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## 

## Health and Safety

**Service Plan**

2017 - 2019

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Author: Lead Officer Food, Health and Safety

24/06/17

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Service Aims and Objectives

**Aims**

To protect the health, welfare and safety of workers and members of the public who may be affected by work activities, by working with employers and supporting businesses to achieve compliance with the Health and Safety at Work etc. Act 1974 and Regulations made there under.

**Objectives**

The Health and Safety Service Plan is an expression of the Councils’ continuing commitment to the Health and Safety Service. It covers the key areas of Health and Safety enforcement and the relevant management arrangements and objectives against which North Devon Council will monitor service delivery.

It has been compiled in accordance with the guidance issued by the Health and Safety Executive (HSE) under the Health and Safety Executive National Local Authority Enforcement Code.

The Code is designed to ensure that LA health and safety regulators take a consistent and proportionate approach to their regulatory interventions. It sets out the Government expectations of a risk based approach to targeting interventions. Whilst the primary responsibility for managing health and safety risks lies with the business who creates the risk, LA health and safety regulators have an important role in ensuring the effective and proportionate management of risks, supporting business, protecting their communities and contributing to the wider public health agenda.

Section 18(4) of the Health and Safety at Work Act etc. 1974 places a duty on Local Authorities to make ‘adequate arrangements for the enforcement’ of health and safety and the Code sets out what is meant by ‘adequate arrangements for enforcement’.

This service plan makes clear the arrangements that North Devon Council will put in place to ensure that there are adequate arrangements for health and safety enforcement and how we will contribute to current HSE priorities. It takes into account local needs while addressing national priorities as set out by the HSE in its Strategic Plan.

The purpose of the service, with regards to health and safety, is to provide a health and safety regulatory service that supports local business so that businesses are helped to sustainability and resilience through providing safe places to work. The service will embrace targeted risk based interventions, with proportionality, consistency, transparency and accountability.

The service will aim to:

1. To respond to the new Economic Growth Duty on Regulators arising from the Deregulation Act 2015.

2. To present proposals to the Executive on how we are going to address the changes to the Primary Authority Scheme as required by the Enterprise Act 2016

3. To maximise opportunities for full cost recovery. For example introducing charging for advisory visits.

1. Achieve >90% compliance with the Council’s service standards for efficiency in dealing with requests for service.
2. Have >90% of customers reporting that they were satisfied or highly satisfied after using the service.

**Contribution to Corporate and departmental priorities**

|  |  |
| --- | --- |
| **National priorities**  Health and Safety Executive  Regulatory Delivery  Devon Health & Wellbeing Board JSNA  North Devon Health Profile for 2015 | Reduce burdens on business, save public money and properly protect citizens and communities This service plan focuses on risk based interventions and action on persistent non-compliance and gives credit for business effort in maintaining high standards.  Worsening: Adult smoking and recorded diabetes:  ‘significantly worse’ and ‘worse’ indicators of health:-   * Alcohol specific stays in under 18 yr olds * Recorded diabetes * Hospital stays for self harm * Hospital stays for alcohol related harm |
| **Corporate Priorities** | **Organisational Transformation**   * To develop a robust and flexible organisation * Determine our own future/destiny * Maintain or improve our services by flexing council structures and activities delivering resilience in the short to medium term   **Growing North Devon**   * To create and protect a resilient North Devon * Promote Barnstaple and its uniqueness as the sub-regional centre for growth but consider all opportunities * Use the increase in the local tax base from predicted housing and/or businesses to deliver resilience * Support and develop low carbon opportunities including the tidal demonstration zone |

**Performance Indicators**

|  |  |  |  |
| --- | --- | --- | --- |
|  |  | **Target p.a.2017/19** | **Actual 2016/17** |
| Structural | Human resource Manager  Lead Officer  Compliance officers  Case Officer | (Interim) Public Protection Manager 0.1 FTE (for 6 months)  0.1 FTE  0.4 FTE (& Graduate)  0.1 FTE | 0.15 FTE (Temporarily removed to CommunityProtection  0.2 FTE  1.0 FTE  0.1 FTE |
|  | Financial resource | £60,770 (2017/18) | £66,690 |
| Process efficiency | No. of service requests | 639 | 639 (585 of these were licensing RFS) so 54 solely H&S |
|  | Percentage of requests for service responded to within target time | 90% | 94.74% |
|  | Percentage of requests for service completed within target time | 90% | 93.71% |
| Output | Completion of Intervention plan | 100% | 100% |
|  | Completion of Tattoo project | 100% | 100% |
|  | Completion of spa pools project | 100% | 100% |
|  | Maintaining competence and service support for Primary Authority partnerships. | 100% | 100% |
| Outcome | Percentage of premises that have improved their risk rating following a visit. | 100% | 100% |
|  | Customer satisfaction | 90% | Nil Return |
| Cost effectiveness | Ratio of enforcement officers to regulated businesses | 1:5877 | 1:3801 |
| Equality | Customer satisfaction by officer | 100% | Nil Return |
|  | Fairness of service provision | 100% | Nil Return |
| Equity | Fair distribution of service according to need. | 100% | Nil Return |
|  | Number of new businesses  supported | 100% | 100% |

