



Environmental Health Commercial Services

Health and Safety Service Plan 2009-2010

A handwritten signature in black ink, reading "R. Norley".

Robert Norley
Head of Environmental Health Services



CUSTOMER SERVICE EXCELLENCE

CONTENTS

INTRODUCTION

SECTION

1. Service Aims and Objectives
 - 1.1 Aims and Objectives
 - 1.2 Links to Strategic Objectives and Plans
2. Background
 - 2.1 Profile of Authority (inc. Organisational Structure)
3. Service provision
 - 3.1 Profile of Businesses in Exeter
 - 3.2 Inspection Programme
 - 3.3 Complaints / Requests for Advice
 - 3.4 Statutory Notifications
 - 3.5 HELA Strategy / Health and Safety Commission Strategic Plan
4. Service Delivery
 - 4.1 Enforcement
 - 4.2 Staff Resources
 - 4.3 Staff Skills
 - 4.4 Financial Resources
 - 4.5 Consultation with Stakeholders
5. Performance
 - 5.1 Targets
 - 5.2 Review of Performance for 2008/09
6. Action Plan for 2009/2010
7. Appendices
 - Appendix 1 Structure Charts – Council/Committee
 - Appendix 2 Visit Performance Analysis
 - Appendix 3 Demarcation of Districts

Introduction

This document is Exeter City Council's Health and Safety Service Plan. It forms the basis of the health and safety enforcement function for the authority and ensures that national health and safety priorities are addressed along with locally identified needs. It demonstrates our commitment to improving Health and Safety outcomes, sets out our priorities and planned interventions for the current year and targets them to maximise their impact.

The Council has a duty to act as an enforcing authority for health and safety in premises for which it is responsible – this is predominantly in the service sector. The plan outlines how the Environmental Health Commercial Section will undertake that function.

It has been produced to ensure that local businesses, employers and employees, members of the public, council officers and Members understand the approach to health and safety adopted by the Council. The service plan will help to ensure that the actions of the Council are fair, consistent, open and effective.

The Council will be guided by the Health and Safety Executive guidance issued under Section 18 of the HSWA. This is the 'Standard' with which the Council must comply. The Section 18 Standard applies to local authorities and Health and Safety Executive enforcement staff.

SECTION 1

SERVICE AIMS AND OBJECTIVES

1.1 Aims and Objectives

- 1.1.1 It is Exeter City Council's aim to actively improve Health and Safety outcomes for people working in the City and members of the public who visit or are affected by workplaces in the district.
- 1.1.2 We will continue to develop new ways to establish and maintain an effective health and safety culture so that all employers take their responsibilities seriously, the workforce is fully involved and risks are properly managed.
- 1.1.3 Work will be targeted to manage the risk in high-risk, poor-performing and rogue trader businesses. It will be proportionate, consistent and transparent and have suitable monitoring and review systems.
- 1.1.4 The Council is mindful of the burdens on local businesses particularly where, for example, the economy is seasonal and subject to fluctuation. The Council will work in partnership with the Health and Safety Executive (HSE) and with local businesses offering information, advice and assistance.

1.2 Links to Strategic Objectives and Plans

- 1.2.1 The Council is committed to working with all relevant stakeholders in order to achieve its vision, playing a part in LAAs where appropriate. The key strategic objectives are:

Strategic Objective	Vision Theme
Enhance and protect the environment, reducing the causes and minimising the impact of climate change.	City where the environment is cared for
Further improve the character of the city and facilities for culture and leisure	Cultural and fun place to be. City where people are healthy and active.
Ensure that Exeter is a buoyant, dynamic and innovative regional city with sustainable growth.	A prosperous city.
Have strong and clear governance arrangements that enable the communities of Exeter to influence and help shape decisions about their locality and the city.	Excellence in public service.
Use resources effectively and provide high-performing, value-for-money services that focus on customer needs.	Excellence in public service.
Promote a positive image and reputation and ensure high levels of customer satisfaction.	Excellence in public service.

