

Health & Safety

Service Plan

2012-2013



This document is available in large print or other formats on request.

Some of our highlights/achievements of 2011/12



100% of high risk premises inspected in 2011/12.



The Safer Work Better Business Pack produced by Devon Local Authorities in 2011 is now being used by many other Local Authorities across the country.



19 tanning salons inspected and tested in 2011 to determine whether or not the UV levels comply with World Health Organisation guidelines. 19 premises were found to be below the required level and 2 were above and further work was carried out with these premises to ensure the level of UV exposure was of a safe level.



Pilot intervention on gas safety in commercial food premises carries out. As a result of this pilot 70% of premises were found to be non compliant and the necessary action was taken to secure compliance. A further piece of work is planned on gas safety during 2012/13.

TORBAY COUNCIL

HEALTH AND SAFETY SERVICE PLAN 2012/13

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**TORBAY COUNCIL
HEALTH AND SAFETY SERVICE PLAN 2012/13**

1.0 Service Aim, Objectives, Key Tasks and Targets

1.1 Introduction

This is the ninth Health and Safety Service Plan produced by Torbay Council's Community Safety Business Unit in response to the Health and Safety Executive's mandatory guidance produced under Section 18 Health and Safety at Work etc Act 1974. The plan is intended to inform residents and the business community of Torbay and the wider audience of the arrangements Torbay Council have in place to regulate health and safety at work.

The primary function of the Business Unit is to protect public health, safety and welfare by supporting businesses to comply with the minimum legal standards.

All interventions are based on the risk posed by the business from a variety of intelligence sources for example complaints about working practices or the safety of premises, accidents etc. These interventions may be providing education and advice, undertaking inspections or undertaking investigations relating to an accident.

Where businesses fail to comply with the advice given or fail to provide a safe working environment for employees and the public at large, then the Business Unit will use its enforcement policy to protect them, and in doing so provide a fair and even playing field in which businesses can operate.

To many, health and safety is seen as a burden on business. In fact the opposite is true. Poor health and safety will result in accidents and poorer health which results in extensive time off work and increased costs for the business and this impacts directly on the business and ultimately on the economy of Torbay. It also potentially gives an unfair advantage to those who might ignore the law.

<p>1.2 Aims and Objectives</p>	<p>The objectives of the Health and Safety at Work etc Act 1974 are:</p> <ul style="list-style-type: none"> - securing the health, safety and welfare of persons at work; - protecting persons other than persons at work against risks to health or safety arising from work activities; - controlling explosive, highly flammable or dangerous substances; - controlling the emission of noxious or offensive substances from prescribed classes of premises.
<p>1.2.1</p>	<p>Since 1974 all Local Authorities have had statutory duties to enforce health and safety at work legislation in premises. Nationally, Local Authorities enforce this legislation in 1.2 million premises. These are offices, shops, retail and wholesale distribution outlets, the hotel and catering sector, residential care homes and the leisure industry.</p> <p>If a Local Authority fails to meet its statutory obligations, the Secretary of State may invoke intervention powers, following a local enquiry. Torbay Council meets these requirements.</p>
<p>1.2.2</p>	<p>The Health and Safety at Work etc Act is the primary statute, under which there are numerous regulations, e.g. COSHH, First Aid at Work, accident reporting (RIDDOR), etc. The regulations are aimed at improving and preserving standards for the health, safety and welfare of persons at work and those who may be affected by the work activity.</p>
<p>1.2.3</p>	<p>In implementing its policy the Council is mindful of the pressures on local businesses particularly where, for example, the economy is seasonal and subject to fluctuation.</p>
<p>1.2.4</p>	<p>This policy will be put into effect by the Commercial Team within the Community Safety Business Unit. Procedural notes will support the policy where necessary to assist staff in delivering a high quality and consistent service.</p>
<p>1.2.5</p>	<p>Whilst the Commercial Team offers a full range of education, advice and enforcement duties under the Health and Safety at Work etc Act 1974, it does not offer this on premises operated by the Council. The Council employs staff independently to offer advice to the Council and any enforcement is undertaken by the Health and Safety Executive. There is now much closer working with the Council's internal health and safety</p>

team as they are now also under the management of the Executive Head Community Safety.

