

## Appendix A

Welwyn Hatfield Borough Council  
Public Health and Protection

### Health and Safety Service Delivery Plan 2019/20

Key information on this document	
Purpose	Required in part fulfilment of mandatory guidance to Local Authorities issued under s18, Health and Safety at Work <i>etc</i> Act 1974
Intended target	Appointed Inspectors, Specialist Support Officers and Elected Members
Status	Operational and open
Prepared by	C Brown
Review date	March 2020

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## **BACKGROUND**

Welwyn Hatfield Council is both an employer and a regulator and is part of the overall health and safety system for Great Britain. This service plan covers the work of the council as a “regulator” for certain health and safety activities, rather than its role as an employer.

The Public Health and Protection Service works in partnership with the Health and Safety Executive (HSE), other local authorities, private businesses, unions and health service providers and with internal services where appropriate to regulate statutory health and safety provisions and to provide enforcement, education, guidance and emergency intervention to ensure the health and safety of employees and other persons. Part of this work involves appointing persons as Authorised Inspectors under the Health & Safety at Work etc Act 1974 to regulate health and safety in the Borough.

This service plan provides a summary of the work which has been undertaken and a commitment to work which will be undertaken.

## **SERVICE AIMS AND OBJECTIVES**

Specific objectives of the Service in connection with health and safety are:

- To focus resources on proactive enforcement of the relevant statutory provisions and provide advice and education in high risk workplaces in order that duty holders are able to achieve and maintain a good standard of compliance.
- To investigate workplace accidents in accordance with the incident selection criteria guidance (Local Authority Circular 22/13, February 2012)
- To provide advice, support and training to business to help them achieve a good standard of compliance, safe working conditions and enable them to grow.
- To respond to health and safety related aspects of civil emergencies and serious workplace incidents including fatalities where the council has enforcing responsibility.
- To operate the service in accordance with the National Local Authority Enforcement Code and the Regulators Compliance Code.

These objectives underpin the overall all vision, priorities and values of the council which include:

- Promote inclusive and safe communities
- Improve public health and well-being
- Supporting sustainable economic growth
- Being business friendly

Through this service plan the council also commits to support the key messages given in the national strategy<sup>1</sup> for health and safety which are:

- We can be proud of Great Britain's record on occupational health and safety – it is one of the best in the world
- Getting risk management right is an enabler for innovation and growth and is integral to business success as well as the well-being of workers
- Everyone in the system needs to play there part and make Great Britain work well. We all have a responsibility.

## **PROFILE OF THE LOCAL AUTHORITY**

Welwyn Hatfield Council is a blend of old and new and covers an area of approximately 130 square kilometres of mid Hertfordshire. It is made up of both urban and rural communities, with the towns of Welwyn Garden City and Hatfield the main commercial centres, with eight other large villages and settlements.

Welwyn Hatfield Council area has a population of approximately 122 000, and is the second fastest growing authority in Hertfordshire.. Welwyn Hatfield is generally a prosperous area but there are some pockets of deprivation and disadvantage.

Over 70% of the population lives in the two main towns of Hatfield and Welwyn Garden City. Welwyn Garden City and Hatfield are the key centres for employment, shopping leisure and other services for the Borough. There are a number of smaller settlements providing shops and local services, including Brookmans Park, Cuffley, Oaklands and Mardley Heath, Welham Green and Welwyn.

The locality of the Borough to London and provision of major road networks including the A1(M) and A414 provides for a strong position for both small and large warehouse development.

Accidents and ill health at work can cost money and ruin lives. Good health and safety is good business – and it's the law. At Welwyn Hatfield our overall aim is to work with others to protect people's health and safety by ensuring risks in the changing workplace are managed properly.

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<sup>1</sup> Helping Great Britain Work Well 2016: A new health and safety system strategy.  
<http://www.hse.gov.uk/strategy/strategy-document.htm> accessed 18/03/16

## **HEALTH & SAFETY SERVICE DELIVERY**

We follow the HSE developed, binding and enforceable 'National Code' for Local Authorities to ensure consistent and proportionate inspection and enforcement. This code has legal effect as HSE guidance under section 18(4) of the Health & Safety at Work etc Act 1974 and must therefore be the standard to which services are operated to ensure 'adequate arrangements for enforcement' are met.

The Code sets out the expectations for a risk based approach to targeting regulatory interventions. Recognising that the primary responsibility lies with the business that creates the risk the Council's regulatory role involves ensuring the effective and proportionate management of risks, supporting business, protecting the community and contributing to the wider public health agenda.

