

# Crawley Borough Council

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## Report to Licensing Committee

12<sup>th</sup> November 2012

### Approval of the Health and Safety & Licensing Service Plan 2012 - 2013

#### 1. Summary

- 1.1 The Health and Safety Executive require all Local Authorities to create a service plan to set out how their statutory obligations concerning health and safety will be discharged.
- 1.2 One of their functions is to monitor the performance of Local Authorities' enforcement of Health and Safety.
- 1.3 Revised guidance under section [18] of the Health and Safety at Work etc Act 1974 indicates Local Authorities should produce a health and safety service plan, which must be "drawn to the attention of Members".
- 1.4 The objective of this report is to meet this requirement.

#### 2. Recommendations

- 2.3 To approve the contents of the Health and Safety Service Plan.

#### 2. Recommendations

**ANGELA TANNER**

**Head of Planning and Environmental Services**

- 2.2 To approve the contents of the Health and Safety Service Plan.

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### **3. Background**

- 3.1 The Health and Safety Commission was created by way of the Health and Safety at Work etc Act 1974. The Commission was created to oversee and develop health and safety enforcement within Local Authorities and Central Government. The Health and Safety Commission has now been disbanded and its functions have been absorbed into the Health and Safety Executive (HSE).
- 3.2 One of the HSE’s functions is to monitor the performance of Local Authorities’ enforcement of health and safety. New guidance has recently been issued to ‘revitalise’ health and safety enforcement and close working between the Health and Safety Executive and Local Authorities has been strongly encouraged.
- 3.3 One requirement of the framework agreement is to produce a health and safety service plan, which must be “drawn to the attention of Members”.
- 3.4 It has been agreed that the process used for Crawley Borough Council will mean that the Health and Safety Service Plan will first be considered by the Portfolio Holder and then the final draft presented to the Licensing Committee. This should enable us to meet this requirement effectively

### **4. The Health and Safety Service Plan**

- 4.1 The layout and contents of a Health and Safety Service Plan follow the model of the Food Safety Plan due to the close working relationship between the officers carrying out this work. Due to the size of this document it is not attached to this report. A copy has been placed in the Members' Room. It is also available on the Document Management System (DMS) and is available on request from Legal and Democratic Services.
- 4.2 Crawley Borough Council’s Plan has been produced to meet the HSE requirements and assist local business in complying with seemingly complex health and safety law through providing expert guidance.
- 4.3 The Plan looks back over the previous year (i.e. 1st April 2011 – 31st March 2012) then forward to the coming year (i.e. 1st April 2012 – 31st March 2013)
- 4.4 Having reviewed the process, it has become evident that it is not practicable to achieve approval of the Plan in April, when the collation of statistical data for the Health and Safety Executive commences: other information, such a last years’ figures for resources, is not available until mid May each year. The

plan is therefore prepared for consideration in September. The restructure of the Environmental Health Service in 2011 -2012 has resulted in a delay to November this year.

## 5. Staffing, Financial and Legal Implications/Powers

- 5.1 None in respect of the Plan, which solely collates existing information and plans.

## 6. Other Implications

- 6.1 The Health and Safety activities undertaken by Crawley Borough Council make a key contribution to the objectives of the West Sussex Local Area Agreement in the following manner.

Outcome 4: Improve workforce skills.

Outcome 5: Reduce accidental death and serious injury.

Outcome 11: Promoting health.

## 7. Links to the Community Strategy and Corporate Plan

- 7.1 The proposals contained in this report relate to the following key areas of the Community Strategy

Local Economy	y	Health and Social Care	y
Affordable Housing		Community Safety	y
Lifelong Learning	y	Local Environment	

The following key principles are applicable:-

(i) Working together	y
(ii) Dignity, respect and opportunities for all	y
(iii) Leaving no-one behind	y
(iv) Making it last	y

This report achieves the following aims as set out in the Corporate Plan

Providing high quality services	y	Giving exemplary customer service and satisfaction	y
Being financially efficient and well managed	y	Developing motivated, positive and empowered staff	y

## 8. Reasons for the Recommendation

- 8.1 By noting the contents of the report, the requirements of the Health and Safety Commission can be met.

## **9. Background Papers**

None to compile this report: other references are within the Plan itself.

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# APPENDIX A

**Crawley Borough Council**

**Environmental Health**

**Health and Safety & Licensing Service Plan**

**2012-2013**



Common Sense  
Common Safety

A report by Lord Young of Cookham to the Prime Minister  
Following a Whitehall-wide review of the operation of health  
and safety laws and the growth of the compliance culture

HM Government

## Contents

### **(i). Introduction**

This Service Plan has been developed to meet the requirements of the HSC, which sets the standards required of enforcement bodies through Section 18 of the Health and Safety at Work etc. Act 1974. This legislation places a legal duty on Crawley Borough Council to provide an enforcement service. We are obliged to ensure that the 2386 premises within Crawley and Gatwick which fall to us to enforce, comply with current occupational health legislation.

Our service plan is important, as it is one of the ways in which Crawley can show that it is meeting the required standards. In May 2009 a “Peer Challenge” process was also undertaken resulting in the production of a further improvement plan. Many of our projects for the Health and Safety service will contribute in the coming year to meet the requirements of the action plan.

This Health and Safety Service Plan should not be seen as a stand alone document. It should also be read in conjunction with Crawley’s Community Strategy, Corporate Strategy, the Environmental Health Service Best Value Review, Environmental Health’s Enforcement Policy and the Council’s commitment to the Enforcement Concordat. It should also be reviewed in the context of cross-cutting issues at Crawley, particularly health and social care, community safety, lifelong learning, and economic development. These arrangements reflect the strong support by Councillors for the maintenance and improvement of Crawley’s Health and Safety service within environmental health.

Health and safety interventions in the workplace are a key area in which effective measures can be taken to protect and improve the health of large numbers of people who live and work in Crawley or travel to work in the Borough. The contribution to public health therefore extends beyond Crawley and may play an important part in improving health of the working population the South East Region overall.

The scope of health and safety interventions are clearly aligned to solid evidence detailing the most serious and frequently occurring accident and occupational health related illness which is collected at both national and local level. This is in keeping with the requirements of the Regulators Compliance Code published by the Department for Business Enterprise and Regulatory Reform.

Furthermore the Health and Safety Plan makes a significant contribution to the Crawley Borough Council inputs into the West Sussex Local Area Agreement through:

- Reducing accidental death and injury (Outcome 9).
- Promoting health (Outcome 11).

