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21<sup>ST</sup> November 2016

Dear Sir/Madam

### REGULATORY AND LICENSING COMMITTEE

A meeting of the above mentioned Committee has been arranged to take place on **Wednesday 30<sup>th</sup> November 2016 at 6.00 p.m.** in the **Committee Room**, District Council House, Lichfield to consider the following business.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Neil Turner', is written over a light grey rectangular background.

Neil Turner BSc (Hons) MSc  
**Director of Transformation & Resources**

To: **Members of Regulatory and Licensing Committee:**

Councillors B Yeates (Chairman), Warfield (Vice Chairman), Mrs Baker, Mrs Barnett, Drinkwater, Mrs Eagland, Mrs Evans, Miss Fisher, Humphreys, Leytham, O'Hagan, Miss Shepherd, Smedley, Mrs Stanhope MBE, A. Yeates.



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## AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. To approve as a correct record the Minutes of the Meeting held on 27<sup>th</sup> June 2016 (copy attached)
4. To approve as a correct record the Minutes of the Special Meeting Held on 3<sup>rd</sup> November 2016 (copy attached)
5. Street Collections 2017 (copy attached)
6. Health & Safety Enforcement Priorities (copy attached)
7. Update Market Charter (verbal)
8. Work Programme (copy attached)



# REGULATORY AND LICENSING COMMITTEE

27 JUNE 2016

**PRESENT:** Councillors B.W. Yeates (Chairman), Warfield (Vice-Chairman), Drinkwater, Mrs Eagland, Mrs Evans, Miss Fisher, O'Hagan, Humphreys, Leytham, Miss Shepherd, Smedley and Mrs Stanhope MBE

**AN APOLOGY FOR ABSENCE** was received from Councillors Mrs Baker, Mrs Barnett and A. Yeates

## ... **DECLARATIONS OF INTEREST**

Councillors Leytham, Smedley and Warfield declared non-pecuniary interests in Item 4 as they were Lichfield City Councillors

Councillor Mrs Stanhope declared a non-pecuniary interest in Item 5 as she lived close to the A38

## ... **NEIL WAIT, SENIOR ENVIRONMENTAL OFFICER**

The Committee were notified that Neil Wait, Senior Environmental Officer, would be leaving the authority soon to take employment elsewhere. Members wished to extend their gratitude for all of his work during his time at Lichfield District Council and wished him all the best for the future.

## ... **MINUTES**

The minutes of the meeting held on 10<sup>th</sup> February 2016, as printed and previously circulated were taken as read, approved as a correct record and signed by the Chairman. It was confirmed that the food testing laboratory at Good Hope hospital had not yet closed but was still planned to at some point.

## ... **FEEDBACK FROM LICHFIELD CITY COUNCIL REGARDING MARKET CHARTER**

The Committee received a verbal update from Gareth Davies, Environmental Health Manager, following a request by the District Council for a copy of the Markets Charter from Lichfield City Council. It was noted that this request had been made by the Committee via letter to ensure that following the approval of the Street Trading Policy, charges were not being made for streets covered by the Charter.

It was reported that Mr Davies had received a response from the City Council's Town Clerk stating that the City Council had recently resolved to instruct the Town Clerk, with external assistance if required, to find the most complete and definitive Charter.

**RESOLVED:** That the information received be noted.

... **LOCAL AIRE QUALITY MANAGEMENT DECLARATION OF AIR QUALITY MANAGEMENT AREA – A38, WALL ISLAND TO ALREWAS**

The Committee received a report updating them on development since the previous update was given on the 4<sup>th</sup> February 2015. It was reported that site specific Detailed Assessment of a small residential area of four properties adjacent to the A38 in Fradley was carried out and concluded that an Air Quality Management Area (AQMA) should be declared. It was then reported that the report was submitted to Defra in June 2014 for approval and the recommendation back from them was that the whole section of the A38 between Wall Island and the District Boundary north of Alrewas be declared as an Air Quality Management Area. It was noted that a consultation had been completed with no comments received.

Members asked if the recent result of the Referendum to leave European Union would affect the need to go through the process and it was reported that it was still a statutory obligation at this current time.

When asked, it was reported that it was not within the gift of the Council to solve the Air Quality issues but would be working with Highways England. It was noted that the declaration of being an AQMA could speed up the designation of the A38 to an expressway resulting in proper slip-roads which would mean Lorries didn't not have to slow down or stop to enter the road.

Members had some concern that planning applications had been made for more housing which was sited up to the roadway.

- RESOLVED:** (1) That the report be noted; and
- (2) That the declaration of an Air Quality Management Area along the A38, Wall Island to Alrewas be approved.

... **WORK PROGRAMME**

The work programme was considered and it was noted that further items had been included and the updated version would be sent to Members.

**RESOLVED:** That the Work Programme as submitted be agreed.

(The meeting closed at 6.30 pm)  
CHAIRMAN

# **SPECIAL REGULATORY AND LICENSING COMMITTEE**

**3<sup>rd</sup> NOVEMBER 2016**

**PRESENT:** Councillors B.W. Yeates (Chairman), Warfield (Vice-Chairman), Mrs Baker, Mrs Barnett, Mrs Eagland, Mrs Evans, Humphreys, Leytham, O'Hagan, Miss Shepherd, and Mrs Stanhope MBE

**AN APOLOGY FOR ABSENCE** was received from Councillors Drinkwater, Miss Fisher, Smedley and A. Yeates

## **DECLARATIONS OF INTEREST**

No Declarations of Interest were made.

## **2018 REVIEW of PARLIAMENTARY CONSTITUENCIES**

The Committee received a report relating to the Boundary Commission's proposals for new constituencies in England and Members were asked to consider the initial proposals which affect the Staffordshire and Stoke-on-Trent sub-region and decide how they wish to respond to the first stage of the consultation.

## **MEMBERS RESOLVED THAT:-**

- 1) They wish to protest most strongly to the proposal to move the remainder of the ward of Whittington & Streethay from the Lichfield Constituency to the Tamworth Constituency.
- 2) Streethay and Whittington have historic community ties to Lichfield City and no affiliation with Tamworth Constituency.
- 3) As an alternative the Committee propose instead that the remainder of the ward of Hammerwich with Wall is moved into Tamworth Constituency.

(The meeting closed at 6.45 p.m.)  
CHAIRMAN

# STREET COLLECTION PERMITS 2017



Date: 30 November 2016  
Agenda Item: 5  
Contact Officer: Sarah Pearce  
Tel Number: 01543 308008  
Email: [sarah.pearce@lichfielddc.gov.uk](mailto:sarah.pearce@lichfielddc.gov.uk)  
Key Decision? NO  
Local Ward Members

## REGULATORY & LICENSING COMMITTEE

### 1. Executive Summary

- 1.1 To ask Members to approve the allocation of Street Collection Permits for 2017.

### 2. Recommendations

- 2.1 It is recommended that permits be allocated in accordance with **APPENDIX A**.

### 3. Background

- 3.1 Street Collections are regulated by the Police Factories etc (Miscellaneous Provisions) Act 1916 with regulations drawn from The Charitable Collections (Transitional Provisions) Order 1974.
- 3.2 A list of charities that carry out street collections regularly is prepared annually and put before Members for their approval. The charities whose collections have been approved can then apply for a street collection permit for the year.
- 3.3 One permit is issued per week (Monday to Friday) and one for each weekend for individual areas of the district. An exception is made for the "Santa Float" collections which are carried out throughout December in the residential areas and do not interfere with the collections in the city or town centre. Permits are issued on a first come first served basis.
- 3.4 When requests for additional collections are received the Licensing Team check that the charity is registered with the Charity Commission and that the person applying has been given authority to apply on the charities behalf. The request is then referred to the Chair of the Regulatory and Licensing Committee. If approved a permit is issued.
- 3.5 Collectors must be at least 16 years of age, must not receive payment and must use a sealed container clearly bearing the name of the organisation they are collecting for. After the collection is carried out the organisation completes a statement showing the amount collected and any expenses that have been deducted.
- 3.6 Only the collection of cash and the sale of goods are covered by the Act. Face to Face fundraisers asking for donations by direct debit are not. However, many do contact us as a matter of good practice to ensure that only one group of fundraisers is in the area at any one time.

#### Alternative Options

1. Not applicable.

Consultation	1. None undertaken.
Financial Implications	1. No financial implications for the Licensing Authority identified.
Contribution to the Delivery of the Strategic Plan	1. None identified.
Equality, Diversity and Human Rights Implications	1. None identified.
Crime & Safety Issues	1. Not applicable.

