



## **Breckland Council**

### **Environmental Health**

#### **Health and Safety Enforcement Team Service Plan**

**2008/2009**

**To meet the requirement of Section 18 of the  
Health and Safety at Work etc Act 1974**

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## **Glossary of Terms**

CIEH – Chartered Institute of Environmental Health

CPD – Continuing Professional Development

EHO – Environmental Health Officer

ELO – Enforcement Liaison Officer

FIT3 – Fit for Work, Fit for Life, Fit for Tomorrow

LA – Local Authority

LAPS – Lead Authority Partnership Scheme

LACORS – Local Authority Co-ordinators of Regulatory Services

LAU – Local Authority Unit

HELA – HSE/LA Liaison Group

HSC – Health and Safety Commission

HSE – Health and Safety Executive

MESH – Mid-Anglia Environment Safety & Health Group

## 1. Aim and Key Delivery Priorities

### 1.1 Aim of the Service

- To prevent and reduce accidents and ill health associated with the workplace and to prevent time lost from work by carrying out targeted inspections (interventions), enquiries, investigations and research to detect, eliminate and/or control hazards by applying fair, proportionate and transparent enforcement.

### Key Delivery Priorities

- Carry out a risk related programme of health and safety inspections (interventions) at premises where Breckland Council are the enforcing authority;
- Investigate complaints and respond to enquiries from the public and employees relating to health, safety and welfare in the workplace;
- Investigate accidents and serious incidents, work related diseases and dangerous occurrences arising from work activities affecting employees or others;
- Participation in HSE's "FIT3" programme on topics which are relevant to Breckland businesses;
- Working in partnership with our local LAPS partner to ensure national enforcement consistency;
- Provide health and safety advice, information and education for local businesses to help them comply with health and safety legislation;
- Make adequate arrangements for the enforcement of relevant statutory provisions in line with mandatory Section 18 Guidance and the Environmental Health Department's Enforcement Policy;
- Assisting the Council to achieve its priorities, through the principles of performance, partnership and participation by contributing to the Council's Annual Delivery Plan and Environmental Health Service Team Plan.

### 1.2 Input to Council Priorities

Whilst the health and safety team has to meet statutory obligations, it will also contribute to meeting the Council priorities particularly with regard to 'building safer and stronger communities' The Council Priorities are detailed in the Annual Delivery Plan 2008/2009.

## 2. Background to Service

### 2.1 Profile of Breckland

Breckland district covers an area of 1,305 square kilometres and it is one of the largest rural districts in England. Nestled just on the Norfolk/Suffolk border Breckland is centred around the five main market towns of Attleborough, Dereham, Swaffham, Thetford and Watton. There are also 107 parishes in Breckland but the majority of the population is centred around these five market towns.

Much of the area is given over to agriculture and with large open spaces of heath land, known as The Brecks, from which the district gets its name. The distinctive landscapes of natural habitat are of national and international

importance. The semi-continental weather combined with its sandy soil with chalk and flint supports outstanding wildlife and plants. The area encompasses ancient heath lands and lowland, pine forest, most of which have open access. With its natural beauty, its wealth of history and many other attractions.

Breckland attracts an estimated 1.5 million visitors each year. Research carried out by the East of England Tourist Board estimates that in 2003 there were 4,914,000 staying visitors in Norfolk. The total number of day visitors was estimated at 46,324,853. Local public attractions consist of the zoo at Banham, the National Trust historic Oxborough Hall near Swaffham, and the Neolithic flint mines at Grimes Graves controlled by the Department of the Environment near Weeting. Just outside Dereham is the Gressenhall Farm and Workhouse Museum and some 16 kilometres east of Thetford, just off the A11 trunk road is where the Snetterton Motor Racing Circuit is located which hosts major sporting events throughout the year.

## **2.2 The Health and Safety Team**

The Health and Safety Team is responsible for all aspects of health and safety allocated to them under the Health and Safety (Enforcing Authority) Regulations 1998. In general terms, this work relates to the service industries covering retail, wholesale, catering, leisure, office work, provision of residential accommodation, consumer services and cultural activities. Enforcement of occupational health and safety standards in other industries is carried out by the Health and Safety Executive (HSE), a central government department. A separate team carries out food safety inspections, but liaison takes place with regard to common issues such as the computerised database, inspection frequencies and legal action.

## **2.3 Events Affecting the Team's Work in 2008/2009**

### **Licensing Act 2003**

The Health and Safety Team acts as a Responsible Authority for new/variation applications for licences under the Licensing Act 2003. A Senior Environmental Health Officer within the team is consulted on all such applications and responds on health and safety issues.