1.3 **Links to Corporate Objectives and Plans**

The desired future for Torbay is contained within its overall vision:

“Working for a healthy, prosperous and happy Bay”

1.3.1

There are four key challenges that feed from the new community plan for 2011 onwards. These are

- 1) Developing our economy, improving job prospects and responding to the recession.
- 2) Opportunities for older people and the challenges of providing services to an ageing population
- 3) Climate change – reducing our carbon footprint and the risk of flooding
- 4) Improving the quality of life for our least well off members of society.

The Health & Safety function significantly contributes to the challenges highlighted above. The service links directly with an Elected Member who is the Executive Lead for Community Safety

1.3.2

The health and safety service also links directly with other corporate policies on Equal Opportunities, Sustainability and Crime and Disorder.

2.0 Background

2.1 **Authority Profile**

Torbay is a Unitary Authority comprising the coastal towns of Torquay, Paignton and Brixham. It has an estimated population of 134,700 rising to 200,000 during the summer months. The Council covers an area of 25 square miles (6450 hectares). There are 22 miles of coastline, and its geographical location and reputation as the English Riviera demand that it is an area heavily dependent on tourism. Torbay hosts 9 million bed nights each year, and the industry employs 15,000 people both directly and indirectly. The industry accounts for 13.5% of the areas gross domestic product. Many of the smaller premises are seasonal, opening only between Easter and October each year.

At the start of 2012/13 there are 3371 businesses registered on the Division's database, within Torbay for whom Torbay Council is the enforcing Authority. These can be profiled as:

33.11%	Retail shops
17.63%	Catering, restaurants and bars
11.35%	Hotels, campsites and other short stay accommodation
13.91%	Consumer services
11.00%	Offices
4.57%	Leisure and cultural services
3.37%	Residential care homes
2.37%	Wholesale shops, warehouses and fuel storage depots
0.98%	Other

2.1.2

The Community Safety Business Unit is located at Roebuck House in Torquay. Torbay Council also has a one-stop-shop in each town (Torquay, Paignton and Brixham) known as "Connections". Normal office hours are 9.00 am – 5.00 pm. There is no formal Out of Hours service so any emergencies would go through a Control Centre and onto the emergency cascade system.

2.2 **Scope of the Health and Safety Service**

The principle areas of health and safety work are:

- (i) Providing targeted training to identified sectors.
- (ii) Inspection of workplaces;
- (ii) Investigation of accidents;
- (iii) Investigation of health and safety related complaints made by residents and visitors to Torbay;
- (iv) Health and safety advice to traders, residents and visitors to Torbay;
- (vi) Inspection and sampling within workplaces, e.g. swimming pools, legionella;
- (vii) Administering, inspecting and taking enforcement action under Petroleum Licensing legislation
- (viii) Administering, inspecting and taking enforcement action under Sunday Trading legislation.
- (ix) Administering, inspecting and taking enforcement action under Manufacture and Storage of Explosive Regulations.
- (x) Supporting Trading Standards with regard to Test Purchasing operations, notably fireworks and petroleum products
- (xi) Administering and undertaking annual inspection of premises with Zoo licences.

At the present time, two operational teams within Community Safety undertake health and safety enforcement. These are the Food and Safety team and the Licensing and Public Protection Team. Educational advice on health and safety is also given out by Trading Standards Officers whilst on their inspections.

In premises where food issues take precedence over health and safety, then the Food and Safety team will continue to take the lead for the purpose of inspection and enforcement in both food safety and health and safety. Officers from the Licensing and Public Protection team will take the lead in premises where health and safety matters are predominant over food (e.g. DIY stores and nightclubs). This may be altered from time to time to allow flexibility between the teams.

