

## Lead Member for Environment and Community Safety Briefing

Dear Member,

You are invited to attend the meeting of the Lead Member for Environment and Community Safety Briefing to be held as follows for the transaction of the business indicated.

Miranda Carruthers-Watt  
Proper Officer

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**DATE:** Monday, 23 April 2018

**TIME:** 8.30 am

**VENUE:** Salford Civic Centre, Chorley Road, Swinton, Salford M27 5DA

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In accordance with 'The Openness of Local Government Bodies Regulations 2014,' the press and public have the right to film, video, photograph or record this meeting.

### AGENDA

- 1 **Apologies**
- 2 **Declarations of Interest**
- 3 **Items for Decision - Part 1 (Open to the Public)**
- 3a Health and Safety Service Plan 2018/19 (Pages 1 - 22)
- 4 **Exclusion of the Public**
- 5 **Items for Decision - Part 2 (Closed to the Public)**
- No items*
- 6 **Any other business**

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Part 1 - Open to the Public	ITEM NO.
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REPORT OF  
THE STRATEGIC DIRECTOR PLACE

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TO  
LEAD MEMBER FOR ENVIRONMENT AND COMMUNITY SAFETY

ON 23<sup>rd</sup> April 2018

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TITLE: Health and Safety Service Plan 2018/19

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RECOMMENDATIONS: That the Lead Member approves the:-

The Health and Safety Plan for 2017/18 incorporating a review of the 2017-2018 performance.

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EXECUTIVE SUMMARY:

The Health and Safety Executive has introduced a National Local Authority Enforcement Code with the aim of ensuring that local authority health and safety enforcement are focused on serious risks and poor performers. To ensure the service is accountable to our community, local authority health and safety services and processes should be designed to meet the local needs of the public and businesses. This should be reflected in publically available risk based service plans, approved, on an annual basis, by elected members, which reflects the HSE's strategic priorities and the objectives of the National Code.

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BACKGROUND DOCUMENTS: None

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KEY DECISION: No

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DETAILS:

## **Health and Safety Plan**

In March 2016, the Health and Safety Executive (HSE) published a strategy statement entitled "Helping Great Britain Work Well" targeting six key areas with the aim of preventing death, injury and ill health in Great Britain's workplaces and supporting businesses to grow.

Enforcement of health and safety legislation is split between the Health and Safety Executive and local authorities. With the decline in manufacturing and the rise in the service and leisure sectors, there has been an increase in the number of places of work where local authorities are the enforcing authority.

In May 2013 the HSE produced the National Local Authority Enforcement Code which sets out a risk based approach for local authority regulators to follow when targeting health and safety interventions. Local authority health and safety services and processes should be designed to meet the needs of local businesses and the public. This should be reflected in publically available risk based service plans which are approved on an annual basis, by elected members and take account of both the HSE's strategic priorities and the objectives of the National Code.

The Health and Safety Plan is required to demonstrate a broad range of activities to meet the codes four objectives which are:-

- Planned interventions to address the HSE's six strategic aims
- Information on the service that is being provided in line with the National Code
- The means by which these services are going to be provided
- Performance targets and how they will be achieved
- A review of performance to address any variance from meeting the targets set out in the plan.

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KEY COUNCIL POLICIES: Health

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EQUALITY IMPACT ASSESSMENT AND IMPLICATIONS: The service has regard to the ability of business proprietors to understand written and spoken English. Where necessary, written and verbal translations are provided.

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ASSESSMENT OF RISK: Low.

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LEGAL IMPLICATIONS

The City Council has a statutory duty to produce an annual Health and Safety Plan. The HSE has the legal power to take over the management of the Health and Safety service from local authorities who fail to achieve satisfactory levels of performance in terms of the enforcement of Health and Safeuy standards and legislation.

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FINANCIAL IMPLICATIONS:

The requirements of the HSE can be met within existing budgets.

