



Powys County Council

Health and Safety Enforcement Service Plan 2019/20

Health and safety in care homes



Environmental Health Department Commercial Section



Yn agored a blaengar - Open and enterprising

Introduction

This Service Plan sets out the way in which health and safety enforcement will be carried out in the County of Powys by the Commercial Section of the Environmental Health Service of the Authority in 2019/20.

The Service Plan is produced on an annual basis and is effective from 1st April 2019. Copies are also available from each area office. Comments on the Plan are invited throughout the year, and these are taken into account when the following year's Plan is produced. The Plan is approved by the Authority prior to publication.

Powys County Council is an "enforcing authority" under the Health and Safety at Work etc. Act 1974 and is required by Section 18 of the Act to set out the arrangements it has in place to discharge that duty. This Service Plan is produced in response to that requirement and is designed to inform the business community of Powys and the wider audience, of the arrangements Powys has in place to regulate health and safety in the workplace. It also shows how these activities contribute to and support others in delivering Corporate and statutory objectives to the community as a whole.

The Service Plan contains two elements:

- The arrangements, supporting structures and controls that enable these interventions to be delivered.
- An Intervention Plan which details the type, method and number of interventions to be used in order to fulfil the major purpose of working with others and to contribute to the reduction in the number of fatal and major injuries and ill health in people in work and those affected by work activities.

It is therefore designed to meet both the requirements laid down by the Health and Safety Executive under the National Local Authority Enforcement Code and LAC 67(2) revision 8 and to clearly show how through the enforcement of regulation and provision of guidance, advice and support, workplace health, safety and welfare will be assured in Powys within the resources available to do this.

The plan will illustrate how by various methods and teams, the service will meet the objectives of the Health and Safety at Work etc. Act 1974, and

- Secure the health, safety and welfare of persons at work;
- Protect persons other than persons at work against risk to health or safety arising from work activities;

Service Aims and Objectives

1.1 Service aims and objectives

Our purpose to prevent work-related death, injury and ill health is as valid today as it has always been. The Commercial Section within Environmental Health is committed to improving health and safety outcomes by ensuring standards are maintained throughout the County of Powys in order to protect employees, the self-employed and members of the public. To demonstrate this, the Service has adopted the following aims and objectives.

The overall aim of the Service is:-

“To work with others to protect people’s health and safety by ensuring risks in the changing workplace are managed effectively.”

To achieve this, the service has adopted the following five key delivery priorities:-

- To target activity in accordance with national guidance, to manage the risk in high risk businesses or business activities;
- Contribute to the delivery of the HSE’s National Strategic programme ‘Helping Great Britain Work Well’ through the application of proactive ‘face to face’ and ‘non face to face’ interventions based on risk and informed evidence;
- Investigate notified Accidents, Disease and Dangerous Occurrences in accordance with the Accident Investigation Policy;
- Respond to all service requests received as complaints from employees or members of the public in accordance with the Complaint Investigation Policy;
- To respond in a timely manner to requests on matters such as asbestos notifications, lift reports, licensing applications etc.

1.2 Links to Corporate Objectives

Vision 2025: Our Corporate Improvement Plan 2018-2023; Powys County Council’s Corporate Improvement Plan sets out the top priorities and milestones for delivering our vision:

“We will be an open and enterprising council”

This means:

- Working with communities, residents and businesses
- Willing to look at new ways of working and delivering services
- Focussing on solutions rather than problems

The Corporate Improvement Plan is our road map to Vision 2025, setting out our top priorities and milestones. It draws together information from a number of our key strategies and summarises in one document, the steps we will take to meet our priorities and the improvements you can expect to see when our plan is delivered.

It provides an important framework for engaging residents, councillors, staff and other stakeholders, such as regulators, in the vision and the council's priorities. It does not include everything the council does, but focusses on the things that matter most to our residents and areas, which will have the greatest impact.

The plan shows our contribution to the strategies that we are working on with our partners. These include the:

- [Powys Public Services Board Towards 2040](#),
- [The Powys Well-being Plan](#); and
- [The Powys Regional Partnership Board Joint Area Plan \(known as Health and Care Strategy – Delivering the vision\)](#).

This plan also shows how we are contributing to the aspirations of the [Well-being of Future Generations \(Wales\) Act 2015](#). The Act puts in place seven well-being goals to ensure public bodies in Wales are working towards improving the social, economic, environmental and cultural well-being of their areas.

Each of our priorities contributes to one or more of the well-being goals that will help us improve Powys now and over the long term:



- **Economy:** *developing a vibrant economy;*
- **Health and Care:** *leading the way in effective, integrated health and care in a rural environment;*
- **Learning and Skills:** *strengthening learning and skills;*
- **Residents and Communities:** *supporting our residents and communities*

To achieve this, Powys County Council will develop a vibrant economy; will lead the way in effective, integrated health and care; will strengthen learning and skills; and engage with residents and communities. The Commercial Team of Environmental Health through its core business and advisory activities supports the Corporate Plan and Vision by sitting within the Council's Regulatory Services portfolio and contributing to priorities of **supporting residents and communities; leading the way in effective public health; strengthening learning and skills; as well as developing the economy, while responding to reduced funding.**

Supporting people within the community – Amongst other factors impacting on health, the service works with people to contribute to the reduction in the number of fatal and major injuries; ill health in people and those affected by work activities, including the public.

The enforcement of health and safety legislation in occupational settings has a positive impact in protecting vulnerable sectors of our society for example residential care homes; nurseries and early years' settings and service sector businesses such as tattooists; semi-permanent make-up artists; beauty therapists; ear and body piercers who target young people. Using a range of proactive interventions and engaging with these industry sectors supports protection of our vulnerable people.

Developing the economy – The provision of timely advice and education on health and safety issues to businesses, stakeholders, and other local authorities and bodies can benefit the economic viability of businesses. The equitable enforcement of regulations helps to maintain a level playing field, allowing

businesses to compete on equal terms. The implementation of non-inspection intervention outlined in LAC 67/2 revision 8, facilitates achievement of this objective.

Responding to reduced funding - The service constantly strives for ways to remodel the service delivery to find more efficient means of providing the service; this is a constantly evolving process and has involved service shrinkage.