### **1. Service Aims and Objectives**

## **1.1 Statement of Aims and Objectives**

Aims: to safeguard the public by ensuring that:-

- Owners/proprietors of businesses and their staff understand and comply with their legal obligations to protect their employees and those affected by their work activities
- Premises meet the legal required Health and Safety (at a minimum) standards in terms of structure, management and practices;
- Businesses have access to Health and Safety support, advice and information in order to encourage them to be self-regulating, self-auditing and aspiring to best practice;
- Complaints and concerns are dealt with fairly and promptly and that information is made available to trade and other customers;

### **Objectives**

- To carry out Health and Safety inspections in accordance with the current guidance issued by the Health and Safety Commission (HSC) and HELA and specifically:-
  - (a) To draw up a programme of inspections based on the risks posed and to achieve 100% of that inspection programme. This year this requires inspections of 157 premises.
  - (b) To achieve an inspection rate of 100% of premises in risk class A.
- To provide advice and information to Health and Safety businesses.
- To facilitate and/or provide Health and Safety training/courses and encourage businesses to participate.
- To promote good practice more widely through contribution to primary care trusts and the West Sussex Health Improvement Plan, following the lead of Central Government new White Paper on Health to ensure health and safety at work is fully aligned to the Local Area Agreement objectives in promoting and protecting public health. This includes promotional campaigns such as European Health and Safety Week.
- To carry out a programme of sampling recreational waters and wet cooling towers.
- To respond to complaints about, unsatisfactory working conditions and unsafe practices in businesses and where appropriate, respond in partnership with colleagues in other agencies, such as the police and Health and Safety Executive, to achieve a seamless service to customers.
- To respond to all complaints ideally within 3 working days and to reconcile complaints within no more than 120 working days from receipt depending on the type of complaint. (See Section 5 for details of our standards of service.)



- To investigate formal notifications of accidents, disease, and dangerous occurrences and to take all necessary measures so as to prevent a recurrence. We will consult with the appropriate agencies, including the police, Health, and Safety Executive (HSE). We will aim to respond immediately to work related fatalities.
- To deliver all of our services to a high standard
- To inform and advise our customers (both in business and members of the public) and be a key contributor to the Local Area Economic Action Group.
- To participate in HSE initiatives as part of the 'Revitalising Health and Safety Campaigns' to build on topic based inspection.
- To explore the creation of a holistic work place health and safety award scheme which will include other environmental impact assessment.

## **1.2 Links to Corporate Objectives and Plans**

The Health and Safety Service is a key document within the Public Health Strategy and operates within Crawley's Community Strategy and Corporate Policy<sup>1</sup>. It is integrated into the key themes from the strategy that the Council has chosen to focus on, including:-

Our Communities: Safe healthy, cohesive and enjoyable

- Working for better health and health care. (Priority 2).

Our Economy: Thriving, vibrant and prosperous.

- Developing a sustainable local economy where a diverse range of local, regional and national interests flourish.

Our Council: Of which we can be proud.

- Delivering value for money services (Priority 10).
- Peak performing people (Priority 11)
- Creating a culture of efficiency and the habit of success (Priority 12).

The Health and Safety Service will strive to achieve these Council priorities by:-

- Working efficiently to continue to make the best possible use of resources.
- Working in partnership with other organisations.
- Implementing Crawley values to best service systems of the Borough.
- Working to achieve the Council's principles for sustainability.

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- Being aware of cross-cutting issues and actively seeking to improve communication within the Council.
- Ensuring our activities are effective and well targeted to provide fairness to commerce and protection to the public and those at work by taking proportionate action at all times.

The Service has also been tested and audited against the Best Value scheme and has an improvement plan, which was approved by the Council in August of 2004.

## **2.0 Background**

### **2.1 Profile of Crawley Borough Council**

Situated in West Sussex, halfway between London and Brighton, Crawley has slightly below 100,000 residents. Whilst only covering a small part of West Sussex, Crawley provides a large proportion of the total production of the region. Generally, there is a youthful disposition to the population, thus vulnerable groups tend to be children, rather than the elderly.

Businesses in the Crawley Borough Area subject to our enforcement broadly comprise the following:

- A full range of retailers in the town centre,
- A town centre market, held on Fridays and Saturdays.
- Smaller restaurants and food retailers in the neighbourhood parades,
- Food manufacturers in the outlying industrial estates
- Food venues at the Airport.
- Large hotels serving the Airport: despite being home to Gatwick airport, there are relatively few small hotels and B&B in the area, as Crawley is not generally considered a holiday destination in itself.

We are aware that many local people are employed in the Borough and it is noted that Crawley has the highest number of adults with very low literacy skills in Sussex. In addition, Crawley has a diverse range of cultures and languages spoken, as can be seen from the table overleaf. We have a larger ethnic minority population than average for England and the South East Region. The largest proportions are from the Asian/Asian British Indian and Asian/Asian British Pakistani groups.

This requires consideration when carrying out inspections, education, and enforcement, bearing in mind the Council's commitment to equal opportunities for all.

## 2.2 Organisational Structure

Crawley Borough Council operates a Cabinet system: the Portfolio holder for the Health and Safety Service is Councillor Keith Blake. Policies are created using Policy Development Fora.. Decisions about how services in Crawley are delivered are made are decided in conjunction with members through Committee Meetings. The Council employs around 800 people in four Directorates and fourteen Divisions. The Council's Mission is *"a town in which people take pride: prosperous and safe where value for money services contribute to a high quality of life and environment, with opportunities for all."*

The Council's activities are divided as follows:

The Chief Executive is Lee Harris.

Responsibilities:

- Policy and Performance
- Legal and Democratic Services
- Communications

The Director of Environment & Housing is Peter Browning

Responsibilities:

- Planning Services
- Environmental Services, which includes the Health and Safety service.
- Housing

The Director of Community Services is Phil Rogers

Responsibilities:

- Amenity Services
- Arts
- Community Services

The Director of Resources is David Covill

Responsibilities:

- Finance
- Information Communications Technology
- Property Services & Procurement
- Customer Services
- Human Resources

The description of the current approved structure is contained in the Council's Constitution.

## 2.3 Organisation Arrangements for the Health and Safety Service

The Health and Safety service is provided by officers within the Food, Licensing and Occupational Health Team. This team covers:

- Food related issues, including infectious disease control and the Imported Food Office at Gatwick.
- Licensing, including vehicles and drivers for hackney carriages and private hire, licences under the Licensing Act 2003) street trading and collections, sex establishments, skin piercing, dangerous wild animals, zoos, animal boarding and breeding etc.
- Occupational health related issues, including all businesses within Local Authority enforcement in Crawley and the neighbourhood, the industrial estates and Gatwick airport.

A number of key liaison groups have been identified, for attendance by the group.

- Health and Safety Liaison Meeting London Gatwick Airport. Paul Willis.
- Sussex Health and Safety Liaison Group: Petra Gallagher.

