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Environmental Health & Licensing Section

Health and Safety Intervention Plan

Reviewed 2020/2021

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Introduction

The Health & Safety Intervention Plan has been produced to outline the health and safety regulation duties undertaken by Burnley Borough Council's health and safety team. Health and safety regulation is split between local authority (LA) regulators and the Health and Safety Executive (HSE), the businesses we regulate as the LA are mostly in the service sector and include offices, shops, restaurants, care homes, hotels, tyre and exhaust fitters and warehouses. The HSE regulate health & safety in factories, hospitals, council run premises, schools, colleges, construction and agricultural premises.

The approach to health and safety regulation changed significantly in 2013, following the recommendations in "Reclaiming health & safety for all: an independent review of health & safety legislation" by Professor Ragnar Löfstedt in 2011 and as an outcome of the Red Tape Challenge on health and safety. The changes resulted in the [National Local Authority Enforcement Code for Health and Safety Enforcement](#), which 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. Whilst the primary responsibility for managing health and safety risks lies with the businesses who create the risk, LA health and safety regulators have an important role in ensuring the effective and proportionate management of risks, supporting business, protecting their communities and contributing to the wider public health agenda.

This Code sets out what is meant by 'adequate arrangements for enforcement' and replaces the existing S18 Standard, it concentrates on the following four objectives:

- a) Clarifying the roles and responsibilities of business, regulators and professional bodies to ensure a shared understanding on the management of risk.
- b) Outlining the risk-based regulatory approach that LAs should adopt with reference to the Regulator's Compliance Code, HSE's Enforcement Policy Statement and the need to target relevant and effective interventions that focus on influencing behaviours and improving the management of risk.
- c) Setting out the need for the training and competence of LA H&S regulators linked to the authorisation and use of HSWA powers; and
- d) Explaining the arrangements for collection and publication of LA data and peer review to give an assurance on meeting the requirements Of the Code.

Our commitment to Improving Health and Safety Outcomes

Burnley Council's 10 year vision for the Borough (*Burnley Council's Strategic Plan Updated Feb 2020*).

“Burnley and Padiham will be places where families choose to live because of our clean, safe neighbourhoods, beautiful parks and unspoilt countryside. Businesses will choose to invest in our borough because of our skilled workforce, our diverse, competitive, modern economy and a supportive council”.

Our values:

One Burnley –Leading the Way

One Council –Working Together

One Team –Ambitious for Burnley

Burnley Borough Council has a range of corporate objectives covering the four themes, “People”, “Places”, “Prosperity” and “Performance”.

People: Creating flourishing, healthy and confident communities

Places: Making the Borough a place of choice

Prosperity: Promoting transformational economic change for Burnley

Performance: Ensuring a continuous focus on improvement in all aspects of the Council's performance.

Service Aims and Objectives

To this end Environment Health and Licensing Service's overall aim is to:

"Ensure that Burnley is a safe and healthy place of choice to live work and enjoy leisure time. We act on the front line directly providing services that affect people's daily lives. We provide protection to users of taxis, customers of food businesses, employees in offices, shops and warehouses and help to those suffering the effects of noise nuisance. We police premises which pollute the atmosphere and monitor a whole range of activities that make the Borough a healthier place to be".

This intervention plan details how the Health and Safety Team intend to meet these objectives.

The aim of the health and safety service is to *protect the health, safety and welfare of employees in the borough and to safeguard others, principally the public, who may be exposed to risks from work activity.*

The Health and Safety service is a core Statutory function, within the Environmental Health & Licensing service, as such the aim is to set priorities within our health & safety intervention programme that contribute to the health, safety and welfare of those exposed to work activities, the intervention plan aims to meet all of the requirements of the mandatory guidance issued under Section 18 of the Health and safety At Work etc Act 1974 that requires each local authority to make adequate arrangements for the enforcement of health and safety legislation.

Officers working for Burnley Borough Council delivering the health and safety service were seconded to the strategic partner, Liberata from January 2016. The Council will work with Liberata to deliver the Council's health and safety service from January 2016. A detailed contract for delivery has been developed to ensure an effective contractual relationship, continuity of service delivery, risk management and the maintenance of high-quality services.

Progress on all key areas of service unit activity will be fed into a balanced scorecard and reported to Members throughout the year. The key performance indicator relating to environmental health compliance services for 2019/20 is.

EHLPI 1: % of Programmed EH&L compliance inspections and interventions delivered in line with statutory targets.

