

**TENDRING DISTRICT COUNCIL**

**LOCAL AUTHORITY HEALTH AND SAFETY LAW ENFORCEMENT**

**SECTION 18 GUIDANCE – SERVICE PLAN 2011/2012**

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## **1.0 Service Aims and Objectives**

### **1.1 Aims and Objectives**

The aims of the Service are contained within the Councils Corporate Plan where a main objective of the Council is promoting sustainable economic growth. Ensuring safe and healthy working environments is a major contributor to this priority. The Council is committed to improving health and safety outcomes and to providing the necessary capacity and resources to deliver its priorities and plan of interventions under this plan. In this role the Council has identified the importance of protecting employees. In addition the importance of ensuring the public are adequately protected when they are affected by the way an organisation undertakes their activities, is also recognised.

The Council recognises the strategic need for enforcing authorities to contribute to year on year reductions in work related injury and ill health and in particular the value of the strong co-regulator partnership between the Health and Safety Executive and local authorities and therefore is committed to effectively working with the Health and Safety Executive, other local authorities and stakeholders to drive improvements in health and safety.

The aim of this plan is to examine the work that is currently undertaken by the Council in relation to its statutory duty in respect of health and safety enforcement within the area. This is then compared with guidance that is issued by the Health and Safety Executive to all local authorities. The previous year's work is compared against the guidance and areas that need to be addressed are recognised. These are then included in the following year's plan. In addition work that is currently undertaken is compared against this guidance and a work plan is then developed for the following year that will follow the guidance from the Health and Safety Executive.

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

The Service Plan for Environmental Services directly links to the Corporate Plan and provides detailed service priorities to achieve the requirements of the Corporate Plan

for example in relation to ensuring businesses comply with health and safety legislation.

## **2.0 Background**

### **2.1 Profile of Tendring District Council**

Tendring District Council covers an area of 33,740 hectares in North East Essex and lies to the east of the A12 between the rivers Stour and Colne and is bounded on the east by the North Sea. It has a population of 148,000 inhabitants (2009 mid year estimate, Office of National Statistics). It has a number of towns including Clacton-on-Sea and Harwich and also there are numerous small villages. The area is dependant upon the tourist trade for the major part of its employment although there is some manufacturing in specialist industrial estates and a major source of employment in the area is Harwich International Port. In addition there is a concentration of residential care homes that present special enforcement problems in relation to health and safety issues.

### **2.2 Organisational Structure**

An organisational chart is included at Appendix A which shows the structure of the Service that is responsible for health and safety work. The health and safety team is shown in greater detail within the same chart.

The officers together with the specific tasks that are allocated to each are shown below:

<b>Officer</b>	<b>Designation</b>	<b>Responsibility</b>
C J Kitcher	Acting Head of Service	Overall Management of the Service
J Fox	Acting Assistant Head of Service	Development of policy and strategic matters. Monitoring of performance of the section and responsible for day to day management of the section. Involvement with specialist matters in relation to health and

		safety as well as overall responsibility for corporate health and safety matters.
P Roberts	Environmental Health Officer	Inspection of higher risk premises and complaint investigation. Mentoring and training of Technical Officers employed in the section.
L Sage	Technical Officer	Inspection of premises, investigation of complaints and RIDDOR reportable accidents.
R Crane	Technical Officer	Inspection of premises, investigations of complaints and RIDDOR reportable accidents.

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

The Service is provided by employees of the Council and all staff are employed on permanent contracts. There is one officer employed on part time working in this service area. Where there are staffing shortages contractors have been used but it is preferred to use permanent staff employed by the Council wherever possible.

The inspection of food premises for health and safety is undertaken in one of two ways. Higher risk premises receive separate visits from specialist food inspectors and health and safety inspectors. In lower risk premises the specialist food inspector will undertake a cursory inspection for health and safety on a hazard spotting basis.

The Health and Safety Executive have updated the guidance on Section 18 Compliance under the Health and Safety at Work etc Act 1974. This will involve authorities reviewing the health and safety service to ensure it is in line with the guidance and making amendments as necessary. The initial review has been undertaken and a benchmarking meeting across North Essex authorities convened and all amendments will be implemented by 31 March 2011.

In accordance with HELA LAC 67/1 (rev) – Advice to Local Authorities on Inspection Programmes and Inspection Rating System, the Service inspects the lowest risk premises via a desktop inspection programme. (This LAC has been updated and the update is currently being implemented).

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

The premises profile of the district is as shown below;

<b>PREMISE TYPE</b>	<b>NUMBER IN DISTRICT</b>
Retail	549
Wholesalers/Warehouse	25
Offices	117
Catering	430
Hotel/Campsites	75
Residential Care	107
Leisure and Cultural	54
Consumer	283
Other	28

In addition to being a popular tourist and holiday location the Tendring district is very popular as a retirement area being within easy reach of the London conurbation. This results in a considerable number of residential care homes. These present problems for the health and safety service as the age of the residents in these establishments means that there is an increased number of persons who are at greater risk from health and safety issues, especially accidents. Another factor that places demands on the service is that due to the area being a popular holiday location many of the businesses are seasonal in nature. Training of young and part time employees in this industry area also presents special problems for the Service. The seasonal nature of this employment places considerable strain on the staffing resources in the summer months.

## **2.5 Enforcement Policy**

A copy of the Councils approved enforcement policy is shown at Appendix B. This document is also published in full on the Council web site. The policy is designed to reflect the principles of enforcement stated in the Health and Safety Commission Statement on Enforcement Policy (1995) as well as the Enforcement Concordat to which the Council is a signatory.

In particular interventions are targeted;

- to maximise the impact on health and safety outcomes,
- to ensure dutyholders manage health and safety risks,
- to those who are best placed to control the risks including other stakeholders who can influence risk,
- to activities which present serious risk or where hazards are least well controlled,
- to stop those seeking economic advantage.

Reference is also made to national guidance and programmes and local or regional programmes

### **3.0 Service Delivery**

#### **3.1 Health and Safety Premises Inspections**

The Council follows the guidance given in HELA LAC 67/1 (rev) – Advice to Local Authorities on Inspection Programmes and Inspection Rating System in relation to health and safety premises inspections. (This LAC has been updated and the update is currently being implemented). This gives consistency in the risk rating of premises for inspection as well as ensuring that performance against other authorities can be meaningful.

To contribute to the HELA Strategic Plan when undertaking inspections, inspectors focus enforcement activity on

- Slips and trips
- Musculoskeletal disorders
- Stress



- Vulnerable workers
- Asbestos duty to manage

The current composition of health and safety premises is shown below with the associated inspection frequencies.

<b>Category of Premises</b>	<b>Number in District</b>	<b>Inspection Frequency</b>
A) High Risk	6	Yearly
B1) Intermediate Risk	21	Yearly
B2) Intermediate Risk	139	Biannually
B3) Intermediate Risk	194	Every three years
B4) Intermediate Risk	306	Intervention Strategy
C) Low risk	326	Intervention Strategy

It will be noted that the number of premises within the specific categories does not correspond with the total number of premises within the district. This is due to the fact that food safety officers rather than health and safety inspectors inspect all food premises, with the exception of larger retail outlets and residential care homes.

With the increased emphasis on health and safety in the workplace this is an area that is continually being re-assessed in order to ensure that the requisite protection is afforded to employees in these areas.

