

## THE HIGHLAND COUNCIL

### TRANSPORT, ENVIRONMENTAL AND COMMUNITY SERVICES COMMITTEE – 18 March 2010

Agenda Item	
Report No	

#### Health and Safety at Work Service Plan 2010/11 (Environmental Health)

#### Report by Director of Transport, Environmental and Community Services

##### SUMMARY

This report invites Members to approve the Health and Safety at Work Service Plan 2010/11 (Environmental Health).

### 1. Introduction

- 1.1 Local Authorities' health and safety enforcement duties are set out in Section 18 of the Health and Safety at Work etc. Act 1974. Authorities are required to make arrangements and to perform their duties for the enforcement of health and safety legislation in accordance with mandatory guidance issued by the Health and Safety Commission.
- 1.2 These duties include workplace inspections and accident investigations in premises which fall to the Local Authority under the legislation. The Environmental Health Service, within Transport, Environmental and Community Services provides Health and Safety at Work regulatory and advice functions within the Highland Council area.
- 1.3 It is the view of the Health and Safety Commission that the following elements are required for a Local Authority to adequately discharge its duty as an enforcing authority. These are currently in place within the Highland Council:-
  - a) a clear published statement of enforcement policy and practice
  - b) a system for prioritised planned inspection activity according to hazard and risk
  - c) a service plan detailing the Council's priorities and its aims and objectives for the enforcement of health and safety
  - d) the capacity to investigate workplace accidents and to respond to complaints by employees and others against allegations of health and safety failures
  - e) provision of a trained and competent inspectorate
  - f) arrangements for liaison and co-operation in respect of the Lead Authority Partnership Scheme
- 1.4 In order to demonstrate compliance with the mandatory standard, the Health and Safety Service Plan has to be submitted for Member approval to ensure local transparency and accountability.

### 2. Health and Safety Service Plan

- 2.1 The Health and Safety at Work Service Plan 2010-11 is contained in **Appendix A**.

### 3. Resource Implications

3.1 There are no resource implications as a result of this report.

### 4. RECOMMENDATION

4.1 Members are invited to approve the Health and Safety at Work Service Plan 2010/11 (Environmental Health) contained in **Appendix A**.

Signature:

Designation: Director of Transport, Environmental and Community Services

Date: 5 March 2010

Author: Alistair Thomson,  
Head of Environmental Health and Trading Standards

# **Highland Council**

## **TEC Services**

### **Environmental Health**

#### **Health and Safety at Work Service Plan**

**2010 – 2011**

## **Introduction**

The Environmental Health Service, located within Transport, Environmental and Community Services (TEC Services) provides Health and Safety at Work regulatory and advice functions within the Highland Council area. This Health and Safety Plan outlines the Environmental Health approach to delivering all aspects of health and safety regulatory and advice functions for the 2010-2011 financial year. The plan forms an important part of the Service's processes to ensure national priorities and standards are addressed and delivered locally.

### **1.0. Service Aims and Objectives**

#### **1.1 Aims and Objectives**

- 1.1.1 To deliver an effective and efficient local health and safety enforcement service for Highland by raising standards of compliance in businesses, ensuring the health, safety and welfare of the self employed, employees and members of the public is protected; and increasing awareness and understanding of health and safety issues in the local community.
- 1.1.2. The Service, while endeavouring to fulfil the aims of this plan, will cooperate and work with other Departments, Agencies and Organisations.
- 1.1.3. When selecting the appropriate approach to enforcement the Service will ensure that the approach selected will be in accordance with the Corporate Objectives, the Service's Enforcement Policy and the Health and Safety Commission's (HSC) principles of proportionality, consistency, targeting and transparency.
- 1.1.4 To implement the Health and Safety Commission strategy – A strategy for workplace health and safety in Great Britain to 2010 and beyond which involves closer working with the Health and Safety Executive.

## **1.2. Links to Corporate Objectives and Plans**

1.2.1 This plan is closely linked to the set of plans the Council has developed to ensure its corporate objectives are fulfilled. As such it provides practical implementation information for the Health and Safety Service. The plans integrate as follows:



## **2.0 Background**

### **2.1 Profile of the Local Authority.**

2.1.1 In geographical terms the Highland Council is the largest Council in Scotland, spanning an area of 25,000 square kilometres – one third of the landmass of Scotland, one eighth of landward Britain.

