

Spelthorne Borough Council
Health and Safety Service Plan
2019 – 2020

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1. Service Aims & Objectives

1.1 Aims

- 1.1.1 The aim of the health and safety service is to protect the health and safety of those working within the borough in workplaces where we are the enforcing authority. We also aim to protect members of the public and others who may be harmed by the work practices of those businesses.
- 1.1.2 Enforcement is shared with the Health and Safety Executive, with Spelthorne being responsible for workplaces such as offices, shops, hotels, restaurants, nurseries, pubs, wholesale distribution and warehousing.

1.2 Objectives

Our Health & Safety at Work enforcement objectives will be incorporated into the wider Environmental Health Service Plan.

- 1.2.1 For 2019/20 we have the specific objectives:

	Objective
1.	To achieve 100% of programmed Category “A” health and safety inspections in accordance with frequencies set out in HSE’s Local Authorities National Enforcement Code.
2.	To participate in the flexible warranting scheme with other Surrey local authorities across the county and agree, where appropriate, joint projects to deliver under the scheme.
3.	To comply with all new legislative requirements imposed on the Borough regarding the enforcement of Health & Safety at Work. This includes any relevant guidance, codes of practice, etc., published by the HSE.
4.	To ensure authorised officers within the Commercial team have completed the Regulators Development Needs Assessment (RDNA).
5.	To actively participate in selected national/regional projects along with other Surrey LAs and HSE.
6.	To respond to at least 95% of health and safety service requests and accidents within six working days.
7.	To continue enforcing smoke free legislation, which prohibits smoking in most workplaces, work vehicles and public buildings and working with our partners on smoke free initiatives.
8.	To undertake a review of our procedures.

1.3 Links to corporate objectives and plans

The Council’s Corporate Plan 2016 – 2019 has four key priorities for Spelthorne:

- Housing
 - Economic Development
 - Clean and Safe Environment
 - Financial Sustainability
- 1.3.1 The Health and Safety Service Plan is key in achieving a “Clean and Safe Environment” and contributes to ensuring sustainable “Economic Development”.
- 1.3.2 An effective health and safety team contributes to these priorities by protecting the health and safety of our residents and visitors through the provision of safe workplaces, the prevention of workplace injuries and illnesses, and by ensuring that good businesses are not disadvantaged by non-compliant ones.
- 1.3.2 This Plan also incorporates the five values of the Council; these are Accountability, Self-Reliance, Community, Opportunity and Tradition.

1.4 Links to the HSE’s Strategy – National Local Authorities’ Enforcement Code

- 1.4.1 This National Code was developed by the Health and Safety Executive (HSE) to ensure that Local Authority (LA) health and safety regulators take a more consistent and proportionate approach to enforcement. This Code provides statutory guidance and a framework to guide local approaches.
- 1.4.2 It identifies that we should use the full range of regulatory interventions available to influence behaviours and the management of risk with proactive inspection utilised only for premises with higher risks or where intelligence suggests that risks are not being effectively managed.
- 1.4.3 The HSE Local Authority Circular (LAC 67/2 (rev 5)) specifies how local authorities should prioritise interventions to comply with the National Local Authority Enforcement Code.
- 1.4.4 Whilst the primary responsibility for managing health and safety risks lies with the business that creates the risk, we have an important role in ensuring the effective and proportionate management of risks, supporting business, protecting our communities and contributing to the wider public health agenda.
- 1.4.5 Taking into account the special characteristics of the LA enforced sector, the HSE has decided that it will be necessary for local authorities to prioritise certain hazards. Based on this list the following hazards are a priority for us:
- Workplace transport in warehousing/distribution.

- E. coli and Cryptosporidium infection especially in children from contact with animals at visitor attractions.
- Falls from height/working at height.
- Manual handling particularly high volumes warehousing and distribution.
- Commercial catering premises using solid fuel cooking equipment.
- Violence at work.

1.5 Links to the HSE Section 18 – Guidance to Local Authorities

1.5.1 Local Authorities are responsible for the enforcement of the Health and Safety at Work etc. Act 1974 (HSW Act), to the extent as defined and prescribed in the Health and Safety (Enforcing Authority) Regulations 1998.

1.5.2 Section 18 (4) of the HSW Act requires us to perform our duties in accordance with guidance from the Health and Safety Executive (HSE). The “Section 18 Guidance” is therefore mandatory.

