

Meeting of:	<b>Shared Regulatory Services Joint Committee</b>
Date of Meeting:	<b>Tuesday, 28 September 2021</b>
Relevant Scrutiny Committee:	Homes and Safe Communities
Report Title:	Shared Regulatory Services Health and Safety Enforcement Service Plan 2021/22
Purpose of Report:	To seek approval for the Health and Safety Enforcement Service Plan for the Shared Regulatory Service for 2021/22
Report Owner:	Miles Punter - Director of Environment and Housing
Responsible Officer:	Christina Hill - Operational Manager Shared Regulatory Services
Elected Member and Officer Consultation:	No Elected Members have been consulted. The following officers have been consulted ; Assistant Director, Cardiff Council, Head of Legal and Regulatory services, Bridgend County Borough Council
Policy Framework:	This is a matter delegated to the Joint Committee
Executive Summary:	<ul style="list-style-type: none"> <li>The report appraises the Committee of the work of the Health and Safety team and requests approval for the Health and Safety Enforcement Service Plan for the Shared Regulatory Service for 2020/21.</li> </ul>

## **Recommendations**

- 1.** Approve the 2021/22 Health and Safety Enforcement Service Plan.
- 2.** Authorise the Head of the Shared Regulatory Service to make administrative amendments to the 2021/22 Health and Safety Enforcement Service Plan should the need arise.

## **Reasons for Recommendations**

### **1 & 2**

To ensure the Shared Regulatory Service has robust arrangements in place to deliver its obligations as an enforcing authority under the Health and Safety at Work Act 1974 and comply with statutory guidance.

## **1. Background**

- 1.1** The Shared Regulatory Service, together with the Health and Safety Executive is responsible for the enforcement of Health and Safety at Work Act 1974.
- 1.2** The Councils have a duty, which is delegated to Joint Committee to enforce the Health and Safety at Work Act 1974.
- 1.3** Section 18 of the Health and Safety at Work Act requires Local Authorities to produce a Health and Safety Service Plan setting out the arrangements in place to discharge these duties. This Health and Safety Enforcement Service Plan is produced in response to that requirement and is designed to inform residents, the business community of Bridgend, Cardiff and the Vale of the arrangements the Councils have in place to regulate health and safety.
- 1.4** A Copy of the draft Health and Safety Enforcement Plan for 2021/22 has been attached to this report as Appendix 1.
- 1.5** The Service Plan details the aims and objectives of the service in respect of Health and Safety enforcement, which are determined annually. The plan details:
  - the demands on the service,
  - the risk based work programme and
  - the resources available to deliver the required work
- 1.6** The plan explains the Health and Safety Executives expectations of Local Authorities along with some achievements from 2020/21 and the challenges envisaged in the year ahead.

## **2. Key Issues for Consideration**

- 2.1** Local authorities have a duty to produce a Health and Safety Enforcement Service Plan that is endorsed by elected members and makes clear their arrangements for contributing to current Health and Safety Commission priorities.
- 2.2** The plan seeks to take account of local needs while addressing the national priorities as set out by the Health and Safety Commission in its strategic plan. The service plan must identify both reactive and proactive work and include details of planned promotional and educational events.
- 2.3** The Health and Safety Executive require each Local Authority to complete an annual return detailing the work activities undertaken in the previous year, details of which can be found within the Health and Safety Enforcement Service Plan contained in Appendix 1.

## **3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?**

- 3.1** The Well-being of Future Generations Act requires the SRS to underpin decision making by contributing to the seven well-being goals of the Act, following the five ways of working, and consequently undertaking actions that will have a positive impact on people living in the future as well as those living today. Consequently SRS seeks to work in the following ways:
  - Looking to the long term
  - Taking an integrated approach;
  - Involving a diversity of the population in the decisions affecting them;
  - Working with others in a collaborative way to find shared sustainable solutions
  - Acting to prevent problems from occurring or getting worse.

## **4. Resources and Legal Considerations**

### **Financial**

- 4.1** The Participants' contribution towards the Shared Regulatory Service is recharged on a quarterly basis, based upon the approved budgets for 2021/22. Accounting for the full year is reported to the Committee at the Annual General Meeting.

## **Employment**

**4.2** There are no immediate employment implications associated with this report.

## **Legal (Including Equalities)**

**4.3** The Council has a statutory duty to provide a Health and Safety Enforcement Service Plan. Under the Health and Safety at Work Act 1974 section 18(4) all local authorities have a legal duty to make adequate arrangements for the enforcement of statutory provisions and any other duties imposed upon them under the guidance of the Health and Safety Commission (HSC). The guidance issued, commonly known as "Section 18 guidance" is mandatory.

## **5. Background Papers**

- Appendix 1 - Draft Health and Safety Enforcement Service Plan 2021/22
- The Shared Regulatory Services Business Plan 2021/22

# Shared Regulatory Services

## Health & Safety Enforcement

### Service Plan 2021/22



Health and  
Safety at Work



Shared  
**Regulatory**  
Services



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# Introduction

Shared Regulatory Services (SRS) is an innovative collaborative service formed between Bridgend, Cardiff and the Vale of Glamorgan Councils on 1<sup>st</sup> May 2015. The Service delivers a fully integrated service under a single management structure for Trading Standards, Environmental Health and Licensing functions with shared governance arrangements ensuring full elected member involvement.

The Health and Safety at Work etc. Act 1974 places a duty on Local Authorities to enforce this legislation and are required by Section 18 of the Act to set out the arrangements they have in place to discharge that duty. This Service Plan is produced in response to that requirement and is designed to inform the business community and the wider audience, of the arrangements Bridgend, Cardiff and the Vale of Glamorgan has in place to regulate health and safety in the workplace. It also shows how these activities contribute to and support others in delivering Corporate and statutory objectives to the community as a whole.

The Service Plan contains two elements:

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

It is therefore designed to meet both the requirements laid down by the Health and Safety Executive under LAC 67(2) revision 10 and to clearly show how, through the enforcement of regulation and provision of guidance, advice and support, workplace health, safety and welfare will be assured across the SRS region within the resources available to the service.

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

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

As we move into the new financial year, we do so mindful of the continued challenges posed by the Covid-19 pandemic and emerging Variants of Concern. The last 15 months have required the service to rapidly adjust to new ways of working in order to respond to the pandemic, resulting in the prioritisation of Test, Trace and Protect work alongside COVID-19 compliance

At this early stage we have already seen the demand on our resources increase significantly, while officers have had to rapidly adjust to new ways of working. We recognise the need to continue to adapt as the situation evolves and are realistic in acknowledging that our priorities and plans may change as the year progresses. This service plan therefore outlines our current arrangements and proposed interventions and actions to be delivered during the year. Whilst these may be subject to change, we remain committed to protecting and improving the health and safety of people across the region.

**Christina Hill, Operational Manager Commercial Services**

# 1. Service Aims and Objectives

## 1.1 Service aims and objectives

Shared Regulatory Services is committed to improving health and safety outcomes by ensuring the highest health and safety standards are maintained throughout the region in order to protect employees, the self-employed and members of the public. To demonstrate this, the Service has adopted the following aims and objectives.

The overall aim of the Service is:-

***To work with others to protect people's health and safety by ensuring risks in the changing workplace are managed properly.***

To achieve this, the service has adopted the following 5 key delivery priorities:-

- To target activity in accordance with national guidance, to manage the risk in high risk businesses or business activities.
- Contribute to the delivery of the HSE's National Strategic programme 'Helping Great Britain Work Well' through the application of proactive 'face-to-face' and 'non face-to-face' interventions based on risk and informed by evidence.
- Investigate notified work-related injuries, occupational disease and dangerous occurrences in accordance with the Accident Investigation Policy.
- Respond to all service requests received as complaints from employees or members of the public in accordance with the Complaint Investigation Policy.
- To respond in a timely manner to service requests on matters such as asbestos notifications, statutory notifications for lifting equipment and pressure systems, licensing applications etc.

## 1.2 Links to Corporate Objectives, national and local plans

As a regional organisation providing regulatory services across three local authority areas, we place the **corporate priorities** and outcomes of the three councils at the heart of all that we do (Appendix 3). In developing our own strategic priorities for Shared Regulatory Services, we have considered the priorities of all the three authorities, together with the needs and aspirations of our partners and customers so they translate into priorities that meet local needs.





SRS priorities particularly relevant to the delivery of this plan are :-

Improving  
health and  
wellbeing

Amongst other factors impacting on health, the service works with others to contribute to the reduction in the number of fatal and major injuries; incidence of ill health and support the well-being of people in work, and those affected by work activities.

Safeguarding  
the vulnerable

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

Supporting the  
local economy

The provision of timely advice, and education, on health and safety issues to businesses, stakeholders, and other local authorities and bodies can benefit the economic viability of businesses. The equitable enforcement of regulations helps to maintain a level playing field, allowing businesses to compete on equal terms. The implementation of non-inspection interventions outlined in LAC 67/2 (revision 10) facilitates achievement of this objective.

Nationally the service also contributes to the [National Enforcement Priorities for Wales](#) for local regulatory delivery which highlight the positive contribution that regulatory services, together with local and national partners, can make in delivering better outcomes:-

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

**'Helping Great Britain Work Well'** – the Health and Safety Executive Strategy published in February 2016 sets out 6 themes for the whole of the Great Britain health and safety system. Local authorities, as workplace regulators, are a key part of this system and are expected to play a role in:

- Encouraging and recognising improvements, being increasingly joined up to deliver improved outcomes and minimise unnecessary burdens on businesses;
- Continuing to promote the risk-based, goal-setting regulatory regime that has served health and safety in Great Britain so well;
- Working with partners in the system to make workplaces safer and healthier, providing a level playing field for responsible employers with regulators and co-regulators, by advising, promoting, and where necessary, enforcing good standards of risk control;
- Using proportionate, risk-based regulation to support better outcomes, innovation and the safe use of new technologies;
- Developing services and products that contribute to improved management and control of risks, sharing our knowledge, and;

- Continuing the dialogue and conversation with stakeholders to make the system better, always looking to provide simple, pragmatic advice and support

**The Local Public Health (medium term) Plan 2020-2023** - Published as part of the Local Public Health Strategic Framework the Local Public Health Plan provides details of how local Public Health teams work in partnership to improve and protect the health and well-being of the local population. A number of themes detailed in the public health work programme dovetail with work being undertaken by the Communicable Disease, Health and Safety service as part of its proactive and reactive work (*e.g. delivering the Healthy Options Award scheme; providing appropriate infection control advice when interviewing confirmed cases of communicable disease; enforcement of current smoke-free legislation across the region*).

