



Environmental Health & Licensing Section

Health and Safety Intervention Plan

Reviewed 2022/2023

Contents

Page	
3	Introduction
4	Our commitment to Improving Health and Safety Outcomes
5-6	Service Aims & Objectives
7	Delivery of Priorities
8	Profile of the Local Authority
9	Organisation Structure
10	Scope of the Health and Safety Service
11-15	Service Delivery Output 2021/22
16	Table 1 – 2021/22 workplan review
17	Table 2 - Workplan 2022/23

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.

Following recommendations in "Reclaiming health & safety for all: an independent review of health & safety legislation" the approach to health and safety enforcement changed. 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 2021*)

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 2021/22 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)

Borough Profile

Burnley's population size has increased by 8.8%, from around 87,100 in 2011 to **94,700** in 2021. This is higher than the overall increase for England (6.6%), where the population grew by nearly 3.5 million to 56,489,800 (*ONS.28 Jun 2022*). The town lies 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, Ribble 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. The town is now hub for a mixture of business sectors such as;

Advanced Manufacturing and Advanced Engineering

In total, these major sectors and all of their sub sectors, including aerospace and automotive, account for 7,000 jobs in Burnley – this accounts for approximately 20% of total jobs in the town.

Digital and Creative:

Burnley has a growing status as a university town, and this has given rise to digital jobs success. Burnley ranks second in the UK for digital jobs growth. During 2014-2015 it saw annual growth of almost 162%, in this sector compared to 2% across Great Britain and 30% across the rest of the Northwest. With UCLAN committed to having 4,000 university students in Burnley by 2025, this sector is expected further expand.

Leisure, Retail and Tourism:

The town is home to Burnley Football Club and Historic houses and parks such as Towneley Hall and Gawthorpe. It also has a large luxury hotel and leisure complex. This makes it home to a thriving leisure, retail and tourism sector which accounts for around 9,250 of jobs.

Warehousing & Logistics:

With close links to the M65 and other motorway networks, the town has a number of large warehousing and logistic companies located in a number of business parks in the Borough.

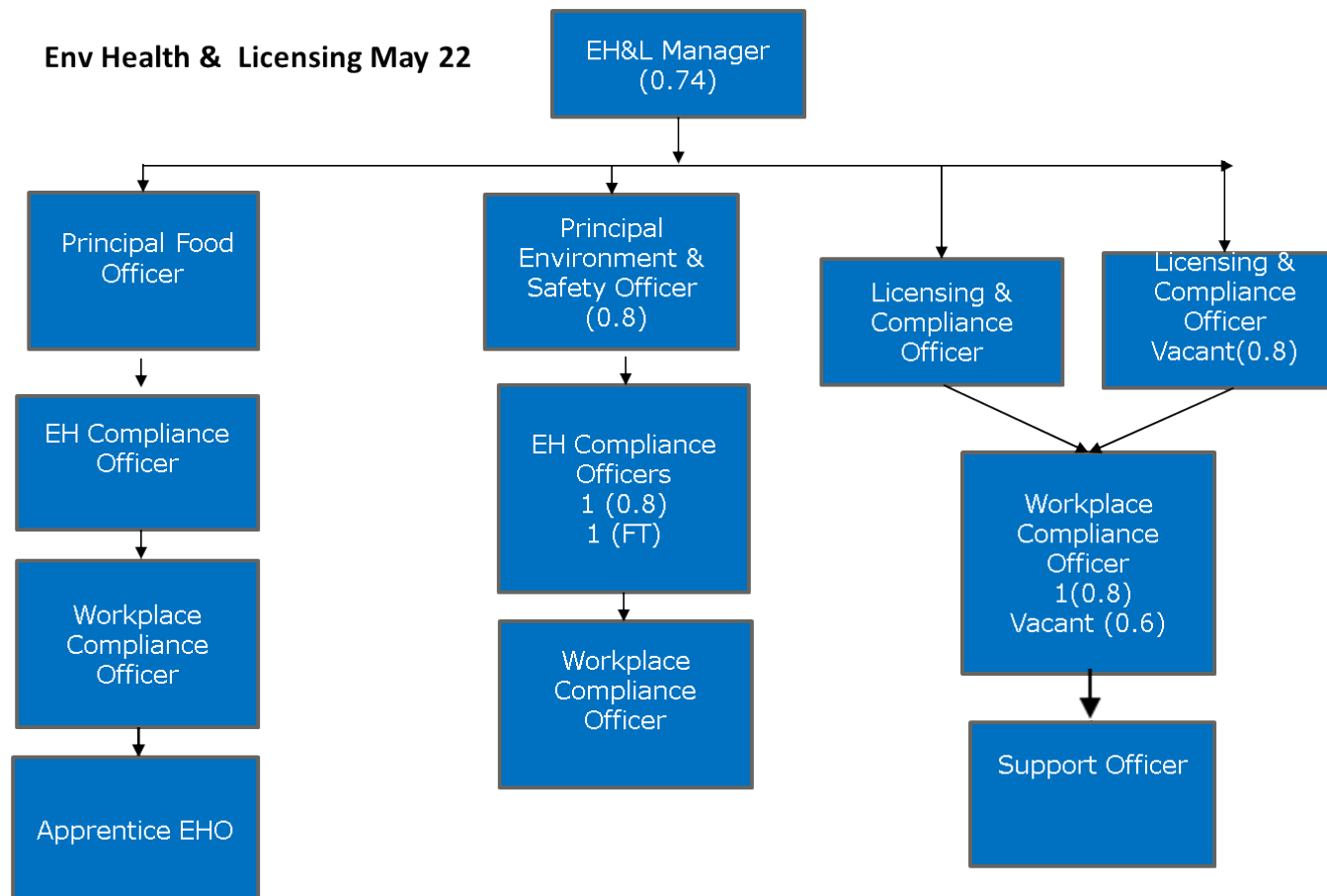
Burnley Council is divided into 15 wards served by 45 councillors. The Council is based on a Cabinet structure with 5 Portfolios, a Leader and 4 Executive portfolio holders; there are 4 committees including 1 scrutiny committee. The health and safety team sits within the Community & Environmental Services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

