

BRENTWOOD BOROUGH COUNCIL

**ENVIRONMENTAL HEALTH AND
LICENSING SERVICES**

**STATUTORY HEALTH AND SAFETY SERVICE
PLAN FOR HEALTH AND SAFETY LAW
ENFORCEMENT
2017/18**

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 Policy, Finance and Resources Committee
20th June 2017

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INTRODUCTION

This is Brentwood Borough Council's 2016/17 Health and Safety Service Plan dedicated to the health and safety enforcement function. It covers all elements of responsibilities 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 Enforcement Service and is a requirement of the Health and Safety Commission (HSC) as the body that monitors, audits and broadly sets 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 is the standard which local authorities must reach in relation to their priorities.

The health and safety enforcement scene across the UK has undergone dramatic change over recent years. Through its actions via LA Code of Practice LAC 67/2 (now revision 6) and modifications to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations the Government has sought to reduce local authority output on interventions by approximately 1/3 in order to lower the burdens upon business. However, as a consequence of this instruction local authority health and safety inspections have actually dropped by an average of 95% nationally and prosecutions dropped by 33%. Where health and safety interventions would commonly have taken place alongside food hygiene inspections this no longer routinely occurs as councils have been directed away from visiting almost all lower-risk commercial premises (and in particular offices and shops which make up the bulk of the commercial sector).

Similarly, fewer accidents are now reported to local authorities as the legal 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 very difficult. 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 regarding this. Concerns have also been sent by the Chartered Institute of Environmental Health which represents local authority Environmental Health Officers.

For 2017/18 Brentwood Borough Council will follow the guidance issued in LA Code of Practice LAC 67/2 (rev.6) with regard to the targeting of interventions. In this respect, it will concentrate on both national priorities set in the code and local priorities where these are evident (such as those identified through the Essex Health and Safety Liaison Group). Most of this work will be via projects as premises are no longer risk assessed under this code and local authorities may not now carry out proactive inspections relating to risks which are not identified for attention nationally. There are limits however to this project work as there will only be a small number of

available premises in those categories within the borough which are eligible to be visited and these cannot be inspected every year (as this will cause a corresponding burden on those businesses). The restrictions on inspections is unlikely to turn around unless there is a fundamental change in government policy or UK accident rates increase. This is not expected.

On a positive note, Brentwood Council is now conducting more criminal investigations in to reported accidents and more prosecutions may result. Overall this now dominates the work undertaken by the unit.

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.



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April 2017

SECTION 1: SERVICE MISSION STATEMENT

The Environmental Health and Licensing Service Mission Statement is: -

'To seek to remove or control those adverse factors affecting health, safety and wellbeing 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 and Licensing Service 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'* (ref: Health and Safety at Work etc. Act 1974).

2.2 Objectives

The objectives of Environmental Health and Licensing are: -

2.2.1 To secure full compliance with health and safety legislation and seek to ensure that due regard is had to all Approved Codes of Practice and guidance issued by the Health and Safety Commission/Health and safety Executive which the Authority is bound to follow.

2.2.2 To support the Government's 'Helping Great Britain Work Well Strategy 2016' (<http://www.hse.gov.uk/strategy/assets/docs/hse-helping-great-britain-work-well-strategy-2016.pdf>). This sets the following targets: -

- **Acting together:** Promoting broader ownership of health and safety in Great Britain.
- **Tackling ill health:** Highlighting and tackling the costs of work-related ill health.
- **Managing risk well:** Simplifying risk management and helping business to grow.
- **Supporting small employers:** Giving SMEs simple advice so they know what they have to do.
- **Keeping pace with change:** Anticipating and tackling new health and safety challenges.
- **Sharing our success:** Promoting the benefits of Great Britain's world-class health and safety system.

2.2.3 To comply specifically with the standards laid down within Operational Guidance LAC 67/2 (revision 6). This features at **Appendix 3** to this service plan.

2.3 Links to Corporate Objectives and Plans

2.3.1 The Brentwood Council Yearbook 2015 -16 (<http://www.brentwood.gov.uk/pdf/10112016134641u.pdf>) sets out the Council's ambitions, priorities and key pledges to residents and businesses. It seeks to support businesses by reducing the enforcement burden upon those which are well managed 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 Yearbook 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. The Environmental Health Enforcement Policy 2016 featuring at **Appendix 2** to this service plan describes how this is carried out.