### **The National Strategy**

The council commits to playing its part to implement the themes of the national strategy, 'Helping Great Britain work well', and the work to be undertaken in this regard is set out later in this service plan.

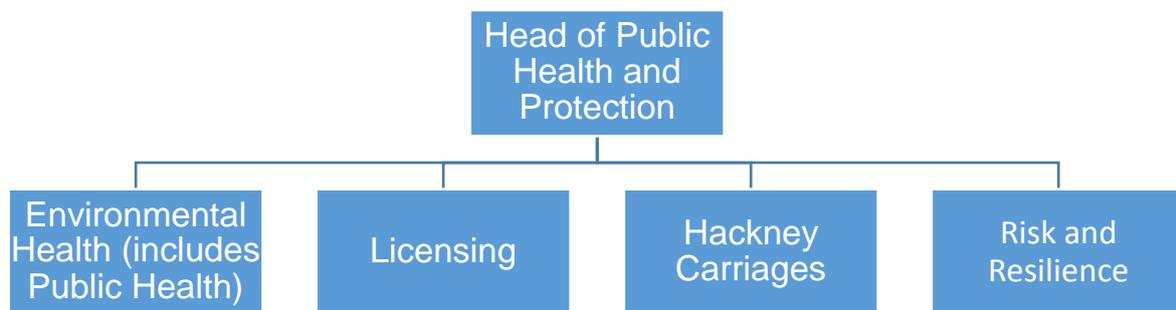
The 6 strategic themes are:

1. Acting together
2. Tackling ill health
3. Managing risk well
4. Supporting small employers
5. Keeping pace with change
6. Sharing successes

## **ORGANISATIONAL STRUCTURE FOR SERVICE DELIVERY**

The Environmental Health Team is part of Public Health and Protection which in turn is part of the Governance Team.

**Figure 1: General Structure of Public Health and Protection Service**



Environmental Health services are delivered by two Team Leaders posts, three Environmental Health Officer posts and five Technical Officers. In addition there is one part time Health and Wellbeing Officer and an Energy Efficiency Officer.

The service is able to draw upon legal assistance and expert assistance as required, including access to national health and safety laboratory and other specialist expertise.

## **SCOPE OF THE HEALTH AND SAFETY SERVICE**

The health and safety service covers the following areas of work:

- Health & Safety Interventions as part of a national priority, a significant local issue or where there is sufficient intelligence to require intervention
- Health & Safety Inspections of higher risk businesses and revisits
- Health & Safety enforcement

- Raising health & safety standards through education and awareness, this includes working with businesses as part of the growth agenda
- Health & safety advice and guidance to a variety of stakeholders, including the Public, Employers, Event Organisers, Partner Enforcement Agencies (e.g Emergency Services)
- Dealing with Issues of Health & Safety Concern and Complaints
- Incident and Ill Health Investigations
- Reviewing all health and safety issues relating to large scale public events within the Borough.
- Maintaining a cooling towers register.
- Reviewing and where appropriate responding to planning and licensing applications received for health and safety consultation
- Inspecting and advising the licensing team with regard to registrations for new premises involved in skin piercing activities.

In addition to the above, the officers who deal with health & safety also cover many other aspects of Environmental Health work. This includes:

- Food Safety – proactive and reactive inspection, investigation of food complaints, food poisoning, provision of training
- Pollution Control for example, statutory nuisance, permitted premises and private water sampling
- Public Health including taking the lead on delivering the public health agenda for the Council through health protection, health promotion and improvement
- Consultations for Planning and Licensing applications, temporary event notices

All officers within Environmental Health work generically providing a full range of services within the field. All officers are expected to prioritise a workload that includes a range of cases both of a proactive and reactive nature.

The service is delivered predominately in normal office hours but also out of normal working hours to inspect businesses when operational and/or where circumstances such as accident investigation demands officers remain on site. There is also a 24/7 reactive service for emergencies, which includes the investigation of fatal or serious workplace incidents.

## **SECTION 18 COMPLIANCE**

Section 18 of the Health and Safety at Work etc Act 1974 (HSWA) puts a duty on the Health and Safety Executive (HSE) and Local Authorities (LAs) to make adequate arrangements for enforcement of health and safety law.

The HSE has published guidance (National Local Authority Enforcement Code) to assist local authorities in achieving the S.18 principles and standards.