The specific Key Performance Indicators measured for health and safety regulation are;

- Number of inspections of higher risk activities due on workplan undertaken (identified within HSE national code)
- Due Cat A (as per s18 risk rating) rated Inspections undertaken
- Non-inspection 'face to face' intervention due on workplan undertaken
- Non-inspection 'other contact' intervention due on workplan undertaken (information distributed, including information sent with food S/A)

Delivery of Priorities

Our delivery priorities will be achieved by;

- A proactive intervention programme which prioritises high risk or poor performing businesses over low-risk businesses
- Investigating workplace accidents in line with the service's accident investigation policy
- Responding to service requests in line with the service's expected standards
- Delivery of identified local priorities and HSE national priorities where appropriate.
- Delivery and participation in interventions that aim to reduce health inequalities as they relate to delivery in the workplace.
- Partnership working – work with other Council Departments, Environmental Health Lancashire, Environment Agency, Police, fire Officers, HMRC, joint work with Health and Safety Executive, and with Public Health England and other organisations to meet local and national targets or initiatives.
- Ensure enforcement decisions are consistent with our Enforcement Policy, the HSC's Enforcement Policy Statement and the Enforcement Management Model. (ensures proportionate, consistent, transparent and accountable enforcement - part of the Better Regulation agenda)
- Train and develop our staff to ensure competence. (encourages staff retention/recruitment and ensures credibility with local business)

Profile of the Local Authority

Burnley has a population of around 87,000 and an area of 42.7 square miles. It is 21 miles north of Manchester and 20 miles east of Preston, at the confluence of the River Calder and River Brun, with the Leeds-Liverpool canal running through the Borough. Neighbouring local authorities are Lancashire's Hyndburn, Ribbles Valley, Pendle, Rossendale; and Calderdale in West Yorkshire.

During the Industrial Revolution Burnley became one of Lancashire's most prominent mill towns; at its peak it was one of the world's largest producers of cotton cloth. Burnley has strong economic links with the cities of Manchester and Leeds, as well as neighbouring towns along the M65 corridor. This is helped by excellent road and rail links including the recent reopening of the direct train line to Manchester.

In 2013, in recognition of its success, Burnley received an Enterprising Britain award from the UK Government, for being the "Most Enterprising Area in the UK".

Other accolades include Burnley being named as one of the UK's leading Tech Towns in a recent report by Tech Nation which identified Burnley as one of the top 16 towns in the UK for the growth of its digital sector. Burnley was positioned 2nd in the UK for digital jobs growth in 2018. Burnley continues to buck national trends with private sector jobs growth figures consistently ranking in the UK's top ten (Burnley 9.7%, Lancashire 3.0%, North West 5.9%, UK 5.9% ONS BRES). The town was also named the friendliest place in the UK by the Financial Times

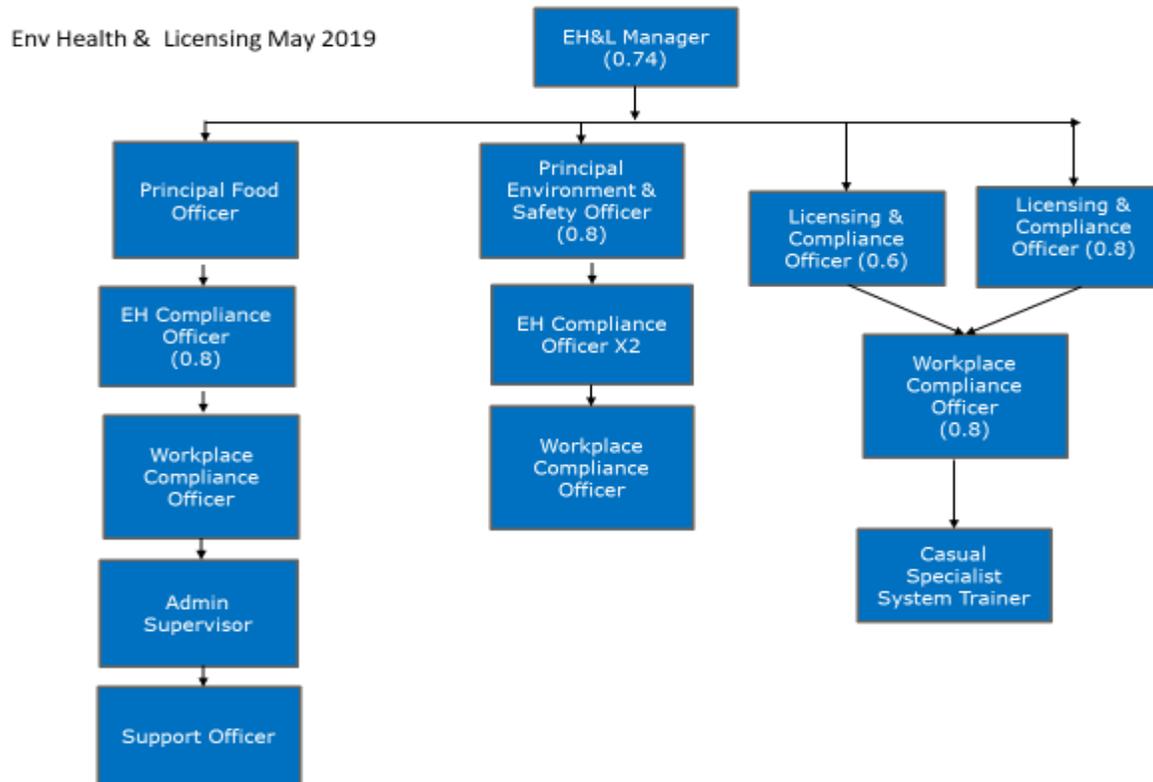
Burnley Council is divided into 15 wards served by 45 councillors. The Council is based on a Cabinet structure with 5 Portfolios, a Leader and 4 Executive portfolio holders; there are 4 committees including 1 scrutiny committee. The health and safety team sits within the Community & Environmental Services portfolio.

