

DEPARTMENT OF COMMUNITY SERVICES

**OCCUPATIONAL SAFETY
SERVICE
DELIVERY PLAN**

2009/10

C O N T E N T S

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Executive Summary

This Service Delivery Plan details the health and safety enforcement service for 2009/10. The plan provides for the effective enforcement of health and safety, taking account of mandatory guidance. It also incorporates the promotional work to be undertaken.

The plan includes:

1. Health and safety work based on national priorities including: -
 - Slips and trips/falls from height/moving and handling/workplace transport;
 - Noise and vibration - promotion of guidance for the music and entertainment industry;
 - Safe use of waste compactors;
 - Dermatitis in cleaning, food /catering premises and hairdressers;
 - Asbestos – compliance with the duty to manage;
 - Stress in the financial services sector;
 - Construction and design management.
2. Investigation of accidents, particularly in priority areas;
3. Hazard spotting within food premises with specific reference to slips and trips and dermatitis;
4. Local projects:
 - Beauty premises – advisory visits and inspections,
 - Sports clubs and leisure facilities,
 - Safer Business Community Project.

As in previous plans, this plan incorporates a number of programmed inspections that are identified through the priority-rating scheme contained within HELA LAC 67/1 (Rev 3). However, the aim is to have a risk-based inspection programme combining the aforementioned inspections and the national health and safety priorities (formerly known as Fit3).

Where appropriate accidents, incidences of ill-health and dangerous occurrences will be investigated and the Department will respond to health and safety complaints. The Department also offers health and safety advice to any business that operates a business in or from the District.

*Fit 3 Programme – *Fit for work, fit for life, fit for tomorrow*, this strategic programme has been designed to deliver the HSC/E's targets to improve health and safety outcomes, achieving by 2007/08, against a baseline of 2004/05:

- A 3% reduction in the incidence rate of work-related fatal and major injuries;
- A 6% reduction in the incidence rate of cases of work-related ill-health;
- A 9% reduction in the incidence rate of days lost due to work-related injuries and ill-health.

The Harrogate District Health and Safety Forum is now well established and continues to work, in partnership with the Health and Safety Executive (HSE) and businesses, to improve safety standards in business premises throughout the district. The Forum has a new Chair and Deputy Chair in post and systems are in place to publicise the work of the Forum. Three events were run last year:

- risk assessment,
- working together to reduce stress at work,
- children and young persons.

There is a glossary of terms at the back of the Service Plan, explaining the meaning of those terms/acronyms commonly used in this plan.

1.0 Introduction

The Council is responsible for the enforcement of health and safety in 3489 premises within the District, from leisure and retail premises, commercial warehousing through to offices and corner shops. The type of premises/nature of activity falling to the Local Authority is dictated by legislation with the HSE being the enforcing authority for those premises not enforced by the Local Authority.

A new Section 18 Standard has been issued and this sets out the requirements for Local Authorities when complying with its duty to **“make adequate arrangements for enforcement”**. The Council is legally required, from 1st April 2008, to work towards compliance with the principles and standards. From 31st March 2011, compliance with the Standard is mandatory.

It is expected that all Local Authorities will have systems in place for prioritising visits according to the risks posed by a duty-holder's operation and that they will take account of hazards and the nature and extent of risks. In managing enforcement, Local Authorities must use a combination of approaches from offering information and advice, verbal and written warnings through to, where appropriate, the service of Improvement or Prohibition Notices. A prosecution may be pursued where it is deemed to be in the public interest to do so. Any enforcement decision will be taken in accordance with the Enforcement Management Model (EMM), the Health and Safety Executive's Enforcement Policy Statement and the Department's Regulatory Enforcement and Inspection Policy 2008.

The Standard recognises that **“partnership is the way the Health and Safety Executive and Local Authorities do business”** and reflects the following Statement of Intent agreed between the various representative bodies:

“LAs and the HSE, working jointly and in partnership locally, regionally and nationally, to a common set of goals and standards, committed to focusing resources on agreed health and safety priorities. The aim is to minimise harm to those affected by workplace activities and contribute to the health and safety and well-being of the local community”.

In partnership with the HSE, the bulk of pro-active health and safety work this year will focus on a number of national health and safety priorities. Local priorities include the inspection of beauty premises and sports clubs/leisure facilities.

The HELA Circular 67/1, “Advice to Local Authorities on Intervention Programmes and an Inspection Rating System” was revised in 2004 and acknowledges the difficulty that Local Authorities have with inspecting all premises that fall to them. The circular sanctions the approach already used by the Council, namely, to inspect those high-risk premises (category A, B and B2 premises) and deal with those lower risk premises (B3, B4 and C) using methods other than preventive inspections.

