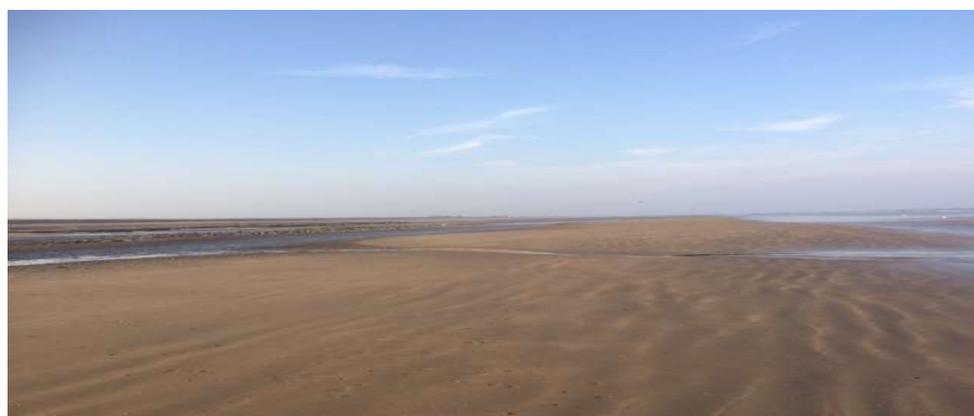




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Beautiful Rother – Pett Level Beach

### 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 2020 -21 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.
- 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 those 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 Officers within the Environmental Health Department.

### 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 use its resources in an efficient and effective way, to promote compliance with legal obligations under health and safety law, and to take robust action where there is serious non-compliance that puts the safety or health of those at work, or the public 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. COMPLIANCE WITH NATIONAL POLICIES

- 5.1 All health and safety regulatory activity carried on by Rother District Council must conform to the requirements of the National Local Authority Enforcement Code. The Code requires that all health and safety law enforcement is proportionate in applying the law and securing compliance; consistent in approach and targeting of enforcement action; Rother Council must be transparent and accountable about how we operate and what those regulated may expect. Rother Council must ensure that health and safety priorities and interventions are targeted in accordance with the mandatory HSE guidance - Local Authority Circular 67-2 (Revision 9).

## Health and Safety at Work SERVICE PLAN 2020 - 21

- 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 1<sup>st</sup> 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, Cabinet minute 14/31 is available at: <https://www.rother.gov.uk/environmental-health/healthy-workplaces/>

Officers carry out enforcement in line with this enforcement policy as well as being guided by the Health and Safety Executive's Enforcement Policy Statement and the Enforcement Management Model. Service standards and this plan can be found at <https://www.rother.gov.uk/environmental-health/environmental-health-service-standards/>



## 7. AUTHORITY PROFILE

- a. Rother's District has a population of approximately 95,656 and covers an area of 509 Km<sup>2</sup> (ONS 2018). It comprises rural, coastal and urban areas with three main towns - Bexhill, Battle and Rye. The businesses within the district reflect this diversity with care, tourism and leisure being the largest sectors.

