



WEALDEN DISTRICT COUNCIL

HEALTH AND SAFETY AT WORK

SERVICE PLAN 2021 - 2022



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This plan was agreed by Wealden District Council on 21st July, minute CAB40/2021-CPH.



View of Wealden District Council Offices Hailsham

1. INTRODUCTION

- 1.1 This Health & Safety service plan is an expression of Wealden District Council's continuing commitment to regulating Health and Safety at work.

This service plan contributes to Wealden's corporate plan of 2019-23 aim to "protect and enhance Wealden's high-quality natural environment" and to "encourage healthy business practices through strong consistent regulatory advice, support training and enforcement".

Wealden District Council commits to the joint Statement of Commitment between local authorities and HSE Regulatory Services. [Statement of commitment between: Local Authority and HSE Regulatory Services - HSE](#)

- 1.2 The Better Regulation Office publication 'National Enforcement Priorities for Local Authority (LA) Regulatory Services', placed Health and Safety at Priority number four - '*Help people to live healthier lives by preventing ill health and harm and promoting public health*' (November 2011).

2. BACKGROUND

- 2.1 Health and safety legislation in Great Britain is enforced by the Health and Safety Executive or one of the over 380 local authorities (LA) depending on the main activity carried out at any premises. In general LA's are the main enforcing authority for retail, wholesale distribution and warehousing, hotel and catering premises, offices, and the consumer/leisure industries.
- 2.2 Each local authority is an enforcing authority in its' own right and must make adequate provision for enforcement. The LA National Enforcement Code introduced in May 2013 sets out the principles that each local authority should follow to ensure a consistent, proportionate and targeted approach to regulation based on risk.
- 2.3 Local authorities should use several intervention approaches to regulate and influence businesses in the management of health and safety risks including:
- provision of advice and guidance to individual businesses or groups
 - proactive interventions including inspection
 - reactive interventions e.g. to investigate an accident or complaint.
- 2.4 Local authority inspectors may use enforcement powers, including formal enforcement notices, to address occupational health and safety risks and secure compliance with the law. Prosecution action may be appropriate to hold duty holders to account for failures to safeguard health and safety [Local authority enforcement - HSE and LAs Working together - HSE](#)
- 2.5 Within Wealden District Council this duty is carried out by Environmental Health Officers within the Environmental Health Department.

3. MISSION STATEMENT

'Deliver an increasingly efficient and effective public health service which strives to promote and sustain a safe prosperous community for businesses, residents and visitors.

4. AIMS and OBJECTIVES

4.1 Aim:

To enable the service to use its resources in an efficient and effective way, to promote compliance with legal obligations under health and safety law, and to take robust action where there is serious non-compliance that puts the safety or health of those at work, or the public at risk.

4.2 Objectives:

- i. To contribute to the growth of local businesses through the provision of proactive and reactive advice and guidance and contributing to a level playing field for business.
- ii. To investigate complaints and reports of incidents that meet the incident selection criteria and complaint handling criteria set down by HSE.
- iii. To plan a range of interventions based on HSE national priorities and local intelligence led priorities.
- iv. To work in partnership with the Health and Safety Executive (HSE) and others to deliver this service plan.
- v. To support the Primary Authority Scheme.

5. COMPLIANCE with NATIONAL POLICIES

5.1 All health and safety regulatory activity carried on by Wealden District Council must conform to the requirements of the National Local Authority Enforcement Code. The Code requires that all health and safety law enforcement is proportionate in applying the law and securing compliance; consistent in approach and targeting of enforcement action; Wealden Council must be transparent and accountable about how we operate and what those regulated may expect. Wealden Council must ensure that health and safety priorities and interventions are targeted in accordance with the mandatory HSE guidance - Local Authority Circular 67-2 (Revision 10).

