

# COUNCIL

30 April 2009

## Agenda Item 83

Brighton & Hove City Council

<b>Subject:</b>	<b>Health &amp; Safety Annual Service Plan 2009/2010</b>		
<b>Date of Meeting:</b>	<b>30 April 2009 Council</b>		
	23 March 2009 Overview and Scrutiny Commission		
	26 March 2009 Environment Cabinet Member Meeting		
	23 April 2009 Cabinet Meeting		
<b>Report of:</b>	<b>Director of Environment</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Roy Pickard</b>	<b>Tel:</b> 29-2145
	<b>E-mail:</b>	<b>roy.pickard@brighton-hove.gov.uk</b>	
<b>Key Decision:</b>	<b>Yes</b>	<b>Forward Plan No. ENV6353</b>	
<b>Wards Affected:</b>	<b>All</b>		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Health & Safety Annual Service Plan required under the Health & Safety at Work Act etc 1974 Section 18 standard is part of the Council's Policy Framework on which Environment Cabinet Members and stakeholders are normally consulted before final proposals are formulated.

#### 2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member for Environment notes the Health and Safety Annual Service Plan 2009/10 and recommends that it be approved by the Full Council.

#### 3. RELEVANT BACKGROUND INFORMATION/IMPLICATIONS

- 3.1 The Health & Safety Annual Service Plan is a statutory document required under guidance issued by the Health and Safety Executive (HSE), Section 18 Standard. The Annual Service Plan for this year reviews 2009-10 and details the aims and objectives for the enforcement of health & safety as a function of the Health & Safety Team.
- 3.2 To ensure local transparency and accountability, it is a requirement that the Health & Safety Service Plan is submitted to the relevant member forum for approval.
- 3.3 The attached plan (Appendix A) sets out the arrangements for enforcement under Section 18 of Health & Safety at Work etc Act 1974 (HSWA). The primary purpose of the HSWA is to control risks from work activities. The role of the Local Authority is to ensure that duty holders manage and control these risks and thus prevent harm to employees and to the public.

- 3.4 In accordance with the Standard the Health & Safety Service should provide a range of risk-based interventions would include planned general inspections, planned enforcement initiatives, investigation of accidents, investigation of complaints, advice, training and advisory activity, visits to new premises, revisits to check and enforcement, Safety and Health Awareness Days etc;
- 3.5 In addition, partnership working, the night time economy, supporting small and medium sized enterprises and working with Brighton & Hove's diverse communities are identified as areas we wish to focus on this year ensuring we reflect local and regional priorities.

#### **4. CONSULTATION**

- 4.1 The service plan has been part of a consultation process involving members of the public, employers, employees, internal and external stakeholders and other agencies. No comments were received. It must be a published document and is also available on the Council's website.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications

- 5.1 The annual Health and Safety Service Plan sets out the approach that the Council will use to fulfil its statutory duties. The 2009/10 net budget for the Health and Safety service within Environmental Health is £139,500, and this include a figure to cover the appropriate proportion of the Head of Environmental Health & Licensing and administrative support.

*Finance Officer consulted: Karen Brookshaw Date: 27/02/09*

##### Legal Implications

- 5.2 The Section 18 Standard applies to all Local Authorities in relation to its enforcement activities. The S18 Standard sets out the requirements with which the Local Authority will eventually be obliged to comply with in making 'adequate arrangements for enforcement'. It has been given legal effect as Health & Safety Commission guidance to Local Authorities under section 18(4)(b) of HSWA (section 18 guidance). HSWA requires Local Authorities to perform their duties as enforcing authorities in accordance with Section 18 guidance. However, although the Standard will have effect from 1st April 2008, it does not require immediate full compliance with its requirements. Instead, both LAs and FOD are required:
- from 1 April 2008, to work towards compliance with the requirements of the Standard, and
  - from 31 March 2011, to comply fully with all the requirements of the Standard.