Roles and responsibilities

The service is a statutory regulatory service enforcing the provisions of the Health and Safety at Work etc. Act 1974 (HASWA) and associated regulations. Whilst the duty to comply with the legislation rests with the employer, the Council has the role of regulator. The Food, Health and Safety team provides a regulatory service to support, encourage, advise and where necessary hold to account business to ensure businesses effectively manage the occupational health and safety risks they create.

Enforcement activity is confined to the "commercial sector" as the Health and Safety Executive (HSE) enforces the law where the principle activity of the business is manufacturing or production, transport, construction or agriculture.

The Executive is also the enforcing authority for Council-owned premises.

The service may be split into two broad areas – Proactive and Reactive.

Proactive includes:

* Inspection of workplaces
* Projects around specific high risk issues
* Enforcement of health and safety law
* Education of employers/employees and the general public

Reactive includes:

* Investigation of accidents
* Investigation of complaints
* Providing advice and information

There are very few premises that will be visited as a result of a scheduled inspection as a result of the risk based approach as described below.

The main demands placed on the service will be from a combination of responses to events such as accidents, complaints and business enquiries plus work on locally identified priorities such as catering gas safety, swimming pools, open farms and visitor attractions and warehouse safety.

In addition to premises based businesses, there are a number of public events and entertainments where the local authority has health and safety regulatory responsibilities.

North Devon Council have adopted the Health & Safety Executive risk based approach to complaint and incident selection criteria which helps target interventions and makes best use of resources**.**

Internal advice is provided to the council by the Human Resources team.

The Council uses a variety of means to ensure that individuals and organisations meet their responsibilities, including education, negotiation, advice, guidance, warning letters, formal Notices and prosecutions.

Risk-based approach to regulation

HSE guidance (LAC67/2) gives local authorities the following overarching principle regarding planning regulatory interventions:

*LAs should use the full range of interventions available to influence behaviours and the management of risk.*

In May 2013 the HSE published the National Local Authority Enforcement Code (the Code). The Code was developed in response to the recommendation in “Reclaiming health and safety for all: an independent review of health and safety legislation” by Professor Ragnar Löfstedt for HSE to be given a stronger role in directing Local Authority (LA) health and safety inspection and enforcement activity and as an outcome of the Red Tape Challenge on health and safety.

The code advises that LAs should achieve targeting interventions on those activities that give rise to the most serious risks or where the hazards are least well controlled and do this by:

• Having risk-based intervention plans focussed on tackling specific risks;

• Considering the risks that they need to address and using the whole range of interventions to target these specific risks;

• Reserving unannounced proactive inspection only for the activities and sectors published by HSE or where intelligence suggests risks are not being effectively managed; and

• Using national and local intelligence to inform priorities.

LAC 67/2 states:

Proactive inspection should only be used:

a) For high risk premises/ activities within the specific LA enforced sectors published by HSE; or

b) Where intelligence shows that risks are not being effectively managed.

There are 12 activities identified by the HSE where proactive inspections are specifically allowed, and these ae listed in the table on page 13. .

As is clear from the 12 identified activities there are significant constraints as to the interventions that the local authorities are permitted to make and combined with resourcing pressures few proactive inspections are now made. Nevertheless, the Health and Safety service has continued to operate proactively where there is a clearly identifiable need as well as providing an appropriate responsive service.

Proportionality

This will be achieved by ensuring: -

* Officers are properly trained and competent.
* Decisions will be made in accordance with the HSE Enforcement Policy Statement, the council’s enforcement policy and the Enforcement Management Model.
* Complaint selection criteria are used to determine which complaints require investigation.
* Accident selection criteria are used to determine which accidents require investigation.
* Formal enforcement action will be published to maintain a strong deterrent effect.

Consistency

Nationally published guidelines will be applied appropriately to address both local and national priorities.

Officers will take full account of Primary Authority partnerships.

The council will support the training and development of officers to ensure their competence and will maintain the internal appraisal scheme, Regulators Development & Needs Assessment. (RDNA) assessments and Continual Professional Development (CPD) accreditation requirements.

The council will publish annually health and safety inspection data and will show comparative data when available.

