/22-13.htm>

Complaint Procedure <http://www.hse.gov.uk/foi/internalops/og/ogprocedures/complaints/index.htm>

Investigation Procedure <http://www.hse.gov.uk/foi/internalops/og/ogprocedures/investigation/index.htm>

Revised Incident Selection Criteria <http://www.hse.gov.uk/enforce/incidselcrits.pdf>

### 6.3 Consistency

To ensure consistent approach to service delivery Officers will adhere to the:

- National Local Authority Enforcement Code
- Follow the list of activities/sectors for proactive inspection by local authorities
- Follow published HSE guidance in particular LAC 67/2 Rev4
- Follow Primary Authority inspection plans

### 6.4 Transparency

To ensure businesses are clear what is expected and how we work as regulators we will:

- Ensure our enforcement policy is accessible by publishing the policy on the internet, providing having hard copies at the council offices, providing the link on the report of visit forms
- Ensuring officers follow nationally available guidance and only undertake inspections in accordance with the HSE high risk sectors/activities
- Ensuring that the council web pages link through to HSE website and providing HSE materials such as Health and Safety Made Simple to new start up businesses
- Publishing data on our health and safety performance

### 7.0 Accountability

#### 7.1 Service Plan

The Service Plan is publically available on the council's website.

#### 7.2 Performance

Performance will be reviewed monthly and at year end, and reported to Portfolio Holder identifying interventions, enforcement and prosecution activity. Our performance will be benchmarked against the other local authorities within Gloucestershire by comparing LAEI data returns and peer review.

#### 7.3 Complaint procedure

Complaints regarding the service can be dealt with either by:

- Discussing the complaint with the LA inspector concerned or the Commercial Manager
- Accessing the Councils formal complaint procedure

Complaints regarding advice given by LA inspectors about health and safety where the complainant considers the advice is incorrect or goes beyond what is required to control the risk adequately can be referred to the Independent Regulatory Challenge Panel <http://www.hse.gov.uk/contact/challenge-panel.htm>.

### 8.0 Data Collection

Data on interventions and enforcement are recorded on the Uniform database. The LAEI return is submitted on an annual basis. National data allows local authorities to benchmark and peer view with other local authorities. <http://www.hse.gov.uk/lau/enforcement-laei-returns.htm>

Prosecution data is submitted annually through Extranet.

## **9.0 Peer Review**

An inter authority exercise is planned to review consistency in incident selection procedures. Cotswold District Council Cheltenham Borough Council and Forest of Dean District Council form the working group. The aim of the peer review is to:

- discuss, refresh and share best working practices
- instigate improvements in working practices
- cascade key messages
- raise confidence and competence

## **10.0 Service Delivery Points**

Officers are based in Cirencester and are open Monday to Friday 9am to 5pm:  
Council Offices, Trinity Road, Cirencester, GL7 1PX  
Telephone - 01285 623000  
Email: [foodandsafety@cotswold.gov.uk](mailto:foodandsafety@cotswold.gov.uk)  
Website: [www.cotswold.gov.uk](http://www.cotswold.gov.uk)

## Appendix I: Number of premises enforced by Cotswold District Council

### Total Number of Premises

Type of Premises	Total Number of Premises 2013/14	Number of Premises 2014/15
Retail Shops	639	645
Wholesale shops, warehouses and fuel storage depots	80	81
Offices	321	320
Catering, restaurants and Bars	369	379
Hotels, camp sites and other short stay accommodation	82	83
Residential Care Homes	22	21
Leisure and Cultural Services	170	173
Consumer Services	124	128
Other Premises	8	9
<b>TOTALS</b>	<b>1815</b>	<b>1839</b>

## Appendix 2: Summary of Local Authority Enforcement in 2013/2014

Service demands	2012/2013	2013/2014
Number of Cat A programmed inspections	2	0
Number of RIDDOR reportable accidents	50	44
Number of RIDDOR reportable occupational diseases	0	0
Number of health and safety service requests	42	31

### Interventions [Reference: LAEI Form ]

Intervention	No visits/inspections/contact 2013/14
<b>Proactive inspections</b>	
Risk Category A	0
Risk Category B1	1
Risk Category B2 and C	0
<b>Non- inspection interventions</b>	
Other visits/ fact to face contacts	44
Other contact/interventions	24
<b>Reactive visits</b>	
LPG visits	0
Visits to investigate health and safety incidents	18
Visits to investigate health and safety complaints	11
Visits following requests for HS service from business	0
Revisits following earlier intervention	3