SECTION 2

BACKGROUND

2.1 Profile of Authority

- 2.1.1 Exeter City Council's area of enforcement has a population of approximately 122,400 people. It covers an area of 4774 hectares comprising a mix of residential and commercial properties as well as industrial and trading estates. Although set in a predominantly urban area the City offers only a limited range of industry with the main activities being retail sales, office activities, warehousing and distribution.
- 2.1.2 Appendix 1 shows the **organisational structure** of Exeter City Council and the Committee structure. The Commercial Section is within Environmental Health Services, part of the Community and Environment Directorate which reports to the Scrutiny Committee - Community.

SECTION 3

SERVICE PROVISION

Exeter is predominantly an urban area and the area has many small businesses. The Council is responsible for around 2473 premises; this is the number held on the Council's database. Due to the fact that premises no longer are legally required to register with the Council, and there is a large turnover of businesses, it is difficult to be confident of a definitive number at any one time.

3.1 Profile of Businesses in Exeter

The Council enforces health and safety in mostly small and lower risk businesses that are predominantly in the service sector and are generally as described in paragraph 2.1.1 above.

3.2 Inspection Programme

- 3.2.1 The Council uses the guidance given in HELA Circular (67/1 Revision 3) to risk rate its premises and prioritise its visits. The guidance categorises premises with a score that determines the inspection frequency. This ranges from annual to 2 yearly inspections for higher risk premises.

Lower risk premises are reached by other intervention strategies, many of which will be in partnership with other Devon Authorities and the HSE.

We aim to focus Health and Safety enforcement resources into areas where they are likely to have the greatest impact. In the coming year we shall continue to concentrate on specific topic areas (See 3.5.2) during proactive inspections and reactive investigation, rather than complete all-encompassing inspections. These areas have been identified nationally as contributing to the highest rate of accident/incidents and ill health at work, across all health and safety enforcing authorities.

Scope will be retained to meet individual service needs of the City and local businesses.

3.2.2 The premises profile according to the inspection rating scores are as follows:

Highest hazard/Risk	A	10 (7) ¹
Intermediate hazard/Risk	B1 B2	33 (33) 121 (134)
Lowest hazard/Risk	B3 B4 C U	366 (411) 699 (616) 882 (787) 358 (514)

3.2.3 Low risk premises do not form part of the main inspection programme but health and safety issues may be addressed during food, and licensing inspections or following complaints or accidents. A proportion of low risk premises (those approached by other intervention strategies) will be inspected each year.

3.2.4 The Council still has a duty to enforce health and safety standards in low risk premises and we will work with such businesses and/or their representatives to improve health and safety standards.

3.2.5 The visit performance analysis for the last year is detailed in Appendix 2.

3.2.6 The database will be continually updated in conjunction with the Business Support Team who will assist with a street/district premises audit (4yr programme).

3.2.7 A proportion of uncategorised premises will be visited, though the active audit (see above) may influence progress as new premises are identified.

3.3 Complaints / Requests for Advice

3.3.1 The authority has a duty to investigate complaints about health and safety conditions/issues and about its health and safety service provision.

3.3.2 A number of complaints/service requests about health and safety are received annually, all of which will be dealt with as appropriate or passed to other agencies. (188 service requests were received in 2008/9).

3.3.3 No complaints have been received regarding the service provision of the Authority.

3.4 Statutory Notifications

3.4.1 Prescribed accidents, dangerous occurrences and occupational diseases are reportable under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995. Accidents would include fatalities and accidents involving visits to hospital or more than 3 days off work. Certain accidents involving employees, the self-employed and members of the public are also reportable.

3.4.2 In 2008/09 there were 206 statutory notifications of accidents (77 slips, trips and falls, and 35 handling accidents). For comparison there were 198 accidents notified in 2007/08 and 162 in 2006/07, showing an incremental rise year on year.

¹ Figures in brackets relate to 2007/8
S:CE/DSS/PA/LP/609SCC7 Appx 1 H&S Service Plan 09/10

- 3.4.3 The Council has a duty to investigate accidents to determine whether offences have been committed and to prevent a recurrence. The authority also receives notifications of certain unsafe equipment and must respond and investigate such notifications. Decisions as to which accidents require a full investigation are made by the District Environmental Health Officer and overseen by the Principal Environmental Health Officer (Health & Safety).