- 5.3 The Council's Commercial Enforcement Policy (currently being amended) gives due regard to the Human Rights Act 1998 in respect of the Council's enforcement powers under Health & Safety laws. The Council's Constitution requires the adoption of the Health & Safety Annual Service Plan be reserved to full Council.

*Lawyer consulted:*

*Liz Culbert*

*Date: 11/02/09*

Equalities Implications:

- 5.4 An Equalities Impact Assessment will be completed as part of the consultation process. The section on communities in the service plan recognises little is known about the needs of the LGBT business community and BME business community in terms of health & safety. These communities will be targeted as part of the teams work programme in 2009/10 to understand there needs better.

Sustainability Implications:

- 5.5 None

Crime & Disorder Implications:

- 5.6 None

Risk and Opportunity Management Implications:

- 5.7 None

Corporate / Citywide Implications:

- 5.8 None

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 There is no legal alternative to the statutory service plan.

**7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 In order to comply with Health & Safety Executive section 18 guidance.

## **SUPPORTING DOCUMENTATION**

### **Appendices**

1. Appendix 1 Health & Safety Annual Service Plan 2009/2010

### **Documents In Members' Room**

None

### **Background Documents**

None

## Brighton & Hove City Council – Service Plan - Health and Safety at Work – 2009/10

Overall **Aim** of the Service:

“To enforce the law fairly with better use of public money, protecting the environment while growing the economy.”

“To work with others to protect people's health and safety by ensuring risks in the changing workplace are managed properly.”

Our key delivery **priorities** are:

- To manage the risk in high risk, poor performing and/or rogue trader businesses reducing the flows on incapacity benefits from employment
- Investigating major injury incidents and fatalities.
- Responding to enquiries
- Promoting sensible risk management
- Work with business to achieve compliance with the law without increasing financial burdens

Local Priorities:

- Reduce health & safety concerns in the night time economy sector.
- Supporting small & medium sized enterprises
- Helping communities
- Partnership working
- Healthy Work places

Key National Indicators:

N1 173 Flows on to capacity benefits from employment – indirect

N1 182 Satisfaction of business with local authority regulatory services - direct

Delivery of Fit3 Program.

- Asbestos Duty to Manage (DTM)  
The objective is to reduce exposure of workers in high risk groups, including maintenance workers (and associated trainee/apprentices) and licensed workers.
- Violence at Work  
The objective is to increase awareness and improved management of work related violence in retail and hospitality businesses and other high street premises.
- Vulnerable Workers.  
The objective is to reduce and minimise the level of risk, injury and ill health experienced by migrant workers.

- Stress at work  
The objectives are a reduction in the incidence of ill health due to work related stress through preventative management action, as well as other health & safety risks
- Slips and trips  
Reducing slips and trips in the food/drink manufacture, food, retail, hotels/catering. Care homes. The objective is to reduce the incidence of slips and trips major injuries by 5%.
- Noise in the music and entertainment industry:  
Promotion of 'sound advice' (industry led guidance) with a range of duty holders (e.g. nightclubs, pubs etc). The objective is to increase awareness of risks associated with noise in specific premises; implementation of effective controls and recognition of the importance of worker involvement.
- Construction engagement  
The objective is to increase awareness of CDM duties among construction clients subject to LA enforcement. To improve standards of compliance with the workplace regulations in newly constructed or refurbished workplaces subject to LA enforcement.
- Musculoskeletal Disorders  
The objective is to continue to target areas with high risk of handling injuries and consequent ill health. To raise awareness of ULDs and promote use of the tool for assessing repetitive injuries and a reduction in manual handling injuries in health & social care, try handling etc.

