

**BRENTWOOD BOROUGH COUNCIL**

**ENVIRONMENTAL HEALTH**

**STATUTORY HEALTH AND SAFETY SERVICE  
PLAN FOR HEALTH AND SAFETY LAW  
ENFORCEMENT  
2015/16**

Drawn up in accordance with the Health and Safety  
Commission's Guidance issued under Section 18 of The Health  
and Safety at Work etc Act 1974

Approved by the Community and Health Committee - 22<sup>nd</sup> June  
2015

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## INTRODUCTION

This is Brentwood Borough Council's 2015/16 Health and Safety Service Plan dedicated to the health and safety enforcement function. It covers all elements of safety relating to premises and functions falling within this local authority's remit for health and safety enforcement (*refer to the Health and Safety (Enforcing Authority) Regulations 1998 and Operational Circular No. OC 124/11*).

The Health and Safety Service Plan is an expression of this authority's commitment to the development of the Health and Safety Service and is a requirement of the Health and Safety Commission (HSC) as the body that monitors and audits local authorities' activities on health and safety enforcement.

The format and content of this service plan incorporates mandatory guidance issued by the HSC under Section 18 of The Health and Safety at Work etc. Act 1974. This section is the standard which local authorities must reach in relation to priorities and planning.

The health and safety enforcement scene across the UK continues to undergo dramatic change. Through its actions via LA Code of Practice LAC 67/2 (draft revision 4.1) and modifications to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations the Government has sought to reduce the amount of local authority interventions by approximately 1/3 to lower the burdens upon business and to increase interventions within riskier businesses. As a consequence of this instruction however, local authority inspections have dropped by an average of 95% and prosecutions dropped by 33%. Where health and safety interventions would commonly take place alongside food hygiene inspections this no longer routinely occurs as Councils have been directed away from visiting almost all lower-risk commercial premises. Similarly, few accidents are now reported to local authorities as the requirement to notify has been increased from three to seven days. Furthermore, local authorities are now expected to use 'intelligence information' to root out poor practices but the requirement to register premises for health and safety enforcement has also ended making this task almost impossible. It is arguable that this move has now put more employees within UK businesses at risk including those within Brentwood and local government enforcers including this Borough as part of the Essex Authority Health and Safety Liaison Group have sent warnings to Central Government about this. Concerns have also been sent by the Chartered Institute of Environmental Health which represents local authority Environmental Health Officers.

For 2015/16 then, the interventions likely to be achieved by Brentwood Borough are likely to fall still further on what has been achieved in previous years. The Authority remains under a statutory obligation to enforce health and safety law but cannot carry out interventions where it has been instructed not to. Work in 2015/16 will therefore mainly consist of health and safety projects where risks in certain sectors can still be identified, although such projects cannot be maintained indefinitely as they will become burdens on particular businesses themselves. The situation is unlikely to turn around unless there is change in government policy or UK accident rates increase.

Brentwood Borough Council will therefore continue to inspect/carry out interventions in all permitted premises/activities within its enforcement remit and will investigate all significant accidents and incidents brought to its attention.



Ashley Culverwell  
Head of Borough Health Safety and Localism

May 2015

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## **SECTION 1: SERVICE MISSION STATEMENT**

The Environmental Service Mission Statement is: -

Environmental Health - 'seeks to remove or control those adverse factors affecting health, safety and well being in the living and working environment that come within its remit by educating, advising, monitoring and enforcing relevant statutory duties and discretionary powers.'

## **SECTION 2: SERVICE AIMS AND OBJECTIVES**

### **2.1 Aim**

2.1.1 The aim of Environmental Health is to ensure that the health and safety of those who live, visit, and work within the borough is not adversely affected by the work or activities undertaken by any employer – '*so far as is reasonably practicable*' (reference: Health and Safety at Work etc. Act 1974).

### **2.2 Objectives**

The objectives of Environmental Health are: -

2.2.1 To secure '*so far as is reasonably practicable*' compliance with health and safety legislation and seek to ensure that regard is had to Approved Codes of practice and guidance issued by the Health and Safety Commission.

2.2.2 To support the Government's 'Strategy for workplace health and safety in Great Britain to 2010 and beyond' (Ref <http://www.hse.gov.uk/consult/condocs/strategycd.pdf>). This sets the following targets: -

- To develop new ways to establish and maintain an effective health and safety culture in a changing economy, so that all employers take their responsibilities seriously, the workforce is fully involved and risks are properly managed;
- To do more to address the new and emerging work-related health issues;
- To achieve higher levels of recognition and respect for health and safety as an integral part of a modern, competitive business and public sector and as a contribution to social justice and inclusion.

2.2.3 To increase the awareness of workers, including safety representatives, and managers in respect of:-

- Health and safety issues
- Specific skills in risk assessment and risk management
- Skills related to the hazards of particular tasks and occupations.

2.2.4 To raise awareness of the importance of health and safety training, encourage substantial improvements in the quality and quantity of health and safety training, and promote an awareness of the importance of competence in controlling risk.

2.2.5 To provide health and safety interventions that form part of the national strategy to reduce accidents, ill health and sickness absence through participation in major and local campaigns.

## **2.3 Links to Corporate Objectives and Plans**

2.3.1 The Brentwood Council Corporate Plan 2013-2016 sets out the Council's ambitions, priorities and key pledges to residents and businesses over the next three years. The Plan seeks to reduce the burden on well-managed businesses and this Service Plan demonstrates that health and safety resources remain focused on the higher risk premises and activities. The Service will also continue to provide advice on compliance to both new and existing businesses and, to provide information via its website.

2.3.2 The policies set out in the Local Plan seek to achieve a balance between community health and development. The Service aims to reduce lost days through work-related ill health and work-related accidents and support economic development. The Borough aims to take a balanced approach to health and safety enforcement which safeguards health but does not act as a disincentive to business.

2.3.3. The Corporate Plan also includes indicators relevant to response times including complaints concerning health and safety.

## **SECTION 3: BACKGROUND**

### **3.1 Organisational Structure**

3.1.1 The structure of the Council and the structure diagram for Borough Health, Safety and Localism are attached as Appendix 1 and 2.

### **3.2 Scope of the Health and Safety Service**

3.2.1 To carry out a risk based health and safety interventions programme having regard to HELA Circular LAC 67/2 (revision 4.1). Although this is currently in draft form with no planned release date it is likely that the guidance will be adopted in its present form.

3.2.2 To investigate and resolve complaints about breaches of health and safety legislation having regard to the Health and Safety Commission's (HSC) guidance regarding 'Incident selection criteria' stipulated under HELA Circular LAC 22/13.

3.2.3 To investigate and take appropriate action following receipt of notifications of reportable accidents, diseases or dangerous occurrences.

3.2.4 To investigate and take appropriate action following receipt of asbestos removal notifications and unsatisfactory lift inspection and pressure systems reports.

3.2.5 To attend premises where allocated to local authorities and perform interventions, inspections, special visits, and revisits in relation to results and other investigations.

3.2.6 Take informal or statutory action including notices, seizure, prohibition, prosecution or issuing simple cautions to secure compliance with the legislation having regard to the Service's enforcement policy and HSC's guidance on the 'choice of appropriate enforcement procedures'.