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PROCUREMENT IMPLICATIONS: None

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HR IMPLICATIONS:

The plans can be met within existing officer resources.

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OTHER DIRECTORATES CONSULTED:       None

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CONTACT OFFICER: John Snow               TEL NO: 0161 925 1315

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WARDS TO WHICH REPORT RELATES:       All

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**HEALTH AND SAFETY SERVICE PLAN 2018/2019  
SALFORD CITY COUNCIL PLACE DIRECTORATE**

**FOREWORD**

The provision of an effective Health and Safety Service which ensures the safety and wellbeing of the public and employees within the City of Salford has quite rightly received consistent support from Elected Members of the Council. This Health and Safety Service Plan provides a clear strategy and will ensure that resources are targeted towards front line services at areas of greatest impact. It provides the basis for the robust monitoring of performance of the service in the long term as well as short term.

In undertaking its duties the service aims to successfully balance education, encouragement and enforcement. It follows the Health and Safety Executive's National Local Authority Enforcement Code and the Government's commitment to simplifying health and safety legislation to ease the burden on business and encourage growth as outlines in the Government publication "Good Health and Safety, Good for Everyone".

The Regulatory Delivery, part of the Department for Business, Energy and Industrial Strategy is continuing to coordinate enforcement activity across all regulatory activities. This year's Health and Safety Service Plan will continue to place a strong emphasis on partnership working, desired outcomes and reducing unnecessary red tape for businesses as required. However, we are committed to use all our available powers to secure the standards of health and safety expected by our communities. It is also pleasing that stakeholders value the Council's health and safety service so highly and I am keen that both Members and Officers continue to respond by providing a service that delivers best value. Health and Safety is a key service priority in Salford.

**Councillor David Lancaster MBE**

(Lead Member for Environment and Community Safety)

## **COMMITMENT**

Health and safety has consistently been an important topic for the City Council. The right of access to a safe working environment is essential to all those who live, work or visit Salford. The Directorate has continued to target its resources into areas of greatest impact and risk using the updated guidance produced by the Local Authority Unit at the Health and Safety Executive (HSE) and the thorough evaluation of previous years' performance and emerging trends when compiling the Service Plan.

Salford City Council has always been proactive in ensuring that the regulatory burden on businesses in the City is reduced by combining regulatory interventions. A common sense approach is taken in line with the HSE's National Local Authority Enforcement Code.

Against this background, the Council has responded in this plan to the HSE's key Health and Safety areas, as laid out in their Strategy "Helping Great Britain Work Well" which include:-

- Supporting small employees;
- Tackling ill health;
- Acting together;
- Managing risk well;

The service continues to deliver on the above targeting the high risk injury and ill health areas. This plan will ensure that we target our health and safety interventions having regard to the range of interventions available as outlined by the HSE, the risk profile of businesses within the City, national information (accident statistics, national priorities and Primary Authority inspection plans) and local knowledge and priorities.

In line with the requirements of the National Code we are committed to ensuring compliance by providing sufficient staff resources of the right type, quality and competence, a robust management and communication structure, continued Partnership Working and delivering a proportionate, transparent and fair service in line with our Enforcement Policy. This will ensure that not only is the Statutory Duty of the council met, but that the objectives of a safe and healthy City, for the Council, are achieved as far as is reasonably practical.

By complying with the National Code, continuing to work in partnership with the HSE and the other AGMA authorities to deliver a tailored work plan the Council means to promote and maintain public confidence in a safe and healthy Salford.

**Ben Dolan**

Strategic Director - Place Directorate



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  3. List of activities/sectors for proactive inspection by LAs

## **Introduction**

This annual Health and Safety Service Plan has been produced to cover the statutory health and safety enforcement duties undertaken by Salford City Council in relation to businesses in the services sector and does not relate to the City Council's compliance with health and safety legislation. Businesses in the services sector include offices, shops, restaurants, entertainment and leisure, care homes, hotels and warehouses. The Health and Safety Executive (HSE) enforce the law at factories, hospitals, council run premises, schools, colleges, construction sites, in agriculture and at all domestic premises.