### **Our Achievements: 2008/09 – 'Selling our story' –Review of the 2008/09 Service plan**

The team's achievements in 2008/09 were:

- Completion of 145 high risk planned general inspections. 100% of programme.
- Responded to 600 service requests.
- Reviewed 300 accident notifications and investigated as necessary.
- Scrutinised 100 new and varied licence applications & planning applications.
- Participated in the Sussex Liaison Health & Safety Group Asbestos project that included letter drop to 100 businesses in Brighton & Hove and inspection of those businesses over 2 days
- Business enterprise exhibition – 70 business contacts made and information and advice given.
- Ensured that the City's outdoor events ran safely and included advice and assistance given to Big Beach Boutique 4, Loop, TBA, Burning of the Clocks, Pride, Chinese State Circus and the Brighton Festival

- Noise in the entertainment industry – project involving a record breaking DJ and 10 Venues.
- Talk and advice given to your students at a music college regard noise in the entertainment industry.
- Participating in the Sussex flexible warranting scheme.
- Research carried out by the Health & Safety laboratory and Brighton & Hove City Council on identifying the health & safety needs of accommodation & entertainment providers in Brighton & Hove

## **Ensuring Quality**

To ensure that the service we offer to residents and businesses is of high quality we will ensure that:

- All officers carrying out enforcement work are appropriately authorized, according to their ability, qualifications, expertise and experience.
- That officer's competence is continually assessed and that we support officers to develop their skills.
- That we will ask for feedback from business and residents on the quality of the service we provide and strive to continually improve
- That our work is audited externally by the British Standards Institute to ensure compliance with ISO9000 Quality Assurance.
- We will continue to participate in local peer reviews with neighbouring local authorities.
- To continually update our data base to provide accurate details of business to help us communicate health & safety messages effectively.

## Work plan and resources

Staff resources – 4.5 FTE Health & Safety Team – 2.25 FTE Occupational Health Team

Item	Resources	Timesclaes	How	Outcome
<b>The Night Time Economy</b>				
To complete visits of 150 night time economy premises on a themed topic basis	0.5 FTE	Throughout 2009/10	Visits to 150 premises (takeaways, hotels guest houses, off licences, leisure centres, nightclubs. Advice given on violence at work, stress at work, Slips trips and falls, asbestos duty to manage, noise in the entertainment industry, vulnerable workers.	<p><b>Performance Indicator</b> Number of visits undertaken.</p> <p><b>Outcome</b> Increased standards of employee and public health and safety in night time economy premises. Increased awareness of specific and general H&amp;S issues pertinent to night time economy businesses.</p>
<b>Supporting Small &amp; Medium Sized Enterprises</b>				
To create an email data base of businesses and send monthly health & safety messages promoting sensible risk management.	0.2 FTE	First message to business April 2009.	Press release new service, collect email addresses from visits & self assessment risk rating questionnaires. Use BHCC email system to deliver messages.	<p><b>Performance indicator</b> Number of messages sent to business</p> <p><b>Outcome</b> Increased standards of employee and public health and safety business contacted. Sensible risk management</p>

				promoted
<b>Helping Communities</b>				
Research the needs of the LGBT & BME business communities &	0.05FTE	Throughout 2009/10	Consultation with these groups	<b>Performance indicator</b> Consultation completed <b>Outcome</b> To better understand the health & safety needs of those businesses.
Support vulnerable workers	0.05 FTE	Throughout 2009/10	Deliver a briefing to the refugee forum on the role of the health & safety team and health & safety issues affecting migrant workers.	<b>Performance indicator</b> Briefing session delivered <b>Outcome</b> Increased awareness of the council health & safety service amongst migrant workers. Increased reporting of poor employment conditions by migrant workers to enforcement agencies.
Support the following community events <ul style="list-style-type: none"> <li>• Ladyboys of Bangkok</li> <li>• Fringe City</li> <li>• Childrens Parade</li> <li>• Brighton Festival Performance</li> <li>• Chinese State Circus</li> <li>• Fringe City</li> <li>• Springwatch</li> <li>• Hanover day</li> <li>• Loop</li> </ul>	0.4FTE	Throughout 2009/10	Attend meetings, give advice, review event management plans and risk assessments. Attend events where necessary to enforce and give advice. Monitor and enforce occupation noise exposure limits.	<b>Performance indicator</b> Number of events involved with. <b>Outcome</b> Increased safety at public community events. Forming links with communities