2.3 Local Priorities

Torbay has contributed to and support the health and safety priorities identified by the Devon Health and Safety Sub Group for specific interventions during 2012/13. The main five hazards have been determined as:

- Gas Safety in Catering
- Body Modification and nail bars
- Swimming Pools
- Estates Excellence
- Slips and trips.
- Management of asbestos.
- E Coli and Open farms

To enable Torbay Council to effectively target resources to areas of highest health and safety risk both national local priorities are incorporated into the teams annual work plan.

2.4 Enforcement Policy

Torbay Council's approach to enforcement reflects the responsibilities placed upon it by the Health and Safety at Work etc Act 1974 (the 'Act') and the range of powers that the Act makes available, including regulations made under the Act.

It is Torbay Council's policy that enforcement action, be it verbal warnings, the issue of written warnings, statutory notices or prosecutions, is primarily based upon an assessment of risk or/and the seriousness of any alleged offence.

2.4.1

The Regulatory Compliance Code came into effect on 6th April 2008, and Torbay Council is required to comply with this. As part of demonstrating its compliance, the Business Units Enforcement Policy has been reviewed and published.

2.4.2 It is Torbay Council's policy to follow guidance on enforcement action contained in the HELA and Health and Safety Executive guidance. Any departure from this policy will be exceptional, capable of justification and will, where appropriate, involve consultation with the Devon Health and Safety Liaison Group and HELA. All health and safety enforcement officers are required to support and comply with this policy and will be given sufficient information, instruction and training to enable them to do so.

2.4.3 In accordance with the Health and Safety Executive (HSE) Enforcement Policy Statement, Torbay Council implemented the Enforcement Management Model (EMM) during 2005/06 and has used it since, also having refresher training in 2012. The EMM is a standard reference document that is intended to help enforcement officers make enforcement decisions.

2.4.4 Initial and ongoing training will be given to all health and safety enforcement officers to ensure they understand the requirements of these policies and abide by the terms of the policies where making an enforcement decision. EMM training for all officers was completed in March 2004 through the Devon Health and Safety Sub Group.

All enforcement decisions are discussed and approved by the business units Enforcement Panel. This is a panel of senior practitioners from the Business Unit with Legal Services who provide support and challenge to enforcement actions and ensure compliance and consistency with the Enforcement Policy.

2.4.5 All Council employees hold identity cards, which state the name, position and incorporate a picture of the cardholder. Enforcement Officers carry an additional identification card, again incorporating a photograph, which details their powers and duties under the legislation they have the powers to enforce. Enforcement Officers when calling to a home or place of business will always show their enforcement identification card.

3.0 Resources

3.1 Allocation of Staff

	EHO/ FSO	Additional HSW Qualifications	APD or Equivalent	FTE	Authorised S19 Inspector
Environmental Health Manager (Commercial)	EHO	✓	✓	0.05	✓
Principal Environmental Health Officer (Food and Safety)	EHO	✓	✓	0.1	✓
Senior Environmental Health Officer	EHO	x	x	0.2	✓
Senior Environmental Health Officer	EHO	✓	x	0.2	✓
Senior Environmental Health Officer	EHO	✓	x	0.5	✓
Senior Environmental Health Officer	EHO	x	x	0.2	✓
Senior Environmental Health Officer	EHO	x	x	0.2	✓
Senior Environmental Health Officer	EHO	x	x	0.2	x
Senior Environmental Health Officer	EHO	x	x	0.1	✓
Noise and Public Protection Officer	HSO	✓	N/A	0.2	✓
Senior Licensing Officer	LO	✓	N/A	0.05	✓

3.1.1

There are currently the equivalent of 2 full time officers dealing with health and safety matters. This is a reduction of 0.5 FTE from last years service plan

Although the Community Safety Commercial Team was restructured two years ago following the Hampton review, it is anticipated that with the current pressures on resources that another restructure will take place in the coming year, which is likely to reduce resources further. The focus will increasingly be on high risk premises and serious incidents/accidents.