For the council to transform it has developed some principles to help guide future decision making in the county to 2025. They are:

Valued services – our services must directly support our outcomes, those that don't may have to be provided by other methods;

Supporting the vulnerable – scarce resources mean we must focus on the truly vulnerable and not simply those who may have historically received support;

Local delivery – services delivered within communities by communities are more responsive and efficient;

Personal responsibility – our population and our employees will be encouraged to take more control of their lives with greater responsibility, shifting away from a culture of dependency;

Value for money – the council must ensure value for money in everything it does; and

Improving productivity – the preserve of private enterprise, productivity and performance is now central in the public sector and includes reviewing work processes, removing bureaucracy and engaging our employees.

1.3 Links to National Objectives

Nationally the service also contributes to the **Welsh National Enforcement Priorities for Wales** for local regulatory delivery, which highlights the positive contribution that regulatory services, together with local and national partners, can make in delivering better outcomes:

- Protecting individuals from harm and promoting health improvement;
- Ensuring the safety and quality of the food chain to minimise risk to human and animal health;
- Promoting a fair and just environment for citizens and business;
- Improving the local environment to positively influence quality of life and promote sustainability.

The **Chief Medical Officer (CMO) for Wales** Annual Report for 2014-15, entitled '**Healthier, Happier, Fairer**' focused on evidence and opportunities, detailing the whole journey, from a healthy start in life, through to making the right choices to maintain a healthy lifestyle and ageing well in Wales.

Chapter 4 of the report '**Protecting the Public's Health**' specifically recognises the importance of protecting the public's health and the important contribution that local government plays in this. The first section of Chapter 4 'The Role of Local Government' describes the challenges of ensuring sustainable environmental health services, and the opportunity of further linking the public health system across the NHS and Local Government to support the ambition of the Well-being of Future Generations (Wales) Act 2015.

The Chief Medical Officer noted the valuable role that Environmental Health teams across Wales play in delivering the preventative interventions that protect health and wellbeing. And furthermore called for immediate action to preserve and to build the service, including maintaining experience and knowledge within it and recommended that action should be taken to ensure the sustainability of the service within local government.

The topic of the CMOs Annual Report for 2015-16 is '**Rebalancing Healthcare: Working in partnership to reduce social inequality**'. The report explains how good health depends on much more than the provision of good health services. The way a society is organised; its economic prosperity; a person's early life chances; their education and employment opportunities; community support and cohesion; the food we eat; the homes in which we live and many more factors make up the wider **social determinants** which impact on the health of both an individual and the nation. With all these factors being more important in determining a person's health and wellbeing than the health services which prevent and treat ill health.

Dr Frank Atherton, Chief Medical Officer for Wales in his Annual Report 2016-17 (published February 2018), clearly explains 'Environmental Health Inequalities' in **Chapter 3: Working together to protect the public from health threats**.

Environmental health inequalities refer to the differences in environmental conditions, which can impact on health. Whilst environmental health inequalities are well documented internationally, there is a real need to continue to improve our understanding of the scope of problems within and across communities in Wales so that we can target actions and maximise impacts. We know that the public health risks vary across areas of Wales and it is important that an evidence-based approach to interventions is used consistently and fairly so that everyone across Wales has the opportunity to benefit.

In Dr Frank Atherton's Annual Report 2018/19, entitled '**Valuing our health**' he explains, exposures to environmental hazards across Wales continue to pose health risks for individuals and communities alike. **Chapter 4: 'Working together to protect the public from health threats'** specifies, legislation is a powerful tool in tackling public health issues. The Public Health (Wales) Act 2017, has so far provided protection for young people by prohibiting the intimate body piercing of children under 18. Dr Atherton states:

"The response to threats requires early detection, good planning and the application of resources in collaboration with others. We need to continue to invest in our health protection services and infrastructure to ensure we remain resilient to the threats we face. If we ignore health protection arrangements [it will be] at our peril".

'**The Helping Great Britain Work Well Strategy**' – produced by the Health and Safety Executive (2016) sets out the priority themes to focus on over a five year period in six strategic themes that bring a renewed emphasis on improving health in the workplace, as well as building on the track record on safety. Local authorities as workplace regulators are a key part of this system and are expected to play a role in the six strategic themes:

- Acting together:**
Promoting broader ownership of health and safety in Great Britain
- Tackling ill health:**
Highlighting and tackling the costs of work-related ill health
- Managing risk well:**
Simplifying risk management and helping business to grow
- Supporting small employers:**
Giving SMEs simple advice so they know what they have to do
- Keeping pace with change:**
Anticipating and tackling new health and safety challenges
- Sharing our success:**
Promoting the benefits of Great Britain's world-class health and safety system

Figure One - Health and Safety at Work: Summary statistics for Great Britain 2018 (HSE, October 2018)



2. Overview of the Service

2.1 Profile of the Authority

Population and area

Powys is a rural area covering a quarter of the land mass of Wales and is the most sparsely populated county in England and Wales, with just 26 persons per square kilometre in mid-2016 (Wales 150).

Population:	132,160 (mid 2016)
Area (hectares):	519,700

Administration

The Authority's headquarters is located in County Hall, Llandrindod Wells. Service delivery points are located around the County.