### **2.2 Organisational Structure**

2.2.1 The Health and Safety at Work function lies within the Environmental Health Service of TEC Services. TEC Services embraces environmental health, trading standards, roads and community works, waste management, transport and infrastructure, and emergency planning.

2.2.2 The Headquarters Principal Environmental Health Officer has the responsibility for co-ordinating Health and Safety policy and reports direct to the Head of Environmental Health. The PEHO does not have official responsibility for the day to day supervision or management of those Officers carrying out the front-line health and safety work. Field Officers are directly responsible to the Area Environmental Health Manager (AEHM) who has management responsibility for the area in which they are based. The Area Environmental Health Manager, Inverness, Nairn, Badenoch & Strathspey Area has special responsibility for operational issues for the Highland area.

## **2.3. Scope of the Health and Safety Service**

### 2.3.1. Environmental Health Section.

2.3.2 The Environmental Health Service comprises Environmental Health Officers and Technical Officers who undertake health and safety inspections in accordance with a predetermined programme of inspections. Officers working in health and safety enforcement are engaged in these duties as well as dealing with accident investigations and complaints. Several of the Officers involved in health and safety also carry out other environmental health duties e.g. food safety, water sampling and investigation of public health complaints.

### 2.3.2 The range of health and safety activities undertaken by the Environmental Health Service is as follows:-

- Working in partnership with the Health and Safety Executive to deliver the Fit3 programme which is designed to achieve a reduction in the incidence rate of cases of work related injury, a reduction in the incidence rate of cases of work related ill health and a reduction in the number of days lost to work related injury and ill health as part of the overall targets set out in the Health & Safety Commission's Revitalising Health & safety Agenda.
- Health and Safety inspections carried out in accordance with a predetermined preventative inspection programme.
- Investigation of complaints received regarding workplace health, safety and welfare.
- Investigation of all serious workplace accidents, dangerous occurrences and cases of occupational diseases.
- Compliance visits to premises undertaken as part of the Council's Civic Government Public Entertainment Licensing Scheme.
- To act as lead authority partner for Boots UK Ltd. and liaise with other enforcing authorities on Health & Safety issues relating to the Company

2.3.3 Within Environmental Health, all Officers working in health and safety enforcement are authorised in accordance with the Health and Safety at Work etc. Act 1974 (The Act) dependant on qualifications and experience. A full range of informal and formal approaches to enforcement are employed to ensure compliance with relevant legislation including :-

- Advice on Best Practice
- Written Warnings
- Improvement Notices
- Prohibition Procedures
- Referrals to the Procurator Fiscal

## 2.4 Demands on the Health and Safety Service.

2.4.1 The total number of businesses in which Highland Council Environmental Health have health and safety enforcement responsibility is detailed below:-

<b>Premises</b>	<b>Total Number of Premises</b>
Retail Shops	1281
Wholesale Shops, Warehouses and Fuel Storage Depots	121
Offices	605
Catering Restaurants and Bars	618
Hotels, Camp Sites and Other Short Stay Accommodation	878
Residential Care Homes	44
Leisure and Cultural Services	380
Consumer Services	361
<b>Total</b>	<b>4288</b>

2.4.2 The Health and Safety Service is delivered from offices located in the three Highland Council operational areas.

## 2.5 Enforcement Policy

2.5.1 The Health and Safety Enforcement Policy provides a framework for Authorised Officers to ensure enforcement action is consistent with relevant statutory provisions, ensuring full compliance with the Health and Safety at Work etc. Act 1974 and relevant statutory provisions.

2.5.2 The Policy details the choices of actions that may be taken by Officers where contraventions are noted and where situations arise where there is an imminent risk of serious personal injury.

2.5.3 The Enforcement Policy will be made available to the public and to businesses upon request at all Environmental Health Service delivery points.

- 2.5.4 When formal enforcement action is being considered Officers will refer to the Health and Safety Executive / Local Authority Enforcement Liaison Committee (HELA) Enforcement Management Model (EMM). The EMM has been produced by the HSE to promote a consistent approach to enforcement. It supports the Health and Safety Commission's (HSC) Enforcement Policy Statement and the Government's Enforcement Concordat. It is also considered to be a key document supporting HSC's mandatory standard issued to local authorities under Section 18 of the Act.