This plan sets out the detailed work activity for the coming year as required by the Section 18 mandatory guidance and the HSE's National Local Authority Enforcement Code. Section 18 (4) of the Health and Safety at Work etc Act 1974 (HASWA) requires that Local Authorities perform their duties in accordance with guidance from the Health and Safety Executive (appendix).

Local Authorities must also engage with the HSE's strategy 'Helping Great Britain Work Well' based on the analysis of injury and ill health across known hazard and sector hotspots in businesses both large and small and helping businesses to grow.

In accordance with the National Local Authority Enforcement Code, Salford City Council is committed to undertaking interventions in sectors detailed in the "Advice/Guidance to LAs on Targeting Interventions". All interventions will be as part of a local or regional initiative where evidence suggests a particular issue or topic is of significance and may lead to elevated levels of incidents, injury or ill health.

## **Aims and Objectives**

The Health and Safety service has had full regard to the following information in setting out its aims and objectives:

- The HSE Section 18 mandatory guidance
- The HSE Strategy 'Helping Great Britain Work Well'
- National Local Authority Enforcement Code
- Advice / Guidance to Local Authorities on Targeting Interventions (LAC 67-2 rev 7 including appendix 3)
- Local and regional enforcement issues
- Intelligence from key Partners
- Regulatory Office (RO) guidance
- AGMA Public Protection Partnership (AGMA PPP)
- Corporate Strategic Plans, Community Action Plans, Local Public Service Agreements and the Directorate's Business Plan 2018-19
- Local strategic pledges and priorities

**The aim of the Health and Safety service is:**

To effectively use resources including targeted enforcement and education to promote compliance with occupational health and safety legislation and to ensure that duty holders protect the health and safety of people at work and of others who may be harmed by work activities. The Service will work in partnership with other enforcement authorities and with other regulators and stakeholders to make best use of joint resources and to maximise impact on local, regional and national priorities.

**The objectives of the service are:**

- To contribute towards the reduction in health inequalities.
- To contribute towards a city that is safe for residents, workers and visitors.
- To raise standards of health, safety and welfare in the local authority enforced sector by using a targeted risk based intervention programme.
- To raise health and safety awareness in the workplace in line with national strategies.
- To contribute towards the Health and Safety Executive's Strategy 'Helping Great Britain Work Well' and the Health and Safety Executive's Delivery Plan.
- To ensure the Health Act 2006 (smoke free workplaces) is complied with in Salford.
- In partnership with Greater Manchester Police and AGMA PPP, to reduce incidents of robberies in commercial premises through the application of health and safety legislation.
- In partnership with Electricity North West, to target commercial premises where there is intelligence of potentially unsafe electrical connections through the application of health and safety legislation.
- To consider all accident notifications and investigate all fatal and major accidents in line with the Health and Safety Executive's guidance.
- To respond to all requests for service in accordance with Directorate procedures and performance indicators.
- To provide the training and supervision deemed necessary to meet statutory competency levels for enforcement officers.
- To ensure compliance with Section 18 and maintain a competent workforce through the Regulators Development Needs Assessment Tool.
- To review and maintain documented procedures to improve the consistency and quality of enforcement.

- To raise awareness of occupational health and safety by working with other partners including other enforcing bodies, intermediaries, local stakeholders and the general public.
- To promote health and safety information through the Council's WebPages and links to the HSE's WebPages.
- To respond to requests from national businesses to act as Primary Authority.

## **Enforcement**

Any enforcement action taken by the Directorate will be in accordance with the Regulatory Service Division's Enforcement and Prosecution Policy, the Regulator's Compliance Code and the Health and Safety Enforcement Management Model, e.g. focusing action on areas of serious non-compliance, poor premises history, deliberate economic advantage sought. Health and safety training for businesses is not provided in house but can be obtained from a range of external providers. Where a Primary Authority Partnership exists we will consult with the Primary Authority prior to taking enforcement action that may have national or a wider significance. Inspection of premises is carried out using a risk based inspection approach - the greater the risk the more frequent the inspection in accordance with the HSE's national scheme.