## 2. Overview of the Service

### 2.1 Area profile

**Shared Regulatory Services covers the Council areas of Bridgend, Cardiff and the Vale of Glamorgan and serves over 600,000 residents.** Extending from St Mellons in the East of Cardiff to Maesteg in the west, the area encompasses Cardiff, the capital City of Wales with its array of cultural, financial and commercial organisations and the rural areas of Bridgend and the Vale of Glamorgan with their vibrant tourist and agricultural economies.

**Bridgend is situated on the south coast straddling the M4 corridor.** It comprises an area of 28,500 hectares and a population of just over 140,000



residents. To the north of the M4, the area consists of mainly ex-coal mining valley communities with Maesteg as the main centre of population. To the south of the M4, the ex-market town of Bridgend is the largest town, the hub of the economy and its employment base. To the south west on the coast lies Porthcawl, a traditional seaside resort with a high proportion of elderly residents, which is subject to a major influx of tourists during the summer period.



**Cardiff is the capital city of Wales and is continuing to grow faster than any other capital city in Europe.**

In population terms, it is the largest city in Wales with a population of 360,000. Measures of population however, belies Cardiff's significance as a regional trading and business centre. The population swells by approximately 70,000 daily with commuters and visitors. Cardiff is the seat of government and the commercial, financial and administrative centre of Wales. Cardiff boasts one of the most vibrant city centres in the UK and on a typical weekend, Cardiff's night time economy can attract over 40,000 people and sometimes more than 100,000 when the City's Principality Stadium hosts international events.



**The Vale of Glamorgan is bounded to the north by the M4 motorway and to the south by the Severn Estuary.** It covers 33,097 hectares with 53 kilometres of coastline, and a population of over



130,000 residents. The area is predominantly rural in character, but contains several urban areas of note such as Barry, Penarth, Dinas Powys and the historic towns of Cowbridge and Llantwit Major. Barry is the largest town, a key employment area and popular seaside resort. The rural parts of the Vale provide a strong agricultural base together with a quality environment, which is a key part of the area's attraction. The area includes Barry Docks area and Cardiff International Airport.

## 2.2 Organisational structure

Health and safety enforcement services are mainly provided by the Commercial Services arm of Shared Regulatory Services, with some distinct pieces of work being delivered by Enterprise and Specialist Services. The teams largely comprise of Environmental Health Officers providing services across the three local authority areas. The Vale of Glamorgan Council acts as host authority for the Service, with functions associated with this Plan being delegated to the Shared Service Joint Committee. Commercial Services deal with the majority of health, safety and well-being activities within Shared Regulatory Services, whilst Enterprise and Specialist Services support this function through the provision of advisory (paid for) visits; Primary Authority Partnership work; overseeing public safety at large outdoor events and assisting with major investigations as they arise. Operational functions within the Service are illustrated in the following table with those that have responsibility for health and safety issues highlighted in darker blue.

**Shared Regulatory Services Organisational Chart**



## 2.3 Scope of the Health and Safety Enforcement Service

Shared Regulatory Services is responsible for providing a comprehensive health and safety service combining education, advice and enforcement. The enforcement of Health and Safety at Work legislation is shared with the Health and Safety Executive (HSE) and division of responsibilities is laid down by regulation. The Service is responsible for enforcement in premises such as offices, retail premises, wholesale/retail warehouses, consumer services used by members of the public, places of entertainment and leisure, hotels and some residential accommodation and catering establishments. There are approximately **10,097** premises across the region that require a range of health and safety interventions such as inspection, survey, monitoring, advice and enforcement and activities are categorised as reactive and proactive and include proactive health and safety inspections/interventions; based on both national priority topics and local intelligence. The full scope of the health and safety function includes:-

### Reactive

- Investigating reported accidents, occupational diseases and dangerous occurrences;
- Responding to complaints and requests for service, including smoking in public places;
- Permissioning activities including skin piercing registrations, asbestos activities and lift reports;
- Responding to consultations from Licensing, Planning, Building Control etc.;
- Providing advice and information to new businesses;
- Securing safety standards at outdoor sporting, cultural and entertainment events through the Events Liaison Panel and ESAGs;
- Prioritised and targeted health and safety promotional campaigns.

### Proactive

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

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

- Working in partnership with HSE Wales;
- Complying with HELA and other guidance;
- Participation in the Directors of Public Protection Wales (DPPW) Regional Liaison Group via Environmental Health Wales and Expert Panels;
- Participation in the South East Wales and South West Wales Health and Safety Task Groups and the All-Wales Health and Safety Expert Panel;
- Liaison with, and complying with, any advice and guidance from the HSE;

- Working with organisations and stakeholders to promote health and safety;
- Working with other services within the respective authorities such as Licensing, Planning and Building Control, Parks and Leisure, Corporate Health and Safety, Social Services and Events Teams;
- Liaison with and commitment to Local Government Regulation (formerly LACORS);
- The Office for Product Safety & Standards (BEIS) for Primary Authority work;
- Welsh Government;
- Local Government Data Unit.

## Service delivery points

Health and safety services are delivered from all 3 regional hubs which operate office hours from Monday to Friday. Weekend and out-of-business hour duties are carried out as the need arises. The service also operates an out-of-hours duty officer scheme for emergency situations.

SRS.wales

Tel: 0300 1236696



@SRS\_Wales



<http://www.srs.wales>

## Bridgend

Civic Offices  
Angel Street  
Bridgend  
CF31 4WB

### Normal offices hours:

Monday to Thursday: 8.30am to 5.00pm  
Friday: 8.30 am to 4.30pm

## Cardiff

Level 1  
County Hall  
Cardiff  
CF10 4UW

### Normal office hours:

Monday to Thursday: 8.30am to 5.00 pm  
Friday: 8.30 am to 4.30pm

## Vale of Glamorgan

Civic Offices  
Holton Road  
Barry  
CF63 4RU

### Normal offices hours:

Monday to Thursday: 8.30am to 5.00pm  
Friday: 8.30am to 4.30pm

## Responsibility

Responsibility for health and safety activities in SRS is broken down as follows:-

Team	Responsibility
<b>Health and Safety Enforcement Team (Commercial Services)</b>	Health and Safety proactive inspections and project interventions
	Investigation of complaints and service requests
	Investigation of accidents; occupational disease & dangerous occurrences
	Permissioning activities ( <i>as detailed above</i> )
	Business engagement and partnership working
	Targeted promotion and education with businesses
<b>Trading Standards Teams</b>	Firework safety
	Product safety
	Health and Safety at large outdoor events



<b>Enterprise and Specialist Services Team (Industry)</b>	Coaching and paid for advice visits at the request of business
	Training and targeted education
	Primary Authority partnership work
	Petroleum licensing
<b>Major Investigations and Safeguarding</b>	Major investigations, including fatalities

## 2.4 Enforcement Policy

Fair and effective enforcement is essential to protect the economic, environmental and social interests of the public and business. Decisions about enforcement action and in particular the decision to prosecute, has serious implications for all involved and for this reason, the Shared Regulatory Service has adopted a Compliance and Enforcement Policy, with Annex 3 specifically in relation to health and safety.

The Compliance and Enforcement Policy sets out the standards that will be applied by the Service when dealing with issues of non-compliance, and what residents, consumers and businesses can expect. Such a policy helps to promote efficient and effective approaches to regulatory inspection and enforcement, and balances the need for improvement in regulatory outcomes with minimising unnecessary burdens on business.

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

The Regulators Code is based upon six broad principles:

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

## 2.5 Challenges for the year ahead

**COVID-19 Pandemic** – SRS had to quickly and dramatically change its way of working with the onset of the COVID-19 pandemic. From the commencement of lockdown in March 2020, the service rapidly found itself involved with the monitoring and enforcement of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020. This involved supporting and providing infection prevention and control advice to care homes; managing outbreaks of COVID-19 in care homes alongside partners in Public Health Wales (PHW), Social Services and the Local Health Board; investigating outbreak of COVID-19 in the educational and early years sectors; investigating workplace clusters of COVID-19 across the SRS region; participating in regional Test, Trace and Protect (TTP) work across 2 Local Health Board regions; and providing businesses with support and

advice to ensure they were COVID-secure and operating in accordance with rapidly evolving Welsh Government legislation and guidance.

As we move into the 2021/2022 business year the only certainty is that COVID-19 has not gone away for the immediate future. Although Welsh Government has relaxed restrictions to facilitate greater freedoms for its people in light of a successful vaccination programme, the threat of emerging Variants of Concern and Mutations of Interest remains real; particularly with an opening up of foreign travel. It is therefore unclear what case rates will look like during the winter of 2021/2022 and what that will mean for the NHS and *vis-a-vis* Shared Regulatory Services. A commitment for funding TTP work has been guaranteed until March 2022 so it is anticipated that staff will continue to dynamically manage COVID work alongside substantive duties for the remainder of the business year.

**Staffing of the service** – The 2020/2021 business year saw a significant number of SRS staff displaced from their substantive duties in order to respond to the demands of COVID-19 work. This continues to be the case as we move into the 2021/2022 business year and it remains unclear how long this will be necessary. As restrictions relax, and society returns to some level of normality, the competing demands of COVID work versus substantive duties will become more pronounced.

The incredible efforts of SRS staff over the last year have ultimately resulted in an exhausted workforce. Expectations of service delivery for the immediate future will need to recognise this.

