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Health and Safety at Work SERVICE PLAN 2018-2019

1. Introduction:

- 1.1 This Health & Safety service plan is an expression of Rother District Council's continuing commitment to regulating Health & Safety at work.
- 1.2 This service plan supplies the necessary detail for the completion of all Corporate Plans, specifies the work programme for 2018-19 and contributes to RDC's 2014-21 corporate plan objective of "Safer Stronger Communities".
- 1.3 Residents of Rother District Council rated public health & safety as fifth in their list of top 12 priority council services. <http://www.rother.gov.uk/article/11768/Budget-and-Council-Tax-201617>.
- 1.4 The Better Regulation Office publication 'National Enforcement Priorities for Local Authority (LA) Regulatory Services', placed Health and Safety at Priority number four - '*Help people to live healthier lives by preventing ill health and harm and promoting public health*'.

2. Background:

- 2.1 Health and Safety legislation in Great Britain is enforced by the Health and Safety Executive or one of the over 380 local authorities (LA) depending on the main activity carried out at any particular premises. In general LA's are the main enforcing authority for retail, wholesale distribution and warehousing, hotel and catering premises, offices, and the consumer/leisure industries.
- 2.2 Each local authority is an enforcing authority in its own right and must make adequate provision for enforcement. The LA National Enforcement Code introduced in May 2013 sets out the principles that each local authority should follow to ensure a consistent, proportionate and targeted approach to regulation based on risk.
- 2.3 Local authorities use a number of intervention approaches to regulate and influence businesses in the management of health and safety risks including:
 - provision of advice and guidance to individual businesses or groups
 - proactive interventions including inspection
 - reactive interventions e.g. to investigate an accident or complaint.
- 2.4 Local authority inspectors may use enforcement powers, including formal enforcement notices, to address occupational health and safety risks and secure compliance with the law. Prosecution action may be appropriate to hold duty holders to account for failures to safeguard health and safety (<http://www.hse.gov.uk/laU/enforcement.htm>).
- 2.5 Within Rother District Council this duty is carried out by Environmental Health Practitioners within the Environmental Health Department.

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3. Mission Statement:

'Deliver an increasingly efficient and effective public health service which strives to promote and sustain a safe prosperous community for businesses, residents and visitors'.

4. Aims and objectives

4.1 Aim:

To enable the service to utilise its resources in an efficient and effective way to promote duty holder compliance with legal obligations under health and safety law, and to take robust action where there is serious non-compliance with legal obligations that puts the safety or health of those at work, or affected by work activities, at risk.

4.2 Objectives:

- i. To contribute to the growth of local businesses through the provision of proactive and reactive advice and guidance and contributing to a level playing field for business.
- ii. To investigate complaints and reports of incidents that meet the incident selection criteria and complaint handling criteria set down by HSE
- iii. To target a range of interventions on prescribed national priorities and local intelligence based priorities
- iv. To work in partnership with the Health and Safety Executive (HSE) and others to deliver this service plan
- v. To support the Primary Authority Scheme

5. Contribution to national, local and corporate policies:

5.1 This plan will help ensure all health and safety regulatory activity carried on by Rother District Council conforms to the requirements of the National Local Authority Enforcement Code. The Code requires that all health and safety law enforcement is informed by the principles of proportionality in applying the law and securing compliance; consistency of approach; targeting of enforcement action; and transparency and accountability about how we operate and what those regulated

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may expect. It will also help ensure that our priorities are set and interventions targeted in accordance with the mandatory HSE guidance - Local Authority Circular 67-2 (Revision 7).

- 5.2 Interventions are carried out in accordance with written procedures which reflect the nature of the activity under consideration. Officers have regard to the regulations made under Section 15 of the Health and Safety at Work etc Act 1974 and the codes of practice which are issued under Section 16 of the Act, when enforcing the provisions of the Act.
- 5.3 In accordance with HSE and LGA advice issued 1st April 2011, food hygiene and health and safety interventions will be joined where appropriate to minimise burdens on local businesses.
- 5.4 RDC has adopted an Equality Policy and the Environmental Health Service carried out an equality impact assessment and is currently carrying out equality monitoring. The results of the monitoring will determine future policy in this area.
- 5.5 This plan provides a documented system for officers' guidance and information and to facilitate inter authority or peer review audits