B4 and C rated premises which are the lower risk premises are enforced for health and safety via inspection or intervention strategies. This is primarily via desktop inspections where questionnaires are sent to businesses to determine health & safety compliance. Lack of a response or responses highlighting inadequacies will be followed up with a visit. In addition monitoring of a percentage of those questionnaires returned is undertaken to ensure responses are accurate. This is performed by site visit. Other intervention strategies may also be considered such as monitoring incident reports or reference to other formal applications to the Authority via for example licensing or planning.

Revisits to check compliance are undertaken within a time period that is proportionate to the risks associated with any contraventions.

### **3.2 Investigation of Accidents**

The investigation of accidents is undertaken in accordance with the Incident Selection Criteria highlighted in HELA LAC 22/13 which includes consideration of severity of harm, seriousness of breach and past compliance. Significant incidents are subject to investigation whilst for less significant incidents a written response is required from proprietors detailing the investigation of the incident and details of relevant risk assessments. This ensures that employers consider lessons to be learnt from incidents.

### **3.3 Health and Safety Incidents and Complaints**

Where there is an incident that requires an immediate response the Council's out of hours service that operates within the Service as a whole is able to provide an initial response immediately. Officers who specialise in this work are able to be contacted at any time. Access to the Service's commercial premises database allows for the easy identification of employers where required and allows for a rapid response in an emergency situation.

Complaints or requests for service are dealt with on a risk based approach where, in accordance with the incident selection criteria, consideration is particularly given to severity of potential harm, seriousness of breach and past compliance.

### **3.4 Advice to Business**

The authority provides a comprehensive service of advice to business. This is in the first instance by consultation at the planning stage when plans are deposited. In the majority of cases this is followed up on site at the request of the business proprietor. Such advice is limited to interpretation of the law in relation to the business in question and does not extend to detailed design advice at any stage.

In addition to the above the Council provides a comprehensive range of literature that is sent free on request to businesses and copies of all such material are available on

the Council website. The website also includes links to other sites that are of value to the business proprietor.

The Authority has hosted Safety and Health Awareness Days which provide targeted advice to business on a single topic to help ensure businesses understand their duties under the law in relation to the specific area.

There is no formal input into business or partnerships due to the limitations of available staffing resources.

### **3.5 Lead Authority and Primary Authority Principles**

The lead authority scheme seeks to promote fair and consistent enforcement across local authority boundaries and has now to some degree been superseded by the primary authority scheme.

At the present time no formal lead authority partnerships exist within the district. Willing lead authority partners would however be actively pursued if an approach was made to the Authority. Reference is also made to lead authority partner authorities when strategic issues are highlighted during contact with the partner employers.

The Regulatory and Enforcement Sanctions Act 2008 established Primary Authority as a statutory scheme for businesses trading across local authority boundaries. This provides for the business to enter into a formal agreement with the local authority which then acts as the Primary Authority.

The primary authority has responsibility for providing regulatory advice and may also issue statutory advice to other local authorities and produce an inspection plan to which enforcing authorities must have regard. If other enforcing authorities have concerns in respect of the business they should be discussed with the primary authority at an early stage and enforcement matters referred to them to ensure they are consistent with previous advice.

Reference is made to primary authorities for any businesses in a primary authority agreement prior to action and enforcement and due regard paid to advice provided by the primary authority.

If a business sought to enter into a primary authority relationship with Tendring District Council this would be considered although full cost recovery would be sought.

### **3.6 Liaison with Other Organisations**

Liaison with other organisations is detailed below:

- The most common and most useful liaison is through the Essex Chief Environmental Health Officers Occupational Health and Safety Group. This is a formally constituted group under the auspices of the Essex Chief Environmental Health Officers and meets on a regular basis. One of the main aims of the group is to ensure consistency of enforcement across the whole of Essex in relation to health and safety matters. The group is also attended by representatives from the Health and Safety Executive.
- The group produce a work plan on a yearly basis which helps to focus on priority issues at a local level.
- There is a close working relationship at officer level with the adjoining authorities especially where there are related problems. In addition the nature of the area means that there are common areas of concern especially in relation to health and safety inspections.
- There is a formal process between the section and Planning Services within the Council. This means that all proposed businesses are notified to the Section when any application is made for Planning Permission. Contact is then made, where necessary, with the applicant. In most cases this contact relates to information in respect of the legal requirements. However it is possible for issues that may not be covered by legislation to be covered in planning approvals.
- The service has links with Social Services and the Care Quality Commission and there is a procedure in place for notifying both agencies where appropriate when formal action is taken, or concerns are raised, in relation to care providers.

### **3.7 Health and Safety Promotion**

Following a Service review a certificate is now sent to employers following an inspection. The certificate details any contraventions that are found in a particular

workplace when inspected along with a timescale for remedial works and the employer is invited to display the certificate.

### **3.8 Joint Working with Health & Safety Executive**

To assist in achieving higher standards of health & safety compliance and to help achieve the vision set out in the HELA Strategic Plan, joint working projects are being undertaken with the Health & Safety Executive. The projects endeavour to address issues on higher risk sites or focus on areas topical to this area for example Tendring District Council has previously been a lead authority in organising with the Health and Safety Executive a regional project on caravan site safety which has been undertaken across the whole of the eastern region. Other projects proposed include dealing with dealing with asbestos and Liquefied Petroleum Gas (LPG).

The joint working initiative allows for a comprehensive approach to dealing with issues since there may be a division of enforcement in relation to activities on some sites. It is also a useful method of accessing Health & Safety Executive specialist resources to assist in enforcement and education methods to raise standards.

### **3.9 Statutory Consultee under the Licensing Act 2003**

The Statutory Consultee role under the Licensing Act for public safety is undertaken in the Service by the Licensing Officer who responds directly to the Licensing Authority within Legal Services. This officer, within the Health and Safety team, also undertakes the technical inspections for the Licensing Authority and would also appear at hearings to give evidence. There is therefore close liaison to ensure significant issues are raised and dealt with.

## **4.0 Resources**

### **4.1 Financial Allocation**

Details of the financial allocation for the section are shown at Appendix C.

### **4.2 Staffing Allocation**

The numbers of full time equivalent staff employed in the health and safety section within the Council is as shown in 2.2 above. However this establishment is not employed exclusively on health and safety enforcement. Financial allocation in Appendix C refers to the total officer time spent on health and safety enforcement. This equates to only 3.2 FTE's. The other issues covered by the section are Corporate Health and Safety compliance as well as a considerable proportion of animal welfare licensing as well as caravan site licence work. This latter area of work accounts for a considerable amount of officer time, as there are in excess of 11,000 caravans within the district, the majority of which require a considerable input of officer enforcement time. In addition the section undertakes technical inspections for licenses and therefore some officer's time is utilised to meet this requirement.

The Acting Assistant Head of Service and the Environmental Health Officers have been employed on health and safety enforcement work for a considerable amount of time sufficient to enable them to inspect all categories of premises. In addition all of the officers have worked for other authorities and gained experience in most types of premises that are likely to be encountered.

The Technical Officers have undertaken vocational qualifications and are involved in continuous on the job training.

The Health and Safety Section have successfully completed Regulators Development Needs Assessments (RDNA) to assure their competence.

All Environmental Health Officers and Technical Officers employed on this work are authorised by the Council under the provisions of the Health and Safety at Work etc Act 1974. In addition officers who undertake food safety work are similarly authorised. In the case of Environmental Health Officers they are authorised to serve both Improvement Notices and Prohibition Notices. Prohibition Notices are subject to additional safeguards such as being cross-checked by another EHO prior to being served. Rebecca Crane, a Technical Officer, who has undertaken specialist training and is suitably experienced is also authorised to serve improvement notices following consultation with Environmental Health Officers.