3.1.2

The area of health and safety has also been reviewed by Lord Young and a number of the recommendations will have an impact on the work of Local Authorities. Some of the main recommendations covered areas such as minimising the regulatory burden on businesses, ensuring sensible Risk management and encouraging a multi agency approach. In 2011 the Lofstedt report was published in relation to the area of health and safety, this report similar to Lord Young's was based around reducing the regulatory burden for businesses and cutting red tape in many areas. The report also highlighted the need to reduce the compensation culture and using sensible risk management principles to utilise effective resources and achieve compliance in the areas where it is needed most.

This will result in the remaining resources being focused on high risk premises and serious incidents/accidents, which has increasingly been the case in Torbay anyway. This aligns with the reduction in resources being experienced. What is of more concern is how much this will impact on business advice and whether this will continue as resources are cut further.

3.1.3

From the 1st April 2010 Community Safety re-organised from three into two teams. The overall aim was to achieve better integration of the different services, providing a more business friendly support service, offering advice and support to business. This has also led to better intelligence sharing so inspections and interventions are targeted at higher risk businesses, particularly those where the intelligence identifies the need for intervention. This has been achieved to date, though the impact of resource cuts may impact on this in the coming years..

3.1.4

The outcome has been that the better managed premises are trusted with advice, while poorer premises, often with a record of poor compliance, are targeted with further inspections, so making the 'playing field' more even and improving the overall safety of premises.

3.2 **Staff Development Plan**

Staff development is an ongoing process and takes the form of both formal structured training and ongoing workplace training. Training is made available wherever possible.

3.2.1

There is a two monthly Health and Safety meeting, chaired by PEHO (Food and Safety), which provides opportunities for staff to raise any relevant issues, including those relating to consistency, in an open forum situation. This provides a useful training opportunity and sharing of information.

3.2.2	Procedural manuals are regularly reviewed with the team as a whole and from late 2012 the officers will have access to an online health and safety management system. Officers then have the opportunity to influence future work and direction. Much work has been undertaken with the Devon-wide Health and Safety Sub Group in the development of such procedures to improve local consistency.
3.2.3	Torbay Council is committed to ensuring that its Officers are able to fulfil equivalent requirements of the NVQ5 Standard for Inspectors, through the implementation of the Regulators Development Needs Analysis (RDNA) tool and new Section 18 standard. This is a rolling programme of in-house and Devon wide training, which will contribute towards Officers competencies. Following completion of the RDNA tool in 2011/12 some areas of additional training were identified e.g. Electrical Safety and this is hopefully going to be organised by the Devon Health and Safety Sub Group.
3.2.4 Access to Information	There is a wide range of technical information available to Officers to assist in their enforcement duties. The majority of information is received and stored electronically from HSE, with more complex, regularly used publications being stored on hardcopy. All Officers have Internet access and access to publications. A new register of Expertise in Devon has been set up through the health and safety Sub Group should officers require more expertise in a particular area of work e.g. legionella, asbestos.
3.2.5 Liaison with Other Statutory Agencies	<p>Health and safety enforcement routinely requires liaison with other statutory agencies. Within the Community Safety Business Unit this includes: Food and Safety; Licensing and Public Protection; Trading Standards Officers; and Environmental Protection. Much of this liaison is informal, as the teams are co-located.</p> <p>An arrangement exists with the Council's Planning and Development Business Unit, to enable Health and Safety Officers to view the weekly Planning Application lists. This enables Officers to detect new businesses and identify potential welfare issues with new developments, and offer advice on corrective issues to the applicants at any early stage.</p> <p>Long established liaison arrangements also exist with Devon and Somerset Fire and Rescue Service. Information on potential hazards is shared, in both directions, where there is a shared enforcement responsibility. Devon Fire and Rescue Service have a nominated Local Authority Liaison Officer through whom referrals are made.</p>

4.0 Service Delivery

4.1 Health and Safety Premises Inspections

The purpose of a health and safety inspection is to identify hazards and risks within a working environment, both to employees and others who may be affected by the work activity, and seek to ensure that they are controlled. Officers visit premises on a routine basis, as well as when following up complaints or investigating accidents. Officers may take samples of equipment or environmental samples for analysis to ensure that health and safety provisions are complied with.