### **Corporate Health and Safety**

Throughout 2007/2008 all Operations Managers/Service Managers were required to produce risk assessments. Work is still required to ensure that the risk assessments are suitable and sufficient and that where possible generic risk assessments for hazards affecting all staff are developed.

### **Introduction of the Noise at Work Regulations (Entertainment Sector)**

In April 2008 the existing regulations protecting workers in the music and entertainment sectors from exposure to excessive noise will be replaced by the Control of Noise at Work Regulations 2005 (Noise Regulations). Music and entertainment sectors are defined in the Noise Regulations as all workplaces where:

- a) live music is played; or
- b) recorded music is played in a restaurant, bar, public house, discotheque or nightclub, or alongside live music or a live dramatic or dance performance.

As a result of this change the team is to run and lead a Norfolk wide campaign to target premises falling into this category to help them comply with the new regulations. As we have a significant number of premises falling into this category this will have a large impact on the team's work over the summer months when the campaign will be run.

### **Transformation**

The Health and Safety Team, together with the rest of Environmental Health, are now part of the Transformation Directorate. It is not known how this will affect the work of the team, although it is expected in the early stages it may absorb officer time, hopefully with some economies in the longer term.

#### **2.4 Demands on the Health and Safety Service**

On 1 April 2008 there were **2015** premises for which Breckland are the enforcing authority. It should also be noted that we are responsible for well over 4000 premises with respect to the no smoking legislation.

The rural nature and large size of the district necessitates much time and expense in travelling. Most businesses within the local authority sector are very small employers and there is a large turnover of new businesses each year (approx 10%), which places increased demands on the team.

#### **2.5 Service Delivery Points**

The Health and Safety Team is based at the Dereham office which is open from 09.00 am to 5.00 pm Monday to Thursday and 09.00 am to 4.30 pm Friday. Out of hours availability is on a voluntary basis through the Flagship Housing Association 24-hour call centre to which the Council are linked.

The Health and Safety Team is connected to the Chartered Institute of Environmental Health's (CIEH) intranet service (EHCnet) and is accessible via e-mail. The team is fully committed to the development of the Breckland Council website for communication with businesses and the public.

#### **2.6 Enforcement Policy**

Enforcement action is carried out in accordance with the Environmental Health Enforcement Policy, which complies with the Enforcement Concordat and the Home Office Code of Practice for Crown Prosecutors. The Council has approved the Enforcement Policy and the full policy as well as a summary are available on the Council's web-site. It is publicised to businesses in our letters when formal action is considered.

The Council is working in partnership with the Norfolk Better Regulation Partnership to ensure a standardised and consistent approach to enforcement activities.

### 3. Service Delivery

#### 3.1 Pro-active Work

##### 3.1.1 Occupational Health and Safety Premises Inspections

Breckland's policy in relation to occupational health and safety premises inspection is to operate a risk based priority planning system that takes account of Health and Safety Commission's (HSC) strategic plan. This is to ensure that all premises are inspected at an appropriate minimum frequency determined by risk. A priority planning system based on risk assessment enables resources to be targeted at those employers and activities which pose the greatest risk to health and safety. Where circumstances prevent 100% of inspections in accordance with the frequencies, priority is given to higher-risk band premises. A five-year inspection cycle is currently in operation with low risk 'C' band premises not subject to inspection. These premises are still contacted and assessed by other means, such as questionnaires, audits, mail shots etc.

In carrying out our inspection programme we currently aim to give priority to topics identified in HSE's "Fit3" Strategic Delivery Programme. In 2008/2009 in addition to raising such issues on routine inspections, resources will be allocated to pro-active enforcement initiatives based on these priority areas in conjunction with other Norfolk local authorities.

##### 3.1.2 Premises Profile

The number of premises identified by risk band is shown in the table below.

<b>Risk Band (Based on HELA 67/1 rev)</b>	<b>Inspection Frequency (Months)</b>	<b>Number of premises 2007/2008</b>	<b>Number of premises 2008/2009</b>
A	12	19	21
B1	24	105	132
B2	24	230	241
B3	36	310	284
B4	36	505	439
C	60	673	776
Unrated/New Premises	(First rated within 12 months)	166	122
<b>Total</b>		<b>2008</b>	<b>2015</b>

##### 3.1.3 Inspections 2008/09

In 2008/2009, **417** premises will be due a health and safety inspection.

