



Burnley
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Environmental Health & Licensing Section

Health and Safety Intervention Plan

2016/2017

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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 vision:

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.

Burnley Council's values:

- **Being Progressive**
Learning new ways of working, listening to your feedback and developing our services.
- **Accountable and Responsible**
Always remembering we are here for you, the people of Burnley.
- **Honest and Trusted**
Earning your trust by being open and clear.
- **Fair and Respected**
Making our services accessible.

Burnley Councils Outcomes are measured around 4 main areas;

PLACES - making the borough a place of choice

PEOPLE - creating flourishing, healthy and confident communities

PROSPERITY – promoting transformational economic change for Burnley

PERFORMANCE- ensuring a continuous focus on improvement in all aspects of the council's performance prosperity – promoting transformational economic change for Burnley

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 2015/16 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**
- **Maintenance of a scheme for the self assessment of the Borough's lower risk businesses and following up those who do not respond or require a preventative visit**
- **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 Environmental Health Lancashire, Environment Agency, joint work with Health and Safety Executive, use of flexible warranting, undertaking work with Public Health England and other organisations to meet targets in LSP**
- **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, 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. 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".

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 5 Executive Members; there are 4 committees including 1 scrutiny committee.

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, who also provide 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 in regard to 'Matters of Evident Concern' observed during food safety inspections. FTE refers to number of full time equivalents working on Health and Safety. This structure will unaffected by the transfer of services to Liberata.

November 2015	Chief Executive Director of resources Head of Governance Law & Regulation Environmental Health and Licensing Team Manager – (0.75 FTE)			
	FOOD SAFETY TEAM	LICENSING TEAM	SAFETY & ENVIRONMENT TEAM	SUPPORT
	Principal EHO (Food)	Principal Licensing Officer (0.6 FTE)	Principal EHO (Safety & Environment) 0.75 FTE	(Support Supervisor)
	EH(Compliance) Officer 0.75 FTE	Licensing & Compliance Officer (0.8 FTE)	EH (Compliance) Officer X2	Support Officer
		Workplace Compliance Officer	EP Officer	
	Workplace Compliance Officer (1.3 FTE)	Licensing Admin Officer (0.6FTE)	Workplace Compliance Officer (0.5 FTE)	

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 (Rev. 4.1.) – Targeting Local Authority Interventions.

The LAC 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 National Code (the Code).

The Code provides LAs with a principles based framework that focuses regulatory resources on the basis of risk.

The Code requires LAs to consider a range of regulatory techniques (interventions) to influence the management of risk by a business. LAs are responsible for regulating 1.6 million workplaces and it is neither proportionate nor effective to deliver a regulatory function based on inspection of individual workplaces – particularly since many of those workplaces will already be managing their risks effectively.

The LAC acknowledges that Inspection can be very effective in the right circumstances particularly where individual face-to-face contact with a dutyholder is necessary to influence their management of risk. However, it is recognised that this is the most resource intensive intervention and should be limited to the highest risk premises; conversely, it may not be considered to be the best use of public resource to inspect comparatively lower risk premises.

To assist LA's in targeting and prioritising interventions, alongside the Code HSE has published a list of national priorities, and a list of specific activities in defined sectors that are suitable for targeting for proactive inspection. Following the principles of the Code, proactive inspection should only be used for premises on the list or where there is local evidence that risks are not being effectively managed. The LAC requires LA's to also maintain a strong deterrent against those businesses who fail to meet their health and safety obligations.

Implementing and complying with the Code ensures that LA regulatory resource is used consistently and to best effect. Using risk based targeting should free up resources and facilitate the provision of advisory visits and support to deliver the growth agenda particularly with new business start-ups.