This circular specifies the inspection frequencies of the higher risk premises as follows:

Category A premises – at least annually;

Category B1 premises – at least every 18 months;

Category B2 premises – at least once every 24 months.

It also states within this circular that Local Authorities shall set aside time to inspect and risk-rate all new premises identified within the District. This rating system is currently under review. In addition, the LA must comply with the requirements of the Primary Authority Scheme (PAS) that came in on 6th April 2009, under the Legislative and Regulatory Reform Act 2006. The scheme has been introduced to ensure consistency of regulation of national companies by LAs and to reduce burdens on businesses. At present, the only business in the District with a PAS is Moto Hospitality Limited although other companies will soon follow and will include Asda and Sainsbury's.

2.0 Service Objectives

2.1 Objectives

To secure the health, safety and welfare of persons at work and;

To protect members of the public against risks to health and safety from work related activities through the enforcement of legislation, the provision of advice and information to members of the public and business operators that fall under the Council's enforcement by:

- Carrying out an annual risk-based programme of health and safety inspections and enforcement in accordance with statutory requirements, HELA LAC 67/1 (rev 3), Approved Codes of Practice (ACOPs), HSE's National Priority Programme and guidance;
- Investigating complaints within service standards and to take appropriate action in accordance with current legislation and accompanying ACOPs and guidance;
- Supporting the annual inspection programme with targeted promotional advice and educational initiatives in line with HSE's National Priority Programme;
- Providing information and advice on health and safety to businesses and members of the public and co-ordinate training;
- Investigating accidents and taking appropriate action in accordance with current legislation and accompanying ACOPs and guidance, the Enforcement Management Model and the HSE's and the Council's Public Protection Regulatory Enforcement and Inspection Policy 2008;
- Working in partnership or in co-operation with other enforcement agencies;
- Participating in the work of the Harrogate District Health and Safety Forum.

2.2 Links to Corporate and Departmental Objectives and Plans

The Council annually produces a Corporate Plan. The Plan contains six priorities of which two relate to the Council's Food & Occupational Safety Service:

- Shaping the Council towards excellence
- Stronger and Safer Communities

The Performance Plan contains key summary service information, and performance information from previous years, and includes key actions and performance indicators for the forthcoming years.

Each year, each service produces a Service Plan that feeds into the Public Protection Division's Service Improvement Plan. These service plans are key to achieving effective performance management across all services and are used to demonstrate improvement and the achievement of objectives and performance targets. The information also feeds into the Departmental Business Plan, Strategic Plan and Corporate Plan.

The Health and Safety Service has links into the Council's:

- Economic Development Plan in actively seeking to support local Small to Medium sized Enterprises (SME's);
- Community Sustainability Strategy
- Harrogate District Safer Communities Partnership: Partnership Plan

Future links to the North Yorkshire Local Area Agreement are currently being explored.