1.5.3 Section 18 (4) of the HSW Act states ‘it shall be the duty of every local authority to:-

- I. Make adequate arrangements for the enforcement within their area of the relevant statutory provisions; and
- II. To perform the duty imposed on them by (a) above and any other functions confirmed on them by any of the relevant statutory provisions in accordance with such guidance as the commission may give them.

1.5.4 The HSE considers the following elements are essential for a LA to adequately discharge its duty as an Enforcing Authority:-

- A clear published statement of enforcement policy and practice;
- A system for prioritised planned inspection activity according to hazard and risk, and consistent with any advice given by the HSE and HELA;
- A Service Plan detailing the LA’s priorities and its aims and objectives for the enforcement of health and safety;
- The capacity to investigate workplace accidents and to respond to complaints by employees and others against allegations of health and safety failures;
- Arrangements for benchmarking performance with peer LAs;
- Provision of a trained and competent inspectorate; and
- Arrangements for liaison and co-operation in respect of the Primary Authority Partnership Schemes.

- 1.5.5 We need to ensure that we devote sufficient resources to the health and safety enforcement to comply with our duties under section 18 (4). HSE will take a view on the performance of LA enforcement and promotional activities, in accordance with its strategy using information supplied by authorities as requested (e.g. Annual LAE1 returns) and by reviewing the reports of inter-authority audits carried out using the HELA protocol.
- 1.5.6 If a LA fails to meet its legal obligation under Section 18 of the HSW Act, the Secretary of State may, after considering a report submitted by the HSE, cause a local enquiry to be held. If the Secretary of State is satisfied by such an enquiry that a LA has failed to perform any of its enforcement function, he may make an order declaring the Authority to be in default. The order may direct the LA to perform their enforcement functions in a specified manner within a specified period of time.
- 1.5.7 If the defaulting LA fails to comply with such an order, under Section 45 of the HSW Act, the Secretary of State may enforce the order, or make an order transferring the enforcement functions of the defaulting LA to the HSE, in which case the HSE's expenses are paid by the defaulting authority.

2. Background

2.1 Profile

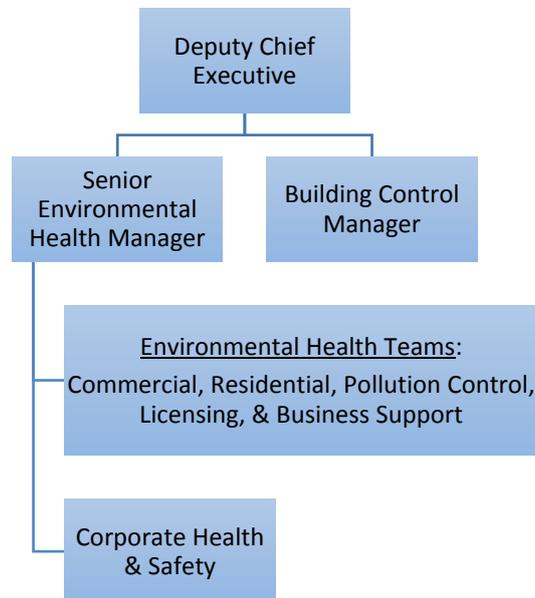
- 2.1.1 Spelthorne is located in the far north corner of Surrey. Boroughs adjacent to us are Runnymede and Elmbridge to the south in Surrey, Windsor and Maidenhead and Slough to the west in Berkshire, and Hillingdon, Hounslow and Richmond upon Thames to the north and east in Greater London.
- 2.1.2 Spelthorne's population is approximately 95,600, based on figures from the 2011 census. The main centres of population are the towns of Staines-upon-Thames, Ashford, Sunbury-on-Thames, Shepperton and Stanwell.

2.2 Organisational Structure

- 2.2.1 The organisational structure of the Council comprises of the 39 elected members and a Chief Executive who is supported by two deputies. The health and safety service forms part of the Environmental Health Department's Commercial Team. The Commercial Team is headed by the Principal Environmental Health Officer (Commercial) who reports to the Senior Environmental Health Manager (SEHM). The SEHM reports directly to the Deputy Chief Executive.

2.2.2 The Commercial Team also provide a food safety enforcement service and licensing/registration regimes, such as all animal licensing and beauty treatments in relevant premises.

2.2.3 The structure is as follows:



2.3 Scope of the Health and Safety at Work Enforcement Service

2.3.1 We provide a comprehensive service to both employers and employees of commercial premises, and the general public who may be affected by work activity within our borough. The responsibility for health and safety enforcement within commercial premises in the Borough, is shared between the Health and Safety Executive and us. This responsibility is determined by statutory legislation (The Health and Safety (Enforcing Authority) Regulations 1998) and is established on the basis of the “main activity” carried out at the premises.