3.2.7 Maintain an accurate database of health and safety premises in the Borough (*so far as is possible* - given that there is no longer any requirement for premises to notify their existence to Local Authorities) and record information to enable the completion of the six monthly LAE1 return to the Health and Safety Executive's (HSE) Local Authority Unit.

3.2.8 To receive and act upon all warnings sent by the HSE or HSC about dangerous practices or equipment as appropriate.

3.2.9 Provide advice and assistance to businesses and the public on health and safety issues.

3.2.10 Provide or arrange for the provision of health and safety training courses and one off courses designed for specifically targeted groups and promote both trade and public education of health and safety issues.

3.2.11 Comment on proposed health and safety legislation, codes of practice and other official documents as necessary and as requested.

3.2.12 To liaise with other organisations such as the Chartered Institute of Environmental Health, HSE, Essex County Council, the Essex Chief Officers Health and Safety Group, the Essex Health and Safety Liaison Group and the Fire Authority to ensure a consistent approach to the enforcement of health and safety issues.

### **3.3 Demands on the Service**

3.3.1 Demands on the Service include: - carrying out proactive inspections and interventions based on risk categorisation; carrying out health and safety projects targeting certain types of premises and activities for inspections and,



responding to and investigating work related accidents and incidents. Planned interventions account for the major demand.

### 3.4 Proactive Planned Interventions Programme

3.4.1 There are approximately 1092 known businesses in which this Local Authority is responsible for enforcing health and safety legislation. This number is not accurate as the Government has removed the need for any businesses to register with the local authority (unlike with food businesses). When questioned, the HSE have indicated that this should now be done on 'intelligence' only (but the HSE have produced little guidance on what this means).

The known premises within Brentwood Borough can be categorised as follows:

Type of premises	Approximate Number
Retail shops	282
Wholesale, Warehouse	70
Offices	270
Catering Services	177
Hotels	9
Residential Accommodation	19
Leisure & Cultural Service	119
Consumer Services & other Services	111
Other Premises	35
<b>Total</b>	<b>1092</b>

Figure 1.0: Approximate number of premises in Borough by type

3.4.2 In 2014/15 the Authority carried out a number of health and safety projects centered on known high-risk areas. This included asbestos awareness, and falls from height at residential care premises. A specific letter was written to relevant businesses to explain new guidance on storage and selling fireworks safely. The Authority also made available for the first time a downloadable 'Safer Work Better Business' Manual which can be obtained free of charge to businesses providing them with compliance information in a number of key areas. These formed the majority of interventions undertaken. Some premises were inspected based upon a risk rating they had received previously. This is likely to be the programme for 2015/16. In order for the authority to focus its inspections it is likely that it will once again need to carry out surveys to determine which premises reside within its district and therefore those requiring statutory actions. The Authority intends carrying out fifty health and safety interventions in 2015/16 relative to available premises/activities.

3.4.3 Local Authority Circular LAC 67/2 (rev 4.1) in draft requires LAs to use both national planning priority information and local information to determine the key causes of serious workplace accidents, injuries and ill-health, and to develop intervention plans targeted to poorly performing businesses.

3.4.4 The LAC states that; 'It is important that LAs are able to justify any inspections they undertake and to conform to the general Hampton principle of; *"no inspection should take place without a reason"* - 'it is no longer acceptable to target the inspection of a premises on health and safety grounds solely because:- another inspection is happening within the area or; an inspection is happening for another purpose or; there is no evidence or intelligence to suggest that there are significant risk factors present or; to undertake random checks on premises or new premises'. Inspections and interventions then will only therefore be carried out in relation to clear evidence of risk in each case.

3.4.5 The LAC requires LA's to consider the full range of interventions at their disposal for managing health & safety risks in their community, these currently are: -

**Proactive interventions:**

1. Partnership working
2. Motivating senior managers
3. Supply chain
4. Design and supply
5. Sector and industry wide initiatives
6. Working with those at risk
7. Education and awareness
8. Inspection (restricted to category A premises only)
9. Intermediaries
10. Best practice
11. Recognising good performance

**Reactive interventions:**

1. Incident and ill-health investigation
2. Dealing with issues of concern that are raised and complaints

### **3.5 Topic Based Interventions Work Plan**

3.5.1 In 2014/15 the Authority carried out a number of topic-based inspection programmes. As the Code is so prescriptive about what interventions can occur the inspection programme must abide by this. The topic-based interventions for 2015/16 will therefore include the following areas: - the dangers of exposure to asbestos, falls from height, electrical safety in food premises, swimming pool safety and gas safety in tandoori type restaurants..

### **3.6 Non-English speaking businesses**

3.6.1 Although a data base is being developed there is limited information available at present about the number of non-English speaking business proprietors. It is believed however that the two languages other than English as being significant are Bengali and Cantonese; however the majority of these proprietors are able to speak English or have some one present at the premises who can translate. Arrangements are in place for a translator to be contacted in emergencies. The Service ensures that appropriate guidance leaflets are available in foreign languages where appropriate and available.

### **3.7 Service hours**

3.7.1 The Service is based in the Town Hall which is situated in Brentwood. The normal hours of service are 8.30 a.m. to 5.00 p.m. Monday to Thursday and 8.30am to 4.30pm on Friday. Where necessary arrangements are made to deliver the service outside of these hours (e.g. in the case of routine inspections to premises which are only open in the evenings). No formal arrangements exist to guarantee emergency cover out of normal hours however senior officers' contact details are given out but this does rely on them being contactable.

### **3.8 Enforcement Policy**

3.8.1 This Service operates to the documented enforcement policy which forms part of the Service's specification (see Appendix 3). This policy has been reviewed having regard to the Government's 'Enforcement Concordat'.

## **SECTION 4: SERVICE DELIVERY**

### **4.1 Health and Safety Inspection Programme**

4.1.1 The new Code of Practice now clearly dictates what local authorities can inspect within their areas. Where this is ignored then there is a complaints structure in place to take local authorities to task should they stray from this policy. However, since last year the HSE has received only one allegation concerning local authorities' actions. Given that there is now so little to inspect, local authorities must rely on health and safety project work if they are to maintain their statutory duties. These projects will be formulated during the year once preliminary work has been undertaken to identify local risks once again.

4.1.2 During visits officers will also check that smoke free legislation is being complied with i.e. the display of appropriate signage and that smoking is not being allowed in public places and enclosed spaces. .

## **4.2 Revisits**

4.2.1 It is estimated that of those premises which receive a proactive inspection approximately 5% will require revisits.

## **4.3 Health and Safety Related Complaints**

4.4.1 The Service seeks to investigate all health and safety related complaints within the target period. It is estimated that there will be 10 such complaints during 2015/16.

## **4.4 Reports of Accidents Diseases and Dangerous Occurrences**

4.5.1 Notifications of accidents, diseases and dangerous occurrences are all considered upon receipt as soon as is practicable. A decision as to whether a full investigation is required is then made in accordance with the 'Incident Selection Criteria' (to be found within LAC 22/13). It is estimated that there will be 50 such notifications logged for investigation during 2015/16.