## **2.4 Training and Qualifications**

Appropriate proof of qualification is required for the appointment of the post. Ongoing training for all officers is collated and monitored, in line with the current guidance. This information is reviewed by the group manager, during the corporate appraisal process. A training needs analysis is carried out and a training plan produced for each officer.

## **2.5 Use of Specialist Services.**

Samples and exhibits can be sent to the Public Analyst (Hampshire Scientific Services, Southsea or Eurofins) in accordance with our procedure, as attached as Appendix C.

## **2.6 Vacant Posts and Use of Contractors**

Where possible vacant posts are filled using temporary contracts. Contractors may also be used to free time for specialist officers.

Contracts are selected in line with the Council's procurement policies and procedures. Once appointed, the contractor's original work is vetted by the group manager and a 5% of revisits arranged to check the quality and efficiency of the actual inspection, by a member of the Health and Safety team. Any major variations in premises scores (before and after the contractor's inspection) are investigated with contractor or appointed contract manager.

## **2.7 Scope of the Health and Safety Service**

The following activities form the scope of Crawley's Health and Safety Service:

- Inspection of business premises under the Health and Safety At Work etc Act 1974 and Associated Regulations.
- Responding to complaints of unsafe premises and practices. In certain cases, it may be more appropriate for an officer from the Health and Safety Executive to investigate the complaint. Liaison arrangements exist so that no matter which service receives the complaint in the first instance, it is speedily transferred to the service that has the best possibility of a thorough investigation. This has been facilitated through the East and West Sussex Health and Safety Liaison Group.
- Advice and support to businesses either during inspection on request, and where proprietors are considering starting a new businesses.
- Advice to customers on health and safety related legislation, best practice, current media concerns, and similar issues (this would include reactive advice and proactive work such as news releases, promotional activities, etc.)
- Enforcing Health and Safety legislation in accordance with the environmental health enforcement policy/enforcement concordat/Regulators' compliance code. This ranges from informal written warnings through to service of improvement notices, voluntary and emergency prohibition (closure and sundry premises), etc., to prosecution in court (or a formal caution, depending on the circumstances of the offences).
- Provision or arrangement of training, as dictated by demand as part of a themed promotion/introduction in legislation.
- Responsible Authority as defined by the Licensing Act 2003.

## **2.8 Demands on the Health and Safety Service**

In addition to this core work, the Health and Safety Team are also a Responsible Authority as defined by the Licensing Act 2003. Officers from the team assist in processing premises licence applications, temporary event notices and variations made under the LA03 concerning licensed premises, prior to the licence being issued. In addition to regulated entertainments officers from this team also deal with other licence matters pertaining to health and safety as defined relating to infectious disease and animal welfare as defined below.

- Regulated entertainments, which range from live music in licensed premises to sporting events. Officers also assist in controlling any vicarious liability the Council attracts through holding events on Council owned land through assisting organisers of large events such as the Irish Festival and Dragon Boat Race (the former taking several months planning and liaison).
- Animal boarding and breeding, zoos and dangerous wild animal, which include elements of animal welfare
- Skin piercing, acupuncture and tattooing, which involve public health issues of preventing blood borne cross infections.

## **2.5 Enforcement Policies**

Crawley endorsed its commitment to the enforcement concordat in December 2001. The enforcement of health and safety is also carried out in strict adherence with the Regulators' Code of Compliance.

The Environmental Health Services has a generic enforcement policy used by most of the service including the Health and Safety service. We have also developed a more specific procedure to implement the policies, by creating an Environmental Health "Enforcement Review". This hearing comprises the Head of Service, Solicitor to the Council and case officers.

Offences are presented as a case file to the Head of Service, by the investigating officer. The matter then receives an objective review. The respective case officer completes the details of their opinions and investigation and forwards it to the Head of Service. The Head of Service or their deputy then holds a case conference with a legal advisor in attendance and then records the reason for their decision. This is within the parameters of her delegated powers.

Crawley has also adopted a formal complaints procedure, whereby any customer aggrieved by our processes or decisions can have the case examined.

There are also opportunities for "informal" complaints to be raised via our customer survey forms.

## **3.0 Service Delivery**

The HSE have provided guidance in respect of a minimum inspection frequency for Health and Safety premises. The Council's policy is to complete 100% of the inspections within the given timescales. The service is provided in accordance with Local Authority Circular 67/1 revision 3 which was reissued in March 2010.

The information gathered during proactive work is vital to our ability to assess health and safety standards, evaluate the effectiveness of an intervention strategy, inform the targeting of future work and record activity on key topics where a rating is not currently required. This guidance is issued to Local Authorities (LAs) under Section 18 Health and Safety at Work etc Act 1974 (HSWA) and provides the necessary detail to help LAs to comply with the S18 Standard on Priorities and Planning. It is consistent with priority planning guidance used by Health and Safety Executive's (HSE's) Field Operations Directorate (FOD) and replaces HELA Local Authority Circular, LAC 67/1(rev.3) Inspectors should use this guidance following an intervention at premises within their jurisdiction in order to generate a risk rating.

The guidance is divided into two parts: Part One - Risk Rating and Part Two - Frequency of Intervention. The guidance requires a shift of focus in terms of interventions planning by LAs and their officers. It reflects the HSE Board's new strategy "The Health and Safety of Great Britain: Be part of the solution" and sets out a new approach to developing effective health and safety regulatory interventions justified by risk. This is also mirrored through the reactive intervention approach via the Incident Selection Criteria (LAC 22/13). The two systems should be used in conjunction to enable enforcing authorities to focus and optimise impact in areas of greatest risk. To enable effective operation of interventions the EA should provide

sufficient resources to deliver an efficient and effective service in line with the Section 18 Capacity Toolkit.

The new risk based system reduces the number of categories into which premises can be classified from six to four. Premises should be transferred en-bloc in order to minimise the need to evaluate cases individually within a short space of time. This also makes data handling easier. Subject to the devised intervention plan (including both proactive and reactive interventions), premises should be re-rated individually over time using this new scoring system. It is important that re-rating takes place appropriately adopting the new approach of stand-alone as opposed to cumulative criteria.

The guidance provides a simple rating system for inspectors scoring premises based on four factors:

- Confidence in management
- Health performance
- Safety performance
- Welfare standards

The guidance also provides a way to categorise the risk premises pose (high, medium or low), with low risk premises being subject to non-inspection intervention techniques. LA's may determine that an inspection is the most appropriate approach in these circumstances, but other suitable interventions may be considered appropriate e.g. invites to seminars, followed by a visit should the business fail to attend. This approach, although consistent with FOD, is quite a radical departure from the previous guidance. There is no longer any cumulative adding of various factors, which produces a single overall numerical score. Instead, stand-alone scoring against 4 criteria is used to measure what controls an employer has in place and, using this, to determine a risk rating. Public risk is now incorporated within the overall context of the rating system and no national accident data (NADs) weightings are applied. In addition, to simplify the rating system, there are now only 4 risk categories of premises instead of 6.