The service is responsible for the health and safety regulation in approximately 3817 premises. During this year we aim to carry out over 200 Health and Safety interventions with premises following accident notifications, intelligence from partners or complaints and 25 programmed interventions to those premises due or unrated that fall within the high risk sectors in accordance with National LA Enforcement Code. In addition a further 400 Health and Safety interventions will be undertaken to provide advice or to tackle matters of evident concern during visits to businesses in accordance with our food safety plan.

In 2017/18 the service undertook 430 Health & Safety interventions to businesses, dealt with 215 requests for service and 120 accidents investigations. Actioned 88 matters of evident concern, investigated 11 regulatory reports of serious defects with lifting equipment and issued 120 letters, served 6 prohibition notices, issued 7 improvement notices and concluded 2 Health & Safety prosecutions as a result of the intervention programme.

Inspections and interventions will also include such revisits as necessary, where matters of evident concern or serious/persistent breaches of statutory requirements are found. These will be undertaken within a time period that is proportionate with those matters or breaches.

The Health and Safety Executive and the Greater Manchester public protection partnership identified the following priorities for local authorities in 2018-2019 -

- Peer review and officer competency
- Interventions linked to the National Priorities;

We will focus on the key strategic areas outlined in the Health and Safety Executive's "Helping Great Britain Work Well" strategy and the risk reduction topics during our

interventions to make an active contribution to the risk reduction programme and to raise awareness of these priority issues with duty holders. Last years' initiatives included gas safety in licensed premises, working at height and transport safety.

All accident notifications are considered in accordance with the Health and Safety Enforcement Policy and Health and Safety Executive's guidance.

During the year we aim to:

- Commence the investigation of all reportable fatalities within one working day.
- Commence the investigation of all reportable major injuries resulting from slips or trips, falls from height, workplace transport and musculoskeletal disorders in line with local and Health and Safety Executive's priorities within 3 working days.
- Commence investigating other reportable major injuries and dangerous occurrences in line with local and Health and Safety Executive's priorities within 3 working days.
- Commence investigating reportable over seven day incidents according to Health and Safety Executive's guidance, the Health and Safety Enforcement Policy, local priorities within 3 working days where resources allow.
- With regard to all other reportable accident notifications, the service will contact the injured person and / or the business to establish what steps the businesses have taken to prevent a recurrence.

All Health and Safety complaints are investigated in accordance with the Health and Safety Enforcement Policy. Our aim is to respond to complaints within 3 working days. We will use a range of techniques to respond to complaints including visits, advice given over the telephone, advisory leaflets or the referral to a more appropriate agency.

## **Resources**

The Health and Safety enforcement service is provided by Environmental Health Officers and a Senior Scientific Officer from the Regulatory Services Division. The resources devoted to health and safety enforcement equates to approximately three full time Officers.

Only staff that are competent are authorised to undertake Health and Safety enforcement; competency is based on qualifications and relevant experience. This is monitored annually through our benchmarking, quality checks, appraisals and the Regulators Development Needs Assessment tool.

During this year we propose to:

1. Target all band A premises with a full Health & Safety inspection, and a proportion of the targeted sectors (appendix 3) within risk bands B1, B2 and C premises and unrated premises where there is a relevant high risk activity proactive intervention. The priority themes relevant to Salford for 2018-19 are:-