## **4.5 Lead Authority Principles**

4.6.1 The Council supports the principle of the Lead Authority system but currently the Service has no formal Lead Authority Agreement for any of the businesses in the Borough. However the Service does act in an informal advisory capacity as Lead Authority for one business.

## **4.6 Advice to Businesses**

4.7.1 The service encourages businesses to seek advice. It is preferable to resolve problems through co-operation at an early stage before the situation becomes serious, when formalised enforcement action may have to be considered. The service would like to be perceived by businesses as supportive and helpful.

4.7.2 Advice is mainly delivered on a one-to-one basis whilst officers are carrying out inspections, interventions and other visits but may also be given via telephone calls, seminars, news letters, leaflets, letters or telephone calls. Officers give advice in accordance with recognised guidance and codes of practice. Currently there are no specific health and safety related business partnerships or forums in operation.

4.7.3 Businesses are now able to download a copy of the Safer Workplace Better Business manual for the Councils' extranet. Each download in full or in sections will count for one intervention under the criteria as outlined under LAC 67/2 (REV 4.1).

## 4.7 Liaison with other Organisations

4.8.1 Arrangements are in place to ensure that enforcement action taken by the Service in the Brentwood Borough is consistent with enforcement action carried out in the neighbouring local authorities. This is achieved by: -

- Active support of the Essex Environmental Health Managers Group which includes regular meetings and contact between authorities.
- Partnership working with the Health and Safety Executive e.g. joint inspections.
- Brentwood is chair to the Essex Health and Safety Liaison Group where all matters pertaining to health and safety enforcement are discussed.
- Peer review bench marking exercises with other Essex Local Authorities.
- Regular discussions amongst officers in respect of HSE and HSC guidance.
- Attending Chartered Institute of Environmental Health's branch meetings, monitoring and responding to e-mail messages on the Environmental Health Computer Network (EHC Net).

## SECTION 5: RESOURCES

### 5.1 Financial Allocation

5.1.1 The financial allocation for 2015/16 is as follows: -

Cost Centre = Health and Safety (enforcement) 2015/16	
Area of spend	Amount £'s
Public Transport	333
Equipment	167
Publications	233
Clothing	67
Salaries	39,913
National Insurance Payments (staff)	6213
Pensions (staff)	4790
Recharges	36213
Contractors undertaking food hygiene enforcement and sampling	9833
Software Support & Maintenance	1000
Subscriptions	500
Payroll allowances	987
Books and Publications	690
<b>TOTAL</b>	<b>100,939</b>

Figure 2.0: Financial allocation.

## 5.2 Staffing Allocation

5.2.1 There are two full time employed officers and an additional employed officer on a three-day week: -

- Environmental Health Manager
- Principal Environmental Health Officer (full time), and
- District Environmental Health Officer (3 days per week)

5.2.2 Officers in these posts are authorised to enforce health and safety legislation consistent with their qualifications in accordance with the health and safety statute in place. However, it is intended to formally review comparisons against the published national guidance.

5.2.3 In addition to health and safety work they form a team which carries out duties in respect of food safety, infectious disease control, licensing animal welfare and smoke free requirements etc.

5.2.4 In addition to the field staff officers above there is also an allocation for administration and senior management support. A direct total of 0.3 FTE is allocated to the Health and Safety Service.

5.2.5 A budget of £9,833.00 is allocated for the work of outside consultants to carry out proactive inspections and to undertake special health and safety project work.

4.2.6 The number of staff and financial allocation available at these levels are deemed adequate to carry out the health and safety function as required.

## 5.3 Staff Development Plan

5.3.1 The Service ensures the necessary training is given to officers to enable them to carry out their duties competently. Annual appraisals of staff, during which training needs are assessed, has taken place for approximately 20 years.

5.3.2 In addition minuted monthly team meetings take place during which training needs are discussed. Brentwood Borough Council chairs the Essex Health and Safety Liaison Group. These meetings provide a useful forum for identifying common training needs for health and safety enforcement officers throughout the county. Suitable low-cost courses are then organised to meet these needs. Internal training has proved to be a successful way of meeting training needs.

5.3.3 Currently the Environmental Health Officers in this team are voting members of the Chartered Institute of Environmental Health (CIEH), and are Chartered Members of the Institute. The Service supports officers wishing to

obtain Corporate Membership of the CIEH by taking the Assessment of Professional Competence (APC).

5.3.4 All Environmental Health Officers that are members of the CIEH are required to undergo at least 20 hours of continuous professional development (CPD) per year. Officers wishing to maintain their chartered status must undergo at least 30 hours. Officers that are members of the Institution of Occupational Safety and Health (IOSH) are required to maintain their competence with 30 points obtained in continuous professional development over a three year period. The service supports attendance at IOSH meetings in order to facilitate this requirement.

5.3.5 The Environmental Health Manager is qualified to Masters Degree level within the area of occupational health and safety. The Environmental Health Manager also manages the Council's Corporate Health and Safety Service as the Strategic Health and Safety Coordinator. The Principal Environmental Health Officer is qualified to Post Graduate Diploma level in occupational health and safety and is a Chartered Member of IOSH. The District Environmental Health Officer is a Chartered Member of the CIEH and has both a B.Sc (Honours) Degree and NEBOSH Diploma in Occupational Health and Safety.

#### **5.4 Section 18 Compliance**

5.4.1 Both the Health and Safety Executive and Local Authorities have a duty to 'make adequate arrangements for enforcement' under Section 18 of the Health and Safety at Work Act. Local Authorities are required to perform this duty in accordance with mandatory guidance from Health and Safety Commission. To this end 'Local Government Regulation' has in partnership with the Health and Safety Commission produced a toolkit with which Local Authorities may assess their current level of service against a prescribed standard. This in turn enables an action plan to be produced in order to address any shortcomings identified and participate in a joint peer review process. The Borough completed this assessment in 2010/11 and received peer review upon it in 2011/12. Any shortfalls identified via the self-assessment and peer review processes have been actioned.

#### **5.5 Regulators' Development Needs Analysis RDNA**

5.5.1 Under Section 18 every enforcing authority must: -

- (a) have a system to train, appoint, authorise, monitor and maintain a competent inspectorate, and
- (b) have a documented policy and procedures covering appointment, authorisation and competence.

5.5.2 To meet this standard the authority has put in to place a system for appointing and authorising suitably qualified inspectors under Section 19

HSWA; implementing standards of competence, and making arrangements so that competence levels may be maintained. This will require appropriate officer training.

## **SECTION 6: QUALITY ASSESSMENT**

### **6.1 Assessing Levels of Quality**

6.1.1 In recognition of the need to provide an effective health and safety enforcement service to both the public and proprietors of businesses, various systems are in place or are being considered to ensure that the quality expected by service recipients and the Council is delivered.