Service delivery

Intervention Activity 2015-2016			
Intervention		Number of visits/ Inspections/ contact	Comments
Proactive inspections	Risk category A	0	Proactive inspection activity only where premises were targeted for health & Safety at Work intervention
	Risk category B1	0	
	Risk category B2 and C	0	
Non-inspection interventions	Other visits/face to face contacts	6	Any visit/face to face contact to educate, advise or engage duty holders, employees or other bodies such as trade associations e.g. awareness days and advisory support visits
	Other contact/interventions	291	Any other targeted contact (not face to face) to educate, advise or engage dutyholders, employees other bodies such as trade associations e.g. awareness days and advisory support visits
React	LPG visits	0	Only visits undertaken as part of the LPG campaign.(non-highlighted for Burnley on LLARD site
	Visit to investigate health & safety related incidents	2	Visits made under the relevant category

	Visits to investigate health & safety complaints	14	
	Visits following requests for h&s service from businesses	11	All other reactive visits made as a result of request for service e.g. skin piercing, advisory visit
	Revisits following earlier intervention	17	Revisits to check following an earlier intervention to confirm actions previously required has been completed e.g. to check compliance with notices

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 2015/16
Improvement Notice	Legal Notice requiring works to be completed within a minimum of 21 days	2
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
Formal caution	May be offered in certain circumstances instead of prosecution	0
Prosecution	Where the health and safety offences are dealt with at Court	0

<p>Liaison with Other Organisations</p>	<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 • Employment Medical Advice Service (EMAS) • Care Quality Commission • Public Health England • Ofsted • Lancashire County Council - Safeguarding • Lancashire Fire Service • Lancashire Police Service • Burnley Council Regeneration & Planning Policy • Better Regulation Delivery Office (BRDO) 												
<p>Staff Allocation</p>	<p>Staff resources devoted to health and safety enforcement work as at March 2016</p> <table border="1" data-bbox="577 842 1872 1075"> <thead> <tr> <th data-bbox="577 842 1223 884">No of Inspectors (Full-time)</th> <th data-bbox="1223 842 1872 884">Percentage time on health and safety</th> </tr> </thead> <tbody> <tr> <td data-bbox="577 884 1223 922">1</td> <td data-bbox="1223 884 1872 922">10%</td> </tr> <tr> <td data-bbox="577 922 1223 960">1</td> <td data-bbox="1223 922 1872 960">50%</td> </tr> <tr> <th data-bbox="577 960 1223 999">No of Inspectors (Part-time)</th> <th data-bbox="1223 960 1872 999">Percentage time on health and safety</th> </tr> <tr> <td data-bbox="577 999 1223 1037">1 x 0.75</td> <td data-bbox="1223 999 1872 1037">75%</td> </tr> <tr> <td data-bbox="577 1037 1223 1075">1 x 0.75</td> <td data-bbox="1223 1037 1872 1075">10%</td> </tr> </tbody> </table>	No of Inspectors (Full-time)	Percentage time on health and safety	1	10%	1	50%	No of Inspectors (Part-time)	Percentage time on health and safety	1 x 0.75	75%	1 x 0.75	10%
No of Inspectors (Full-time)	Percentage time on health and safety												
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1	50%												
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1 x 0.75	75%												
1 x 0.75	10%												

<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 2016-2017

Meeting 13th May 2016

Topic	Action detail	Action by date	Links to other projects /Strategy	Lead officer	Date completed
Requests for Service	<p>Update 2015/2016 New system now running for noise nuisance – these are filtered by ASB first – they run background checks and RA of complainant/perp, Then if just stat nuisance forward to us via envhealth email – support enter on flare and dealt with as per usual. If ASB factors they investigate and pass to later if needed or ideally where there's stat nuisance involved we work together. See new flow chart for procedure at Z:\EP Team\New Noise complaint Procedures\ASB&EP Early Response Service Procedure Rev v1.doc.</p> <p>New 2016/2017 Any work towards meeting projects as part of 'Transformation Plan' Now we have new support supervisor and about to get new support officer – all EIR and Land registry requests should be done by support Noise complaint procedure explained to support they now send out all diary sheets & logs all complaints from envhealth. Continue to flag up any issues that may affect response times as may reflect on performance reporting. We are consistently meeting targets on response times <u>KPI = responding to high priority RFS</u> Actions: To speak with Revs & Bens re access to iworld or to get access to electoral register need support to start to do smoke nuisance (domestic) letters</p>	ongoing	Transformation plan	JW	