<ul style="list-style-type: none"> <li>• Pride</li> <li>• Zippo Circus</li> <li>• Big beach Boutique</li> <li>• White Air</li> <li>• Fiery food</li> <li>• Burning of the clocks</li> </ul>				
<b>Partnership Working</b>				
Participate in the Sussex Liaison Group (SHSLG ) pan Sussex health & safety project	0.1 FTE	Throughout the year  January-March 2010	Chair the SHSLG  Represent BHCC at SHSLG  Participate in Sussex wide Health & Safety initiative	<b>Performance indicator</b> Number of meetings attended Project completed. <b>Outcome</b> Joined up approach to regional health & safety initiatives.
Implementation of peer review	0.1 FTE	April – June 2009	Work towards improving S18 compliance as set out in peer review action plan	<b>Performance Indicator</b> Implementation of Peer Review Action Plan. <b>Outcome</b> Raise standards of compliance with 'mandatory practice' S18 guidance.
To review new and varied license applications & planning applications and make representations where appropriate.	0.2FTE	Throughout 2009/10	Scrutinise and comment on applications where appropriate. Visits to premises as necessary.	<b>Performance indicator</b> Numbers of licence & planning applications reviewed. <b>Outcome</b>

				Proactive development of consistent and high standards of health and safety in proposed new commercial operations and licensed premises.
<b>Programme work</b>				
To carry out approximately 150 High risk planned general inspection targeting the highest risk (A, B1 & B2) including Cooling Towers	0.5 FTE	Throughout 2009/10	To carry out 150 planned general inspections to high risk business due to be inspected in 2009/10. To advise and carry out enforcement as necessary.	<b>Performance Indicator</b> Number of inspections undertaken. <b>Outcome</b> To maintain or where necessary improve standards of employee and public health and safety in local businesses.
To respond to 600 requests for service	2FTE	Throughout 2009/10	Respond to 95% of Service Requests within deadlines.	<b>Performance Indicators.</b> Percentage of Service Requests responded to within departmental deadlines. <b>Outcome</b> Maintain standards of customer service at a high level.
To review all accident notifications and to investigate 20% of all accident notifications approximately 60 investigations	0.2 FTE	Throughout 2009/10	To review 300 accident notifications and investigate accidents where they meet BHCC criteria for investigation	<b>Performance Indicator</b> Number of accidents investigated. <b>Outcome</b> Reduce the level of work place accidents in local businesses
<b>Quality</b>				

To update the data base using food safety registration details and business rates details.	0.2FTE	Throughout 2009/10	Premises data from food safety registration forms and businesses rates to be placed on the health & safety premises data base. All new businesses to be sent risk rating questionnaire.	<p><b>Performance Indicator</b></p> <p>Number of business placed on data base</p> <p><b>Outcome</b></p> <p>Better targeting of resources to the highest risk premises.</p>
<b>Healthy Work Places</b>				
Provide occupational health support for small to medium sized businesses to reduce prevalence and severity of obesity, smoking, alcohol misuse, diabetes, high blood pressure and heart disease and improve equity in access to health care.	2.25FTE	Throughout 2009/10	<p>1.5 x FT nurse to carry out health checks and provide healthy lifestyle advice in workplaces and community settings. The health checks will be targeting men over 40 years old, at risk of obesity and cardiovascular disease</p> <p>Offer external employers, managers and team leaders free stress management training to raise awareness about stress in the workplaces.</p> <p>Offer tools, such as the HSE stress risk assessment tools to develop action plans to reduce stress in the</p>	<p><b>Performance indicator</b></p> <p>Number of health checks carried out</p>

			<p>workplace.</p> <p>Offer Individual stress management courses are also offered to council employees in partnership with MIND, to help reduce stress within the council and for the council to act as an exemplar employer.</p> <p>Promote NHS smoking cessation sessions in the workplace; information about smoke free legislation.</p> <p>Sponsor the Brighton &amp; Hove Healthiest Workplace Award as part of the annual B&amp;H Business Awards (BAHBAs) for the third year running to raise awareness of wellbeing in the work place and to reward good practice.</p>	
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