SERVICE PLAN
FOR
HEALTH AND SAFETY ENFORCEMENT 2016/17
1. **Introduction**

1.1 This Plan outlines how Regulatory Services intends to fulfil its statutory obligations to enforce health and safety legislation.

1.2 The Council’s responsibilities with regard to health and safety legislation are discharged by the Commercial Team within Regulatory Services.

The key points of this service plan are summarised below:

- Officers carried out specific inspection and education campaigns relating to bi-fold doors.

- The revised priority rating scheme which determines the inspection frequency for premises has been implemented. Inspections and reactive visits have been targeted to high risk premises, or those where complaints have been received, where accidents have occurred, or where there is a history of poor performance.

**Service Aims and Objectives**

2.1 The Council is responsible for the enforcement of the Health and Safety at Work etc Act 1974 (HASWA) as described by the Health and Safety (Enforcing Authority) Regulations 1998. Section 18 of the Health and Safety at Work etc Act 1974 states that it is the duty of every local authority to perform in accordance with guidance from the Health and Safety Commission.

The Health and Safety Commission Guidance also requires that Local Authorities produce an intervention plan detailing the Local Authorities priorities and its aims and objectives for the enforcement of health and safety.

**The overall aim of the service is to protect people’s health and safety by ensuring risks in the changing workplace is managed properly.**

Our priority is to manage the risk in high risk, poor performing businesses, and to investigate major injury incidents and fatalities. We will undertake work that has been identified as a national priority, for example Legionella in cooling towers, and we will prioritise proactive inspections to high risk premises. We will use local intelligence to target poor performers in selected other sectors, using a full range of intervention strategies.

We will work in partnership when possible, and support the work of the Leicester Leicestershire and Rutland health and Safety Best Practice Group, and we fully support the Better Business for all partnership.
3. **Background**

3.1 **Profile of Harborough District Council**

The District’s population of 85,382 (2011 census, an increase of 11% since 2001) is split between:

- the market towns of Market Harborough, Lutterworth and Broughton Astley (47%)
- the rural centres of Billesdon, Great Glen, Houghton on the Hill, Husbands Bosworth, Kibworth Beauchamp, Kibworth Harcourt and Fleckney (22%)
- Leicester’s Principal Urban Area (PUA) encompassing Bushby, Thurnby and Scraptoft (6%).
- The remaining 25% of district residents are dispersed across some c.80 smaller rural villages.

Market Harborough (population of over 21,000), is the largest settlement in the District and lies on the southern boundary of the District adjacent to Northamptonshire. It has a key role in providing services, employment, public transport, and shopping and leisure facilities to the surrounding population. Lutterworth and Broughton Astley, both settlements with populations in the region of 9,000, are located in the west of the District.

Harborough District covers an area of 238 square miles of rural south and east Leicestershire. It lays within the East Midlands Region, bordering Warwickshire to the west, Northamptonshire to the south and Rutland to the east. Harborough borders 4 other Leicestershire district authorities, Charnwood, Melton, Oadby and Wigston and Blaby, and adjoins the east of Leicester City at Bushby, Scraptoft and Thurnby.

Its central location means that the District has good access to regional and national transport links. The M1 passes through the District in the west whilst the M6/A14 is located to the south. Other main routes in the District include the A6, A47 and A 508 which between them provide links to Leicester, Northampton, Kettering and Corby. Market Harborough is located on the East Midlands Trains route and has frequent links to London, Leicester and stations to the north. Both East Midlands Airport and Birmingham Airport are within 50 miles of Market Harborough.

3.2 **Organisational Structure**

The enforcement of health and safety is delivered by the Commercial Team within Regulatory Services. Decision making relating to enforcement action is delegated to the Regulatory Services Manager. The Council has 37 Councillors and operates a Leader and Cabinet form of political management, with Executive portfolio responsibilities.

A simple hierarchical chart that details the reporting structure for the Commercial Team which delivers the health and safety service is shown
below. Enforcement of food hygiene, infectious disease control and some health promotion duties are also functions of that team.

Organisational Chart
3.3 Demands on the health and safety service

The Commercial Section is responsible for health and safety enforcement in Harborough District Council’s area and enforcement officers are authorised with powers under the Health and Safety at Work etc Act 1974.

The routine functions carried out by the service include:

i) Carrying out a planned programme of inspections of our high risk health and safety premises, pursuing the appropriate course of action, e.g. verbal advice, informal letters, improvement and prohibition notices and prosecution.

ii) Carrying out a planned programme of interventions focusing on specific areas of risk determined by the Health and Safety Executive and Local Authorities Enforcement Liaison Committee.

iii) Involvement in specific interventions which support the HSE’s priorities, or focus on topics of local importance. See section 5.1.9

iv) Investigation of workplace accidents and work related diseases in accordance with the council’s policy, and the HSE Incident Selection Criteria Guidance.

v) Responding to requests for health and safety advice from businesses and the public

vi) Investigate complaints relating to poor health and safety conditions

There are currently around 1500 premises for which the Council has health and safety enforcement responsibility. The responsibility for the enforcement of the Health and Safety at Work Act etc. 1974 and relevant statutory provisions is governed by the Health and Safety (Enforcing Authority) Regulations 1998 that allocate enforcement to either the Health and Safety Executive or Local Authority according to the main work activity. Since 1974 local authorities have been responsible for enforcement of the health and safety laws in places such as shops, retail and wholesale warehouses, offices, catering, restaurants, bars, hotels, care homes (without nursing care), leisure and cultural services such as golf courses and horse riding establishments together with consumer services such as undertakers and centres fitting tyres and exhausts.