- 5.2 Interventions are carried out in accordance with written procedures which reflect the nature of the activity under consideration. Officers have regard to the regulations made under Section 15 of the Health and Safety at Work etc Act 1974 and the codes of practice which are issued under Section 16 of the Act, when enforcing the provisions of the Act.
- 5.3 In accordance with HSE, LGA and FSA advice issued 1st April 2011, combined food hygiene and health and safety inspections will be carried out, to minimise burdens on local businesses.
- 5.4 Wealden has an Equality Policy and the Environmental Health Service carried out an equality impact assessment and is currently carrying out equality monitoring. The results of the monitoring will determine future policy in this area.
- 5.5 This plan provides a documented system for officers' guidance and information and to facilitate inter authority or peer review audits.

6. ENFORCEMENT

- 6.1 Wealden District Council recognises the emphasis placed on enforcement by the guidance of the HSE and LG Regulation (published in May 2011), in particular the need for enforcement action to *'Maintain a strong deterrent against those who fail to meet their H&S obligations and put their employees at material risk thereby also deriving an unfair competitive advantage'*.
- 6.2 Wealden District Council adopted an enforcement policy for the shared Environmental Health service in 2014: [EHEnforcementPolicy.pdf \(wealden.gov.uk\)](#)
- 6.3 Officers carry out enforcement in line with Wealden's Enforcement Policy as well as being guided by the Health and Safety Executive's Enforcement Policy Statement and the Enforcement Management Model.



South Downs View

7. AUTHORITY PROFILE

Wealden's District has a population of approximately 161,475 and covers an area of 835 Km². (ONS UK 2019). Wealden District is mainly a rural area with five urban centres: Crowborough, Hailsham, Heathfield, Polegate and Uckfield. The District of Wealden contains small pockets of rural, coastal and urban living. The businesses within the District reflect this mix. Small and micro businesses form a fundamental part of the Wealden economy as almost 90% of businesses in Wealden employ less than nine people.



Map of the Wealden District reproduced by kind permission of Ordnance Survey

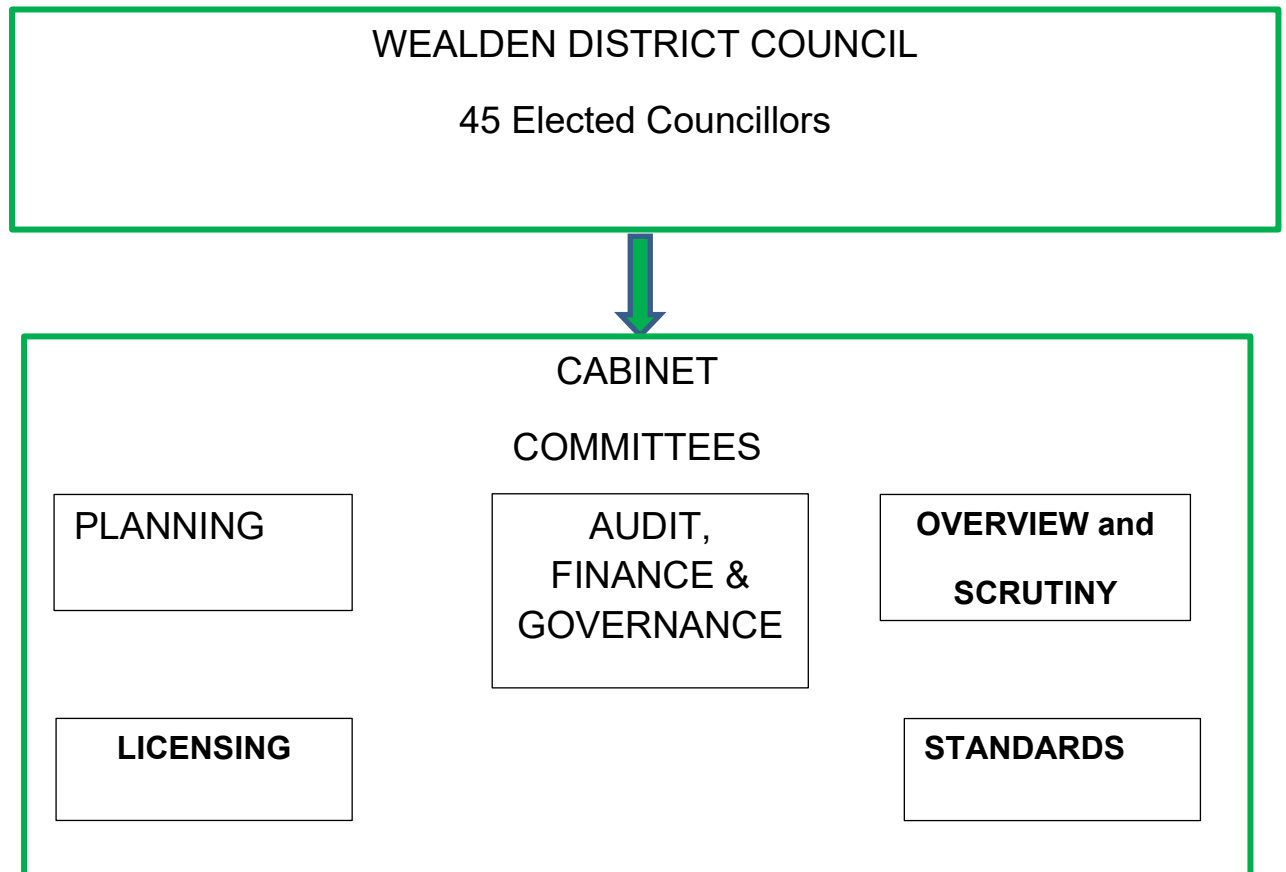
7.1 Health and Safety work is carried out by Environmental Health Officers who also conduct food hygiene inspections, infectious disease investigations, commercial and residential caravan site licensing, kennel and cattery licensing, risk assess private water supplies, pest control and stray dog control.

