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Environmental Health & Licensing Section

# **Health and Safety Intervention Plan**

**Reviewed 2017/2018**

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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 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**

- T -Together
- E -Enterprising
- A - Ambitious
- M -Meeting Customer Needs

## 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 2017/18 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, 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.

January 2017	Chief Executive Head of Governance Law & Regulation Environmental Health and Licensing Team Manager – (0.75 FTE)			
	<b>FOOD SAFETY TEAM</b>	<b>LICENSING TEAM</b>	<b>SAFETY &amp; ENVIRONMENT TEAM</b>	<b>SUPPORT</b>
	Principal EHO (Food)	Principal Licensing Officer (0.6 FTE)	Principal EHO (Safety & Environment) 0.8 FTE	Support Supervisor
	EH(Compliance) Officer 0.8 FTE	Licensing & Compliance Officer (0.6 FTE)	EH (Compliance) Officer X2	Support Officer
	Workplace Compliance Officer (1 FTE)	Workplace Compliance Officer	Workplace Compliance Officer (1 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 \(Rev. 6\) – Targeting Local Authority Interventions.](#)

<http://www.hse.gov.uk/lau/lacs/67-2-priorities-targeting-interventions.pdf>

This Local Authority Circular which was revised in 2017, 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.*

#### *National Priorities*

*In May 2017, HSE launched the new Sector Strategies and Sector Action Plans which cover the period 2017-2022. The national priorities in Annex A are drawn from these sector plans, and although the Sector Strategies cover a 5 year period, HSE will continue to review the national priorities in Annex A on an annual basis which will allow flexibility to include new priorities which may result from new intelligence or in response to learning from major incidents.*

#### *Local priorities*

*LAs also have access to a wealth of local information (see Annex B - Information sources to assist development of LA intervention plans). This local intelligence should be used by LAs to determine their specific local priorities and poor performers, by identifying the key risks of serious workplace accidents, injuries and ill-health in their community.*

*Matters of Evident Concern (MECs) are defined as those that create a risk of serious personal injury or ill-health and which are observed (i.e. self-evident) or brought to the inspector's attention. Matters of Potential Major Concern (MPMCs) are those which have a realistic potential to cause either multiple fatalities or multiple cases of acute or chronic ill-health.*

*LAs should monitor MECs or MPMC's dealt with during advisory or other regulatory visits as well as complaints and incidents to identify any matters that may present a potential significant local issue.*

*Where LAs, individually, or through their Liaison groups, become aware of an issue that may be novel or an emerging problem that could have national significance they should alert HSE (via HELEX or [lau.enquiries@hse.gov.uk](mailto:lau.enquiries@hse.gov.uk)). This will allow the issue to be considered further and a decision taken as to need for some form of national intervention e.g. new guidance; issuing a safety bulletin/alert; centralised intervention, national campaign etc..*

## Service delivery Interventions 2016/2017

Intervention Type	Number of interventions/ visits	
	Targeted Using National Intelligence	Targeted using Local intelligence
<b>Proactive Inspection</b>	1	3
<b>Other Visits/face to face contacts</b>	0	0
<b>Other Contact/ Interventions</b>	17	524
<b>Visit to investigate health &amp; safety related incidents</b>	3	
<b>Visits to investigate H&amp;S complaints</b>	21	
<b>Visits following requests for H&amp;S service from businesses</b>	20	
<b>Revisits following earlier intervention</b>	4	

## 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 2016/17
Improvement Notice	Legal Notice requiring works to be completed within a minimum of 21 days	4
Prohibition Notice	Legal Notice prohibiting an activity being carried out where there is a serious risk of injury	2
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	1
Prosecution	Where the health and safety offences are dealt with at Court	0

<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 at March 2017</p> <table border="1" data-bbox="577 882 1218 1074"> <tr> <td><b>No of HSWA Warranted Officers</b></td> </tr> <tr> <td>8</td> </tr> <tr> <td><b>Full Time Equivalent of warranted officers time spent on HSWA activity</b></td> </tr> <tr> <td>1.7</td> </tr> </table>	<b>No of HSWA Warranted Officers</b>	8	<b>Full Time Equivalent of warranted officers time spent on HSWA activity</b>	1.7
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1.7					

<p><b>Staff Development and Competency</b></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><b>The Regulators Code</b></p>	<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 2016/17