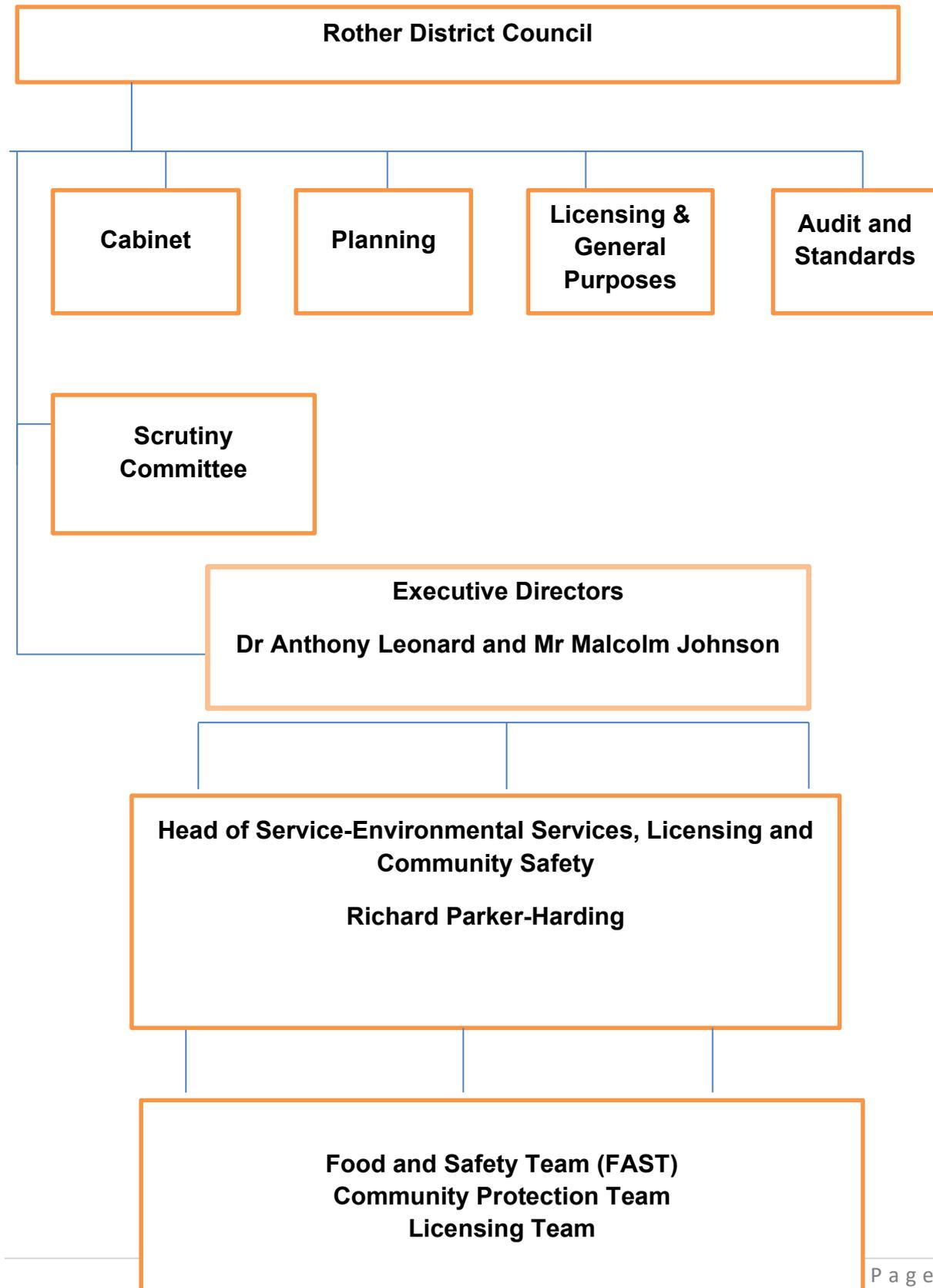


Map of the Rother District reproduced by kind permission of Ordnance Survey

- b. Bexhill, the main urban development, has a significant care industry which is manifest in a high number of care homes. Battle, Rye and Camber are popular tourist attractions with Rye Harbour 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.
- c. Health and Safety work is carried out by officers who also conduct food hygiene inspections, infectious disease investigations, commercial and residential caravan site licensing, kennel and cattery licensing, risk assess private water supplies, pest control and stray dog control. A decision making and overview and scrutiny structure is available overleaf.
- d. The service operates Monday to Friday from the Town Hall in Bexhill-on-Sea and conducts planned 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



### 8. WORK PLAN 2020 -21

- a. The following work Plan has been prepared in accordance with the National LA Enforcement Code, and Local Authority Circular 67/2 (rev 9). It seeks to use a range of interventions.
- b. Provision of advice and guidance:
- Rother DC offers advice to business through its website page <https://www.rother.gov.uk/business/support-and-advice/>  
There is a range of local and national advice including specific information for rural businesses, local partnerships and regeneration projects. Health and safety – the basics for business - is at <https://www.rother.gov.uk/environmental-health/healthy-workplaces/health-and-safety-at-work-the-basics-for-business/>
  - Environmental Health Officers offer advice on health and safety at work to all including those thinking of starting a new business.
  - The Environmental Health service has prepared specific health and safety advise on safe re opening of businesses during the Covid 19 pandemic at <https://www.rother.gov.uk/environmental-health/healthy-workplaces/support-and-advice-for-businesses-during-the-covid-19-pandemic/>
  - Free to download posters have been created by the Environmental Health team available at <https://www.rother.gov.uk/environmental-health/healthy-workplaces/support-and-advice-for-businesses-during-the-covid-19-pandemic/covid-19-signs-for-businesses-and-customers/>



### c. Proactive Inspections:

- i. In 2019 - 20 Environmental Health Officers visited fourteen care homes within Rother to provide information and to check compliance with appropriate health and safety laws (number 7 on the list of HSE priorities). The officers reported that standards were good, advice was given on risk assessments and patient handling policies.