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	None identified.		State if risk is Red (severe), Yellow (material) or Green (tolerable) as determined by the Likelihood and Impact Assessment.
B			
C			
D			
E			

**Background documents**

Appendix A – organisations to be considered for permits in 2017

**Relevant web links**

## **Street Collections 2017**

### **Lichfield**

British Heart Foundation (Lichfield branch)

British Red Cross

Kidney Cancer Care

Lichfield Greenhill Bower

Lichfield Mysteries

Lichfield Round Table

Macmillan Cancer Support (Lichfield branch)

Salvation Army

Sense

St. Giles Hospice

### **Burntwood**

Phoenix Children's Foundation

RNLI

Rotary Club of Burntwood & District

Royal Air Forces Association

### **Fazeley and Mile Oak**

Tamworth & District Round Table

### **Hopwas**

Rotary Club of Tamworth 629

### **Handsacre & Armitage**

Friends of Hayes Meadow School

### **Colton & Hill Ridware**

Rotary Club of Rugeley

### **Whole District**

Royal British Legion



**REGULATORY & LICENSING COMMITTEE**

**Date: 30<sup>th</sup> November 2016**

**Agenda Item: 6**

**Contact Officer: James Rudman**

**Telephone: 01543 038742**

**REPORT OF HEAD OF REGULATORY SERVICES, HOUSING & WELL BEING**

**HEALTH AND SAFETY LAW ENFORCEMENT PLAN**

**1. Purpose of Report**

- 1.1 To recommend the Regulatory & Licensing Committee consider and approve the Health & Safety Law Enforcement Plan for 2016-2018.
- 1.2 To incorporate the overall mission and goals set out in the Health & Safety Executive's new Strategy produced in 2016 – Helping Great Britain Work Well - A new health and safety system strategy.

**2. Summary of Background Information**

- 2.1 It is essential the delivery of health & safety enforcement is undertaken in an approved and regulated manner in compliance with Government requirements outlined in the Health & Safety at Work etc. Act 1974 (Section 18).
- 2.2 Section 18 (the '**Standard**') of the Health & Safety at Work etc Act 1974 puts a duty on the Health & Safety Executive (HSE) and Local Authorities to make adequate arrangements for enforcement. To meet this standard it is expected that every Authority shall:-
  - Set out their commitment to priorities and planned interventions.
  - Put into place an infrastructure that will deliver an effective service and comply with statutory duties.
  - Appoint and maintain a competent inspectorate.
  - Use interventions, including enforcement action in accordance with their enforcement policy that is proportionate, accountable, consistent and transparent.
  - Work within their own organisation and with stakeholders to make best use of joint resources.
  - Contribute to liaison, policy and governance arrangements at a local, regional and national level.
  - Promote sensible risk management.
- 2.3 Service delivery plans for health & safety enforcement ensure that we are able to:
  - Focus debate on key delivery issues;
  - Provide essential links with Lichfield District Council's visions and priorities;
  - Provide essential links with the National Agenda's around health & safety;

- Set objectives for the future improvement and delivery;
  - Provide a means of managing performance and making performance comparisons.
- 3.1.1 The Health & Safety Law Enforcement Plan for 2016-18 is detailed in **Appendix A** for consideration and approval.
- 3.1.2 Performance against the Health & Safety Law Enforcement Plan for 2016-18 will be reported in spring 2018 in the form of a briefing paper to this committee.

#### **4. Current Situation**

- 4.1 The HSE, currently prescribe where Local Authorities should target resources based on national priorities and this directs the service plan. (Appendix 5 of the attached HSLEP) Proactive inspection should be used only for the activities on this list or where there is intelligence that risks are not being effectively managed. The way in which the Commercial Team's work will be delivered is detailed in the plan.
- 4.2 The review of Health and Safety reported to the committee on 11<sup>th</sup> June 2011 in response to a report by Lord Young in 2010 '**Common Sense, Common Safety**' resulted in a significant reduction in regulatory activity and change in how the Commercial Team operates with regard to Health and Safety regulation. This is comparable to other local authorities within Staffordshire.
- 4.3 An analysis of business rates data referred to in the Tamworth and Lichfield Business and Economic Partnership Strategic Plan for 2014-2018 suggests that unoccupied commercial floor space has decreased since the recession falling to 5.0% in Lichfield (9.3% in December 2012). The plan suggests that the levels of business investment in the Lichfield area have recovered well since the recession. This inevitably will mean more new businesses starting up in Lichfield and could result in an increased demand on the Commercial team with regard to regulation and provision of advice.
- 4.4 The current database of premises of premises contains 1488 businesses, many of which are food businesses. The current database held by the Commercial Team is likely to be out of date due to a significant reduction in regulatory visits and with many businesses closing and starting up over the last few years.
- 4.5 Currently work is being undertaken on event safety and, following local Midlands based intelligence, on machinery safety within the catering / food retail industry.
- 4.6 Intelligence gathering to support the update of the database and to identify local workplace risks will require an administrative input.
- 4.7 A Safety Advisory Group (SAG) was set up in 2016. The group involves all of the regulatory bodies involved in enforcement at events, for example Environmental Health, the Police, The Fire Service, Trading Standards, Highways, etc. The SAG is chaired by the Commercial Team and was set up due to an increase in large events operating in the District and in response to the National Priority set by the HSE. This does, however, place an increased burden on the Commercial Team. In addition to the group meetings the Commercial Team carries out a number of visits during events.

## 5. Financial Implications

- 5.1 The current level of officer competence is restricted to the food sector and where HSE national priorities are outside of this sector their experience is limited. In order to rectify this a programme of training must be developed and whilst much of this can be done in-house by the Senior Environmental Health Officer, there will be a need to send officers on external training courses. It is expected that the cost of this be met through the existing training budget. Currently the Senior Environmental Health Officer is able to cover all health and safety matters dealt with by the team.
- 5.2 Once the desktop study of the service has been completed a further review will be carried out to ensure sufficient resources are available to achieve the action plan contained within the HSLEP.

## 6. Risk Management Issues

Risk	Likelihood/ Impact	Risk Category	Countermeasure	Responsibility
National Priorities shift outside current officer competency	Low / the plan will need updating	Financial	Planning / Training	Service Manager.

### Background Documents:

Health and Safety Law Enforcement Plan.

Report checked and approved:

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Director of Place & Community

# Health & Safety Service Plan 2016 - 2018

Health & Safety

Inspection Services

Advice & Help

Accident Investigation

Education

Partnership with Business

Liaison

Effective Delivery

Quality

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### References

**Appendix 1 – Health & Safety in the Environmental Health Structure**

**Appendix 2 – Committee Structure & Health & Safety Reporting**

**Appendix 3 – Useful Contacts**

**Appendix 4 - A Breakdown of Net Expenditure for Health & Safety by Activity  
for 2014/15 & 2015/16**

**Appendix 5 – National Local Authority Priorities list.**

**Appendix 6 - Extract from Selection Criteria for investigating incidents.**

**Appendix 7 - HSE Complaints handling procedure**

## FOREWORD

The Health and Safety Law Enforcement Plan (HSLEP) is a statutory document required under the 'Section 18 Standard' set by the Health and Safety Executive (HSE).

Section 18(4) of the Health and Safety at Work etc. Act 1974 (HSW Act) requires that enforcing authorities perform their duties in accordance with guidance issued by the HSE. This guidance is known as the Section 18 Standard and compliance with this Standard is mandatory.

One of the key elements of the Standard is that local authorities must publish an Enforcement Plan annually. This plan sets out the arrangements to demonstrate how it will comply with Section 18, outlines the work programme for the following year as well as reflecting on the work carried out during the previous year.

A strong co-regulator partnership between the Health & Safety Executive and Local Authorities is integral in delivering the visions and mission of both organisations – but regulators cannot do it alone. We need everyone including businesses, workers and regulators working together to play their part in delivering improved standards of performance in health and safety because it is delivery of this Service Plan that counts.

Lichfield District Council has approved this Service Plan for the provision of our health and safety law enforcement service in the year(s) **2016-18**

The plan details the following:-

- ❖ the aims and key priorities of the services provided
- ❖ the organisational structure and the scope of the services provided
- ❖ the ways in which the service will be delivered and the targets for its delivery
- ❖ the human and financial resources involved in providing the service
- ❖ the ways in which the quality of the service will be monitored and improved upon
- ❖ the ways in which the service will be reviewed and improved upon

The HSLEP is reviewed on a bi-annual basis and the next revision will take place in Spring 2018 (NB – This plan covers two years). However, before then the Council would welcome not only feedback on the current Service Plan, but also suggestions from interested parties on what they feel should be included in future plans.