A dedicated administrative officer post supports the Health and Safety and Food Team, whilst other members of the Administration Team have been given training to provide cover.

Legal support is provided by Legal Services which includes specialist litigation experience and access is funded to external legal support if a rapid legal response cannot be provided.

A flexible warrant scheme exists across Essex authorities and the Health and Safety Executive. This allows for cross boundary working by authorities for specific projects and following chief officer approval to cover for emergency situations.

#### **4.3 Staff Development Plan**

The competency of staff is monitored by competent officers within the section. Details of officers training are maintained on a separate register within the Section and training needs are assessed as part of the Managing and Developing Personal Performance (MDPP). Any training need that is identified will be addressed by way of formal courses, where these are appropriate and available, and in-house seminars where such courses are not available. Such training will be recorded on the individual's training record.

In the cases of those staff who are not currently employed on health and safety inspections update training is to be provided. This ensures that all relevant officers are capable of inspecting low risk premises and maintains staff competence. The programme will be further developed to ensure that with a short period of refresher training they are able to undertake full inspections within a period of six weeks. This will allow for flexible use of staff within the Service for health and safety work if necessary.

### **5.0 Quality Assessment**

#### **5.1 Quality Assessment**

There is a documented system in place to ensure that officers follow a predetermined format in respect of inspections. The checking system is detailed below and copies of the relevant Standard Operating Procedure are shown at Appendix D.

- All officers have to follow the Standard Operating Procedures in respect of every inspection.

- Letters that are sent to businesses following an inspection are checked periodically by the Acting Assistant Head of Environmental Services to ensure compliance with the legislation as well as the Standard Operating Procedures.
- Benchmarking across the North Essex authorities (Braintree, Colchester, Maldon and Tendring) was undertaken in August 2010 to develop compliance with the new Section 18 Standard.
- Desktop inspections for lower risk premises involve the filling out of questionnaires and returning them. In accordance with the Standard Operating Procedure (Appendix D) 5% of those returned are visited for verification purposes.

Officers utilise the Health and Safety Executive's Enforcement Management Model system to record enforcement assessments in significant cases to ensure consistency and transparent and proportionate decisions are made in relation to enforcement.

## **6.0 Resources**

### **6.1 Review against the service Plan**

The Service Plan is a statement of the Council's commitment to the role that it has in relation to health and safety enforcement. Targets for the review of the service workplan 2010/11 are shown at Appendix E. The review process takes account of statistics from the previous years work and also refers to the proposed workplan developed by the Essex Occupational Health and Safety Group.

### **6.2 Variation from Service Plan**

The percentage of properties inspected in the last three years are detailed in the following table. These show that currently inspection and complaint targets are being met in accordance with the Service Plan.



### **Health & Safety Enforcement Activity**

<b>Category of Premises</b>	<b>Percentage of premises inspected 2007/2008</b>	<b>Percentage of premises inspected 2008/2009</b>	<b>No of accidents reported 2009/2010</b>	<b>Percentage of premises inspected 2009/2010</b>
<b>Category A (High Risk)</b>	100	100	1	100
<b>Category B1 (Intermediate Risk)</b>	100	100	7	100
<b>Category B2 (Intermediate Risk)</b>	100	100	18	100
<b>Category B3 (Intermediate Risk)</b>	100	100	41	100
<b>Category B4 (Intermediate Risk)</b>	100	100	11	100
<b>Category C (Low Risk)</b>	100	100	10	100
<b>% of complaints responded to within 10 days</b>	100	100	100	100
<b>Number of Accidents Investigated</b>	118	106	88	92

All targeted figures are reviewed on a monthly basis and performance is reported to the Management Team of the Council. The Cabinet are also informed if performance targets are not met. It should be noted that when a review of performance indicates that targeted rates are not likely to be achieved then any revised targets are based on risk assessment criteria with those premises presenting

the highest risk being targeted for action as a priority, where it is not possible to employ additional resources.

### 6.3 Areas for Improvement

It is important when considering areas for improvement to have regard to current activities and to compare them with the guidance that has been issued by the Health and Safety Commission. The following table highlights the areas for improvement. The areas noted below will be scheduled into the programme for 2010/2011 with a carry over into 2011/2012.

Number	Identified Area for Improvement	Year 2010/2011	Year 2011/2012	Year 2012/2013
1	To focus on priority topics produced by the Health and Safety Executive which apply to the local authority enforced sector.	•	•	•
2	To participate in joint working initiatives with the Health & Safety Executive.	•	•	•
3	Maintain a documented training programme as part of the MDPP initiative for each officer employed on health and safety work	•	•	•
4	Ensure that sufficient training is provided to satisfy the training needs identified above. Following MDPP reviews	•	•	•

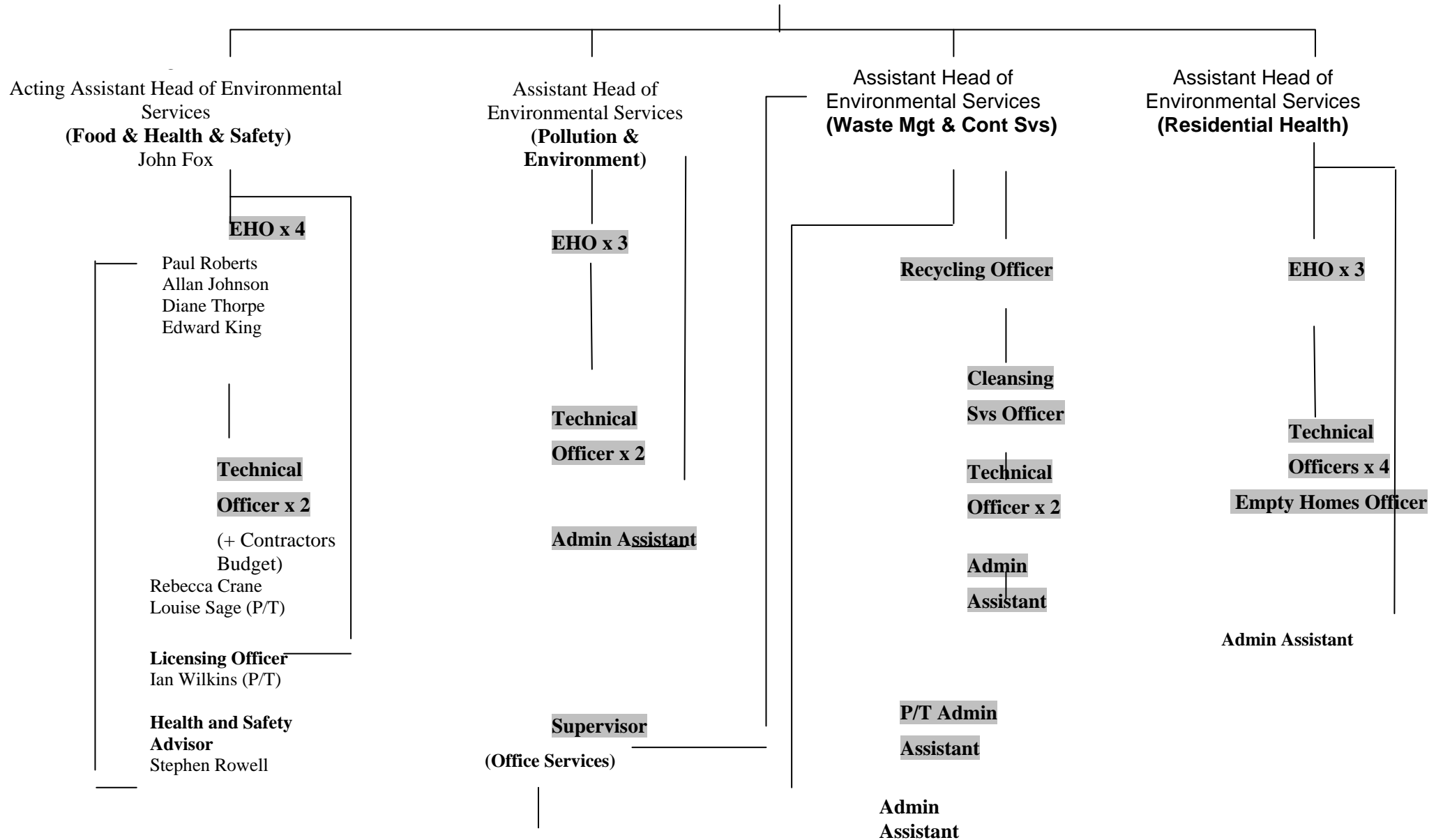
<b>Number</b>	<b>Identified Area for Improvement</b>	<b>Year 2010/2011</b>	<b>Year 2011/2012</b>	<b>Year 2012/2013</b>
<b>5</b>	To implement and operate the Development Needs Analysis tool produced by the Health and Safety Executive to ensure the provable competence of staff.	•	•	•
<b>6</b>	Examine the current approach to inspection of food premises for health and safety and ensure that it meets with the inspection guidance from the Health and Safety Executive.	•	•	
<b>7</b>	Implement the new Section 18 standard by 31 March 2011.	•		
<b>8</b>	Continue development of a protocol for undertaking monitoring checks of inspections by officers employed on health and safety work.	•		
<b>9</b>	To be involved in a joint programme with the Health and Safety Executive to promote joint working in relation to asbestos safety.	•	•	
<b>10</b>	Undertake projects on high risk areas to improve compliance levels for example UV exposure.	•	•	•
<b>11</b>	Undertake a check on the accuracy of the health and safety premises database.	•		

