

Scarborough Borough Council Commercial Regulation Service



A great place to live, work & play

**HEALTH AND SAFETY SERVICE PLAN
2019/20**

Foreword

Duties are placed on the local authority to enforce the relevant statutory provisions of the Health and safety at Work etc Act 1974 and associated regulations made under the Act in businesses and to work activities falling to Local Authorities to enforce under The Health and Safety Enforcing Authority Regulations.

Establishing policy in respect of the Health and Safety Service is the responsibility of the service Director, subject to Member approval. The Commercial Regulation Team operating within the Environment and Regulation Section of Environmental Services carries out the health and safety enforcement function. The service operates to standards laid down in Section 18 Guidance to the Act, The National Local Authority Enforcement Code for Health and Safety, HSE Circular LAC 67/2 (Revision 8) Targeting Local Authority Interventions, the HSE Enforcement Code and the Authority's Enforcement Policy.

CONTENTS

- 1 Aims and Objectives
- 2 Background
- 3 Service Delivery
- 4 Resources
- 5 Health and Safety Interventions
- 6 Key Health & safety Delivery Matters 2019 – 2020
- 7 Primary Authority
- 8 Proactive and reactive work undertaken 2018 – 2019

Appendix 1: Intervention Plan 2019-2020

1.0 Aims and Objectives

The Council Plan sets out four objectives:

People - to have a safe, happy, healthy population with people who feel valued and included

Place – to protect and improve our environment, now and for the future

Prosperity – to develop a prosperous and innovative Borough, with a highly skilled and aspirational workforce

Council – to be an efficient and effective council which is financially sustainable for the future

Health and safety enforcement is carried out by officers of the Commercial Regulation Team and contributes towards the aim of these objectives; in particular “People”, protecting and improving health for all through a selection of interventions in line with current HSE and Central Government Guidance.

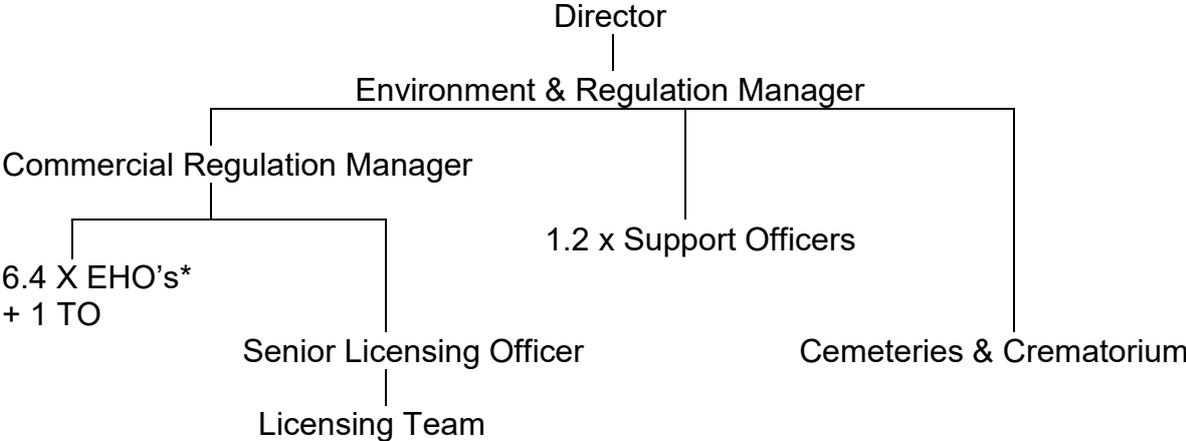
2.0 Background

The Council is responsible for the enforcement of health and safety in approximately 4000 premises within the Borough, from leisure and retail premises, commercial warehousing through to offices and corner shops. The type of premises/nature of activity falling to the Local Authority is dictated by legislation, with the Health and Safety Executive (HSE) being the enforcing authority for those premises not enforced by the Local Authority. In some circumstances local agreements are reached which involves the agreed transfer of health and safety enforcement from the HSE to the LA and vice versa.