Premises are categorised according to risk, and in the past this determined their frequency of inspection. The risk category can change year on year, as the actual risk changes, due to factors such as improved management, or change of management. The risk rating system has changes with new Section 18 guidance being produced by the Health and Safety Executive. Categories B3 and B4 have been amalgamated in to the bands below. At the start of 2012/13 the breakdown of premises was:

A	=	18	Inspection every year
B1	=	38	Other intervention (18mnth)
B2	=	685	Other intervention(3 yrs)
C	=	2430	Other intervention(10 years)
unrated	=	000	
Total		3171	

The whole approach to inspection of premises has changed in recent years, following the publication of the Hampton Report and Lofstedt. The focus is increasingly on high risk businesses, either by risk assessments completed at previous inspections, or inspections based upon complaints or intelligence. This is reflected in the revised LAC 67/2 which came into force on the 1st April 2012, this now means that only A risk premises will receive a full primary inspection and the other Category B1 and C premises will be dealt with by other interventions and will only be risk rated if they are substantially non compliant, in which case they will be put back into the system for a full inspection.

4.1.2

The Business Unit is increasingly sharing intelligence with other agencies helping to more specifically identify high risk activities within businesses. The Business Unit has also introduced training for Trading Standards Officers, so that when they attend their 'primary' inspection, they can look at targeted risk areas in the other disciplines. An example is that all officers undertaking inspections also enquire about asbestos and accident recording. The data from this intervention is then used to target premises for further intervention by the health and safety officers.

4.1.3 Those businesses that refuse to take the safety of others seriously or fail to comply with expected standards, will be targeted to ensure compliance. This will ensure that they do not have an unfair competitive advantage over other business.

4.1.4 A work programme has been developed in partnership with the other Devon authorities, as well as with authorities from Cornwall and the wider South West region. This is to achieve a greater focus on the high risk issues that need to be targeted.

4.2 **Performance Measurement** Health and Safety performance is measured by both internal and external means and these can be summarised in the review of achievements and improvements at the end of this report.

The work of the Business Unit is targeted, based upon education and advice first, inspection and support second and only when a business fails to heed advice or except support will enforcement action be taken. Quite clearly some matters are so serious that enforcement powers have to be implemented immediately to protect employees, contractors or members of the public visiting premises.

4.2.1 **Review of Performance** Overall the Health and Safety function has performed reasonably well; achieving many of its targets, in a year when its resources were stretched by reduced staff resources as well as dealing with a number of legal cases in hotels and caravan sites.

4.3 **Health and Safety Complaints** The number of health and safety service requests has reduced in the last year and the number being investigated is also reduced due to the introduction of an accident and complaints filter.

	No of Service Requests	Requiring Investigation
2009/10	213	61 (28.63%)
2010/11	192	45 (23.44)
2011/12	144	20%

4.4 **Accident Investigation** All accidents received are put through a filtering system and this allows the team to only investigate those accidents which present an ongoing risk that really need some form of intervention. This may involve contacting the injured party or the workplace, to prioritise the need for a more in depth investigation, in accordance with internal procedures. Following such an assessment, more in depth investigations are instigated involving site visits and more formal investigatory work where necessary.

4.4.1

The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) requires certain types of injury when it happens at a workplace to be reported to the enforcing Authority. This report is made directly to the Incident Control Centre, which is a national call centre to whom statutory reports must be made. When the Incident Control Centre is notified, the Council receives the notification via the Internet throughout the day.

	Accidents Reported	Non-Reportable	Site Visits Required
2009/10	245	10	145 (59%)
2010/11	315	40	123 (39%)
2011/12	245	38	43(18%)

Over the last three years the number of accidents that have been reported have remained fairly static although there is a slight decrease from last year.