Service Delivery

LAC 67-2: Setting Local Authority Priorities and Targeting Interventions

In 2021 LAC 67-2 (Revision 10) HSE recognised the need for LAs to prioritise regulatory resources and where appropriate, shift the focus to Coronavirus related health and safety activities.

Recovery of service delivery post Coronavirus pandemic

Towards the end of 2021 officers were still involved in dealing some pandemic related issues and this is reflected in the number of service requests in 2021/022. However, we were working towards getting back to `business as usual` in relation to health and safety regulatory work. At the beginning of 2022 recovery plans were put in place to start to pick up interventions listed as national priorities these plans ran up to the end of October 2022.

The Local Authority Circular, was revised in 2022, its focus reverted back to advising local authorities on setting their health and safety priorities and targeting their interventions based on local and national priorities.

Annex A of the LAC Outlines a summary of national planning priorities for 2022-2023 <https://www.hse.gov.uk/lau/lacs/67-2-priorities-targeting-interventions.pdf>

Service delivery
Interventions 1st April 2021 to 31st March 2022

Health and Safety Interventions 1/4/2021 to 31/3/2022

Total interventions include all covid complaints and visits, all skin piercing registration work, licensing consultations re public safety and also public burials

Total no. of H&S service requests received	199
Reactive Visits following incident/ complaint	1
Reactive Visit to give advice	1
Visits following complaints	6
Other visits face to face (local)	15
Other visits face to face (national)	0
H&S Office based activity	19
Other contact (non-visit) National	54
Other contact (non-visit) Local	49
Revisits	0
Licensing response	51

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. 2021/22*
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	0
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

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 2022</p> <table border="1" data-bbox="580 884 1218 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					

<p>Staff Development and Competency</p>	<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>
<p>The Regulators Code</p>	<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 2021/2022

	Interventions	Outcomes
Accident/Major Investigations	We had 47 reported accidents in this period – we investigated 22 of these accidents	Most accidents are minor and as such a `desktop` investigation is undertaken to understand the circumstances surrounding the incident and what actions have been taken to prevent similar incidents occurring in future
Health and Safety inspections	Visits were made to advise businesses on reopening following the lifting of Covid restrictions. In particular visits were carried out in April and May 2021 to Gyms in the Borough to follow up on specific guidance we provided to them to assist them re-opening following the national lockdown. We provided general advice to business to help them to continue to operate safely as restrictions gradually lifted.	Businesses were able to pre-prepare and plan for reopening safely following restrictions.
Complaints/ Requests for Service	Complaints and service requests over this time period were partly in relation to Covid restrictions and reopening following lifting of restrictions. There was also an increased number of requests about registrations in relation to skin piercing.	Extra staffing support over the spring and Summer allowed us to be able to respond quickly to requests for service and complaints in relation to the lifting of restrictions.

Table 2

Health and Safety Workplan What we are doing in 2022/2023

Interventions	Outcomes
Accident investigations	Continue to investigate any accident that indicates 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	The recovery plan has assisted the team to carry out a number proactive inspections in line with the National Code and LAC 67/2 (Rev 10)
Other. Recovery work Training apprentice`s - Use of surveys 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 have been able to fill vacant posts within the team and this has allowed plan and plan and carry out additional health and safety interventions in line with the National Code and LAC 67/1</p> <p>The team will continue to train and mentor the apprentices and overtime this will assist with the current demand on resources</p>