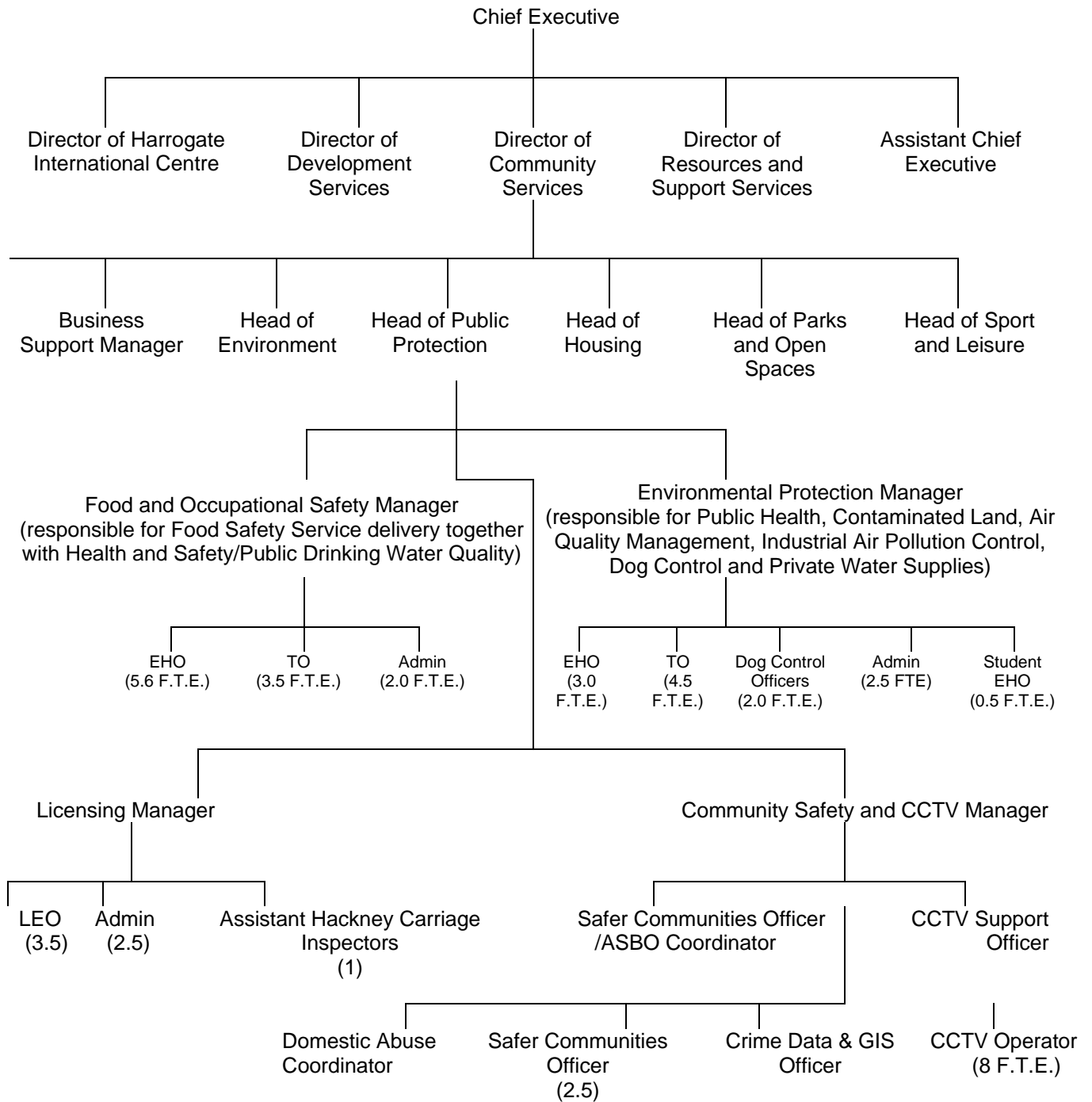
3.0 Background

3.1 Profile of the Local Authority

One of seven District Councils within the area of the North Yorkshire County Council
155,349 Population
131,000 Hectares
54 Local District Councillors
147 Parishes (including parish wards)
87 Parish Councils (this includes City and Town Councils and Parish meetings)
3 large towns: Harrogate, Ripon, Knaresborough
3 smaller towns: Pateley Bridge, Masham, Boroughbridge
3 Parliamentary Constituencies

Mixed area of urban and rural landscape. Predominant employment from rural/farming, tourism and conference trade together with high level of service support businesses

3.2 Organisational Structure and Reporting lines



Political Arrangements

Under the Council's Constitution, Health & Safety falls under the terms of reference of the Licensing Committee. The Occupational Safety Service Delivery Plan is reported to the Licensing Committee for adoption.

3.3 The Scope of the Public Protection Division's Health and Safety Service

As a District Council the Authority is responsible for the full range of health and safety duties, under the Health and Safety at Work etc. Act 1974, in Local Authority enforced premises.


The Health and Safety Executive (HSE) enforce health and safety in non Local Authority enforced areas/activities/premises.

Within the Public Protection Division, the Food and Occupational Safety Team deliver the following services along side health and safety:

Food Safety (including infectious diseases)
Public Drinking Water Quality
Public Protection Service Promotion

3.4 Service Delivery Points:

Department of Community Services
Springfield House
Kings Road
Harrogate
HG1 5NX

	(01423) 500600
Fax	(01423) 556820
Web Site	www.harrogate.gov.uk
Out-of-Hours:	08457 089190
Opening Hours:	08.30 - 17.00 Monday - Thursday 08.30 - 16.30 Friday

3.5 Demands on the Division's Food & Occupational Safety Service

The Council enforced sector includes retail, wholesale, offices, catering premises (including hotels and guest houses) and residential care homes. The businesses are predominantly small to medium sized establishments.