In 2011 as a result of revised Section 18 guidance a new accident filtering system was introduced to ensure that officers only investigate those accidents which really need it. This has ensured that resources are targeted more effectively and this is reflected in the figures in the table above.

4.5 **Sampling**

The teams have the ability to sample a range of issues, which may affect safety and health including swimming pool water for disinfection level, water sampling for legionella and pseudomonas. Where potentially faulty equipment or hazardous substances are implicated in an accident investigation, the Team is able to liaise with laboratories and colleagues at HSE to have this type of product examined.

Where community acquired infections may be attributable to business/commercial premises, Officers will be involved in sampling to try to identify potential sources and causes of infection.

Routine, proactive sampling is not undertaken, unless it is part of a national initiative.

4.6 **Formal Action**

Of the 112 inspections undertaken, 47 needed a formal letter requesting that improvements be carried out. There were also 4 Improvement and 1 Prohibition notices served. There is one large legal case pending relating to health and safety within a hotel premises.

4.7 **Work Plan for 2012/13**

The work plan for 2012/13 is based around the agreed priorities of the Devon Sub Group priorities, which will be delivered, where appropriately with our partners across Devon, the South West. Locally this will include inspections of high risk premises or those that come to our attention through shared intelligence, complaints or accidents.

4.7.1

During recent years, significant work was undertaken looking at the safety of **swimming pools**. The work during 2009/10 resulted in most premises becoming compliant with the latest guidance. Whilst these interventions are now complete there will still be a small amount of work in continuing to monitor compliance with standards in the pools in Torbay.

4.7.2

The remainder of our work will be undertaking **inspections** of high risk business and those that come to our attention through intelligence, accident information or due to complaints. The Commercial team are also implementing cross working between teams which follows on from the Retail Enforcement Pilot. The aim is to collect intelligence, so when a primary inspection e.g. when a Trading Standards inspection is undertaken, then a limited inspection of Health and Safety is undertaken, at the same time in a chosen topic area to assess compliance. The initial feedback from businesses on this is very good and they are welcoming this new type of approach.

In addition to this both the food and health and safety officers will be involved in **Gas Safety** intervention work in commercial food premises to secure compliance. National data has indicated that this issue is often disregarded by business owners and as such can put both employees and visitors to commercial premises at risk. In 2011/12 preliminary work on this subject started with 35 hotels being inspected, 70% of which were non compliant in terms of gas safety. As a result the necessary actions were taken to secure compliance and this has now been achieved. During this work officers will also be looking at compliance with asbestos issues.

Intervention work is also planned for **nail bars** in Torbay as nationally there have been issues with some of the chemicals used in these premises.

4.7.3

The Council also has responsibility for premises that sell and store **fireworks** under the Manufacture and Storage of Explosive Regulations (MSER), **Petroleum premises**, which includes the permitting of those premises under the Pollution, Prevention and Control Act 1999. Test purchasing does take place with regard to the sale of underage products, notably fuel and alcohol, in conjunction with Trading Standards.

4.7.4 The Health and Safety Executive **Guidance**, covered under Section 18 Health and Safety at Work Act 1974, has been changed and following a number of updated procedures the Business Unit complies with this updated guidance.

4.7.5 The mandatory **annual return** for the Health and Safety Executive (HSE) on levels of advice, inspection and enforcement activity undertaken during the year has been completed.

5.0 Achievements 2011/12

5.1 **Working in Partnership in Devon** The Devon Health and Safety Sub Group, of which Torbay is a leading member, works in partnership across the County, with nine other local authorities to deliver a programme of work. The primary role is education and advice, but if businesses fail to respond to this help and advice and fail to consistently provide adequate health and safety, then the secondary role is enforcement.

5.1.2 This is working very well and Devon is being recognised nationally for some of the work it has done in recent years. It works together running events across the county particularly in relation to the training of officers.

5.2 **Service Requests and Complaint Investigations** The number of health and safety service requests/complaints remained low at 144 this past twelve months. This is below last year. This may be due to increased compliance or the under reporting of health and safety issues.