Flare Development	<p>Update 2015/2016 From 1st April a priority code attached to RFS these are on the 'other info' tag on front screen. No major issues on Flare to report. Still some mistakes made by contact centre but this may be due to new staff. To send complaints wrong allocated back to Support who will speak to CC staff.</p> <p>New 2016/2017 report any problems with incorrectly allocated complaints to Support report any IT issues in relation to missing drives asap Officers to allocate complaints on flare between themselves Audit trail can be seen for all KPI reports produced</p>	From April 2016		Team	
Website development	<p>2016/2017 As part of transformation programme we will look at website and review pages to ensure where possible all information necessary is available for customers online. Works underway to try and achieve online forma that are compatible with current database</p>	By end of Dec 2016		Team	
RDNA Competency Matrix	<p>2016/2017 All staff still need to complete this the inline tool can be found on the BRDO website at http://www.bis.gov.uk/brdo/resources/competency/rdna-tool-sections the areas we need to complete include; Core regulatory skills Health and safety Pollution prevention and control Primary Authority Action; All team need to complete their relevant sections</p>	ASAP before end of March 2017		Team	

TENS applications	2016/2017 Continue to review TENS for H&S and EP – any issues should be raised with applicant and possibly with ESAG where appropriate	ongoing		Team	
Planned general inspections H&S	2016/2017 Under National Code ONLY activities in these sector can be proactively inspected; See list at http://www.hse.gov.uk/lau/activities.pdf Complete all A inspections due Target (continued from last year); 1) Identify and Inspect XX premises from National Code high priority list e.g. High Volume Warehouse Plus A risk due from database Carry out inspection of those identified as high risk KPI = no of A risk inspections due/ No completed			JW/JC	
Workplace Compliance Interventions	Update 2015/2016 Campaign Advice Code set up OVG – campaigns planned; Contacted premises with advice on H&S topics portable Electrical safety through mail shots to Food safety d's and E's when due Disseminated 50 gas safety leaflets to Catering premises as part of Food business seminars. campaign mails shots with FHR scheme letters on relevant topics e.g. gas/elec/dough rollers etc self assessment questionnaires to wetsales pubs as part of food questionnaires 2016/2017 Continue with self- assessment questionnaires (questions expanded for H&S) Gas Safety in Nurseries Skin piercers - infection control warning Dough Roller mail shot	From April 2015		JW/JC	

	KPI = No of interventions programmed / no completed				
Public Burials	2016/2017 Progress on reviewing charges – any further ideas to reduce costs to relatives or provide information. Make any changes that can help recover costs incurred by Council eg. Use of estate researches	Ongoing		JC	
New premises	Identify New premises and ensure database to kept up to date – use info from Regen			All	
Smokefree Enforcement & Burnley Tobacco Action Plan	2016/2017 Update and review tobacco action plan Continue to investigate complaints Continue to work with planning to advise and ensure no breaches occur e.g. Shisha bars & non-compliant smoking areas	Ongoing		JC	
Accidents	Update 2016/17 Follow MOU for LA's & CQC re Care homes plus HSE guidance on RIDDOR investigations Use of upload site for CQC reports from RIDDOR website Review investigation/ prioritisation policy Contact with LCC safeguarding re any relevant accidents KPI = responding to high priority RFS	Ongoing		JW	
Skin Piercing	2016/2017 Development & launch Tattoo licensing/ rating scheme alongside Rossendale, Lancaster and Blackpool – work underway with officer the scheme in Burnley	By March 2017		JW/JC	