6. Enforcement

- 6.1 Rother District Council recognises the emphasis placed on enforcement by the guidance of the HSE and LG Regulation (published in May 2011), in particular the need for enforcement action to *'Maintain a strong deterrent against those who fail to meet their H&S obligations and put their employees at material risk thereby also deriving an unfair competitive advantage'*.
- 6.2 Rother District Council adopted an enforcement policy for the shared Environmental Health service in October 2014, RDC Cabinet minute 14/31 is available at: <http://www.rother.gov.uk/CHttpHandler.ashx?id=22421&p=0>.
- 6.3 Officers carry out enforcement in line with Rother's Enforcement Policy as well as being guided by the Health and Safety Executive's Enforcement Policy Statement and the Enforcement Management Model.



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7. Authority profile

7.1 Rother's District has a population of approximately 93,966 and covers an area around 500Km². It comprises rural, coastal and urban areas with three main towns - Bexhill, Battle and Rye. The businesses within the district reflect this diversity with leisure, tourism and the holiday industry being among the largest sectors.



Map of the Rother District reproduced by kind permission of Ordnance Survey

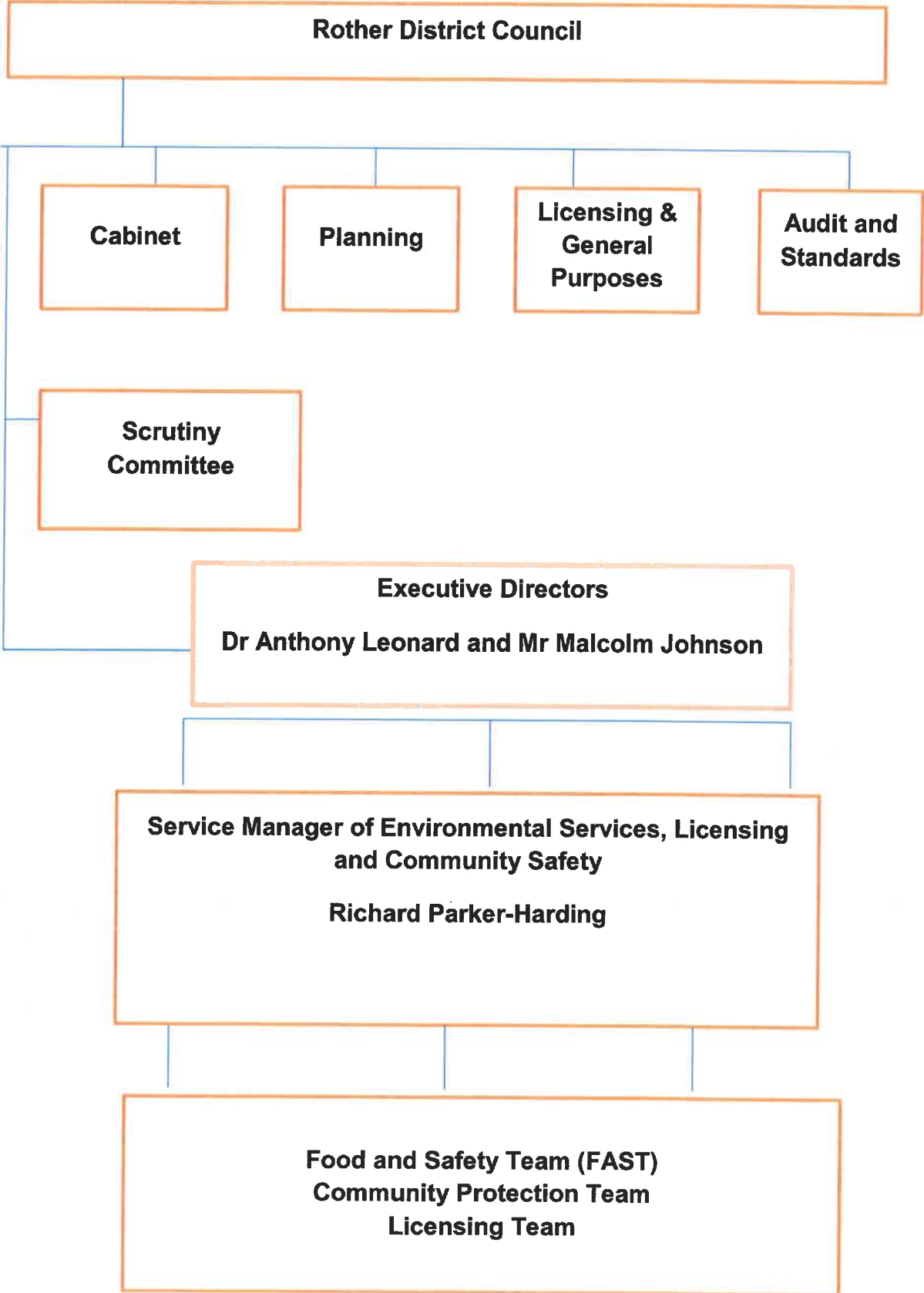
7.2 Bexhill, the main urban development, has a significant care industry which is manifest in a high number of care homes. Battle and Rye are popular tourist attractions with Rye Harbour also the location of a number of industrial estates. Battle, Robertsbridge and Rye all hold large annual bonfire celebrations in November which are distinct to this area.