The team are also managing staff vacancies as colleagues retire, move onto new challenges and temporary contracts come to a natural end. Whilst recruitment is currently underway, this business year will additionally need to focus on the development of new team members to secure business resilience moving forward.

**Delivering the SRS in the future** - We continue to deliver the SRS with a reducing resource. Our current three year financial programme involves changes to working practices. We have to examine and introduce new ways of prioritising our services which may result in a reduction in service provision, or the charging for some services and difficult decisions about the level of service provision. These efforts will help reduce the impact of reduced funding, but maintaining performance in light of budget cuts may affect the service ability to maintain delivery at existing performance levels. We will however seek to measure activities and outcomes to ensure performance is managed effectively and in a meaningful way.

**Major events** - SRS plays an important role in the successful staging of major events across the three local authority areas. Major events staged through the participant Councils go through a detailed planning process via the respective Events Safety Advisory Group in Bridgend and the Vale of Glamorgan, and in Cardiff via the Events Liaison Panel. SRS plays a role throughout the planning stages with respect to food safety, health and safety and brand protection. All of this has an impact on the Shared Service in terms of meeting demand from other areas of responsibility, at a time of diminishing staff resource, and in covering weekend and evening work. It is anticipated that 2021/22 will be particularly busy season for events as the industry seeks to re-schedule concerts and festivals that had to be postponed earlier in the COVID-19 pandemic.

**Cardiff's City Status** - Cardiff is the capital city of Wales, and the largest Local Authority in the country; its population of 360,000 swelling by approximately 70,000 each day from commuters, students and visitors. Whilst Cardiff has seen a lower than usual number of visitors and commuters during 2020 as a consequence of COVID-19, the popularity of the city as a leisure and entertainment



destination will inevitably see an upsurge in visitor numbers as people favour 'staycation' holidays during 2021/2022.

**'Staycation' Breaks in the Vale and Bridgend:** The continued uncertainty of being able to enjoy a foreign holiday, and the additional costs associated with quarantine and PCR testing, is likely to see an increase in people enjoying a 'staycation' during 2021/2022. This potential upsurge in visitor numbers to beach and leisure destinations across the Vale and Bridgend could create an increase in the number of accidents and complaints reported across the SRS region that will require investigation by the service.

**New legislation** - It is likely that implementation of the all-Wales licensing regime for special procedures (*tattooing, cosmetic piercing, acupuncture and electrolysis*) in accordance with the Public Health (Wales) Act 2017 will be delayed until 2022/2023 as a result of the COVID-19 pandemic.

This licensing regime will replace the existing registration scheme with a more robust system that will require a personal licence and premises approval to be renewed at 3 yearly intervals. Each applicant will be required to complete a level 2 infection control training course, and professional interview, before a licence can be issued. The full impact of this new regulatory regime on resources has yet to be determined; however, officers will need to deliver the level 2 infection control course; hold professional interviews with all practitioners who are currently registered with the 3 Authority areas (and all new applicants thereafter) and undertake unannounced inspections at all premises subject to approval at least every 3 years. Whilst costs will be recoverable, at the present time it is impossible to forecast how current resources will be able to match the demands of this piece of work.

Since SRS has the largest number of registered skin piercing practitioners and premises throughout all of the Welsh Authorities, it will likely experience the largest amount of impact from this new legislative regime.

Part 3 of the Public Health (Wales) Act 2017 enacted the Smoke-Free Premises and Vehicles (Wales) Regulations 2020 which came into force on 1<sup>st</sup> March 2021. The legislation widens the range of smoke-free premises to include outdoor care settings for children; school grounds; hospital grounds and public playgrounds. This could result in a higher number of service requests being received by the service for both the provision of advice and investigation of complaints.

## 3. Service Delivery

### 3.1 Intervention Plan

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

- National Local Authority Enforcement Code and
- Local Authority Circular (LAC) 67/2 (rev 10): "Setting Local Authority Priorities and Targeting Interventions"

The National Local Authority Enforcement Code, developed by HSE, sets out Government expectations for a risk based approach to targeting health and safety regulatory interventions. It provides a principle based framework that recognises the respective roles of business and the regulator in the management of risk. Importantly the Code is designed to ensure that Local Authorities take a more consistent and proportionate approach to their regulatory intervention. Local Authority Circular 67/2 (rev 10) is provided under Section 18 of the Health and Safety at Work etc. Act 1974 and gives LAs guidance and tools for priority planning and targeting their interventions to enable them to meet the requirements of the national Enforcement Code. In March 2011, the Minister of Employment published 'Good Health and Safety, Good for Everyone'. The focus of which was for LAs to concentrate on higher risk industries and tackle serious breaches of the rules. In May 2011 the Local Government Group (LGG) and HSE produced further guidance 'Reducing Proactive Inspections' for LAs to determine their proactive interventions. In simple terms, inspections are now limited to the highest risk premises only. In addition, a range of other proactive interventions should be applied to other premises to improve awareness and management of health and safety. Selection of an intervention type will be either based on agreed national priority topic areas or local-level intelligence.

All interventions are evidence based and typically include:-

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

Proactive inspection should only be used for the activities in the sectors contained in the list of priority topic areas which is embodied in the National Code and LAC 67/2 (rev 10), or where there is local intelligence of failure to manage risk. Commonly, these premises are identified on an annual basis by local historical accident and complaint trends, local and national industry and accident data and the findings of local accident investigations. Recent workplace activities which have been subject to proactive inspections are detailed within this business plan.

- **Non-inspection interventions:**

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

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

Previous interventions have included:

- Level 2 health and safety training courses
- Paid for advice visits to support local businesses
- Mail shot self-assessment questionnaires to organisations

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

**Since the publication of LAC 67/2 (rev 6)** there is no longer a requirement for Local Authorities to report the risk rating of premises visited (this requirement has been removed). However, HSE advises that risk rating premises based on a duty holder’s health and safety performance is still useful information to assist in the determination of relative intervention priorities. The service will therefore continue to adopt this approach to facilitate an intelligence-led approach to health and safety enforcement.

## Accident and Incident Investigation

All accident notifications received are assessed against specified criteria in the SRS Accident Notification and Investigation Procedure, which has regard to the incident/accident selection criteria in LAC 22/13. This ensures that resources are targeted at the more serious and significant incidents which are likely to be the result of inadequate health and safety arrangements being implemented by the duty holder. The most commonly reported accidents relate to: slips, trips and falls; falls from height; manual handling; or being struck by moving object. The core objectives of accident investigation are to:

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

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

## Advice to businesses

SRS assists businesses wherever possible by providing health and safety advice and information in a variety of ways, including:

- Advice provided during the inspection process;
- Responding to permissioning activities;
- Responding to complaints and requests for service;
- Leaflets; posters and newsletters;
- The provision of training and business forum seminars;
- Participation in national events, such as European Health and Safety Week.
- Through the SRS website.

## 3.2 Intervention Plan 2021/2022

An intervention plan confirming the programme of interventions for 2021/2022 has been developed to demonstrate how, through reactive and proactive work, the service will secure improvements to health and safety standards in workplaces throughout Bridgend, Cardiff and the Vale of Glamorgan. This plan has been developed after considering the priority topic areas listed in LAC 67/2 (rev 10); local based intelligence and following discussions at the All-Wales Health and Safety Expert Panel and regional health and safety task groups.

The intervention plan has also been devised on consideration of staffing levels and resources available within the Communicable Disease, Health and Safety Enforcement Team for 2021/2022; however, there may be a need to dynamically review the implementation of this work plan as the COVID-19 pandemic evolves over time.

Intervention Plan 2021 -2022								
Reactive work activity		Activity detail						
1.	Accident investigation	Receive notifications of all reportable injuries, occupational disease and dangerous occurrences from the HSE website, or employees / members of the public, and investigate in accordance with Accident Investigation Policy.						
2.	Complaint investigation	Receive and investigate all complaints (service requests) from employees, members of the public and others in line with service request and complaints policy.						
3.	Permissioning Activities	Respond to licence and registration applications for skin piercing and tattooing activities, statutory examination reports, and asbestos notifications in a timely and effective manner						
Proactive inspections – national priority projects		Activity detail			Target No. of premises		Total no. of interventions	
					B	C		V
1	Legionella management associated with hot tubs and spas pools on display	A new Annex A priority topic area in LAC 67/2 (rev 9) in addition to being an appropriate local intervention following the cluster of Legionella cases in Barry during 2018-2019. Officers will primarily consider those spa pools/hot tubs that are operational whilst on display. Aim of intervention is to raise awareness of the risks and assessment of controls in place (in accordance with L8 Approved Code of Practice)			10	10	10	30

2	Solid fuel and gas safety in commercial catering	The last gas safety in catering intervention identified a number of commercial appliances with either inadequate or faulty ventilation, together with a number of gas leaks. Officers also dealt with problems associated with solid fuel cooking appliances and elevated levels of carbon monoxide. The 2020/2021 project will examine both elements in order to reduce risks to employees and non-employees further. Gas safety in commercial catering continues to be an Annex A priority topic area in LAC 67/2 (rev 10) whilst carbon monoxide poisoning from solid fuel cooking equipment is an Annex B activity suitable for proactive inspection.	15	15	15	45
3.	Duty to Manage Asbestos	Continues to be an Annex A priority topic area in LAC 67/2 (rev 10). This project has had a positive impact on raising standards, and awareness, throughout businesses in SRS since the initial pilot project in 2016/17. The duty to manage asbestos will be included in the solid fuel and gas safety in commercial catering visits as a 'bolt on' topic, where applicable.	10	10	10	30
<b>Proactive inspections – local intelligence led projects</b>		<b>Activity detail</b>	<b>Target No. of premises</b>			<b>Total no. of interventions</b>
			<b>B</b>	<b>C</b>	<b>V</b>	
1.	E.coli and Cryptosporidium infection control in children visiting open farms and animal visitor attractions.	Undertake visits to open farm/animal petting settings to ensure that the risk of infection from biological hazards is being effectively mitigated and duty holders are fully aware of the updated industry guidance document. This topic was selected following an increase in the number of reported cases of E.coli, Cryptosporidium and Campylobacter across the SRS region as COVID restrictions eased.	2	2	2	6
2.	Indoor trampoline parks; ninja warrior leisure facilities & soft play facilities	Officers will continue scrutinising compliance with the PAS 5000 standard in indoor trampoline park settings; effective management of risk in leisure settings such as ninja warrior / indoor soft play. Providing advice about cleaning/disinfection and managing the risk of cross-infection will also be covered.	10	10	10	30
<b>Non inspection led interventions - National Priorities</b>		<b>Activity detail</b>	<b>Target No. of premises</b>			<b>Total no. of interventions</b>
			<b>B</b>	<b>C</b>	<b>V</b>	
1.	Preventing injury to members of the public from large commercial and recycling bins	Officers will disseminate the SRS guidance sheet to all relevant businesses as a 'bolt on', non-inspection intervention for all premises subject to a proactive inspection (where large waste receptacles are used).	10	10	10	30