Transparency

Enforcement decisions will be made in line with the corporate enforcement policy, which is published on our website.

The council will use, and direct others to use, national guidance and restrict proactive inspection to only those specific activities/sectors specified by HSE or where intelligence suggests risks are not being effectively managed.

Information and advice will be available 24 hours a day via the council website and the HSE website. In particular the HSE’s “Health and Safety Made Simple” section of their website.

Employees, their representatives and victims or their families will be kept informed as appropriate.

Accountability

This Service Plan and the Council enforcement policy are published on the council’s website.

Anyone dissatisfied with the service provided is encouraged in the first instance to discuss their concerns with the service manager. The Public Protection Team has a simple, well defined and timely procedure for dealing with complaints about its service which is clearly set out in the Council’s Complaints and Feedback procedure on the Council’s website.

Complaints and expressions of dissatisfaction are seen as opportunities to identify possible weaknesses in service delivery and as a step towards making improvements. Information obtained from the investigation of complaints will be used to examine possible action to improve service provision.

If still not satisfied, recourse can be made to the HSE’s Independent Regulatory Challenge Panel which is accessible via the HSE’s web site.

We will benchmark our performance data with others where the information is available

Training and Competence

Competency of inspectors is assessed prior to authorisation through a structured internal process.

Authority to appoint inspectors under the Health & Safety at Work etc. Act 1974 is delegated to the Head of Environmental Health and Housing Services by the Council’s constitution.

Competency is maintained by ensuring officers attend appropriate technical and legal update training to maintain their CPD and is assessed once a year using the RDNA tool and staff appraisals.

Quality assurance

Health & safety data on interventions, enforcement and prosecution activity is monitored and recorded on our Northgate M3 software system. Annual returns are made to the HSE and the data is published on our website as part of the service planning document.

Peer review is carried out as part of the Devon Chief Officers Health & Safety Liaison Group activity, for all authorities in Devon. These can take the form of inter-authority audits or desktop consistency exercises.

Equality and Diversity

Policies of the service are subject to Equality Impact Assessment prior to presentation to the Executive. General information is available to members of the public and the trade via the Council’s website, which includes an on-line facility for making a service request.

Access to advice ‘out of hours’ is mainly available through the Council’s website. We encourage businesses to use the Internet to look for information and we keep a record of those businesses that we can communicate with via email. At present approximately 56% of our business have an email address. This increases the opportunity to distribute topical news items and make contact with businesses at no cost to the service.

Information about ethnicity, vulnerability and disability of service users is used to ensure services are strategically planned, prioritised and delivered in a non-discriminatory way. Health and Safety information is available in a variety of languages and is supplemented by interpreters where a need is identified.

Primary Authority Partnerships

The Primary Authority Partnership Scheme is available to any type of business, whether starting out or established, as well as other types of organisation such as charities and trade associations. Regulators that can become primary authorities include county, district and unitary councils, and fire and rescue authorities. Primary authorities provide advice to businesses that other local regulators must respect on compliance with the regulations. This is a statutory scheme, established by the Regulatory Enforcement and Sanctions Act 2008 (the RES Act). North Devon Council is committed to the Primary Authority principle and will seek to assist local businesses in accordance with guidance issued by Regulatory Delivery. North Devon Council currently has five partnerships with businesses that have a health and safety element, RGB Holdings Ltd, Parkdean Resorts Ltd, Mole Valley Farmers, Symbro/Orbmys (Subway franchise) and John Fowler Holidays Ltd, however in October 2017 the Enterprise Act 2016 extended the remit of all partnerships, so that the council now has a duty to offer advice on all its regulatory functions to its partners. For example the council has to provide advice on Environmental Protection, Licensing or Housing Standards matters if requested by the partner.

The council has provided assured advice to Parkdean Resorts Ltd with regards to their Swimming Pool and Hot Tubs policies and is currently reviewing all the company’s health and safety documents with a view to providing assured advice on all aspects of the company’s health and safety.

A charge of £50 per hour for Primary Authority Partnership work is a source of income for the authority.

The Council also makes appropriate adjustments to the way in which interventions are made when other businesses have a primary authority arrangement.

Liaison with other organisations and partnership working

The Health and Safety service contribute health and safety expertise to the North Devon Safety Advisory Group (SAG). The purpose of this group is to ensure a co-ordinated approach to event safety and wellbeing for events organised in the North Devon area.

Officers represent the Council at the Devon & Cornwall Health and Safety Liaison Group which aims to help ensure a consistent approach to enforcement across Devon and Cornwall, to share information and intelligence and to organise low cost training. The group includes representatives of the HSE and so also ensures that the links and communications between the local authorities and the National health and safety regulator are maintained.