Public domain image for lifting in care setting.

- ii. Proactive inspections were made to ten rural post offices and off licences to assess whether the risk of violence at work is being effectively managed. (Number 12 on list of HSE priorities). Intelligence from Sussex Police, food hygiene and licensing inspections indicates that there is the threat of violence to those working alone at night and handling cash. The officers reported that standards were good and gave advice on risk assessments and safety while working alone.

- iii. For 2020/21 no proactive inspections are planned as the priority must be to continue to give advice and support to all business to control the risk of Covid 19.

### d. 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 10), as suitable for proactive intervention by local authorities to prevent injuries to members of the public.
- ii. Sussex bonfires are unique, and Rother has extensive experience in dealing with the challenges posed by these events. Rother has developed a risk rating scheme for these events so that resources are directed at the highest risks. For the lowest risk events Rother gives advice to organisers; medium risk events may require a discussion and/or a site visit. The highest risk events 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.

## Health and Safety at Work SERVICE PLAN 2020 - 21

- iii. In 2019 -20 Environmental Health Officers spent over fifty hours advising and meeting with bonfire event organisers.
- iv. 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 timely input.



Image of Battle Bonfire celebrations credit Steve on Flickr

- v. At the time of writing, a gathering of thirty or more people is unlawful. This could mean that bonfire celebrations in 2020 - 21 may be very limited or cancelled by measures to control Covid 19. Plans are in place to contact bonfire societies and to advise each organisation for their circumstances.
- e. Investigation of incidents and complaints:
- i. All reported accidents, incidents (RIDDOR or adverse insurance reports) and complaints are subjected to the HSE's incident selection criteria and complaints handling criteria. This means that each complaint is investigated if it poses a significant risk to safety or health. The full policy is available at <https://www.rother.gov.uk/environmental-health/food-hygiene/food-hygiene-for-residents/food-and-health-and-safety-complaint-investigation-policy/>

## Health and Safety at Work SERVICE PLAN 2020 - 21

- ii. Thirty-nine accidents at work were reported to Rother District Council in 2019 – 20. There were a wide range of circumstances – cracked ribs while moving items, broken ankle after fall downstairs, loss of consciousness whilst using chemicals, a fall downstairs while carrying equipment. The most seriously injured parties were interviewed, the workplaces inspected. In all cases advice was given and in some cases instructions to improve issued. In one case the officer spotted that repeated falls occurred from an unprotected loading bay. An enforcement notice was issued, and new protective barriers were put in place, as in picture below.



- vi. Sixty-five complaints about health and safety were received from members of the public in 2019 – 20. Of these thirty-seven alleged poor conditions at a holiday park. In particular holiday makers complained that balconies, outdoor stairways and balustrades were in poor condition – some were rotten. A Senior Environmental Health Officer inspected. Several enforcement notices were issued and on revisit repairs had been completed, pictures below.



vii. In the last days of March 2020 over sixty complaints were received regarding Covid 19 matters in businesses. Each was investigated by an Environmental Health Officer who observed the business activity from a safe distance and then made contact by telephone. Observational patrols are regularly made to ensure business compliance and where necessary enforcement action is taken. This work will continue through 2020-21.

viii. The Environmental Health service work with Sussex Police on Covid 19 issues particularly in relation to licensed premises. The Food and Safety team advise and enforce the safety issues regarding Covid 19 and where this applies to licensed premises, such as pubs and clubs, work with Sussex Police and licensing teams. In April 2020, all licensees were advised in writing that a breach of the Coronavirus Restriction Regulations could lead to a review of their premises licence. This work will continue through 2020-21, the priority will be enabling a safe opening of the licensed premises expected in July 2020 as it is a matter of public health and safety.

ix. Of the many issues associated with opening a business after a period of closure is the risk of bacterial growth in water systems, specifically Legionella. Public Health England have requested that Environmental Health services participate in a nationwide water sampling campaign, to support and advise businesses accordingly. This work will be undertaken once it is safe, for Environmental Health Officers to do so.