6.1.2 The following systems assist in assessing and ensuring the correct level of quality is provided:-

- Bench marking (peer review) exercises with other health and safety services in Essex,
- A small number of joint inspections with the health and safety enforcement officers' line manager which provides an opportunity to assess the officers' inspection techniques and to discuss the outcome,
- Monitoring the quality of inspection reports and risk-rating,
- A Section 18 assessment of the health and safety service,
- Implementation of the Regulators' Development Needs Analysis (RDNA) tool for officer competencies,
- Monthly Team meetings for sharing good practice and consistency,
- Counter signing of formal enforcement notices prior to service,
- Monitoring of copy letters which have been sent out by officers,
- Development of an aide-memoir form, providing permanent record of the findings of each inspection, which can be monitored and discussed,
- Documentation of various procedures,

## **SECTION 7: REVIEW**

### **7.1 Review against the Service Plan**

7.1.1 Under the current performance management framework service plans included a number of targets and performance indicators. During the course of the year Borough Health, Safety and Localism formally monitors its performance against targets on a quarterly basis. Performance indicators in



relation to the Health & Safety Service that are currently in the corporate performance management framework document may be reported to members during that year.

## **7.2 Identification of any Variation from the Service Plan**

7.2.1 The performance levels for inspections during the period 2015/2016 will be reported against any indicators adopted by the authority (there are none currently).

## **7.3 Areas of Improvement**

7.3.1 The Service is continuing to develop and review documented internal quality management system in respect of its core processes.

## **7.4 Enforcement Policy and Practices**

7.4.1 During 2007/08 the Council's enforcement policy was reviewed to ensure that it embraced the principles of the enforcement concordat following a consultation exercise. As a consequence the service will: -

- Develop policies and procedures to compliment the enforcement policy and aid consistency.
- Implement further systems for ensuring consistency between officers including: -
  - I. Develop checklists/aide memoirs for sector specific inspections, e.g.in relation to the various project areas identified.
  - II. Revisit premises that have been given deadlines for compliance, particularly if non-compliance would result in formal action such as a Health and Safety Improvement Notice/prosecution.

## **7.5 Managed Work Programme and Service Plans**

7.5.1 The Authority will consider how enforcement activity can be aimed at lower risk premises which are not targeted for inspections, e.g. by the use of questionnaires.

## **7.6 Training and Competence**

7.6.1. In association with its application towards the Section 18 Standard the Borough has provided a written policy for the authorisation of officers to enforce health and safety law, incorporating a statement on competence, authorisation, appointment, training and supervision of officers. The Authority is able to demonstrate that it only appoints inspectors who possess the necessary competencies to perform the tasks which they are authorised to carry out.

7.6.2 In association with the peer review assessments, the Authority will develop a competency assessment procedure that incorporates the standards outlines in Annex 2 of the Section 18 guidance. In particular, it will detail how the Council ensures that officers: -

- Can identify the authority's objectives, plans and priorities and contributed to them effectively.
- Manage their time effectively to ensure efficient use of resources.
- Adequately report their findings from inspections.
- Are able to investigate accidents, incidents, ill health and complaints.
- Can plan, gather evidence and prepare prosecution reports.
- Can draft and serve Health and Safety Notices and similar documents.

7.6.3 The Authority will keep written records for all officers, detailing the results of any competency assessments that have been made. It will similarly review and update assessments on a regular basis.

7.6.4 To avoid any conflicts of interest all officers must disclose any other organisation for which they undertake work as is the policy of this Council. All officers must comply with their professional code of conduct.

## **7.7 Investigations and Accidents, Complaints etc.**

7.7.1 The Authority has: -

- Provided a documented policy for responding to reported accidents and complaints.
- Specified the response times to accidents. The procedure takes into account the HSE publication 'Work-Related Deaths, A Protocol for Liaison' when investigating fatalities.
- Implemented a system for following up on initial enquiries and reviewing investigations on completion.

## **SECTION 8: TARGET/STANDARDS**

### **8.1 Targets and standards applied**

8.1.1 The following targets and standards are utilised: -

- (i) To complete interventions within approximately one hundred businesses
- (ii) To carry out topic-based interventions projects in relation to high risk businesses and activities.

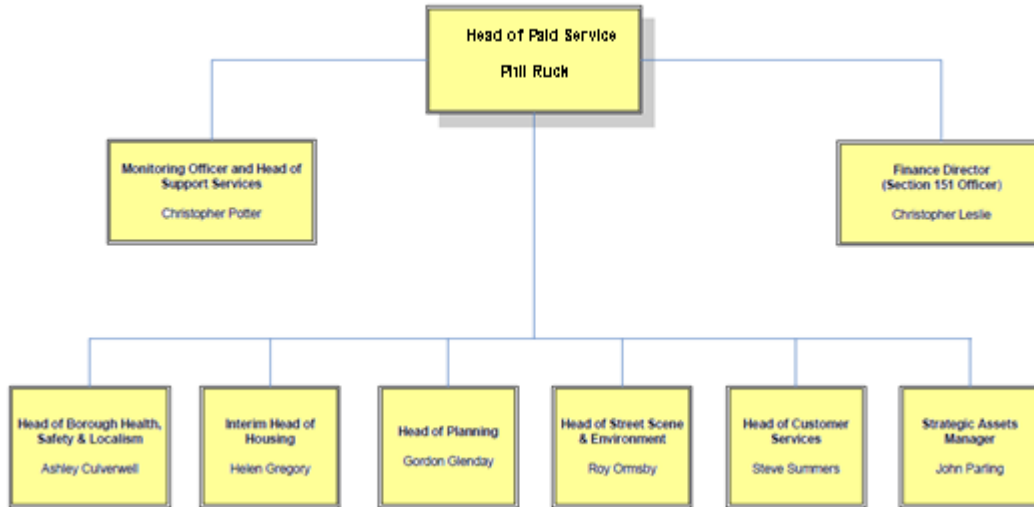
- (iii) To take informal or statutory action including prosecution to secure effective and speedy compliance with legislation having regard to Approved Codes of Practice, HSC and HELA guidance and Environmental Health Services Enforcement Policy.
- (iv) To assess and respond to health and safety related complaints including notifications of accidents, asbestos removals, lift reports and other requests for service according to the initial assessment of urgency based upon the information available, but in any event not later than 5 working days.
- (v) To attend the Essex Health and Safety Liaison Group and to liaise with other District Councils, Essex County Council's Trading Standards Department and Fire Authority, and HSE.
- (vi) To accurately record and submit annual LAE1 returns of all the information requested by the HSE local authority unit based on the performance of the Service.