The Council is committed to reducing workplace accidents.

- 3.4.4 As a 'responsible authority' for the purposes of the Licensing Act 2003 and the Gambling Act 2005 the section has a duty to respond to premises licence applications etc. A number of applications will require scrutiny, some of which may require amendments by negotiation.

3.5 HELA Strategy / Health & Safety Commission Strategic Plan.

- 3.5.1 The Authority has a duty to focus its activities on national priorities and strategies and in particular the Section 18 Standard, to secure a reduction in accidents and ill health in the workplaces for which we are responsible. The Standard recognises that 'partnership' is the way HSE and LAs do business and reflects the statement of intent agreed between the HSC, HSE and ourselves.

- 3.5.2 Strategic themes for 2009/10, are:

- Reducing Slips and trips
- Workplace transport – loading and unloading
- Disease reduction – dermatitis, asthma, asbestos and legionella
- Musculoskeletal disorders
- Noise and vibration – bars, clubs and pubs with live music
- Violence at Work
- Falls from height
- Royal Mail
- Gas Safety

- 3.5.3 The work of the Commercial Section will address other issues when undertaking visits/developing initiatives in workplaces; health at work is an important issue. Interventions with regard to new compliance responsibilities to reduce exposure to occupational tobacco smoke will continue to be considered.

- 3.5.4 European Health and Safety Week is a national event, which the Council has supported as a means of raising the profile of health and safety during this week.

- 3.5.5 The Council offers leaflets and posters in different languages (and must offer translation services if necessary) for the performance of its functions. The service endeavours to be resourced to ensure equality of access to information. Training courses for Level 2 and Level 4 Health and Safety qualifications as well as Manual Handling and Risk Assessment are now provided.

3.6 Monitoring

- 3.6.1 A pool monitoring programme based upon risk, using smart sampling and a detailed assessment of pool management systems will be exercised throughout the year. The need for provision of further training/information for local pool operators will be explored, with a view to promoting safety and health awareness. This will embody one of the years Fit3 targets, (see Section 6).

SECTION 4

SERVICE DELIVERY

4.1 Enforcement

- 4.1.1 Enforcement (or the fear of enforcement) is an important motivator for rogue employers. Evidence confirms that enforcement is an effective means of securing compliance and promoting self-compliance. We will work in partnership with the HSE, other enforcement agencies, regulators and stakeholders to secure proportionate compliance with the law and to ensure that those who have duties under it may be held to account for failures to safeguard health and safety and welfare. The scope of these activities will continue to be evidence based and is clearly set out in the Council's enforcement policy statement.

4.2 Staff Resources

- 4.2.1 The Standard requires the Council to have sufficient capacity to undertake our statutory duties. Exeter City Council Environmental Health Services, Commercial Section, is split into 2 districts. Each district is allocated to a full time equivalent District EHO on all functions relating to the Commercial Section and one FTE will specialise in Health and Safety, Education and Special projects. Appendix 3 shows the demarcation of the districts.
- 4.2.2 The PEHO (Health and Safety) is also a very experienced and specialist officer for Health and Safety and will be available to the team for specialist advice on the health and safety function with the Commercial team.
- 4.2.3 All officers in the Commercial Section will undertake some health and safety duties along with their other functions which include food safety, training, health initiatives, some licensing duties and infectious disease control.
- 4.2.5 The staff resources allocated to the functions is currently deemed adequate to fulfil the Council's duties. However, it is likely the pattern of employment will change during the year and resource allocation will require regular review. As in 2008/09, officers will vary their approach to the health and safety inspection programme to enable them to meet Performance Indicators by targeting resources on high-risk premises and national priorities.

4.3 Staff Skills

- 4.3.1 The Section has a procedure for authorisation of officers and only trained and competent staff will be able to undertake full health and safety duties. The authorisation, and hence action they can take, for each officer will reflect their personal skills. The PEHO (Health and Safety) and Environmental Health Manager also have core qualifications and additional technical skills in health and safety.
- 4.3.2 Work toward ensuring full alignment with the competency framework will continue this year.

4.4 Financial Resources

- 4.4.1 The Section has a modest budget for equipment, printing and miscellaneous items. The level of the resources allocated to the service will be reviewed annually to reflect the changing nature of the work.