Section 18 of the Health and Safety at Work etc Act 1974 requires local authorities to make adequate arrangements for the enforcement of the relevant statutory provisions for which they are responsible under Health and Safety at Work etc Act 1974 and associated regulations. Detailed mandatory guidance existed until 2013 as to how local authorities would discharge this duty.

Following the Löfstedt review, the National Local Authority Enforcement Code for Health and Safety was developed and implemented. This code has replaced all the former detailed guidance under Section 18 though the principles involved are still followed in the application of the code. In addition, Local Authority Circular LAC 67/2 on planning and targeting local authority interventions was revised late in 2013 to reflect and complement the National Local Authority Enforcement Code. The circular sets out guidance and tools to be used by LA's for planning and targeting.

The organisational structure of the Environmental Health Service dealing with occupational safety is detailed in the diagram below:



*4.6 EHO posts engaged in occupational safety work

Prior to January 2017 the health and safety enforcement function was based within the Food and Occupational Safety (FOS) Team. However, an Environmental Health service review was undertaken during 2016-17 and the FOS team was amalgamated into a newly formed Commercial Regulation Team. The remit of the latter not only encompasses food and occupational safety enforcement but also includes investigation, monitoring and enforcement activities relating to other environmental health concerns, including noise nuisance, air quality, contaminated land, permitted processes and private water supplies. Licensing Services have also been incorporated into the Commercial Regulation Team.

Health and Safety falls within the remit of the Legal Governance & Events Portfolio holder who is a Member of Cabinet. Matters which affect Council Policy, or which may have a significant impact on the authority are reported to Cabinet. All other matters are reported to the Portfolio holder at regular meetings with the Director.

The Enforcement Policy, which covers all enforcement activities within Environmental Services, is regularly updated as legislation or codes of practice change.

3. Service Delivery

The National Local Authority Enforcement Code - Health & Safety at Work, England, Scotland and Wales has been developed in response to Löfstedt’s recommendation and also as an outcome of the Red Tape Challenge on Health and Safety.

The Code sets out Government expectations on a risk based approach to targeting health and safety regulatory interventions that will provide business with a consistency of approach. At the same time, following the principles of the Code will ensure LAs make the best use of their regulatory resource by focussing their efforts where it really matters. Implementing and complying with the requirements of the Code will deliver the central Government expectation that businesses operating in

comparatively lower risk premises should not be subject to proactive, unannounced inspections, unless there is reason to suspect poor performance. Proactive inspection is only utilised for premises with higher risks or where intelligence suggests that risks are not being effectively managed.

In order to assess how LAs are meeting the requirements of the Code, HSE monitors LA data returns.

4. Resources

The implementation of identified health and safety delivery matters for 2019- 2020 will be undertaken as part of the overall function of the Commercial Regulation Team of Environmental Services.

The actual level of delivery will be dependent on availability of competent officers in the section who can be released from their primary role as Food Safety Officers. It is estimated that approximately only 10-20% of an officer's time will be spent on dealing with health and safety matters averaged across the section.

The post of Health and Safety Officer for leading in this area was removed from the establishment at the end of March 2014, the post being deleted as the level of enforcement work had decreased to reflect the requirements identified by Löfstedt and the Enforcement Code.

5. Health and Safety Interventions

Scarborough Borough Council has always followed a risk-based, targeted and proportionate approach to interventions and enforcement in accordance with the principles of good regulation. This means targeting interventions on those activities that give rise to the most serious risks, or where the hazards are least well controlled. A combination of approaches is used from offering information and advice, verbal and written warnings through to, where appropriate, the service of Improvement or Prohibition Notices. A prosecution may be pursued where it is deemed to be in the public interest to do so.

Any enforcement decision will be taken in accordance with the service Enforcement Policy and that of the Health and Safety Executive. Proactive inspection will only be used to target the high risk activities in the sectors specified by HSE in guidance published alongside the Enforcement Code or where intelligence suggests risks are not being effectively managed. The list of higher risk activities is subject to change each year where other risks are identified from information gathered by the HSE.