2.2 Organisational Structure

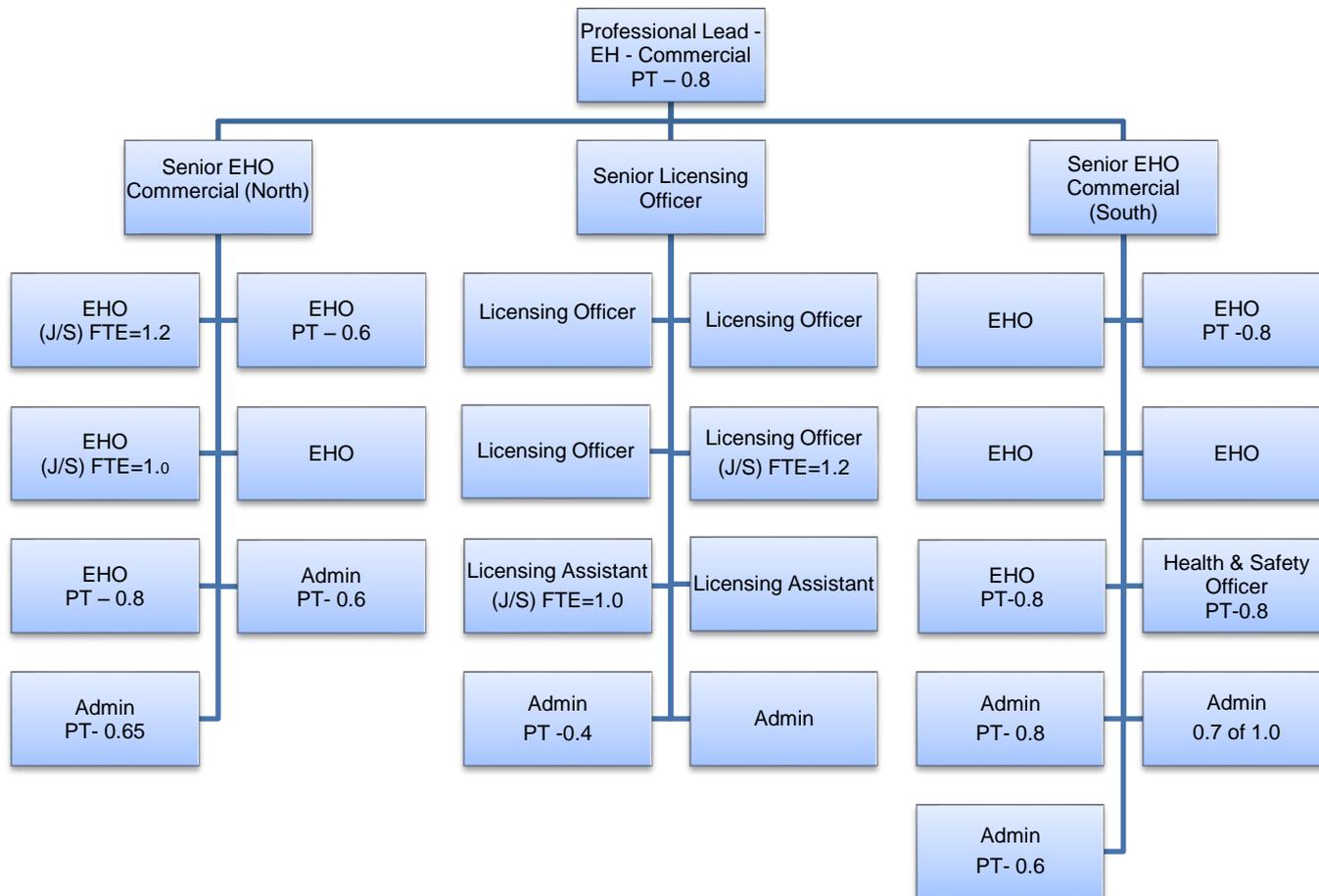
Environmental Health is part of the Economy and Environment Directorate, reporting through a Professional Lead Officer to the Head of Property, Planning and Public Protection and to the Director of Economy and Environment.

Section 13, of The Council's Constitution sets out the responsibility for functions. The Leader's Scheme of Delegation of Executive Functions sets out the responsibilities of the current eight Cabinet Members and is covered in Section 13.

County Councillor James Evans is responsible for Health and Safety Enforcement exercised through the Group Director Economy and Environment and the Head of Property, Planning and Public Protection. Cllr Evans is the Portfolio Holder for Corporate Governance, Housing & Public Protection.

The Health and Safety Service is located within the Economy and Environment Directorate and is delivered by the Commercial Team within Environmental Health.

Commercial Team Structure



2.3 Scope of the Health and Safety Enforcement Service

Powys County Council is responsible for providing a comprehensive health and safety service combining education, advice and enforcement. The enforcement of Health and Safety at Work legislation is shared with the Health and Safety Executive (HSE) and division of responsibilities is laid down by Regulation. The Service is responsible for enforcement in premises such as offices, retail premises, warehouses, consumer services premises, places of entertainment, hotels and residential accommodation and catering establishments. Activities are categorised as reactive and proactive and include full health and safety inspections, national and local evidence-based projects and interventions. The full scope of the Health and Safety Service includes:

Reactive

- Investigating reported accidents, diseases and dangerous occurrences;
- Responding to complaints and requests for service including smoking in public places;
- Registration and licensing activities including tattooists, skin piercers, electrolysis, acupuncture, asbestos activities and lift reports;
- Responding to consultations from Licensing, Planning, Building Control etc.;
- Providing advice and information to businesses;
- Securing safety standards at outdoor events covering sporting, cultural and entertainment through Event Liaison Meetings and Safety Advisory Groups (SAGs); and
- Prioritised and targeted health and safety promotional campaigns.

Proactive

- Planned high risk premises inspection which focuses on priority topics;
- Undertaking targeted initiatives, based on evidence of risk, including the national strategic programme of national and local projects and interventions;
- Providing advice and information to new businesses;
- Evidence based education of employers, employees and contractors through guidance and information;
- Promoting proportionate and sensible health and safety through business engagement and partnership working;
- Undertaking and participating in health and safety promotion campaigns;
- Liaising with other internal and external organisations including:- Planning, Building Control, Licensing, Trading Standards, Emergency Planning, Housing Department, Corporate Health and Safety Team, HSE, other Technical panels etc.; and
- Devising material to help businesses comply with the law and good practice.

All reactive and proactive work is underpinned by local, regional and national liaison. This is an appropriate mechanism for ensuring consistency between enforcers; for sharing good practice; for sharing information and for informing other enforcers of potential difficult situations. The main liaison arrangements are as follows:

- Working in partnership with HSE Wales;
- Complying with HELA and other guidance;
- Participation in the Directors of Public Protection Wales Regional Liaison Group via Welsh Heads of Environmental Health Group and Expert Panels;
- Participation in the South West Wales Health and Safety Task Group and the All Wales Health and Safety Expert Panel;
- Liaison with and complying with any advice and guidance from the HSE;
- Working with organisations and stakeholders to promote health and safety;
- Working with other services within the respective authorities such as Licensing, Planning and Building Control, Recreation and Leisure, Corporate Health and Safety and Events Teams;
- Liaison with and commitment to Local Government Regulation (formerly LACORS);
- Ongoing work with the Office for Product Safety and Standards, Department for Business, Energy & Industrial Strategy (Formerly Regulatory Delivery and BRDO);
- Welsh Government; and
- Local Government Data Unit.