Copies of this Service Plan will be available on our website [www.lichfielddc.gov.uk](http://www.lichfielddc.gov.uk)

Comments, observations and any suggestions for improvement should be sent for the attention of James Rudman, Environmental Health, Council House, Frog Lane, Lichfield, Staffordshire, WS13 6ZE, or by e-mailing him at [james.rudman@lichfielddc.gov.uk](mailto:james.rudman@lichfielddc.gov.uk)

**LICHFIELD DISTRICT COUNCIL**  
**HEALTH & SAFETY SERVICE DELIVERY PLAN 2016-18**

**0. INTRODUCTION**

- 0.1.1 The **Health & Safety Executive** and **Local Authorities** are the principal **Enforcing Authorities** for the **Health & Safety at Work etc. Act 1974**. The primary purpose of the Health & Safety at Work etc. Act 1974 is to control risk from work activities. The role of Enforcing Authorities is to ensure that duty holders manage and control these risks and thus prevent harm to employees and to the public.
- 0.1.2 **Section 18** (the '**Standard**') of the **Health & Safety at Work etc. Act 1974** puts a duty on the Health & Safety Executive and Local Authorities to make adequate arrangements for enforcement. The '**Standard**' sets out the arrangements that Local Authorities and the Health & Safety Executive should put in place to meet this duty. Enforcing Authorities are legally required to comply with the '**Standard**.'
- 0.1.3 The Council recognises the important role it plays in securing health and safety compliance in the workplace to safeguard both employees and the public who live, work or visit the District. This plan's key focus is to demonstrate how the Council will fulfil its statutory obligations and duties in relation to health & safety and how we contribute to local and national visions and goals.
- 0.1.4 Working in partnership with the Health & Safety Executive, Local Authorities can help to protect people's health and safety by ensuring that risks in the changing workplace are properly controlled.

**0.2.0 SETTING THE SCENE**

- 0.2.1 Nationally, in 2015/16 **144** workers were killed at work, **621,000** injuries occurred at work according to the Labour Force Survey and **72,702** other injuries to employees reported under RIDDOR. **1.3 million** working people were suffering from a work-related illness and **2,515** mesothelioma deaths due to past asbestos exposures (2014). **30.4 million** working days were lost due to work-related illness and workplace injury. **£14.1 billion** estimated cost of injuries and ill health from current working conditions (2014/15).
- 0.2.2 In his report "*Reclaiming health & safety for all: An independent review of health and safety legislation*," Professor Ragnar Löfstedt recommended that Health and Safety Executive be given a stronger role in directing Local Authority health & safety inspection and enforcement activity.
- 0.2.3 In response to Loftstedt's recommendation the HSE have published the National Local Authority Enforcement Code to all local authorities detailing how they are to target their health and safety resources.
- 0.2.4 The Code is designed to ensure that LA health and safety regulators take a more consistent and proportionate approach to their regulatory interventions. It sets out the Government expectations of a risk based approach to targeting. 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.

- 0.2.5 This means targeting interventions on those activities that give rise to the most serious risks or where the hazards are least well controlled.
- 0.2.6 Annex A of the code (shown in appendix 5) sets out a list of activities/sectors for proactive inspection by local authorities. This plan shows how the Council intends to regulate these activities.
- 0.2.7 LAs should target these activities 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
- 0.2.8 The Commercial Team is responsible for enforcing health and safety legislation in a wide range of premises in Lichfield. These include:
- Warehouses.
  - Steel stockholders.
  - Sports stadia, theatres and cinemas.
  - Retail and catering outlets.
  - Hotels, hostels and residential care homes.
  - Offices.
  - Tattooists and beauty treatments.
  - Consumer Services e.g. Funeral Directors, coin operated laundrettes, etc.
- 0.2.9 This Plan sets out to help to contribute to the overall mission and goals set out in the Health & Safety Executive's Strategy produced in 2016 – **Helping Great Britain Work Well - A new health and safety system strategy,**
- 0.2.10 To provide a focus for this important work, HSE has set out six strategic themes that will bring a renewed emphasis on improving health in the workplace, as well as building on the highly successful track record on safety.

**The six strategic themes are:**

- [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

This document seeks to include much of the ideals included in the above HSE strategy.



## SECTION 1: SERVICE AIMS & KEY PRIORITIES

### 1.1 SERVICE AIMS

- 1.1.1 To contribute to the Lichfield District Council's corporate commitment to 'To be a strong, adaptive council that delivers good value quality services and helps to create a vibrant and prosperous economy, healthy and safe communities and clean, green and welcoming places', by protecting and improving the health and safety of those living in our community in connection with the work environment.
- 1.1.2 To support and actively contribute to the 6 themes contained in the Health & Safety Executive's Strategy **Helping Great Britain Work Well - A new health and safety system strategy**.
- 1.1.3 To continue to target our interventions around areas of work which have the **greatest impact on ill health reduction** effectively using the resources we have. Target areas are contained within Appendix 5.

### 1.2 KEY PRIORITIES

- 1.2.1 In order to achieve our stated service aims, we need to set out some key priorities for our Health & Safety Service Delivery. These key priorities are to:-
- ensure that premises that fall under our control for health & safety enforcement only have an intervention where risk management is failing.
  - base our interventions around areas of ill health reduction that have the greatest impact.
  - verify the information contained within the premises database and carry out a full review of local intelligence.
  - ensure that complaints about unsafe practices or premises are investigated in accordance with the complaints handling procedure.
  - investigate accidents and incidents of ill health where they meet the selection criteria shown in Appendix 6.
  - provide informed and helpful advice to businesses and the public alike on matters relating to health & safety, where requested. In particular start-up businesses operating within Lichfield.
  - develop partnerships with small local businesses and larger national companies based in our district, which will help to provide consistent and proportional advice on health & safety issues at both local and national levels.

- play an active role with neighbouring local authorities in the Central England Health and Safety Coordinating Group in order to ensure a consistent approach to health & safety enforcement.
- Continue to support organisers of events within Lichfield through the charring Safety Advisory Groups (SAGs) and providing advice and guidance on Event Management Plans.
- review the way we deliver our health & safety service annually that takes into account recognised performance targets and standards.

### 1.3 LINKS TO CORPORATE OBJECTIVES & PLANS

1.3.1 This Health and Safety Law Enforcement Plan links closely with the strategic themes laid out in **Our Strategic Plan 2016-2020**. These essentially govern how the Council in future will deliver its services based on local aspirations, needs and priorities.

1.3.2 At the heart of the **Plan** is the Council's commitment to be a strong, adaptive council that delivers good value quality services and helps to create a **vibrant and prosperous economy**, **healthy and safe communities** and **clean, green and welcoming places**.

1.3.3 Seizing on the core values the Commercial Team will ensure it delivers:

**Good customer service** - We are passionate about our customers and our corporate value is to deliver good customer service.

**Mutual respect** - We believe in mutual respect, whether that's between our staff and customers, or our staff and members. By working together in a respectful way, we believe we can achieve more.

**Continuous improvement** - We are always striving for continuous improvement, whether that's in what we all achieve on a daily basis, or in the services we deliver to our customers

1.3.2 To help deliver this plan the Council has identified 3 external facing key '**priorities**'

- **Vibrant & prosperous economy** - We work to support and strengthen our local economy, with high employment, good local jobs and thriving local businesses. We want people to be able to live and work locally and have the choice of great jobs and training opportunities – from apprenticeships through to high-skilled senior roles – so that they can fulfil their potential. We want our town and city centres and rural areas to be dynamic and thrive, and we want new businesses to start up, innovate and succeed.
- **Healthy & safe communities** - We want local people to have access to great opportunities to be active and live healthy, fulfilled lives. We want to prevent social isolation and loneliness, particularly in older members of our community. We want our communities to be even safer and for people to be less worried about crime and anti-social behaviour. We want to encourage and support people to volunteer and help shape their communities, and be an active part of local life.

- **Clean, green & welcoming places** - We want to create great communities where people want to and can afford to live. We want a mix of homes, including enough affordable homes, and we want the right type and quantities of office, retail and manufacturing spaces. We want to protect our stunning heritage and make sure our green spaces, streets and public areas are looked after and well managed.

### 1.3.3 Our Health and Safety Law Enforcement Plan will contribute to the **priority** of **'Vibrant & prosperous economy** by:-

- identifying the need to ensure a consistent, proportionate and fair approach to enforcement is carried out across the District;
- providing free support to start-up businesses in the form of advisory visits designed to assist them to achieve a high safety standard.
- providing free appropriate, targeted, health and safety advice to businesses.
- delivering support, signposting and networking opportunities to existing businesses to help them thrive.
- targeting interventions in accordance with the national priorities as directed by the HSE and also as required by local priorities (Set by locally gathered intelligence).
- supporting major businesses in the district through Primary Authority arrangements to ensure they get assured and consistent advice on regulatory compliance.
- actively participating in initiatives on regulatory reform as part of the Staffordshire Local Enterprise Partnership.
- actively participating in initiatives on regulatory reform as part of the Greater Birmingham Local Enterprise Partnership.
- providing support and advice through a Safety Advisory Group for organisers holding large events involving large numbers of visitors to the district.

### 1.3.4 Our Health and Safety Service will contribute to the **priority** of **'Healthy & Safe Communities'** by:-

- ensuring we are delivering services to all communities equitably, proportionally and consistently.
- carrying out interventions prioritised by risk and regulate to ensure that all businesses are managing Health and Safety risks effectively.
- providing transparent, robust and consistent approaches to investigating and resolving health, safety & welfare complaints about businesses.