HELA recognises that introducing a new risk rating system to aid priority planning will require LAs to change internal management and work recording systems. It is recommended that this guidance should be introduced into LA planning cycles from October 2009 and to risk rate LA enforced premises under this new regime from April 2010. Cascade materials will be provided in order to facilitate these changes via regional Partnership Teams when this document is published in September 2009.

### **3.1 Risk Profiles**

This section describes how LA's should conduct their activities with duty-holders in line with the rating scores derived. A range of interventions are encouraged. The term "intervention" is taken here to mean any activity, taken from amongst the range of options available, which is used to influence activities within the premises being

targeted or aimed at the duty-holder(s) in question with a view to securing compliance.

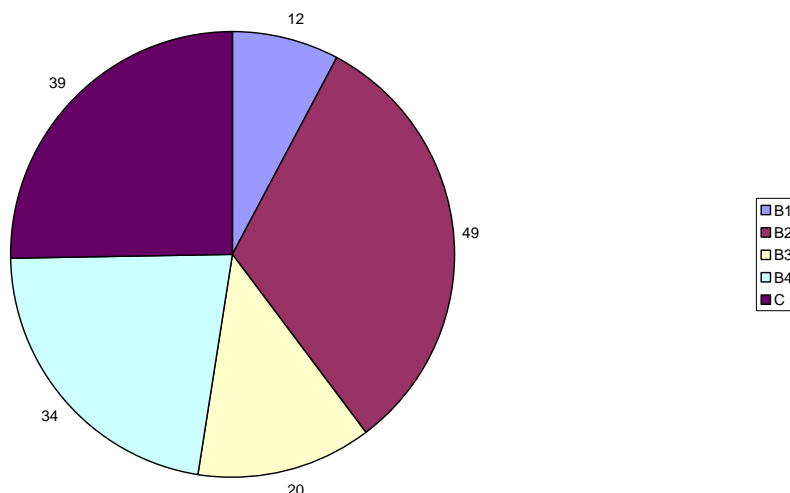
The table below shows the new LAC 67/1 categories for inspection frequencies.

Description	Rating Score	Intervention Frequency
Highest Risk	A	Score of 5 or 6 on any risk Inspection not less than once per year
	B1	Score of 4 on any risk Premises for inspection (e.g. programme directed; new employers/premises; local priority programmes) Those premises without an intervention contact within 18 months to be reviewed (see Para 3.2)
	B2	Score of 3 on any risk Premises for intervention (e.g. programme directed; new employers/premises; local priority programmes) It is proposed that Crawley Borough Council adopt a parallel approach to food safety with this risk category at least every 2 years
Lowest Risk	C	No score greater than 2 Use non-inspection intervention methods\techniques. Alternative strategies to be used at least every 5 years.

It is only possible to estimate the number of programmed, risk based inspections, as new businesses open and others close down. However, at 1<sup>st</sup> April 2012 we are able to estimate that 157 premises will require an intervention.

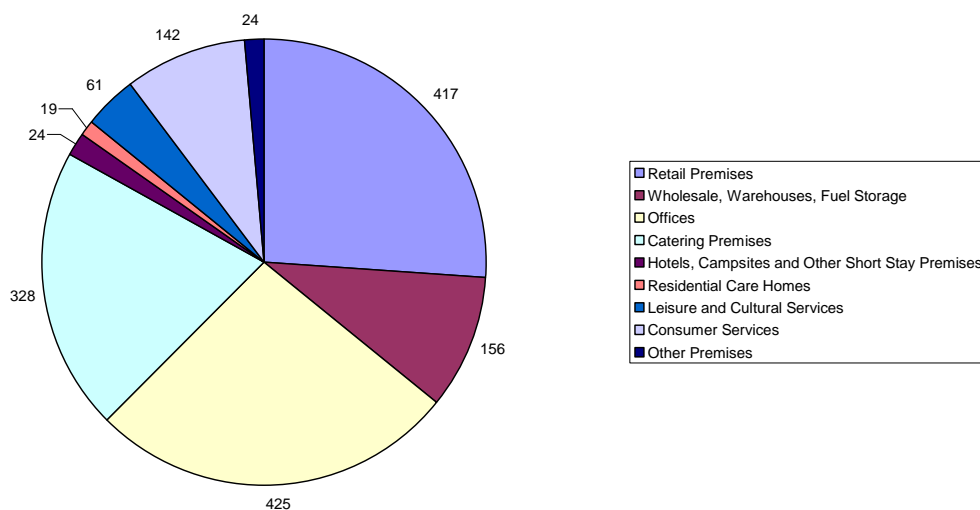


Risk Scores Interventions Due 2012 -2013



The graph below shows the number of premises in Crawley, according to their use class.

Premises Profile CBC 2012



These risk based inspections form only part of our contact with businesses to ensure occupational health and safety standards are maintained. A range of follow up actions is used, bearing in mind the limited resources available to the team. Based on previous years' performance around 15% of initial inspections will give rise to revisits. A summary sheet of the action taken is left at the time of the visit for all risk based inspection and, if the works required are more complex, a letter confirming the actions to be completed will be sent.

In addition to the programmed inspections, the Health and Safety Team also deal with complaints made by members of the public or other businesses. The Corporate quarterly reports complaints/requests for service response performance for the Environmental Health Service as a whole, including where a Health and Safety element is involved.

### **3.2 Operation Times**

The Health and Safety Team are part of the generic Environmental Health Service which operates from the Crawley Borough Council Town Hall.

The Town Hall is open Monday to Thursday 08:45 - 17:20, Friday 08:45 - 16:20. However, a flexitime system is worked and officers are able to work 07:00 -19:00 accordingly. A duty rota is worked to ensure cover is also available for the office during opening times.

The emergency response for out of hour's problems, such as Health and Safety work related fatalities, would be dealt with initially by the Town Hall emergency operator. The options available to the operator include access to a team of Environmental Health Practitioners who operate an out of hours call service or in serious instances the Head of Environmental Services or Group Manager Food Licensing who are both qualified Environmental Health Officers.

### **3.3 Health and Safety Premises Inspections**

The Environmental Health computer system (UNIFORM) is one used by many local authorities. It contains details of the business premises registered in Crawley. It is also used to generate the risk based inspection programme, to record key details regarding inspections and actions. This information is then used to complete the HSE statistical returns.

The inspection programme is based on the risk rating of the premises and the challenges set by the Revitalising Health and Safety Initiative. This highlights the premises which are due to be inspected according to the perceived risk. To this list are added any premises not inspected in the previous year, new premises not previously risk rated and other premises which the Health and Safety Team feels should be included, based on local feedback.