<b>12</b>	To implement the updated LAC 67/2 for priority rating of enforced premises.	•		
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**ENVIRONMENTAL SERVICES**

**Acting Head of  
Environmental Services**  
(Chris Kitcher)

**APPENDIX A**



*Tendring*  
**District Council**



**HEALTH AND SAFETY**

**ENFORCEMENT POLICY**

## The purpose and method of enforcement

1. The ultimate purpose of the Tendring District Council is to ensure that duty holders manage and control risks effectively, thus preventing harm. The term 'enforcement' has a wide meaning and applies to all dealings between Tendring District Council and those on whom the law places duties (employers, the self-employed, employees and others).
2. The purpose of enforcement is to:
  - ensure that duty holders take action to deal immediately with serious risks;
  - promote and achieve sustained compliance with the law;
  - ensure that duty holders who breach health and safety requirements and directors or managers who fail in their responsibilities, may be held to account, which may include bringing alleged offenders before the courts in England and Wales, in the circumstances set out later in this policy.

Enforcement is distinct from civil claims for compensation and is not undertaken in all circumstances where civil claims may be pursued, nor to assist such claims.

3. Tendring District Council has a range of tools at its disposal in seeking to secure compliance with the law and to ensure a proportionate response to criminal offences. Inspectors may offer duty holders information, and advice, both face to face and in writing. This may include warning a duty holder and that in the opinion of the inspector, they are failing to comply with the law. Where appropriate, inspectors may also serve improvement and prohibition notices, issue formal cautions<sup>1</sup> and they may prosecute.
4. Giving information and advice, issuing improvement or prohibition notices, and are the main means which inspectors use to achieve the broad aim of dealing with serious risks, securing compliance with health and safety law and preventing harm. A prohibition notice stops work in order to prevent serious personal injury. Information on improvement and prohibition notices is made publicly available.
5. Every improvement notice contains a statement that in the opinion of an inspector an offence has been committed. Improvement and prohibition notices, and written advice, may be used in court proceedings.
6. Formal cautions and prosecution are important ways to bring holders to account for alleged breaches of the law. Where it is appropriate to do so in accordance with this policy, Tendring District Council will use one of these measures in addition to issuing an improvement or prohibition notice.

<sup>1</sup> *A formal caution is a statement by an inspector, that is accepted in writing by the duty holder, that the duty holder has committed an offence for which there is a realistic prospect of conviction. A formal caution may only be used where a prosecution could be properly brought. 'Formal cautions' are entirely distinct from a caution given under the Police and Criminal Evidence Act by an inspector before questioning a suspect about an alleged offence. Tendring District Council should take account of current Home Office guidelines when considering whether to offer a formal caution*

7. Investigating the circumstances encountered during inspections or following incidents or complaints is essential before taking any enforcement action. In deciding what resources to devote to these investigations, Tendring District Council will have regard to the principles of enforcement set out in this statement and the objectives published in HSC and HELA strategic plans.
8. Sometimes the law is prescriptive – spelling out in detail what must be done. However, much of modern health and safety law is goal setting – setting out what must be achieved, but not how it must be done. Advice on how to achieve the goals is often set out in Approved Codes or Practice (ACOPs). These give practical advice on compliance and have a special legal status. If someone is prosecuted for a breach of health and safety law and did not follow the relevant provisions of an ACOP, then the onus is on them to show that they complied with the law in another way. Advice is also contained in other HSC, HSE and HELA guidance material describing good practice. Following this guidance is not compulsory, but doing so is normally enough to comply with the law. Neither ACOPs nor guidance material are in terms which necessarily fit every case. In considering whether the law has been complied with, inspectors will need judgement about the extent of the risks and the effort that has been applied to counter them. More is said about these matters in this statement.
9. Tendring District Council will use its discretion in deciding when to investigate or what enforcement action may be appropriate. It will set down in writing the decision-making process which inspectors will follow when deciding on enforcement action, and make this publicly available. Such judgements will be made in accordance with the following principles. These are in accordance with the *Enforcement Concordat* agreed between the Cabinet, Home and Scottish (now the Scottish Executive) Offices and local authority associations.

### **The principles of enforcement**

10. Tendring District Council believes in firm but fair enforcement of health and safety law. This is by the principles of *proportionality* in applying the law and securing compliance; *consistency* of approach; *targeting* of enforcement action; *transparency* about how Tendring District Council as the regulator operates and what those regulated may expect; and *accountability* for the actions of Tendring District Council.

### **Proportionality**

11. Proportionality means relating enforcement action to the risks.<sup>2</sup> Those whom the law protects and those on whom it places duties (duty holders) expect that action taken by Tendring District Council to achieve compliance or bring duty holders to account for non-compliance should be proportionate to any risks to health and safety, or the seriousness of any breach, which includes any actual or potential harm arising from a breach of the law.
12. In practice, applying the principle of proportionality means that Tendring District Council will take particular account of how far the duty holder has fallen short of what the law requires and the extent of the risks to people arising from the breach.