Service Delivery Points

Health and Safety Services are delivered from three service delivery points located across the County as detailed below and primarily operate office hours from Monday to Friday, with weekend and evening work carried out as the need arises. The daytime enquiry number is 01597 827467 and alternative methods of contact include email environmental.health@powys.gov.uk and Twitter [Twitter@PowysEnvHealth](https://twitter.com/PowysEnvHealth). The Authority operates a 24-hour 'Careline' which is a separate manned emergency service, operated out of normal office hours.

The Gwalia Ithon Road Llandrindod Wells Powys LD1 6AA	Neuadd Maldwyn Severn Road Welshpool Powys SY21 7AS	Neuadd Brycheiniog Cambrian Way Brecon Powys LD3 7HR
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The Powys County Council website provides information on the services and the website address is www.powys.gov.uk.

2.4 Enforcement Policy

We will encourage people to comply with the law in the interests of our wider communities. When this is undermined, and the Council has legal powers to protect our communities from harm, we will use them. The use of these legal powers is enforcement, which ranges from formal letters containing schedules; serving notices - requiring people to carry out certain actions; to prosecution which could result in fines, including imprisonment.

Fair and effective enforcement is essential to protect the economic, environmental and social interests of the public and business. Decisions about enforcement action and in particular the decision to prosecute, has serious implications for all involved and for this reason, the Service has adopted an Enforcement Policy.

The Enforcement Policy sets out the Council's approach to enforcement of its legal powers that will be applied by the Service when dealing with issues of non-compliance, and what residents, consumers and businesses can expect. Such a policy is intended to establish a uniform approach to enforcement throughout the Council, and help promote efficient and effective approaches to regulatory inspection and enforcement, and balances the need for improvement in regulatory outcomes with minimising unnecessary burdens on business.

Specifically to health and safety regulators the Enforcement Management Model (EMM) has been produced by Central Government as a basis by which regulators, i.e., HSE and LA make decisions about what is the appropriate action to take in any situation. The authorised officers within Powys also use this guidance to reach proportionate enforcement decisions, determining the risk gap; risk-based decisions and compliance issues.

Traditionally based upon the principles of the Enforcement Concordat and the Regulators Compliance Code, local authority Enforcement Policies must now reflect the Regulators Code of 2014 and the regulatory principles required under the Legislative and Regulatory Reform Act 2006.

The Regulators Code is based upon six broad principles:

- Regulators should carry out their activities in a way that supports those they regulate to comply and grow;
- Regulators should provide straightforward ways to engage with those they regulate and hear their views;
- Regulators should base their regulatory activities on risk;
- Regulators should share information about compliance and risk;
- Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply; and
- Regulators should ensure that their approach to their regulatory activities is transparent

Environmental Health enforcement officers receive ongoing training on RIPA, PACE and any other evidential enactments to support the enforcement competencies and development of officers.

3. Service Delivery

3.1 Intervention Plan

All local authorities are required to base their approach to health and safety enforcement and thus their Intervention Plan on the:

- National Local Authority Enforcement Code and
- Local Authority Circular (LAC) 67/2 (rev 8)

The National Local Authority Enforcement Code developed by Health and Safety Executive (HSE) sets out Government expectations for a risk based approach to targeting health and safety regulatory interventions. It provides a principle-based framework that recognises the respective roles of business and the regulator in the management of risk. Importantly the Code is designed to ensure that local authorities take a more consistent and proportionate approach to their regulatory intervention.

Local Authority Circular 67/2 (rev 8) is provided under Section 18 of the Health and Safety at Work etc. Act 1974 and gives LAs guidance and tools for priority planning and targeting their interventions to enable them to meet the requirements of the national Enforcement Code. In March 2011, the Minister of Employment published '**Good Health and Safety, Good for Everyone**'. The focus of which was for LAs to concentrate on higher risk industries and tackle serious breaches of the rules. In May 2011, the Local Government Group (LGG) and HSE produced further guidance '**Reducing Proactive Inspections**' for LAs to determine their proactive interventions. In simple terms, inspections are now limited to the highest risk activities. In addition, a range of other proactive interventions are applied to other premises to improve awareness and management of health and safety. Selection of an intervention type will be based upon national and local intelligence, including complaints and poor performers.

All interventions are evidence based and typically include:-

- **Proactive inspections, planned interventions where:**

- a) The use of warranted powers under health and safety legislation would, if necessary, be used to gain entry or otherwise regulate part or all of a business activity; and
- b) The reason for the inspection was to specifically target occupational health and safety issues at these premises.

Proactive inspection should only be used for the activities in the sectors contained in the list which accompanies the National Code and LAC 67/2 (rev 8), or where there is local intelligence of failure to manage risk. Commonly, these premises are identified on an annual basis by local historical accident and complaint trends, local and national industry and accident data and the findings of local accident investigations. Recent workplace activities which have been subject to proactive inspections include:

- Businesses with evidence of Poor Performance
- Residential Care Homes
- Gas Safety in Catering Businesses
- Early Years Infection Control
- Beverage Gases and Cellar Access in the hospitality industry
- Spa Pools

- **Non-inspection interventions:**

Local authorities are required to make proper use of non-inspection interventions where they are considered capable of achieving better overall outcomes than inspections alone although their delivery will require similar level of resources. These can include business forums and targeted non face-to-face interventions, specifically:

- Any visit/face to face contact to educate, advise or engage duty holders, employees or other bodies such as trade associations e.g. awareness days, business forums, targeted training and advisory support visits.
- Any other targeted contact (not face to face) to educate, advise or engage duty holders, employees or other bodies such as trade associations e.g. raising H&S awareness by providing information packs.