- investigating all incidents reported to the council where they fall within the incident selection criteria (Appendix 6)

1.3.5 Our Health and Safety Service will contribute to the **priority** of ‘**Clean, Green and Welcoming places**’ by:-

- Carrying out waste enforcement and education during visits at businesses, ensuring that adequate provisions have been put in place to deal with waste generated by businesses.
- Working towards increasing overall standards within the District, thereby improving their reputation and appeal to consumers.
- Supporting events, where traders play a major role, with a suitable balance of advice and regulation to help protect the District’s growing reputation for providing popular events.

1.3.6 Our Health and Safety Law Enforcement Plan is built on the **foundation** underpinning these **priorities** and the service will monitor and measure its performance by:-

- identifying what we currently are delivering in our service;
- setting out what we want to do between 2016-2018 in a work programme based on HSE and local agendas; and
- highlighting an improvement plan to make our service better, within given timescales which we can be measured against.

1.3.7 By helping us to listen to local people and businesses’ aspirations, influences will be drawn which will help shape some our key priorities for our service in the future.

1.3.8 Performance of our service is measured against national and local targets such as:-

- Satisfaction of businesses with local authority regulation services.
- 100% of identified premises receiving an intervention where they have been identified to be failing.

The indicators provide an objective measure on how our premises are performing and what businesses think of our service.

## SECTION 2: BACKGROUND

### 2.1 District Profile

- 2.1.1 Lichfield District is one of 9 Staffordshire District Councils. Within commuting distance of both the Black Country Boroughs and Birmingham, the District has a population of circa 102,100<sup>1</sup>, and covers nearly 33,130 hectares.

The District was formed in 1974, and comprises urban populations in the town of Burntwood and the city of Lichfield, and a substantial rural population in surrounding villages, some of which have significant populations.

- 2.1.2 We have nationally and internationally renowned visitor attractions and the historic environment of Lichfield City provides a strong base for tourism.

The increased income tourism has brought to the District has led to a proportionate increase in the number of businesses. Our proximity to the M6 corridor makes Lichfield the perfect location to do business from.

- 2.1.2 We have nationally and internationally renowned visitor attractions and the historic environment of Lichfield City provides a strong base for tourism.

The Districts population continues to grow. With this growth comes further business opportunity and new challenges for our health and safety service, as the industry base diversifies.

### 2.2 Organisational Structure

- 2.2.1 The Place & Community Directorate has a wide range of duties covering the spectrum of public health, environmental and housing functions. The Council's Health & Safety Service is delivered within the Regulatory Services, Housing and Wellbeing Directorate. The structure of the team is detailed in **Appendix 1**

- 2.2.2 The Director for Place & Community has delegated powers in relation to health & safety to act on behalf of the Council.

- 2.2.3 In response to the 'modernising agenda' the Council has adopted the 'cabinet and leader' approach to local governance. The committee structure and where our health & safety service fits into this is detailed in **Appendix 2**

- 2.2.4 The Regulatory & Licensing Committee has responsibility for policy, review and development in respect of certain environmental health issues including health and safety. Performance against this Plan will be reported to this Committee at the end of Spring 2018.

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<sup>1</sup> A Focus on Lichfield, 2015, Insight, Planning and Performance Team, Staffordshire County Council, Sept 2015

2.2.5 Officers who deliver our Health & Safety Service are multi-skilled and work across all the team's work areas at a level depending upon their competence and qualification. The officers with key responsibility for the service are:

- **Head of Service – Regulatory Services, Housing and Wellbeing** – service development and strategic direction
- **Environmental Health Manager** - overall management of the service
- **Senior Environmental Health Officer (Commercial Team)** – day to day management of the service; service development; official returns; premises inspection; accident investigations; service requests
- **Technical Officers** – service development; premises inspection; accident investigation; service requests.
- **Technical Assistant**–premises inspection; premises inspection; accident investigation; service requests.

2.2.6 The Council if necessary will call for technical expertise through the Health & Safety Executive (**see Appendix 3 Useful Contacts**)

## 2.3 **Scope of the Health & Safety Service**

2.3.1 The Commercial Team is responsible for delivering all the Authority's Health & Safety Regulation Service as relevant to a District Council. This includes:-

- programmed health & safety interventions and revisits
- partnership working with the Health & Safety Executive and other Local Authorities
- the investigation of complaints regarding safety standards or practices in premises across the district, which meet the complaints handling procedure
- the investigation of reportable incidents that have occurred across the district where they meet the incident selection criteria
- the provision of advice and information on health & safety issues
- consideration of the health & safety aspects of planning and licensing applications

2.3.2 All of the officers who deliver services within our Health & Safety Team also undertake certain duties in relation to the delivery of our Food Safety Service.

2.3.3 All health & safety services are delivered by in house staff, except where specialist and technical advice is required.

## 2.4 Demands on the Health & Safety Service

### 2.4.1 Health & Safety Interventions

In Lichfield District, the Commercial Team are responsible for approximately 1488 (NB – This is likely to increase significantly once the planned desktop study is completed) premises, ranging from large warehousing/logistic firms to smaller operations. A breakdown of the premises, as defined by type in the Annual Returns (as of 31<sup>st</sup> March 2011) is shown in the table below:

Following a reduction in health and safety resources in 2011-12 the integrity of the database is unknown due to a reduced level of contact with premises during interventions. As such it is proposed that a desktop study be undertaken on those businesses listed in the database to ensure premises are still trading and to attempt to identify new businesses.

Type of premises	Number
Catering	330
Consumer Services	210
Hotels, campsites, accommodation	24
Leisure and cultural services	76
Office	263
Other Premises	26
Residential Care Home	16
Retail Shop	419
Wholesale Shops, warehousing	109
Unclassified	15
<b>Total Number of Premises</b>	<b>1488</b>

### 2.4.4 Regionally & Nationally Significant Companies

In the District, there are several large warehousing/logistics firms, for example: Tesco Distribution Centre (Fradley).

Lichfield itself is home to the headquarters of The Central England Co-operative Society (Retail) and Busy Bees Nursery's Ltd (Child Care), both are regionally and nationally significant companies.

### 2.4.5 Other Factors likely to have an impact on Health & Safety Service Delivery in 2016-18

In addition to some of the demands identified above, other factors are likely to influence the way we work in 2016-18, including:-

- changes to when we carry out an intervention (Local Authority Circular 67/2) could mean an increase or decrease in the number of programmed interventions over this year depending on national priorities.
- Significant changes to the national priorities in 2017-18.
- implementation of a potential new computer system.
- the transfer of data from our current databases to any new computer system.
- work towards the Regulators Development Needs Analysis to ensure our staff are competent to undertake Health & Safety Work
- possible changes to the Enforcement Authority Regulations
- additional premises picked up during district wide survey

#### 2.4.6 Access to our Service.

Our Health & Service is delivered from The Council House, Frog Lane,

Lichfield, Staffordshire. Service users may contact Officers on site or by leaving a message, in the following ways:-

- ❖ **in person** between 8.45am and 5.15pm Monday to Friday.
- ❖ **by telephone** on 01543 308000 or 01543 308999  
between 8.45am and 5.15pm Monday to Friday.

Out of hours:- 01543 254213

- ❖ **by fax** on 01543 308728
- ❖ **by e-mail** [occupational.safety@lichfieddc.gov.uk](mailto:occupational.safety@lichfieddc.gov.uk)

For other useful contact addresses and numbers please refer to **Appendix 3**



## SECTION 3: SERVICE DELIVERY

### 3.1 Premises Interventions

- 3.1.1 One of this Service Plan's key priorities is to ensure that there is a local plan in place for delivering Health and Safety Regulation which is relevant to national and local priorities and to businesses which are failing to meet standards.
- 3.1.2 Due to the changes made to the health and safety service over recent years much of the intelligence previously held is now out of date due to fewer interventions at businesses. In addition to this many businesses will have started up and a number will have ceased trading.
- 3.1.3 An analysis of business rates data referred to in the Tamworth and Lichfield Business and Economic Partnership Strategic Plan for 2014-2018 suggests that unoccupied commercial floor space has decreased since the recession falling to 5.0% in Lichfield (9.3% in December 2012). The plan suggests that the levels of business investment in the Lichfield area have recovered well since the recession. This inevitably will mean more new businesses starting up in Lichfield and could result in an increased demand on the Commercial Team to provide advice and regulate.
- 3.1.4 The current database of premises contains 1488 businesses, many of which are food businesses who will have received some form of intervention in the last three years. The current database held by the Commercial Team is therefore likely to be out of date (in part).
- 3.1.5 It is therefore essential that time is spent building up information on the local business picture. This will be achieved by carrying out a full review of the database, surveys of the district, intelligence gathering from local directories and internet sites, and a review of local accident statistics, complaints and insurance reports.
- 3.1.6 Following a review of the local intelligence gathered through this process any significant trends identified, for example, an increase in incidents involving fork lift trucks will be targeted by delivering project specific interventions designed to provide information, advice and regulation to businesses that are at risk of similar incidents occurring.
- 3.1.7 Local priorities already identified through incident intelligence obtained through links with other West Midlands authorities include:
- Gas safety in local catering establishments
  - Food machinery guarding in food retail and catering premises
- 3.1.8 In addition to local intelligence driven projects the commercial team will be delivering on the following National Priorities (Shown in Appendix 5) identified by the HSE as being significant causes of injury or ill health:

- e.coli/cryptosporidium infection esp. in children from Open Farms/Animal Visitor attractions
- Carbon monoxide poisoning at commercial catering premises using solid fuel cooking equipment
- Fatalities/injuries resulting from being struck by vehicles at Tyre fitters / Motor Vehicle Repair (as part of Car Sales) High volume Warehousing/Distribution
- Fatalities/injuries resulting from falls from height/ amputation and crushing injuries at Industrial retail/wholesale premises e.g. steel stockholders, builders/timber merchants
- Crowd control & injuries/fatalities to the public at large scale public gatherings e.g. cultural events, sports, festivals & live music due to lack of suitable planning, management and monitoring of the risks arising from crowd movement and behaviour as they arrive, leave and move around a venue

3.1.9 A variety of means will be used to ensure that individuals and organisations meet with their legal responsibilities relating to health & safety during an intervention including education, negotiation, advice, guidance, warning letters, formal notices and prosecution.