13. Some health and safety duties are specific and absolute. Others require action so far as is reasonably practicable. Tendring District Council will apply the principle of proportionality in relation to both kinds of duty.
14. Deciding what is reasonably practicable to control risks involves the exercise of judgement. Where duty holders must control risks so far as is reasonably practicable, Tendring District Council considering protective measures taken by duty holders must take account of the degree of risk on the one hand, and on the other the sacrifice, whether in money, time or trouble, involved in the measures necessary to avert the risk. Unless it can be shown that there is gross disproportion between these factors and that the risk is insignificant in relation to the cost, the duty holder must take measures and incur costs to reduce the risk.
15. Tendring District Council will expect relevant good practice to be followed. Where relevant good practice in particular cases is not clearly established, health and safety law effectively requires duty holders to establish explicitly the significance of the risks to determine what action needs to be taken. Ultimately, the courts determine what is reasonably practicable in particular cases.
16. Some irreducible risks may be so serious that they cannot be permitted irrespective of the consequences.

### **Targeting**

17. Targeting means making sure that contacts are targeted primarily on those whose activities give rise to the most serious risks or where the hazards are least well controlled; and that action is focused on the duty holders who are responsible for the risk and who are best placed to control it – whether employers, manufacturers, suppliers, or others.
18. Tendring District Council will have systems for deciding which inspections, investigations or other regulatory contacts should take priority according to the nature and extent of risks posed by a duty holder's operations. The duty holder's management competence is important, because a relatively low hazard site poorly managed can entail greater risk to workers or the public than a higher hazard site where proper and adequate risk control measures are in place. Certain very high hazard sites will receive regular inspections so that Tendring District Council can give public assurance that such risks are properly controlled.
19. Any enforcement action will be directed against duty holders responsible for a breach. This may be employers in relation to workers or others exposed to risks; the self-employed; owners or premises; suppliers or equipment; designers or clients of projects; or employees themselves. Where several duty holders have responsibilities, Tendring District Council may take action against more than one when it is appropriate to do so in accordance with this policy.

<sup>2</sup> *In this policy 'risk' (where the term is used alone) is defined broadly to include a source of possible harm, the likelihood of that harm occurring, and the severity of any harm.*

20. When inspectors issue improvement or prohibition notices; issue formal cautions; or prosecute; Tendring District Council will ensure that a senior officer of the duty holder concerned, at board level, is also notified.

### **Consistency**

21. Consistency of approach does not mean uniformity. It means taking a similar approach in similar circumstances to achieve similar ends.
22. Duty holders managing similar risks may expect a consistent approach from Tendring District Council in the advice tendered; the use of enforcement notices, approvals etc; decisions on whether to prosecute; and in the response to incidents.
23. In practice consistency is not a simple matter. Inspectors are faced with many variables including the degree of risk, the attitude and competence of management, any history of incidents or breaches involving the duty holder, previous enforcement action, and the seriousness of any breach, which includes any potential or actual harm arising from a breach of the law. Decisions on enforcement action are discretionary, involving judgement by the Inspector. Tendring District Council has arrangements in place to promote consistency in the exercise of discretion, including effective arrangements for liaison with other Councils.

### **Transparency**

24. Transparency means helping duty holders to understand what is expected of them and what they should expect from the Tendring District Council. It also means making clear to duty holders not only what they have to do but, where this is relevant, what they don't. That means distinguishing between statutory requirements and advice or guidance about what is desirable but not compulsory.
25. Transparency also involves Tendring District Council having arrangements for keeping employees, their representatives, and victims or their families informed. These arrangements must have regard to legal constraints and requirements.
26. This statement sets out the general policy framework within which Tendring District Council should operate. Duty holders, employees, their representatives and others also need to know what to expect when an Inspector calls. Tendring District Council inspectors are required to issue the HSC leaflet *What to expect when a health and safety inspector calls* to those they visit. This explains what employers and employees and their representatives can expect when a health and safety inspector calls at a workplace. In particular:
- when inspectors offer duty holders information, or advice, face to face or in writing, including any warning, inspectors will tell the duty holder what to do to comply with the law, and explain why. Inspectors will, if asked, write to confirm any advice, and to distinguish legal requirements from best practice advice;
  - in the case of improvement notices the inspector will discuss the notice and, if possible, resolve points of difference before serving it. The notice will say

- in the case of a prohibition notice, the notice will explain why the prohibition is necessary.

### **Accountability**

27. Tendring District Council is accountable to the public for its action. Tendring District Council has policies and standards (such as the four enforcement principles above) against which they can be judged, and an effective and easily accessible mechanism for dealing with comments and handling complaints.

### **Investigation**

28. Discretion is used in deciding whether incidents, cases of ill health, or complaints should be investigated. Tendring District Council's priorities are reflected in the HELA Strategy which is used by local authorities to target their activities and resources, and the Section 18 guidance.

29. Investigations are undertaken in order to determine:

- causes;
- whether action has been taken or needs to be taken to prevent a recurrence and to secure compliance with the law;
- lessons to be learnt and to influence the law and guidance;
- what response is appropriate to a breach of the law.

To maintain a proportionate response, most resources available for investigation of incidents will be devoted to the more serious circumstances. Tendring District Council recognises that it is neither possible nor necessary for the purposes of the Act to investigate all issues of non-compliance with the law which are uncovered in the course of preventative inspection, or in the investigation of reported events.

30. Tendring District Council will carry out a site investigation of a reportable work-related death unless there are specific reasons for not doing so, in which case those reasons will be recorded.

31. In selecting which complaints or reports of injury or occupational ill health to investigate and in deciding the level of resources to be used, the Tendring District Council will take account of the following factors:

- the severity and scale of potential or actual harm;
- the seriousness of any potential breach of the law;
- knowledge of the duty holder's past health and safety performance;

- the enforcement priorities;
- the practicality of achieving results;
- the wider relevance of the event, including serious public concern.

## **Prosecution England and Wales**

32. In England and Wales the decision to proceed with a court case rests with the Tendring District Council. Tendring District Council must use discretion in deciding whether to bring a prosecution.
33. In England and Wales the decision whether to prosecute should take account of the evidential test and the relevant public interest factors set down by the Director of Public Prosecutions in the Code of Crown Prosecutors. No prosecution may go ahead unless the prosecutor finds there is sufficient evidence to provide a realistic prospect of conviction, and decides that prosecution would be in the public interest.
34. While the primary purpose of Tendring District Council is to ensure that duty holders manage and control risks effectively, thus preventing harm, prosecution is an essential part of enforcement. If Tendring District Council has in the course of an investigation collected sufficient evidence to provide a realistic prospect of conviction and has decided, in accordance with this policy and taking account of the Code for Crown Prosecutors, that it is in the public interest to prosecute, then it will go ahead with prosecution. Where the circumstances warrant it and the evidence to support a case is available, Tendring District Council may prosecute without prior warning or recourse to alternative sanctions.
35. Subject to the above, Tendring District Council will normally prosecute, or recommend prosecution, where, following an investigation or other regulatory contact, one or more of the following circumstances apply. Where:
- death was a result of a breach of the legislation,<sup>3</sup>
  - the gravity of an alleged offence, taken together with the seriousness of any actual or potential harm, or the general record and approach of the offender warrants it;
  - there has been reckless disregard of health and safety requirements;
  - there have been repeated breaches which give rise to significant risk, or persistent and significant poor compliance;
  - work has been carried out without or in serious non-compliance with an appropriate licence or safety case;

- a duty holder's standard of managing health and safety is found to be far below what is required by health and safety law and to be giving rise to significant risk;
- there has been a failure to comply with an improvement or prohibition notice; or there has been a repetition of a breach that was subject to a formal caution;
- false information has been supplied wilfully, or there has been an intent to deceive, in relation to a matter which gives rise to significant risk;
- inspectors have been intentionally obstructed in the lawful course of their duties.

Where inspectors are assaulted, Tendring District Council will seek police assistance, with a view to seeking the prosecution of offenders.