The council recognises the need to provide a competent inspectorate. The Code has provided guidance for the training and competence of inspectors). All authorised inspectors will be appropriately qualified and through this service plan the council commits to them receiving regular training to maintain and improve their level of competence.

Section 26 of the Health and Safety at Work etc. Act 1974 allows local authorities to indemnify Inspectors appointed under that Act under specified circumstances. As set out in the corporate enforcement policy it is the policy of the Council to indemnify Inspectors appointed under that Act against the whole of any damages and costs or expenses which may be involved, if the council is satisfied that the Inspector honestly believed that the act complained of was within their powers and that their duty as an Inspector entitled them to do it, providing the Inspector was not wilfully acting against instructions.

The Authority recognises and affirms the importance of achieving and maintaining consistency to their approach in making all decisions concerning enforcement action. All enforcement decisions are made in line with our enforcement policy and with reference to the Enforcement Management Model (EMM) where necessary and appropriate. The corporate enforcement policy covers all the council's enforcement activities.

Inspectors apply the principles of the EMM in all their regulatory actions but they will only formally apply the EMM and record the outcome in certain circumstances, such as the service of an improvement notice and/or where evidence and professional opinion suggests the consideration of a prosecution.

Where a management review is needed, this will be undertaken by the Team Leader with responsibility for Health and Safety; or Head of Public Health & Protection or their suitably qualified nominated deputy in periods of absence.

Liaison with Primary Authorities, Lead Authorities or other regulatory bodies is a useful means in determining previous compliance, making assessments of health & safety management compliance, preventing duplicity in enforcement and ensuring consistency in approach. The service will continue to liaise with other parties. All statutory enforcement notices are subject to internal peer review prior to service to ensure accuracy and enforceability.

## **DEMANDS ON THE HEALTH & SAFETY SERVICE**

Welwyn Hatfield Council is committed to improving health and safety outcomes and business growth. The service recognises that this must be achieved through targeted risk based interventions.

Much of the work undertaken over recent years has been reactive either through advice and guidance within the scope of the Council's Safety Advisory Team or through accident investigation. We recognise that our proactive initiatives have reduced over the last few years further to the service demands for re-active investigation and other work streams but we are committed to increasing this and are hopeful that in 2019/20 resources will enable this.

### **Investigation of accidents and complaints**

The service receives notifiable incidents both from the HSE Incident Contact Centre and sometimes directly from employers. Allegations of inadequate health & safety practices and/or arrangements are also received.

Investigations are targeted on activities that give rise to serious risks or where hazards are least well controlled, and have resulted in a fatality, major injury and/or occupational disease (as defined in the Reporting of Diseases and Dangerous Occurrence Regulations 1995).

Investigation work places a significant demand on the service but is also a good source of intelligence regarding business compliance. The number of accident notifications received can vary significantly from year to year but has significantly reduced further to changes made to the reporting requirements whereby now only serious injuries and those causing absence from work for more than 7 days are reportable. Nationally it is believed that there is significant under reporting in this area.

### **Health and Safety Interventions and Achievements**

All reported work related accidents (80) notified to the service were reviewed based on incident selection criteria. The highest risk incidents were selected for further investigation and have either been brought to proper conclusion or are ongoing currently. All of our ongoing investigations involve triable either way offences under the Act which means the time period for investigation is unlimited subject to no unnecessary delays by the service.

We have continued to maintain the cooling towers register for the borough to aid rapid investigation of potential sources in the case of a Legionella outbreak.

We also continue to inspect new businesses that require registration by the Licensing team for skin piercing activities including tattooing, micropigmentation, electrolysis, body piercing and acupuncture. These inspections involve looking at

the structure of the proposed work environment, equipment, sterilisation procedures, clinical waste arrangements and infectious disease control.

The service has supported the safety advisory team in reviewing health and safety issues for large scale public events planned within the Borough. The team regular participates in SAT meetings and has good partnership working arrangements with other enforcement bodies. Our involvement with the SAT enable event organisers to obtain the best advice and guidance to proactively deliver safe events for the public.

### **Formal Enforcement Intervention**

In accordance with our Corporate Enforcement Policy we take enforcement action in those businesses where there is significant risk and/or poor compliance history, in a graduated manner. In the first instance we will generally try and resolved health & safety contraventions informally however we have the enforcement tools of both an 'improvement' or 'prohibition' notice that may be used as deemed necessary by the inspector. Notices hold a legal status, where the recipient does not comply with the notice to the satisfaction of the inspector within the timescale specified, a prosecution may follow. The table below shows the number of notices served and prosecutions.