Recent interventions have included:

- New Business Advice;
- Asbestos Duty to Manage;
- Beauty Sector (Sun beds; Teeth Whitening; Tattooing; Piercing & body modification procedures);
- E.coli Show and Event Safety;

Matters of evident concern - when inspecting premises officers are also required to consider matters of “evident concern”. Matters of “evident concern” in the workplace could include not only a complete failure of health and safety management arrangements but a history of accidents or complaints, or a failure to identify well known and understood sector risks and repeated enforcement action on common themes. Where there is “evident concern”, the scope of the inspection will widen to include whatever aspects of workplace health and safety is necessary.

Under the LAC 67/2 revision 8 there is no longer a requirement for local authorities to report the risk rating of premises visited (this requirement has been removed). However HSE advise that risk rating premises based on a duty holder’s health and safety performance is still useful information to assist in the determination of relative intervention priorities. The team will therefore continue to adopt this approach to assure an intelligence led approach to health and safety enforcement.

Health and safety interventions are thus planned and targeted by considering the risks to be addressed and having regard to the intervention available, the risk profile of the business/sector, national information and local knowledge and priorities.

An intervention plan showing the programme of work activity for 2019/20 has been developed demonstrating how through re-active and pro-active work and project-based activity both national and local, the service will secure improvements to health in workplaces in Powys. Powys’s Intervention Plan for 2019/20 can be found in **Figure Two** on **Pages 17, 18, 19, 20 and 21** below.

Accident and Incident Investigation

All accident notifications received are assessed against specified criteria in the Accident Investigation Policy, which has regard to the detail of the accident and refers to LAC 22/13 (rev1) Incident and Accident Selection Guidance and Summary. The decision to investigate an accident is based on a formal Incident Selection Criteria document, which is intended to ensure that resources for the investigation are directed at those incidents considered most likely to identify deficiencies and demand improvements in the safety management systems of the business. The most commonly reported accidents relate to: slips, trips and falls, falls from height, manual handling, or being struck by a moving object. The core objectives of accident investigation are to:

- Identify the relevant duty holder(s) and witnesses;
- Establish the key facts relating to the causes of the incident;
- Identify immediate and underlying causes;
- Identify any lessons learned;
- Ensure appropriate remedial action is taken to prevent a recurrence;
- Identify the relevant law and whether there are any breaches;
- Form a view about appropriate further action using the EMM framework (Enforcement Management Model)

An investigation may range from an enquiry by a single officer about a minor incident to a notification of a fatality or major injury involving a team of officers. As a result, the timeliness and thoroughness of the investigation and the quality of the evidence collected are critical to its successful outcome.

Advice to businesses

Powys County Council assists businesses wherever possible by providing health and safety advice through a variety of channels and situations, such as:-

- Advice provided as part of the inspection process, registration/licensing requests and sampling regimes;
- Responding to complaints and requests for service;
- A variety of free information leaflets are available on all aspects of workplace health and safety;
- The provision of training seminars;
- Participation in national events, such as European Health and Safety Week;
- Through Powys County Council's website.

Figure Two - Intervention Plan 2019/2020

Intervention Plan 2019 -2020			
Reactive work activity		Activity detail	
1.	Accident investigation	Receive notifications of all reportable injuries, disease and dangerous occurrences from the HSE website or employees or members of the public and investigate in accordance with Accident Investigation Policy.	
2.	Complaint investigation	Receive and investigate all complaints (service requests) from employees, members of the public and others.	
3.	Permissioning Activities	Respond to licence and registration applications for skin piercing, tattooing, electrolysis and acupuncture activities; statutory equipment/ plant reports; and asbestos notifications in a timely and effective manner.	
4.	Outdoor events	Respond to public safety matters on outdoor events with regard to public safety matters.	
Proactive Inspections		Activity detail	Performance Indicator
1.	Premises/ workplace inspections	Inspect those premises identified as 'poor performing' on the M3 database at April 2019. Some of these businesses will require a 2 officer visit because of the complexity of the work activities involved.	Inspections at 100% of identified premises (approx.. 13)
Proactive Inspections – National priority		Activity detail	Performance Indicator
1.	Golf Course Safety	<p>Golf Courses is an agreed priority for proactive intervention for local authorities in Wales, following two work-related deaths of contractors in South East Wales and a number of other accidents and near misses throughout Wales. Local intelligence and information gathered through accident investigation influenced the focus of the project, consisting of:</p> <ul style="list-style-type: none"> • General Health and Safety Management • Contractor Safety • Greenkeeper Safety • Vehicle Safety and Movement <p>It is hoped that these intervention visits will invoke the duty holders of golf courses to adopt a proactive approach to health and safety, achieve sustained improvements and stimulate behavioural change within the golf sector.</p>	<p>100% of identified premises will receive an intervention mailshot.</p> <p>Inspections undertaken at 100% of identified premises (approx. 14)</p>