36. Tendring District Council will also consider prosecution, or consider recommending prosecution, where following an investigation or other regulatory contact, one or more of the following circumstances apply:

- it is appropriate in the circumstances as a way to draw general attention to the need for compliance with the law and the maintenance of standards required by law, and conviction may deter others from similar failures to comply with the law;
- a breach which gives rise to significant risk has continued despite relevant warnings from employees, or their representatives, or from others affected by a work activity.

### **Prosecution of individuals**

37. Subject to the above, Tendring District Council will identify and prosecute or recommend prosecution of individuals if they consider that a prosecution is warranted. In particular, they will consider the management chain and the role played by individual directors and managers, and should take action against them where the inspection or investigation reveals that the offence was committed with their consent or connivance or to have been attributable to neglect on their part and where it would be appropriate to do so in accordance with this policy. Where appropriate, Tendring District Council will seek disqualification of directors under the Company Directors Disqualification Act 1986.

### **Publicity**

38. Tendring District Council has made arrangements for the publication annually of the names of all the companies and individuals who have been convicted in the previous 12 months of breaking health and safety law. Information is publicly available on these convictions and on improvement and prohibition notices which have been issued.

<sup>3</sup> *Health and safety sentencing guidelines regard death resulting from a criminal act as an aggravating feature of the offence. If there is sufficient evidence, TDC considers that normally such cases should be brought before the court. However, there will be occasions where the public interest does not require a prosecution, depending on the nature of the breach and the surrounding circumstances of the death.*

39. Media attention will be drawn to factual information about charges which have been laid before the courts, but great care will be taken to avoid any publicity which could prejudice a fair trial. Consideration will be given to publicising any conviction which could serve to draw attention to the need to comply with health and safety requirements, or deter anyone tempted to disregard their duties under health and safety law.

### **Action by the courts**

40. Health and safety law gives courts considerable scope to punish offenders and to deter others, including imprisonment for some offences. Unlimited fines may be imposed by higher courts.
41. Tendring District Council when appropriate, will draw to the court's attention all the factors which are relevant to the court's decision as to what sentence is appropriate on conviction. The Court of Appeal has given guidance on some of the factors which should inform the courts in health and safety cases (*R v F Howe and Son (Engineers) Ltd [1999] 2 All ER*, and subsequent judgements).

### **Representations to the courts**

42. In cases of sufficient seriousness, and when given the opportunity, Tendring District Council will consider indicating to the magistrates that the offence is so serious that they may send it to be heard or sentenced in the higher court where higher penalties can be imposed. In considering what representations to make, Tendring District Council will have regard to Court of Appeal guidance.

### **Death at work**

43. Where there has been a breach of the law leading to a work-related death, Tendring District Council will consider the circumstances of the case. The Police may determine whether the case may justify a charge of manslaughter as may Tendring District Council.
44. In England and Wales, to ensure decisions on investigation and prosecution are closely co-ordinated following a work-related death, HSE, the Association of Chief of Police Officers (ACPO) and the Crown Prosecution Service (CPS) have jointly agreed and published *Work-related deaths: A protocol for liaison*. The Local Government Association has agreed that local authorities should take account of the protocol when responding to work-related deaths.
45. The police are responsible for deciding whether to pursue a manslaughter investigation and whether to refer a case to the CPS to consider possible manslaughter charges. Tendring District Council are responsible for investigating possible health and safety offences. If in the course of their health and safety

## Penalties for Health and Safety Offences<sup>4</sup>

**The Health and Safety at Work etc Act 1974 (the HSW Act), section 33 as amended** sets out the offences and maximum penalties under health and safety legislation.

**Failing to comply with an improvement or prohibition notice, or a court remedy order** (issued under the HSW Act sections 21, 22, and 42 respectively):

**Lower court maximum** £20,000 and/or 6 months imprisonment

**Higher court maximum** Unlimited fine and/or 2 years' imprisonment

**Breach of sections 2-6 of the HSW Act**, which sets out the general duties of employers, self-employed persons, manufacturers and suppliers to safeguard the health and safety of workers and members of the public who may be affected by work activities:

**Lower court maximum** £20,000

**Higher court maximum** Unlimited fine

**Other breaches of the HSW Act, and breaches of 'relevant statutory provisions' under the Act**, which include all health and safety regulations. These impose both general and more specific requirements, such as requirements to carry out suitable and sufficient risk assessment or to provide suitable personal protective equipment:

**Lower court maximum** £5,000

**Higher court maximum** Unlimited fine

**Contravening licence requirements or provisions relating to explosives.** Licensing requirements apply to nuclear installations, asbestos removal, and storage and manufacture of explosives. All entail serious hazards which must be rigorously controlled.

**Lower court maximum** £5,000

**Higher court maximum** Unlimited fine and/or 2 years imprisonment

<sup>4</sup> As at January 2002. These penalties can change from time to time.

## Appendix C

### Financial Resources – Health and Safety Enforcement Service

Expenditure Area	Actual 2008/2009 £	Actual 2009/2010 £	Estimated 2010/2011 £	Estimated 2011/2012 £
<b>Employees</b>				
Salaries (inc. Overtime) Career Track Contributions Training	79,121	- - 68,850	73,252	76,771
<b>Travelling</b>				
Car Allowances and Lease Cars	4,455	3,980	3,832	3,909
<b>Supplies and Services</b>				
Office Equipment Telephones Allowances	1,833	1,736	1,779	1,841
<b>Support Services</b>				
Support Service Charges	26,063	29,532	29,885	27,153
<b>Net Expenditure</b>	<b>111,472</b>	<b>104,099</b>	<b>108,750</b>	<b>109,675</b>



**SERVICE OPERATING PROCEDURE**

**TITLE: HEALTH AND SAFETY INSPECTIONS NUMBER: ES/16**

**RESPONSIBLE OFFICER(S): ASSISTANT HEAD ENVIRONMENTAL SERVICES (FOOD & HEALTH AND SAFETY) DATE: SEPTEMBER 2005**

**CONTROL PROCEDURE**

1. Purpose of Inspection

The procedure for routine inspections of commercial premises to protect the health and safety and welfare of employees, the self employed and others affected by work activities and to identify deficiencies which may result in offences under the Health & Safety at Work etc. Act 1974. Inspections may also be undertaken following complaints if no recent inspection has been undertaken.

2. Scope

All commercial premises where Tendring District Council enforce health and safety will receive routine health & safety inspections undertaken by an authorised inspector. For food premises, health & safety inspections are usually carried out in conjunction with food hygiene inspections.

3. Responsibilities

**3.1 The Assistant Head of Environmental Services (Food & Health & Safety) has overall responsibility.**

3.2 Health & Safety inspections will be carried out by an authorised inspector. This includes Environmental Health Officers and appropriately qualified technical officers.

4. Frequency of Visits

4.1 The frequency of visits is determined by the risk rating system incorporated in LAC 67/1 provided by HELA.

4.2 A list of premises requiring inspections will be generated from the Uniform system and each officer will be allocated inspections which must be inspected in the due month or in exceptional circumstances rescheduled for the following month. All rescheduled inspections must be inspected in the following month.