## **SECTION 9: PERFORMANCE INDICATORS**

### **9.1 Performance indicators applied: -**

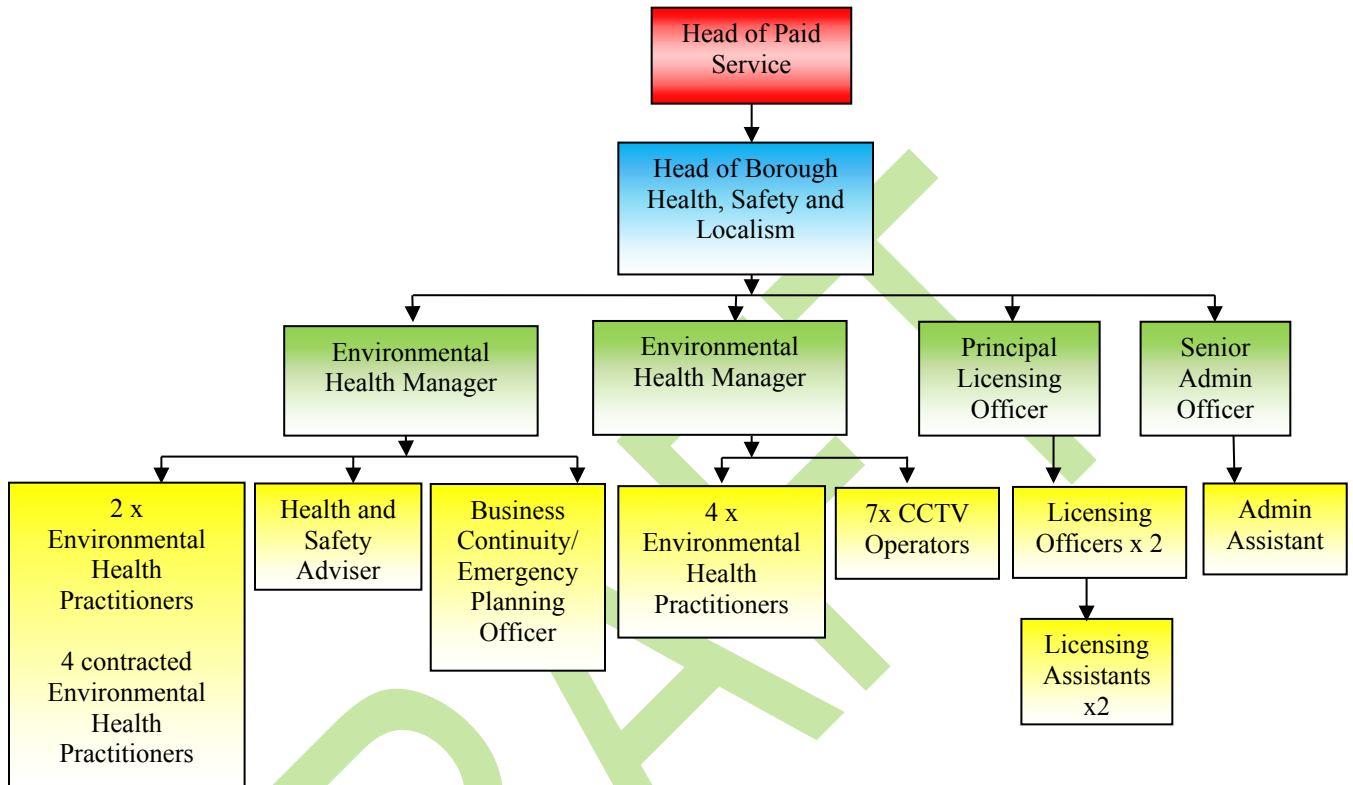
9.1.1 No formerly reported performance indicators are applied, however, routine management performance indicators are maintained.

**Appendix 1 – Structure of the Council**



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**Appendix 2 – Borough Health, Safety and Localism Structure**



## **Appendix 3 ENVIRONMENTAL HEALTH AND LICENSING ENFORCEMENT POLICY**

### **INTRODUCTION**

Local Councils enforce legislation to protect individuals and the community as a whole. Environmental Health and Licensing Services carry out a range of activities with the aim of achieving this and to achieve compliance with legislation by individuals and businesses. To help achieve this, the Service will: -

- work within the legal framework and apply the law fairly
- deal with customers with honesty and integrity
- remain responsive to customer needs
- work in partnership with groups which represent our customers
- make the service accessible
- use the resources available to the maximum benefit of our customers
- train and develop our staff to ensure their effectiveness
- treat our staff and customers equally, regardless of race, colour, ethnic or national origin, sex, marital status, disability, age, sexual orientation or political beliefs.

The purpose of this document is to publicly summarise how the Council's adopted enforcement policies for Environmental Health and Licensing seek to achieve compliance. It should be noted that there are some additional service-specific enforcement requirements i.e. health & safety and food safety. Detailed service-specific policies and procedures, where needed, are separately held, updated, audited and reviewed by the Service. Information on these may be obtained from Environmental Health and Licensing Services.

### **COUNCIL AIMS AND OBJECTIVES**

Brentwood Borough Council has set out its strategic aims and objectives and Environmental Health and Licensing Services of the Council carry out their duties in support of these aims. The specific aims and objectives relating to enforcement services can be found in the Service Plans. These along with the Council's corporate aims and objectives can be obtained from the Town Hall or by visiting [www.brentwood.gov.uk](http://www.brentwood.gov.uk).

These objectives will be achieved through education, guidance, advice and warning letters and, where necessary, by appropriate legal action, including the service of statutory notices, compliance notices, suspension notices, prohibitions, formal cautions and prosecution.

The Human Rights Act 1998, which came into force in October 2000, places general obligations on enforcement bodies to ensure fair treatment for all, to prevent any form of prejudice and to provide a right to privacy. This policy reflects the provisions of this Act in general terms as officers are required to follow agreed policies and procedures

and work within their legal powers. Individual team procedures and guidance notes will cover specific areas of the Services' work where particular care must be taken to ensure the Act is followed.

Enforcement decisions and actions will be made with due regard to the provisions of:

- The Human Rights Act
- Equal rights and anti-discrimination legislation
- Service specific legislation
- All other relevant legislation applicable from time to time
- Crown Prosecution Service guidelines

If it is in the public interest, matters concerning non-compliance may be shared, where appropriate, with other enforcement agencies. This could include situations where there is a shared or complementary enforcement role with other agencies, such as the Police, Health & Safety Executive (HSE), Office of Fair Trading (OFT) or Trading Standards. Any such action will be undertaken in compliance with the Data Protection Act 1998. Other requests for information will be considered having regard to the Freedom of Information Act 2001 and the Data Protection Act 1998.

The Services have incorporated within the enforcement policy all aspects of good enforcement practice in accordance with the elements of the Enforcement Concordat, which the Council has signed (a full version of the Enforcement Concordat is available by visiting [www.cabinetoffice.gov.uk](http://www.cabinetoffice.gov.uk) the Cabinet Office web site).

The use of enforcement action will be proportional to any offence committed, consistent in application (including, where relevant, consistency with other local authorities or enforcement agencies), transparent in its use and appropriate to the circumstances of the particular case in question. In particular:

- The policy is readily available at The Town Hall or by visiting [www.brentwood.gov.uk](http://www.brentwood.gov.uk) on the Council's web site or can be sent on request.
- A copy of any relevant service-specific enforcement procedures will be available on request.
- We will consult with our customers to obtain continuous improvements to our policy and procedures.
- We will ensure that businesses are not required to carry out works at unnecessary expense.

Environmental Health and Licensing Services will carry out their enforcement functions in an equitable, practical and consistent manner and to this end the Services are committed to:

- drawing up clear standards, setting out the level of service and performance the public and business people can expect to receive;
- dealing with the public and business community in an open and honest way;
- providing a courteous, efficient and helpful service;

- responding promptly and positively to complaints about the service;
- ensuring that enforcement action is proportionate to the risks in each case.

While it is understood that it is primarily the responsibility of individuals and businesses to ensure compliance with relevant legislation, the Council will help them, where possible, to understand their legal responsibilities. The aim of the Council is to secure compliance with the legislation, which it will do by making the most efficient use of the Council's resources and having regard to minimising burdens on businesses.