7.2 The service operates Monday to Friday from the Town Hall in Bexhill-on-Sea and Vicarage Lane Hailsham from 8 30am - to 5pm Monday – Friday. Planned out-of-hours

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work is undertaken and emergency calls are taken by the standby system (Cornwall Council) on 01424 787868.

7.3 Wealden District Council Structure



Decisions on health and safety matters are delegated to the Cabinet Portfolio Holder – Cllr Philip Lunn.

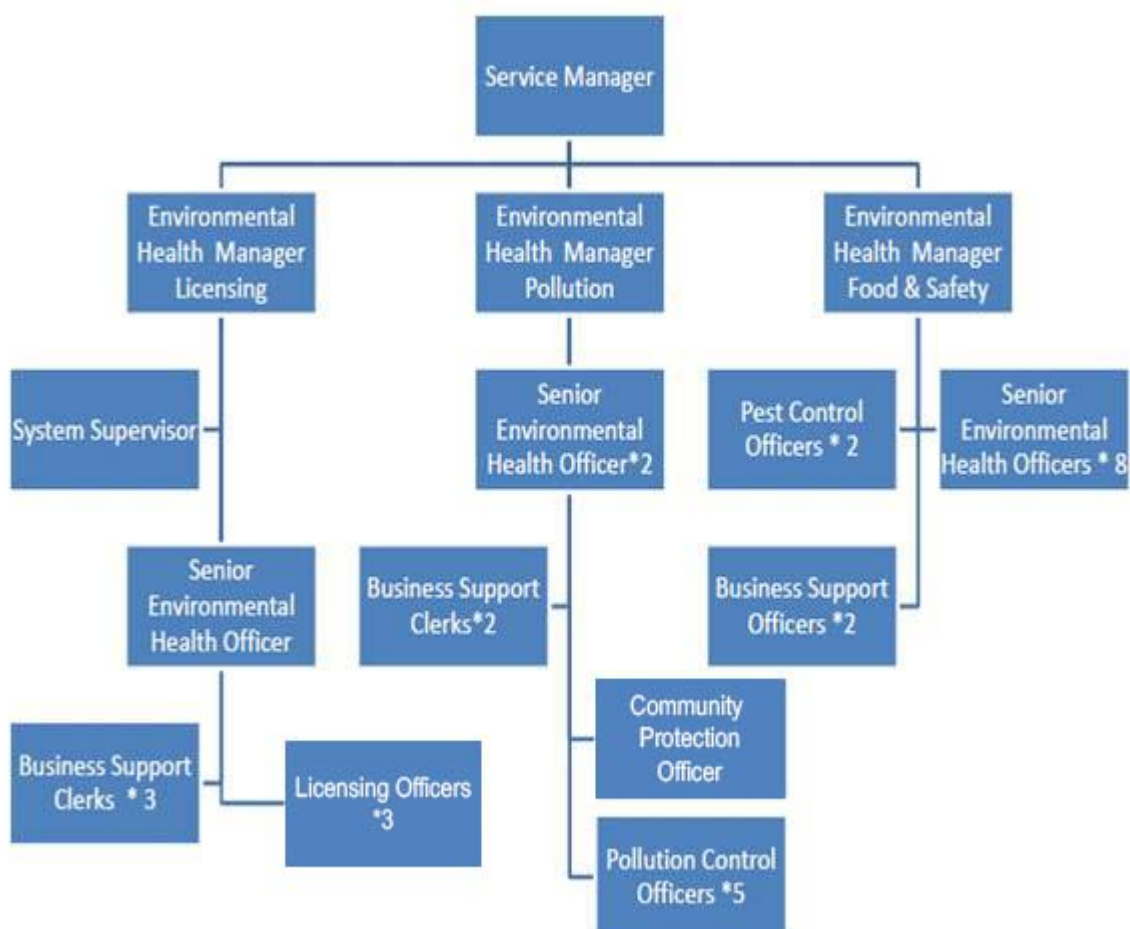
Cllr Lunn makes decisions on policy matters regarding health and safety and communicates these to Deputy Chief Executive and Director of Policy, Planning and Environmental Services, Isabel Garden.

The Senior Management Structure is shown on the chart below. The Deputy Chief Executive and Director of Policy Planning and Environmental Services Isabel Garden directs the Head of Environmental Health, Richard Parker Harding accordingly.

7.4 Wealden Senior Management Structure



**7.4 Wealden District Council
Environmental Health Department Structure**



This chart shows the structure for the Environmental Health service for Wealden Council. A total of 21.75 full time officers are engaged in Environmental Health work for at an annual cost of £1,076,010. The health and safety service of Wealden District Council is carried out by the Food and Safety Team as part of the shared Environmental Health service and interlinks with neighbouring local authorities, Health and Safety Executive and Regulatory Delivery (Department for Business, Energy and Industrial Strategy).

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8. WORK ACHIEVED 2020 -21 and PLAN for 2021 - 22

