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Environmental Health & Licensing Section

# **Health and Safety Intervention Plan**

**Reviewed 2021/2022**

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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 2017/18-2019/20*)

*The Council wants to make the borough a place of choice. It will be a place where businesses want to invest, because of its skilled workforce and its competitive, modern economy. It will be a place where people want to live because of its clean and safe neighbourhoods, its reputation as a centre of educational excellence, and its beautiful parks and wild countryside.*

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 2020/21 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.

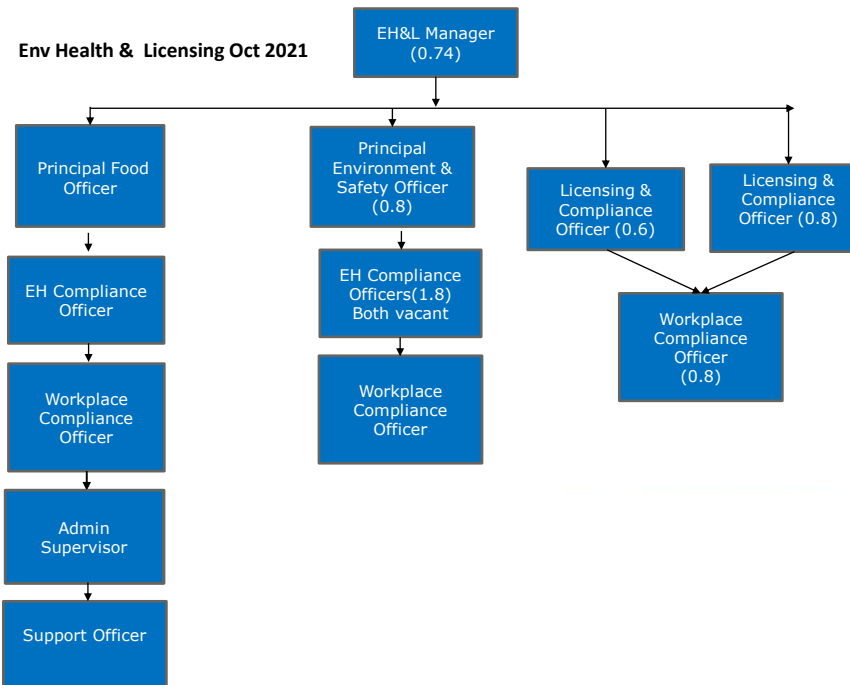
The Key Corporate objectives, governance arrangements, and decision-making timetables are outlined in 4 key corporate documents:

- 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 10) Title: Setting Local Authority Priorities and Targeting Interventions**

This Local Authority Circular, which was revised in 2021, 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

#### **Coronavirus pandemic**

The 2021 LAC 67-2 guidance provides enforcement targeting advice based on a philosophy of using local intelligence and national intelligence to identify issues of greatest priority and possible poor performance. This approach remains just as valid during the current Coronavirus pandemic. Although there have been significant recent scientific developments, it is still unclear as to when enforcement priorities can revert to business as usual.

HSE recognises the need for LAs to prioritise regulatory resources and where appropriate, shift the focus to Coronavirus related health and safety activities. We recommend LAs continue raising awareness of suitable workplace Coronavirus controls, engaging with and following up those duty holders failing to take appropriate Coronavirus related measures in the workplace. In addition to dealing with pandemic related issues it is important for LAs to remain focussed on also ensuring that 'traditional' workplace health and safety issues of major concern are not ignored, e.g. work related major or fatal injuries. Coronavirus specific regulatory guidance and materials for enforcement officers are available on HELex at <https://ourknowledge.hse.gov.uk/regulatory/Lists/COVID19/AllItems.aspx>

The full document can be found at: <https://www.hse.gov.uk/lau/lacs/67-2-priorities-targeting-interventions.pdf>