An Officer attends the South West Better Business for All partnership of Devon & Somerset regulatory services who are working together to better help & support businesses and promote economic prosperity.

Officers also working in partnership with the agencies involved in the Junior Life Skills Event, (Police, Coastguard, Red Cross, South West Ambulance Services Trust, Devon & Somerset Fire & Rescue Service, Western Power, Torridge District Council and the Dog’s Trust. There was also continued partnership working with the Fire Service in relation to sleeping accommodation above catering premises.

**Trend in Reactive Work Fig. 1**

**REVIEW OF THE YEAR 2016/17**

The chart above shows the trend in the type of requests for service and notifications received by the Regulatory Services Team. Requests for health and safety at work advice and complaints by members of the public or employees about unsatisfactory health and safety standards in premises where there is a work activity are the most frequent types of request for service received, most likely to be due to the change in emphasis from and lack of routine enforcement visits. This requires employers and employees to be self regulating and to seek advice and support as they require it rather than relying on an officer to inspect on a regular basis. These two categories form the majority of the officers’ reactive workload.

Fig.1excludes the number of consultations received regarding Licensing applications for Temporary Event Notices and Premises Applications for which the officers are consultees with regards to public safety matters at such events and premises

|  |  |  |  |
| --- | --- | --- | --- |
| Year | Number of Premises Licence Applications Consultations Received | Number of TEN applications received. | Total Licensing Consultations |
| 2014/15 | 88 | 372 | 460 |
| 2015/16 | 180 | 391 | 571 |
| 2016/17 | 139 | 445 | 584 |

**Trend in Work-related Accidents**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Classification of accident** |  | **2012/13** | **2013/14** | **2014/15** | **2015/16** | **2016/17** |
| Unknown  Contact Machinery |  | 1  1 | 2  1 | 17  1 | 17  1 | 4  1 |
| Contact: Electricity  Drowning / Asphyx  Exposure: Fire  Exposure: Substance  Exposure: Explosion |  | 0  0  0  1  0 | 0  1  0  2  1 | 0  0  1  0  0 | 0  2  2  1  0 | 0  3  0  2  2 |
| Fall from Height |  | 4 | 16 | 2 | 5 | 14 |
| Injured by Animal |  | 0 | 0 | 0 | 1 | 1 |
| Injured: Handling |  | 15 | 10 | 5 | 3 | 5 |
| Slip,Trip or Fall |  | 42 | 64 | 60 | 43 | 39 |
| Struck against Fixed |  | 4 | 9 | 10 | 7 | 10 |
| Struck by Object |  | 4 | 4 | 5 | 5 | 2 |
| Struck by Vehicle |  | 0 | 0 | 0 | 0 | 0 |
| Trapped by object |  | 0 | 0 | 2 | 1 | 3 |
| Unclassified |  | 24 | 19 | 8 | 2 | 6 |
| **TOTAL** |  | **96** | **129** | **111** | **89** | **92** |
|  |  |  |  |  |  |  |

\*Slips, trips and falls remain the highest cause of accidents reported

The chart above shows that the total number of accidents reported to the Local Authority (LA) by employers. Slips and trips continue to be he main cause of reportable accidents, followed by falls form height or being struck by an object.

**Pro-active Work**

Due to the previous Government’s policy on reducing the burden on businesses,

(see page 6, Risk Based Approach to Regulation) there were no high risk (category A) premises which required inspection. The large reduction in proactive inspections has allowed officers to focus their time on reactive work and programmed project interventions and supporting the Primary Authority Partnerships. An officer was also able to assist the Licensing Team in carrying out Animal Boarding Establishment Licence inspections.

**Improving Value for Money**

Value for money was improved by the increase in proactive intervention work, focussing on raising awareness in workplaces.

**Key achievements and outcomes 2016/17**

* Completion of self assessment targets
* All service requests dealt with promptly
* Appropriate accidents investigated promptly
* Visits to Register Skin Piercing, Micro pigmentation and Tattooing businesses
* Completed Junior Life Skills project
* Continued to raised awareness of gas and fire safety in the catering industry
* Serviced Primary Authority Partnerships
* Contributed to the Safety Advisory Group
* Assisted Licencing team in Animal Boarding Establishment work

**Service costs**

|  |  |  |  |
| --- | --- | --- | --- |
| Description | Year | Cost | Cost per premises |
| Actual | 2014/15 | £75,450 | £24.77 |
| Actual | 2015/16 | £59,720 | £19.60 |
| Actual | 2016/17 | £66,690 | £22.70 |
| Budget | 2017/18 | £60,770 | £20.68 |

**Improving access, meeting equality standards**

The North Devon Council website has direct web links to the Health & Safety Executive website including access to multi-language versions of advice.

