

South Somerset District Council
Health & Safety Workplan Strategy 2017-18

Pre-amble

National Local Authority Enforcement Code

The National Local Authority Enforcement Code has been published by the HSE to help improve the targeting of health and safety inspections – ensuring that local authority checks are more focused on serious risks and poor performers.

There are over 1.7 million workplaces which are regulated by Local Authorities and it is neither proportionate nor effective to deliver a regulatory function based on the regular inspection of individual workplaces – particularly since many of those workplaces will be managing their risks effectively.

Inspection can be very effective in the right circumstances – where individual face-to-face contact with a duty holder is necessary to influence their management of risk. However, it is the most resource intensive form of intervention and should be limited to the highest risk premises; conversely it may not be considered the best use of public resource to inspect comparatively lower risk premises.

The Code and supplementary list of activities and sectors identified for proactive inspection can be found at <http://www.hse.gov.uk/lau/la-enforcement-code.htm>

Helping Great Britain Work Well Strategy 2016

The new Health and Safety strategy, 'Helping Great Britain Work Well' was published during February 2016. This is a five year strategy that sets out six strategic themes for the whole of the GB health and safety system. LA workplace health and safety regulators are a key part of that system, and will be expected to play their role in:

- Encouraging and recognising improvements, being increasingly joined up to deliver improved outcomes and minimise unnecessary burdens on businesses;
- Continuing to promote the risk-based, goal-setting regulatory regime that has served health and safety in Great Britain so well;
- Working with partners in the system to make workplaces safer and healthier, providing a level playing field for responsible employers with regulators and co-regulators, by advising, promoting, and where necessary, enforcing good standards of risk control;
- Using proportionate, risk-based regulation to support better outcomes, innovation and the safe use of new technologies;
- Developing services and products that contribute to improved management and control of risks, sharing our knowledge, and
- Continuing the dialogue and conversation with stakeholders to make the system better, always looking to provide simple, pragmatic advice and support.

Full details on the strategy can be found at <http://www.hse.gov.uk/strategy/index.htm>.

Local Authority Circular 67/2 (rev.6) – Setting Priorities and Targeting Interventions

LAC 67/2 (rev.6) replaces all previous versions and has been established to provide LA's with guidance and tools for priority planning and targeting interventions, enabling them to meet the requirements of the Code.

The Code provides flexibility for LAs to address local priorities alongside the national priorities set by HSE. LA's should construct their work plan for a given year to deliver specific outcomes. The plan consists of work to deliver those national priorities set by HSE, work to deliver local priorities and be accompanied by an inspection programme that meets the requirements of the Code.

SSDC Work Planning 2017-18

1. Setting Priorities in South Somerset

Current resource availability is 0.8 FTE. This is delivered by officers across the areas in addition to their food safety duties. In planning any pro-active work of the service it is vital that full consideration be given to resource allocation to ensure the best efficiency of the service. Reflecting on this year's guidance set out in LAC 67/2 (rev.6) the plan will consist of work to deliver:

a. National priorities set by HSE

i. Falls from height – work on/adjacent to fragile roofs/materials

Fragile roofs/skylights etc. can be found at many premises that fall to LAs for enforcement. Where they are identified during visits, Officers should discuss the associated risks, to ensure that prospective clients for repair and maintenance work (owner or building user) is aware of their duties under CDM 2015 and the precautions needed, referring them to the appropriate guidance above. On occasions, Officers may come across work on a fragile roof that is underway at the premises being visited (typically, small-scale repairs/maintenance such as gutter cleaning). The risks may give rise to a matter of evident concern (MEC), in which case, poor standards should be addressed with all duty holders – client, designers and contractors, and any enforcement action taken in accordance with the enforcement policy and, where appropriate, in collaboration with HSE. Guidance on safe working on fragile roofs can be found at <http://www.hse.gov.uk/pubns/geis5.htm>.

ii. Health risks - respirable silica dust

Dust, containing harmful respirable crystalline silica (RCS), can be generated during common operations such as block cutting, chasing brickwork and cutting concrete floors. During visits, Officers may come across minor construction work that is generating significant quantities of silica dust that give rise to a MEC. Poor standards should be addressed with duty holders and any enforcement action taken in accordance with the enforcement policy and, where appropriate, in collaboration with HSE. Guidance on construction dust can be found at <http://www.hse.gov.uk/pubns/cis36.htm>. Guidance on controlling construction dust can be found at <http://www.hse.gov.uk/pubns/cis69.htm>.

iii. Duty to manage asbestos

In premises likely to contain asbestos (i.e. built before 2000) Officers should draw duty holder's attention to their duty to manage such materials. On occasions, failure to manage the risks from asbestos (e.g. failure to maintain in a safe condition or minor construction work that breaches the fabric of the building without proper surveys, controls or planning) may need to be dealt with as a MEC during general visits. Where management of asbestos risks arises as a MEC and standards are particularly poor, Officers should take appropriate enforcement action in accordance with the enforcement policy and, where appropriate, in collaboration with HSE. Guidance on managing asbestos can be found at <http://www.hse.gov.uk/pubns/indg223.htm>.

Note¹: The SSDC website will be developed to include links to the HSE guidance set out in points (i) – (iii) above.

iv. Visitor attractions to prevent/control ill health arising from animal contact

During 2012/13 all premises identified within the target group received a mail-shot promoting current Industry/HSE/PHE guidance on prevention/control of ill health at visitor attractions. Officers will maintain an eye for any new businesses or local events within the target group and offer advice on the industry guidance where appropriate.