- a. Transport safety in high volume warehousing;
  - b. Falls from height/ amputation, manual handling, unstable loads and crushing injuries in industrial and wholesale premises;
  - c. Musculoskeletal disorders in residential care settings;
  - d. Carbon monoxide poisoning from solid fuel cooking equipment;
  - e. Violence at work in premises with vulnerable working conditions (lone/night working/ hospitality/ cash handling e.g. betting shops / off-licences / care settings) and where intelligence indicates that risks are not being effectively managed;
  - f. Industrial diseases in craft bakeries and steel stockholders; and
  - g. Crowd Management at large scale events i.e. Irlam Live and similar
2. During all relevant proactive food inspections provide Health & Safety advice and also undertake a hazard spotting exercise for Health & Safety and concentrating on matters of evident concern noted in 2017-18 namely gas and electrical safety in takeaways and convenience stores, unguarded machinery, interlock maintenance and accessing stock at height or within cellars.
  3. Raise awareness of the risks associated with the handling of beverage gases in the hospitality industry
  4. Target beauty premises undertaking high risk treatments and introduce a tattoo rating scheme based on schemes already introduced in other Great Manchester Authorities.
  5. Revise the street trading policy to introduce more detailed checks on mobile traders operating around the City.
  6. Provide Health and Safety support to all of Salford's Safety Advisory Groups and to ensure high risk events operate in accordance with the Council's guidance.
  7. Contribute actively to the Health and Safety Executive's 'Helping Great Britain Work Well' strategy.
  8. In partnership with Electricity North West, to target commercial premises where there is intelligence of potentially unsafe electrical connections through the application of health and safety legislation
  9. Consult on licensing applications as a competent authority under the Gambling and Licensing Acts and take in active role within the Responsible Authority meetings.
  10. Continue to ensure compliance with the smoke free requirements of the Health Act 2006.
  11. Ensure the service meets the required Section 18 standard to include benchmarking of our Health & Safety service with the other Greater Manchester Authorities (see Appendix 1).

The Environmental Health Team is supported by a multifunctional administrative support section that provide a full range of administrative support, particularly computer inputting, service request and complaint handling, interrogation of the Health and Safety Executive

database of Reports of Injuries, Diseases and Dangerous Occurrences and asbestos notifications, as well as dealing with postal and email correspondence.

Legal support is provided by the Manchester City Council's Legal Services Team.

### Health and Safety Financial Allocation

	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
Expenditure	264,795	239,486	237,086	181,901	180,502	179,206	£175,076
Income	-6,111	0	-5,301	0	0	0	0
Officer Head Count	4.04	4.04	4.20	3.15	2.85	2.85	2.85
Cost per head of population	£1.13	£1.02	£0.99	£0.78	£0.77	£0.77	£0.75
2011 Census 233,933							

### Monitoring and Review

The targets and performance standards in the Plan are monitored on a regular basis. Each year the plan is reviewed and any planned improvements are incorporated into the next year's Plan. Elements of the review have been included in the various sections above.

In 2017-18, a total of 403 premises were targeted for health and safety purposes (including 4 nationally targeted inspections, 26 locally targeted initiative visits and 295 targeted advice), 115 notified accidents were dealt with and the team responded to 208 service requests as detailed in Section 2 above.

The Service demonstrated continuing compliance with the Section 18 standards (see Appendix 1) and benchmarked its Health & Safety activities with the other 9 Greater Manchester Local Authorities. In addition the service was previously subject to a rigorous audit in accordance with the Health and Safety Executive's Inter Authority Auditing Scheme.

Regulatory Delivery coordinates enforcement activity across all regulatory activities. It is anticipated that this will continue to provide greater direction to enforcement agencies with a strong emphasis being placed on partnership working, desired outcomes and reducing unnecessary burdens for businesses.

With current resources the Service will continue to prioritise visits to highest risk and targeted premises with partner agencies, contribute to the risk reductions initiatives, investigating accidents (as detailed in 2.2.1) and respond to all health and safety incidents within 3 working days.

John Snow

## **Appendix 1: Section 18 Guidance**

Section 18(4) of Health and Safety at Work Act states “it shall be the duty of every local authority to make adequate arrangements for the enforcement within their area of the relevant statutory provisions...” The guidance notes issued by Health and Safety Commission under Section 18(4) contain the broad principles which the Health and Safety Commission wishes local authorities to adopt in enforcing Health and Safety legislation. They provide a framework within which local authorities should operate so that the Health and Safety Commission can be confident that they are making appropriate arrangements for enforcement.