Beautiful Rother – Winter on Pewis Marsh Winchelsea

f. Matters of Evident Concern:

- i. Where an Environmental Health Officer (EHO) is on an inspection for other regulatory purposes (e.g. food hygiene, licensing or pollution) 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 must address it immediately. In 2019 - 20 fifteen such matters were identified including damaged electrics in a kitchen, gas cylinders not secured to a cellar wall, broken light switch, unguarded food mixer.

The most serious case was discovered when an officer visited a private flat to respond to a complaint of smell from the restaurant beneath. The resident was also concerned that her carbon monoxide alarm was triggered late at night, disturbing her sleep. The officer noticed that the restaurant's flue discharge was level with the occupants' lounge window, see picture below. A joint visit was made with ESFR – HAZMAT team who monitored for carbon monoxide – no emissions were found in the flat.



A visit to the restaurant was made and discovered that the business was cooking over open charcoal without adequate ventilation. The practice was to leave the charcoal smouldering after the restaurant had closed every evening, allowing the fumes to discharge by the flue.

Eight enforcement notices were issued on the restaurant requiring a carbon monoxide alarm system with full training for employees and appropriate risk assessments. On revisit all works had been completed satisfactorily and the resident above was able to sleep safely at night.

Carbon monoxide is an odourless tasteless gas that kills about 60 people every year in the UK. Breathing in carbon monoxide can cause headaches, dizziness, tiredness and confusion, shortness of breath, breathing difficulties.

<https://www.nhs.uk/conditions/carbon-monoxide-poisoning/>

g. 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.

## 9. RESOURCES

The number of full-time equivalent officers allocated to work on health and safety regulatory activity is 1.6 Officers Authorised under the Health and Safety at Work Act,

<b>Environmental Health Officers</b>	<b>Qualification</b>	<b>Authorisation</b>
BARBERA Claudia	Completed NEBOSH exams BSc Env Health	Full
KANE Una	Diploma in Health and Safety BSc Env Health	Full
HOYLAND Richard	BSC Env Health	Full
PAGE Sarah	Chartered EHP BSc Env Health	Full
POWELL Jamie	BSc Env Health	Full
WRIGHT Phil	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
BEAUMONT	Cathy	Deputy head of Environmental Health
SMITH	Sue	Senior Environmental Health Officer
BIGGS	Steve	Senior Environmental Health Officer

The Service activities are recorded on M3, in accordance with HSE instructions. LAC 67/2 (revision 9). Each planned intervention is reviewed as part of this service plan 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 and CONSISTENCY of OFFICERS**

It is essential that officers are well informed and knowledgeable in health and safety matters. Competency of all officers is judged against HSC (G) 4 “Standards of Competency”, using a matrix developed by the Sussex Health and Safety Liaison Group. Annual appraisals are conducted to review performance and to identify specific training needs.

Officers attend training days, county liaison meetings and food and safety team meetings. The Sussex health and safety liaison group helps all the Sussex authorities to improve knowledge and to develop similar approaches to common problems. It is very important that officers’ decisions are consistent. Team meetings are held once every six weeks and include update training sessions.



**Food and Safety Team Meeting May 2019**

## **11. COMPLAINTS AGAINST SERVICE**

Rother operates a local complaints procedure which allows anyone dissatisfied with the Council’s service to pursue their complaint and expect a quick response. No complaints were made against the service in 2019 - 20.

## **12. CUSTOMER SURVEY**

A proportion of businesses are contacted online 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 Service. This includes acting where performance does not meet the expected standards.

### 13. DISCLOSURE of INFORMATION

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

### 14. CONCLUSION

This Service Plan has been authorised by the Head of Service, following consultation with the Cabinet Portfolio Holder.

It is published on our website and in the Members' Bulletin.

Signed: *R Parker-Harding*

**Mr R Parker-Harding** BSc (Hons) MSc DMS MCIEH AMIOA  
Chartered Environmental Health Practitioner  
Head of Service- Environmental Services, Licensing and Community Safety

Dated: 13/08/20

Signed *K Field*

**Councillor K Field**  
Cabinet Portfolio Holder

Dated: 11 August 2020

### 14. Contact details

Address: Town Hall, Bexhill-on-Sea, East Sussex TN39 3JX  
Website: [www.rother.gov.uk](http://www.rother.gov.uk)  
E-mail: [foodhs@rother.gov.uk](mailto:foodhs@rother.gov.uk)  
Telephone: 01424-787000