**Intervention Plan 2017/18**

Produced to meet the requirements of LAC67/2(rev 6) -Advice/Guidance to Local Authorities on targeting interventions. This is mandatory guidance under Section 18 Health & Safety at Work etc. Act 1974

1. **PROACTIVE INSPECTIONS** will only be carried out at:
2. High risk or ‘A’ risk premises – 0 premises identified for 2017/18

or

1. Businesses having specific activities falling in the specific sector categories set out in circular LAC 67/2(rev 6), the National Local Authority Enforcement Code & HSE sector strategies for 2017/18

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **No.** | **Hazards** | **High Risk Sectors** | **High Risk Activities** | **NDC Identified premises for**  **2017/18** |
| 1. | Legionella infection | Premises with cooling towers/evaporative condensers | Lack of suitable legionella control measures | None yet identified |
| 2. | Explosion caused by leaking LPG | Premises (including caravan parks) with buried metal LPG pipework | Buried metal LPG pipework  (For caravan parks to communal/amenity blocks only) | 1 identified |
| 3. | E.coli/  Cryptosporidium infection, especially in children | Open farms/Animal Visitor Attractions | Lack of suitable micro-organism control measures | All known premises visited in preceding years.We could re visit. New ones to be visited as they are identified, |
| 4. | Fatalities/injuries resulting from being struck by vehicles | High volume  Warehousing/Distribution | Workplace transport | No high volume warehouses identified. 1 premises may fit criteria. |
| 5. | Fatalities/injuries resulting from falls from height/amputation and crushing injuries | Industrial retail/wholesale premises, e.g. steel stockholders, builders/timber merchants | Workplace transport /work at height/cutting machinery/lifting equipment | 9 builders merchants  and  12 warehouses |
| 6. | Industrial diseases  (occupational deafness/cancer/  respiratory diseases) | Industrial retail/wholesale premises, e.g. steel stockholders, builders/timber merchants/in-store/craft bakeries/stone wholesalers. | Noise (steel stockholders), use of loose flour (in-store/craft bakeries)  Exposure to respirable crystalline silica (outlets cutting/shaping their own stone) | 9 builders merchants  12 warehouses  7 bakeries |
| 7. | Falls from height | High volume  Warehousing/Distribution | Work at height | No high volume warehouses identified. 1 premises may fit criteria. |
| 8. | Manual Handling | High volume  Warehousing/Distribution | Lack of effective management of manual handling risks | No high volume warehouses identified. 1 premises may fit criteria. |
| 9. | Unstable loads | High volume  Warehousing/Distribution  Industrial  Retail/Wholesale/builders/timber merchants | Vehicle loading and unloading | No high volume warehouses identified. 1 premises may fit criteria.  9 builders merchants  and  12 warehouses |
| 10. | Crowd management & injuries/fatalities to the public | Large scale public gatherings e.g. cultural events, sports, festivals & live music | Lack of suitable planning, management and monitoring of the risks arising from crowd movement and behaviour as they arrive, leave and move around the venue. | Temporary Event Notices and Premises Licences issued for events, monitored and called to attend a SAG meeting. Officer input into public safety. Visits made during events on occasions.  Likely to be 10 events per year identified |
| 11. | Carbon monoxide poisoning | Commercial catering premises using solid fuel cooking equipment | Lack of suitable ventilation and/or unsafe appliances | Not identified as a risk area locally. No premises identified. |
| 12. | Violence at work | Premises with vulnerable working conditions (lone/night working/cash handling, e.g. betting shops/off-licences/hospitality) and where intelligence indicates that risks are not being effectively managed. | Lack of suitable security measures/procedures.  Operating where police/licensing authorities advise that there are local factors increasing the risk of violence at work e.g located in a high crime area, or similar local establishments have been recently targeted as part of a criminal campaign. | No local intelligence to indicate any premises where risks are not being effectively managed.  No premises identified. |

**PROACTIVE NON INSPECTION INTERVENTIONS:**

**Devon Chief Officers Health and Safety Liaison Group Work Plan**

In addition to the National priorities the Devon Chief Officers Health and Safety Liaison Group has an annual work plan, which all member authorities agree to work to.