This policy supports and supplements specific guidance on enforcement action contained in statutory Codes of Practice, government guidelines, approved industry guides, co-coordinating bodies such as the Local Government regulation (LGR), the Health and Safety Executive/Local Authority Enforcement Liaison Committee (HELA) and other approved sources.

### **ENFORCEMENT OPTIONS**

Enforcement decisions shall be consistent, balanced, fair and relate to common standards that ensure the public, businesses, employees and the environment are adequately protected.

In order to achieve and maintain consistency of enforcement, officers will have regard to official guidance and codes of practice.

In the areas of food safety the Home Authority Principle set up by LGR shall be adhered to and in the area of health and safety the Lead Authority Principle shall be adhered to. Where applicable, the comments of the home, lead or originating authorities shall be considered.

The factors to be considered in coming to an enforcement decision include: -

- the seriousness of the offence;
- the past history of the offender;
- the confidence in management and the degree of wilfulness involved;
- the consequence of non-compliance;
- mandatory/discretionary duties;
- the likely effectiveness of the various enforcement options;
- the different technical means of remedying the situation;
- the impact of the enforcement choice in encouraging others to comply with the law;
- the public interest/benefit.

In the event of a contravention being detected, the following enforcement options are available: -

- Advice or warning letter



- Statutory powers, for example service of notice or seizure provisions
- Simple caution
- Fixed penalty notices
- Prosecution
- Revocation of a license
- Injunctive restraint
- Execution of work required by statutory notice where the recipient has not complied and recovery of all reasonable costs incurred
- Compulsory purchase /management/control of property
- Fine and statutory charges.

In some cases a combination of these options may be appropriate. Officers will comply with Codes B, C and E of the Police and Criminal Evidence Act 1984 (PACE) as it relates to local authority enforcement.

Code B deals with police powers to search premises and to seize and retain property found on premises and persons. Code C sets out the requirements for the detention, treatment and questioning of suspects not related to terrorism in police custody by police officers. Code E deals with the tape recording of interviews with suspects in the police station.

### **ADVICE, ISSUE OF INSPECTION REPORTS, WARNING LETTERS**

If no breaches of legislation are discovered, or if the officer believes that a complaint or contravention does not warrant investigation or action, then it may be appropriate to take no action.

When a contravention is detected which, in the opinion of the officer should be dealt with by advice or warning letter, where appropriate the officer will issue a report of inspection specifying the details of the alleged infringements. Where the report or letter specifies a period of time in which corrective action should be taken, the officer will make a professional decision having regard to its priority and available resources as to whether a re-visit is appropriate to the premises to check compliance.

It will be appropriate to give advice or a warning when:

- the act or omission is not serious enough to warrant a simple caution or prosecution;
- from past history it can be reasonably expected that such action will achieve compliance;
- confidence in the individual and/or organisation is reasonably high;
- the consequences of non-compliance will not pose a significant risk to public health.

When such an approach is used to secure compliance with legislation, any written documentation issued will:

- specify the legislation that has been contravened;
- specify what remedial action is required, together with the reasons;
- ensure that any recommended areas of good practice which are above the minimum levels required by statute are clearly differentiated within the document;
- where examples are given of how compliance may be achieved, make clear that alternative means of compliance may also be acceptable;
- highlight the right to question works required by raising the matter with the relevant named manager.

In the case of health and safety matters, a copy will be sent to staff representatives.

### **STATUTORY NOTICES**

The statutory notice procedures will, in general, be used to enforce legislation which relates to risks to health or quality of life.

Failure to comply with statutory notices will, other than in exceptional circumstances, result in prosecution and/or works in default.

All statutory notices will be signed by an appropriately trained, experienced and authorised officer. The officer will be satisfied that the contravention is significant and that all appropriate criteria are met.

Sufficient evidence will be available to justify the notice, and details of all evidence will be properly recorded to satisfy PACE and Criminal Procedure and Investigation Act (CPIA) requirements.

Time limits given will be reasonable.

Other relevant bodies will be informed of the action as necessary, for example home or lead authorities, originating authorities, and copies will be forwarded on request.

Recipients of notices will always be informed in writing of their rights to appeal and these will normally be on the rear of the notice. They will also normally be informed in writing of the consequences of non-compliance.

In the case of breaches of Health and Safety legislation, copies of notices will be made available to staff representatives. Notices having public safety or environmental implications will be placed on a register accessible to members of the public on request where this is a statutory requirement to do so.

Compliance with the notice will be checked as soon as practicable after the expiry date of the notice. Reasonable requests in writing for time extensions to notices will be considered having regard to the seriousness/threat to public safety and the environment.

Confirmation of an extension of time or reason for a rejection of an extension of time will be put in writing to the applicant.

Works in default: - Where the powers of works in default are available, officers will consider the options and take the most appropriate form of action in each case, having regard to the benefit of carrying out the works, likely resultant harm if the works are not carried out and the practicalities of undertaking the works.

### **SIMPLE CAUTIONS**

National standards for “The Cautioning of Offenders” are laid down in a Home Office Circular.

The option of cautioning is considered on the basis that there is no rule of law that suspected offenders MUST be prosecuted and that cautioning represents a possible alternative course of action. Simple cautions will therefore be issued in accordance with the current Home Office circular, and will be considered against the criteria listed below.

A properly administered simple caution (which should not be confused with a letter of warning) may be cited at a future court hearing provided that the caution was administered for an offence committed within three years of the offence for which the prosecution is brought.

A prosecution will only take place where it is in the public interest and where there is sufficient evidence (see prosecution section below) to support that course of action. In cases where there is sufficient evidence to warrant a prosecution but the public interest would not benefit from such a course of action, then a simple caution may well be appropriate.

Where a simple caution has been accepted other relevant bodies will be informed of the action as necessary, for example home or lead authorities, originating authorities, and copies will be forwarded on request.

Simple cautioning will not be used as an alternative to a weak prosecution case.

A simple caution may be issued as an alternative to prosecution. Simple cautions will be issued to:

- deal quickly and simply with less serious offences;
- divert less serious offences away from the courts;
- reduce the chances of repeat offences.

In considering whether to administer a simple caution the following criteria must be met:

- there must be evidence of the offender's guilt sufficient to give a realistic prospect of conviction. In other words a conviction should be more likely than an acquittal before a court of law;
- the offender must admit the offence; and
- the offender must be an adult and must understand the significance of a caution and give informed consent to being cautioned. This agreement will not be sought until it is decided that cautioning is the correct course of action.

In deciding whether to caution or prosecute the following factors must be taken into consideration:

- the nature and seriousness of the offence;
- the likely penalty if the offender was convicted by a court;
- the offender's age and state of health;
- the offender's previous criminal history;
- the offender's attitude towards the offence;
- the views of the victim or any aggrieved party;
- whether compensation has been paid;
- public interest;
- the likelihood of re-offending.

If a prosecution is deemed not to be required in the public interest it will often be appropriate to take no further action (other than to give advice) and this course will always be considered. However, the nature of the offence and other factors may make it more desirable to issue a caution.

If an offender refuses to accept a simple caution, the service manager will reconsider the evidence and decide whether or not a prosecution should be instituted.

