

Subject:	Health and Safety Service Plan 2019/20	Status:	For Publication
Report to:	Council	Date:	25 th September 2019
Report of:	Public Protection Manager	Portfolio Holder:	Operations and Development Control
Key Decision:	<input checked="" type="checkbox"/> Forward Plan <input checked="" type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required:	No	Attached: No
Biodiversity Impact Assessment	Required:	No	Attached: No
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1.	RECOMMENDATION
1.1	That the Health and Safety Service Plan 2019/20 be approved.

2. PURPOSE OF REPORT

2.1 This report seeks approval for the Health and Safety Service Plan for the year 2019/20.

3. CORPORATE PRIORITIES

3.1 The matters discussed in this report impact directly on the following corporate priorities:

- **A clean and green Rossendale:** our priority is to keep Rossendale clean and green for all of Rossendale's residents and visitors, and to take available opportunities to recycle and use energy from renewable sources more efficiently.
- **A proud, healthy and vibrant Rossendale:** our priority is to ensure that we are creating and maintaining a healthy and vibrant place for people to live and visit.

4. RISK ASSESSMENT IMPLICATIONS

4.1 There are no specific risk issues for members to consider arising from this report.

5. BACKGROUND AND OPTIONS

5.1 The Health and Safety Executive (HSE) and Local Authorities (LAs) are the principal Enforcing Authorities (EAs) for the Health and Safety at Work etc. Act 1974 (HSWA). Local authorities are responsible for regulating the health and safety of about half of the workforce of Great Britain.

Local authorities must make "adequate arrangements for the enforcement" of health and safety and the HSE produces a code "the National Local Authority Enforcement Code" and guidance "Setting Local Authority Priorities and Targeting Interventions" which explains how to discharge this duty. Other details about local authority responsibilities for health and safety compliance work can be found in the "Statement of commitment between Local Authority and HSE regulatory Services" attached as Appendix 1.

One of the requirements of the guidance is that local authorities agree a service plan for the delivery of health and safety enforcement duties. The proposed Health and Safety Service plan for Rossendale Borough Council's is attached as Appendix 2.

5.2 The primary purpose of the Health and Safety at Work Act is to place a duty on employers to safeguard employees, and other people who may be affected by their activities, against risks in the work place. The role of the EAs is to ensure that duty holders manage and

control these risks and thus prevent harm to employees and to the public.

5.3 In 2019/20 the initiatives listed below will be the focus of attention for the resource available for health and safety:

- Visitor attractions with animals to prevent or control ill health arising from animal contact
- Ensure businesses who hire out or use Inflatable amusement devices are aware of new safety guidance
- Follow up incident notifications in areas of priority within the HSE's National Code, along with any incidents where major injuries and fatalities are caused.
- Work on reducing the risk of carbon monoxide poisoning in premises using solid fuel cooking in catering
- Complete a project on the safety of beverage gases in the hospitality industry
- Check on gas safety in commercial catering
- Respond to electrical incidents and other significant concerns including illegal abstractions.

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

6.1 Robust implementation of the Health and Safety plan, which will be resourced from existing budgets, amongst other things, protects the council from any potential financial liability and exposure from third parties which could arise in failing to perform, adequately, its statutory duties.

7. MONITORING OFFICER

7.1 All legal implications are covered within the body of the report.

8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT

8.1 Internal Council departments
Portfolio Holder for Operations

9. CONCLUSION

9.1 The health and safety service plan for 2019/20 explains the Council's proposal to make arrangements for the enforcement of health and safety legislation.



Statement of commitment between: Local Authority and HSE Regulatory Services

This joint statement of commitment (SoC), agreed by local authority (LA) representative bodies and the Health and Safety Executive (HSE) in March 2019, sets out our shared vision for an ongoing LA/HSE co-regulatory partnership. Ensuring LAs and HSE work together as effective, modern and professional regulators - delivering the positive benefits of efficient, world leading workplace health and safety, to achieve:

- Sustainable arrangements for the enforcement of work related health and safety.
- Established joint working arrangements resulting in effective engagement, consultation and communication.
- Consistency of high quality regulation across HSE and LA enforced businesses.

This shared SoC is aimed at Councillors, LA Chief Executives and their Heads of Regulatory Services. It outlines how LA senior managers and HSE will work together, to achieve sustainable future delivery of effective workplace health and safety enforcement in Great Britain (GB).