The full list is drawn up by the Environmental Health Manager and the members of the Health and Safety Team. The allocation of the premises to individual team members is determined by its location in the borough. The borough has been split into 4 areas for which one of the, each sector having an Environmental Health Officer and Senior Health and Safety Enforcement Officer assigned to them. Gatwick Airport is divided into North and South Terminal and operates in a similar fashion.

Monthly checks are made of progress against the planned inspection programme by the Group Manager at team meetings and there is an annual return made to the HSE. Crawley also has a local performance indicator which reflects the HSE indicator.

The council's policy is to complete 100% of inspections of premises due an inspection, in accordance with the HELA risk rating system.

The budget for the Health and Safety Service is shown in section 4.1 below and staffing to be provided is detailed in the table in point 4.2.

### 3.4 Health and Safety Complaints

All Health and Safety complaints, including complaints investigated by staff based at the imported food office are entered into the UNIFORM computer system. They are then allocated on a location basis as described above, in accordance with the current procedure.

- The estimate of resources required for complaints is based on the previous years' trends. Complaints received are grouped as follows:

Uniform Code	Description
HSWCOM	comfort and welfare
HSWLPG	Liquid petroleum gas
HSWOVE	Overcrowding
HSWSAF	Safety
HSWSHP	Shops act
HSWUNS	Unspecified
HSWCOM	comfort and welfare

### 3.5 Primary Authority Scheme

The Environmental Health Service supports and endorses the Primary Authority scheme, and acts on behalf of the Caravan Club.

### 3.6 Advice to Businesses

Advice to businesses and customers is viewed as an essential part of the Health and Safety service plan and includes advice for new businesses. Those wishing to discuss their plans to set up or alter the nature of their businesses are given free advice on standards and best practice.

We also support "business breakfasts" provided by the local Chamber of Commerce, to increase awareness of our advisory role. Such events are attended without costs by the Town Centre Manager who is aligned with the Environmental Health Service.

### 3.7 Health and Safety Sampling

The microbiological quality of recreational waters and cooling towers will be examined in 2012 - 2013. Sampling costs will be met from the allocation given to Crawley by the Health Protection Agency.

Three laboratories are used by Crawley:

- Hampshire and Kent Scientific Services (as Public Analysts) and
- Eurofins (as Public Analysts)
- Sussex & Surrey Environmental Microbiology Service (as the Public Health Laboratory Service.)
- Staffordshire Scientific Services (Public Analysts)

### **3.8 Investigation of Accidents, Work Related Disease and Dangerous Occurrences.**

Certain types of accidents, diseases and dangerous occurrence must be notified to the enforcing body. This is required under the Reporting of Injuries, Disease and Dangerous Occurrences Regulations. A central agency receives all such notifications and allocates them to the appropriate enforcing body. This year in Crawley 161 accident notifications down almost 100 on 2010 – 2011 due to changes in the way incidents are reported to the HSE.

It is not always appropriate to investigate a reported accident; in the case of a minor accident at a business that has been recently inspected, for example. In addition, some accidents are reported, but are not technically “notifiable” under regulations. Having reviewed the report from last year, we have identified that a number of large

All accident reports are therefore assessed using an agreed Sussex wide scheme to ensure appropriate use of resources.

### **3.9 Liaison with Other Organisations**

Our main links with other organisations are through the Police (especially where there is a fatality) and the Health and Safety Executive, with whom we share enforcement responsibilities. The HSE and Local Authorities enforce the same legislation, but in different businesses. This year the HSE is actively seeking to work in partnership with Local Authorities. At Crawley, we are liaising with local HSE officers to carry out joint projects.

Crawley Borough Council also plays an active part in the East and West Sussex Health and Safety Liaison Group

Crawley Borough Council health and safety practitioners who are suitably qualified hold joint warrants from the Health and Safety Executive and other Sussex local authorities to provide mutual aid in matters of imminent concern.

### **3.10 Health and Safety Promotional Work**

Where training requests are received from customers, they are dealt with in a variety of ways:-

- Passed on to neighbouring authorities who regularly run Health and Safety courses.

The team also participates in campaigns, including:-

- Health and Safety Week
- Career days at Thomas Bennett Community College.
- Wellbeing in the Workplace.

#### 4.0 Resources

##### 4.1 Financial Allocation

As described above, the current budgetary arrangements have been reviewed. The budget available to the Health and Safety Service is as follows:

C1022	10010	Permanent Staff Pay	104020
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##### 4.2 Staffing Allocation

Each of the officers carrying out the Health and Safety function also carry out other duties. Only a percentage of their time is, therefore, spent on Health and Safety. The table below shows the full time equivalent post (i.e.37 hours a week), to be spent by the types of officers in the team. Figures have been rounded up to a % of a full time equivalent post.

Type of officer	% of a full time equivalent post
Other management <sup>4</sup>	5
Environmental Health Manager	20
Principal EHP's (x 3)	30
Senior EHP's (x 2)	30
EHTP's	30
Admin	50

### **4.3 Staff Development Plan 2012 - 2013**

Each year, a training programme is drawn up for individual members of staff, following the staff appraisal process. Training needs are identified at this point.

A competency matrix has been developed and Health and Safety Officers are also required to complete the HSE Regulatory Needs Development Analysis tool.

## **5.0 Quality Assessment**

### **5.1 Assessing the Quality of the Service**

The quality of the service is rated by our customers. We carry out regular surveys, the results of which are collated. These include customer survey forms sent out systematically, following completion of investigations and forms handed at the time of commercial premises inspections. In addition, the following quality checks are carried out:

The Environmental Health Manager operates a monitoring system, which reviews

- the consistency and quality of inspections, by monitoring inspection forms
- the consistency and quality of record keeping, by review of files
- The quality of the service, as rated by our customers, by review of regular customer surveys.
- Visits in which the Group manager accompanies the officer concerned, to give feedback and check consistency of approach.
- The consistency and quality of the application of policies and procedures, by including an update session in the regular team meetings.
- The teams performance against the Council's standards of service, namely:

### **5.2 Measurement parameters include:**

Inspection of 100% of businesses requiring inspection in the current HSE requirements (measure performance: an annual return to the HSE, quarterly review by Environmental Health Manager, discussion on trends and exceptions to the plan).

Complaints to be responded to ideally within 3 working days, but not more than 10 working days. (Measure performance monthly review by Group Manager.)

Serious complaints regarding Health and Safety, such as fatalities to be responded to ideally immediately but at least within 24 hours of notification. (Measure performance: monthly check by Group Manager as and when required.)

Vetting of contractor quality, if used. Measure performance: shadowed inspections on first appointment, then each inspection paperwork vetted by Group Manager.)