8.1 The following work plan has been prepared in accordance with the National LA Enforcement Code, and Local Authority Circular 67/2 (rev 10). It seeks to use a range of interventions.

8.2 Provision of advice and guidance

- i. Wealden Council offers a range of business advice through the website at [Business Support - Wealden District Council - Wealden District Council](#)
A business support leaflet is available in hard copy or electronically to all and includes health and safety advice for business.
- ii. Advice is available for those thinking of starting a new business on the website at [Starting up a business - Wealden District Council - Wealden District Council](#) Should more detailed guidance be required, Environmental Health Officers will do so on request.
- iii. The Wealden business efocus magazine gives a wide range of business advice [Business Support - Wealden District Council - Wealden District Council](#)
- iv. The Environmental Health service webpages provide health and safety advice at [Health and safety at work - the basics for business - Wealden District Council - Wealden District Council \(wealdengovuk.azurewebsites.net\)](#)
- v. The Environmental Health service has prepared specific health and safety advice on safe re opening of businesses during the Covid 19 pandemic at [Support and advice for businesses during the covid 19 pandemic - Revised May 2021 - Wealden District Council - Wealden District Council](#)
- vi. Free to download posters have been created by the Environmental Health team available at [Signs to advise customers and staff of Social Distancing requirements - Wealden District Council - Wealden District Council](#)