### **3.0 Service Delivery**

#### **3.1 Programme for 2010/2011**

- 3.1.1 Local Authority Circular [LAC] 67/2 is the guidance document that directs our enforcement approach. The guidance shifts the focus away from a programme of planned preventative inspections towards a system incorporating a range of interventions. Carrying out initiatives and targeted inspections in accordance with the strategic programme "Fit for Work, Fit for Life, Fit for Tomorrow" (Fit3) complies with this mandatory guidance.

Highland Council have agreed with the Health and Safety Executive to target the following areas of work during 2010/2011.

Asbestos – to raise awareness of the duty to manage asbestos amongst building occupiers and take enforcement action where compliance is poor.

Liquified Petroleum Gas Underground Pipework Project – HSE have identified premises supplied by LPG tanks with underground pipework throughout Scotland. Highland Council will be investigating the safety measures in place at the premises which fall to them for inspection.

Liquified Petroleum Gas in catering industry – to raise awareness of the dangers from LPG in kitchens etc.

Falls from heights – to raise awareness of falls from height risks, improve the management of working at height, give advice on practicable control measures and to take enforcement action where necessary in all sectors.

Slips and Trips – To reduce the number of major injury slip and trip accidents by raising awareness and improving management of slips and trips in sectors with catering and cleaning issues.

## 3.2 Planned Inspections

3.2.1 Although the focus is being shifted from planned preventative inspections, planned preventative inspections are still a mandatory requirement should premises fall into a certain categories. (A,B1 and B2) Categories are based on a scoring system following an inspection.

All premises details are held on an electronic database which generates inspections due to be undertaken each year.

3.1.3 Inspections are undertaken on an area basis by enforcement staff based in that area. On occasion, Officers may cross area boundaries to assist in meeting inspection targets in certain circumstances such as high target levels, staff absence and holiday cover.

## 3.2 Health and Safety Planned Inspections 2010-2011

3.2.1 All premises will be inspected in accordance with the appropriate frequency for each risk band as detailed below :-

Category	Frequency
A	1 year
B1	18 months
B2	2 years
C	Intervention strategies

3.2.2 The programmed inspections for 2010/2011 are as follows :-

A category premises 11

B1 category premises 9

B2 category premises 315

## 3.3 Accident Investigations

3.3.1 The Environmental Health Service supports the National Incident Contact Centre (ICC) fully and has systems in place to promote its use and ensure all workplace accidents, which are reported direct are forwarded to the ICC.

3.3.2 All accident notifications are reviewed to ensure that the more serious accidents are investigated. Priority is given to the investigation of accidents or incidents which demonstrate the following features

- Seriousness of breach in legislation
- Extent of injuries sustained (if appropriate)
- Relationships with the HELA Priority Programme.
- Public Interest
- Local Circumstances
- National Significance
- Evidence likely to be available to assist enforcement action
- Outcome likely to influence changes in enforcement strategy.

3.3.3 During 2009/2010 there were 105 accident notifications. 33 were in respect of accidents to employees which resulted in their absence from work for over three days, 16 were in respect of major injuries. 56 were notifications regarding accidents to members of the public.

### **3.4 Complaints Investigation and requests for information/advice**

3.4.1 In deciding whether to investigate complaints, the following is considered :-

- Relationship with the HELA Priority Programme.
- Seriousness of breach in legislation, if any.
- Public Interest
- Local Circumstances
- National Significance
- Evidence likely to be available to assist enforcement action.
- Previous history of compliance
- Time of next programmed inspection

3.4.2 During 2009/2010 68 complaints and requests for information and advice were received and acted on.

### **3.5 Lead Authority Partnership Scheme (LAPS)**

3.5.1 The Health & Safety Service supports the LAPS principle in full. The Highland Council will continue to act as lead authority partner for Boots UK Ltd. in terms of the agreement contained in Report No. RCPS 30/02 to Roads Community and Protective Services Committee on 28<sup>th</sup> March 2002. Liaison will take place on a regular basis and formal meetings have been set for 4 dates during 2010/11. Boots have recently merged with another retail chemist chain Alliance Unichem and have formed a new company Boots UK Ltd. It is proposed that a safety management review of the new company will take place in 2010 and it is anticipated that officers from the Council will be involved in this process. Following the safety management review it is proposed that the Council will enter into a Primary Authority partnership arrangement with Boots UK Ltd. as outlined in Regulatory Enforcement & Sanctions Act 2008. This will be the subject of a separate committee report in due course.