4.5 Consultation with Stakeholders

- 4.5.1 The Health and Safety at Work etc Act 1974 placed general duties on all employers to protect the health and safety of their employees and those affected by their work activities. Its goal-setting approach makes clear that those who create risks are best able to manage them. We will make clear that effective health and safety management is a collective responsibility in which individuals too must play their part.
- 4.5.2 Experience shows that many organisations do not contact us. Some may be fearful of contact, which deters them from seeking advice. We will make a special effort to explore new ways to establish and maintain an effective health and safety culture, so that all employers take their responsibilities seriously, the workforce is fully involved and risks are properly managed.
- 4.5.3 We will aim to demonstrate the moral, business and economic case for health and safety. Appropriate health and safety management is an integral part of effective business management and, we will promote it as an enabler and not a hindrance.
- 4.5.4 We will explore ways to promote greater access to authoritative health and safety advice and guidance and we will continue to offer advice in the course of our other enforcement activities where appropriate.
- 4.5.5 It is essential the Commercial Section consults with business to ensure the service delivered reflects requirements made by government bodies and the needs of its businesses. The Section will continue to improve the consultation it undertakes with its businesses. Customer service questionnaires will continue to be used for all inspections in 2009/10.

SECTION 5

PERFORMANCE

5.1 Targets

5.1.1 Local Performance Indicators for 2009/2010:

- The Environmental Health Service Plan sets an inspection performance target of 100% inspection of high-risk premises.
- Response to complaints within 5 working days.

5.1.2 There are many performance targets for the unit to meet in addition to the requirement to comply with Standard issued by the Health and Safety Executive.

5.2 Review of performance 2008/09

- Information held on a database is continually reviewed and updated. Data, including premises identified in the district surveys but not allocated inspection frequencies, was entered. All new premises are sent a questionnaire to risk rate them and place them within the inspection programme promptly.
- 96% of inspections due were achieved and a total of 434 (389 in 2008/9) preventative inspections were undertaken, all high risk premises were inspected.
- 317 (139 in 2008/09) other health and safety visits were undertaken.
- 23 (126 in 2008/09) low-risk premises were engaged by questionnaire and a proportion of these were visited.
- The new Princesshay premises and others following area surveys were all allocated inspection frequencies.
- Due to disrupted staff patterns, the backlog of overdue inspections (resulting from staff vacancies) has unfortunately risen over the year.
- Specific training on a series of health and safety topics was shared with colleagues throughout Devon.
- 3 (4) Manual Handling techniques, courses, 1 (2) Risk Assessment courses and 7 (10) Level 2 Awards in Health and Safety courses were delivered to 134 (344) delegates.
- 3 Safety and Health Advice Days (SHADs) were held in Exeter focusing on the warehousing & entertainment sectors. 119 delegates attended.
- We helped in the organisation of a series of SHADs promoted in the county and provided speakers at the venues.
- All registrations for tattooists, skin piercers & acupuncturists were re-issued following the SHAD for that sector held at the end of last year.
- The Principal EHO (Health and Safety):-

- attended meetings of the task and finish group reviewing LAC 67/1 (following a report to HELA the work has since been extended into a research phase for 2008/9 encompassing a more fundamental review of a wider area of priority planning);
 - chaired and contributed to the SW Work Related Death Liaison Group;
 - continued to support the long standing Lead Authority Partnership with Clarks International in relation to their national shoe shop chain.
- Officers attended:-
 - the Stress in Finance Project training session in Taunton (the single finance organisation identified in Exeter for follow up has been contacted; work is ongoing);
 - the HPA sponsored training on Legionella at Taunton to help forward the regional Protocol and assist in meeting water sampling challenges during investigation of cases;
 - a workshop session run by the Better Regulation Executive Health and Safety Review team to relate our experience of the existing health and safety regime and give views on the way forward;
 - a session promoted by HSE – Intervention with Migrant Workers.
 - Exeter hosted:-
 - a meeting on partnership working with HSE, South Hams DC and Mid Devon DC towards the HSE lead SPAR/Gregory MGS 3 project;
 - the first of two meetings to forward a LA/HSE Inspection Pack for assessing Management Systems, being developed by the HSE.
 - A Health and Safety Handbook was distributed. It was funded entirely by advertising. Distribution was achieved at initial contact with new businesses, City Council run training courses; preventative inspections and SHAD type initiatives. (The page content of the handbook will appear on the Council's website.)
 - One business was prosecuted for non-compliance with Health & Safety legislation and proceedings were commenced for one other. Officers are working with the HSE on a serious incident involving a collapse of scaffolding.