## 3.2 Health & Safety Premises Practices & Complaints

3.2.1 Health & Safety complaints received and investigated by the service fall into one of two broad categories:- complaints about safety practices or complaints about safety on the premises .

3.2.2 An initial response to a health & safety complaint will be made within 5 working days. The team investigates on average of 100 complaints about practices and premises annually.

## 3.3 Primary Authority

3.3.1 The Council fully supports the Primary Authority Principle. Officers give advice to companies and other Local Authorities Health & Safety Enforcement Services if requested to do so.

3.3.2 The Commercial Team manages three Primary Authority agreements with Midland Expressways (M6 Toll), Busy Bees Nurseries and Police Mutual.

## 3.4 Advice to Business and the Public

3.4.1 The Commercial team will provide advice to businesses to help them comply with the law and encourage the use of best practice. Through such an approach, standards of health & safety are improved and positive relationships built with businesses. This is achieved through:-

- advice given during inspections and other visits

- the provision of advice leaflets
  - responding to enquiries
- 3.4.2 We will also provide advice and assistance, when requested, to new and proposed businesses at the planning and pre-planning stages and will assist existing businesses that propose to make changes to their operations
- 3.4.3 An initial response to a request for advice will be made within 5 working days. An estimated 200 enquiry's are received from businesses and the public each year.
- 3.5 **Accident, Ill Health or Dangerous Occurrence Investigation**
- 3.5.1 Incidents are reported to us:-
- via the HSE Incident Contact Centre either by fax or downloaded from the web
  - via direct contact with the business where the accident occurred
  - via direct contact with the injured party
  - via other organisations such as the Police, the fire service, OFSTED, etc.
- 3.5.2 Investigation priority will be given to any accident, report of ill health or dangerous occurrence that occurs in line with **Local Authority Circular 22/13 (Incident Selection Criteria Guidance)**. We will also be using the Enforcement Management Model to help us decide on our enforcement approach.
- 3.5.3 We have a 1 day response time for incidents, reports of ill health or dangerous occurrences. We currently have around 160 incidents reported annually.
- 3.8 **Partnership Working with the Health & Safety Executive and Liaison with Other Organisations**
- 3.8.1 We will continue to work in partnership with the Health & Safety Executive to target our resources more effectively.
- 3.8.2 Members of the Commercial Team play an active role in the Central England Health and Safety Coordinating Group, which is governed by a Core Constitution. The Group's primary aim is to encourage greater consistency in enforcement across the whole of the Midlands and on a local level the 9 Staffordshire Authorities represented.
- 3.9 **Event Safety work**
- 3.9.1 The Commercial Team will continue to be heavily involved in providing advice and support to the various event organisers. A Safety Advisor Group (SAG) has been created by the Commercial Team and is chaired by the Local Authority. The group includes all of the bodies responsible for regulation at events and allows for event organisers to receive advice on their Event Management Plans.

- 3.9.2 The SAGs are held for each major event in the District and include all of the regulatory authorities allowing Event Management Plans to be reviewed and providing advice to organisers who must demonstrate that their events will be managed safely.
- 3.9.3 Officers are also in attendance at larger events ensuring that standards are being maintained and Event Management Plans are being followed.

## SECTION 4: RESOURCES

### 4.1 Financial Allocation

- 4.1.1 The net expenditure for health & safety law enforcement budgeted for 2016-2018 is £36,630 for 2016-17 and £35,120 for 2017-18.
- 4.1.2 A breakdown of net expenditure for health & safety by activity for 2014/15 and 2015/16 is included in **Appendix 4**
- 4.1.3 If legal action is to be taken by the service, costs are met from within the overall environmental health budget under a specified cost area for prosecutions. Where possible costs are recovered.
- 4.1.4 The Council recognises the importance of being able to deal with legal actions and other one off occurrences by maintaining adequate corporate reserves and provisions.

### 4.2 Staffing Allocation

- 4.2.1 The staff resources available to undertake Health & Safety law regulation during 2016-18 are equivalent to 1.3 full time officers. A breakdown this figure based on full time equivalent posts (FTE) is as follows:-

Post	Full Time Equivalent (FTE)
Head of Service & Environmental Health Manager	0.1
Senior Environmental Health Officer	0.3
Technical Officer (x3)	0.9
<b>Total (FTE)</b>	<b>1.3</b>

- 4.2.2 All officers are qualified and competent to undertake health & safety work in food businesses. The Regulatory Development Needs Analysis sets out clearly the competencies and qualifications needed by inspectors. Officers who have completed this analysis have identified that they require further training in certain aspects of Health and Safety regulation outside of food businesses. In order for the team to deliver the key priorities knowledge gaps will need to be addressed.
- 4.2.3 Support for our service comes from our Customer Services Team. Currently the level of this support is 0.3 of a full time equivalent.

### 4.3 Staff Development

- 4.3.1 The Council recognises that there is a need to invest in the continuing development of staff. Each member of staff takes part in a performance and development review at the beginning of the financial year in order to establish work and performance targets and identify training and development needs.

- 4.3.2 Within the Commercial Team, such development is needed in order to meet the continuing professional development requirements of the Chartered Institute of Environmental Health and more specifically requirements contained in the Health & Safety Executives Section 18 Guidance.
- 4.3.3 All necessary training will be undertaken through in house training, formal courses and vocational visits as appropriate. Innovative ways of receiving training to maximise limited training resources will be pursued.
- 4.3.4 A training programme will be developed for each officer to be delivered by the Senior Environmental Health Officer in advance of each area of work being undertaken.

## SECTION 5: QUALITY ASSESSMENT

### 5.1 Quality Assessment

5.1.1 The work of the team is subject to scrutiny by Members, internal auditors, the Audit Commission, the Health & Safety Executive and peer review by other Staffordshire Local Authorities.

5.1.2 The following monitoring arrangements are currently in place to assist in the quality assessment of the work carried out by the Commercial Team, although some need formalising through written procedures:-

- sample inspection audits
- sample audits of health & safety files and associated paperwork
- performance and development reviews
- performance monitoring of target response times
- performance monitoring against targets set down as local indicators
- monthly team meetings and individual 1 to 1 meetings with officers

5.1.3 During 2016-18, we are reviewing our data management systems and may introduce a new software management system which will actively manage business data, complaints, interventions, incidents and officer actions.

5.1.4 In addition to this, we will continue to consult with our customers through business satisfaction questionnaires, this will provide us with qualitative data to further develop our service in the future.

## **SECTION 6: REVIEW**

### **6.1 Review against the Service Plan**

6.1.1 The process of review will be commenced in April/May each year based on:-

- performance and resources available over the previous 12 months
- responses to consultation with local businesses and the community
- observations from members and the Commercial Team
- advice and guidance issued by the Health & Safety Executive, the Local Authority Co-ordinating Body on Regulatory Services and examples of best practice.

6.1.2 The new Service Plan for 2016-18 will be submitted to Regulatory & Licensing Committee before being forwarded for adoption by Council.

6.1.3 A briefing paper on the previous year's performance against the Health & Safety Law Enforcement Plan for 2016-17 and 2017-18 will be submitted to the Regulatory & Licensing Committee for information in May/June of each year.

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

6.2.1 Quarterly performance figures are produced for our Corporate Performance Plan. Any variances against the Health and Safety Law Enforcement Plan, including resource implication, will be addressed during this process

### **6.3 Work Programme and Areas of Improvement**

6.3.1 Both a work and improvement programme have been developed as part of this Plan, details of which can be found in the tables below.