Six of the posters available free to download

8.3 Proactive Interventions – Covid 19

- vii. The year 2020 – 21 was extraordinary because of the global pandemic. No proactive inspections were planned as the priority of the Environmental Health service was the safety of all Wealden communities from Covid 19. The service concentrated on giving advice and support to all business to control the risk of Covid 19 within their business. When it was safe to do so, officers made proactive inspections to assess Covid security.
- viii. From the beginning of the pandemic a dedicated webpage was established to give business information on their legal status whether they could open, advising of the Covid security measures that should be in place or whether they should be closed. As the year unfolded there were multiple occasions when the webpage changed to reflect the changing restrictions; 1 May 2020, 13 May, 1 June, 16 June, 4 July 24th July 20th August 9th September 6th October 17 and 26 December.
[COVID-19 UK Government Roadmap - STEP 3 - Wealden District Council - Wealden District Council](#)
- ix. At various stages mass emails were sent to businesses with specific advice on the Covid requirements (e.g. wearing of face coverings, obligation to take customers details). Emails were sent to businesses by group to help prepare for re-opening with helpful checklists for hairdressers, beauticians, caravan sites, licensed premises etc in total 2750 advisory mass emails were sent in 2020 – 21.

Reopening checklist for non-food retail businesses during Covid-19

Environmental Health - a shared service for:



Planning and preparation	Completed	Date
Consider conducting initial telephone interviews with staff in order to assess their fitness to work COVID-19 symptoms , and discuss any fears or concerns they may have about returning to work.		
Identify any staff deemed as high-risk, required to self-isolate for an extended period, or have members of their household within these categories.		

Extract from retail business re opening checklist.

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- x. When it was safe to do so, proactive inspections were made of specific groups of businesses to assess Covid security. Forty-seven medium size retailers were inspected in January 2021. Nearly half did not have the required signage to inform customers to wear a face covering. Only a third had queue management in place to make sure the numbers inside the store were controlled. A further third did not have hand hygiene/sanitiser at the entrance. Each was given advice on how to comply and revisits made to check this was done. Fifteen major supermarkets were inspected in January 2021. All had adequate risk assessments, but a minority had not fully implemented their own measures specifically around reminding customers to wear face coverings and sanitising of trolley handles. Ten garden centres were inspected in February and March 2021. The standards were very good, there was clear signage, adequate space for customers to observe social distancing and good standards of cleanliness and ventilation. Total proactive inspections done; 72.