Draft plan For 2017/18:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| No | **Sector,**  **premises type or**  **specific cross sector activity** | **Evidence that identified the concern and set its priority** | **Rationale for intervention** | **Planned activity or resource** | **Local**  **Authority action** |
| 1. | Asbestos – duty to manage | National Priority | Reduction in ill health from asbestos exposure | Continued project included in food visits where appropriate. Raise awareness of SWBB sheet and pack in general. Provide training on duty to manage for non compliant businesses. Enforcement action where appropriate |  |
| **2.** | Legionella - caravan site spa pools/ pop up spa pools | Local priority - local sampling indicates general management issues | Public health | Letter to all pool owners when new Management Guidance issued by HSE following consultation.  Collate complain evidence and any public health concerns to establish how widespread issues are over next 6 months. |  |
| **3.** | Violence in the night time economy | Local priority | Public safety | All authorities to report on all complaints/accidents/RIDDORs and any Police licensing L10 reports on assaults etc. over next 6 months to establish issues. |  |
| **4.** | Migrant worker issues | National priority with Modern Slavery agenda. | Public health, safety and welfare. | Staff information and training. Development of aide memoire for identifying issues of concern during visits by end Quarter 3 2016. |  |
| **5.** | Body modification issues  Skin piercing/scarification/implants  Laser treatments/nail bars | Rapid expansion of the body modification industry in the region, with easy access to equipment and large numbers of unregistered tattooists with suspect experience and knowledge posing a problem.  Easy spread of infection from inadequately sterilized equipment. | Public health and safety | Work with Police to raise awareness of issues and under age tattooing  Develop two yearly audit procedures for registered Tattooists.  Public health interventions for scratchers.  Public health interventions for nail bars. |  |

**Other interventions.**

**a) Primary Authority Partnership Visits**

**(estimate 5 x 37 hours or** **18 interventions)**

Hours to be allocated as required by each of our five Primary Authority Partners: John Fowler Holidays, Parkdean Resorts Ltd, Symbro/Orbmys, RGB Holdings and Mole Valley Farmers.

**b) Education & awareness**  **120 interventions**

Annual report produced of low risk rated businesses with 10% of those businesses sent a self-assessment questionnaire.

### **c) Rating of businesses following a reactive intervention 10 interventions**

**d) Reactive visits** (based on 2016/17 statistics)

a) Visits to investigate health & safety complaints **15 visits**

### Visits to investigate health & safety related incidents/accidents **2 visits**

c) Revisits following earlier intervention **10 visits**

d) Visits following requests for h&s service from business **15 visits**

.

### APPENDIX 1

**CORPORATE ORGANISATIONAL STRUCTURE**



APPENDIX 2

Head of Environmental Health & Housing Services

Jeremy Mann

Assistant Head of Service

Andrew Millie

**Departmental Structure**

Public Analyst Scientific Services Wolverhampton

Director of Public Health

DCC

PHE

Regional Laboratory Porton Down

Public Protection Manager

Katy Nicholls

Lead Officer Environmental Protection

Andy Cole

x1

Lead Officer Licensing

Howard Bee

x1

Lead Officer Food, Health & Safety

Pamela Charles

x 0.1

Environmental Health/Protection Officers/Wardens

x5

Case Officer

x 0,1

Regulatory Services Officers

x 0.4

(& Graduate)

Case Officers x 2

Case Officers x 1.68

Regulatory Services Officer x1

**CONFLICT OF INTERESTS POLICY** APPENDIX 3

Officers’ must abide by the Council’s ‘Code of Conduct for Officers’, which is contained in Annex 18 of the Council’s Constitution.

In respect of officers enforcing the Food Safety Act 1990 or the Health and Safety at Work etc Act 1974, the following guidelines must also be adhered to:-

## Personal Interests

An officer must regard himself as having a personal interest in any matter if the matter relates to an interest in respect of: -

* Any employment or business carried on by him, or his relative or partner;
* Any competitor of any such employer or business carried on by him, or his relative or partner;
* Any person who employs or has appointed him to any firm in which they are a partner, or any company of which they are directors;
* Any corporate body in which he has a beneficial interest in a class of securities exceeding the nominal value of £5,000.

In this paragraph

“relative” means a spouse, partner, parent, parent-in-law, son, daughter, stepson, stepdaughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece or the spouse or partner of any of the preceding persons; and “partner” means a member of a couple who live together.

## Disclosure of personal interests

An officer must provide written notification to the Health, Food and Safety Manager of any personal interests and of any changes, within 28 days of becoming aware of any change and record the details in the Register of Officer Interests kept in the Member Services office.

### Prejudicial interests

An officer with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one that a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the officer’s judgement of the public interest. In such cases, the officer will not be permitted to make enforcement visits unless expressly authorised by the Health, Food and Safety Manager to do so.