The inspections due include:

<b>Category of Premises</b>	<b>Inspections Due</b>
Band A	21
Band B1	70
Band B2	51
Band B3	71
Band B4	82
Band C	0
Unrated	122
<b>Total</b>	<b>417</b>

Additional inspections may be required during the year due to change of ownership, new businesses, following requests for help, complaints or accidents.

There are also 33 premises (e.g. private members' clubs) that have limited obligations under health and safety legislation as there is no employment. These premises do fall to Breckland for enforcement but are not subject to routine inspection and are visited only following complaints or accidents.

122 new or unrated premises identified by recent surveys or other means will need a first visit. It is planned to use the Support Officer to carry out initial workplace visits in order to establish a point of contact, provide advice and to ascertain the unrated premises main work activity so that it can be decided on priority in respect of carrying full routine inspections of these unrated premises.

### **Revisits to Ensure Compliance**

Approximately 15%-20% of planned pro-active inspections require subsequent revisit(s) by officers to secure compliance with issues raised. In 2008/2009 this may mean approximately 83 revisits will be required.

#### **3.1.4 Resource Implications**

The Health and Safety Team currently consists of:

- 1 x Principal Environmental Health Officer;
- 2 x Senior Environmental Health Officers;
- 2 x Technical Officers and
- 1 x Support Officer.

The Principal Environmental Health Officer also has responsibility for the Council's Licensing Team and Corporate Health and Safety function.

The Support Officer allocated to the team is responsible for inspecting licensed animal establishments and one of the Technical Officers is responsible for Corporate Health and Safety.



Full staffing is anticipated in 2008/2009 but the following issues are material concerns:

- The enforcement of the no-smoking legislation is carried out by this Team. 4000 premises and work vehicles are covered by this legislation within Breckland. Although compliance in respect of the new legislation has generally been well received, the Team has an ongoing duty to ensure compliance with this legislation.
- The impact of acting as a Responsible Authority for the Licensing Act 2003 is significant.
- The responsibility for Corporate Health and Safety rests with this team and resources will be needed to progress with this in 2008/2009.
- The continued use of contractors/out of hours working for low risk health and safety inspections will be essential.
- A Senior Environmental Health Officer within the team is trained to support the Emergency Planning Officer if required.

### 3.2 Re-active Work

#### 3.2.1 Health and Safety Complaints

All health and safety complaints received by the Team are investigated. The table below shows the total number of complaints received in the last two years and the estimated number of complaints for 2008/2009.

	2006/2007	2007/2008	Estimate 2008/2009
<b>Total complaints</b>	115	96	96

#### 3.2.2 Health and Safety Service Requests

Breckland aims to provide advice and support to all businesses, voluntary groups, charities and the public. Advice and support is provided by:

- Verbal advice;
- Health and safety leaflets;
- Written advice;
- Consultation visits when requested;
- Use of mailshots, newsletters and the website.

	2006/2007	2007/2008	2008/2009 Estimate
<b>Total requests</b>	161	218	218

### 3.2.3 Health and Safety Team as a Responsible Authority (RA)

The Team are a Responsible Authority for applications received under the Licensing Act 2003. These require a priority response within strict legislative timescales.

<b>Responsible Authority Requests</b>	<b>2006/2007</b>	<b>2007/2008</b>	<b>2008/2009 Estimate</b>
<b>Total requests</b>	45	34	34

### 3.2.4 Corporate Health and Safety Requests/Complaints

<b>Corporate H&amp;S Requests/Complaints</b>	<b>2006/2007</b>	<b>2007/2008</b>	<b>2008/2009 Estimate</b>
<b>Total requests</b>	63	42	42

### 3.2.5 Reported Accidents, Dangerous Occurrences and Occupational Ill-Health

The extent of accident etc investigations depends on factors contained in the Norfolk Health and Safety Group's Accident Investigation Criteria and is influenced by HSE's "FIT3" priorities.

	<b>2005/2006</b>	<b>2006/2007</b>	<b>2007/2008</b>	<b>2008/2009 Estimate</b>
<b>Total accidents reported under RIDDOR</b>	139	137	174	174

### 3.2.6 Other Re-active Work

Breckland Council receives small numbers of reports/notifications on other specialist issues that each require considerable expertise and input from officers such as:

	<b>Number of requests in 2007/2008</b>	<b>Estimated number of requests in 2008/2009</b>
Defective lift/hoist reports	0	2
Asbestos removal notifications	5	5
Working time complaints	0	1
Cooling tower registration	3	3

## 3.3 Other Areas of Health and Safety Team's Work

### 3.3.1 Health and Safety Training

Breckland are registered with the Chartered Institute of Environmental Health (CIEH) as an approved training centre and will offer training courses in occupational health and safety (subject to demand) giving opportunities to gain sufficient knowledge to achieve high standards of occupational health and safety at work and prevent accidents.