7.3 Health and Safety work is carried out by officers who also conduct food hygiene inspections, infectious disease investigations, commercial caravan site licensing, pest control and stray dog control. A decision making and overview and scrutiny structure is available overleaf.

7.4 The service operates Monday to Friday from the Town Hall in Bexhill-on-Sea and conducts out of-hours work. During weekends and Bank Holidays, the Service can be contacted through the standby system on 01424 787868, for emergencies.

ROTHER DC STRUCTURE

Decision making and Overview and Scrutiny Structure



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8. Work Plan 2018-19

8.1 The following work Plan has been prepared in accordance with the National LA Enforcement Code, and Local Authority Circular 67/2 (rev 7). It seeks to utilise a range of interventions.

8.2 Provision of advice and guidance to duty holders:

- i. Officers are available to offer general advice on legal requirements and to signpost sources of further information to duty holders who seek it.
- ii. The service will continue to issue its regular newsletter to duty holders in the district to inform them of developments in health and safety. The service will actively seek to increase its circulation and improve its content to best meet the needs of the business it seeks to communicate with (this is not recorded as a health and safety intervention).
- iii. The service will continue to support and improve on the guidance, advice and signposting provided through its webpages on the Rother DC website.

8.3 Proactive Inspections:

- i. Musculoskeletal disorders or risks of such illness arising from lack of effective management of the risks associated with moving and handling of persons within a residential care setting. Visits will be made to the premises identified by RDC to determine compliance.
- ii. Crowd Management at large scale public gatherings (number 12 on list of activities / sectors for proactive inspections). Bonfire events with the highest risk rating will be subject to proactive inspection.
- iii. Violence at Work (number 14 on list of activities / sectors for proactive inspections). Intelligence from Sussex Police, food hygiene and licensing inspections will be used to indicate where risks are not being effectively managed by businesses with vulnerable working conditions (lone / night working / cash handling e.g. retail outlets on petrol forecourts/betting shops / off-licences / pubs and clubs) and visits made.
- iv. Premises that have matters of evident concern identified during other regulatory regimes e.g. food safety or licensing or are subject to complaints or other investigations that identify risks are not being adequately controlled will be considered for proactive inspection.

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NOTE: LAC 67/2 Rev 7 requires that there be 'no inspection without a reason' and that proactive inspections should be reserved for those activities / sectors specified by the HSE or where there is local intelligence showing risks are not effectively managed.

8.4 Safety Advisory Groups:

- i. Traditional Sussex bonfires and firework displays are held throughout the district. Some of these events are held on Council owned land and attract very large numbers of visitors. These events can pose crushing risks in crowds. This work is recognised as a national priority (number 12), as suitable for proactive intervention by local authorities to prevent injuries to members of the public attending large events.
- ii. Sussex bonfires are unique and Rother DC has extensive experience in dealing with the particular challenges posed by these events. Rother DC has developed a risk rating scheme for these events so that resources are directed at the highest risks. For the lowest risk events Rother DC will give advice to the organisers; medium risk events may require a discussion and/or a site visit. The highest risk events will have Safety Advisory Groups to bring together the event organiser, regulators and emergency services to provide advice for the event. Visits will be made to these highest risk events.
- iii. Periodically other events may require advice on their risk assessments which will be provided. Should a large scale event organiser require a Safety Advisory Group the Environmental Health department will provide input.