The Key Corporate objectives, governance arrangements, and decision-making timetables are outlined in 4 key corporate documents:

- The Council's Constitution & Scheme of Delegation
- Strategic Plan 2019/2020
- Forward Plan of key Decisions and Private Meetings
- Burnley's Community Strategy

Organisational Structure

Health and Safety Law Enforcement responsibilities are mainly discharged by the health and safety team with a range of support functions provided by a small compliment of support staff, which also provides support for officers throughout the Environmental Health & Licensing service unit. The unit covers a number of functions which include health and safety regulation, food safety regulation, licensing, and environmental protection. Officers in the Food Safety team also undertake some health and safety work, particularly regarding 'Matters of Evident Concern' observed during food safety inspections. FTE refers to number of full-time equivalents working on Health and Safety.



Scope of the Health and Safety Service

The Health and Safety Team is responsible for providing the following services;

- The programmed and reactive inspection of business premises.
- Advice to new and existing business premises
- Other visits including advice and complaints investigation.
- The investigation of reported accidents
- Licensing of skin piercing premises
- Maintain a register of cooling towers
- Enforcement action in accordance with the Enforcement Policy.
- Workplace health promotional activities.
- Enforcement of Smokefree Legislation
- Advice in relation to events through Events Safety Group

Service Delivery

LAC 67-2 (Revision 9) Title: Setting Local Authority Priorities and Targeting Interventions

This Local Authority Circular, which was revised in 2020, provides LAs with guidance and tools for setting their health and safety priorities and targeting their interventions to enable them to meet the requirements of the Code. The LAC states that;

'In delivering their priorities LAs should ensure their planned regulatory activity is focussed on outcomes. The Code provides flexibility for LAs to address local priorities alongside the national priorities set by HSE.

LAs should construct their work plan to deliver specific outcomes. The plan is likely to consist of work to deliver those national priorities set by HSE, work to deliver local priorities and be accompanied by an inspection programme that meets the requirements of the Code'.

Annex A of the LAC Outlines a summary of national planning priorities

Brexit has changed rules and procedures for some businesses. There is specific guidance for these industries and work activities:

- Chemicals industry and the safe management of chemicals
- Placing civil explosives on the market
- Manufacture and supply of new work equipment

Exiting the EU may have implications in the future for UK health and safety legislation. Current changes do not affect local authority enforced premises.

Service delivery Interventions 2019/2020

Intervention Type	Number of interventions/ visits to 31/3/20	Number of interventions/ visits from 1/4/20 to 10/2/21
Proactive Inspection	Targeted Using National/local Intelligence	
	0	0
Other Visits/face to face contacts	0	1 (excludes covid19 visits)
Other Contact/ Interventions	168 Self assessments 97 Service requests & other contacts	407 self-assessments* 591 Service requests & other contacts *increase in self assessments sent due to pandemic
Visit to investigate health & safety related incidents.	0	Note Visits undertaken to businesses in response to Covid related concerns and to offer advice have been recorded differently. So not reported here. However, since the start of the pandemic EH & Licensing officers along with covid officer colleagues have carried out <u>over 2,300</u> interventions with businesses in Burnley, this includes visits/ re visits, specific emails, letters and telephone calls
Visits to investigate H&S complaints	2	
Visits following requests for H&S service from businesses.	2	
Revisits following earlier intervention.	0	

Service Delivery

Enforcement

All enforcement action will be taken by authorised and competent officers and in accordance with the Health and Safety Enforcement Policy. The following actions may be taken following an inspection or investigation.