Non inspection led interventions – Local intelligence led		Activity detail	Target No. of premises.			Total no. of interventions
			B	C	V	
1.	Legionella management – cooling towers	Whilst this has been removed from the LAC 67/2 document, SRS dealt with a long-standing cluster of Legionella cases in the Barry area during 2018-2019, and the risk of Legionella has significantly increased during the COVID-19 pandemic with the mothballing and less frequent use of buildings. Review of all LA cooling towers in Cardiff will be completed during 2021/2022 to ensure control measures remain robust and in accordance with L8 Approved Code of Practice. Duty holders will initially be required to complete and return a self-assessment questionnaire.	-	4	-	
2.	Legionella management and control – hot and cold water system in residential care homes	To undertake a review of Legionella controls in residential care homes across Bridgend, Cardiff and Vale of Glamorgan to ensure that the risk of infection in a vulnerable population is being effectively managed.	13	17	10	40

The content of the Intervention Plan is reflected in the Service’s Action Plan 2021/22 in Appendix 1.

## 4. Resources

### 4.1 Financial and staffing allocation

#### Financial allocation

The expenditure directly involved in providing the Health and Safety Service for 2021/22 is included in the Service budget and is considered adequate to ensure the effective delivery of the service.

#### Staffing allocation

The table below indicates the actual number of staff working on Health and Safety enforcement and related matters (in terms of full time equivalents FTE).

Position	Function	FTE
Operational Manager Commercial Services x 1	Public Protection including the management of health and safety.	0.2
Team Manager x 1 (equal split between health and safety and communicable disease functions) Substantive TM remains on WG secondment	Communicable Disease, health & safety.	0.5
Team Manager x 1	Management of the health and safety aspects delivered by the Enterprise & Specialist Services (Industry) Team	0.1
Commercial Services Officers x 6 1 post currently acting up as TM so substantive post vacant 1 CSO works 4 days a week (equal split H&S : CD) 2 CSO posts are full time and equal split H&S : CD 1 CSO post is full time and has a 30/70 H&S : CD split 1 CSO post recently upgraded from CTSO and currently vacant – will be equivalent of 1.0 FTE for H&S	All aspects of health and safety enforcement (plus communicable disease work)	3.2
Commercial Services Officers x 2 Both officers are part time and make up 1 FTE post	Health and safety enforcement (large events), advice and training.	1.0
Commercial Services Officer x 1	Lead officer for major investigations	0.1
Commercial Services Technical Officer x 2 (equal split between health and safety and communicable disease work)	All aspects of health and safety enforcement (plus communicable disease work).	1.0
Business Support Officer	Administrative support.	0.2

The Communicable Disease, Health and Safety Team has seen further changes in personnel during 2020 and 2021 due to staff retirement; staff leaving the service; staff moving teams to secure more permanent positions. The team continues to carry vacancies into quarter 2 of the 2021/2022 year which continues to impact the ability of the team to deliver its proactive work plan alongside COVID-19 priorities.

## 4.2 Staff Development and Competency

Operating a Shared Regulatory Service across three distinct areas presents many challenges for the Service and its workforce. We aim to use our Workforce Development Plan to ensure our officers have the right mix of experience, knowledge and skills required to fulfil our goals. Our Plan illustrates how we want to encourage and support our officers to develop new skills and work in different ways. Investing in people is a fundamental element of our maximising resources priority. The Workforce Development Plan provides a framework to blend:-

- Organisational culture
- Leadership and management
- Core skills
- Recruitment, retention and progression
- Communication and employee engagement
- Employee performance management

Workforce development is supported by regular performance reviews where line managers and employees identify, and adapt, personal objectives in line with personal objectives and training needs. Officers are also expected to satisfy the continual professional development requirements of their accredited professional organisation, and are supported to enable them to achieve this.

The Service also recognises the need for full technical support to be available to all health and safety enforcement officers and this is achieved through a variety of ways, namely:-

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

The Shared Regulatory Service operates systems to appoint, authorise, train, monitor and maintain a competent inspectorate. Part of this approach uses the framework developed jointly by HSE, CIEH and LG Regulation which focuses on generic inspection skills as well as specific technical knowledge needed in health and safety enforcement. In addition the Service ensures that competency is secured by appointing appropriately qualified and experienced personnel to health and safety enforcement duties. There are specific job descriptions and person specifications for all employees of Shared Regulatory Services and all appointments are made in accordance with the procedures for recruitment and selection.



## 5. Review

### 5.1 Quality Assessment

Shared Regulatory Services recognises the need to measure the effectiveness of its health and safety enforcement duties and strongly supports the ethos of continuous improvement. The Service therefore participates in, and undertakes, a number of activities to ensure that work is of a high standard and opportunities to identify and implement improvements are taken.

#### **Documented procedures**

To ensure the quality and consistency of our activities, processes, procedures and work instructions for health and safety enforcement activities are documented and published electronically.

Documented procedures identify responsibility for the work carried out and ensure that all changes identified through audit are undertaken in accordance with improvement procedures. Activities such as inspections, administration, accident investigation and complaint administration can be accessed by all staff via Sharetree and the shared H&S Enforcement folder, and are audited internally for compliance.

#### **Assessment and audits**

The monitoring of the quality and delivery of our policies and procedures are assessed in a number of ways, namely:-

- All proactive health and safety projects require officer training, a shadow visit and a validation visit to ensure a consistent approach and assessment of technical knowledge.
- All officers are subject to annual (unannounced) reviews for proactive and reactive visits.
- Monthly reviews of officer targets.
- Customer consultation and feedback.
- Corporate complaints and compliments about the service.
- Peer review audits (informal and formal) by other local authorities, in accordance with the Section 18 standard may be undertaken.

Shared Regulatory Services is committed to continuous improvement using various management tools for identifying opportunities for improvement. The Service has used 'lean management' techniques to review processes and procedures which require the mapping out and examination of processes to identify more efficient and effective working practices

### 5.2 Review against the Service Plan

In order to ensure continuous improvement it is essential that performance is regularly monitored. Shared Regulatory Services has an effective performance management infrastructure in place for

developing, delivering, monitoring and reviewing interventions which is undertaken through the following mechanisms:-

- The Joint Committee for the Shared Regulatory Service approves this Service Plan which sets out the work programme for the service and reviews performance against the programme on an annual basis.
- Performance of the service is considered at team and management meetings on a monthly basis.
- Team meetings allow for the effective management of local and national projects and are also one of the routes of communication that allow individual and team involvement in the development and delivery of interventions.
- Performance of individuals is further strengthened through the Personal Development Review Scheme #Itsaboutme.
- Procedures and work instructions are managed through SRS Sharetree and the responsibility of the Team Manager to review and improve as appropriate.

## **Performance and activity measures**

The health and safety service uses the Tascomi database to record details of premises, inspections (visits), complaints and other activities, including assessment of risk rating, which can be used to assist in targeting interventions and designing the work programme.

All premises records, incident notification and reporting information and project management systems are digitised and held on the Council's IT systems. Records can be accessed directly or via the Tascomi database.

Each year an intervention plan is prepared to identify the number of interventions due at the start of the year together with any targeted intervention activities including specific project work and performance. The following sections identify those planned interventions due at the beginning of 2020/21 and reports on the delivery of those interventions together with information on enforcement activities.

## **Programmed Proactive interventions**

In terms of performance in relation to the completion of national or local intelligence led proactive programmed interventions/inspections, the target for completion is 90% of the programme. In 2020/21 the service was unable to deliver any of the programmed proactive interventions as a direct consequence of the COVID-19 pandemic.

## **Programmed Non-inspection led interventions**

Performance in relation to the completion of national, or local, intelligence led non-inspection interventions is measured against a target of 85% completion of the programme. The service was able to fulfil this part of the business plan since the non-inspection led interventions were COVID-related. Officers were able to carry out a total of 198 infection prevention and control assessments with care home duty holders which equated to 124% of the target in last year's work plan. The service also undertook a total of 4508 COVID compliance/advice visits during the 2020/21 business year (Bridgend: 1181; Cardiff: 1229; Vale: 2098) which far exceeded the arbitrary target of 20 premises in each local authority area.

**LAE1 – Local Authority Health and Safety Annual Return** - Under Annex D LAC 67/2 (rev 10) all Local Authorities in England and Wales are required to produce, and submit, an annual return to HSE detailing the Authority’s health and safety activity and enforcement data. This is documented in a standardised format and is the only comparable data currently available within the three local authorities that make up SRS. Information on enforcement and health and safety activity over the last three years can be found below.

Due to the COVID-19 pandemic throughout 2020, LAE1 returns for the 2020/2021 financial year did not have to be submitted by Local Authorities.

## Business feedback

Whilst duty holder feedback is sought from all businesses involved in any of the health and safety project interventions, this information is inherently difficult to obtain; especially if escalated enforcement action has to be taken.

Due to the COVID-19 pandemic during 2020/21, no proactive health and safety project work took place so no business feedback was available.

## Intervention Plan - Activities 2020/2021

The 2020/2021 work plan was developed to continue to meet the needs of each of the local authority areas and to ensure a consistent approach to implementation.