Estimated Total Number of Premises in which Health & Safety is Enforced by Local Authority		Number of premises (As at 01/04/09)
1	Retail shops	1191
2	Wholesale Shops, Warehouses and Fuel Storage Depots	137
3	Offices	736
4	Catering, Restaurants and Bars	591
5	Hotels, Campsites and other short stay accommodation	116
6	Residential Care Homes	55
7	Leisure and Cultural Services	74
8	Consumer Services (Hairdressers, Beauty Salons)	554
9	Other premises (not classified above)	35
Total		3489

External factors impacting on service delivery:

- Tourist Trade and Seasonal Events
e.g. Great Yorkshire Show, Masham Steam Fair, Nidderdale Show and other outdoor events
- HSE project work/initiatives

3.6 Enforcement Policies

The Regulator's Compliance Code 2007

HSE's Enforcement Policy Statement 2009

Public Protection Regulatory Enforcement and Inspection Policy 2008

3.7 Quality Management

The Council is a signatory to the North Yorkshire Chief Officers' Health and Safety Quality Management System (QMS). It is the Council's policy to carry out all areas of health and safety service delivery in accordance with this system and in particular to fulfil both the inter-authority and intra-authority audit requirements as set out in the quality system. The current QMS has undergone substantial change in order to ensure that the Health and Safety QMS can achieve ISO Accreditation.

The North Yorkshire Health and Safety Group has been meeting regularly since January 2003 and amendments to the QMS are now complete. The full document is to be adopted by most North Yorkshire Authorities. An application for ISO accreditation of the system is to be made. Inter-authority audits of all participating authorities are to commence shortly. It is anticipated that ISO Accreditation for the system will be sought in the current financial year.

4.0 Service Delivery

4.1 Inspection of Health and Safety Premises

It is the Council's Policy to meet its obligations under the Section 18 Standard issued under the Health and Safety at Work etc Act 1974. A risk -based approach is taken to undertaking preventive health and safety inspection work. Part of the inspection programme comprises those high-risk premises identified through the health and safety database, in accordance with the HELA Local Authority Circular 67/1 (rev 3). The aim when undertaking these inspections is, where possible, to focus on relevant, national health and safety priorities. The remainder of inspection work will be focused on the HSE's National Priority Programme and on local projects.

Premise Profile (HELA Circular 67/1 (rev 3) categories)	Number of Premises (As at 01/04/09)	Estimated number of inspections due during the year (01/04/09- 31/03/10)
Category A	36	36
Category B1	32	13
Category B2	78	42
Category B3	1294	50*
Category B4		
Category C	482	0
Non rated (New Premises)	1567	100*
<i>Total</i>	<i>3489</i>	<i>241</i>
Estimated number of revisits		20

***NB: Category B3 premises and below will be dealt with through the use of questionnaires and hazard spotting visits.**

The HSE have required LAs to commit to a number of days in connection with each national priority area. The pro-active inspection/intervention work for this year comprises:

- (i) High risk premises (Category A to B2 as above)- focusing on priority areas where possible i.e. slips and trips, dermatitis, asbestos, moving and handling etc

Number of inspections

91

- (ii) National Priority Programme:

- Slips and trips/falls from height in food retail and catering (5 days)
 - Safe use of compactors and balers (4 days)
 - Noise in pubs and clubs - promotion of industry guidance in connection with exposure of staff to music noise and securing compliance (5 days)
 - Asbestos – ensuring compliance with the duty to manage (5 days)
 - Radon Gas – increasing awareness of the potential for radon (2 days)
 - Dermatitis in cleaning, food/catering premises, beauty premises (3 days)
 - Residential care – inspection of care homes (2 days)
 - Loading and unloading of vehicles – risks associated with this and workplace transport in general (3 days)
 - Stress management in financial institutions (1 day)
 - Violence and aggression in retail premises and pubs and clubs (1/2 day)
 - Legionella – review of cooling towers register (2 days)
 - Moving and handling (3 days)
 - Construction and design management – production of new policy for reviewing planning applications and liaison with developers (2 days)
- (iii) Local Projects:
- Beauty premises – advisory visits and inspections (5 days)
 - Sports clubs/outdoor leisure facilities (5 days)
 - Safer Business Community Project (n/k)
- (iv) Partnership Work:
- Harrogate and District Health and Safety Forum
 - Working with Harrogate College

Performance Indicators: 95% of targeted inspections and initiatives being met.
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The Council will continue to tackle lower risk premises with questionnaires and hazard spotting inspections.