5.3 **Inspections and Targeted Interventions** During 2011/12 153 inspections and targeted interventions were undertaken, under the high risk inspections and intervention programme, which was an increase on last year. In addition there were 695 proactive actions undertaken, through advice, training as part of proactive work, accidents and complaints.

In 2011/12 work was carried out in the area of **tanning salons** to assess compliance in relation to the World Health Organisation standards on UV emissions. 19 salons were inspected and tested and 17 were found to be compliant, the 2 remaining have been given advice on how to reduce UV exposure by time limits etc.

5.4 **Promoting Awareness of Health and Safety with the Young** As part of our commitment to promoting health and safety and developing a coordinated programme of activities, we organised a number of events during 2011/12

5.4.1

Junior Lifeskills

Two events were held in 2011. In May a total of 19 schools and 700 pupils attended, while in September, 17 schools and 795 pupils attended.

There were ten scenario providers: these were Torbay Council (Building site safety & road safety, food safety and alcohol awareness), BT (appropriate use of 999), Western Power (Electrical safety), RNLI (Beach safety), St John Ambulance and British Red Cross (both First Aid), Devon and Cornwall Constabulary (Bullying and Internet safety), Torbay Care Trust Lifestyles Team (Healthy eating and smoking awareness) and Devon and Somerset Fire and Rescue (Fire safety).

6.0 Quality Assessment

6.1 Introduction

Torbay Council recognises the need to measure the effectiveness of its health and safety enforcement duties. Auditing, peer review and external monitoring is seen as part of this process to ensure that its procedures result in high quality, consistent inspections. The interpretation and action taken by Officers following an inspection should also be consistent within the Authority. The Commercial Team has an up to date Internal Quality Monitoring procedure which includes an internal audit process along with procedures on how to ensure consistency across the team.

6.2 Qualifications and Training

The Authority will ensure that it only appoints appropriately qualified and experienced personnel to health and safety enforcement duties.

The Authority will have regard to the competencies defined in NVQ5 for health and safety regulators when assessing the competency of its Officers. Where an Officer cannot be shown to achieve the standard in all areas, the Authority will ensure that the Officer is supervised by an Officer who does possess these competencies.

The department is compliant with the new Section 18 guidance which was introduced in April 2011 and as part of this the authorisation process for health and safety functions has been fully reviewed and updated to ensure that all ten Local Authorities in Devon are consistent and using the same authorisation procedure.

6.3	Procedural Documents	Torbay Council operates a system of procedural documents for key areas of health and safety enforcement. These are issued in a controlled document format. A number of these procedures have already been updated this year in line with Section 18 guidance and this will continue in 2011/12, the officers will also have access to a new electronic system of procedural documents produced by a recognised external company.
6.4	Standard Letters	Each Officer involved in health and safety enforcement is issued with standard phrases and standard letters in the form of controlled documents. Each approved format is signed by the Principal Environmental Health Officer (Food Safety) and cannot be changed without their prior consent and the reissue of a signed amendment. The Principal Environmental Health Officers periodically review the formats and issue amendments as required. It is each individual Officers responsibility to ensure that they update their documentation in accordance with the amendments issued.
6.5	Results and Development Annual Review (RADAR)	Torbay Council provides for personal review and development through its RADAR procedure. At least twice a year each employee is given the opportunity to raise and discuss issues with their line manager and agree performance or personal development plans.
6.6	Customer Feedback	Due to limited resources the department now longer sends out customer feedback forms, however we encourage businesses to provide us with feedback during inspections and any comments that may improve the service are acted upon.