In 2020/2021, **10,097** businesses within SRS were logged on the Tascomi database as falling under the Local Authority remit for health and safety enforcement.

- Bridgend **2,546** (25%)
- Cardiff **5,640** (56%)
- Vale of Glamorgan **1,911** (19%)

The following table provides a summary of enforcement activity during the last 4 years across Bridgend, Cardiff and the Vale of Glamorgan.

Type	2017/2018			2018/19			2019/20			2020/21		
	B	C	V	B	C	V	B	C	V	B	C	V
No. of workplaces.	2348	5160	1737	2388	5314	1792	2436	5386	1816	2546	5640	1911
Total No. of proactive interventions	382	376	177	108	359	122	206	314	193	1266	1361	2194
No. of proactive intervention visits	264	240	86	63	144	74	107	155	99	1181	1229	2098
No. of non-face to face interventions*	103	104	79	0	136	0	61	73	62	82	128	88
No. of other face-to-face contacts**	15	32	12	45	79	48	38	86	32	3	4	8
Total No. of reactive visits	79	230	61	107	234	60	90	274	91	109	226	62
No. of accident and complaint visits	44	167	39	70	174	47	75	188	75	66	180	45
No. of Permissioning requests	35	63	22	37	60	13	15	86	16	43	46	17

No. of revisits	11	47	18	5	23	6	4	29	10	0	0	0
No. of formal cautions	0	1	0	0	0	0	0	0	0	0	0	0
No. of improvement notices	24	55	16	14	10	0	0	11	0	0	6	0
No. of prohibition notices	0	7	0	3	6	4	0	20	3	0	1	0
No. of prosecutions	0	1	0	0	2	1	0	6	0	0	2	0

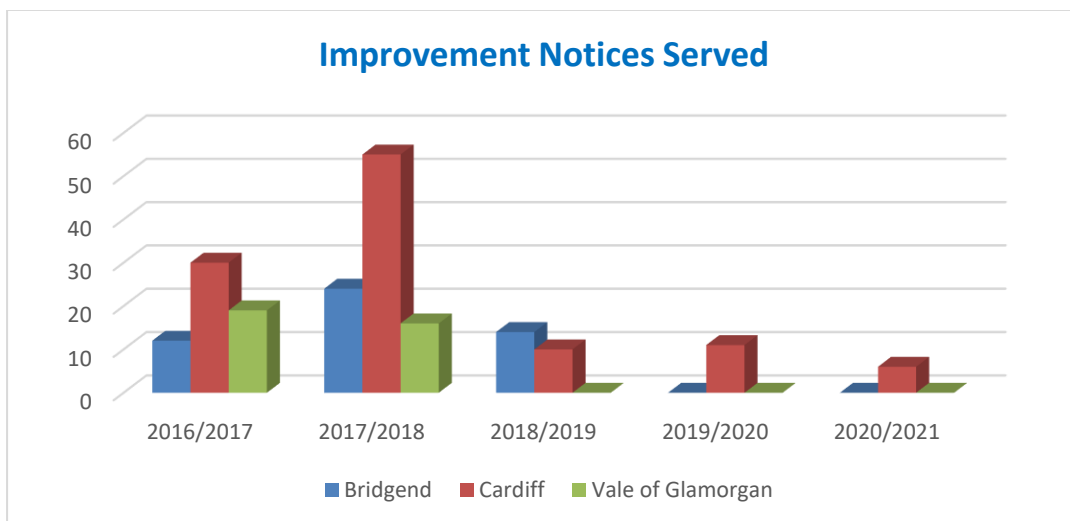
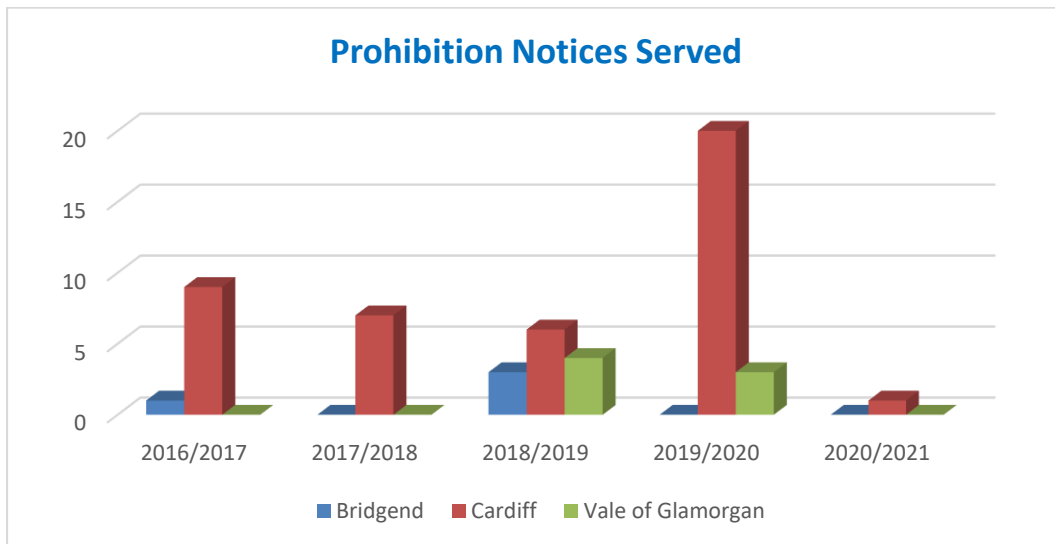
\* Includes event desk top assessments; provision of advice by phone or email

\*\* Includes provision of training/education; attendance at ESAG/ELP meetings and outdoor events; Primary Authority work; paid for advice visits; business forums

**Total number of reactive visits = accidents/complaints/service requests/permissioning requests**

The service had 2 successful health and safety prosecutions during 2020/2021, details of which are included later on in this report.

A total of 1 health and safety Prohibition Notice and 6 health and safety Improvement Notices were served during 2020/21. The Notices related to the unsafe storage of goods on a warehouse mezzanine area; failure to adequately assess the risks to employees involved in the handling and movement of goods; failure to maintain storage racking in good repair and inadequate staff training.



The Intervention Plan table illustrated below provides specific details on how the team performed against targeted planned work in Bridgend, Cardiff and Vale of Glamorgan for 2020/2021.

Intervention Plan 2020 -2021													
Reactive work activity		Activity detail											
1.	Accident investigation	<p>Receive notifications of all reportable injuries, occupational disease and dangerous occurrences from the HSE HELEX website; employees or members of the public and investigate in accordance with the SRS Accident Investigation Policy. <b>A total of 105 notifications were investigated during 2020/2021 in accordance with the accident investigation procedure: Bridgend (17); Cardiff (75); Vale (13).</b></p> <p>A total of 66 of these notifications related to occupational disease – 1 for Hand Arm Vibration; 65 were confirmed cases of COVID-19 in the workplace (primarily care homes).</p> <p>A total of <b>291 RIDDOR</b> notifications were received between 01/04/20 and 31/03/21 – Bridgend (53); Cardiff (204) and Vale (34).</p>											
2.	Complaint investigation	<p>Receive and investigate all complaints and service requests from employees, members of the public; referrals from other enforcement bodies and others. <b>A total of 251 complaints/service requests/referrals were investigated during 2020/2021: Bridgend (74); Cardiff (132); Vale (45)</b></p> <p>Complaints and service requests also include smoke-free complaints; requests for advice; FOI requests; matters of evident concern referrals.</p>											
3.	Permissioning Activities	<p>Respond to licence applications, statutory equipment/plant reports, and asbestos notifications in a timely and effective manner. <b>A total of 106 permissioning requests were dealt with by Officers during 2021/2021. 69 (65%) of these applications were skin piercing registration requests which require at least 1 Officer visit: Bridgend (24); Cardiff (36); Vale (9).</b></p>											
4.	Outdoor events	<p>The Enterprise &amp; Specialist Services Team are lead officers for specified outdoor events and lead the Council's response to public safety matters at outdoor events via the Events Liaison Panel (ELP) and ESAG mechanisms. <b>During 2020/2021, a total of 8 ESAG/ELP meetings were attended by Officers; 7 actual events were visited and monitored; and approximately 37 desk top exercises for other events were conducted. The latter involved scrutiny of event management plans and risk assessments, and the provision of feedback and advice to event organisers.</b></p>											
Proactive work activity		Activity Detail				No. of premises							
						T = Target A = Actual		Bridgend		Cardiff		Vale	
						T	A	T	A	T	A		
1.	All applicable explosive storage premises.	Inspect all applicable premises that store explosives including fireworks.				-	1	-	1	-	-		
Project based activity – National projects		Activity Detail				No. of premises							
						T = Target A = Actual		Bridgend		Cardiff		Vale	
						T	A	T	A	T	A		
1.	Legionella management associated with hot tubs and spa pools on display	A new Annex A priority topic area in LAC 67/2 (rev 9) in addition to being an appropriate local intervention following the cluster of Legionella cases in Barry during 2018-2019. Officers will only consider those spa pools/hot tubs that are operational whilst on display. Aim of intervention is to raise awareness of the risks and assessment				10	0	10	0	10	0		