### **PROSECUTION**

The Council recognises that the decision to prosecute is significant and could have far reaching consequences for the offender.

Prosecution will in general be restricted to a minority of circumstances where there is a blatant disregard for the law. Prosecutions will be related to risk, serious nuisance or other similar situations affecting any individual or the environment and will not be used as a punitive response to minor breaches.

The circumstances where prosecution is appropriate will include one or more of the following:

- Where there is a blatant disregard for the law such that there is a risk to public health, safety, well being or the environment;
- Where there is a failure to correct an identified serious problem after having been given a reasonable opportunity to do so by an authorised officer;

- Where the offence involves a failure to comply in full or in part with the requirements of a statutory notice;
- Where there is a history of similar offences.

In all cases the prosecution must be in the public interest and there must be a realistic prospect of conviction and sufficient evidence to support proceedings.

There may be circumstances where, as well as prosecution, it will also be appropriate to serve a statutory notice to enforce the remedy.

The final decision on whether to prosecute shall be made after:

- the suspected offender has been given the opportunity to offer an explanation;
- wherever possible a full and complete prosecution report file has been prepared and presented to the service manager; and
- the initiating officer has fully discussed the case with the service manager.

In deciding whether or not to prosecute for an alleged infringement, regard will be had to "The Code for Crown Prosecutors". In particular a prosecution should not be commenced unless the 'Evidential Test' and the 'Public Interest Test' criteria specified in the Code have been met.

In considering whether the relevant criteria are met, the following factors will be considered:

- The seriousness of the alleged offence; where there is a risk of harm to public health or a disregard of legal standards for financial reward;
- The previous history, in particular whether there is a history of similar offences, or a failure to respond positively to past warnings or statutory notices;
- Any likelihood of being able to establish a defense;
- The reliability of the evidence available;
- The ability of witnesses and their willingness to co-operate;
- Any willingness by the defendant to prevent a recurrence of the problem;
- The probable public benefit of a prosecution and the importance of the case especially with respect to legal precedent;
- Any explanation offered by the company or suspected offender;
- Whether the offence was premeditated;
- The need to influence the offender's future behavior;
- Whether the evidence shows the defendant is an organiser of the offence;
- Whether the defendant was in a position of authority or trust;
- The effect on the offender's, or a witness's physical or mental health, balanced against the seriousness of the offence;
- The views of any victims;
- Whether the offence, although not serious in itself, is widespread in the area where it was committed;
- Whether the offender has put right the harm caused;

- Whether there is a realistic prospect of conviction.

Factors against prosecution would be that a small penalty is likely to be imposed, or the offence is due to a genuine mistake or misunderstanding, but this must be balanced with the seriousness of the offence.

Consideration will be given to prosecuting directors of bodies corporate where:

- it appears that the offence was committed with his/her consent, connivance or neglect; or
- it is likely that the body corporate may be wound up to avoid criminal proceedings.

Prosecution of employees will only be considered in exceptional cases e.g. where the employee has clearly contradicted the employers' instructions; has been deliberately obstructive or has acted in a grossly negligent or wilful manner.

In cases of obstruction, prosecution will always be considered where this has resulted either in undue delay or in additional work/costs to the local authority, or where false information has been given deliberately.

Where there has been a death at work resulting from a failure to comply with health and safety law, the matter will be referred to the police if the circumstances of the case might justify a charge of manslaughter. The police are responsible for deciding whether or not to pursue a manslaughter case and this may occur alongside a prosecution for health and safety breaches. In all cases, the work related deaths protocol for liaison signed by the Police, British Transport Police, the Crown Prosecution Service, the Health and Safety Executive and the Local Government Association will be followed.

On completion of prosecution cases, officers must inform other interested bodies of the outcome of the case as necessary. In particular, any complainants or victims will be informed. The outcome of the case will be reviewed with the relevant service manager to discuss any necessary future action.

### **TRAINING, COMPETENCY AND AUTHORISATION**

Only duly authorised officers may undertake enforcement duties in accordance with the Council's scheme of delegation. Officers will only be authorised where their level of qualification, training and experience are considered acceptable. Newly appointed or transferred officers will also be assessed by their manager for competency and referred for training where necessary, in accordance with the training policy and the Council's 'Investors in People' appraisal scheme.

Officers undertaking enforcement duties will be suitably trained and qualified to ensure they are fully competent to undertake their enforcement activities. Qualifications will be based on current government guidance. Appropriate training programmes for officers will be set up to achieve the necessary competence. The training requirements to

achieve the necessary level of competence will be regularly reviewed by the service managers. Training will be prioritised within available resources.

Officers are responsible for ensuring they have regard to relevant guidance documents laid out in service procedures.

### **MANAGEMENT SYSTEMS**

The Council will maintain a management system to monitor and review the quality and nature of the enforcement activities undertaken in these services in order to demonstrate the effectiveness of the policy with respect to its aims and objectives and to recommend changes and improvements. This will be periodically reviewed by service managers.

Service managers will ensure all staff are trained to ensure they are fully conversant with this policy and arrange retraining and updating when necessary.

### **COMPLAINTS AGAINST THE SERVICE**

If any person is aggrieved with the action taken or information or advice given by officers of Brentwood Borough Council or believe they have not received fair or consistent treatment as outlined in this policy, they will be given the opportunity to discuss the matter with the relevant line manager.

If not satisfied by those discussions the matter can be taken up with the service manager, who will consider the complaints, decide whether the enforcement policy has been breached in this instance and give a reply in writing. This is without prejudice to any formal appeal mechanism. If the problem cannot be resolved, the person will be informed of the Council's complaints procedure.

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Annexe 1.0 Range of Interventions currently available