The effect of the National Local Authority Enforcement Code and LAC 67/2 on proactive inspections in the Borough is that the number of inspections has greatly reduced as there are very few high risk premises in the Borough that come into the current list of activities as set out in the Code

Proactive inspections over previous years have taken place in a wide range of premises and areas of work including the activity areas in the current Enforcement Code List. These visits identified issues which were addressed through enforcement

with a result that risks were reduced and the premises were no longer classed as high risk.

6. Key Health & safety Delivery Matters 2019 - 2020

Health and Safety interventions will be carried out in accordance with the Intervention Plan (See Appendix 1). Delivery aims are:

- To carry out when possible interventions, as part of a national or regional identified priority.
- To inspect high risk premises in line with the current HSE list of identified activities. i.e. those listed in the schedule to the Enforcement Code.
- To carry out an intervention where there is an identified significant potential local issue or matter of evident concern (this could include a proactive inspection) where there is sufficient evidence and/or intelligence over a period of time to justify the intervention in any activity. i.e. repeated complaints or firm evidence of potential risk.
- To investigate accidents that meet the criteria for investigation (An accident investigation document based on HSE document LAC 22/13 Incident Selection Criteria has been in place for several years)
- To investigate complaints that meet the criteria for investigation.
- To respond to requests for advice on health, safety and welfare issues.
- To respond to referrals from other Services and other external organisations
- To work with Public Health England to deal with areas of concern such as E-coli control at open farms, Cryptosporidium associated with swimming pools and water supplies, and investigations into cases of, and outbreaks of, legionella within the Borough.
- To liaise with other local authorities in North Yorkshire through the North Yorkshire Health and Safety Technical group, the HSE and other agencies such as North Yorkshire Fire and Rescue service and the Police.

7. Primary Authority

In 2013 this authority entered into formal Primary Authority Partnership agreements with Bourne Leisure Ltd and Coopland and Son (Scarborough) Ltd for health and safety. The authority entered into a similar agreement with local discount retailer W Boyes and Co Ltd during 2016/17.

The agreements were set up and are managed through the Better Regulation Delivery Office (BRDO). The effect of these partnerships is that Scarborough Borough Council works with the companies to assess and review their health and safety procedures, controls and systems of work and determine whether they appear to be meeting the requirements of the relevant Health and Safety legislation as it applies to their businesses. It is also to advise other local authorities in England and Wales on matters of concern they come across in premises operated by these companies and to advise on any proposed enforcement action. If there is any dispute on a decision against enforcement, the health and safety enforcing local authority raising the matter can then go to the Office for Product Safety and Standards (Safety & Standards) for a final determination. The authority can recover the costs of any work carried out under the agreements.

In relation to Cooplands, the agreement essentially only relates to their retail shops, as health and safety enforcement in the factory environments falls to the HSE.

The agreements with Bourne Leisure Ltd (which operates Warner Leisure Hotels, Haven and Butlins holiday centres) and W Boyes & Co Ltd cover both food safety and health and safety enforcement matters.

These partnerships will continue during 2019/20 but will depend on resources being available within the Commercial Regulation Team.

8. Proactive and reactive health and safety work undertaken 2018- 2019

Service Activity	Actual
Complaints/ Requests for service	213
Reportable Accidents	80
Accident Visits	9
Proactive visits (inspections)	1
Reactive visits (complaints etc)	52
Improvement and Prohibition Notices	1
Prosecutions	0

The low number of proactive inspections is in accordance with the current ethos to be applied in LAC 67-2 of “No inspection without a reason” and work significantly has been reactive in nature.