		of controls in place (in accordance with L8 Approved Code of Practice)							
2.	Solid Fuel and gas safety in commercial catering	The last gas safety in catering intervention identified a number of commercial appliances with either inadequate or faulty ventilation, together with a number of gas leaks. Officers also dealt with problems associated with solid fuel cooking appliances and elevated levels of carbon monoxide. The 2020/21 project will examine both elements in order to reduce risks to employees and non-employees further. Gas safety in commercial catering continues to be an Annex A priority topic area in LAC 67/2 whilst carbon monoxide poisoning from solid fuel cooking equipment is an Annex B activity suitable for proactive inspection.	15	0	15	0	15	0	
2.	Duty to manage asbestos	This project has had a positive impact on raising standards, and awareness, throughout businesses in SRS since the initial pilot project in 2016/17. The duty to manage asbestos was included in the gas safety in commercial catering visits as a 'bolt on' topic, where applicable.	10	0	10	0	10	0	
<b>Project based activity – Local projects</b>		<b>Activity detail</b>	<b>No. of premises.</b>						
			<b>Bridgend</b>		<b>Cardiff</b>		<b>Vale</b>		
			<b>T</b>	<b>A</b>	<b>T</b>	<b>A</b>	<b>T</b>	<b>A</b>	
1.	Legionella management – cooling towers	Whilst this topic area was removed from LAC 67/2 (rev 9), SRS dealt with a long-standing cluster of Legionella cases in the Barry area during 2018-2019. The risk of Legionella has significantly increased during the COVID-19 pandemic with the mothballing and less frequent use of buildings. Review of all LA enforced cooling towers in Cardiff will be completed during 2020/21 to ensure control measures remain robust and in accordance with the L8 Approved Code of Practice.	-	-	4	0	-	-	
2.	Indoor trampoline parks and Ninja Warrior leisure facilities	Officers will continue scrutinising compliance with the PAS 5000 standard in indoor trampoline park settings; effective management of risk in leisure settings such as ninja warrior/indoor soft play. Provision of advice about cleaning/disinfection and managing the risk of cross-infection will also be covered.	10	0	10	0	10	0	
<b>Non Inspection led interventions – National Priorities</b>		<b>Activity detail</b>	<b>No. of premises.</b>						
			<b>Bridgend</b>		<b>Cardiff</b>		<b>Vale</b>		
			<b>T</b>	<b>A</b>	<b>T</b>	<b>A</b>	<b>T</b>	<b>A</b>	
1.	Preventing injury to members of the public from large commercial waste and recycling bins	Officers will disseminate the SRS guidance sheet to all relevant businesses as a 'bolt on', non-inspection intervention for all premises subject to a proactive inspection (where large waste receptacles are used)	10	0	10	0	10	0	

Non Inspection led interventions – Local Intelligence Led	Activity detail	No. of premises.						
		Bridgend		Cardiff		Vale		
		T	A	T	A	T	A	
1.	Guidance/support to businesses re-opening during and after the COVID-19 pandemic lockdown. Business compliance with COVID-19 restrictions.	Provision of advice/support to businesses re-opening during the COVID-19 pandemic (i.e. hotels opening to accommodate key workers); provision of advice to businesses re-opening with the relaxation of lockdown to ensure they are COVID-secure; provision of primary authority advice to ensure businesses are COVID-secure. Officer visits to ensure businesses were not trading when restrictions dictated they should be closed, and to ensure businesses were implementing reasonable measures to mitigate the risk of transmission	20	1181	20	1229	20	2098
2.	Provision of advice and support to the care home sector as part of the COVID-19 pandemic to ensure appropriate use of PPE and robust implementation of infection control measures	Carrying out infection prevention and control assessments, and providing advice and support, with care homes to prevent/control the spread of COVID-19.	30	51	80	93	50	54

## Reactive Interventions

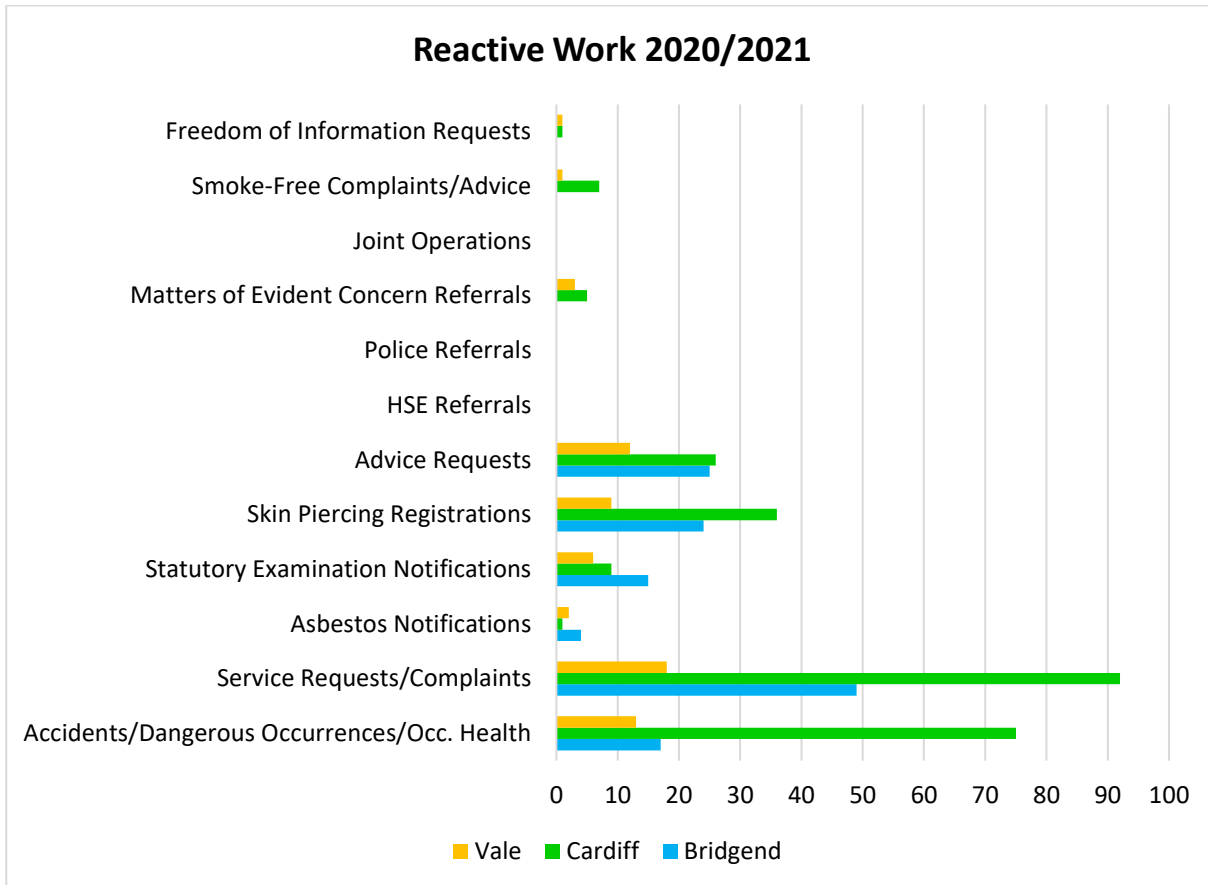
Reactive interventions include responses to, and investigations of: reportable accidents; dangerous occurrences; occupational diseases; complaints; service requests; permissioning activities and requests for advice from businesses.

### Accidents, Complaints and Service requests

Officers investigated a wide range of complaints/service requests during 2020/2021, with the most frequently reported concerns relating to:

- Poor infection control arrangements during the COVID-19 pandemic
- Poor compliance with COVID-19 legislation
- Electrical safety concerns
- Smoking in public places (*including non-compliant shisha areas*)
- Slips, trips and falls to both employees and non-employees
- Unsafe storage arrangements on mezzanine areas in warehouse storage facilities
- Investigation of unregistered skin piercing activities (*“scratchers”*)

One dangerous occurrence notification was received during 2020/2021 (*electrical fire at a Cardiff pub*) and 66 occupational disease notifications were received (*1 for work-related Hand Arm Vibration exposure; 65 related to the transmission of COVID-19 in the workplace*).



Examples of significant accidents and complaints investigated by Officers during 2020/2021 are outlined below:

- Significant accident & complaint investigations during 2020/2021**
- A gas tumble dryer catching fire in a care home following repair by a gas engineer.
  - An employee working in a warehouse sustained spinal fractures after being struck by falling boxes.
  - A member of the public had to receive medical treatment after facial aesthetic procedures (*botox and fillers*) became infected.
  - Investigation into allegations of unsafe systems of work in a Cardiff warehouse – overstocking of mezzanine storage areas; unsafe working at a height; overstocking and poorly maintained racking.

All of the above were fully investigated by officers, with appropriate enforcement action being taken.

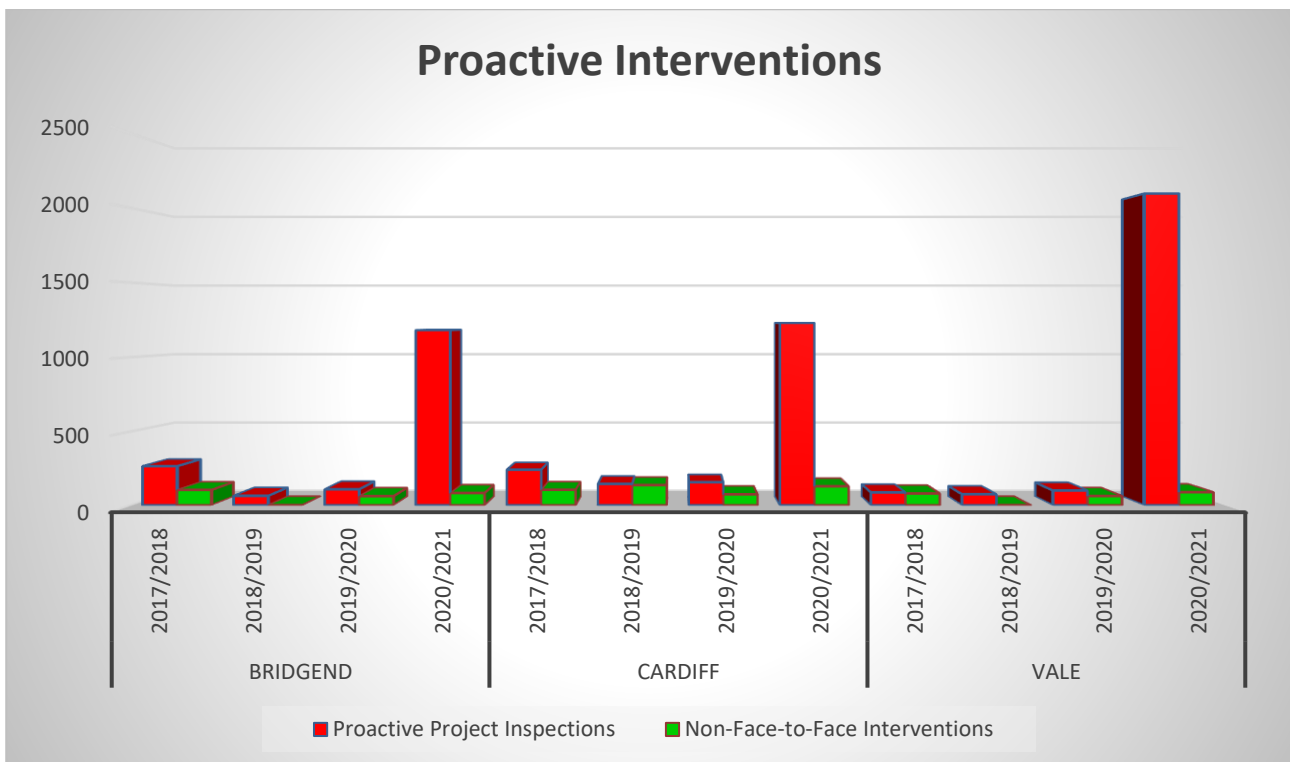
**Permissioning requests** relate to high-risk work activities that demand a form of approval from the Health and Safety Enforcement Service before the activity can proceed. These include registration applications for tattooists and skin piercers; notifications from contractors wishing to carry out specific work on asbestos (*ASB5 submissions; Notifiable Non-Licensed Work submissions*) and statutory examination reports (*lifting equipment, pressure systems*) which identify technical defects which could cause a danger to users. All permissioning requests require officer intervention, which includes both desk-top assessments and visits.