### **3.6 Advice to Businesses**

3.6.1 The Environmental Health Service encourages the provision of advice, guidance and education to all relevant businesses within the Highland Council area. It therefore actively seeks to progress this issue in the following manner:-

- Provision of advice and guidance when undertaking a programmed inspection.

- Encouragement to businesses to seek further advice, assistance and guidance on health and safety related matters through proactive contact with local Officers.
- Partnership working with the Health and Safety Executive, Safe and Healthy Working, NHS Scotland etc.
- Partnership with North of Scotland Occupational Health and Safety Group and the Health and Safety Co-ordinating Group (HASCOG).

### **3.7 Health and Safety Incidents**

3.7.1 An out of hours service is maintained through emergency planning. Action as appropriate is determined by the type of incident and the local significance, which may include immediate action involving visits to affected premises requiring investigation of major injury and/or contact and liaison with the local media.

### **3.8 Liaison with other Organisations**

3.8.1 The Service is an active participant in the North of Scotland Health and Safety Liaison Group. The group meets on a quarterly basis and comprises representatives from 7 Authorities together with a representative from the HSE. The Service is also an active participant at the national health and safety liaison group ( HASCOG ).

3.8.2 The Service will undertake joint initiatives with the Health and Safety Executive to increase awareness of health and safety issues within the area.

## **4.0 Resources**

### **4.1 Financial Allocation.**

4.1.1 TEC Services is a multi-skilled Service that combines Environmental Health, with a number of other functions. Costs relating to health and safety are approximately £100,000. The total Environmental Health budget for 2010/11 was £1.8 million. This included all staffing costs, training, travel and subsistence and overheads. The complete TEC Services budget for the same period was £66.6 million.

### **4.1 Staffing Allocation**

4.1.1 The number of staff involved in Health and Safety enforcement is as follows:-

Area Environmental Health Managers	- 3
Environmental Health Officers	- 10
Technical Officers	- 3

4.1.2 Given the percentage time allocated to Health and Safety Enforcement this equates to a total Full Time Equivalent (FTE) of approximately 4 Officers devoted to health and safety enforcement.

## **4.2 Staff Development Plan**

4.3.1 In line with the Service's Training Policy, officers are and will be encouraged to identify courses in which they have a particular interest. In particular:

- Health and Safety Working Group meetings provide a focus for discussion of training needs.
- Every Officer has received in-house training in the operation of the FLARE database system.
- Officers are and shall be permitted to attend (on a rolling programme) the established annual training seminars e.g. The REHIS Health and Safety update Course.
- All officers participate in the annual Personal Development Plan scheme
- In accordance with the Section 18 guidance all officers involved in Health and Safety enforcement are to complete the Regulators Needs Analysis Tool (RDNA) to identify competency and training needs

4.3.2 A formal development scheme for Environmental Health Officers and Technical Staff has been produced, approved and adopted. This scheme allows Officers to meet the Continuous Professional Development (CPD) criteria, demonstrating competency, expertise, innovation and initiative.

4.3.3 There is an on-going commitment to training through attendance at courses, seminars and conferences.

## **5.0 Quality Assessment**

5.1 Performance Assessment and Monitoring.

5.1.1 Quality management will be the responsibility of the Principal Environmental Health Officer and the Area Environmental Health Managers, and will address the following ;-

Premises database

Compliance with the inspection programme.

Compliance with local policies, procedures and service standards.

Consistency and quality of inspections

Qualification and experience of Officers

Training and Continuous Professional Development

5.1.2 Monitoring arrangements at present include the accompanying of officers during inspections by the Principal EHO.

**6.0 Review**

6.1 Review against the service plan.

6.1.1 To ensure the plan is relevant to health and safety enforcement needs and is being applied consistently, the service plan will be reviewed annually or in relation to new objectives resulting from changing circumstances.

6.1.2 Due regard will be given to specific performance targets, performance standards, targeted outcomes, comments from stakeholders and complaints against the Service.

**6.2 Areas for Improvement**

6.2.1 The Principal Environmental Health Officer will analyse performance in relation to the plan, identify areas for improvement or development and report proposed amendments to the Head of Environmental Health and Trading Standards.

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