Proactive Inspections – National priority		Activity detail	Performance Indicator
2.	Gas Safety in commercial catering premises	<p>The proper installation, maintenance and inspection by a competent Gas Safe registered engineer is essential to ensuring that staff and customers at commercial catering premises are protected from exposure to carbon monoxide gas. Gas Safe Register info. suggests that commercial caterers are not fully aware of their duties under the Gas Safety (Installation and Use) Regulations 1998 and this can lead to appliances being deemed unsafe. These appliances include boilers, cooking ranges and more specialised equipment such as tandoori ovens and chapatti flammers.</p> <p>Local duty holders must be aware of the risks of exposure to carbon monoxide in commercial kitchens from badly installed or faulty appliance; poor ventilation resulting in lack of air to support combustion; and/or inadequate extraction systems.</p> <p>This was originally a 3 year evidence based project, which continues to have a positive impact on raising the standards of gas safety and as a result, it will be extended for another year.</p>	At least 40 premises selected across the LA
3.	Beverage Gases and Cellar Access in the hospitality industry	<p>This project follows a number of fatalities and serious injuries to both employees and members of the public including falls through unguarded cellar hatches and unlocked cellar doors, and exposure to low level oxygen atmosphere in cellars as a direct result of gas cylinder leaks.</p> <p>This project was originally undertaken in 17/18 within Powys and following 100% non-compliance observed with regards to confined spaces and a number of dangerous cellar hatches, including the supply of non-conforming gas cylinders to these premises, it has clearly demonstrated the need for this evidence based intervention to continue.</p>	At least 20 premises selected across the LA
4.	Residential Care Homes - Lifting equipment; - Managing Legionella; - Falls from Height	<p>In 2017/18 this inspection intervention was undertaken at all identified premises in Powys as part of an All Wales Project following the death of a resident in South Wales using a passenger lift and the findings of a pilot project.</p> <p>The inspection findings in Powys highlighted poor management of legionella and falls from heights within the sector. The cost effective approach resulted in one initial inspection visit but resulted in 3 clear areas being assessed to protect a vulnerable population within Powys. The majority of premises visited required revisits and a number of formal notices were served.</p> <p>Due to the non-compliance observed in 17/18 a number of these premises had full re-inspections in 18/19 in accordance with their current classification on our Powys database system as ‘poor performing’.</p> <p>From the original inspection intervention, 12 of the premises now have new operators, and therefore these businesses will be targeted in the autumn/winter to assess current compliance.</p>	<p>Inspections at 100% of premises classified as ‘poor performing’ as of 01/04/2019</p> <p>Undertake Inspections at all 12 premises which have new operators since original inspection intervention in 17/18</p>

Proactive Inspections – Local Intelligence led		Activity detail	Performance Indicator
1.	Inflatable Amusement Devices	<p>There has been a number of serious incidents where inflatable amusement devices have collapsed or blown away in windy conditions. LAs must raise awareness of the risks associated with the operation of such devices. In particular, that devices are correctly anchored to the ground, there are suitable arrangements for measuring wind conditions at regular intervals, written documentation from a competent inspection body to show it complies with British Standard BS EN 14960 and is subject to an annual inspection by a competent person.</p> <p>SW Wales H&S Task Group LAs (which Powys is a member of) have agreed to undertake a number of inspection interventions at events, to assess and determine current compliance.</p>	<p>100% of identified operators will receive an intervention mailshot.</p> <p>Inspections undertaken at 5 operators/events in Powys.</p>
2.	Early Years Infection Control project	<p>The project has developed following outbreaks of infectious diseases in nurseries and childcare settings across LAs in Wales. Environmental Health staff with CIW and Public Health Wales developed an Infection Control Audit Tool for Early Years Settings. Children can potentially spend a large amount of time in childcare settings where there are frequent opportunities for the spread of infection. Young children particularly those under the age of five years are recognised at particular risk of contracting and transmitting gastrointestinal and respiratory infections.</p> <p>This will be the sixth year of the collaborative project between H&S and communicable disease.</p>	<p>All newly identified settings will be contacted and advice given, with a subsequent risk assessment undertaken, if inspection required</p>
Non Inspection led Interventions – National Priorities		Activity detail	Performance Indicator
1.	Accessibility of large commercial waste & recycling bins	<p>Raising awareness of the need to prevent injury to members of the public from accessing large commercial waste and recycling bins (typically 660 litres capacity and above). There have been numerous cases where members of the public have gained access to commercial bins for shelter and then been injured or killed when those bins were emptied into collection and compaction vehicles.</p> <p>Officers will engage with businesses that use commercial waste bins e.g. retail or licensed premises; by raising duty holder's awareness of the need to manage the risks of unsecured access to bins.</p>	<p>Premises given advice when identified, including awareness campaign poster</p>
2.	Duty to manage asbestos	<p>This project was originally trialled by a number of South Wales LAs to evaluate methods and consider the compliance rate for this health risk. 95% non-compliance was observed.</p> <p>During 17/18 a handful of Powys premises were selected for this intervention, while officers were on-site undertaking another targeted inspection intervention. Operators knowledge and awareness about asbestos was found wanting, which highlighted the need for this evidence based intervention to continue.</p>	

	Duty to manage asbestos (cont.)	<p>In premises likely to contain asbestos (i.e. Built before 2000) officers will draw dutyholders' attention to their duty to manage.</p> <p>On occasions, failure to manage the risks of asbestos (e.g. failure to maintain in a safe condition or minor construction work that breaches the fabric of the building without proper surveys, controls or planning) may need to be dealt with immediately as a Matter of Evident Concern (MEC).</p> <p>Therefore, visits will be based on risk; older commercial buildings, especially on industrial estates, where deteriorated asbestos containing materials are likely to be present and public/staff exposure is likely to be potentially significant.</p>	At least 20 premises selected across the LA
Non-Inspection led Interventions - Local intel.		Activity detail	Performance Indicator
1.	New Business Advice	Provide new businesses with advice and guidance relevant to their activities, utilising mail merges; advice packs and visits.	80% of new premises identified in 2019/20
2.	<p>Forthcoming Mandatory Licensing Scheme: Public Health (Wales) Act 2017, Part 4: Special Procedures</p> <ul style="list-style-type: none"> - Tattooing; - Piercing; - Acupuncture; & - Electrolysis 	<p>Part 4 of the Act requires a mandatory licensing scheme for practitioners and businesses carrying out 'Special Procedures' in Wales. 'Special Procedures' include those practices currently requiring registration within the old Shires of Montgomery and Brecon, under the Local Government (Miscellaneous Provisions) Act 1982 (Please note, Radnorshire did not adopt the provisions) , namely: tattooing including semi-permanent skin colouring; cosmetic piercing; acupuncture and electrolysis.</p> <p>The aim was to introduce the licensing scheme by April 2020, however due to BREXIT this date is currently looking unlikely. The main requirements will include:</p> <ul style="list-style-type: none"> • Practitioners must be licensed to carry out special procedures • Business premises or vehicles must be approved • A full licence will last for 3 years, and a temporary licence will last for 7 days • Licence conditions will relate to the competence of practitioners, premises, equipment and practices used, including advice given before and after the special procedure and the records kept by practitioners; • Competence will relate to infection control and first aid in context of the special procedure practised. The level of competence will relate to the level of risk linked to the special procedure, for example ear lobe piercing would not require the same level of competence as body piercing. Knowledge of the requirements of the Act will also be required. <p>The mandatory licensing scheme will provide a level playing field for practitioners operating in Wales and will ensure a more consistent and robust approach to enforcement. This in turn will help minimize health risks associated with these practices.</p>	<p>To obtain via various means a comprehensive list of all practitioners and premises in Powys who undertake 'Special Procedures'.</p> <p>All identified practitioners will be contacted and given advice throughout the year, via mailshots and some face to face visits, as the specifics of the regulations are released by Welsh Government.</p>