2.3.2 The main elements of the service are:-

- **Programmed Health and Safety Inspections** - Regular inspection of all our commercial premises, rated in the "A" category to check on health and safety standards to promote safe practices and secure compliance with the law, whilst having regard to the national/regional priority programmes. Commercial premises rated “B1”, “B2” or “C” categories, will not form part of the planned inspection programme. However, these category premises will be subject to other “Intervention strategies” such as planned, local or national campaigns/initiatives on topic based issues (e.g. gas safety initiative and swimming pool safety). The inspections are carried out in accordance with the adopted Health and Safety Inspection Procedure. Enforcement is focused on

particular hazards or sectors where the greatest action will be necessary, to contribute to the HSE's overall strategy.

- **Revisits** are carried out to premises to check if specific action has been taken to remedy faults found at a previous inspection/visit.
- **Special/Other Health and Safety Inspections** – To undertake visits as necessary having regard to the priority programmes within HSE's Strategy, focusing our enforcement on particular hazards or sectors where the greatest action will be necessary. This may come to light having analysed trends in official accident notifications.
- **Health and Safety Investigations** - Investigation of complaints relating to health and safety received from employers, employees and the general public. In 2017/2018, 28 such investigations were carried out in addition to general requests for information.
- **Accident Investigation** - Investigation of accident notifications received via the RIDDOR notification online system. This system is managed by the HSE. The PEHO (Commercial) or, in her absence the SEHO (Commercial), checks the database on a daily basis. Accidents are investigated in accordance with the adopted Accident Investigation Procedure.
- The table below shows the numbers of notifiable accidents reported to this Council over the last four years:

Year	No. of notifiable accidents
2017/18	41
2016/17	39
2015/16	48
2014/15	47

From 1 April 2018 under 12 December 2018 we have received 28 notifications.

- **Health and Safety Initiatives** - To participate in local and national initiatives.
- **Non-Food Premises Database** - we will maintain the database of non-food premises allocated to us under the Health & Safety (Enforcing Authority) Regulations 1998, in the Borough and take steps to ensure that the information is accurate and up-to-date.

2.4 Demands on the Health and Safety at Work Enforcement Service

We have the responsibility for enforcing the provisions of the Health and Safety at Work etc. Act 1974, and health and safety regulations made under the Act in approximately 1178 (as of 4 December 2018)

commercial premises located within the Borough. This is likely to be an under-estimation as there is no longer a requirement for new businesses to inform us and as fewer inspections are being carried out this impacts the accuracy of our database.

2.5 Accessing the Service

The service can be accessed by: -

- Calling in person to the Spelthorne Borough Council, Knowle Green, Staines upon-Thames, TW18 1XB. The Offices are open from 9am to 5pm Mondays to Thursdays and 9am to 4.45pm on Fridays. The office is closed in the evenings and at weekends.
- Telephoning the support staff (01784 446291). The Business Support Team is available from 8.30 am to 5.30 pm on Monday to Thursday and 8.30 am to 5 pm on Friday.
- A duty officer is available from 9.30 am to 5.30 pm Monday to Thursday, and from 9.30 am to 5 pm on Fridays.
- By telephoning officers through their direct line telephone numbers.
- By emailing the Commercial Team at eh.commercial@spelthorne.gov.uk
- Emailing officers directly via their individual email addresses.
- Health and safety emergencies can be dealt with by telephoning our 24-hour out-of-hour's emergency service where the on-call officer will contact a senior officer from Environmental Health.
- Information and advice can be accessed via the Council's website at www.spelthorne.gov.uk.

2.5 Enforcement Policy

2.5.1 Enforcement will be carried out in a fair, equitable and consistent manner in accordance with the Regulator's Code and the Environmental Health Enforcement Policy.

2.5.2 The policy was last updated in October 2014 and is currently under review. Copies of the Environmental Health Enforcement Policy are available on request and the policy is also available on the Council's website.

3. Service Delivery

3.2 Health and Safety Complaints

3.2.1 Our policy is to investigate health and safety complaints in accordance with our policies and procedure notes, whilst having regard to our Enforcement Policy. The investigation of some complaints can be a

lengthy process, it is expected that officers will ensure a first response within 6 days of the complaint being received. It is also recognised that certain issues will require a quick response and a duty officer rota is in place during office hours to ensure this.

3.2.2 The depth and scope of investigation required will depend on the nature of the complaint and whether the complaint arose within premises for which the Council has health and safety enforcement responsibility.