### Enforcement Action

	Informal Notices	Improvement Notices	Prohibition Notices	Written Warning	Simple Cautions	Prosecution
Number of Enforcement Actions <b>2012/13</b>	44	1	0	2	1	0
Number of Enforcement Actions <b>2013/14</b>	N/A	0	0	N/A	1	0

## Appendix 3

What are your priorities? Decide your intervention priorities	Why intervene? Evaluate your evidence	Where to intervene? Consider the sectors and activities to be targeted	How to intervene? Consider the range of interventions <sup>4</sup> available	When to intervene? Time your interventions	Who should intervene? Determine resources
Intervention title:					
Control of Legionella infection	National Planning Priority <sup>1</sup>  List of activities/ sectors for proactive inspection by LA's (Reference 1)	Leisure Sector – premises with cooling towers/evaporative condensers	Proactive intervention	September - December	RA
Explosion caused by leaking LPG	National Planning Priority  List of activities/ sectors for proactive inspection by LA's (Reference 2)	Premises (including caravan parks) with buried metal LPG pipework	Proactive intervention to specified sites	April - March	MB
E.coli / Cryptosporidium infection	National Planning Priority  List of activities/ sectors for proactive inspection by LA's (Reference 3)	Leisure Sector Open farms/ Animal Visitor attractions	Proactive intervention	April - September	AM MB RA SN JS

What are your priorities? Decide your intervention priorities	Why intervene? Evaluate your evidence	Where to intervene? Consider the sectors and activities to be targeted	How to intervene? Consider the range of interventions <sup>4</sup> available	When to intervene? Time your interventions	Who should intervene? Determine resources
Fatalities/ injuries resulting from being struck by vehicles	List of activities/ sectors for proactive inspection by LA's (Reference 4)	Tyre fitters and MVR as part of car sales High volume warehousing/distribution	Proactive intervention	January	RA
Fatalities/injuries resulting from falls from height/ amputation and crushing injuries	List of activities/ sectors for proactive inspection by LA's (Reference 5)	Industrial Retail/wholesale premises e.g. steel stockholders, builders/timber merchants	Proactive intervention	February	RA
Industrial disease (occupational asthma/deafness)	List of activities/ sectors for proactive inspection by LA's (Reference 6)	MVR as part of car sales Industrial retail/ wholesale premises e.g. steel stockholders, builders/timber merchants	Proactive intervention	January	RA
Falls from height	List of activities/ sectors for proactive inspection by LA's (Reference 7)	High volume Warehousing / distribution	Proactive intervention	February	RA

What are your priorities? Decide your intervention priorities	Why intervene? Evaluate your evidence	Where to intervene? Consider the sectors and activities to be targeted	How to intervene? Consider the range of interventions <sup>4</sup> available	When to intervene? Time your interventions	Who should intervene? Determine resources
Crowd control and injuries/fatalities to the public	List of activities/ sectors for proactive inspection by LA's (Reference 8)	Large scale public events/ sports/ leisure facilities e.g. motorised leisure pursuits including off road vehicles and track days	Proactive intervention	April – September	AM MB RA
Carbon monoxide poisoning	List of activities/ sectors for proactive inspection by LA's (Reference 9)	Commercial catering premises using solid fuel cooking equipment	Proactive intervention	April- September	RA
Violence at Work	List of activities/ sectors for proactive inspection by LA's (Reference 10)	Premises with vulnerable working conditions e.g. betting shops and where intelligence indicates that risks are not being effectively managed	Proactive intervention	April – March	Michelle Bignell
Beauty Sector	Sector Strategy 2012-2015 National Planning priority	Leisure sector	Reactive Intervention – RIDDOR reports and complaints	April - March	SN RA

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Radon	Local initiative	LA enforced premises	Reactive intervention	January – March 2015	AM
Asbestos Duty to Manage	National Planning Priority <sup>2</sup>	LA enforced premises	Other intervention types ( not proactive inspection)	April - March	RA
Inter Authority Audit	Local initiative	Incident selection procedure	Consistency exercise	July	MB
Investigation of incidents and complaints	HSE Incident selection criteria and complaint handling	LA enforced premises	Reactive intervention	April – March	AM MB SN JL

Signed off by Senior Manager:

Shared Head of Public Protection

<sup>1</sup> <http://www.hse.gov.uk/aboutus/meetings/hseboard/2013/300113/pjanb1309.pdf>

<sup>2</sup> <http://www.hse.gov.uk/aboutus/strategiesandplans/sector-strategies/construction.htm>