



## **Epsom & Ewell Borough Council Health and Safety Intervention Plan 2011-2012**

Epsom & Ewell Borough Council has a duty to enforce the Health and Safety at Work etc Act 1974 and associated regulations within its district. The Council has enforcement responsibilities in many areas including retail units, offices, warehousing, catering premises, leisure and entertainment premises, consumer services such as beauty parlours and tattooists and tyre and exhaust fitters - the vast majority of areas the public has access to.

The primary objective of the health and safety service placed within the Environmental Health Service at Epsom & Ewell Borough Council is to protect employees and the public from hazards arising from work activities and to seek improvement in working conditions in terms of health, safety and welfare.

This intervention plan sets out the overall aim of the service and identifies specific areas where we will prioritise our efforts in line with the better regulation concepts of modern regulatory enforcement.

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## Service aim and objectives

The primary objective of the health and safety service placed within the Environmental Health Team at Epsom & Ewell Borough Council is to protect employees and the public from hazards arising from work activities and to seek improvement in working conditions in terms of health, safety and welfare.

We will do this by both proactive and reactive measures.

## Key Delivery Priorities

- A proactive intervention programme which prioritises high risk or poor performing businesses over low risk businesses
- Maintenance of a scheme for the self assessment of the borough's lower risk businesses and following up those who do not respond or require a preventative visit
- Investigating workplace accidents in line with the accident investigation policy
- Responding to service requests in line with the service's standards and the Council's customer charter
- Delivery of identified local, regional and national priorities which for 2011-2012 are as follows
  - **Laser/Intensive Pulsed Light Treatments**  
Laser and Intensive Pulsed Light Treatments (IPL) are often used in the cosmetic and beauty industry for procedures such as hair reduction and pigment alteration. Following the deregulation of certain treatments in October 2010, responsibilities have fallen to local authorities to enforce under the general principals of the Health and Safety at Work Act. Therefore the service will make a series of interventions focussing on ensuring compliance in relation to the use of these techniques.
  - **Health & Safety and Infection Control in Children's Nurseries**  
Following several outbreaks of norovirus and a relatively high proportion of notified accidents to children in local children's nurseries, the service will instigate a project examining practices in a range of local nurseries with the aim of improving safety to children and reducing the incidence of gastroenteritis associated with norovirus in these types of premises.

These priorities have been selected based on regional and local priorities and in consultation with the Chair of the Epsom & Ewell Borough Council Social Committee.

## Flexible Warranting

The service will carry on with the intentions of the previous intervention plan which was to instigate a flexible warranting scheme with other local authorities in Surrey and with the Health and Safety Executive. Owing to delays in other parts of the County it was not possible to begin this scheme in 2010-2011. Flexible warranting will enhance public protection by allowing the Epsom & Ewell Environmental Health team to intervene in matters of evident concern to make a situation safe and conduct initial evidence gathering pending further instructions, *even if* the issue is with Health and Safety Executive (HSE) enforced premises or activities.

We will additionally work with partnerships to support the targeted work programme and better achieve our aims and will seek opportunities to work in conjunction with the service's other responsibilities in respect of food hygiene, smoke free and pollution control to reduce the

regulatory burden on businesses and with the Council's wider responsibilities such as Licensing Development Control and Building Control.

The service will base its enforcement decisions on the adopted enforcement policy for Environmental Health Services, the Enforcement Concordat, and the Health and Safety Commission's Enforcement Management Model. This will ensure proportionate, consistent, transparent and accountable enforcement decisions are made.

As in previous years the service will not routinely inspect all premises. Instead lower risk operations will receive a self assessment questionnaire at their due intervention date and will only be visited if concerns are raised as a result of their questionnaire or they fail to return it.

The service will ensure its inspectorate is competent by training and development through the already established performance appraisal system and by supporting officers with additional study and qualifications. The service will continue to use the national Regulators Development Needs Analysis Tool to identify areas where inspectors require learning and development and support them in the provision of learning opportunities.

### **Measurable Targets**

- We aim to inspect 100% of high and higher risk businesses due in the year by the end of the year. Lower risk businesses are dealt with by means of a self assessment questionnaire. Monitoring of this target is carried out by departmental management and by the Director of Operations.
- We will not investigate all accidents reported to us. Instead we aim to investigate 100% of those accidents which meet the local accident investigation criteria.
- We aim to respond to 96% of service requests (complaints about businesses) within the published response times of 3 working days for non serious health and safety matters and 1 working day for urgent matters.

### **Review of 2010-2011 Service Plan**

The Council had one part time Officer spending the majority of their time on health and safety with other members of the team acting as needed. This totalled 0.75 full time equivalents for the year.

### **Proactive**

It was not possible to meet the target of 100% of high risk due inspections completed that were due +/- 28 days of their due date. 78 inspections were completed but at the time of the end of the year there were 22 inspections outstanding. Efforts were put into increasing the flexibilities of the environmental health team to allow these outstanding inspections to be dealt with in 2011-2012.

An additional 47 desktop evaluations were made of low risk premises plus follow up visits as required.