## Proactive Interventions

**Proactive Interventions** include **proactive project inspections**, which are either local intelligence led or based on national priority topic areas, and **non-inspection led interventions** which include targeted mail shots, educational/business engagement workshops and more formal business forums.

The graph below compares the number of proactive interventions in Bridgend, Cardiff and Vale of Glamorgan for 2020/2021 against the average number of proactive interventions for the previous 4 financial years (*visits made in relation to petroleum and explosives are excluded since they are not in-scope of the annual LAE1 return*).



## Proactive Project Inspections/Visits

Due to the COVID-19 pandemic, the proactive health and safety intervention plan for 2020/21 had to be paused as the team were tasked with managing cases of COVID in the education and care sectors. Staff from other teams across SRS were tasked with undertaking COVID support and monitoring visits, and these have been logged as the proactive (COVID) project visits for the 2020/21 business year.

## Major Outdoor Events – supporting the local economy

Officers from the Enterprise and Specialist Services Team attended a total of **8 Event Safety Group/Events Liaison Panel meetings** across Bridgend, Cardiff & Vale of Glamorgan during 2020/2021. A total of **7 site visits** were made during which Officers worked with event organisers to resolve matters of evident concern that could impact on public safety. A further **37** events received **desktop reviews** to assess event management plans, site plan layouts and risk assessments. Event Organisers were subsequently provided with constructive feedback to bolster the robustness of their event management arrangements.

## Achievements for 2020/2021

The Achievements Section highlights a range of work activity including:

- Notable prosecutions
- Work undertaken in addition to the programmed work plan
- Programmed work which has resulted in a significantly positive impact within that industrial sector

### **Prosecution of National Paintball Leisure Operator – Improving health and wellbeing and safeguarding the vulnerable**

Following notification that customers had been taken directly to hospital for injuries sustained by falling tree branches at a Cardiff based paintballing facility during storm-force weather conditions, investigations were undertaken by SRS Officers. Enquiries identified that management staff tasked with carrying out visual checks of the site had not received appropriate information, instruction and training to undertake this duty effectively; a tree condition survey had not been undertaken to form the basis of a tree risk management system for the site; and the risk assessment was therefore not suitable and sufficient. This led to a successful prosecution in the courts for failing to ensure, so far as reasonably practicable, that the health and safety of persons not in their employment were not exposed to risk associated with falling trees, falling tree limbs and branches whilst trading as a paintball leisure activity. The courts found there to be a high degree of culpability resulting in fines of £4000 and costs of £10,000. The fine awarded was impacted by the fact the operator had subsequently sold the company and was no longer trading.

### **Prosecution of a Restaurant/Takeaway Owner – Improving health and wellbeing and safeguarding the vulnerable**

The Communicable Disease, Health and Safety team received a referral from South Wales Fire and Rescue concerning carbon monoxide fumes emanating from the defendant's commercial food business into a residential property directly above. The Fire Service had been called out by one of the residents and detected elevated readings of carbon monoxide in the flat and adjoining property. In their professional opinion the high readings were directly correlated with usage of the charcoal grill in the rear kitchen of the restaurant/takeaway. Although the defendant agreed not to use the charcoal grill, subsequent visits made to the business by SRS officers found the grill to be lit and in use. To secure compliance a Prohibition Notice was served on the duty holder. Considerable assistance was afforded to the duty holder to find a competent engineer to assess the existing ventilation system and carry out all necessary modifications; however, subsequent visits found the defendant using the grill in breach of the Notice. As a result, proceedings were instigated for offences under the Health and Safety at Work etc. Act 1974 for failing, without a reasonable excuse to comply with the requirements of the Prohibition Notice. In sentencing the District Judge accepted culpability was very high and that the defendant deliberately and repeatedly flouted the law putting profits above the safety of residents. The defendant was sentenced to 12 weeks imprisonment to run concurrent on all the charges.

### **Proactive Intervention – Monitoring Compliance with Coronavirus Legislation**

When the UK was put into lockdown in March 2020 it became the responsibility of SRS to enforce the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 across the region. As a consequence SRS Officers have undertaken 4500+ visits to businesses throughout the 2020/21

business year to ensure restrictions were being complied with and offer guidance and advice. These visits included checks to ensure those businesses required to be closed were not trading; that 'reasonable measures' to mitigate the risk of transmission were being robustly implemented; and COVID-19 risk assessments were suitable and sufficient. Where businesses were not adequately complying with the Regulations, statutory notices were issued compelling businesses to comply.

Officers in SRS were instrumental in the initial drafting of enforcement notices accompanying the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 after Welsh Government elected to implement a divergent enforcement model from that seen in England. SRS Officers were also involved in the drafting of standard operating procedures for the care sector alongside Public Health Wales and a consultee of Welsh Government in the production of sector-specific guidance.

In total SRS Officers issued 419 such notices for non-compliance across the region; including Closure Notices, Improvement Notices, Prohibition Notices, Compliance Notices and Fixed Penalty Notices - depending on the Regulations in place at the time. Two prosecutions were also instigated during the year.

As regulations changed, and case numbers increased, SRS put in place a reciprocal commitment with South Wales Police to form three Joint Enforcement Teams (JET) undertaking coordinated enforcement activity in a range of sectors across each of the three local authority areas. These teams made up of SRS officers and colleagues from each of the 3 local authorities focused on engaging with business; encouraging compliance and, most recently, ensuring returning travellers comply with self-isolation requirements.

COVID enforcement has been challenging, not least because of the rapidly changing Regulations and guidance published by Welsh Government throughout the year.

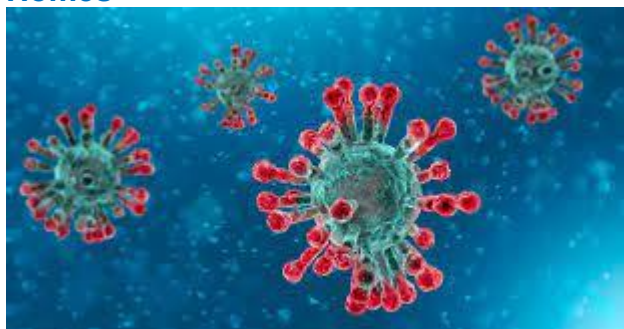
### **Supporting the Test, Trace and Protect Scheme – Regional Team Work**

The Test, Trace and Protect (TTP) service in Wales was set up in each Health Board region in June 2020. Officers across SRS were deployed into the regional and clinical lead teams alongside colleagues from Public Health Wales and the Local Health Boards to investigate and manage clusters in workplaces; educational settings from early years to higher education; shared housing and across the care sector.

The commitment made by SRS during the year to support the Test, Trace and Protect Scheme (TTP) has been hugely significant. Senior officers have been at the heart of the TTP initiative from the outset working across two health boards (*Cardiff & Vale University Health Board and Cwm Taf Morgannwg University Health Board*), whilst 30+ officers have been redeployed at various times of the year to work on the scheme. This has involved the tracing of people who have tested positive for Covid-19 and linking with health professionals to identify trends and incidents to restrict the spread of the disease. During the year incidence rates were closely monitored so that the SRS input into TTP could be tailored accordingly. This allowed demand to be met during the upsurge of case numbers, particularly during the second wave of the pandemic, and enabling staff to re-focus efforts on their substantive roles during quieter times.

Between June 2020 and March 2021 officers in the Communicable Disease, Health and Safety Team alone received, actioned and managed **4,522** referrals relating to the care sector, schools and early years settings. The rapid upsurge of cases was particularly acute between November 2020 and January 2021 as the UK entered the second wave of the pandemic.

## Proactive Intervention – Assessing Infection Prevention & Control Measures in Care Homes



During the early phase of the first lockdown in the UK, Officers in the Communicable Disease, Health and Safety team proactively contacted all care homes across the SRS region to carry out telephone audits of providers' infection prevention and control (IP&C) arrangements to ensure they were aligned with Public Health Wales (PHW) guidance and were adequately robust to mitigate the transmission of COVID-19.

Each telephone audit took between 1 – 2 hours, depending on the size and complexity of the setting. By 31<sup>st</sup> March 2021 the team had completed a total of 198 telephone audits with care settings across the SRS region: Bridgend (51); Cardiff (93) and Vale of Glamorgan (54). In March 2021 this also included a visit to a Cardiff based residential care home with Care Inspectorate Wales to review IP&C measures following an escalation of concerns.