# APPENDIX 4

**Equal Opportunities Action Plan**

**for the, Food, Health and Safety Team**

This is an action plan illustrating how the, Food, Health and Safety Team intend to implement the Corporate Inclusive Equality Scheme.

|  |  |
| --- | --- |
| **Concern** | **Action plan** |
| Identifying customer needs | Continuing development of links with the trade and trade organisations.  Continue to work with the Devon and Somerset Better Business for All team. |
| Monitoring the equality of service delivery | Customer feedback forms issued with each inspection report and a random sample of complaints. Statistical analysis and evaluation of returned forms by Service Manager. All specific comments responded to and recorded. |
| Ethnic minorities | Translated leaflets available in Bengali, Chinese, & Turkish. Other languages available on request. Interpreters used to facilitate communication during visits, coaching sessions and training events. |
| Disability | Special arrangements can be made to facilitate communication, as required e.g. dyslexia, illiteracy, hearing or sight impairment etc. |
| Young people | Hygiene and safety awareness training provided for school children in the form of a Junior Life skills event each year. |

# APPENDIX 5

## COUNCIL ENFORCEMENT POLICY

**Introduction**

This policy is an “umbrella” policy and is intended to apply to all service areas, though it should be noted that various additional service-specific requirements apply to specific enforcement activities in certain services, i.e. Health and Safety, Food Safety, Environmental Protection/Environmental Crime, Private Sector Housing, Licensing. Information on these may be obtained from the Head of Environmental Health & Housing Services.

The purpose of this policy is to publicly summarise the Council’s intended approach to bring about compliance with regulatory requirements. However, it is ultimately the responsibility of individuals and businesses to comply with the law.

The Council shares the Government’s view that effective and well targeted regulation is essential in promoting fairness and protection from harm and that as regulators we should adopt a positive and pro-active approach towards ensuring compliance by: -

* Helping and encouraging regulated entities to understand and meet regulatory requirements more easily; and
* Responding proportionately to regulatory breaches.

The Council will take a soft brush approach to those who comply with regulatory requirements and those who work with us to achieve compliance. However, we will not hesitate to take all necessary enforcement action against those who, for example, commit serious breaches, flout the law, refuse to work with us to seek compliance, commit offences which are prevalent in the district.

The Council has set out its strategic aims and objectives and our enforcement services will carry out their duties in support of these. These aims and objectives are set out in: -

* Council policy and strategic decisions;
* North Devon Council’s Corporate Business Plan;
* The service-specific service plans and inspection policies, which reflect the above priorities and the core enforcement activities for each service.

The Council’s aims and objectives have been drawn up in consultation with the public. Details of the consultation are available from the PPI on the Council’s website [www.northdevon.gov.uk](http://www.northdevon.gov.uk).

## Compliance

A range of activities will be undertaken to ensure compliance with legislation. Advice and guidance will be provided; proportionate, programmed and intelligence led inspections will be undertaken and, where necessary, inspections will be undertaken in response to complaints from third parties. Some enforcement services will also have officers patrolling the streets.

Where non-compliance is discovered, options to promote/seek compliance will include: -

* Undertaking pro-active education programmes;
* Explaining legal requirements and, where appropriate, the means to achieve compliance;
* Providing an opportunity to discuss points in issue, where appropriate;
* Consideration of alternative means and reasonable time scales and to achieve compliance;
* Service of advisory letters, warnings, Statutory Notices or prohibitions detailing non-compliance;
* Enforcement actions including, but not limited to, formal action, seizure of documents or goods, closure of premises, caution, prosecution and/or injunction.

Immediate, without Notice, enforcement action may be taken, but only where deemed necessary, reasonable and proportionate.

## Enforcement Actions

The decision to use enforcement action will be taken on a case by case basis and to ensure consistency of approach, in accordance with this and any other more specific policies, which may be applicable. The action taken, which may be immediate, will be proportionate to the gravity and nature of the non-compliance. Factors that will be taken into consideration include, but are not limited to: -

* The risk that the non-compliance poses to the safety, health or economic welfare of the public at large or to individuals;
* Evidence that suggests that there was pre-mediation in the commission of an offence;
* The alleged offence involved a failure to comply in full or in part with the requirements of a statutory Notice or Order;
* There is a history of previous warnings or the commission of similar offences;
* Aggravated circumstances such as obstruction of an officer or aggressive behaviour towards the public;
* The offence, although not serious itself, is widespread in the area where it is committed;
* Death was a result of a breach of legislation;
* The gravity of an alleged offence, taken together with the seriousness of any actual or potential harm;
* The general record and approach of the offender;
* There has been reckless disregard of health and safety requirements;
* There has been a repetition of a breach that was subject to a formal caution;
* False information has been supplied wilfully, or there has been intent to deceive.