Non-Inspection led Interventions - Local intel.		Activity detail	Performance Indicator
3.	Beauty Sector i.e., Sun beds; Teeth Whitening; and Body Modification procedures	Following the implementation of The Sunbeds (Regulation) Act 2010 (Wales) Regulations 2011, a 5 year review was undertaken in early 2016 within Powys. 10 premises were visited as a pilot and only 2 were fully compliant. The Beauty Sector is continuously changing and as a result, illegal practices are continuing. Therefore, this project will be extended, as there is still much work to be undertaken in ensuring that standards are maintained and on-going education to local businesses is given, in order to protect public health. Intelligence led interventions through local knowledge and complaints will also continue, as required.	Intelligence led investigations as required.
4.	E.coli Event Safety Letter	Organisers of shows and events that are known to take place on agricultural land have been identified as a high-risk sector/activity in Annex A of the National Code. Powys has been the source of zoonotic infections in the human population following outdoor events/activities and therefore an advice letter on infection control. I.e. E.coli/Cryptosporidium especially in children will continue to be forwarded to new outdoor event organisers as identified. Targeted risk based selection of premises for a visit, as required.	All newly identified events/ and or operators Visits as required

4. Resources

4.1 Financial and staffing allocation

Financial allocation

The expenditure directly involved in providing the Health and Safety Service for 2019/20 is included in the Service budget and can be found in Appendix A of this document.

Staffing allocation

The table below indicates the number of staff authorised to work on Health and Safety enforcement and related matters, within the Commercial Team.

Officer	Qualifications
Beverley Cadwallader (p/t)	EHO/EHORB Registered
Catherine Davies	EHO/EHORB Registered
Janet Evans (j/s)	EHO/EHORB Registered
Carol Goldsmith (j/s)	EHO/EHORB Registered
Debbie Halstead	EHO/EHORB Registered
Rhian Jenkins	EHO/EHORB Registered
Jane Jones (p/t)	EHO/EHORB Registered
Rebecca Jones (p/t)	BSc (HONS) Environmental Health
Sam Lauder	EHO/EHORB Registered
John Paul Lawrence	EHO/EHORB Registered
Judith Loyns (p/t)	EHO/EHORB Registered
Donna Mabbutt (j/s)	EHO/EHORB Registered
Myfanwy Mapp	EHO/EHORB Registered
Lorna Morris (p/t)	EHO/EHORB Registered
Elin Roberts (p/t)	EHO/EHORB Registered
Rosemary Wilcox (j/s)	EHO/EHORB Registered

(p/t) – Part-time employee

(j/s) – Job share employee

4.2 Staff Development Plan and Competency

Powys County Council has recently adopted and implemented a new staff appraisal system across the Council to support a focus on performance and make process clearer. It replaces the previous Individual Performance Reviews (IPRs). The new appraisal system is a three-step approach:

1. Annual Appraisal

Formal and mandatory. To take place between March-May each year.

- Involves:**
- ☑ A discussion to provide feedback to the employee about how they have performed over the previous 12 months;
 - ☑ Setting objectives for the next 12 months; and
 - ☑ Setting of personal development objectives.

2. Six Month Review

Formal and mandatory. To take place between September-November each year.

- ☑ Formally check progress against objectives agreed at the annual appraisal with a backward look to what has been achieved at the six-month point, as well as looking forward to what still has to be achieved over the next six months; and
- ☑ To provide feedback about performance and behaviour. The appraisal form will need to be updated to reflect the discussion.

3. One-to-ones

Informal. Frequency to be determined by line manager and employee.

Continuing Professional Development (CPD) is mandatory and officers will be offered the opportunities to undertake a range of webinars, training courses, seminars, meetings and briefings to help maintain competency and improve technical, legal and administrative knowledge. The Chartered Institute of Environmental Health have mechanisms in place to monitor CPD compliance.

The Service also recognises the need for full technical support to be available to all Health and Safety Officers and this is achieved through a variety of ways, namely:-

- Internet subscription and library;
- HSE liaison;
- External Specialist services.

Powys County Council operates systems to appoint, authorise, train, monitor and maintain a competent inspectorate. Part of this approach uses the framework developed jointly by HSE, CIEH and LG Regulation which focuses on generic inspection skills as well as specific technical knowledge needed in health and safety enforcement. The Regulators Development Needs Analysis (RDNA) tool assists in identifying training and developmental needs of Inspectors. The Service ensures that competency is secured by appointing appropriately qualified and experienced personnel to health and safety enforcement duties. There are specific job descriptions and person specifications for all employees and all appointments are made in accordance with the Council's procedures for recruitment and selection.

5. Performance

In managing its performance and activity, the Health and Safety Service uses the M3 premises database to record, collate and share data and activity. The database is used to record details of premises, inspections, complaints and other activities including assessment of risk rating and is used to assist in targeting interventions and designing the work programme.

5.1 Performance Measures

Performance indicators pertinent to the delivery of the Council's Health and Safety service are monitored internally and the PIs for this financial year include:

- Proactive inspections (previously classified as high risk) – completion of 100% of planned inspection interventions for the activities in the sectors contained in the 'list' which accompanies the National Code, or where there is local or national intelligence of failure to manage risk; and
- 80% of new premises identified will be subject to a risk assessment (intervention) visit, and/or completed and returned a (topical intervention) self-assessment questionnaire during the year

LAE1 – Local Authority Health and Safety Annual Return - Under Annex D LAC 67/2 Revision 8 all local authorities in England and Wales are required on an annual basis to record health and safety activity and enforcement data and submit to the HSE. This is documented in a standardised format which outlines the work activities undertaken in the previous year 2018/19 (see Table One below).