Picture of retailer in Alfriston displaying Covid secure posters

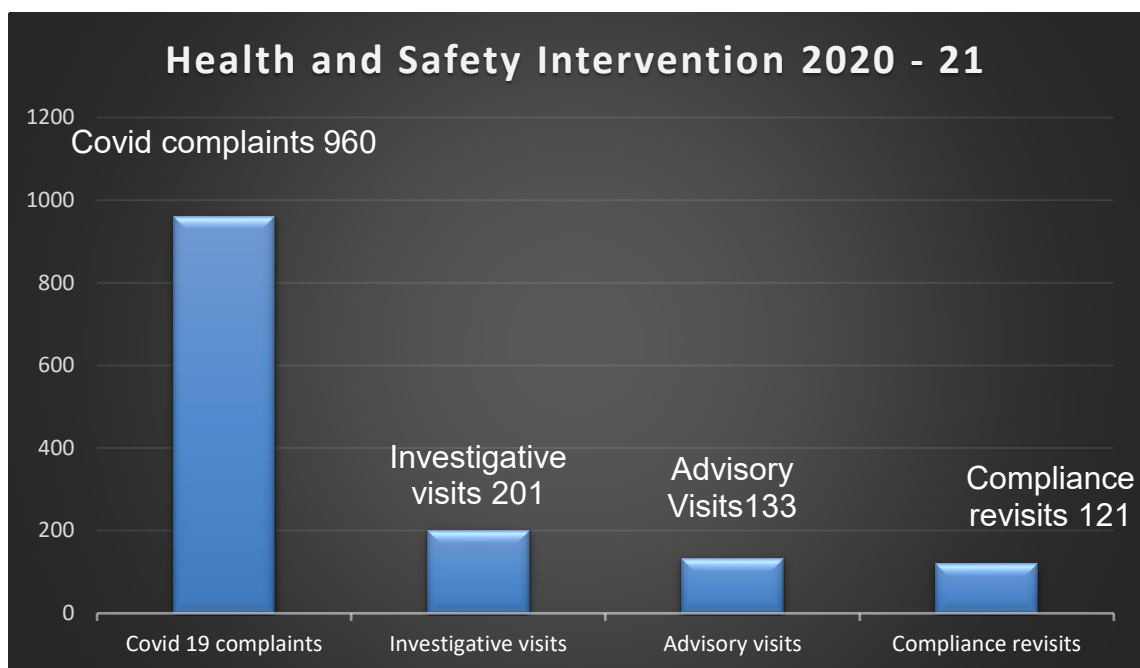
8.4 Safety Advisory Groups

- i. The Coronavirus legislation restricting public gathering prevented the traditional bonfires from occurring in 2020. Some choose to cancel in advance, others chose to present a virtual event. At the time of writing, a gathering of thirty or more people is unlawful. This could mean that bonfire celebrations in 2021 may be very limited by measures to control Covid 19. Plans are in place to hold online meetings with bonfire societies in July and to advise each organisation for their circumstances.

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8.5 Investigation of incidents and complaints

- ii. All reported accidents, incidents (RIDDOR or adverse insurance reports) and complaints are subjected to the HSE's incident selection criteria and complaints handling criteria. This means that each complaint is investigated if it poses a significant risk to safety or health. The full policy is available at [Food and Health and Safety Complaint Investigation Policy - Wealden District Council - Wealden District Council \(wealdengovuk.azurewebsites.net\)](https://www.wealdengov.uk/azuresites/food-and-health-and-safety-complaint-investigation-policy)
- iii. Sixty accidents at work were reported to Wealden in 2020 -21. All were relatively minor matters which did not require regulatory intervention.
- iv. Nine hundred and sixty (960) complaints about health and safety were received from members of the public in 2020 - 21. The vast majority of these were about Covid security. Members of the public were concerned about lack of social distancing, lack of face coverings, lack of cleaning and disinfection. Two thirds of these concerns were addressed by phone and email. Two hundred and one (201) visits were made to investigate the most serious of these complaints. When contraventions were confirmed, businesses were given a short time period to comply and one hundred and twenty-one revisits were made to ensure that compliance was maintained.
- v. Five health and safety enforcement notices and three Coronavirus enforcement notices were issued, and all were complied with promptly.
- vi. One hundred and thirty-three visits were made to businesses in response to requests for health and safety advice on Covid 19 risk assessments etc.



Summary bar chart of health and safety interventions 2020 – 21.

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8.6 Plan for 2021 - 22

Covid 19 will continue as our priority in 2021 – 22, giving advise to businesses, responding to complaints from the public, making proactive inspections and enforcement where necessary.

We will deliver two projects from the HSE priority list – safety of inflatables amusement devices and raising awareness of the need to prevent injury to members of the public from accessing large commerical bins and recycling bins. (HSE National Priorities 4 and 11). There has been a number of serious incidents where inflatable amusement devices have collapsed or blown away in windy conditions. Inflatables can be found at many local premises and we will raise awareness of the general risks associated with the operation of such devices. In particular, that devices are correctly anchored to the ground, there are suitable arrangements for measuring wind conditions at regular intervals, there is written documentation from a competent inspection body to show it complies with British Standard BS EN 14960.

There have been numerous cases where members of the public have gained access to commercial bins for shelter and then been injured or killed when those bins were emptied into collection and compaction vehicles. We will raise awareness of the need to manage the risks of unsecured access to bins.