## 6.0 Review

### 6.1 Review of the Service Against the Service Plan 2009 - 2010.

Crawley produced a new Corporate Plan in 2010 which is congruent with the new Community Strategy developed through the Local Strategic Partnership. The Team Service Plans provide the operational elements required to put the plan into action. A diagram showing the relationship between the various plans is attached as Appendix A.

### 6.2 Scope of the Health and Safety Service.

Our work for the 2009 – 2010 period involved the following elements:

### 6.3 The Risk Based Inspection Programme.

Targets and deadlines are set by Central Government and efficiencies are gained by streamlining processes. This work was given highest priority this year. We used the HELA risk scored inspection programme as the basis for our premises inspections. However, additional inspections arose through new businesses starting up and complaints about premises. The former are obliged by law to register as businesses and are inspected at that time. The latter are subject to an inspection targeted at investigating the complaint. The table below shows the number of inspections completed last year. The team completed 189 planned health and safety achieving a performance of 100% of the work plan target.

TYPE OF PREMISES	TOTAL NUMBER OF PREMISES 31/3/2008	OF AT	PROACTIVE VISITS		REVISITS		REACTIVE VISITS			TOTAL VISITS
			PLANNED FIT3 VISITS	OTHER PLANNED VISITS BASED ON RISK RATING	FIT3 REVISITS	OTHER REVISITS	ACCIDENTS	REQUESTS FOR HSW SERVICE	OTHER VISITS	
RETAIL SHOPS	417		1	53	1	0	37	13	0	104
WHOLESALE	156		0	18	0	0	5	5	0	28
OFFICES	425		0	17	0	0	5	1	0	23
CATERING RESTAURANTS & BARS	328		1	62	0	0	34	4	0	103
HOTELS CAMP SITES AND OTHER SHORT STAY ACCOMODATION	24		2	5	1	0	9	5	0	21
RESIDENTIAL CARE HOME	19		0	2	0	0	2	0	0	4
LEISURE AND CULTURAL SERVICE	61		0	8	0	0	35	4	0	47
CONSUMER SERVICES	142		1	23	0	0	2	6	0	32
OTHER PREMISES NOT CLASSIFIED ABOVE	24		0	1	0	0	30	0	0	1
TOTALS	1596		5	189	2	0	129	38	0	363

### Health and Safety Interventions by Sector Type 2011- 2012

The council's policy is to complete 100% of inspections of premises due an inspection, in accordance with the HELA risk rating system. The team has, once again, achieved this target.

#### **6.4 Response to Reactive work.**

This work includes:

- Complaint investigations (e.g. regarding unsafe premises or activities.)
- Accident investigations
- Investigations into complaints regarding poor occupational health and welfare
- Investigations of Dangerous occurrences
- Registrations (e.g. of cooling towers) and permits (e.g. waiving the notice period to commence work on Asbestos removal.)
- Formal Action arising from investigations.

This year we met our targets in respect of reactive work.

Whilst it is not possible to predict exactly the number of visits the team will undertake during the year it is possible to base resource requirements on the emerging trends when looking at year on year data. For example, the team undertook 363 interventions concerning all health and safety matters in 2011-2012.

#### **6.5 Complaint investigations**

- We have two key performance indicators for this type of reactive work: speed of response and quality of service experienced by the customer. In the former, we have achieved well against target. In the latter have identified that where an officer from the Environmental Health Department is the first point of contact, the majority of responses range from good to excellent.

#### **6.6 Accident investigations**

The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (as amended) (RIDDOR) require businesses to report certain accidents, ill health and incidents, if related to a work activity. The information enables us to identify where and how risks arise and to investigate serious accidents. We can then help and advise the business on preventive action to reduce injury, ill health and accidental loss - much of which is uninsurable. For most businesses a reportable accident, dangerous occurrence, or case of disease is a comparatively rare event.

Employers are statutorily required to report:

Deaths

Major injuries, such as fractures, amputations, loss of sight



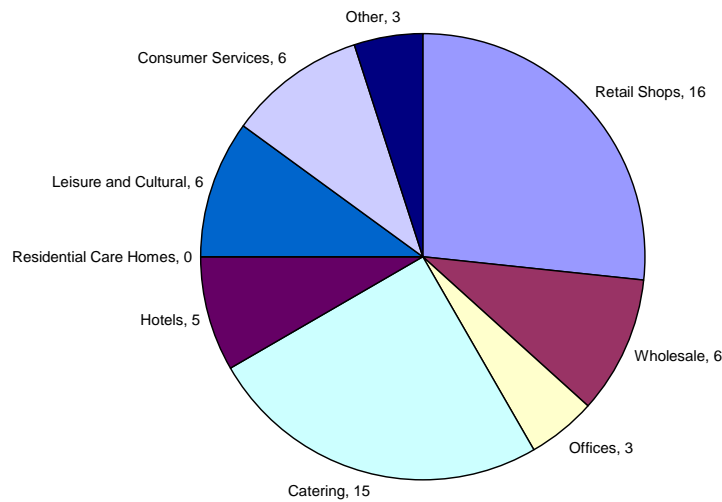
Accidents to employees resulting in over 7 day injury

Diseases, such as occupational dermatitis, asthma, hand-arm vibration syndrome

Dangerous occurrences, such as explosion or fire causing suspension of normal work for over 24 hours, or collapse, overturning or failure of load-bearing parts of lifts and lifting equipment

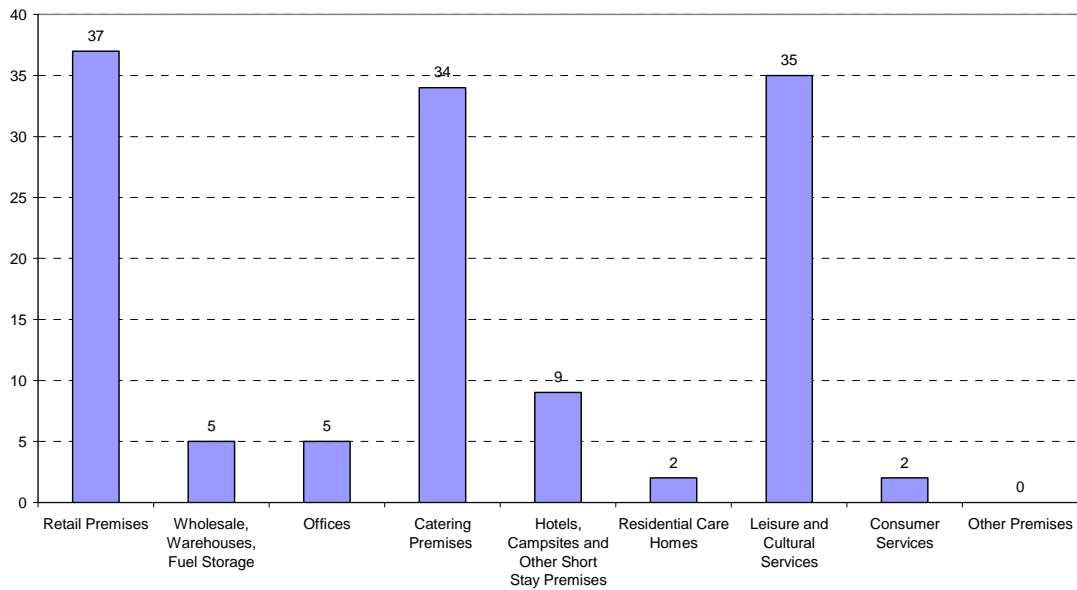
All accidents, diseases and dangerous occurrences may be reported to the Incident Contact Centre. The Contact Centre was established on 1st April 2001 as a single point of contact for receiving all incidents in the UK. Information regarding the above is placed on a secure site on the internet. We then download those which relate to Crawley and are within the Council's enforcement remit. Accidents are also assessed to ensure resources are well managed and investigations are only conducted when required.