8.5 Investigation of incidents and complaints:

- i. All reported incidents (for example RIDDOR or adverse insurance report) and complaints will be subjected to the HSE's incident selection criteria and complaints handling criteria. Those that meet the respective criteria will be subject to investigation. Where a complaint meets the criteria, the service will provide a first response within 5 days and complete the investigation in 90 days.

8.6 Matters of Evident Concern:

- i. Where an Environmental Health Practitioner is on an inspection for other regulatory regimes (e.g. food hygiene, licensing or pollution) or on an advisory visit for health and safety and identifies a risk of serious injury or ill health, this is a matter of evident concern. When such a concern is identified the officer will, if appropriate, address that matter at the time of inspection utilising whatever method of intervention is required. Such matters will be recorded as matters of

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evident concern only and not as a proactive intervention. Such matters may (dependent on type and severity) be sufficient reason to carry out a distinct proactive inspection at a later date. In any case matters of evident concern will be used as intelligence and will be used to inform future work plans.

8.7 Working with other regulators:

- i. In addition to the Safety Advisory Groups already mentioned above, RDC will continue to attend and support the Sussex Health and Safety Liaison Group. This group includes all Sussex local authorities that are responsible for regulating health and safety and includes a representative from the HSE. It encourages sharing of knowledge and expertise and develops joint resources.

Rother DC will continue to support Sussex Police Operation Discovery to target modern day slavery issues.



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9. Resources

9.1 Staff:

The number of full time equivalent officers allocated to work on health and safety regulatory activity is 1.6

9.2 Officers Authorised under the Health and Safety at Work Act:

Environmental Health Officers	Qualification	Authorisation
BARBERA Claudia	Completed NEBOSH exams BSc Env Health	Full
KANE Una	Diploma in Health and Safety BSc Env Health	Full
DAWSON Nick	LLM BSc Env Health	Full
POWELL Jamie	BSc Env Health	Full
SMITH Sue	BSc Env Health	Full
PADFIELD Martin	BSc Env Health	Full

Environmental Health Officers outside the Food, Safety team who are also authorised:

PARKER-HARDING	Richard	Head of Environmental Health
MINNS	Greg	Senior Environmental Health Officer
EDWARDS	Simon	Senior Environmental Health Officer
RANDOLPH	Mark	Senior Environmental Health Officer
MINNS	Gregory	Senior Environmental Health Officer
BEAUMONT	Cathy	Deputy head of Environmental Health
BIGGS	Steve	Senior Environmental Health Officer

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9.3 Database

The Service activities are recorded on M3, in accordance with HSE instructions. LAC 67/2 (revision 7). Each planned intervention is reviewed as part of this service plan

9.4 Reference materials

In addition to material available on the HSE's general website and secure Extranet site, a library of law encyclopaedias and reference books is maintained in the office.

10. Competency of inspectors

Competency of all Inspectors is judged against HSC (G) 4 "Standards of Competency", using a matrix developed by the Sussex H&S Liaison Group.

Annual appraisals are conducted to identify the training required by officers to ensure that required skills are kept up to date. The competency of the whole team is assessed with the aim of ensuring that the required skills are provided by the team, not necessarily by each individual.

11. Consistency

As well as ensuring training needs are met each year, RDC participates in the Sussex H&S Liaison Group, which helps all the authorities to develop a similar approach to similar problems. RDC also participates in the peer reviews conducted by this Group.

12. Complaints against service

RDC operates a local complaints procedure which allows anyone dissatisfied with the Council's service to pursue their complaint and expect a quick response.

13. Customer survey

A proportion of businesses are contacted on line to seek their views on how we perform. These responses are collated and contribute to the performance management monitoring and reporting carried out by the Environmental Health

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Service. This includes taking action where performance does not meet the expected standards.

14. Disclosure of information

It is Rother DC's policy that disclosures will be made on receipt of a written application under the Freedom of Information Act 2000.

15. Conclusion

This Service Plan has been authorised by the Head of Environmental Health and the service portfolio holder. It is published on the RDC's website and in the Members' Bulletin.

Signed:



Mr R Parker-Harding BSc (Hons) MSc DMS MCIEH AMIOA
Chartered Environmental Health Practitioner/ Head of Environmental Health

Dated:

13/07/18

Signed



Councillor I. Hollidge
Portfolio Holder

Dated:

13/07/18.

16. Contact details

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