The in depth topic based priorities for 2010-2011 were identified as follows

- Event Safety
- Sunbed Safety

### **Event Safety**

To achieve this priority, and in conjunction with other Surrey Boroughs and Districts, the Lead Officer for Health and Safety devised a set of good practice guidance and notes aimed at health and safety and licensing officers to improve advice and enforcement during advisory sessions with those wishing to hold community events. Advice has been given on three separate occasions in support of local smaller community events.

### **Sunbed Safety**

The new Sunbeds Regulation Act was the subject of advice given in person to three borough solariums. This permits sunbed use by the over 18s only and establishes a restricted zone around the sunbeds. A varying record of awareness of this and other legislation was found and follow up visits in 2011-2012 are planned.

### **Reactive**

The service received 56 formally notified accidents and visited 12 of them to conduct investigations. One such investigation involved establishing a cause of a fatality in a leisure centre.

The service received and acted on 27 requests for service ranging from concerns about asbestos and asbestos removal to lifting equipment in dangerous condition.

One large area of work in 2010-2011 was to strive to make the service section 18 complaint. Section 18 of the Health and Safety at Work Act requires local authorities to make adequate arrangements for the enforcement of health and safety functions in their area. The newly developed section 18 action plan will be executed in 2011-2012.

### **Formal action**

The service successfully prosecuted a local employer for breach of three provisions relating to the failure to provide safe work equipment which resulted in an employee suffering a major accident and sustaining injury. A fine of £9000 was levied by the magistrate after the defendant pleaded guilty on all counts.

No formal improvement or prohibition notices were served in 2010-2011 but articles were seized as part of with the investigations which led to the prosecution above.

## Appendix 1 – 2011-2012 Priority Area: Laser/Intensive Pulsed Light Treatments

### Laser/Intensive Pulsed Light Treatments: project proposals

#### **Aim of the programme**

To promote the safe use of Lasers and Intensive Pulsed Light treatments in beauty salons and other non medical establishments.

#### **Proposed Dates**

Project initiation in summer 2011 with a programme of interventions lasting until winter 2011.

#### **Why?**

As part of a Surrey wide initiative, the focus will be on non medical practitioners who use Laser/IPL devices as part of therapeutic treatments. Since October 2010 these treatments have been deregulated and therefore there is a need for the enforcing authority (district councils) to educate, advise and enforce safe practice in their respective areas.

#### **Written Resources**

Standard inspection forms to be developed

#### **Other resources**

Principally officer time. Based on an analysis of the expected numbers of interventions and timescales involved the project will take approximately 80 man hours to complete.

#### **Target Group**

Operators of beauty therapy clinics in the Borough estimated to be 12 at this time.

#### **Method**

It is intended that preliminary work be conducted to establish the numbers and locations of likely target premises. Following this a standard proforma will be developed and visits conducted to these premises to specifically examine the practices of the use of lasers and IPL devices. Any conditions which fall short of the expected standard will be the subject of the departmental enforcement policy.

#### **Evaluation**

To be undertaken at the time of the 2012-2013 intervention plan and based on number of interventions and improvement in conditions.

## Appendix 2 – 2011-2012 Priority Area: Health & Safety and Infection Control in Children's Nurseries

### Health & Safety and Infection Control in Children's Nurseries: project proposals

#### **Aim of the programme**

The aim of the programme is to reduce future incidents of injury to children whilst at nursery schools and to prevent, as far as possible, future outbreaks of norovirus and similar gastrointestinal disease at children's nurseries.

#### **Proposed Dates**

It is proposed that winter 2011-2012 will be an appropriate time to begin such a project based on the fact that norovirus has a greater incidence in the winter months and the project will be more effective when delivered at this time of year.

#### **Why?**

In 2010-2011 almost 10% of notifications of reportable accidents involved under 5 year olds in nurseries in the Borough. Additionally outbreaks of norovirus of varying degrees were associated with certain children's nurseries in the area resulting in ill health, inconvenience and distress to all concerned. By intervening to offer advice and education it is anticipated that an improvement will be forthcoming in this current and future years.

#### **Written Resources**

To be devised. It is intended that the partnership links with the Health Protection Agency will be utilised to assist in publicity leaflets and printed advice.

#### **Other resources**

Principally officer time. It is anticipated that the entire project will take approximately 30 man hours to complete

#### **Target Group**

The target group is local children's nurseries believed to total 12 at this time.

#### **Method**

It is intended that following the necessary training, visits be conducted to the target group of nurseries to establish their compliance with best practice and general safe operating guidance. Following the visits a report will be issued highlighting areas of improvement. Should instances of serious non compliance be found, the service will operate the adopted enforcement policy and take the necessary formal action to secure compliance. It is hoped that this will not be necessary as experience has shown that these types of premises are largely cooperative. This should permit an alternative educative and advisory stance to prevail.

#### **Evaluation**

The project will be evaluated objectively by examining the numbers of formally reported accidents and outbreaks of disease associated with these premises. In the event of further notifications of accidents, specific efforts will be made to identify the cause and modify or reinforce the advice previously given.