8.7 Working with other regulators:

The Food and Safety team worked with Sussex Police on Covid 19 issues particularly in relation to licensed premises.

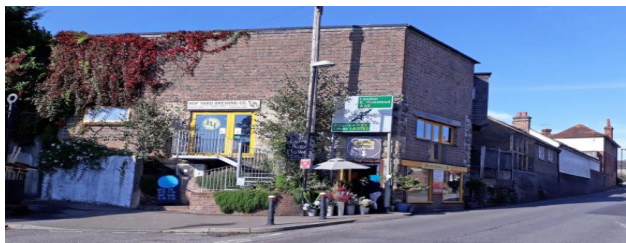


- vii. The Food and Safety Team and Sussex Police licensing wrote to all licensed premises (156) in June 2020 to advise on safe re opening 4th July 2020 as a matter of public health and safety. At the time there were concerns about the public reaction to the re-opening of pubs after a sustained period of closure, drunkenness, disorder, noise, vandalism etc. These fears were not realised in Wealden. The joint letter contained a warning to licensees that a breach of the Coronavirus Restriction Regulations could lead to a review of their premises licence. This warning was instrumental in the review of the licence for the Hop Yard in Forest Row.

REVIEW of PREMISES LICENCE HOP YARD FOREST ROW

The Environmental Health Manager (Food and Safety) applied for a review of the premises licence in September 2020 on grounds of public safety and preventing crime and disorder. Allegations had been received that The Hop Yard in Forest Row was “operating as normal” through May and June 2020 when all other licensed premises were restricted to takeaway only. A police officer visited on June 19th and witnessed the consumption of alcohol on site in breach of the Coronavirus legislation at that time. A separate breach of licensing law was also observed by the police officer, the lack of a designated premises supervisor. An Environmental Health Officer served a Coronavirus enforcement notice prohibiting the consumption of alcohol on site. All licensed premises, including the Hop Yard, re opened on 4th July.

The police officer revisited on 5th September and discovered many breaches of the Covid Secure guidelines, namely, uncontrolled access to bar – customers standing and waiting to be served, lack of social distancing with no attempt to rectify this, uncontrolled access to toilets breaching the Hop Yard own one in one out rule, and lack of records of customers details for track and trace.



View of The Hop Yard
from Hartfield Road

In summary the police officer concluded that “the premises has nothing in place in relation to COVID19 at all and generally, a total disregard to the safety of its customers”.

Whilst at the premises on 5th September the police officer took drugs swabs and cocaine identification wipes in the presence of the licensee from the four customer toilet cubicles. The first wipe turned blue indicating the presence of cocaine. The officer then applied four swabs to the four toilets all of which returned results indicating a high presence of cocaine within the four toilet cubicles.

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The licensing sub committee reviewed the premises licence on 1st December 2020. They heard submissions from the Environmental Health Manager, the police officer, the Environmental Health Officer, the licensee and five supporters of The Hop Yard. The full hearing is available to view at [\(2\) Licensing Sub Committee - YouTube](#)

The licensing subcommittee decision;

- The premises licence to be suspended for 7 days.
- The Designated Premises Supervisor shall be replaced immediately.

The following conditions be added to the premises licence:

1. All alcohol off-sales shall be sold in a sealed container only, and shall not be consumed until outside the whole of the licensed premises
2. The Premises Licence Holder shall ensure that all staff members engaged, or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products. It shall include:
 - All staff must be trained in the Drugs Action Plan and be vigilant to drug use within the premises
 - All staff must be trained in accordance with the Covid Risk Assessment for the premises and be vigilant in enforcing the measures therein.
 - Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 12 weeks, with the date and time of the verbal reinforcement/refresher training documented.
 - All such training undertaken by staff members shall be fully documented and recorded at the time and signed by both the PLH and the DPS. All training records shall be kept on the premises and made available to Sussex Police, officers of the local authority upon request.