Accidents Requiring Investigation by Sector 2009 -2010



Notifiable Accidents Requiring Visits 2011 – 2012

Accidents Crawley 2011 - 2012 Locations



### Accident Trends 2011 – 2012

The number of visits undertaken to investigate accidents has fallen further to the introduction of a screening procedure so as to ensure visits are only conducted when necessary to reduce burdens on businesses and also to protect manage Crawley Borough Council's resources. Time gained from this change of modus operandi has been used to embed smarter working practices such as the Common Approach to Sussex Enterprise. This initiative is detailed further in project work at the end of this report.

Crawley Borough and Gatwick airport which are enforced by the Council, namely if the business is:

- office-based;
- retail or wholesale;
- warehousing;
- hotel and catering;
- sports or leisure;
- residential accommodation, excluding nursing homes,
- concerned with places of worship
- pre-school child care
- mobile vending.

Other types of business are enforced by East Grinstead regional office of the Health and Safety Executive.

In the 2011 – 2012 we received 139 formal accident notifications. This shows a 29% reduction from 2010 – 2011. This is highly likely to be heavily skewed this year due to changes in reporting methodology at Central Government level.

Final preparations have now been completed regarding joint warranting with the Health and Safety Executive and other Sussex local authorities (except Rother District Council) and a Major Investigations Team to provide mutual aid has been

created. Sussex is well ahead of many other Counties in working towards the Government agenda of joined up working and reducing regulatory burdens which this initiative strongly contributes toward.

### 6.7 Investigations into complaints of poor Health and Safety at premises

- In 2011 – 2012 complaints were investigated as detailed below. This shows an increase of 41%. This due in part to better monitoring and recording of licensing complaints. (Taxi type complaints are not included in this figure).

Code	Type
HSW advice to premises	6
H & S comfort and welfare	5
H & S safety	68
H & S unspecified	33
Licensing Act 2003	22
Licensing enquiry	13
Gambling enquiry	8
Street licensing enquiry	8
Smoke Free complaint	9
<b>Total</b>	<b>172</b>

HSW Complaint Types 2011- 2012

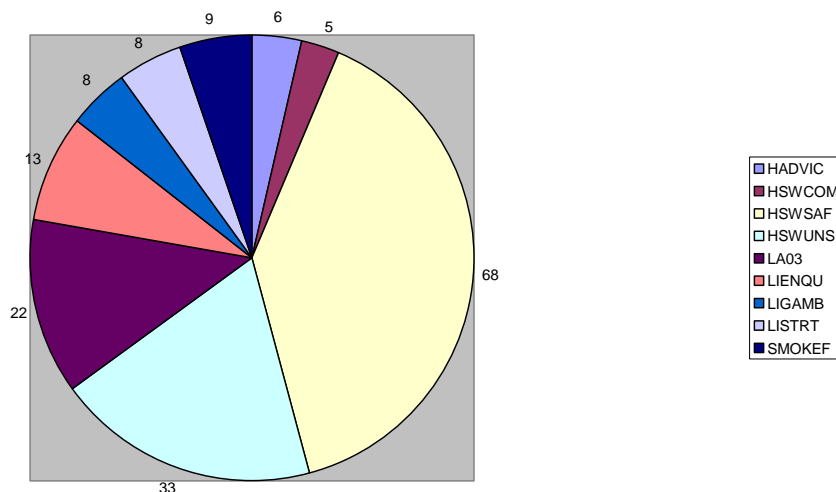


Figure 2 Health and Safety Complaint Types.

## **6.8 Advice to businesses**

- Officers from the team hold a quarterly meeting with London Gatwick Airport Ltd to discuss live issues and improve working relationships.

## **6.9 Formal Action arising from investigations.**

- Where possible, acceptable standards in business premises are achieved through informal means: the inspecting officer discusses any contraventions with the proprietor, who then gives an undertaking to complete the necessary works. This process happens in hundreds of premises each year. However, it is sometimes necessary to take matters further, particularly where there is a past history where advice has been given, but sufficient improvement has not been made. This results in an Enforcement Review. The Head of Service has delegated powers to recommend formal action and considers such cases by hearing the details of the matter from the case officer, with advice from the Council's legal representative. This year 3 Prohibition Notices were served and 5 Improvement Notices. A formal summons has also been laid in respect of breaches of Health and Safety law in a local food business.

## **6.10 Project work.**

This aims to maximise the use of time becoming available as the reactive work load fluctuates. Targets are set, often nationally (e.g. implementing new legislation, promoting occupational health and safety issues) but deadlines have greater long-term flexibility. This work provides incremental and essential improvements to the service, but has the lowest priority. Several projects have involved "process" improvements.

The team will be taking part in the HSE topic based initiatives in 2012-2013 which include:

- A large project in the Manor Royal Industrial Estate in conjunction with the Health and Safety Executive based on the Estates Excellence Model.
- Implementation of Safer Socialising Award into licensed premises in Crawley.
- Wellbeing and health checks as an added element to the standard estates excellence program.
- Further development of Sussex Working Well website and wellbeing initiatives..

In 2011– 2012 the team successfully completed the following projects.

- Launch of the Sussex Working Well web site.

- Stop smoking program for local employers (funded by PCT).
- Stress management workshop for local employers (funded by PCT).

### **6.11 Team Management.**

This involves the processes required to run the team within the legislative, national and local requirements. In respect of the occupational health and service it includes:

- Developing the Staff. (e.g. Training, Monitoring)
- Monitoring the Processes (including meeting targets, keeping procedures in line with the HSC Section 18 requirements, Budgetary control)
- Evaluating and Planning (such as creation of this service plan to meet Section 18 requirements.)

### **6.12 Procedural Review**

A document control procedure and a programme to review procedures in a systematic manner are followed. This year the procedural review will continue, with associated training for staff.