The SSDC website has been developed to include an advice and guidance page covering this topic. This will be maintained should further advice or guidance become available through the year.

v. Investigation of incidents and complaints

Officers should use the current Somerset Health, Safety & Food Group's complaint selection criteria process to select relevant incidents and complaints for investigation. The procedure can be found at <J:\FSL\Food, Safety\HSW\Complaint Investigation Selection Criteria>.

vi. **Proactive visits as part of a Home Office led cross agency operation to tackle labour exploitation**

LA's may be asked to support, at short notice, the Home Office's Immigration Enforcement initiative, Operation Magnify. This initiative will target businesses across the UK that employ illegal migrant workers. LA's will be contacted directly and requested to support operations where intelligence has identified occupational health and safety issues. The service will support and requests made by the Home Office.

vii. **Beverage gases in the hospitality industry**

Awareness of the risks associated with the handling of beverage gases in the hospitality industry will be raised during routine food hygiene visits to appropriate business. Such interventions will be recorded via the food inspection pro-forma currently in use. In particular, Officers' will highlight the need to provide safe systems of work and emergency procedures for cellar work, with emphasis given to the handling and storage of cylinders and work in confined spaces. A useful resource is available from the British Compressed Gas Association at http://www.bcgga.co.uk/pages/download_document.cfm?document_name=GN30.pdf

viii. **Gas safety in commercial catering equipment**

HSE has obtained information from Gas Safe Register suggesting commercial caterers are not fully aware of their duties under the Gas Safety (Installation and Use) Regulations 1998 and this can lead to appliances being deemed unsafe. Appliances include boilers, cooking ranges and more specialised equipment such as tandoori ovens and chapatti flammers. Officer's will continue to raise awareness, with duty holders, of the risks of exposure to carbon monoxide in commercial kitchens from badly installed or faulty appliances; poor ventilation resulting in lack of make-up air to support combustion; and/or inadequate extraction systems.

The SSDC website will be developed to include an advice and guidance page covering this topic. This will be maintained should further advice or guidance become available through the year.

ix. **Proactive visits to premises with buried metal LPG pipework**

Participation in the LLARD programme has previously taken place, with interventions carried out with those duty holders notified. At the time of writing there have been no further notifications raised by LAU.

x. **Welfare provision of delivery drivers**

HSE guidance on the provision of welfare facilities advises that, where practicable and appropriate, onsite toilet and rest facilities should be made available, when requested, to visiting workers such as delivery drivers. There have been industry concerns that such requests are often refused for a variety of reasons.

During all routine visits to LA enforced premises awareness will be raised of the requirement to make available welfare facilities to visiting workers when requested.

b. Local priorities

- i. Local information will be used to determine the key risks of serious workplace accidents, injuries and ill-health. This will help identify where resources can be prioritised and applied as the year unfolds.

LAC67/2 (rev6) Annex B, provides advice on the suitable information sources that will assist this process, but the key sources will include:

- LA Inspection/complaints database - risk ratings, past performance, local trends.
- Food Safety Officer observations – confidence in management, M.E.C. (see below).
- Registration/Licensing schemes - new businesses, changes in business activity, confidence in management.
- Adverse Insurance Reports (AIRs) - may indicate poor management, maintenance.
- Somerset Health, Safety & Food Group - Local trends, sharing good regulatory practice, methods of effective engagement, poor performing companies that operate in more than one LA.
- RIDDOR data - reported ill health and accidents, statistically comparisons and trends.
- National planning priorities - issues identified and analysed by HSE policy teams as having a national priority.

Matters of Evident Concern (MECs) are defined as those that create a risk of serious personal injury or ill-health and which are observed (i.e. self-evident) or brought to the inspector's attention. Matters of Potential Major Concern (MPMCs) are those which have a realistic potential to cause either multiple fatalities or multiple cases of acute or chronic ill-health.

- ii. MECs or MPMC's will be dealt with during advisory or other regulatory visits as well as complaints and incidents to identify any matters that may present a potential significant local issue. It is vital that any such intervention is adequately recorded at the time and within the FLARE business record. This will assist future identification and review of poor performers.

In setting this programme it is vital that consideration be given to service resource and capacity to achieve the aims set:

No.	Hazards	High Risk Sectors	High Risk Activities	Proposed Action
1	Health hazards from poor performance within health and beauty sector, with particular reference to ventilation in nail bars.	Beauty sector/nail bars	Nail bar activities	Database search to identify appropriate businesses within sector(s). Targeted use of self-assessment questionnaire and proactive inspection for management of risks resulting from falls from height. Develop website with appropriate advice/guidance.
2	Health and safety hazards associated with the management of swimming pools	All non-LA managed pools	All Pool operations, including water management.	Annual pool inspections have not taken place for several years. This programme will follow those procedures previously developed.

c. Sector Strategy – Proposed Pro-Active Inspection Projects

HSE will undertake an annual review of the national priorities and produce a list of high risk activities within the specific LA enforced sectors where pro-active inspection may be used. The local authority has the discretion to decide whether or not pro-active inspection will be the most appropriate intervention for the sector(s) chosen. The list of activities/sectors for proactive inspection by LAs during 2017-18 can be found at <http://www.hse.gov.uk/lau/activities.pdf>.

d. Risk Rating System

There is no longer a requirement for LAs to report to HSE (via the LAE1), details of the risk rating of the premises visited (Category A, B1, B2 or C). The annex on risk ratings that used to be part of previous versions of the LAC 67/2 guidance has therefore been removed.

Note: During 2016 HSE's Field Operations Directorate introduced a new risk rating system. Once this system is fully operational LAU will assess whether or not this new risk rating system will benefit LA regulators. Any new system is unlikely to be introduced before 2017-18 at the earliest.

f. Maintaining Business Records

Without an official system of new business notification, e.g. OSR1, maintaining accurate, up-to-date database details of all businesses subject to LA enforcement within the district remains difficult. To ensure the database remains accurate and up-to-date the service will continue to seek all opportunities to maintain the FLARE database.