SECTION 6
ACTION PLAN FOR 2009/10

1. Collate feedback from businesses and use data to inform consultation process and develop a business newsletter.
2. Participate in the development of the competency framework.
3. Complete the agreed quota of targeted risk based inspection programme (re A.B1-B3) for 2009/10 focussing on the topic priorities.
4. Implement the Enforcement Management Model and review procedures to reflect Health and Safety Commission requirements.
5. Aim to participate in identified specific topic-based (Fit 3) projects in partnership with the HSE and others. This will include exploring the benefits of closer partnership working with other EAs and stakeholders to make best use of joint resources to maximise our impact on local, regional and national priorities.

Fit3 – fit for work, fit for life, fit for tomorrow
Work in the LA enforced sector in 2009/10

Priority	Project	What	Where	When
High	Slips and trips	To reduce the number of major-injury slip and trip accidents by raising awareness and improving management of slips and trips. To provide advice on practical control measures and take enforcement action where appropriate.	In food retail, and all sectors with catering and cleaning issues.	All year (though Q3 for new SL's campaign) Promote a SHAD highlighting this topic.
Medium	Working at height	To raise awareness of falls from height risks, improve the management of working at height; to give advice on practical control measures; and to take enforcement action where appropriate.	Increase awareness amongst aerial and satellite installers	All year.
High	Disease Reduction	To raise awareness of the duty to manage asbestos, and take enforcement action where there is poor compliance.	Provide training for SME's & apprentice maintenance persons.	All year.
	1. Respiratory	To raise awareness of dermatitis, provide advice and support to the industry, and take enforcement action where appropriate.	Hairdressing and cleaners, and in sectors where catering or cleaning is involved.	All year.
	2. Dermatitis			
	3. Asthma	To reduce the incidence of occupational asthma with the baking industry and other industries where flour is used; to raise awareness of asthma, to promote use of appropriate control measures; and to take enforcement action where appropriate.	Baking industry and other workplaces where flour is used (e.g. supermarkets, restaurants, retail and craft bakeries, etc.).	All year.
	4. Legionella	Inspect cooling towers and provide intelligence to HSE regarding compliance.		Q1-3

High	MSDs	To raise awareness of MSDs, encourage reasonable practicable control measures, and take enforcement action as appropriate. Focus on back pain & ULD.	All sectors - especially retail, cleaning, warehousing, residential care homes, and finance sector (for DSE).	All year.
Medium	Noise	To raise awareness of the Control of Noise Regulations, and the availability of simple and practical industry-specific guidance to assist dutyholders. Promote "Sound Advice"	Music and entertainment sector. Bars, clubs & pubs with live music.	All year.
Unknown	Royal Mail	To achieve jointly established health and safety targets with an agreed timetable via local action plans.	Sorting and delivery offices.	To be decided.
Medium	Gas Safety	Engagement during change from CORGI to CAPITA	Joint working with HSE	All year.
Medium	Violence	Promote on-line - related violence toolkit, which is designed to assist employers in carrying out risk assessments.	Retail, restaurants, and bars, pubs and clubs. Engage with LAAs & other partnerships	All year.

6. Continue the low risk inspection strategy by:

- 1) Proactively visiting a residual proportion of low risk premises
- 2) Producing an annual newsletter
- 3) Continuing self-audit questionnaires for low risk premises until revised guidance is issued, when this approach will be reviewed
- 4) Review the arrangements for achieving target PIs and amend the policy if necessary

7. Work to implement legislation to reduce occupational exposure to tobacco smoke.

FLOW DIAGRAM SHOWING THE COMMITTEE STRUCTURE FOR THE COUNCIL