Table One - Summary of local authority health and safety activity

1 April 2018 – 31 March 2019

Only include information where health and safety was targeted as a priority for intervention
For guidance on targeting interventions see:

- [National LA Enforcement Code](#)
- [List of higher risk activities in specific sectors suitable for proactive inspection \(the 'list'\)](#)
- [Supplementary Guidance](#)
- [LAC 67/2 \(rev 8\)](#)
- [Guidance on Combining H&S and Food Inspections](#)

Intervention type		Number of Inspections Interventions/Visits (each intervention must be counted only once)		Guidance
		Targeted using National Intelligence	Targeted using Local Intelligence	
Proactive inspections	Proactive Inspection	149	11	<p>Proactive inspections are planned interventions where:</p> <p>a) The use of warranted powers under health and safety legislation would, if necessary, be used to gain entry or otherwise regulate part or all of a business activity, and</p> <p>b) The reason for the inspection was to specifically target occupational health and safety issues at these premises.</p> <p>Proactive inspections are not- Inspections undertaken primarily for reasons beyond occupational health and safety e.g. Food hygiene, even if 'matters' of evident concern' related to health safety happen to be identified and addressed during that inspection.</p> <p>Proactive inspection should only be used for the activities in the sectors contained in the list which accompanies the National Code, or where there is local intelligence of failure to manage risk.</p>
	Other visits/ face to face contacts	8	264	Any visit/face to face contact to educate, advise or engage duty holders, employees or other bodies such as trade associations e.g. awareness days and advisory support visits.
Non-inspection interventions	Other contact/ interventions	67	105	<p>Any other targeted contact (not face to face) to educate, advise or engage duty holders, employees or other bodies such as trade associations e.g. to raise h&s awareness by providing information packs.</p> <p>Do not include non-targeted general newsletters, service magazines or the number of website hits.</p>

Reactive Visits	Intervention type	Number of Inspections Interventions/Visits (each intervention must be counted only once)	Guidance
	Visit to investigate health & safety related incidents	20	Record the number of actual visits made under the relevant category. HSE has developed a risk-based approach to <u>complaint handling</u> and incident selection criteria (<u>LAC 22/13</u>) which LAs should adopt to help target interventions and make best use of resources.
	Visits to investigate health & safety complaints	9	
	Visits following requests for H&S service from businesses	17	
Revisits following earlier intervention	78	Visits following an earlier intervention to confirm action previously required has been completed e.g. Notice compliance check.	

Table Two – List of activities/sectors considered suitable for proactive inspection

No	Hazards	Potential Poor Performers within an Industry Sector	High Risk Activities
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"> • Not yet demonstrated the ability to manage their legionella risk in a sustained manner, includes new cooling towers/evaporative condensers, or • Relevant enforcement action in the last 5 years and have not yet demonstrated sustained control of legionella risk.
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 ²	Lack of suitable micro-organism control measures
4	Fatalities/injuries resulting from being struck by vehicles	High volume Warehousing/Distribution ³	Poorly managed workplace transport
5	Fatalities/injuries resulting from falls from height/ amputation and crushing injuries	Industrial retail/wholesale premises ⁴	Poorly managed workplace transport/ work at height/cutting machinery /lifting equipment

6	Industrial diseases (occupational deafness/ occupational lung disease - silicosis)	Industrial retail/wholesale premises ⁴	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 ⁵ 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 homes	Lack of effective management of MSD risks arising from moving and handling of persons
9	Falls from height	High volume Warehousing/Distribution ³	Work at height
10	Manual Handling	High volume Warehousing/Distribution ³	Lack of effective management of manual handling risks
11	Unstable loads	High volume Warehousing/Distribution ³ Industrial retail/wholesale premises ⁴	Vehicle loading and unloading
12	Crowd management & injuries/fatalities to the public	Large scale public gatherings e.g. cultural events, sports, festivals & live music	Lack of suitable planning, management and monitoring of the risks arising from crowd movement and behaviour as they arrive, leave and move around a venue
13	Carbon monoxide poisoning	Commercial catering premises using solid fuel cooking equipment	Lack of suitable ventilation and/or unsafe appliances
14	Violence at work	Premises with vulnerable working conditions (lone/night working/cash handling e.g. betting shops/off-licences/hospitality ⁶) and where intelligence indicates that risks are not being effectively managed	Lack of suitable security measures/procedures. Operating where police/licensing authorities advise there are local factors increasing the risk of violence at work e.g. located in a high crime area, or similar local establishments have been recently targeted as part of a criminal campaign

15	Fires and explosions caused by the initiation of explosives, including fireworks	Professional Firework Display Operators ⁷	Poorly managed fusing of fireworks
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¹ See LAC 67/2 (rev 8) for guidance on the application to certificated petroleum storage sites.

² Animal visitor attractions may include situations where it is the animal that visits e.g. animal demonstrations at a nursery.

³ Typically larger warehousing/distribution centres with frequent transport movements/work at height activity.

⁴ Includes businesses such as: steel stockholders; builder's and timber merchants.

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

⁶ Pubs, clubs, nightclubs and similar elements of the night time economy.

⁷ 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

Appendix A – Health and Safety Budget 2019/2020

Other APT & C – Pay	117,420
Other APT & C – NI	10,640
Other APT & C – SUP	32,830
Professional Subscriptions	700
Travel Expenses – Staff	4,000
General Equipment	1,150
Telephone Line Call Charges	400
Other Hired & Contract Services	200
Telephone Recharge (IT)	220
Training for Internal Department	400
Other Sales	-£1,000
Access to Services	4,560
Business Support	0
Commercial Services	0
Employee Insurance	690
Employment Services	960
Finance	4,980
Graphic Design	0
Human Resources	780
Information Management	0
Information Services	9,500
Income & Awards	5,020
Leased Car Insurance	240
Legal Services	2,820
Office Accommodation	7,080
Purchasing	0
Head of Regen, Prop & Commissioning	6,610
Total Excluding recharges	166,960
Total Including recharges	210,200