Current position

LAs are a key part of the health and safety system in GB. They have a statutory duty under Section 18 of the Health and Safety at Work etc. Act 1974 to 'make adequate provision' for health and safety enforcement in their area, as set out in the 'National LA Enforcement Code' (the Code) (www.hse.gov.uk/lau/la-enforcement-code.htm).

LAs enforce workplace health and safety in two thirds of all business premises, around half of the total GB workforce. LAs predominantly cover the retail, consumer services, entertainment and warehousing/supply chain sectors.

Currently failures in the management of health and safety in LA enforced business sectors result in around 10 deaths, 5000 major injuries and over 100,000 new cases of ill health a year. Many of those harmed are members of the public/children, or vulnerable workers not provided with reasonable workplace protection.

HSE provides national direction via the the Code and its supporting documentation e.g. annually updated targeting advice (www.hse.gov.uk/lau/lacs/67-2.htm) supports LAs to develop locally responsive sustainable delivery plans, using the most current intelligence and regulatory practice.

Effective management of health and safety brings direct benefits to the local community, by:

- Reducing work related death, injuries and ill health.
- Reducing the need for local public health and support for those recovering from injury and ill health.
- Reducing the rate of business failure due to business outages caused by incidents and harm to staff, or the loss of reputation.

This SoC was developed as part of the on-going work of the strategic group overseeing the HSE/LA co-regulatory partnership (HELA) and the supporting Practitioner's Forum. It also has the endorsement of the Local Government Association (www.local.gov.uk/), Welsh Local Government Association (www.wlga.gov.uk/) and Society of Chief Officers of Environmental Health in Scotland (www.socoehs.com/) and recognises that:

- LAs must target and prioritise regulatory resources to meet their legal duty to enforce health and safety;
- Continued delivery of effective co-regulation will require ongoing evolution in both the LA and HSE approaches to regulatory delivery, and
- The HSE and LA co-regulatory partnership plays a vital role in delivering the 'Help GB Work Well' strategy. (campaigns.hse.gov.uk/hgbww/)

This SoC does not relate to an LA's own responsibilities as a health and safety dutyholder. Information to support LAs as employers, service providers and procurers/commissioners of goods and services can be found on the HSE website (www.hse.gov.uk/services/localgovernment/index.htm).

Joint LA/HSE Commitments to Targeted Sustainable Health and Safety Enforcement

What LAs & HSE will do together as co-regulatory partners to #HelpGBworkwell

LAs & HSE will provide an effective regulatory framework by:

- Sharing information, to make sure we take decisions on the best available evidence.
- Delivering risk based, targeted frontline interventions.
- Maintaining liaison and effective two-way communication via joint representation at county liaison groups as well as the joint LA/HSE HELA and Practitioner forums.

LAs & HSE will secure effective management and control of risk by:

- Delivering a consistent approach to the enforcement of work related health and safety across GB in line with the principles of the Regulator's Code (www.gov.uk/government/publications/regulators-code).

LAs & HSE will lead and engage with others to improve workplace health and safety by:

- Promoting the benefits of proportionate health and safety in their frontline engagement.
- Working together as co-regulatory partners to influence businesses as part of a national strategy.
- Using the latest in behavioural insight to develop new ways to change business behaviour.

What LAs will do as independent co-regulators to #HelpGBworkwell

LAs will provide an effective regulatory framework by:

- Providing the competency, capacity, resource and support to fulfil their delivery plans.
- Working with other LAs to peer review activities and promote better health and safety outcomes.

LAs will secure effective management and control of risk by:

- Developing and implementing local delivery plans which clearly link to national and local priorities.
- Using national and local intelligence to effectively target poor performing sectors.
- Annually reporting their health and safety enforcement activity to HSE.

LAs will lead and engage with others to improve workplace health and safety by:

- Leading and engaging with their local business community to promote health and safety priorities and adopting the "Better Business for All" approach where relevant and sustainable.
- Sharing relevant local intelligence with HSE to inform the national perspective.
- Championing their role as health and safety regulators.

What HSE will do as the national policy lead and a co-regulator to #HelpGBworkwell

HSE will provide an effective regulatory framework by:

- Reviewing the effectiveness of GB's occupational health and safety system.
- Providing LA regulators with access to topic specific materials and technical / forensic support.
- Monitoring and reporting on LA regulatory activity to the HSE's Board and other stakeholders.