Intervention Plan 2019-2020

Our Intervention Priorities	Evidence Evaluation	Sectors and activities to be targeted	Interventions-available	Time Scale	Resources
Explosions Caused by Leaking PLG					
Caravan/Camping parks with buried metal LPG pipework Identifying and dealing with matters of evident concern	National Priority Intervention in partnership with HSE Where there is intelligence suggesting risks are not being effectively managed	Communal/amenity buildings on caravan/camping parks with buried metal LPG pipework	Inspection of caravan/camping parks with poor infrastructure risk control/management of maintenance Inspection of LPG pipework to identify and deal with any matters of evident concern and provide advice and guidance where necessary	2019-20	
E.coli/Cryptosporidium Infection					
National and local priorities Identifying and dealing with matters of evident concern Education and advice on best practice	National Priority Where there is intelligence suggesting risks are not being effectively managed	Open Farms/ Animal Visitor Attractions.	Inspection of premises rated as poorly managed/lack of suitable micro-organism control measures Incident and ill health investigation Dealing with issues of concern and complaints	2019-20	
Incidents of being struck by vehicles					
National and local priorities Identifying and dealing with matters of evident concern Education and advice on best practice	National priority RIDDOR reports, complaints, past inspection performance or other intelligence suggesting risks are not being effectively Managed	Warehousing/distribution with activities involving workplace transport	Incident and ill health investigation Dealing with issues of concern and complaints	2019-20	

Fatalities/injuries resulting from Falls from Height/amputation and crushing injuries					
National and local priorities Investigation of all WRD's/ injuries resulting from falls from height/ amputations and crushing injuries.	National Priority RIDDOR reports, complaints, past inspection performance or other intelligence suggesting risks are not being effectively managed Police, HSE or other Regulators Information	Industrial retail/ Wholesale premises especially those undertaking high risk activities such as; Workplace transport, working at height, use of cutting machinery, lifting equipment eg builders merchants	Incident and ill health investigation. Dealing with issues of concern and complaints	2019-20	
Industrial Diseases (Occupational Asthma/Respiratory diseases/Deafness/Cancer)					
Identifying and dealing with matters of evident concern Education and advice on best practice.	National Priority RIDDOR reports, complaints, past inspection performance or other intelligence suggesting risks are not being effectively managed Other regulators observations or concerns	Premises where there is significant noise and dust such as from commercial use of loose flour, exposure to noise or respirable crystalline silica (stone cutting activities) eg. In-store/craft bakeries and stone retailers/wholesalers Minor construction work generating significant silica dust	Incident and ill health investigation Dealing with issues of concern and complaints Education and awareness during visits	2019-20	
Musculoskeletal Disorders (MSD's)					
National and local priorities Identifying matters of evident concern	National Priority RIDDOR reports, complaints, past inspection performance or other	Residential Care sector	Incident and ill health investigation Dealing with issues of concern and complaints	2019-20	

	intelligence suggesting risks are not being effectively managed from moving and handling of persons		Education and awareness during visits		
Falls From Height/ Manual Handling/Unstable Loads/ Delivery Driver Welfare					
National and local priorities	National Priority	Warehousing/distribution with activities involving work at height, vehicle loading/unloading and manual handling not effectively managed	Incident and ill health investigation.	2019-20	
Identifying matters of evident concern.	RIDDOR reports, complaints, past inspection performance or other intelligence suggesting risks are not being effectively managed	Premises where fragile roof work identified during visits Industrial retail/wholesale premises with vehicle loading/unloading	Dealing with issues of concern and complaints.		
Education and advice on best practice.		Premises where toilet/ rest facilities not available to visiting workers	Education and awareness during visits		
Crowd Management and Injuries/fatalities to the public					
Investigation of fatalities/ major injuries in relation to public events	National Priority	Public Events with inadequate consideration of public safety	Incident and ill health investigation	2019-20	
Identifying matters of evident concern	RIDDOR reports, complaints, or other intelligence suggesting risks are not being effectively managed		Dealing with issues of concern and complaints		
Education and advice on best practice	Police, HSE or other Regulators Information.				