Experience has indicated that demand for training is limited and consequently our aim is to ensure that where few requests are received they are directed to alternative providers.

We do, however, accept invitations to present talks to relevant bodies on an ad-hoc basis and in recent times this has included presentations to Business Link, Pub Watch, Norfolk Village Halls Association etc.

### **3.3.2 Lead Authority Partnerships**

#### **Breckland as a Lead Authority**

Breckland supports the Lead Authority Partnership Scheme (LAPS) implemented by HELA.

Breckland Council is the national Lead Authority Partner for Hughes Electrical Ltd. Hughes Electrical Ltd is a major regional employer. They employ approximately 80 people at four sites in Breckland's area and a total of over 500 in the wider Anglia region.

#### **Liaison with Lead Authorities**

In line with mandatory guidance issued by HSE, contact and if necessary, liaison with the relevant Lead Authority must be undertaken with regard to enforcement activities, especially where these may be of Regional or National significance.

### **3.3.4 Liaison with Other Organisations**

Breckland will liaise with other agencies and local authorities to ensure consistency of enforcement and the sharing of best practice. Liaison will be carried out as follows:

- Breckland will play a full part in the Norfolk Chief Officers' Health and Safety Group, the CIEH Eastern Centre Health and Safety Liaison Group and the G16 Best Value Group. It will also liaise with other local authorities through the CIEH intranet service.
- Breckland is committed to taking the advice of HSE Local Authority Unit (LAU) when there is doubt with regard to consistency and takes account of advice issued by HSE, LAU, and HELA.
- The Health and Safety Team liaises with other council departments in Breckland and provides services to the public that aim to ensure consistency of approach.
- Liaison with new business premises is carried out by checking planning application lists, and by receiving notifications of new occupiers of council owned premises.
- The team has established links with Business Link and MESH to ensure early contact with new businesses starting up in Breckland.
- The Council is working in partnership with the Norfolk Better Regulation Partnership to ensure a standardised and consistent approach to enforcement activities.
- Breckland is committed to the process of inter-authority auditing and in comparing standards with other authorities.

### 3.4 **Service Standards**

All health and safety complaints, service requests and reported accidents, dangerous occurrences and occupational ill health will be investigated in accordance with HELA priorities, Breckland's Enforcement Policy and other local/national guidelines.

#### **Health and Safety Complaints (Enforcement and Corporate)**

- To respond to 90% of complaints within 3 working days. Officers will use discretion and deal with the most urgent complaints where there is an imminent health and safety risk to the public or employees', as appropriate.

#### **Health and Safety Service Requests (Enforcement and Corporate)**

- To respond to 90% of service requests within 3 working days.

#### **Health and Safety Responsible Authority Requests**

- To respond to all Responsible Authorities' requests made under Licensing Act 2003 within 28 day statutory response time.

#### **Reported Accidents, Dangerous Occurrences and Occupational Health**

- To respond to 90% of reported accidents within three working days. Officers will use discretion and deal with the most urgent incidents/accidents where there is an imminent health and safety risk to the public or employees', as appropriate, (e.g. fatal or major accidents, dangerous occurrences etc);
- To investigate accidents in accordance with Norfolk Health and Safety Group Criteria and HELA Guidance;
- To investigate all dangerous occurrences and cases of occupational ill health.

#### **Post Inspection Reports/Letters**

- To send out post inspection reports/letters within 10 working days of inspection date

### 3.5 Work Plan 2008/2009

In addition to the proactive and reactive work detailed under Service Delivery, the following work is also planned in 2008/09:

What?	How?	Where/When?	Who?
Visit unrated premises to establish contact and timescale for full routine health and safety inspection	Contact visits to unrated premises to establish risk	Throughout the year	Support Officer
Develop a system for updating information in respect of Band C premises	Create a survey(s)/system	Throughout the year	Team
Begin updating team policies and procedures	To be reviewed as part of Norfolk Better Regulation Partnership with the Norfolk Chief Officers' Health and Safety Group	Throughout the year	Principal EHO/Norfolk Chief Officers Health and Safety Group
Continue to be actively involved and participate in Norfolk Chief Officers' Health and Safety Group's FIT3 initiatives where appropriate	The Team is leading the initiative targeted at the entertainment sector in respect of Noise at Work in 2008. It is anticipated that the team will also be involved with other initiatives where appropriate organised by the Norfolk Group throughout 08/09. See Appendix 1	Throughout the year	Team/Norfolk Chief Officers' Health and Safety Group
Continue to act as Lead Authority Partner for Hughes Electrical Ltd	Meeting due to discuss partnership progress	Ongoing	Senior EHO
Continue to lead and advise on corporate health and safety.	Progress work with organisation's risk assessments	Throughout the year	Technical Officer/Team