	<b>Interventions</b>	<b>Outcomes</b>
<b>Accident Investigations</b>	<p>We investigated 2 major accidents in 2016 and 2017 and several less serious accident. The serious cases investigated were;</p> <p><b>Case one</b> This involved a life changing injury sustained to a child following a firework display at a social club in November 2016. The Police were called to the initial accident and who then handed the case to environmental health for investigation under the Health and Safety at Work etc. Act. Officers carried out a thorough investigation and interviewed witnesses and carried out interviews under Caution to try and establish any breaches of the Act.</p> <p><b>Case two</b> This involved a near fatal injury to a member of the public who fell from an external fire escape at a nightclub. Again the police handed over the case to environmental health following their initial investigation. A Prohibition Notice was served on the use of the fire escape other than in emergencies. Officers investigated the accident and gathered evidence for prosecution.</p>	<p>Once the investigation was completed and all evidence was gathered the case was considered for prosecution. The decision was made to offer a simple caution to the offenders in this case. The caution was accepted and issued.</p> <p>Legal advice was sought as to the potential for successful prosecution. The legal adviser felt that although there were clear health and safety breaches and these could be proved the case did not pass other evidential tests for a successful prosecution.</p>



<p><b>Health and Safety inspections</b></p>	<p>One of the National Priorities identified for proactive inspection is warehouse safety. In particular work at height &amp; workplace transport. Inspections have been carried out at several large warehouses in the borough. In addition all warehouses have been sent a self-assessment questionnaire.</p>	<p>A health and safety questionnaires were sent to all known warehouse distribution businesses in the borough. The response was really good with over half of the questionnaires returned. The majority of those who returned the questionnaires indicated that they considered they maintained high health and safety standards. Inspections were carried out at a number of warehouse premises. Overall standards were good, letters were sent and revisits made where improvements were needed. This project will carry over to next year, as we carry out inspections of more of the warehouses in the Borough.</p>
<p><b>Complaints/ Requests for Service</b></p>	<p>The health and safety team received <b>147</b> complaints and requests for service last year. Joint working re local premises police, fire &amp; housing – GENGA and operation defuse Work with Electricity Northwest (ENW)on electricity abstraction</p>	<p>The service received complaints and requests for service on a wide variety subjects including skin piercing, temperature of workplaces, complaints for employees about safety, consultations on temporary events. In 2016/17 we undertook some joint work with Electricity Northwest on electricity abstraction. We were notified by ENW on a number of occasions about possible unsafe electrical connections in commercial premises whose supply had been cut off due to non-payment of bills. On visiting these premises we found unsafe cables being connected to adjoining buildings, diesel generators being operated inside building present high risk of carbon monoxide poisoning. Prohibition Notices and Improvement Notices were served where necessary to ensure these properties were made safe. We worked closely with housing and the fire officers over the year in relation to a local hotel with which we had a number of health and safety concerns, health and safety improvement notices were served to ensure essential works were undertaken to safeguard those working and staying at the hotel. In 2016/17 we also joined the GENGA network of organisations which was set up to ensure that various regulators and enforcement agencies are able to share information on serious crime.</p>
<p><b>Other</b></p>	<p>Gas Safety in Nurseries Tattoo Hygiene Rating Scheme</p>	<p>In 2016/17 we initiated a local project in relation gas safety in Children’s nurseries. An information pack was sent out to all the nurseries in the Borough highlighting the importance of</p>

		<p>maintaining gas appliances. Businesses were asked to return a questionnaire and a copy of their most recent gas safety certificate. Overall we had a good response from businesses with a number of them returning recent gas certificates. However a number were unsure about what checks had been made, or who would be responsible for carrying out the checks the occupier or the landlord. Follow up work to this project will be carried out next year.</p> <p>In 2016/17 we worked with Blackburn with Darwen, Rossendale BC, Blackpool and Lancaster Environmental Health departments to launch a Lancashire Tattoo Hygiene Rating Scheme. It is intended that the rating will be based on the Chartered Institute of Environmental Health Scheme, which is already established in a number of Authorities. To date we are still in the process of refining the scheme to make it more user friendly before fully launching the scheme, however we have a number of tattooists who have shown an interest in joining the scheme.</p>
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Table 2

## Health and Safety Workplan What we are doing in 2017/18

<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	Proactive inspections will be carried out in line with the National Code and LAC 67/2 (Rev 6). Protective inspections of warehouse premises in relation to workplace transport and falls from height will continue this year.
Other; Gas safety in Children's Nurseries Tattoo Hygiene Rating Scheme	<p>We Will follow up the gas safety in Nurseries to ensure all businesses are fully aware of their duties in relation to maintaining all gas appliances and they are being properly maintained.</p> <p>We will review the Tattoo Hygiene Scheme rating guidance and ensure it is simplified and fit for purpose. Businesses will be contacted to gauge interest in the scheme before it is launched.</p>