In the view of the Health and Safety Executive the following elements are essential for a LA to have in order to adequately discharge its duty as an enforcing authority:

- a clear published statement of enforcement policy and practice.
- a system for prioritised planned inspection activity according to hazard and risk and consistent with any advice given by the Health and Safety Executive and Local Authorities Enforcement Liaison Committee (HELA).
- a service plan detailing the local authority’s priorities and its aims and objectives for the enforcement of health and safety which is agreed by the local authority’s elected members.
- the capacity to investigate workplace accidents and to respond to complaints (requests for service).
- arrangements for benchmarking performance with peer local authorities.
- provision of a trained and competent inspectorate.
- arrangements for liaison and co-operation in respect of the Primary Authority Scheme.

An inter-authority audit protocol has been issued by Health and Safety Executive’s Local Authorities Enforcement Liaison Committee (HELA) which will enable the Health and Safety Executive to review and monitor the performance of local authorities. In addition local authorities are required to submit specific information to the Health and Safety Executive from time to time, with which the Health and Safety Executive will take a view on the local authority’s performance and their compliance with Section 18(4) duties.

If a local authority fails to meet its obligations under Section 18 of the Act, the Secretary of State may, after considering a report submitted to him by the Health and Safety Executive, cause a local inquiry to be held. If, following this inquiry, the Secretary of State is satisfied that a local authority has failed to perform any of its enforcement functions, he may make an order declaring the local authority to be in default. The order may direct the authority to perform their enforcement functions in a specified manner within a specified period of time. If the defaulting authority fails to comply with such an order, the Secretary of State may enforce it, or make an order transferring the enforcement functions of the defaulting authority to the Health and Safety Executive. In



such a case, Health and Safety Executive's expenses are paid by the defaulting authority.

- Local authorities must ensure that their approach to enforcement is consistent with Health and Safety Executive's policy in this respect and local authorities must also have their own clear and published enforcement policy.
- Inspectors must be suitably authorised to undertake the tasks for which they are appointed.
- Complaints about local authorities' officers should be directed to the local authority's inspector's line manager in the first instance.

The service plan (which is reviewed during the inter-authority audit process) should include information on the following: -

- future objectives and major issues that cross service boundaries
- key programmes, including a planned inspection programme
- information on the service that is being provided
- the means by which these services are going to be provided
- any performance targets and how they will be achieved
- a review of performance to address any variance from meeting the requirements of the service plan

## Appendix 2: HSE's National Local Authority Enforcement Code

# National Local Authority Enforcement Code

## Health and Safety at Work England, Scotland & Wales

1. In his report "*Reclaiming health & safety for all: An independent review of health and safety legislation*", commissioned by the then Minister for Employment, Professor Ragnar Löfstedt recommended that HSE be given a stronger role in directing Local Authority (LA) health & safety inspection and enforcement activity.
2. This National Code has been developed in response to this recommendation and as an outcome of the Red Tape Challenge on Health and Safety. It is designed to ensure that LA health and safety regulators take a more consistent and proportionate approach to enforcement.
3. Whilst the primary responsibility for managing health and safety risks lies with the business who creates the risk, LA health & safety regulators have an important role in ensuring the effective and proportionate management of risks, supporting business, protecting their communities and contributing to a wider public health agenda.
4. LA regulators are competent professionals granted powers and duties to deliver proportionate and targeted enforcement. It is vital that LA regulatory resource is used consistently and to best effect by targeting specific risks or focussing on specific outcomes. LAs should use the full range of regulatory interventions available to influence behaviours and the management of risk with proactive inspection utilised **only** for premises with higher risks or where intelligence suggests that risks are not being effectively managed.
5. The Code provides direction to LAs on meeting these requirements, and reporting on compliance.
6. The Code is given legal effect as HSE guidance to LAs under section 18(4) (b) of Health and Safety at Work etc Act 1974 (HSWA) and applies to England, Wales and Scotland.
7. This Code sets out what is meant by 'adequate arrangements for enforcement'. This Code replaces the existing S18 Standard and concentrates on the following four objectives:

- a) Clarifying the **roles and responsibilities** of business, regulators and professional bodies to ensure a shared understanding on the management of risk;
- b) Outlining the **risk-based regulatory approach** that LAs should adopt with reference to the Regulator's Compliance Code, HSE's Enforcement Policy Statement and the need to target relevant and effective interventions that focus on influencing behaviours and improving the management of risk;
- c) Setting out the need for the **training and competence** of LA H&S regulators linked to the authorisation and use of HSWA powers; and
- d) Explaining the arrangements for collection and publication of LA data and peer review to give an **assurance on meeting the requirements of this Code**.

### **Section 1: Roles and responsibilities**

- 8. Businesses, regulators, and professional bodies all have a role and responsibility to help prevent work place death, injury and ill health and to apply health and safety at work in a proportionate way.

#### *Business*

- 9. Health and Safety law in Great Britain clearly sets out that the primary responsibility for managing risks to workers and the public who might be affected by work activity lies with the business or organisation that creates the risks in the first place. This applies whether the organisation is an employer, self-employed, service provider or a manufacturer or supplier of articles or substances for use at work. Whilst the primary responsibility sits with the business, workers also have a responsibility to care for their own health and safety and others who may be affected by their actions. Workers should accordingly be engaged by their employers on health and safety issues.
- 10. Guidance on risk management is available on HSE's website or, where more specialised external assistance is needed, from the Occupational Safety & Health Consultants Register (OSCHR).

#### *Regulators*

- 11. The role of the regulator is to support, encourage, advise and where necessary hold to account business to ensure that businesses effectively manage the occupational health and safety risks they create.
- 12. Regulators should ensure they make best use of their resource and help improve the effective management of health and safety risks in a proportionate way. This is achieved through choosing the most appropriate way of influencing risk creators and by targeting their interventions, including inspection, investigation and enforcement activity, on those businesses and sectors that represent a higher level of risk to the health and safety of workers and the public.

13. Enforcement of health and safety is split between HSE and approximately 382 LAs in accordance with the Enforcing Authority (Health & Safety) Regulations 1998. This Code provides statutory guidance to each LA and a framework to guide local approaches. Meeting the requirements of this Code will ensure LAs approach to enforcement is consistent.
14. The focus of LAs may often be broader than specific health and safety outcomes as they can also have an impact on wider public health outcomes/ health inequalities. Additionally, LAs contribute to delivering the growth agenda and can provide invaluable advice to new business.
15. LAs as employers also have a responsibility to ensure that their regulatory staff are sufficiently competent and have sufficient management control/support to carry out the tasks that the LA requires them to undertake.
16. With its central health and safety policy role HSE will provide:
  - Authoritative health and safety advice and guidance for business;
  - Stakeholder engagement through involvement in industry liaison forums and other appropriate national forums;
  - Specialist health and safety support and advice to LAs;
  - Specific sector strategies with associated national planning priorities to inform LA regulatory interventions;
  - A list of those high risk sectors/activities appropriate to be targeted for proactive inspection by LAs;
  - Support for Primary Authorities and their inspection plans;
  - Support LA peer review of their enforcement decisions, intervention plans and professional competence; and
  - Monitor and publish LA intervention data for benchmarking purposes via the LAE1 return (see paragraph 53 in Data Collection).