**LAC 67/2 Rev3 - Annex A**

**Intervention Types**

Intervention Types		
Proactive Interventions		
Type	Description	Examples
<i>Partnerships</i>	Strategic relationships between organisations or groups who are convinced that improving health and safety will help them achieve their own objectives. This may involve duty holders or trade unions, regulators, other Government departments, trade bodies, investors.	<p>Local Enterprise Partnerships (Leicester and Leicestershire) developing new relationships between businesses and regulatory services to reduce the regulatory burden on businesses; promote two way communication between businesses and regulatory services; supporting regulators to find the right balance between encouragement, education and enforcement and offering support from regulatory services for businesses.</p> <p>Hull City Council worked with work experience co-ordinators, secondary school children and other regulators/enforcement organisations from the coast guard to school wardens. Topics covered included: sensible health and safety, tattooing, road and fire safety, and workplace safety. Further work included supporting a website and Facebook page.</p> <p>The Estates Excellence (South East) project (including Slough BC, Royal Berkshire Fire and Rescue Service, the Federation of Small Businesses, EEF, SEGRO, SERCO, SERTUC and local business groups) set up to fulfil the need for advice and training for businesses and workers. Specially-trained visiting staff visit SMEs on targeted industrial estates to offer advice to managers and workers on how to 'Get it Right', 'Get Efficient' and 'Get Fit for Work' and provide free workshops, training, advice and guidance specifically targeted to a business' individual needs, including free access to basic occupational health testing for noise, vibration, dermatitis and lung function.</p>
<i>Motivating Senior Managers</i>	Encouraging the most senior managers to enlist their commitment to achieving continuous improvement in health and safety performance as part of good corporate governance, and to ensure that lessons learnt in one part of the organisation are applied throughout it (and beyond).	Business Engagement Partnership (North West Leicestershire)- Linking to a range of local partners including representatives from the Federation of Small business and Leicestershire Chamber of Commerce to get manager buy-in.
<i>Supply Chain</i>	Encouraging those at the top of the supply chain (who are usually large organisations, often with relatively high standards) to use their influence to raise standards further down the chain, e.g. by inclusion of suitable conditions in purchasing contracts.	<p>Given an LA's local focus, national supply chain activity is often outside of their remit (although large Primary Authority Schemes may help develop this).</p> <p>However there can be opportunities for LAs to get local supply chains to improve H&amp;S e.g. office cleaning suppliers, builder's merchants.</p> <p>LAs can also be involved in helping to collect intelligence that feeds into supply chain monitoring, often linked to trading standards or public health work e.g. sunbeds, tattoo inks.</p>
<i>Design and Supply</i>	Working with those who can improve health and safety by improving the design of processes or products.	Violence at Work/Retail Violence/Safe Bet Alliance (Similar schemes have been adopted by a number of LAs). Engagement and education have lead to outlets adopting a number of design and procedural changes to improve safety/stress of employees and the handling of incidents and their aftermath.
<i>Sector and Industry-wide Initiatives</i>	"Gearing" achieved by stimulating a whole sector or an industry to sign up to an initiative to combat key risks, preferably taking ownership of improvement targets.	Care Homes Falls Initiative – Derbyshire LAs working with their County PCT, CQC and Social Services developed an initiative to reduce the incidence of falls in care homes; ensure risk assessments are suitable and sufficient for resident safety; promote a patient-centred approach; and provide knowledge on best practice guidance, including from NHS, CQC and Department of Health.
<i>Working with Those At Risk</i>	Working with safety representatives, trade unions and other organisations that represent people put at risk by work activities to support them in their roles.	Polish Workers Scheme (Slough) - Using the local community structure and support groups to educate and communicate H&S messages to vulnerable migrant workers.
<i>Education and Awareness</i>	Seeking further ways of getting messages and advice across early to key target groups, particularly those who are difficult to reach, using channels such as small business groups, chambers of commerce etc. Promoting risk education as a curriculum item at all levels of the education system.	<p>Take away establishments (North Wales EHO Task Group) - Using awareness days and targeted mail shots to promote H&amp;S messages.</p> <p>Young Persons Road Show (Stockport) - LA working with Educational establishments to raise safety awareness of pupils so they can have a safe and productive work experience placement.</p> <p>Gas safety in catering premises (Ipswich) – Intelligence highlighted a poorly managed significant hazard within local catering premises. Food safety officers, health and safety officers and representatives from Gas Safe developed and organised a training day for the local businesses and enforcement officers. Subsequent intelligence gathering at catering premises, provided to Gas Safe, highlighted issues with gas engineers working out of scope.</p> <p>Talks to local Technical College students (Chichester) e.g. to construction students on asbestos awareness, to student Hospitality managers – on legionella control, to hairdressing students – on dermatitis.</p>



<i>Inspection and Enforcement</i>	<p>The regulators within the system will continue to use all the tools available to them. Targeted, risk based inspection and enforcement will remain a vital intervention.</p> <p>Inspection is the process carried out by warranted inspectors which involves assessing relevant documents held by the duty holder, interviewing people and observing site conditions, standards and practices where work activities are carried out under the dutyholder's control. Its purpose is to secure compliance with legal requirements and to promote improving standards of health and safety in organisations.</p> <p>Enforcement includes all dealings with dutyholders that result in the serving of notices; the withdrawing of approvals; the varying of licences, conditions or exemptions; the issuing of formal cautions; or prosecution; and the providing of information or advice, face to face or in writing.</p>	<p>Tandoor Ovens Initiative (Cheshire, Merseyside, St Helens) - Local concern lead to local knowledge being used to identify 40 restaurants considered to have a high risk and the targeting of these restaurants lead to the issuing of 50 enforcement notices.</p>
<i>Intermediaries</i>	<p>Enhancing the work done with people and organisations that can influence duty holders. These may be trade bodies, their insurance companies, their investors or other parts of government who perhaps are providing money or training to duty holders.</p>	<p>Using local HABIA and training college contacts to influence hair dressers and managers to take up published materials and working practices promoted by the 'Bad Hand Day' campaign - (Various LAs).</p>
<i>Best Practice</i>	<p>Encouraging the development of best practice examples with those organisations who are committed to "leading edge" performance and then using these examples to show others the practicality and value of improving their own standards.</p>	<p>Northwest Aerials Digital Switchover (Various LAs) - Campaign promoting best practice recommendations to improve H&amp;S, supported by information packs and awareness days. Reactive inspections used to respond to complaints, using flexible warrants.</p>
<i>Recognising Good Performance</i>	<p>"Where proper management of risks can be assured, HSE and LAs will not intervene proactively. This means we will discourage HSE and LAs from putting resources into issues where the risks are of low significance, well understood and properly managed."</p>	<p>Wakefield Healthy Business Awards – Funded by the Big Lottery this is a joint initiative between Wakefield Council and the local NHS and gives public recognition to workplaces that have taken positive action to improve employee's health and wellbeing.</p> <p>LA (Mendip) has developed an agreement with the Glastonbury Festival organisers (formalised via the license requirements) that they undertake a range of their own inspections and audits using H&amp;S professionals - this releases LA resources who now only undertake an oversight/checking process to have confidence in the events .</p> <p>Islington have adopted a suite of changes to allow the continued delivery of a regulatory H&amp;S function following budget reductions. Including directing regulatory resources away from compliant businesses and low risk activities, and a more direct focus on non-compliant businesses.</p>
<i>Other interventions</i>	<p>Other forms of proactive activity that are distinctly different to the other types of intervention outlined elsewhere on this list. Such interventions should be clearly described and named within your own recording systems to aid any future analysis and to prevent this classification being used as a 'catch-all'.</p>	<p>e.g. Test purchasing of services.</p>
<b>Reactive Interventions</b>		
<i>Incident and Ill Health Investigation</i>	<p>Making sure that the immediate and underlying causes are identified, taking the necessary enforcement action, learning and applying the lessons.</p>	<p>Adopt the 'Managing for Health and Safety' philosophy to use incident and complaint investigations to probe for underlying management failures.</p> <p>When there is only limited information regarding the potential need for a more involved intervention it may be prudent to maintain an active 'watching brief'. This requires an LA to identify a particular sector or premises that they monitor without initiating additional proactive inspections e.g. tracking RIDDORs, complaints, collating details taken from the results of reactive inspections across a sector.</p>
<i>Dealing with Issues of Concern and Complaints</i>	<p>Encouraging duty holders to be very active and making sure that concerns and complaints from stakeholders are dealt with appropriately.</p>	<p>Adoption of the HSE complaints handling procedures to ensure that more resources are concentrated on complaints that are more likely to indicate a significant breach of H&amp;S.</p>