The full notice can be read at [DECISION NO \(wealden.gov.uk\)](#)

The Members were satisfied that the review application had been quite properly brought before them, notwithstanding the complaints by the PLH that he had been targeted and harassed. At the time of the application, the Members were satisfied there had been a catalogue of failures in the licensing objectives.

The Members concluded that they were satisfied the decision was a reasonable, proportionate and measured decision following the application, however they believed that should any further review application be made in the future about further licensing failures, a future hearing may Licensing Sub-Committee Decision 2/2013 well be less inclined to be so forgiving.

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9. RESOURCES

9.1 Staff:

The number of full-time equivalent officers allocated to work on health and safety regulatory activity is 1.6.

9.2 Officers Authorised by Wealden under the Health and Safety at Work etc Act:

Environmental Health Officer	Additional Qualification	Level of Authorisation	Level of Authorisation
		Inspection	Enforcement
PIPER Richard	EHORB Registration Env Health Degree	Full	Full
PAGE David	Env Health Degree EHORB Registration Chartered EHP	Full	Full
KANE Una	MSc EHORB registration Lead Assessor Chartered EHP	Full	Full
SIMMONDS Rachel	Env Health Degree EHORB Registration	Full	Full
POWELL Jamie	Env Health Degree EHORB Registration	Full	Full
WRIGHT Philip	Env Health Degree EHORB Registration	Full	Full
WHITCOMBE Ann	Env Health Degree EHORB Registration	Full	Full
WAKEFORD Claire	Env Health Degree EHORB Registration	Full	Full

Environmental Health Officers outside the Food, Safety team who are also authorised:

PARKER-HARDING	Richard	Head of Environmental Health
MINNS	Greg	Senior Environmental Health Officer
EDWARDS	Simon	Senior Environmental Health Officer

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RANDOLPH	Mark	Senior Environmental Health Officer
BEAUMONT	Cathy	Deputy head of Environmental Health
BIGGS	Steve	Senior Environmental Health Officer

9.3 Database

The Service activities are recorded on M3, in accordance with HSE instructions. LAC 67/2 (revision 10). Each planned intervention is reviewed as part of this service plan.

9.4 Reference materials

All reference materials and internal work procedures are stored on the RIAMS website. In addition, there is material available on the HSE's general website and secure extranet site, a library of law encyclopaedias and reference books is maintained in the office.



Picture of the telephone box on Milton Street Alfriston now used a mini library

10. COMPETENCY and CONSISTENCY of OFFICERS

It is essential that officers are well informed and knowledgeable in health and safety matters. Competency of all officers is judged against HSC (G) 4 “Standards of Competency”, using a matrix developed by the Sussex Health and Safety Liaison Group. Annual appraisals are conducted to review performance and to identify specific training needs. Officers attend training days, county liaison meetings and food and safety team meetings. Team meetings are held once a week online through the year 2020 – 21.

Wealden continues to attend and support the Sussex Health and Safety Liaison Group. A Wealden Officer being the secretary and Chair of this group in 2020-21. This group includes all Sussex local authorities that are responsible for regulating health and safety and includes a representative from the HSE. It encourages sharing of knowledge and expertise and develops joint resources.

11. COMPLAINTS AGAINST SERVICE

Wealden operates a local complaints procedure which allows anyone dissatisfied with the Council’s service to pursue their complaint and expect a quick response. No complaints were made against the service in 2020 - 21.

12. CUSTOMER SURVEY

A proportion of businesses are contacted online to seek their views on how we perform. These responses are collated and contribute to the performance management monitoring and reporting carried out by the Environmental Health Service. This includes taking action where performance does not meet the expected standards.

13. DISCLOSURE of INFORMATION

It is Wealden’s policy that disclosures will be made on receipt of a written application under the Freedom of Information Act 2001.

14. CONTACT DETAILS

Website: www.wealden.gov.uk
E-mail: foodhs@rother.gov.uk
Telephone: 01323 644222 and 01424-787000

Address: Vicarage Lane Hailsham East Sussex BN 27 2AX
Town Hall Bexhill on Sea East Sussex TN39 3JX

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