6.7 **Maintaining Premises Database**

The Community Safety Business Unit operates and maintains a collective property database known as Authority. The system holds property based information on premises in Torbay

Maintaining a reliable picture of premises subject to health and safety enforcement in Torbay is difficult, as few businesses opt to register with us. The limited number of inspections undertaken does not allow regular maintenance of risk categories, and businesses in Torbay frequently change ownership. The Team relies on its own local intelligence to detect changes of business, but this is also supplemented by information gathered by other Teams within the Community Safety Business Unit, in particular the Trading Standards Team

However, the following systems also allow us to check the database for accuracy:

- A weekly list of planning applications is received. Those of interest from a health and safety perspective are checked against the AUTHORITY database.
- Types of premises subject to special survey or project work, e.g. builders merchants, are checked against the database. Any amendments are then made expediently in accordance with Divisional procedures.

6.8 **Identification of achievements and any variation from the service plan**

Table 6 below identifies the status of planned service improvement actions from 2011/12. Any remaining improvement objectives are shown in the table below along with the reason for the delay and a revised target, which will be included in the work programme for 2012/13 where appropriate.

Table 6

Service Improvement	Planned Outcome/Output	Actions	Target Date
Produce a Health and Safety Service Plan for 2011/12	To provide a structured plan to help formalise the annual workplan for health and safety functions and to provide information to both Elected Members and the public on the work of Community safety in relation to the area of health and safety	Achieved – Production of Health and Safety Service Plan for 2011/12	
To inspect all high risk A and B1 premises	To secure compliance with Health and Safety legislation	Achieved – all A and B1 premises inspected.	
To review and improve Work Related Death Policy	To improve the approach the department takes when dealing with Work Related Deaths and Major Injury investigations	Due to other work pressures work has not yet been completed in this area	By Sept 2013
Undertake a Tyre and Exhaust premises project in partnership with the Devon Health and Safety Sub group members	To increase the knowledge of health and safety within these premises thereby helping to ensure compliance	Achieved - officers now trained in the inspection of tyre and exhaust premises.	
Following a training needs assessment organise Gas and Electrical safety training for all officers involved in health and safety	To increase the knowledge and competency of officers in these areas of work	Achieved - All food and health and safety officers now fully trained in Gas Safety.	
Contribute to production of an Event safety pack	To provide information for the organisers of small scale events.	Achieved - event safety pack now completed.	
Securing compliance with Section 18 Guidance	To ensure that the health and safety function carried out by Community Safety is performed in a consistent manner and that there is a effective method of organising that function.	Achieved - the health and safety function is now fully compliant with the new Section 18 Guidance which came into force in April 2011.	
To ensure that the requirements of the new Sunbed (Regulations) Act 2010 are met by businesses in Torbay	To ensure that coin operated sunbed premises comply with the new requirements and in turn the general public and specifically those under 18 are protected.	Achieved- 19 tanning salons inspected and tested. 17 compliant and 2 non compliant and given further advice to comply.	

6.9 Areas of Improvement for 2012/13

Some of the current planned improvements for 2012/13 are outlined in Table 7.

Table 7

Service Improvement	Planned Outcome/Output	Target Date
To improve the level of compliance in relation to gas safety in commercial food premises thus ensuring the health and safety of visitors and employees alike.	To carry out a gas safety inspection at the time as completing a food hygiene inspection in commercial premises ensuring that the premises is fully compliant and taking any necessary actions to become compliant.	March 2013
To carry out interventions in nail bars in Torbay	To inspect nail bars in Torbay to ensure they comply with health and safety legislation.	March 2013
To review the work related death procedures	To improve the approach the department takes in relation to Work Related Deaths and the n issue new guidance to all officers.	Sept 2013
To determine the level of compliance in relation to asbestos in commercial premises	To gather intelligence on asbestos at the same time as undertaking the gas safety project. This data can then be used for further work depending on the level of compliance found.	March 2013
To improve the health and safety web pages and make them more user friendly for the customer using them.	Review all health and safety web pages and carry out the necessary improvements	March 2013
Inspect all A risk premises and carry out interventions in other B1 and C risk premises.	To secure compliance with health and safety legislation.	March 2013
To improve the links into the business community.	To investigate any possible links between Community Safety and the Local Enterprise Partnerships to improve communication and understand the needs of the business community in relation to areas such as website information.	March 2013