## 5. Inspection & Notification of Findings

- 5.1 Appointments to inspect will not normally be made in advance.
- 5.2 Prior to the inspection the premises file should be reviewed in respect of previous history of the site.
- 5.3 On reaching the premises the officer will introduce themselves and show their authorisation and ask for the person in charge or a suitable representative. The reason for the inspection/visit should be explained.
- 5.4 All relevant documentation should be reviewed such as the safety policy, risk assessments, accident and training records and inspection reports. All relevant areas should be walked through and inspected.
- 5.5 On completion of the inspection the inspecting officer should discuss the findings with the proprietor, manager or their representative. In particular contraventions of the relevant legislation should be discussed including time limits for completion of works.
- 5.6 The inspection form (Appendix A) and risk assessment form (Appendix B) must be completed within 3 days of the inspection.
- 5.7 All visits and verbal notifications must be confirmed in writing within five working days in the form of a letter (Appendix C) and an inspection report (Appendix D) and a Report of an Inspection (Appendix E). Letters must distinguish clearly between contraventions of legislation and recommendations made. Where relevant a copy should be enclosed for employees. If determined necessary the employees copy should be sent direct.
- 5.8 All inspection letters should be accompanied by the leaflet "What To Expect When A Health & Safety Inspector Calls".
- 5.9 Inspection details must be placed on the Uniform system within five days.
- 5.10 Queries relating to matters of enforcement should be discussed with the Assistant Head of Environmental Services (Food & Health & Safety). Where appropriate further guidance should be sought from the Health & Safety Executive Enforcement Liaison Officer.
- 5.11 If significant contraventions are found at the premises the inspection officer should consider the following enforcement activities and discuss it with the Assistant Head of Environmental Services (Food & Health & Safety) where necessary. If these options are considered reference must be made to Standard Operating Procedure ES22 Service of Notices & Enforcement Action in Health & Safety.

- a) Prosecution following procedure in Admin. Handbook, Section 1.11
- b) Service of an Immediate Prohibition Notice
- c) Service of a Deferred Prohibition Notice
- d) Service of an Improvement Notice

5.12 All cases where items in 5.11 are considered must be subject to the Enforcement Management Module (EMM) procedure to determine the appropriate enforcement action.

## 6.0 Revisits

- 6.1 Where contraventions have been noted a revisit to the premises should be considered to check compliance.
- 6.2 If a revisit is determined as necessary the date must be noted in the officers diary and on the Uniform system.
- 6.3 Prior appointments to undertake revisit can be made if necessary.
- 6.4 Following the revisit, if non compliance still exists, the options noted in 5.11 should be considered to ensure compliance is achieved.
- 6.5 The revisit must be recorded on the Uniform system and any subsequent action.

## 7.0 Staff Training

- 7.1 All health and safety inspection staff will receive training as appropriate to ensure consistency of enforcement.

**ANNEX A TO SOP ES/16**

**RISK ASSESSMENT FORM**  
**(LAC 67/1 (Rev) Inspection Rating Calculation)**

<b>Inspector's Observation/Judgement</b>	<b>(1) Rating Score – 1=6</b>	<b>(2) Weighting (given)</b>	<b>(3) [=(1)x(2)] Product</b>
Safety Hazard:		6	
Health Hazard:		6	
Safety Risks:		9	
Health Risk:		9	
Welfare:		5	
Public Risk:		10	
Confidence in Management:		10	
<b>TOTAL</b>			
Elapsed Years Score = 15			
National Accident Data Addition			
<b>GRAND TOTAL</b>			
Next Inspection Due			

**TENDRING DISTRICT COUNCIL**

**ENVIRONMENTAL SERVICES**

**REPORT OF AN INSPECTION**

This is a report of an inspection carried out under the Health and Safety at Work etc Act 1974.

NAME AND ADDRESS OF PREMISES	
DATE OF INSPECTION	
NAME OF INSPECTOR	
PERSON SEEN/INTERVIEWED	
RECORDS EXAMINED	
SUMMARY OF ACTION TO BE TAKEN BY THE AUTHORITY	

This report only covers the areas inspected at the time of the inspection. It does not indicate compliance with any provision of the Health and Safety at Work etc Act 1974 or any related statutory provision.

The information in this report along with the attached leaflet "*What to Expect When a Health and Safety Inspector Calls*" should be brought to the attention of employees (or their representatives) in order to ensure that they are informed of any matters affecting their health, safety and welfare. This may be done by placing a copy of this report and an accompanying letter on a staff notice board.

**This is not a statutory notice.**

**ANNEX C TO SOP ES/16**

Please ask for  
Tel: (01255)  
Fax: (01255) 256125

Our Ref:  
Your ref:

Dear

I write to confirm my recent health and safety inspection of the above premises on

**During the inspection the following matters, which contravene legislation, were found to require your attention:**

**The following matters are recommendations based upon good practice:**

Should you like anything explained in more detail, please do not hesitate to contact me.

Yours sincerely

## SERVICE OPERATING PROCEDURE

TITLE: HEALTH & SAFETY INSPECTIONS – SELF-INSPECTION FORMS NUMBER: ES/39

RESPONSIBLE ASSISTANT HEAD ENVIRONMENTAL SERVICES DATE: JANUARY 2006  
OFFICER(S):

### CONTROL PROCEDURE

1. Aim

This procedure sets out when health and safety inspections are to be undertaken by self-inspection form and how this is to be achieved.

2. Introduction

HELA 67/1 (revision 3) Advice to local authorities on Inspection Programmes and on Inspection Rating Systems provides that Category B3 & B4 premises may be assessed by strategies other than inspection. However the need for inspection of the premises should be reviewed at three to four year periods respectively. The decision not to include a particular premises in the planned inspection cycle can be reviewed at any time for example as the result of an accident or complaint.

3. Procedure

Premises due for inspection will be assessed to determine whether they are appropriate for receipt of a self-inspection form. Only premises rated B3, B4 or C will be eligible for a self-inspection form.

Premises selected to receive self-inspection forms will be sent by the Administrative Officer, the self assessment form (Annex 1), the accompanying letter to the self-inspection form (Annex 2), an Offices, Shops & Railway Premises Act 1963 Section 49 OSR1 form, the current health & safety leaflet 'An Introduction to Health and Safety (INDG 259) and a prepaid return envelope.

The Administrative Officer will keep a record of all self-inspection contacts sent out.

When forms are returned they will be passed to an Environmental Health Officer in the Health & Safety team. The EHO will review the forms and determine whether a follow up health and safety inspection is necessary which is to be done in accordance with Standard Operating Procedure ES16 Health & Safety Inspections & Enforcement. The EHO will also respond to any advice requested by sending leaflets or contacting the business direct. A risk rating in accordance with HELA 67/1 (revision 3) will be undertaken using the risk rating form (Annex 4).

A copy of the self-inspection form will be retained by the EHO if necessary for example if an inspection is to be undertaken.

The self-inspection form and completed risk rating must be returned to the Administrative Officer within 7 days of receipt from the Administrative Officer. The Administrative Officer will then enter the details of the risk rating and any changes necessary to the CAPS computer system and then file the documentation.

If a response has not been made in 28 days a reminder letter (Annex 3) is to be sent to the business with the self-inspection form (Annex 1), OSR1 form, health and safety booklet INDG 259 and prepaid envelope enclosed.

If a response is not received within 21 days of the reminder letter being sent the Administrative Officer is to pass the details to the Senior Environmental Health Officer Food & Health & Safety who will arrange for an inspection of the premises to be undertaken in accordance with Standard Operating Procedure ES16 Health & Safety Inspections & Enforcement.

The Senior Environmental Health Officer Food & Health & Safety will review the list of completed self-inspection forms and randomly select up to 5% of those who have returned the form to verify the validity of the form by arranging for the premises to be visited.