SECTION 3: BACKGROUND

3.1 Organisational Structure

3.1.1 The structure of the Environmental Health and Licensing Service is shown at **Appendix 1**. It differs from previous years' in that Thurrock Borough Council now provide a 'managed service' arrangement where via a memorandum of understanding it supplies an Environmental Health and Licensing Manager to oversee the Environmental Health and Licensing service and whom reports direct to the Chief Executive at Brentwood Council.

2.1.2 The Food and Health and Safety Team are composed of three FTE employed posts, namely; an Environmental Health Manager, a Principal Environmental Health Officer (EHO) and a part-time District EHO. The roles are described as follows: -

2.1.3 *Environmental Health and Licensing Manager* – Responsible for overseeing the work of the teams fulfilling the Licensing, Food Safety, Emergency Planning, Environmental Protection and Private Sector Housing functions at Brentwood and developing these services going forward.

2.1.4 *Environmental Health Manager* - responsible for overseeing all work within the health and safety team including setting all targets, monitoring performance, training and development. The role includes operational delivery functions and responding to all relevant stake-holders.

2.1.5 *Principal EHO* - responsible for carrying out health and safety project work and inspections, plus the investigation of accidents and complaints.

2.1.6 *District EHO* (0.6FTE) - responsible for carrying out health and safety project work and inspections, plus the investigation of accidents and complaints.

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 6).

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 all relevant notifications of reportable accidents, diseases or dangerous occurrences as received via the Reporting of Injuries, Diseases and Dangerous Occurrences (RIDDOR) Regulations.

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 To 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 presence to Local Authorities) and record information to enable the completion of the LAE1 return to the Health and Safety Executive's (HSE) Local Authority Unit. The database may be added to by carrying out site visits particularly to small/medium enterprises as was carried out in 2015/16, and 2016/17.

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 (*where financially viable*) which are 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 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.

3.2.13 To liaise with any other bodies where mentioned within Annex B of LAC 67/2 (rev.6) who might provide potential information sources to assist the authority in formulating its interventions plans.

3.3 Demands on the Service

3.3.1 Demands on the service tend now almost totally towards the reactive – not proactive. The Loftstedt Report https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/66790/loftstedt-report.pdf (2011) had the effect of curbing local authority inspections within the commercial sector which until then had made up the inspection bulk. This is because that sector is considered low-risk when considering all types of premises and activities across HSE/LA remits. This leaves some higher-risk premises identified by the HSE to be dealt with proactively through project work. Aside from this, criminal investigations tend to dominate output at Brentwood and they tend to be lengthy processes.

3.4 Proactive Planned Interventions Programme

3.4.1 The number of premises where the local authority has jurisdiction for health and safety within the borough is currently unknown 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' (though this is inherently difficult to collect). Business Rates department hold details on business but the relevant enforcing authority HSE/LA is not required to be recorded. The only way then to gather this information is 'on-foot' which is time/resource dependant.

3.4.2 In 2016/17 the authority carried out a number of health and safety projects centered on known high-risk areas. This included notifying local authorities of equipment safety issues within gyms as the result of a successful prosecution undertaken by Brentwood Council and maintaining a downloadable version of the 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. Surveys were conducted within small business areas to determine which premises amongst them were HSE or local authority enforced, and therefore which of them might require an intervention of some sort. Some advice was given as a result. The authority also carried out carbon monoxide testing in a number of food premises. These formed the majority of interventions undertaken.

3.4.3 The programme for 2017/18 is once again led by HSE priorities which are stated under 3.5.1. There will also need to be further surveys of premises to determine whether any specific interventions are required.

3.4.4 Local Authority Circular LAC 67/2 (rev.6) requires authorities 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.

3.4.5 The LAC indicates that it is no longer acceptable to carry out proactive inspections without a '*valid reason*'. Inspections and interventions then will only therefore be carried out in relation to clear evidence of risk in each case. The LAC requires LA's to consider the full range of interventions at their disposal for managing health & safety risks in their community.