### **6.13 Identification of any Variation from the Service Plan**

This is undertaken through reports run from the UNI-form database system and regular team meetings. It should be noted that it is not possible to accurately predict the actual number of accident reports received by the team and at times of high demand priorities dictate that programmed inspections are delayed.

### **6.14 Improving the Service, Responding to Challenges.**

Full participation is encouraged with all members of the team and in association with the Head of Service. A number of project groups have also been created under the direction of the Head of Service to deliver improvements across all service areas. Customer survey forms are also issued and tracked for trends.

### **6.15 Active Networking.**

Officers from the team all attend the Sussex Health and Safety Liaison Group to further knowledge and share good practice. A Responsible Authorities Group (RAG) was also created in 2006 to improve communication between Licensing Officers and Health and Safety Officers. This group has had considerable success in dealing with Licensing Act 2003 concerns in connection with a historically problematic night club and a large scale outdoor event planned to take place in the summer of 2011 in Southgate Playing Fields.

One of the Senior Environmental Health Practitioners has also been acting as the secretary for the Sussex Health and Safety Liaison Group during 2011-2012. This post is rotated amongst all Sussex Authorities on an alphabetical basis and the appointment lasts for 1 calendar year.

The Environmental Health Manager also chairs the Crawley and Gatwick Business Watch. This Business Watch consists of Pub Watch, Shop Watch and Travel Watch.

#### **6.16 Staffing Allocation.**

The Health and Safety Service is provided by the Generic Environmental Health Team subject to a restructure in 2011 – 2012..

#### **6.17 Staff Development Plan 2012 - 2013.**

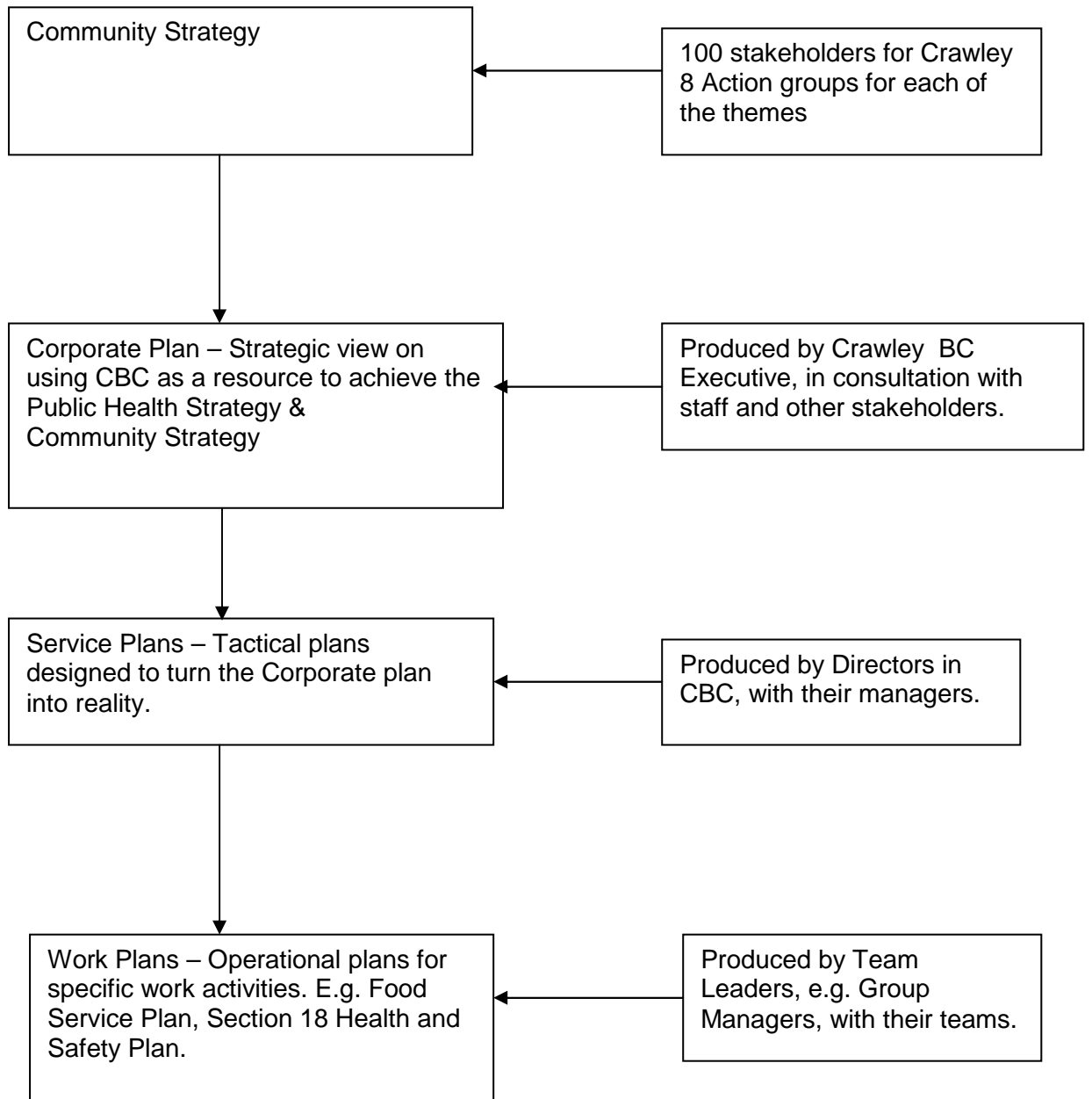
Staff development will be driven by the current corporate appraisal system, which includes the production of a training plan. This will address generic training issues and identify where additional Continued Professional Development is required. In cases where specific training needs can be identified this is dealt with separately.

#### **6.18 Assessing the Quality of the Service**

The quality of the service is also rated by our service users. We carry out regular surveys, the results of which are collated. These include customer survey forms sent out systematically, following completion of investigations and forms handed at the time of commercial premises inspections. We are currently reviewing the use of customer satisfaction surveys further to the removal of National Indicator 182.

## Appendix A

### Integration of Strategies and Plans



## Appendix B

The three laboratories used are:

(1) Hampshire Scientific Service (Public Analyst)  
Hyde Park Road  
Southsea  
Portsmouth  
Hampshire  
PO5 4LL  
Tel. 0239 2829501

(2) Sussex and Surrey Environmental Microbiology Service (Public Health Laboratory Service and Food Examiner.)  
Royal Sussex County Hospital  
Eastern Road  
Brighton  
East Sussex  
BN2 5BE  
Tel. 01273 664 622.

(3) Eurofins Scientific Ltd (Public Analyst )  
445 New Cross Road  
London SE14 6TA  
020 8694 9330

(4) Staffordshire County Council  
County Laboratory & Scientific Services  
Martin Street  
Stafford  
ST16 2LG