The Health and Safety Executive is responsible for the remainder of activities e.g. factories, building sites, farms, vehicle repair workshops, railways, power stations, care homes providing nursing care, docks, fairgrounds, schools, colleges and Council run services.

In his report "Reclaiming health & safety for all: An independent review of health and safety legislation ", commissioned by the then Minister for Employment, Professor Ragnar Löfstedt recommended that HSE be given a stronger role in directing Local Authority (LA) health & safety inspection and enforcement activity. As a result the way that health and safety in the LA enforced sector has changed.
In May 2013 HSE published the National Local Authority Enforcement Code. The Code is designed to ensure that LA health and safety regulators take a more consistent and proportionate approach to their regulatory interventions. It sets out the Government expectations of a risk based approach to targeting.

The new Health and Safety strategy, ‘Helping Great Britain Work Well’ was published on 29th February 2016. This sets out six strategic themes for the whole of the GB health and safety system. Local Authority workplace health and safety regulators are a key part of this system, and are expected to play their role in:

- Encouraging and recognising improvements, being increasingly joined up to deliver improved outcomes and minimise unnecessary burdens on businesses;
- Continuing to promote the risk-based, goal-setting regulatory regime that has served health and safety in Great Britain so well;
- Working with partners in the system to make workplaces safer and healthier, providing a level playing field for responsible employers with regulators and co-regulators, by advising, promoting, and where necessary, enforcing good standards of risk control;
- Using proportionate, risk-based regulation to support better outcomes, innovation and the safe use of new technologies;
- Developing services and products that contribute to improved management and control of risks, sharing our knowledge, and
- Continuing the dialogue and conversation with stakeholders to make the system better, always looking to provide simple, pragmatic advice and support.

HELA Circular LAC 67/2 (rev 5) provides a nationally consistent, framework for rating of all premises where local authorities regulate health and safety. The risk categories in the Circular do not determine inspection frequencies but will be used in conjunction with other intelligence such as reported incidents or complaints to decide whether a proactive inspection is justified. We are committed to improving health and safety outcomes where there is greatest risk and will reserve proactive planned inspections for those premises that present a comparatively high risk. Alternative interventions such as self-assessment questionnaires and the provision of information/mail-shots will be used, as appropriate.

Harborough District Council’s Commercial team presently consists the following posts:

**Team Leader** (80% FTE) (20% role involved in health and safety work)

2 x **Environmental Health Officers** (full time.) These officers spend around 30% of their time involved in health and safety work).
4.4 Access to Health and Safety Services

Staff and facilities are located at the Council Offices in Market Harborough. The office is open to personal callers Monday, Tuesday, Thursday and Friday from 8.45 hrs to 17.00 hrs and 9.30 hrs to 17.00 hrs on Wednesday. All officers have mobile telephones with voicemail facility and personal e-mail addresses.

The Commercial Team operates a system of remote working. One of the commercial team officers acts as the duty officer each day, which helps customer services to identify a single point of contact each day. This supports the council’s priority to reduce the amount of office space that it occupies and to deliver services in an innovative way.

Inspections are carried out outside office hours as necessary.

The Council’s website has a range of information relating to health and safety matters.

4.5 Enforcement Policy

An Enforcement Policy is in place. This has recently been reviewed to meet the requirements of the Regulators Code and was adopted by the Council in 2016.

4.6 Regulators Code

The Regulators Code came into force in April 2014 and has been adopted by Harborough District Council.

5. Health and Safety Service Delivery 2016/2017

5.1 Programmed Health and Safety Inspections

The Council has always operated the health and safety service in accordance with HSE guidance. HELA Circular 67/2 rev 5 “Targeting Local Authority Interventions”, advises on work planning.

In line with advice contained in the National Local Authority Enforcement Code, proactive inspections are restricted to those premises identified as high risk, or where intelligence indicates that intervention maybe necessary. Local intelligence will be used to inform intervention and education campaigns. Intelligence includes reports of incidents and accidents from employees and members of the public, observations of matters of concern by other enforcement officers such as food safety, licensing, planning and building control officers.

5.1.1 Focus of Interventions

As outlined above inspections are focused on those premises that present the highest risk, fit one of the HSE’s current high priority topics or have been identified as poor performers. The Leicester Leicestershire and Rutland Health and Safety
Best Practice Group determines a programme of relevant intervention topics that individual local authorities can choose to participate in depending on the relevance to their locality and the resources available.

5.1.2 Revisits

Revisits will be made to check compliance before the next programmed inspection where there has been a significant breach of the regulations taking into account the willingness of the employer to comply, the history of compliance and the officers confidence in the management of the business.