## Service delivery Interventions 2020/2021

Intervention Type	Number of interventions/ visits to 1/4/20 to 31/3/21	Note
<b>Proactive Inspection</b>	Targeted Using National/local Intelligence	Some visits undertaken to businesses in response to Covid related concerns and to offer advice have been recorded differently. So not all are reported here. However, since the start of the pandemic EH & Licensing officers along with covid officer colleagues have carried out over 2,300 interventions with businesses in Burnley, this includes visits/ re visits, specific emails, letters and telephone calls
	0	
<b>Other Visits/face to face contacts</b>	62	
<b>Other Contact/ Interventions</b>	407 Self assessments 631 Service requests & other contacts (this includes Covid interventions)	
<b>Visit to investigate health &amp; safety related incidents.</b>	0	
<b>Visits to investigate H&amp;S complaints</b>	19	
<b>Visits following requests for H&amp;S service from businesses.</b>	2	
<b>Revisits following earlier intervention.</b>	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. 2020/21*
Improvement Notice	Legal Notice requiring works to be completed within a minimum of 21 days	0
Prohibition Notice	Legal Notice prohibiting an activity being carried out where there is a serious risk of injury	1
Deferred Prohibition Notice	As above but with a time delay allowing certain actions to be taken before the Notice comes into force	0
Simple Caution	May be offered in certain circumstances instead of prosecution	0
Prosecution	Where the health and safety offences are dealt with at Court	0

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

<b>Liaison with Other Organisations</b>	<p>Formal and informal relationships exist with the following organisations;</p> <ul style="list-style-type: none"> <li>• Health and Safety Executive (HSE)</li> <li>• Environmental Health Lancashire Health and Safety Officers Group</li> <li>• Environmental Health Lancashire Chief Environmental Health Officers</li> <li>• Public Health England</li> <li>• Ofsted</li> <li>• Lancashire County Council - Safeguarding</li> <li>• Lancashire Fire Service</li> <li>• Lancashire Police Service</li> <li>• Burnley Council Regeneration &amp; Planning Policy</li> <li>• Better Regulation Delivery Office (BRDO)</li> <li>• United Utilities</li> <li>• HMRC</li> <li>• GENGA Partner organisations</li> </ul>				
<b>Staff Allocation</b>	<p>Staff resources devoted to health and safety enforcement work as of 31 March 2021</p> <table border="1" data-bbox="577 882 1218 1074" style="margin-left: auto; margin-right: auto;"> <tr> <td style="background-color: #cccccc;"><b>No of HSWA Warranted Officers</b></td> </tr> <tr> <td style="text-align: center;">5</td> </tr> <tr> <td style="background-color: #cccccc;"><b>Full Time Equivalent of warranted officers time spent on HSWA activity</b></td> </tr> <tr> <td style="text-align: center;">1.7</td> </tr> </table>	<b>No of HSWA Warranted Officers</b>	5	<b>Full Time Equivalent of warranted officers time spent on HSWA activity</b>	1.7
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1.7					

<b>Staff Development and Competency</b>	<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>
<b>The Regulators Code</b>	<p><a href="#">The Regulators’ Code</a> 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 2020/21

	<b>Interventions</b>	<b>Outcomes</b>
<b>Accident/Major Investigations</b>	<p><b>2020/21</b></p> <p>A prohibition Notice was issued to a venue in relation to a potentially unsafe structure that had been erected at height, to seat customers outside.</p> <p>A number of workplace covid outbreaks were investigated throughout the year</p>	<p><b>2020/21</b></p> <p>Following the Notice that businesses engaged specialists to check the safety of the structure, works were subsequently carried out to ensure it was safe to use.</p> <p>Investigations resulted in business making significant changes to Covid risk assessments and practices in a number of businesses to reduce the spread of infection</p>
<b>Health and Safety inspections</b>	<p>Planned proactive inspections in warehouses &amp; care homes were suspended due to resources being directed to Covid work</p>	
<b>Complaints/ Requests for Service</b>	<p>As already outlined from March 2020 the number of service requests related to the pandemic was unprecedented.</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 and into 2021</p>



Table 2

## Health and Safety Workplan What we are doing in 2021/2022

<b>Interventions</b>	<b>Outcomes</b>
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	A recovery plan has been agreed and funding has been made available to assist the team to carry out a number proactive inspections in line with the National Code and LAC 67/2 (Rev 10)
Other.  Other service demands	Continue to work with other Lancashire authorities through the health and safety officers' group to identify local or national H&S issues  We hope to recruit to vacant posts in other specialisms in the team which have put demands on the H&S officers time. Filling these posts this should allow for more time to be dedicated to H&S.