3.2.3 Complainants are advised of the outcome where appropriate.

3.3 Accident Investigation

3.3.1 Our policy is to investigate accident notifications received via the online RIDDOR notification system, in accordance with the departmental policies and Accident Investigation procedure notes, whilst having regard to our Enforcement Policy and HSE's Guidance including selection criteria.

3.3.2 The depth and scope of investigation required will depend on factors such as the nature and seriousness of the accident and whether the accident arose within premises for which the Council has health and safety enforcement responsibility.

3.3.3 RIDDOR Accident notifications shall be investigated in accordance with the Accident Investigation procedure.

3.4 Asbestos Notifications

3.4.1 Asbestos notifications are received via a portal on the Health and Safety Executive's website. Contractors and others are required by law to notify the relevant enforcing authority of their intention to carry out both licensed and unlicensed work on asbestos. The PEHO (Commercial), or in her absence the SEHO (Commercial), checks this portal three times a week.

3.4.2 In 2017/18 we received 1 notification of work. In 2016/2017 we received one notification. From 1 April 2018 until 12 December 2018 we have not received any notifications.

3.5 Advice to Business

3.5.1 We recognise that the majority of businesses seek to comply with the law and during 2017/18 we have endeavoured to provide such advice and assistance as may be necessary. This includes:

- providing businesses with details of our Enforcement Policy. This may be through a leaflet either left at premises during routine visits or sent with inspection reports.

- developing and providing business free information sheets, leaflets, practical information and other guides as necessary to simplify legislation and aid compliance with specific health and safety legislation;
- providing on the spot free advice during routine visits and inspections;
- provision of free telephone advice;
- the provision of information through the Council's social media pages;
- signposting to the Health and Safety Executives website; and,
- Health and Safety initiatives.

3.6 Primary Authority Partnerships

- 3.6.1 The Primary Authority Principle (PAP) is a formal recognition of the importance of the relationship between a business and a specific local authority.
- 3.6.2 It is a statutory scheme and all local authorities will have to have regard to it when considering enforcement action in relation to a business which has a number of branches or units in other authority areas and a decision making base in another area, the relevant "Primary Authority" must be consulted before taking formal action. The only exemption to this requirement is when a local authority needs to take urgent action to avoid a significant risk of serious harm to human health.
- 3.6.3 Spelthorne does not have PA arrangements with any business at this time.
- 3.6.4 Prior to undertaking an intervention, an officer must take appropriate steps to find out if the business concerned participates in a PAP and if so the conditions of that partnership. Any inspection plan devised as part of the PAP arrangement must be adhered to and actions taken must be fed back through the specified means.

3.7 Liaison with Other Organisations

- 3.7.1 The Council actively participates in liaison arrangements with a number of other local authorities, agencies and professional organisations in order to facilitate consistent enforcement, to share good practice and to reduce duplicity of effort.
- Surrey Health and Safety Study Group
 - Surrey Environmental Health Managers' Group
 - Health and Safety Executive
 - Local Government Regulation
 - Liaison arrangements with Building Control, Planning, Solicitors

- Public Health England

4. Resources

4.1 Financial

The cost of providing the health and safety service, i.e. staff and budgetary expenses, in the current financial year (2017/18) is £48,000. The budget for 2018/19 will be similar.

4.2 Staffing Allocation

The 2018/19 staffing allocation is currently 1.13 full time equivalents; this includes administrative supports (0.3) and management support (0.08) such as reviewing service plans, officer performance, service development and budget controls.

4.3 Staff Training and Development

4.3.1 We recognise the need for all officers engaged in the health and safety service to be trained, not only to the level required by law, but also to a level commensurate with the work they carry out. We also recognise the need to develop the personal skills needed in order to work effectively in the field, and for EHOs to meet the requirements of the CIEH Continuing Professional Development (CPD) scheme.

4.3.2 Each member of staff receives one appraisal and regular one to one meetings at which development needs are identified and a plan agreed to address these.

4.3.3 Training and development of staff is provided by a range of methods including:

- i) Post Entry Training - Nominations for formal training courses/qualifications are considered annually and in appropriate cases members of staff are sponsored on formal academic and practical courses.
- ii) Short Course Training - Where appropriate, short courses, seminars and workshops can provide valuable updates for staff. We support attendance at such events through the Departments short courses training budget.
- iii) In-house/cascade Training - We carry out in-house training sessions as this helps to develop an individual's presentation skills, as well as cascading information to other members of staff following attendance at seminars and short course. They also assist in maintaining consistency of enforcement and the competency of Officers.