5.1.3 Accident Investigation

Accident notifications under the Reporting of Incidences, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) are investigated as appropriate in accordance with the departmental policy. This is based on the HSE Incident Selection Criteria scheme.

For the period 2015/2016 approximately 140 reports of accidents or dangerous occurrences were received by the department. It is expected that between 5 and 10 accidents will be fully investigated by the team in any year.

Where an investigation is required it will commence within 5 working days.

5.1.4 Health and Safety complaints

All complaints of poor health and safety conditions will be investigated and an initial response will be made within 5 working days.

5.1.5 Health and safety advice

Advice is available on the Councils website. Due to limited resources, the council will no longer routinely carry out visits purely to give advice on health and safety matters. Advice will continue to be given over the phone, or via email. Customers with general enquiries will be signposted to sources of information, including the HSE.

Better Business for All is a local partnership between business and regulatory services in Leicester and Leicestershire. The aim of the partnership is to create the conditions for an effective and efficient local regulatory system to support business growth through removing real and perceived regulatory barriers. Initiatives being developed include an advice signposting service, and data sharing. This project will be monitored to establish if changes can be made to improve the relationship between businesses and enforcers. Officers will attend local business events where possible to raise the profile of the service and offer advice and assistance to businesses.

5.1.6 Primary Authorities
The service adheres to the Primary Authority Principle. Certain large, multi outlet businesses have established a Primary Authority relationship with a local authority, which tends to be where the head office is located. This scheme aims to give these large businesses one local authority that they can build a close working relationship with, and benefit from their expertise. The Enterprise and Regulatory Reform Act 2013 requires that where a Primary Authority relationship exists, other local authorities must follow published inspection plans, and should not take enforcement action in these premises without first discussing it with the Primary Authority. The intention is to encourage consistency for businesses where they are regulated by several different local authorities.

Harborough District Council does not act as the Primary Authority for any business but should we be approached by a business to do so, due consideration would be given to the proposal.

In the main, Primary Authorities are contacted by the commercial team in relation to complaints investigation. Where an inspection plan has been drawn up between the business and the Primary Authority, Harborough District Council will follow this.

5.1.8 Partnerships, Relationships and Liaison

The Council is a member of several groups designed to aid communication and co-operation and the sharing of information between relevant Health and Safety Enforcement agencies. This also ensures a consistent approach between neighbouring local authorities with regard to enforcement action. The key groups are listed below:

- Leicestershire Environmental Health Managers Group
- Leicester Leicestershire and Rutland Health and Safety Best Practice Group
- G16 Benchmarking Group
- Better Business For All (a county wide, multi disciplinary forum with the aim of providing businesses better access to all regulatory services)

5.1.9 Health and Safety Campaigns to Support Local and National Priorities

Harborough District Council is part of the Leicester, Leicestershire and Rutland Health and Safety Practice Group. This group meets four times a year and aims to develop a coordinated approach to health and safety enforcement across the county. The HSE also have a representative on this group. A limited number of projects are planned to run throughout 2016-17. Harborough District Council will participate in those projects which are directed by the HSE or where local intelligence suggests that there are high risk premises in Harborough District involved in the particular activities highlighted and where resources allow. The topic areas for 2016/17 include:
6. **Event safety**

7. **Resources**

Staff resources are outlined in section 4.

8. **Staff Competencies and development**

The Council ensures that it only appoints officers with the necessary competencies and qualifications to carry out Health and Safety enforcement and they are authorized according to their level of competency and experience.

Harborough District Council has in place a training and development plan. Training needs are identified as part of the Appraisal process. One Environmental Health Officer has recently undertaken postgraduate health and safety training.

Staff who are members of Professional Bodies are subject to requirements relating to continuous Professional Development and the authority supports them in achieving the requirements.

The HSE has developed a mechanism for assessing the competence of inspectors (Regulators Development Needs Assessment Tool) which is supported by BIS (department for Business Innovation and Skills). This not only makes an assessment of the officers level of competence but also indicates what areas of work they are therefore capable of undertaking. The tool allows a development programme to be created for each individual officer. Officers have completed this assessment and through the appraisal route the gaps identified in their skills will be addressed.

8. **Quality Assessment**

8.1 Internal Quality Assessment

- Performance against the programme of inspections is a standing item on the bi-monthly team meetings

- Monitoring of a sample of each officers post inspection administration will be carried out by the Team Leader.

- All statutory enforcement notices are approved by the Team Leader or Regulatory Services Manager.

- A sample of those businesses who are contacted every month are asked for their perception of the value of the intervention.

8.2 **External Quality Assessments**
The Council participates in a benchmarking exercise which compares the activities of all local authorities in Leicestershire. The last benchmarking exercise was completed in early 2007.

9. Review against the service plan.

9.1 Performance 2015/2016

The service plan for 2015/16 outlined plans to participate in projects relating to bi-fold doors, as directed by the Health and Safety Executive.

One premises was identified as requiring an intervention, which was conducted and relevant advice given to the premises.

In depth investigations were carried out into several workplace accidents, with recommendations for improvements being given to the businesses concerned in most cases.