4.2 Health & Safety Complaints and Requests for Service

It is the policy of the Council to give a first response within 3 days to all health and safety premises complaints or requests for service. Where the complaint is of an urgent nature then a first response would be made within 24 hours of receipt.

2009/10 performance target is to respond to 99% within specified time	
Estimated number of health & safety complaints	70

4.3 Reports of accidents and dangerous occurrences and their investigation.

Where appropriate, accidents and dangerous occurrences will be investigated. In the case of work related fatalities, investigations will commence immediately. Where accidents are deemed as serious, investigations will begin within 24 hrs of notification. In all other cases, where investigation is required, this shall commence within 5 days of notification.

Estimated number of health & safety accident notifications (2009/10)	200
Estimated number of notifications investigated	65

4.4 Primary Authority Scheme

Harrogate Borough Council will consider entering into this scheme should such a request be made and will adhere to the requirements of the scheme when undertaking inspection and enforcement work.

4.5 Advice to Business

The Council provides information and advice upon request. Increasingly, requests are made via the Council's website.

The Council has assisted in establishing a Harrogate and District Health and Safety Forum working in partnership to improve safety standards in businesses throughout the District, focusing on small and medium sized businesses, and the Department is an active member of the group. This work will continue this coming year.

Estimated number of advice visits:	50
Estimated number of officer hours:	100

4.6 Liaison with other Organisations

The Council either participates in or liaises with the following groups related to health and safety issues in an endeavour to ensure that the service and/or any enforcement action taken within the Harrogate District is consistent with those of neighbouring local authorities, that service improvements can be identified and that competence based training can be accessed:

- North Yorkshire Health and Safety Technical Group;
- West and North Yorkshire Health and Safety Liaison Group;
- North Yorkshire Specialist Health Promotion Service;
- Care Quality Commission (CQC) - formerly the Commission for Social Care Inspection (Nursing/Residential Care Homes);
- North Yorkshire Chief Officers Training Group;
- Health and Safety Executive and Local Authority Partnership Working Group;
- Northgate User Group.

4.7 Health & Safety Promotion

The Council will be involved in the following promotional activities in relation to health and safety:

- Information packs produced in relation to specific areas of work;
- Provision of training/information as identified through questionnaires/initiative work/Health and Safety Forum/Chambers of Trade/Economic Development Unit and partnership work with the HSE.

4.8 Health & Safety Training for Officers

Officer training will be provided for all authorised officers to ensure continued professional development and officer competency. An internal training programme will be prepared for 2009/10.

It is the policy of the Council to aim to comply fully with the requirements of the Section 18 Standard in relation to the competency of authorised officers. This requires that all health and safety work must be undertaken by appropriately trained and experienced officers. This necessitates access to external training on specialist topics, supplemented by regular in-house update training for authorised health and safety inspectors. The HSE is continuing to provide some free training for enforcement officers. In addition, regular health and safety technical meetings now take place in order to keep officers up to date.

4.9 Health & Safety Database

An ongoing area of work is the updating and management of the current database of health and safety premises for which the Council is the enforcing authority. Progress in this area continues. A review of all office, retail and consumer service premises is to be undertaken using online databases together with that held by the Council's Economic Development Unit. In addition, new/unrated premises are to be inspected at a rate of 10 a month.

5.0 Resources

5.1 Financial Allocation

The Health and Safety Service financial costs are contained within the “Food and Occupational Safety” cost centre. This cost centre also contains the costs of the Food Safety Service.

The budget for the cost centre is as follows. These figures also include income and expenditure related to Public Water Quality and Food Safety Enforcement and Divisional Promotional work.

	Food and Occupational Safety Service
Gross Budget	£610,280
External Income	£1,500
Internal Income	£2,610
Net Budget	£606,170

5.2 Staffing Allocation

The Food & Occupational Safety Team is responsible for the delivery of a range of services in addition to health and safety i.e. food safety, health promotion.

The total resource currently available	12 (FTE)
Enforcement Officers	9 (FTE)
Administrative Support	2 (FTE)
Of the above, the estimated in-house resource to deliver the occupational safety service	3.5 (FTE)

5.3 Staff Development Plan

It is proposed that for the year 2009/10, the health and safety service will be delivered within existing resources. If, during the course of the year, it becomes apparent that the service may be under resourced, priorities in other areas of work will be reassessed and additional resources will be directed to the health and safety services in order to deliver service objectives to the necessary standard.

6.0 Review

6.1 Review Against the Service Plan

The Service Plan will be reviewed at least annually and reported to the Licensing Committee. The review will link into the annual budgetary process and the review of Best Value Performance Plans.