HSE will secure effective management and control of risk by:

- Setting national regulatory priorities and the overarching strategic direction.
- Sharing expertise, practice and supporting materials to promote consistent/proportionate regulation.
- Supporting LAs to develop effective intervention plans by providing targeting guidance based upon up-to-date information and intelligence via targeting guidance which accompanies the Code.

HSE will lead and engage with others to improve workplace health and safety by:

- Co-ordinating national engagement and promotion of proportionate health and safety and using feedback from LAs to inform the development of national priorities in the LA enforced sectors.
- Providing support for LA local and national regulatory liaison and industry sector working groups.
- Championing the LA role as health and safety regulator.

Health and Safety Service Plan

2019/20

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Futures Park, Bacup.

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Introduction

Local authorities are required to have plans detailing the work they do in relation to health and safety at work in the local authority enforced sector.

This plan seeks to focus our Health and Safety work, to provide clarity on what we do and why we do it.

1.1 Local Authority Profile

Rossendale is a district with borough status in East Lancashire holding a number of small former mill towns centered on the valley of the River Irwell in the industrial North West.

In the Census of 2011 the population was 67,922 spread between the larger towns of Bacup, Haslingden and Rawtenstall; the villages of Crawshawbooth, Edenfield, Helmshore, Waterfoot, Whitworth; and as well as Britannia, Broadclough, Chatterton, Cloughfold, Cowpe, Irwell Vale, Loveclough, Newchurch, Shawforth, Stacksteads, Stubbins, Turn and Weir. Rossendale is twinned with the German town of Bocholt, located close to the Netherlands border.

The Council is one of 12 District Councils, 1 County Council and 2 Unitary Authorities within the County of Lancashire.

Rossendale, in common with some of the other districts in East Lancashire, have significant issues with regard to the quality and price of housing, net population migration, health, job creation and areas of severe deprivation.

The ethnic mix is similar to other authorities in East Lancashire, predominantly white and the largest minority ethnic group is Pakistani. The population in Rossendale had remained largely static in the decade to the 2011 Census.

In Rossendale there still continues to be a bias towards a larger proportion of employees in the manufacturing sector than is the national norm and a lower proportion of jobs in the service sector.

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1.2 Arrangements for Enforcing Health and Safety at Work etc. Act 1974

Health and safety at work compliance work is undertaken by the Environmental Health Team which is part of the Public Protection Unit. The team also delivers legal compliance functions for food safety, infectious diseases, pollution control, private water supplies and private sector housing standards.

The team comprises 5 FTE officers with 0.5 FTE of that resource working on health and safety compliance work.

The types of premises the Council is responsible for health and safety include:

- Retail shops
- Wholesale premises
- Offices
- Catering premises, restaurants and bars
- Hotels and short stay accommodation
- Residential care homes
- Leisure and cultural services
- Consumer services
- Warehousing

1.3 External Links

The Service works with neighboring local authorities through membership of the Health and Safety subgroup of Environmental Health Lancashire and with the HSE to support national campaigns on particular workplace issues to achieve national targets.

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Aims and Objectives

2.1 Council aims and objectives

To contribute to Rossendale Council's corporate objectives identified in the Corporate Strategy 2017-2021.

- **A clean and green Rossendale:** our priority is to keep Rossendale clean and green for all of Rossendale's residents and visitors, and to take available opportunities to recycle and use energy from renewable sources more efficiently.
- **A connected and successful Rossendale that welcomes sustainable growth:** our priority is to ensure that we are well connected to our residents, key partners and stakeholders. We want to make the most of every pound we spend and we are always looking for new and innovative ways to make the resources we do have, work harder for us.
- **A proud, healthy and vibrant Rossendale:** our priority is to ensure that we are creating and maintaining a healthy and vibrant place for people to live and visit

2.2 Health and Safety Service Plan Objectives

The work carried out detailed in this Health and Safety Service Plan supports the corporate objectives of **a proud, healthy and vibrant Rossendale**.

The key aim of this plan is to continually improve the health and safety and reduce health inequalities of all individuals working in and visiting places of work within the Borough.

The objectives have been identified by considering:

- The National Local Authority Enforcement code for Health and Safety at Work <http://www.hse.gov.uk/lau/la-enforcement-code.htm>
- Section 18 Guidance from the HSE - LAC 67/2 (rev8) including the list of activities / sectors for proactive inspections by LAs <http://www.hse.gov.uk/lau/lacs/67-2.htm>
- Local issues identified from information including from RIDDOR reports, HSE statistics and through working with the local liaison group – Environmental Health Lancashire Health and Safety Officers Group.