To further support care home operators during the pandemic, Lead Officers for each of the Bridgend, Cardiff and Vale of Glamorgan areas would attend provider support meetings alongside PHW and local health board colleagues; Care Inspectorate Wales and local authority commissioning team for adult and children services once a setting had gone into incident mode after reporting confirmed cases of COVID-19. This would enable the provider to ask questions and seek advice about their IP&C measures, testing, visits to the home and the ability to take new admissions into the setting. **From 1<sup>st</sup> April 2020 to 31<sup>st</sup> March 2021 the 3 Lead Officers for Communicable Disease attended a total of 93 care home support meetings: Bridgend (34); Cardiff (41) and Vale (18).**

The Communicable Disease, Health and Safety team additionally produced guidance on enhanced cleaning and disinfection to help duty holders understand the importance of reviewing their procedures when a symptomatic person had been in their setting, and the significance of ensuring the correct dilution and contact time. This was available to duty holders on the SRS website and was also circulated to educational and early years settings and indoor play centres. The Joint Enforcement Teams also provided the guidance to hoteliers on application to open to support key workers during the initial phase of the pandemic.

### Proactive Intervention - Firework Safety

The Commercial Services Trading Standards Team is responsible for the enforcement of the law on storage of explosives in retail premises, sales of fireworks, the safety of fireworks and age-restrictions on sales. There are various regulations and guidance on the subject, all designed to minimise the risk of uncontrolled fire or explosion and thereby staff and customers and the general public as safe as possible. The Explosives Regulations 2014 came into effect on the 1st October 2014. There are three main aims to the regulations:

- ✚ To prevent fire or explosion
- ✚ To prevent communication of any fire or explosion, and
- ✚ To protect people from the effects of fire or explosion

In 2020/2021 Commercial Services Trading Standards officers carried out **2** inspections of premises across **Bridgend (1), Cardiff (1)** and the **Vale of Glamorgan (0)** that applied for a licence to store and

sell fireworks and explosives. This significant decrease in licence applications was a direct consequence of the COVID-19 pandemic and Welsh Government restrictions in place during October/November/December 2020.

### Primary Authority Work

SRS currently has 28 primary authority partnership arrangements. During the 2020/21 COVID-19 pandemic, the Industry Team had significant engagement with partners across the retail sector – Tesco, Sainsbury's, and Waitrose – to promote a more consistent application of 'reasonable measures', as detailed in The Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020, to mitigate the spread of the SARS CoV2 virus. The work across this piece also required dynamic engagement with other local authorities across Wales to ensure advice was updated and accurately reflected the constantly changing guidance as the pandemic progressed throughout the year.

### Managing the Risk of Legionella in Water Systems – Improving health and wellbeing; safeguarding the vulnerable; maximise the use of resources



Prior to the re-opening of businesses during the summer of 2020 following the first COVID-19 lockdown, SRS produced Legionella guidance for mothballed and less frequently occupied buildings. This guidance was accessible to duty holders on the SRS website and could be shared with duty holders during site visits.

## 5.3 Areas for Improvement

The following improvements are to be continued during 2021/2022:

- Cost effective implementation of proactive project interventions (*including bolt-on interventions where appropriate; utilising non-face-to-face strategies for communicating key messages and engaging with external stakeholders*).
- Developing officer competency in key topic areas being considered for proactive work so that all SRS customers receive the best possible level of service.
- Engaging with Primary Authority Partners so that improvements to health and safety policies, procedures and practices target a wider audience.

## Appendix 1 – Action Plan 2021/2022

There are four Strategic Priorities relevant to the delivery of the Health and Safety Enforcement Function:

1. Improving health and wellbeing
2. Safeguarding the vulnerable.
3. Supporting the local economy
4. Maximising the use of resources.

Relevant Strategic Priorities	Objective	
1, 2, 3, 4	Q1	Commence work on the Section 18 Health and Safety Service Plan alongside COVID-19 work commitments
1, 2, 4		Support Welsh Government, Public Health Wales, Local Health Boards, Care Inspectorate for Wales and Social Services prevent and control the spread of novel Coronavirus infection (COVID-19) in closed care settings ( <i>e.g. residential care homes; nursing homes etc.</i> )
1, 2, 3		Support local businesses and promote compliance with COVID-19 legislation
1, 2		Prepare guidance for home owners to advise of the Legionella risks associated with the use of domestic hot tubs and spas, and measures to be taken to minimise the risk of infection.
1, 2, 4		Commence a desktop review of Legionella controls in residential care homes across Bridgend, Cardiff and Vale of Glamorgan to ensure that the risk of infection in a vulnerable population is being effectively managed.
1, 2		Commence visits to open farm/animal petting settings to ensure that the risk of infection from biological hazards is being effectively mitigated.
1		Commence visits to commercial catering businesses to assess how the risk of exposure to carbon monoxide from natural gas and solid fuel cooking appliances is being controlled.
1, 2, 3, 4	Q2	Secure approval from SRS Joint Committee for the 2021/22 Section 18 Health and Safety Service Plan
1, 2, 4		Support Welsh Government, Public Health Wales, Local Health Boards, Care Inspectorate for Wales and Social Services prevent and control the spread of novel Coronavirus infection (COVID-19) in closed care settings ( <i>e.g. residential care homes; nursing homes etc.</i> )
1, 2, 3		Support local businesses and promote compliance with COVID-19 legislation
1, 2, 4		Undertake a desktop review of completed self-assessment forms to identify how the risk of Legionella in cooling towers across the Cardiff area is being controlled and managed.
1, 2, 4		Complete the review of Legionella controls in residential care homes across Bridgend, Cardiff and Vale of Glamorgan to ensure that the risk of infection in a vulnerable population is being effectively managed
1, 2		Complete visits to open farm/animal petting settings to ensure that the risk of infection from biological hazards is being effectively mitigated.
1		

<p><b>1, 2</b></p>		<p>Continue visits to commercial catering businesses to assess how the risk of exposure to carbon monoxide from natural gas and solid fuel cooking appliances is being controlled.</p> <p>Commence proactive intervention to assess how the risk of Legionella is being managed in premises displaying/using hot tubs and spas across the SRS region.</p>
<p><b>1, 2, 4</b></p> <p><b>1, 2, 3</b></p> <p><b>1</b></p> <p><b>1, 2</b></p> <p><b>1, 2</b></p>	<p><b>Q3</b></p>	<p>Support Welsh Government, Public Health Wales, Local Health Boards, Care Inspectorate for Wales and Social Services prevent and control the spread of novel Coronavirus infection (COVID-19) in closed care settings (<i>e.g. residential care homes; nursing homes etc.</i>)</p> <p>Support local businesses and promote compliance with COVID-19 legislation</p> <p>Continue visits to commercial catering businesses to assess how the risk of exposure to carbon monoxide from natural gas and solid fuel cooking appliances is being controlled.</p> <p>Complete proactive intervention to assess how the risk of Legionella is being managed in premises displaying/using hot tubs and spas across the SRS region.</p> <p>Continue visits to indoor trampoline parks across the SRS region to assess compliance against the PAS 5000 standard, and assess health and safety management arrangements in indoor leisure facilities such as soft play/inflatable arenas/ninja warrior centres</p>
<p><b>1, 2, 3, 4</b></p> <p><b>1, 2, 3</b></p> <p><b>1</b></p> <p><b>1, 2</b></p>	<p><b>Q4</b></p>	<p>Support Welsh Government, Public Health Wales, Local Health Boards, Care Inspectorate for Wales and Social Services prevent and control the spread of novel Coronavirus infection (COVID-19) in closed care settings (<i>e.g. residential care homes; nursing homes etc.</i>)</p> <p>Support local businesses and promote compliance with COVID-19 legislation</p> <p>Complete visits to commercial catering businesses to assess how the risk of exposure to carbon monoxide from natural gas and solid fuel cooking appliances is being controlled.</p> <p>Complete visits to indoor trampoline parks across the SRS region to assess compliance against the PAS 5000 standard, and assess health and safety management arrangements in indoor leisure facilities such as soft play/inflatable arenas/ninja warrior centres.</p>



# Appendix 2 – Corporate priorities and outcomes of partner authorities

## Bridgend County Borough Council



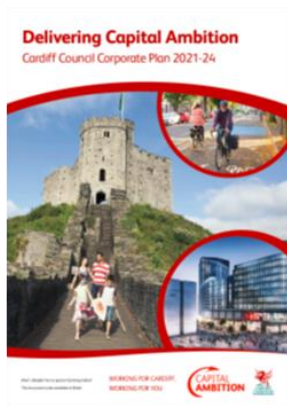
### Priorities

- Supporting a successful sustainable economy
- Helping people and communities to be more healthy and resilient
- Smarter use of resources

### Outcomes/Aims

- Improve learner outcomes
- Growth and prosperity
- Developing and enhancing community support and services
- Build resilient communities
- Better health and well-being
- Transforming the Council's estate
- Areas of corporate change
- Decarbonisation and environmental sustainability

## City of Cardiff Council



### Priorities

- Cardiff is a great place to grow up
- Cardiff is a great place to grow older
- Supporting people out of poverty
- Safe, confident and empowered communities
- A Capital City that works for Wales
- Cardiff grows in a resilient way
- Modernising and integrating our public services
- Managing the Covid-19 pandemic

### Outcomes/Aims

- Cardiff is a great place to grow up
- Cardiff is a great place to grow older
- Supporting people out of poverty
- Safe, confident and empowered communities
- A Capital City that works for Wales
- Cardiff grows in a resilient way
- Modernising and integrating our public services
- Managing the Covid-19 pandemic

## Vale of Glamorgan Council



### Priorities

- To work with and for our communities
- To support learning, employment and sustainable economic growth
- To support people at home and in their community
- To respect, enhance and enjoy our environment

### Outcomes/Aims

- Inclusive and Safe
- Environmentally Responsible and Prosperous
- Aspirational and Culturally Vibrant
- Active and Healthy