### 6.3.2 Work/Improvement Programme

Work Activity	Ongoing Work / Improvement Action	Links to Strategic priorities:				Performance Measures -	Timescales	Responsibility	Resources
		1	2	3	4				
<b>Desktop Study</b>	To undertake a full review of Health and Safety regulation within the Commercial Team, including a review of the database	✓	✓	✓	✓	Complete the full review	March 2017	SEHO	
<b>Interventions</b>	To undertake project based interventions based on the key priorities: <ul style="list-style-type: none"> <li>➤ Gas safety in local catering establishments</li> <li>➤ Food machinery guarding in food retail and catering premises</li> <li>➤ Carbon monoxide poisoning at commercial catering premises</li> <li>➤ e.coli/cryptosporidium infection from Open Farms/Animal Visitor attractions</li> <li>➤ Fatalities/injuries resulting from being struck by vehicles</li> <li>➤ Fatalities/injuries resulting from falls from height</li> <li>➤ Crowd control &amp; injuries/fatalities to the public at large scale public gatherings</li> </ul>	✓	✓	✓	✓	<p>Complete interventions for all identified catering premises</p> <p>Complete interventions at all farms / animal visitor attractions</p> <p>Carry out interventions for all identified premises.</p> <p>Deliver SAGs and interventions at all major events</p>	End of March 2018	H&STeam/ SEHO	

Work Activity	Ongoing Work / Improvement Action	Links to Strategic priorities:				Performance Measures	Timescales	Responsibility	Resources
		1	2	3	4				
		1. <a href="#">Vibrant and prosperous economy</a> 2. <a href="#">Healthy and safe communities</a> 3. <a href="#">Clean, green and welcoming places</a> 4. A Council that is Fit for the future				-			
<b>Internal monitoring</b>	To undertake management checks to monitor consistency of inspection and enforcement		✓	✓	✓	90% compliance / training needs acted upon if identified	Monthly/ March 2018	SEHO	
<b>Health &amp; Safety Complaints relating to Premises and Practices</b>	To investigate all premises complaints	✓	✓	✓	✓	To respond to 95% of all premises and practices complaints within 5 working days	March 2017 & March 2018	H&S Team/ SEHO	
<b>Primary Authority Scheme</b>	To consider applications made by businesses in relation to becoming a Primary Authority	✓	✓	✓	✓	Conclude whether partnerships are viable	March 2017 & March 2018	TO/SEHO	
<b>Provision of Advice to Business &amp; other Service Users</b>	To respond to all requests for advice from businesses and service users	✓	✓	✓	✓	To respond to 95% of all requests for advice within 5 working days	March 2017 & March 2018	H&S Team/ SEHO	
	To provide guidance on current health & safety issues to businesses and service users	✓	✓	✓	✓	Ongoing	March 2017 & March 2018	H&S Team/ SEHO	
<b>Incident Investigation</b>	To respond to reportable accidents which meet the incident selection criteria.	✓	✓	✓	✓	To respond to 100% of all reportable incidents within 1 working day.	March 2017 & March 2018	H&S Team/ SEHO	

Work Activity	Ongoing Work / Improvement Action	Links to Strategic priorities:				Performance Measures -	Timescales	Responsibility	Resources
		1	2	3	4				
	To investigate all reportable incidents which meet the incident selection criteria	✓	✓	✓	✓	To investigate 100% of all incidents meeting the criteria	March 2017 & March 2018	H&S Team/ SEHO	
<b>Liaison with Other Organisations</b>	To actively participate on the Central England Health and Safety Coordinating Group	✓	✓	✓	✓	Attendance by a member of the Commercial Team at 4 meetings in 2016-18. and undertake Inter Authority Auditing where appropriate	March 2017 & March 2018	H&S Team/ SEHO	
<b>Additional Work in Health &amp; Safety</b>	To continue to develop any documented procedures for health & safety  Ensure compliance with the requirements of Section 18 Guidance		✓	✓	✓	Completion of procedures and their implementation  Complete in house assessment in relation to Section 18 compliance	March 2017 & March 2018	TO/SEHO	

Work Activity	Ongoing Work / Improvement Action	Links to Strategic priorities:				Performance Measures	Timescales	Responsibility	Resources
		1	2	3	4				
		1. Vibrant and prosperous economy 2. Healthy and safe communities 3. Clean, green and welcoming places 4. A Council that is Fit for the future				-			
	All officers to sign up to the RDNA tool and complete self assessments		✓	✓	✓	Self assessments to completed by each officer and areas of further competency requirements identified	March 2017 & March 2018	SEHO	
	All officers to receive targeted training in relation to our new health & safety procedures		✓	✓	✓	All officers to have received training in relation to procedures			
	All officers undertaking health & safety work to have received at least 10 hours training in relevant subject areas		✓	✓	✓	Completion of at least 10 hrs training using RDNA defined competencies and the GRIP Tool	March 2017 & March 2018	SEHO	
	To consult with customers on service delivery	✓	✓	✓	✓	90% satisfaction with service/records kept of actions	March 2017 & March 2018	EHM/SEHO	

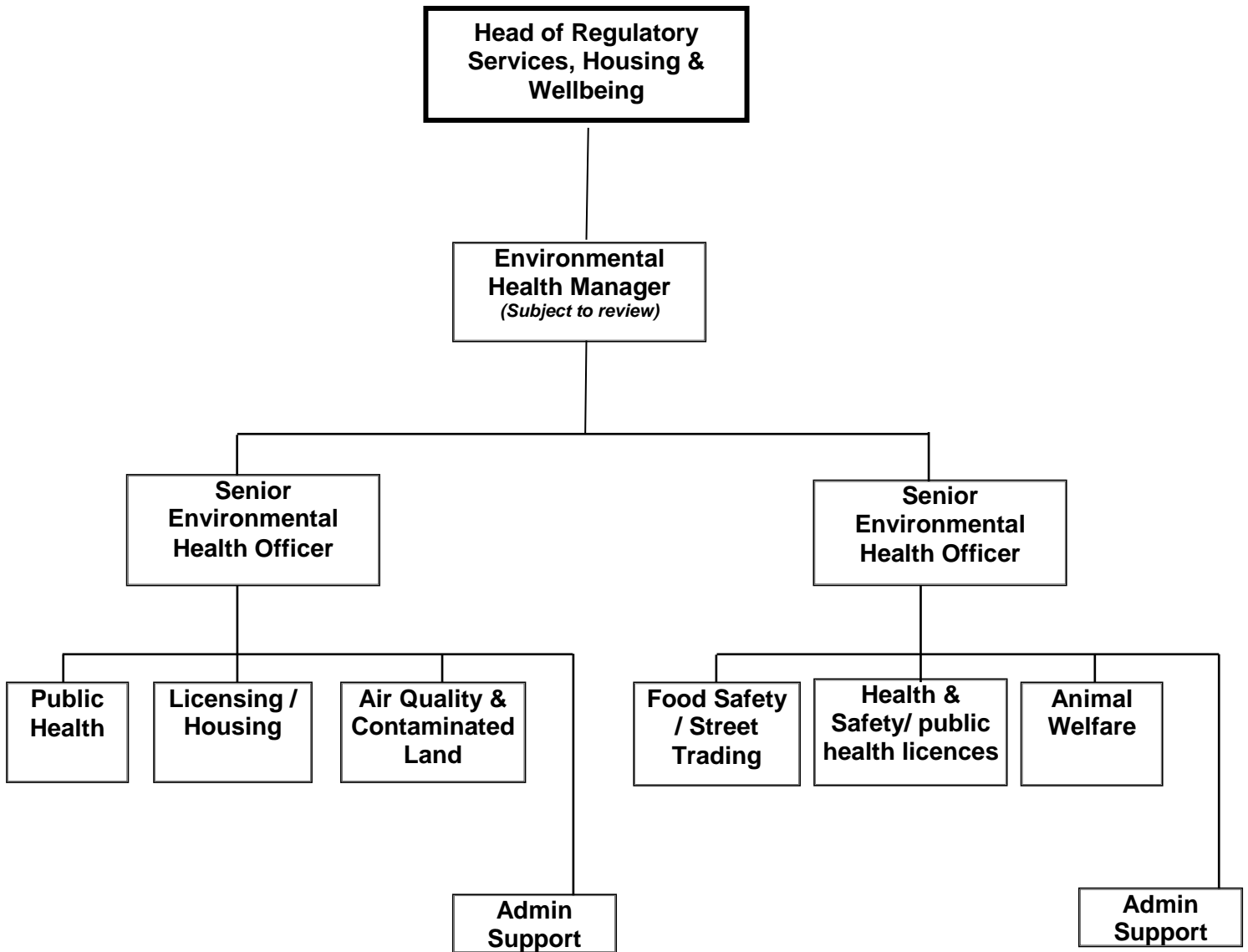
## REFERENCES

1. Health & Safety at Work etc Act 1974 – Section 18 ‘The Standard’.
2. Helping Great Britain work well – HSE strategy
3. Local Authority Circular 22/13 (Incident Selection Criteria Guidance).
4. Local Authority Circular 67/2 (Priority Planning)