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Objectives

1. To raise standards of health and safety in the local authority enforcement sector using a risk-based enforcement strategy. Inspections or other interventions will be carried out in those businesses presenting the highest risk as detailed in HSE National Code for Local Authority Enforcement Code (See appendix 2 for more details). Within Rossendale we will focus on the following taken from the priority areas:

- **Beverage gases in the hospitality industry** - Raise awareness of the risks associated with the handling of beverage gases in the hospitality industry. In particular, highlighting the need to provide safe systems of work and emergency procedures for cellar work, with emphasis given to the handling, and storage of cylinders and work in confined spaces. Promote the training of workers to understand the hazards of working with beverage gases and in safe changeover procedures.
- **Gas safety in commercial catering premises** - The proper installation, maintenance and inspection by a competent Gas Safe registered engineer is essential to ensuring that staff and customers at commercial catering premises are protected from exposure to carbon monoxide gas.
- **Visitor attractions to prevent or control ill health arising from animal contact** – People can become infected by microorganisms such as *E. coli* O157 or *Cryptosporidium* through consuming contaminated food or drink, through direct contact with contaminated animals, or by contact with an environment contaminated with animal faeces.
- **Inflatable amusement devices** – There has been a number of serious incidents where inflatable amusement devices have collapsed or blown away in windy conditions. In 2018 HSE issued new guidance on how to operate inflatables safely. In particular, that devices are correctly anchored to the ground, there are suitable arrangements for measuring wind conditions at regular intervals, there is written documentation from a competent inspection body to show it complies with the British Standard and it is subject to an annual inspection by a competent person.

2. Local Enforcement Issues/projects for 2019/20 are:

- To investigate illegal abstractions of electricity and gas

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- To identify and take action against rogue landlords, especially those with unregistered domestic premises above takeaways
3. Reduce exposure to second hand smoke by enforcement of the Smoke-free England Regulations in all premises to which they apply.
 4. License or register those premises that make an application to undertake skin piercing.
 5. To deal with accident notifications, service requests and enquiries concerning health and safety on a risk based approach. Not all accidents/dangerous occurrences will be investigated but all will be assessed using the Accident/Incident Investigation Procedure – SP5.
 6. We will use other Public Protection Unit enforcement services to ensure compliance with health and safety requirements e.g. licensing (alcohol, street trading, taxis and private hire, outdoor entertainment) Smoke free England, etc.

Chapter 3 Service quality considerations

3.1 Consistency

The Service seeks consistency between officers and between local authorities.

We will continue to be an active member of the Lancashire Health and Safety Officers Group. We are committed to developing the group’s training, peer review, benchmarking and consistency processes. We will use the outputs from these reviews to develop our service.

3.2 Transparency

We will use the website and our partnerships to publish details of why we do things. This plan will be published on the council’s website.

We will report to elected members of the council and senior managers the key performance indicators for this service on a 6 monthly basis.

3.3 Targeting and Proportionality

We seek to target our actions to the highest risk and to the most important local issues. We will take action in proportion to risk and compliance, addressing the most serious risks where the hazards are less well controlled - as set out in the national code.

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We will use principles contained in Health and Safety Executive's Enforcement Management Model when deciding on the best of action to take when non-compliance with legislation is found.

3.4 Accountability (making it clear who is responsible)

We will encourage higher expectations in the workplace and make sure that employers and employees understand their respective health and safety responsibilities. We will discuss the findings of every inspection with the employee representative (where there is one).

3.5 Competency and Training

HSE's national code requires officers to be competent and that there is a training programme to maintain competencies and develop staff. Officers have annual appraisals in which training needs are identified. Training opportunities are taken up as available.

3.6 Data Capture and Record Keeping

The Service uses the IDOX computer system for the Public Protection Unit.

Environmental Health Officers input details of interventions, accidents, service requests etc. Administration officers create, change and close premises records.

3.7 Resources to Provide the Service

The service is normally delivered Monday to Friday 9:00am to 5.00pm. Where circumstances require immediate, urgent action or out-of-hours work, officers provide that service.

Address: Communities Directorate, Rossendale Council, The Business Centre, Futures Park, Bacup, OL13 0BB.

Telephone: 01706 217777

Web: <http://www.rossendale.gov.uk>

Telephone Contact Centre Opening Hours: 09.00 – 17.00 Monday – Friday

Emergency out of hours contact number – 0300 222 5946

All staff are provided with the IT equipment necessary to undertake their duties.

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