**Legal and Policy Context**

Enforcement actions are taken within the context of a legal and policy framework. Council enforcement services will carry out their enforcement-related work with due regard to the Enforcement Concordat. This concordat arises from a Central Government initiative and has been adopted by the Council. The Concordat lays out the principles of good enforcement. These are: -

* Publishing clear standards, setting out the level of service and performance that the public and businesses can expect to receive;
* Dealing with the public and the business 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 to the public;
* Carrying out duties in a fair, equitable and consistent manner.

In approving this enforcement policy and when setting service-specific enforcement requirements, in respect of those local authorities’ functions specified in Part 3 of the Schedule to the Legislative and Regulatory Reform (Regulated Functions) Order 2007, the Council had, and will continue to have, regard to the statutory Regulators’ Compliance Code, issued by the Minister of State for the Department for Business, Enterprise and Regulatory Reform under Section 22 (1) of the Legislative and Regulatory Reform Act 2006. This will also apply to any further functions to which the said code might be applied.

Service-specific risk-rated inspection policies will be set, in respect of those functions, which are considered deserving of co-ordinated monitoring.

Any decision to prosecute will be taken in accordance with the Code for Crown Prosecutors. A fully copy of the code is available from: -

The Crown Prosecution Service London

50 Ludgate Hill

London

EC4M 7EX

Tel. No. 020 7796 8000

E-mail: www.cps.gov.uk/Home/CodeForCrownProsecutors

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

* The Human Rights Act;
* The Crime & Disorder Act;
* Equal rights and anti-discrimination legislation;
* Service-specific legislation;
* All other relevant legislation applicable from time to time.

Information concerning non-compliance may be shared with other enforcement agencies. Any such action will only be undertaken in the public interest and in compliance with the Data Protection Act 1998.

## Authorisation of Officers

Only officers who are competent by training, qualification and/or experience will be authorised to take enforcement action. Officers will also have sufficient training and understanding of this enforcement policy to ensure a consistent approach to their duties. Officers are required to show their written authorisation on demand.

J W Mann

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Commercial Road

Barnstaple

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EX31 1DG

E-mail: [customerservices@northdevon.gov.uk](mailto:customerservices@northdevon.gov.uk)

Complaints concerning the application of this enforcement policy are dealt with in accordance with the Council’s customer complaints’ procedure. Details of the procedure are available from the Customer Services Unit on tel. no. (01271) 388870.

# APPENDIX 6

ENVIRONMENTAL HEALTH CUSTOMER CHARTER

**REQUEST FOR SERVICE PERFORMANCE TARGETS**

**Regulatory Services team *(Working days)***

First Response Target Completion

**General**

Leaflet/Applic Reqst 2 5

Task: C147 Asbestos Enquiry 5 10

Task: C148 Education/Training 5 60

Task: C420 Freedom of Info Act Rqst 10 20

Task: C437 Compliment - HLTH/FD/SAFETY No 20

Task: C521 Primary Authority Request 3 65

Task: C587 Better Business for All Query 5 30

Task: C588 Data Access Request 5 20

**Licensing**

Task: C562 LA03 TEN Consultation 3 3

Task: C428 LA03 Temp. Event Notice RFS 3 20

Task: C432 LA03 Resp Authority Consult'n 20 20

Task: C218 Ear Piercing Unsatis 3 20

Task: C238 Tatooists Lic. Unsat 3 20

Task: C255 Electrolysis Unsatis 3 20

Task: C256 Acupuncture Lic App 5 20

Task: C257 Acupuncture Unsatis 3 20

Task: C313 Body Pierce Unsatis 3 30

**Health & Safety at Work**

Task: C006 ASB5 Asbestos Notification 15 15

Task: C018 Unsat HSW Premise 5 60

Task: C019 Health & Safety at Work Advice 5 30

Task: C020 Asbestos Request for Service 1 180

Task: C021 Under 8's Reg. 20 20

Task: C022 Res. Home Reg 20 20

Task: C023 Children's Home Reg. 20 20

Task: C024 OSR Registration 10 10

Task: C025 Lift Inspection-Urg. 1 15

Task: C026 Lift Inspection Adverse 5 60

Task: C145 Swimming Pl- Serious 1 30

Task: C149 Swimming Pl – Minor 5 60

Task: C549 HSW SWW Disconnect Water 3 15

**Accidents - Reportable F2508**

Task: A001 Fatality 1 180

Task: A004 Dangerous Occurrence 0 131

Task: A007 Non-Reportable Accident 5 60

Task: A008 Dangerous Gas Fitting Report 5 60

Task: A009 Over 7 Day Injury 15 60

Task: A010 Specified Injury 5 60

Task: A011 Injury to Non-Worker 5 60