## 4.0 Summary of Health and Safety Team's Performance in 2007/2008

### 4.1 Inspections

- Carried out 504 planned health and safety inspections;
- Carried out 27 (slip/trip and roll cages) "FIT3" initiative inspections in partnership with HSE and other Norfolk local authorities;
- Carried out 492 smoking legislation visits (The food team completed a proportion of these visits);
- Carried out 132 revisits following a full health and safety inspection to assess compliance.

#### 4.2 **Re-active Work**

- Responded to 218 health and safety service requests (97.5% within three working day response target);
- Responded to 96 health and safety complaints (98% within three working day response target);
- Responded to 42 corporate health and safety requests/complaints (90% within three working day response target);
- Responded to 34 Licensing Act 2003 Responsible Authority requests (100% within 28 day statutory response target).

#### 4.3 **Accidents**

- Received notifications of 174 reportable accidents (98% with a first response within 3 working days).

#### 4.4 **Letters/Formal Notices**

- Served 439 Informal Notices (letters detailing contraventions of the law) and 184 advisory letters following inspections/interventions;
- 623 of 656 (95%) letters following a visit were sent within 10 working days;
- Served 20 Health and Safety at Work etc Act 1974 **Improvement Notices** to protect public and employee safety;
- Served 1 Health and Safety at Work etc Act 1974 **Prohibition Notice** to protect public and employee safety.

#### 4.5 **Progress against Targets set for 2007/2008**

<b>Target</b>	<b>Position at End of Year</b>
Review and update health and safety advice on website	Achieved
To ensure that pro-active/re-active work reflects HELA and FIT3 priorities	Achieved
Continue to act as Hughes Electrical Ltd Lead Authority Partner	Achieved
Be an active participant in partnership working with HSE and other Norfolk local authorities	Achieved
Introduction of Cosmetic Piercing registration subject to Department of Health adopting Byelaws	Byelaws came into force on 22 February 2008. Visits/mailshots to businesses have begun but this initiative is set to run into quarter 1 of 2008/09 due to delay of approval of byelaws by Department of Health.

## **Appendix 1 - Norfolk Health and Safety Liaison Group**

### **Work Programme 2008/09**

	<b>Lead Authority</b>	<b>Activity</b>	<b>Responsibility</b>	<b>Action and Timescale</b>	<b>Status</b>
1	South Norfolk	To work in partnership with the HSE with an aim of contributing to a Moving Goods Safely project for deliveries and transport of white goods	All EH Departments/ HSE	Training Jan 09 March 2009	
2	Breckland	To work in partnership with the HSE with an aim to promote compliance within the Entertainment Sector with the new Noise Regulations	All EH Departments	March 2009	
3	Broadland	To implement standardised legal procedures throughout Norfolk in accordance with the revised Enforcement Manual and Guidance for Local Authorities	All EH Departments	In line with LACORS/HSE proposal TBC	
4	North Norfolk	Where appropriate to Local Authorities to take part in a regional caravan site project, focusing on key issues	Relevant EH Departments	March 2009	
5	Kings Lynn	To provide relevant legal training to Local Authority staff	All E H Departments	March 2009	
6	All	To continue work in partnership with the HSE to identify and plan contributions to FIT3 projects which are relevant to Norfolk	All EH Departments	March 2009	
7	South Norfolk	To work in partnership with the HSE with an aim of contributing to a Management of Asbestos project. To focus on premises relevant to individual Authorities	Relevant EH Departments	March 2009	

	<b>Lead Authority</b>	<b>Activity</b>	<b>Responsibility</b>	<b>Action and Timescale</b>	<b>Status</b>
8	North Norfolk	To review accident statistics for Norfolk to assist in determining appropriate future projects	All EH Departments	March 2009	
9	HSE	To work with the HSE to identify businesses employing migrant workers to enable health and safety standards to be improved	All EH Departments and HSE	March 2009	
10	Great Yarmouth	To introduce flexible warrants across the District including HSE and cross authority	All EH Departments and HSE	March 2009	