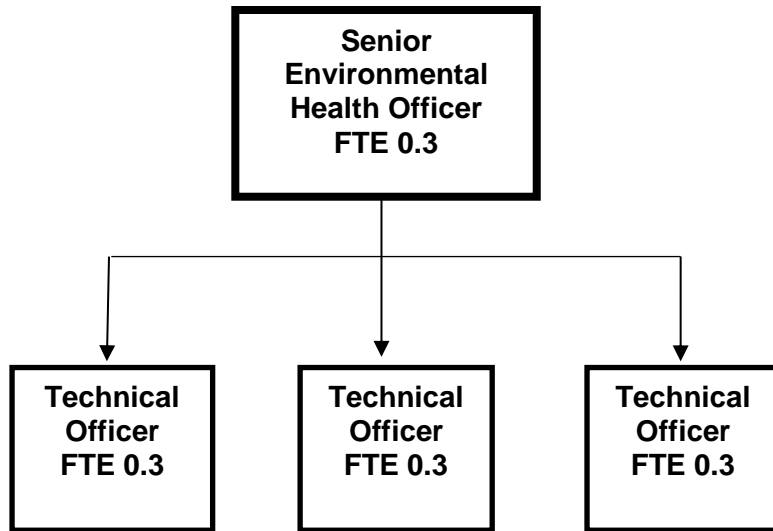


**Appendix 1 – Health & Safety in the Environmental Health Structure**

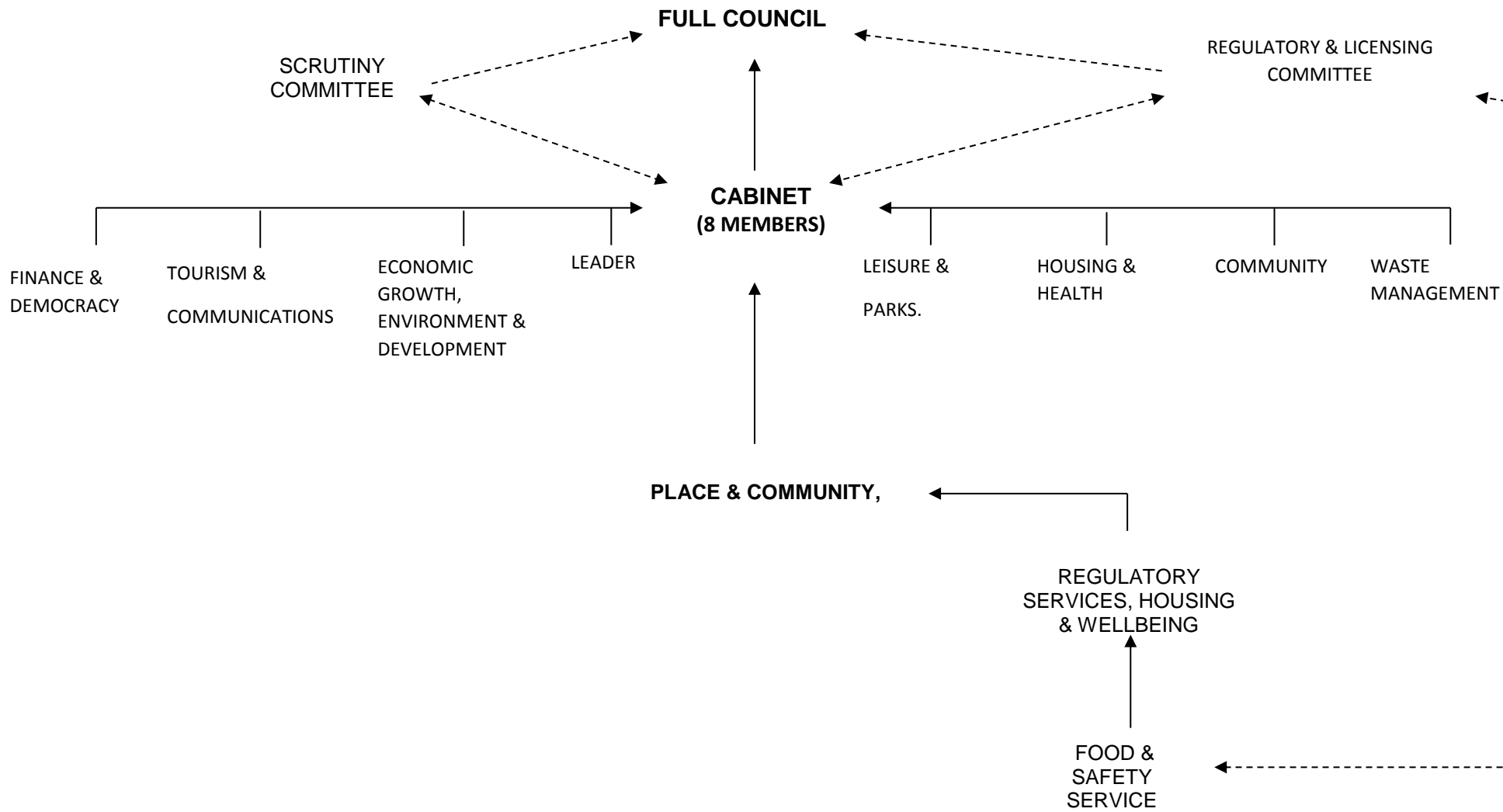
**Environmental Health**



**Commercial Team**







**Appendix 2 - Committee Structure & Health & Safety Reporting**

### Appendix 3 - Useful Contacts

Lichfield District Council  
Place & Community  
Commercial Team  
Council House  
Frog Lane  
Lichfield  
W13 6ZE

Tel:- 01543 308725/726/727

Out of Hours Tel:- 01543 254 213

Fax:- 01543 308728

E-mail:- occupational.safety@lichfielddc.gov.uk

Web address:- [www.lichfielddc.gov.uk](http://www.lichfielddc.gov.uk)

Lichfield District Council  
Council House  
Frog Lane  
Lichfield  
W13 6ZE

Tel:- 01543 308999

Fax:- 01543 309899

E-mail:- enquiries@lichfielddc.gov.uk

Web address:- [www.lichfielddc.gov.uk](http://www.lichfielddc.gov.uk)

Health & Safety Executive &  
Employee Medical Advisory Service

Tel:- 01782 602 300

Web address:- [www.hse.gov.uk](http://www.hse.gov.uk)

Incident Contact Centre (Accident Reporting)  
Caerphilly Business Park  
Caerphilly  
CF83 3GG

Tel:- 0845 300 9923

Fax:- 0845 300 9924

E-mail:- riddor@natbrit.com

Web address:- [www.riddor.gov.uk](http://www.riddor.gov.uk)

Health Protection Agency  
Shropshire & Staffordshire Health Protection Unit  
Mellor House  
Corporation Street  
Stafford  
ST16 3SR

Tel:- 01785 221126

Fax:- 01785 221131

E-mail address:- harsh.duggal@sws;pct.nhs.uk

Web address:- [www.wmpho.org.uk/cdc/index.asp](http://www.wmpho.org.uk/cdc/index.asp)

Staffordshire County Council Consumer Services  
Trading Standards  
24 Horninglow Street  
Burton upon Trent  
BE14 1PG

Tel:- 01283 239913

Fax:- 01283 239915

E-mail address:- consumeradvice@staffordshire.gov.uk

Web address:- [www.staffordshire.gov.uk/trading](http://www.staffordshire.gov.uk/trading)

**Appendix 4 - A Breakdown of Net Expenditure for Health & Safety by Activity for  
2014-2015 and 2015-2016**

<b>Health &amp; Safety</b>		
<b>Service Head</b>	<b>Budget 2014-2015 £</b>	<b>Budget 2015-2016 £</b>
<b>Employee</b>	<b>48,930</b>	<b>32,180</b>
<b>Transport</b>	<b>2,370</b>	<b>1,200</b>
<b>Supplies &amp; Services</b>	<b>970</b>	<b>920</b>
<b>Gross Expenditure</b>	<b>52,270</b>	<b>34,300</b>
<b>Income</b>	<b>(40)</b>	<b>970</b>
<b>Total Income</b>	<b>(40)</b>	<b>970</b>
<b>Net Expenditure</b>	<b>52,230</b>	<b>35,630</b>

## Appendix 5 – National Local Authority Priorities list.

List of activities/sectors for proactive inspection by LAs <sup>1</sup> – only these activities falling within these sectors or types of organisation should be subject to proactive inspection			
No	Hazards	High Risk Sectors	High Risk Activities
1	Legionella infection	Premises with cooling towers/evaporative condensers	Lack of suitable legionella control measures
2	Explosion caused by leaking LPG	Premises (including caravan parks) with buried metal LPG pipework	Buried metal LPG pipe work (For caravan parks to communal/amenity blocks only)
3	E.coli/ Cryptosporidium infection esp. in children	Open Farms/Animal Visitor Attractions <sup>2</sup>	Lack of suitable micro-organism control measures
4	Fatalities/injuries resulting from being struck by vehicles	High volume <sup>3</sup> Warehousing/Distribution	Workplace transport
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
6	Industrial diseases (occupational deafness/cancer/ respiratory diseases)	Industrial retail/wholesale premises e.g. steel stockholders, builders/timber merchants/ in-store/craft bakeries <sup>4</sup> , stone wholesalers'	Noise (steel stockholders), use of loose flour(in-store/craft bakeries <sup>4</sup> ), exposure to respirable crystalline silica (outlets cutting/shaping their own stone)
7	Falls from height	High volume <sup>3</sup> Warehousing/Distribution	Work at height
8	Crowd control & 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 a venue
9	Carbon monoxide poisoning	Commercial catering premises using solid fuel cooking equipment	Lack of suitable ventilation and/or unsafe appliances
10	Violence at work	Premises with vulnerable working conditions (lone/night working/cash handling e.g. betting shops/off-licences/hospitality <sup>5</sup> ) and where intelligence indicates that risks are not being effectively managed	Lack of suitable security measures/procedures. Operating where police/licensing authorities advise 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

<sup>1</sup> See LAC 67/2 (rev5) for guidance on the application to certificated petroleum and licensed explosives storage sites.