# Tendring District Council



## **TENDRING DISTRICT COUNCIL**

### **ES/39 – Annex 1**

Environmental Services, Council Offices, Weeley, Clacton-on-Sea, Essex, CO16 9AJ

Telephone: 01255 686868

Acting Head of Environmental Services: Chris Kitcher

Company Name and Address:		
Trading Name (if applicable):		
Telephone No:		
E-mail Address:		
Fax Number:		
Has your business registered with Tendring District Council? <i>If in doubt please complete the enclosed OSRI form and return with the completed questionnaire.</i>	YES	NO
Head Office address if different from above:		
Names of Proprietors / Partners / Managers (please delete as appropriate):		
Name of person responsible for health & safety at the premises:		
Company's main activity:		
Total number of people you employ:		

Do you have a health & safety policy?	YES	NO
If yes, is it written or oral?	WRITTEN	ORAL
Have you undertaken risk assessments?	YES	NO
Are the risk assessments documented?	YES	NO
Is there a risk of injury from lifting and manual handling? <i>If yes have you undertaken manual handling assessments?</i>	YES YES	NO NO
Are all slip or trip hazards controlled?	YES	NO
Do any employees work at height? <i>If yes, have you undertaken work at height risk assessments?</i>	YES YES	NO NO
Have you undertaken a workplace transport risk assessment?	YES	NO
Have you undertaken a stress risk assessment?	YES	NO
Has a suitably competent person surveyed your premises and identified what asbestos, if any, is present?	YES	NO
Has the asbestos survey been recorded in a register kept on site?	YES	NO
Do your employees use computers or other display screen equipment? <i>If yes, have suitable screen workstation assessments been carried out?</i>	YES YES	NO NO
Are any chemicals or other hazardous substances used by staff? <i>If yes, have risk assessments been made for the use of chemicals?</i>	YES YES	NO NO
Do you have any lifting equipment? <i>If yes is there a current thorough examination report on site?</i>	YES YES	NO NO
Has the electrical installation been inspected and tested by a competent person in the last 5 years? When were your portable electrical appliances last tested?	YES DD/MM/YY:	NO _____
Are you displaying the Health & Safety Law Poster?	YES	NO
Do you have an accident book or similar accident recording system?	YES	NO
Are you aware that certain workplace accidents are legally required to be reported to the Local Authority?	YES	NO
How many toilets do you have at your premises?		
How many wash hand basins are present at your premises?		

Continued overleaf

Does the company have a 'No Smoking' policy?	YES	NO
Is there any advice or information you would like on health and safety?		
Please feel free to comment on this form.		

Signature (of person completing form).....

Name (please print).....

Position.....  
.....

**ES/39 – Annex 2**

«Company»  
«Address1»  
«Address2»  
«Town»  
«County»  
«PostalCode»

Please ask for John Fox  
Tel: (01255) 686746  
Fax: (01255) 686404  
Email: [jfox@tendringdc.gov.uk](mailto:jfox@tendringdc.gov.uk)

24 February 2011

Our Ref: JF/EHO/GH  
Your ref:

Dear Sir/Madam

**HEALTH & SAFETY AT WORK ETC ACT 1974  
RE: SELF-INSPECTION FORM**

This department is responsible for enforcing health and safety in a large number of premises within Tendring District.

Your premises are due for a health and safety inspection. Instead of carrying out such an inspection at this time I am enclosing a form which asks a series of questions to determine how you deal with health and safety within your business.

Please complete this form and return it in the prepaid envelope provided within 21 days of receipt of this letter.

A sample of the premises which receive the form will receive an inspection by the Council. Whether or not your business is chosen to be inspected will be influenced by your response now.

For your information I enclose a leaflet entitled 'An Introduction to Health & Safety'. Also enclosed is an Offices, Shops and Railways Premises Act 1963, Section 49 OSR1 form which should be completed and returned if you have not returned one previously.

Should you require any further advice or leaflets please do not hesitate to contact me on the above number.

Yours faithfully

John Fox  
SENIOR ENVIRONMENTAL HEALTH OFFICER  
Environmental Services

Enclosures

**ES/39 – Annex 3**

Please ask for John Fox  
Tel: (01255) 686746  
Fax: (01255) 686404  
Email: [jfox@tendringdc.gov.uk](mailto:jfox@tendringdc.gov.uk)

24 February 2011

Our Ref: JF/EHO/GH  
Your ref:

Dear Sir/Madam

**HEALTH & SAFETY AT WORK ETC ACT 1974  
RE: SELF-INSPECTION FORM**

I refer to my previous correspondence in respect of the self-inspection form for health & safety to be completed for your premises.

This form has not been returned in the 21 days as requested.

I therefore enclose the form and associated documents again and would request that you return them within 14 days of the date of this letter.

If I do not hear from you within this time your premises will return to the routine inspection programme to be inspected by an officer of this service.

Should you require any further information, please do not hesitate to contact me on the above extension.

Yours faithfully

John Fox  
SENIOR ENVIRONMENTAL HEALTH OFFICER  
Environmental Services

Enclosures

**ES/39 - Annex 4**

Premises Name: \_\_\_\_\_

**RISK ASSESSMENT FORM**  
**(LAC 67/1 (Rev) Inspection Rating Calculation)**

<b>Inspector's Observation/Judgement</b>	<b>(1) Rating Score – 1=6</b>	<b>(2) Weighting (given)</b>	<b>(3) [=(1)x(2)] Product</b>
Safety Hazard:		6	
Health Hazard:		6	
Safety Risks:		9	
Health Risk:		9	
Welfare:		5	
Public Risk:		10	
Confidence in Management:		10	
<b>TOTAL</b>			
Elapsed Years Score = 15			
National Accident Data Addition			
<b>GRAND TOTAL</b>			
Next Inspection Due			

## APPENDIX E

### TARGETS FOR REVIEW OF THE SERVICE WORK PLAN 2009/2010

Col 1 Number	Col 2 Objective	Col 3 Measure of Achievement
1	To inspect the premises within the district in accordance with the frequencies specified within HELA 67/1 (rev)	To have inspected all premises on the following frequency; Category A      1x per year Category B1      1x per year Category B2      1x per 2 years Category B3      1x per 3 years Category B4      Intervention strategy Category C      Intervention strategy
2	To respond to all complaints regarding Health and Safety within 10 working days	No complaints taking longer than 10 days to respond to.
3	To issue certificates listing offences following an inspection of workplaces	That each employer receives with a formal letter a certificate that they are invited to display prominently in their premises.
4	To examine accidents that are reported to the Council and to inspect in all cases where fatality occurs	Major accidents that are reported to the Council are investigated by a member of staff within ten working days and a full report prepared for prosecution where appropriate.

	To review accidents that are reported to the Council and to obtain investigation by employer where major injury or fatality does not occur.	To write to the employer within five days of the receipt of the notification requesting an explanation as to what occurred and why. To follow up with site investigation where no such reply is received within four weeks
6	To have in place a scheme of continuous professional development for all suitably qualified health and safety inspectors so as to maintain competency.	To ensure that funding is available for officers employed within the section to be able to undertake all aspects of the demands placed on the Council by the legislation.
7	Promote the priority topics produced by the Health and Safety Executive and have delivered an initiative to raise awareness	To have undertaken an initiative by March 2011.
8	To undertake projects in relation to high risk areas to improve legal compliance	To have completed a project on UV exposure by March 2011.
9	To undertake special visits as necessary with regard to the HELA strategic plan focusing on particular topic hazards.	To have undertaken special visits as necessary.