Reactive interventions:

1. Incident, accident and ill-health investigations
2. Dealing with reported issues of concern and complaints

3.5 Topic Based Interventions Work Plan

3.5.1 As the Local Authority Circular LAC 67/2 (rev.6) is so prescriptive about what interventions can occur the inspection programme must abide by this. The topic-based interventions for 2017/18 will therefore include the following areas: -

- **Beverage gases in the hospitality industry:** - The aim of this priority is to raise awareness around the risks associated with the handling of beverage gases, highlighting the need to provide safe systems of work and emergency procedures with emphasis on handling, the storage of cylinders and working in confined spaces. Resources are available from the British Compressed Gas Association (BCGA) – refer to http://www.bcgga.co.uk/pages/index.cfm?start=11&page_id=20&showCategory=2&showSubCategory=2
- **Gas Safety in commercial and Catering Premises:** - Raising awareness within commercial premises with regards to the proper installation and maintenance of equipment by competent Gas Safe engineers. Raising awareness of the risks of exposure to carbon monoxide from badly installed /faulty appliances and poor or inadequate extraction systems. Local authorities are required to gather intelligence to justify any proactive inspections in this area such as during food safety inspections.
- **Falls from height:** - Fragile roofs/skylights can be found at many premises falling to local authorities for enforcement. Where they are identified during visits, LAs should discuss the associated risks, to ensure that prospective clients for repair and maintenance work (owner or

building user) are aware of their duties under the Construction (Design and Management) Regulations 2015 and the precautions needed, referring them to the appropriate guidance.

- **Health risks from respirable silica dust:** - Dust, containing harmful respirable crystalline silica (RCS), can be generated during common operations such as block cutting, chasing brickwork and cutting concrete floors. During visits, Local authorities may come across minor construction works within premises that are generating significant quantities of silica dust to be a hazard. Poor standards should be addressed with duty holders, and any enforcement action taken in accordance with the Enforcing Authority Regulations, collaborating with HSE where appropriate.
- **Duty to manage asbestos:** - In premises likely to contain asbestos (i.e. built before 2000) LA health and safety regulators should draw 'duty holders' attention to their responsibility to manage and the relevant HSE guidance/webpages. On occasions, failure to manage the risks from asbestos (e.g. failure to maintain in a safe condition or minor construction work that breaches the fabric of the building without proper surveys, controls or planning) may need to be dealt with immediately.
- **Welfare provision for visiting delivery drivers:** - Raising awareness when visiting local authority enforced premises such as warehouses that they should allow delivery drivers access to onsite toilets and rest facilities.
- **Visitor attractions to prevent or control ill health arising from animal contact:** - Local Authorities are expected to follow HSE guidance on preventing and controlling ill-health from animal contact at visitor attractions <http://www.hse.gov.uk/agriculture/topics/visitor-attractions.htm>. This will necessitate periodic interventions to ensure that appropriate controls are in place to prevent the transfer of infection such as the bacterium E. coli.
- **LPG – buried metallic pipework** –The LPG supplier led programme (2016/17) is coming to an end, however there are a number of commercial LPG customers who have not responded to their supplier's requests. These duty holders (whose details have been provided to relevant LAs by LAU) should be inspected.

Also to be included relative to known risks within small/medium enterprises is: -

- **Unstable Loads:** - Looking at loading and unloading vehicles within high-risk sectors such as warehouse and distribution centres.
- **Manual Handling:** - Considering lack of management of manual handling risks in warehousing/distribution.

- **Controlling Legionella:** - Businesses within the borough must have adequate arrangements for the control of Legionella in water supplies and particularly where cooling towers feature as part of premises.

3.5.2 The following areas have been removed from the LAC: -

- **Migrant workers:** - This is no longer a priority area, however, local authorities may continue if there is local intelligence.

3.6 Non-English speaking businesses

3.6.1 There is limited information available at present about the number of non-English speaking non-food 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 someone 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 Essex, however, in 2017 the offices will be moving to a temporary location in Mountnessing whilst the Town Hall is being redeveloped. All FTE officers now have access to the Brentwood 'Cloud-based' system which can be accessed from any internet connected PC. Officers are also equipped with 'Chromebooks' to enable same once configured. These can be used 'in-the-field'. These can be mobile enabled to reach the internet from anywhere outside available wifi.

3.7.2 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 an 'Environmental Health Enforcement Policy' as attached to this service plan. This policy has been fully reviewed having regard to the Better Regulation guidelines.

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 and cannot 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. Given that there is less to proactively inspect, local authorities must now largely rely on health and safety project work and accident investigations if they are to maintain their statutory duties and financial allocation. The project work identified in this service plan will satisfy the conditions of the code and LAE1 requirements for reporting to HSE.

4.1.2 During visits officers will also check that smoke free legislation is being complied with i.e. that smoking is not being permitted in public places and enclosed spaces.