Enforcement Action	Description	Number issued 2019/20	Number issued. 2020/21*
Improvement Notice	Legal Notice requiring works to be completed within a minimum of 21 days	3	0
Prohibition Notice	Legal Notice prohibiting an activity being carried out where there is a serious risk of injury	1	0
Deferred Prohibition Notice	As above but with a time delay allowing certain actions to be taken before the Notice comes into force	0	0
Simple Caution	May be offered in certain circumstances instead of prosecution	0	0
Prosecution	Where the health and safety offences are dealt with at Court	0	0

***Note: Notices have been issued in relations to breaches of Coronavirus Restrictions not under Health and Safety At Work Act 1974**

Liaison with Other Organisations	<p>Formal and informal relationships exist with the following organisations;</p> <ul style="list-style-type: none"> • Health and Safety Executive (HSE) • Environmental Health Lancashire Health and Safety Officers Group • Environmental Health Lancashire Chief Environmental Health Officers • Public Health England • Ofsted • Lancashire County Council - Safeguarding • Lancashire Fire Service • Lancashire Police Service • Burnley Council Regeneration & Planning Policy • Better Regulation Delivery Office (BRDO) • United Utilities • HMRC • GENGA Partner organisations 				
Staff Allocation	<p>Staff resources devoted to health and safety enforcement work as of 31 March 2020</p> <table border="1" data-bbox="577 882 1216 1074" style="margin-left: auto; margin-right: auto;"> <tr> <td style="background-color: #cccccc;">No of HSWA Warranted Officers</td> </tr> <tr> <td style="text-align: center;">5</td> </tr> <tr> <td style="background-color: #cccccc;">Full Time Equivalent of warranted officers time spent on HSWA activity</td> </tr> <tr> <td style="text-align: center;">1.7</td> </tr> </table>	No of HSWA Warranted Officers	5	Full Time Equivalent of warranted officers time spent on HSWA activity	1.7
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5					
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1.7					

Staff Development and Competency	<p>The service is committed to the continuing development of individual members of the team. The Council operate under the Investors in People Standards. Staff competency and training needs are assessed as part of the Corporate Performance and Development Reviews which are annually – any training or development needs that are identified at the review are fed into an annual training plan which links to the budget planning process.</p> <p>In line with revised Section 18 Standard our procedures will be reviewed to include the use of the HSE’s Regulators Development Needs Assessment Tool (RDNA)</p>
The Regulators Code	<p>The Regulators’ Code came into statutory effect on 6 April 2014 under the Legislative and Regulatory Reform Act 2006, replacing the Regulators’ Compliance Code. It provides a clear, flexible and principles-based framework for how regulators should engage with those they regulate.</p> <p>Nearly all non-economic regulators, including local authorities and fire and rescue authorities, must have regard to it when developing policies and procedures that guide their regulatory activities.</p> <p>We are currently reviewing all our policies to ensure they comply with the Regulators Code</p>

Table 1

Health and Safety Workplan What we did last year 2019/20

	Interventions	Outcomes
Accident/Major Investigations	<p>2019/20</p> <p>A prohibition Notice and a number of improvement Notices were issued following investigations into a serious complaint about structural defects within a retail premises. The defects were as a result of years poor maintenance and lack of investment by the company into the structure of the building. As a result, employees were left working in unacceptable conditions and at risk of serious harm or injury.</p>	<p>2019/20</p> <p>Following the Notices, the company carried out significant works to the building and refurbished the ground floor of the shop.</p>
Health and Safety inspections	<p>It was planned that we would carry out a number of inspections in warehouses & care homes</p>	<p>Issues re staffing prevented proactive inspection in the first half of the year as H&S staff were having to assist in other teams. Reactive work on H&S was prioritised.</p>
Complaints/ Requests for Service	<p>As already outlined from March 2020 the number of service requests related to the pandemic was unprecedented. Prior to March service requests and complaints were mainly in relation to general health and Safety conditions, consultations on new licensing applications and skin piercing licences.</p>	<p>From the beginning of March team members pulled together to try and respond as quickly as possible to all the requests received from business and members of the public in respect of the new restrictions. Fortunately, extra staff resources were provided to assist to team to meet the ever-increasing demands throughout the rest of 2020 to date.</p>

Table 2

Health and Safety Workplan What we are doing in 2020/2021

Interventions	Outcomes
Accident investigations	Continue to investigate any accident that indicative or poor health and safety management or fit criteria outlined in the Councils Accident Investigation Policy
Complaints and requests for service	Continue to respond to all complaints and request for service within the service target response times
Inspections	Proactive inspections will be carried out in line with the National Code and LAC 67/2 (Rev 6). Proactive inspections of warehouse premises in relation to workplace transport and work height will continue this year.
Other. Other service demands	<p>Continue to work with other Lancashire authorities through the health and safety officers' group to identify local or national H&S issues</p> <p>We hope to recruit to the team following a staff member leaving once this post is filled this should allow for more time to be dedicated to H&S. Due to long term sickness, we are also having to cover another post through use of a consultant. Covid work is continuing to take up much of all the teams' resources.</p>