<b>Formal Enforcement Action</b>	<b>Number served in 2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>
Improvement Notice	6	4	4	1	1
Prohibition Notice	5	1	3	6	2
Simple Caution	0	0	2	0	0
Prosecution	0	1	1	0	0

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### **OVERVIEW OF KEY SERVICE CHALLENGES IN 2018/19**

The delivery of proactive health & safety interventions has been reduced from that expected due to staffing constraints. We have now successfully recruited to three roles within the team enabling us to plan to deliver regular proactive interventions in the forthcoming year ahead.

We will continue to resource the investigation of workplace accidents, in 2018/19 we investigated and concluded 5 cases with 19 cases still ongoing.

## **Intervention plan**

An intervention plan for health and safety will be used in addition to the Public Health and Protection Service Plan.

These interventions will be overseen and managed by a Public Health and Protection Team Leader and scrutinised by the Head of Public Health & Protection, and are fully compliant with the National Local Authority Enforcement Code and supplementary guidance, LAC 67/2 (revision 8).

LAC 67/2 provides guidance to local authorities on setting priorities and targeting interventions. Our work plan for 2019/20 includes national priorities set by the HSE, local priorities and an inspection programme to meet the expectations of this guidance.

Furthermore Welwyn Hatfield is involved in the implementation of local priority projects identified through Herts and Beds Health & Safety Topic Group for delivery during 2019/20. These local projects enable us to share and optimise resources, identify and share good practice and promote effective communications and sustainable productive partnerships.

Intervention Planning Table 2019-2020

<b>Sector, premises type or specific cross sector activity</b>	<b>Evidence that identified the concern and set its priority</b>	<b>Planned intervention type</b>	<b>Rationale for intervention</b>	<b>Planned activity or resource</b>
<i>Proactive interventions</i>				
Duty to manage asbestos	National priority	Topic focused health and safety newsletter	LAC 67/2 Annex A Industrial estates and business developments built before 2000	Education and awareness
Inflatable amusement devices	National priority	Topic focused information sheet	LAC 67/2 Annex A Large number of outdoor events within the borough	Work in partnership with the Council's licensing team to raise awareness and try and get the information on the council's website.
Gas safety in commercial catering premises	National priority	Topic focused health and safety newsletter using photographs taken by officers of local examples of poor practice	LAC 67/2 Annex A Local intelligence – building upon previous intervention work	Education, reinforcing previous inspection intervention.
Raising awareness of the need to prevent injury to members of the public from accessing large commercial waste and recycling bins	National priority	Topic focused health and safety newsletter	LAC 67/2 Annex A Raise dutyholders awareness of the need to manage unsecured bins	Education.

<b>Proactive intervention</b>				
Open farms/animal visitor attractions	67/2 Annex B Local intelligence	Inspection	E.Coli/Cryptosporidium infection especially in children	Inspection
Warehouses	As above	Inspection	Focus on workplace transport and falls for height where there is local intelligence to support need for intervention	Inspection
Carbon monoxide poisoning	As above	Inspection	Raise awareness in commercial catering premises of the need for ventilation and/or unsafe appliances	Inspection
Violence at work	As above	Inspection	Intelligence from community safety partnership	Inspection
Mental health awareness/work related stress	Local intelligence	Free business training	Raise awareness of mental health conditions, work and the workplace	Work in partnership with local training provider
<i>Reactive interventions</i>				
<b>Community Events</b>				
Support community events identified through the safety advisory team in particular <ul style="list-style-type: none"> <li>• Game Fair</li> <li>• New events</li> </ul>	Reactive referral work	Promoting best practice	Increased safety at public events	Attend meetings, give advice, review event management plans and risk assessments Attend events where necessary to give advice and/or enforce

<b>Partnership Working</b>				
Participate in the Herts and Beds Health and Safety Group	Section 18 compliance, partnership working	Various	Joined up approach to safety initiatives within Herts & Beds	Represent WHBC at Group Participate in joint projects
<b>Investigation of Complaints</b>				
To respond to requests for service	Reactive referrals			
<b>Investigation of Accidents</b>				
To review all accident notifications and investigate those selected with reference to LAC 22/13	Reactive referrals		Control immediate hazards Reduce the likelihood of re-occurrence	Accident investigation