4.2 Revisits

4.2.1 Given that proactive inspections are reduced - revisits to check compliance do not occur except where absolutely necessary. However, multiple site visits are often necessary where an accident has occurred in order to gain evidence and ensure that a position of safety is quickly restored.

4.3 Health and Safety Related Complaints

4.3.1 The Service seeks to investigate all health and safety related complaints within the target period. It is estimated that there will be 30 such complaints during 2017/18.

4.4 Reports of Accidents Diseases and Dangerous Occurrences

4.4.1 Notifications of accidents, diseases and dangerous occurrences are all considered upon receipt and as soon as 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 circa 25 such notifications logged for investigation during 2017/18.

4.5 Lead Authority Principles

4.5.1 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.

4.6 Advice to Businesses

4.6.1 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.

4.6.2 Advice is mainly delivered on a one-to-one basis whilst officers are carrying out other inspections, interventions and visits but may also be given via telephone calls, seminars, newsletters, leaflets, posters, letters or telephone calls. Officers give advice in accordance with recognised guidance and codes of practice. In 2017/18 the service will be present at a Business Showcase at the Council offices - where it will provide health and safety advice to those attending from industry.

4.6.3 Businesses are now able to download a copy of the Safer Workplace Better Business manual from the Councils' extranet <http://www.brentwood.gov.uk/index.php?cid=2626>. Each download in full or in sections will count for an intervention under the criteria as outlined under LAC 67/2 (Rev.6).

4.7 Liaison with other Organisations

4.7.1 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 attendance at 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 and liaison.
- Attendance at the Essex Health and Safety Liaison Group where all matters pertaining to health and safety enforcement across the County 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 Budget Allocation

5.1.1 The budget allocation for 2017/18 is as follows: -

COST CENTRE = FOOD /HEALTH AND SAFETY ENFORCEMENT	
AREA OF SPEND	AMOUNT £
General Equipment	750
Software	0
Subscriptions	1,500
Analytical Services (contractors undertaking food hygiene enforcement and sampling)	21,950
Salaries (staff)	108,420
National Insurance Payments (staff)	11,730
Pensions (staff)	15,560
Temporary Employees (Food Hygiene Course)	3,000
TOTAL	162,910

Figure 1.0: Budget allocation 2017/18

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.

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 £21,950 is allocated for the work of outside consultants to carry food safety inspections and some health and safety work where necessary for the authority.

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 takes place as required by upper management.

5.3.2 In addition, minuted team meetings take place during which training needs are discussed. Brentwood Borough Council attend 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 all 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 Master's 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,
- 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 often included a number of targets and performance indicators. However, no targets are set for health and safety performance as it is now largely a reactive service with some project work accounting for proactive work. All annual output is reported to the HSE via the LAE1 Form.

7.2 Identification of any variation from the Service Plan

7.2.1 The performance levels for inspections during the period 2017/2018 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 systems in respect of its core processes.

7.4 Enforcement Policy and Practices

7.4.1 The Environmental Health Enforcement Policy of 2016 as attached to this Service Plan covers the work of Environmental Health Services. It covers the delivery of enforcement and making reference to the Better Regulation Delivery Office – Regulators Code 2014.

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 but by other means e.g. by the use of questionnaires, and by providing industry specific information. This it already does by making information freely downloadable from its local authority website.

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 outlined in

Annex 2 of the Section 18 guidance. In particular, it will detail how the Council ensures that its officers: -

- Can identify the authority's objectives, plans and priorities and contribute 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 will: -

- Consider all accidents and incidents brought to its attention for investigation
- Consider each with regard to HSE priority guidance as to what needs/does not need further investigation
- Investigate each accident thoroughly and institute appropriate action to prevent recurrence. This may involve the service of letters, notices, simple cautions or prosecution whichever is most appropriate with regard to the Enforcement Management Model (EMM), Code for Crown Prosecutors, Enforcement Concordat or Better Regulation Regulators Code.
- Provided a documented policy for responding to reported accidents and complaints.

SECTION 8: TARGET/STANDARDS

8.1 Targets and standards applied

8.1.1 The following targets and standards are utilised: -

- (i) To carry out topic-based interventions projects in relation to high risk businesses and activities.
- (ii) 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.
- (iii) 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.
- (iv) 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.
- (v) 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.
- (vi) To produce other information on performance to the HSE on demand.

SECTION 9: PERFORMANCE INDICATORS

9.1 Performance indicators applied: -

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

Appendix 1 – ENVIRONMENTAL HEALTH AND LICENSING SERVICES STRUCTURE