*Professional bodies*

17. The Chartered Institute of Environmental Health (CIEH) (covering England, and Wales) and the Royal Environmental Health Institute of Scotland (REHIS) (covering Scotland) are the two main professional bodies for LA Health and Safety regulators. They are responsible for setting standards for professional practise, promoting training, education and continuing professional development via accredited courses and qualifications for Environmental Health Officers.
18. In addition there are a range of other organisations e.g. the Institution of Occupational Safety & Health (IOSH), who can help support the delivery of the risk-based approach to regulation outlined by the Code.

**Section 2: A risk-based approach to regulation**

19. Business is responsible for managing the risks it creates to workers and the public who might be affected by its work activity. This applies to all businesses, no matter how large or small.
20. LA regulators should use a range of interventions, by which we mean all available methods and techniques, to influence behavioural change in the way business manages or undertakes its work.
21. This Code seeks to provide advice and direction to LAs on using a risk-based, targeted and proportionate approach to their interventions and enforcement in accordance with the principles of good regulation which requires enforcement to be demonstrably targeted, proportionate, consistent, transparent and accountable.

**Targeting**

22. This means targeting interventions on those activities that give rise to the most serious risks or where the hazards are least well controlled.

LAs should achieve this 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.

Appendix 3: List of activities/sectors for proactive inspection by LAs

<b>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</b>			
<b>No</b>	<b>Hazards</b>	<b>High Risk Sectors</b>	<b>High Risk Activities</b>
1	Legionella infection	Premises with cooling towers/evaporative condensers	Lack of suitable legionella control measures, including premises that have: <ul style="list-style-type: none"> <li>• Not yet demonstrated the ability to manage their legionella risk in a sustained manner, includes new cooling towers/evaporative condensers, or</li> <li>• Relevant enforcement action in the last 5 years and have not yet demonstrated sustained control of legionella risk.</li> </ul>
2	Explosion caused by leaking LPG	Communal/amenity buildings on caravan/camping parks with buried metal LPG pipework	Caravan/camping parks with poor infrastructure risk control/management of maintenance
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 Warehousing/Distribution <sup>3</sup>	Poorly managed workplace transport
5	Fatalities/injuries resulting from falls from height/ amputation and crushing injuries	Industrial retail/wholesale premises <sup>4</sup>	Poorly managed workplace transport/ work at height/cutting machinery /lifting equipment
6	Industrial diseases (occupational deafness/ occupational lung disease - silicosis)	Industrial retail/wholesale premises <sup>4</sup>	Exposure to excessive noise (steel stockholders). Exposure to respirable crystalline silica (Retail outlets cutting/shaping their own stone or high silica content 'manufactured stone' e.g. gravestones or kitchen resin/stone worktops)

7	Occupational lung disease (asthma)	In-store bakeries and retail craft bakeries where loose flour is used and inhalation exposure to flour dust is likely to frequently occur i.e. not baking pre-made products.	Tasks where inhalation exposure to flour dust and/or associated enzymes may occur e.g. tipping ingredients into mixers, bag disposal, weighing and dispensing, mixing, dusting with flour by hand or using a sieve, using flour on dough brakes and roll machines, maintenance activities or workplace cleaning.
8	Musculoskeletal Disorders (MSDs)	Residential care	Lack of effective management of MSD risks arising from moving and handling of persons
9	Falls from height	High volume Warehousing/Distribution <sup>3</sup>	Work at height

<sup>1</sup> See LAC 67/2 (rev 7) for guidance on the application to certificated petroleum 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> Includes businesses such as: steel stockholders; builder's and timber merchants.

<sup>5</sup> For supermarket and other chain bakeries etc check to see if there is a Primary Authority inspection plan with more specific guidance.

<sup>6</sup> Pubs, clubs, nightclubs and similar elements of the night time economy.

<sup>7</sup> Specific guidance on the application of the Explosives Regulations 2014 to the activities of professional firework display operators is available on the HSE website -

[www.hse.gov.uk/explosives/er2014-professional-firework-display.pdf](http://www.hse.gov.uk/explosives/er2014-professional-firework-display.pdf)

**January 2018 Version - (for use with LAC 67-2 Rev 7)**



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