<sup>2</sup> Animal visitor attractions may include situations where it is the animal that visits e.g. animal demonstrations at a nursery

<sup>3</sup> Typically larger warehousing/distribution centres with frequent transport movements/work at height activity

<sup>4</sup> Premises where loose flour is used and exposure inhalation to flour dust is likely to frequently occur during baking i.e., not baking pre-made products

<sup>5</sup> Pubs, clubs, nightclubs and similar elements of the night time economy

## Appendix 6 – Extract from Selection Criteria for investigating incidents.

### 5.0 Mandatory investigations

The following defined major incidents should always be investigated:

#### 5.1 Fatalities (Work-related deaths):

- **All** work-related accidents which result in the death of any person, including non-workers. “Accident” specifically excludes suicides\* and deaths from natural causes.
- Other deaths arising from a preventable work-related cause,\* where there is a likelihood of a serious breach of health and safety law, and where it is appropriate for enforcing authorities to investigate.

\*In some circumstances e.g. in health or social care, the risk of suicide may arise from the work activity. In such cases, the HSC/E guidance on the application of HSWA section 3 should be applied. This guidance also clarifies those circumstances when investigation by enforcing authorities is appropriate e.g. in relation to areas regulated by other regulators and legislative regimes, such as clinical judgment and practice. See: [Enforcement - Health and Safety at Work etc Act 1974 - Section 3](#)

#### 5.2 All work-related accidents resulting in a “Specified Injury” [RIDDOR Reg. 4(1)] to any person, including non-workers, that meet any of the following conditions:

- Serious multiple fractures (more than one bone, not including wrist or ankle);
- All amputations other than amputation of digit(s) above the first joint (e.g. fingertip);
- Permanent blinding in one or both eyes;
- Crush injuries leading to internal organ damage, e.g. ruptured spleen;
- Any burn injury (including scalding) which covers more than 10% of the surface area of the body or causes significant damage to the eyes, respiratory system or vital organs;
- Any degree of scalping requiring hospital treatment;
- Loss of consciousness caused by head injury or asphyxia;
- Any injury arising from working in an enclosed space which leads to hypothermia or heat induced illness, or requires resuscitation or hospital admittance for more than 24 hours.

#### 5.3 Cases of Occupational Disease:

The following notifications of cases of occupational disease, other than those arising from circumstances or situations which have already been investigated:

- **All** reports of cases of occupational disease which are reportable under RIDDOR Regulations 8 – 10, specifically:
  - Carpal Tunnel Syndrome,
  - cramp in the hand or forearm,
  - occupational dermatitis,
  - hand arm vibration syndrome,
  - occupational asthma,
  - tendonitis or tenosynovitis in the arm or forearm,
  - any cancer attributed to an occupational exposure to a known human carcinogen or mutagen,
  - any disease attributed to an occupational exposure to a biological agent.
- Other reports of cases of occupational disease with the potential to cause death or a “serious health effect” as defined in EMM, and which arise from working practices that are likely to be ongoing at the time the report is made.


#### 5.4 Incidents which indicate a likelihood of a serious breach of health and safety law:

This includes any incidents considered liable to give rise to serious public concern, where, from the facts known, the application of the Enforcement Management Model would give rise to an initial enforcement expectation of a notice or a prosecution.

#### 5. 5 Major hazard precursor events:

All relevant precursor events as identified within the HSE business plan, and the relevant work plans of each HSE Operational Directorate.

### 6.0 Non–investigation of a mandatory incident

6.1 For any mandatory incident that is not investigated, a Decision Recording Form (DRF) ([Appendix A](#) , Section B) or a local equivalent should be completed to explain the reasons for non-investigation. A senior manager (Head of Service) should be involved in any decision with the competent nominated person. LAs should adhere to this principle of recording decisions and having them signed off by a senior manager.

6.2 The grounds for not investigating incidents that would normally be investigated may include:

- where an investigation is impractical, e.g. unavailability of key witness(es), key evidence is no longer available;
- no reasonably practicable precautions available to prevent the incident\accident or its recurrence;
- investigating the accident will mean the Local Authority will be acting ultra vires;
- there is a conflict of interest between the LA as a regulator and duty holder, in which case the appropriate enforcing authority should be notified, or
- inadequate resources due to other priorities.

### 7.0 Discretionary investigations

7.1 Those incidents not falling into the above criteria for mandatory investigation may be investigated at the local authority's discretion when taking into account the following factors:

- the incident may not have caused a RIDDOR defined major injury but is either in accordance with HSE's national guidance to LAs on targeting interventions ([LAC 67/2](#)) or one which arises from a specific health and safety initiative that may be contained within the Local Authorities Service Plan;
- the poor health and safety track record of the duty holder and whether or not there has been a history of similar events;
- the incident has the potential for high public profile\media attention or has received considerable media attention leading to reputational risk through inaction\perceived inaction;
- the incident may give rise to complaint(s). Depending on the circumstances, this should be dealt with as a normal complaint procedure and not necessarily require a full incident investigation unless found to be appropriate, or any incident that has been identified as being useful for –
  - enhancing sector good practice\technical knowledge or
  - training and developing staff as recognised from any Regulators' Development Needs Analysis (RDNA) discussions.

# Complaints

## Introduction

This procedure describes how HSE handles complaints against dutyholders: from initial receipt, through follow up, to a decision whether or not to formally investigate.

## Purpose

To provide a common, transparent procedure for HSE Operational Group staff to handle complaints consistently and enable HSE to fulfil its duties under the Health and Safety at Work Act.

## Scope

This procedure covers handling of all complaints by HSE from receipt to completion. It does not cover issues raised during a general discussion on site. These would not normally be classed as a complaint but would be dealt with as part of the site visit.

## Definitions

A **complaint** is a concern, originating from outside HSE, in relation to a work activity for which HSE is the enforcing authority, that is sufficiently specific to enable identification of the issue and the dutyholder and/or location and that either:

- has caused or has potential to cause significant harm, or alleges the denial of basic employee welfare facilities, or
- appears to constitute a significant breach of law for which HSE is the enforcing authority.

## Policy

HSE's policy is to investigate every such complaint received unless:

- the complainant wishes to remain anonymous, will not allow HSE to disclose that a complaint has been received and a **vulnerable person** is not involved
- it is from a serial complainant and Band 2 or above decides no further action is required
- it has been made by an employee and has not been taken up with the dutyholder or trade union (unless it involves a vulnerable person)
- it is outside the scope of section 3, (except for pesticide complaints) see: [Health & Safety at Work, etc Act 1974 section 3: enforcement](#)
- it is a gas complaint that is not "**serious**" (as defined) or the dutyholder cannot be identified

HSE will not investigate where:

- there are no reasonably practicable precautions
- it is impracticable to follow up / investigate

In the following exceptional circumstances HSE may decide not to investigate where:

- there are inadequate resources to follow up / investigate

A decision not to investigate because of inadequate resources or other emerging priorities must be made by a Band 1 or above.

# Roles and responsibilities

**Complaints / Working Time Officers** should:

- handle complaints in accordance with this procedure.

**Inspectors** should:

- handle complaints in accordance with both this and the [investigation procedure](#).

**All staff** should:

- meet the performance standards set within the procedure (and record relevant data on COIN completely and accurately) or agree with the line manager revised performance standards when necessary

**Line managers** should:

- ensure staff receive the appropriate training and are competent in their role
- support and guide their staff as necessary
- ensure staff achieve the performance standards set or, exceptionally agree revised standards if necessary
- undertake monitoring as required by this procedure.

## Procedure overview

An overview of the procedure is provided in the attached [flowcharts](#).

## Monitoring

Line managers should ensure, via normal management activity, that those involved in operating this procedure carry out their responsibilities in line with the standards and timescales described. However, they should make sufficient documented checks to satisfy themselves, and to prove to any subsequent audits, that the procedure is being operated correctly.