- iv) Peer Review - We use peer review, e.g.: joint visits, to monitor work performance; encourage exchange of expertise and skills between staff; achieve consistency in enforcement; to strive for continual improvement in service delivery.
- v) Commercial Team Meetings - These monthly meetings provide a useful forum for exchange of information and experience amongst team members, and assist in achieving a uniformity of approach to health and safety enforcement. Health and Safety is a standing item on the agenda for these meetings.
- vi) Attendance at the Surrey Health and Safety study group meetings.
- Vii) Participating in HSE webinars meaning officers do not have to leave the office but log on to a centrally hosted seminar via the internet. Dissemination of this information amongst colleagues, as above.

4.3.4 We will ensure that the Council's appraisal scheme and training plan is used effectively to identify general and personal training and development needs for all members of staff. These are addressed through each member of staff's agreed appraisal personal development plan.

5. Quality Assessment

5.1 Internal Monitoring

- 5.1.1 We have set up a number of documented internal monitoring procedures to monitor compliance with HSE strategies and guidance, and our own internal procedures and policies.
- a. Officers carry out joint visits with each other twice a year to ensure consistency between officers (Peer Review).
 - b. The Principal Environmental Health Officer (Commercial) checks a selection of post-inspection risk scores and correspondence that is sent out.
 - c. The PEHO (Commercial) shall carry out joint visits with each officer twice a year to ensure consistency between officers.
 - d. Customer questionnaires are sent out to all businesses.
 - e. We use the Regulators Development Needs Assessment as a tool for officers to self-assess their competency and to identify potential areas for improvement.

5.2 External Monitoring

- 5.2.1 Our health and safety enforcement at work service receives peer review as part of the local Surrey Districts inter-authority audit scheme.

We participated in an Inter-Authority audit organised by the Surrey Health & Safety Study Group in accordance with both the HSC Section 18: Guidance to Local Authorities, which was issued in September 2001, and the revised HELA Audit Protocol (issued in January 2002). The audits were carried out in May/June 2004. Our Health & Safety Service was audited on 29 June 2004.

There are no confirmed plans in place for further inter-authority audits at present.

- 5.2.2 We currently submit annual statistical returns to the HSE in respect of our health and safety enforcement activity.

6. Review

6.1 Performance review against the Service Plan

- 6.1.1 The team continues to provide a professional and quality service. In 2017/2018 we carried out 28 targeted inspections based on local intelligence identifying concerns.
- 6.1.2 We wrote to all our swimming pools to advise them of an outbreak of Cryptosporidium and what actions they should take to protect their users.
- 6.1.3 In 2017/2018 we served eight improvement notices and two prohibition notices.
- 6.1.4 We continue to provide free advice and support to our local businesses and attend regular liaison group meetings.
- 6.1.5 In January 2018 we successfully prosecuted an unregistered tattoo studio for health and safety offences. We subsequently wrote to all our tattooing studios highlighting this case and signposting them to where additional guidance for health and safety can be found.
- 6.1.6 In August 2018 a simple caution was issued to a limited company following an accident on their premises where a contractor was injured in a fall.

6.2 Identification of any variation

- 6.2.1 Due to staffing issues there has been difficulties in meeting some of the objectives set out in the 2017/2018 plan. Since August 2017 we have had a vacant post (0.5 from August 2017 to March 2018 and a full-time post from February 2018 to date). While we have been able to employ a contractor for food safety inspection based work, the contractor is not undertaking routine health and safety enforcement other than to address matters of evident concern that are identified during routine food hygiene inspections. As a result, completion of some objectives from the 2017/2018 that have been delayed, namely the review of our procedures.
- 6.2.2 Due to the staffing problems it has not been possible to undertake time consuming health and safety projects and initiatives.
- 6.2.3 In addition the team have been involved in a number of complex accident investigations and the preparation of a legal cases. These are labour intensive tasks and have resource implications on the service.
- 6.2.4 The team have been very heavily involved in the new animal licensing new inspection regime as a result of the change legislation introduced in October 2018. The changes to this legislation will continue to have an impact on the workload of the team for some time to come.

6.3 Areas of Improvement

- 6.3.1 The National Local Authority Enforcement Code has resulted in a decrease to the number of proactive inspections carried out each year. This has impacted the competency of officers as they now undertake fewer inspections. To offset this, we ensure that officers routinely attend training events and cascade the crucial points of these events to their team.