Performance is monitored monthly with a quarterly management review of progress.

6.2 Identification of Any Variance from Service Plan 2008/09

The targets specified in last year's service plan were for the most part met. The Council participated in all of the project areas identified within last year's service delivery plan to some extent although the time commitments for the Fit3 projects were over optimistic.

6.3 Key Service Achievements 2008/09

In addition to routine work, significant progress has been made in relation to overall service improvements. Key service achievements over the period of the plan include:

- Focused inspections of premises – considering priority topic areas including slips and trips, falls from height, asbestos. A total 249 inspections were undertaken including 94% of those premises identified through the risk rating programme;
- Completion of the Safer Business Community Project in partnership with the HSE. The project also involved joint working with NYPolice and NY Fire and Rescue. This was by far the biggest project of last year comprising three distinct phases: - Phase 1 – all businesses on the three chosen industrial estates were sent a “Health Check” Questionnaire, Phase 2 – a mobile advice surgery was held at each of the three industrial sites and Phase 3 – the inspection phase. A total of 6 LA inspectors undertook 92 focused health and safety inspections and served 18 Improvement Notices;
- Participation in BUPA Care Homes project in partnership with the HSE;
- Awareness raising of slips and trips and dermatitis in food/catering premises;
- Continued operation of an accident investigation selection criteria together with the use of standard letters to assist with investigations;
- Delivery of training plan to ensure officers remain competent in line with HASWA Section 18 Guidance, encompassing free training through HSE;
- Ongoing involvement in the Harrogate District Health and Safety Forum – including events on the topics of risk assessment, stress management and young persons and children;
- Increased provision of health and safety information on the Council's website;
- Commencement of Beauty Premises Project;
- Completion of motor vehicle inspection premises.

6.4 Areas for Improvement 2009/10

The following areas of service development have been identified for 2009/10:

- To participate in the chosen national projects and other local project work;
- To fully implement and monitor against the Health and Safety Quality Management System and participate in the North Yorkshire CEHO's inter-authority quality audit;
- Accreditation of the Quality Management System;
- To review delivery of health and safety training courses;
- To update and manage the health and safety premises database through ongoing survey work and review of information;
- Continued support of the Harrogate and District Health and Safety Forum;
- To continue the development of web pages on Council website.

Glossary of Terms

Approved Code of Practice (ACOP)

Document with special legal status approved by the Health and Safety Commission; failure to comply is evidence that an offence has been committed.

Authorised Officer

A local authority inspector duly authorised under the Health and Safety at Work etc. Act 1974 to undertake health and safety enforcement work.

COSHH

Control of Substances Hazardous to Health Regulations 2002(As Amended)

CQC

Care Quality Commission (formerly the Commission for Social Care Inspection)

EMM (Enforcement Management Model)

A model that the HSE and LAs must have regard to. The model assists EAs in determining appropriate enforcement action.

Fit 3

Fit for life, fit for work, fit for tomorrow – strategy to deliver reductions in work-related accidents and ill health

Hazard

An object or situation with the potential to cause harm (injury, ill-health or damage).

HELA

Health and Safety Executive and Local Authority Enforcement Liaison Committee; national forum for discussion, producing information and advice.

HELA LAC 67/1

Local Authority Circular produced by HELA and giving advice to Local Authorities on prioritising inspections by quantifying the risks posed by a business

HSE

Health and Safety Executive with direct enforcement responsibility as well as policy development.

HSL

Health and Safety Laboratory, the research and development arm of the HSE.

Improvement Notice

A statutory notice stating that there has been a breach of a relevant statutory provision (RSP) and may specify steps/work to be undertaken to comply with legislation in a specified timescale

Lead Authority/Lead Authority Partnership Scheme

Collaboration between a national company and local authority to ensure consistency of approach to health and safety.

Pedestrian Expert Slipping System

A device for determining the surface roughness of flooring which can be used to estimate the non-slip properties of the flooring under certain environmental conditions

Primary Authority Scheme (PAS)

A scheme introduced under the Legislative and Regulatory Reform Act 2006 to ensure consistency of enforcement against National Companies. Requires an LA/business entering into a contractual agreement.

Prohibition Notice

A statutory notice which stops work in order to prevent serious personal injury

Risk

The likelihood of harm occurring

RSP

Relevant Statutory Provision – Health and Safety at Work Etc. Act 1974 and associated regulations.

Stakeholder

An individual/group having an interest such as an employer, employee or member of the public.