Carbon Monoxide Poisoning/ Commercial catering gas safety/ Beverage gas safety					
National and local priorities	National priority	Catering premises that use solid fuel or gas	Incident and ill health investigation	2019-20	
Identifying matters of evident concern	RIDDOR reports, complaints, or other intelligence suggesting lack of suitable ventilation/ risks are not being effectively managed	Premises where gas cylinders handled and stored in confined spaces	Dealing with issues of concern and complaints		
Education and advice on best practice			Education and awareness during visits		
Violence at Work					
National and local priorities	National priority	Premises with vulnerable working conditions (lone working, night working, cash handling) etc and where intelligence indicates that risks are not being effectively managed eg. betting shops/ off-licences and hospitality venues	Incident and ill health investigation	2019-20	
Identifying matters of evident concern.	RIDDOR reports, complaints, past inspection performance or other intelligence suggesting risks are not being effectively managed		Dealing with issues of concern and complaints		
Education and advice on best practice	Police, HSE or other Regulators Information				
Fires and explosions caused by initiation of explosives including fireworks					
National and local priorities	National Priority	Professional Firework Display Operators	Incident and ill health investigation	2019-20	
Identifying matters of evident concern	RIDDOR reports, complaints or other intelligence suggesting risks are not being effectively managed from fusing of fireworks		Dealing with issues of concern and complaints		

Duty to manage Asbestos					
National and local priorities	National Priority	Inspection at premises within the district as and when removal works are notified by companies identified as “priority” for inspection by the HSE.	Inspection of notifiable works.	2019-20	
Identifying matters of evident concern.	Inspection of asbestos removal work by companies identified as a “priority” by HSE for inspection	Premises where asbestos risks identified and not being managed effectively	Dealing with issues of concern and complaints Education and awareness during visits		
Inflatable amusement devices					
National and local priorities	National Priority	Operators of inflatable amusement devices/ operators of sites where inflatables located/planned to be located	Incident and ill health investigation	2019-20	
Identifying matters of evident concern.	RIDDOR reports, complaints or other intelligence suggesting risks are not being effectively managed		Dealing with issues of concern and complaints Education and awareness during visits		
Injuries from access to large commercial waste and recycling bins					
National and local priorities	National Priority	Retail/licensed premises with unsecured access to bins	Incident and ill health investigation	2019-20	
Identifying matters of evident concern.	RIDDOR reports, complaints or other intelligence suggesting risks are not being effectively managed		Dealing with issues of concern and complaints Education and awareness during visits		
Local Priority-Skin Piercing					
Registration of skin piercing activities	Local Priority on receipt of application	Skin piercing studios/operators	Intervention on business/ activity start-up.	2019-20	
Best Practice advice for new businesses			Assessment for Byelaw compliance and advisory visits		

Identifying matters of evident concern	Complaints, past inspection performance or other intelligence suggesting risks are not being effectively managed Police or other Regulators Information		Incident and ill health investigation. Dealing with issues of concern and complaints		
Local Priority-Staircase Safety					
Identifying matters of evident concern. Education and advice on best practice	RIDDOR reports, complaints, past inspection performance or other intelligence suggesting risks are not being effectively managed	Premises where staircase risks identified and not being managed effectively eg. Pub cellar accesses etc	Dealing with issues of concern and complaints. Education and awareness during visits	2019-20	
Primary Authority					
To provide assured advice and guidance on best practice	Intervention supporting the national Primary Authority Partnership priorities	Premises signed up to a Primary Authority Partnership Agreement (Bourne Leisure, Cooplands and Boyes)	Intervention as defined by Partnerships Dealing with issues of concern and complaints	2019-20	
Investigation of Incidents and Complaints and MEC's					
Identifying matters of evident concern	RIDDOR Reports, Complaints, or other intelligence suggesting risks are not being effectively managed	All sectors	Intervention in accordance with incident selection criteria and complaint handling procedures Dealing with issues of concern and complaints	2019-20	
Requests for Advice and Guidance					
Education and advice on best practice	Local Priority	All sectors	Education and Awareness Advisory visits on request	2019-20	