

PORTFOLIO HOLDER DECISION NOTICE

INDIVIDUAL DECISION BY THE PORTFOLIO HOLDER FOR ENVIRONMENT

TOPIC - HEALTH AND SAFETY EXECUTIVE – NATIONAL LOCAL AUTHORITY ENFORCEMENT CODE SECTION 18 HEALTH AND SAFETY AT WORK ETC ACT 1974 – HEALTH AND SAFETY SERVICE PLAN 2017/18

PROCEDURAL INFORMATION

The Access to Information Procedure Rules – Part 4, Section 22 of the Council's Constitution provides for a decision to be made by an individual member of Cabinet.

In accordance with the Procedure Rules, the Legal Services Manager, the Chief Executive and the Strategic Director: Resources are consulted together with Chairman and Vice Chairman of The Overview and Scrutiny Committee and any other relevant overview and scrutiny committee. In addition, all Members are notified.

If five or more Members from those informed so request, the Leader may require the matter to be referred to Cabinet for determination.

Contact Officers:

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SUMMARY

The Health and Safety Executive (HSE) is responsible for directing, monitoring and auditing local authority work in respect of their duties relating to enforcement of the Health and Safety at Work etc Act 1974. Section 18 Guidance "National Local Authority Enforcement Code" sets out how a local authority makes adequate arrangements for health and safety and in the main this is done by writing a Service Plan that gains elected member agreement.

DECISION

That the Service Plan for Health and Safety be approved as attached.

REASON FOR THE DECISION AND OTHER ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

Central Government agencies require risk based Service plans to be approved by Council.

The Council's Health and Safety provision makes a significant contribution to the Councils' strategic aim to promote a healthier, safer and more caring community.

Service Plans are seen as important part of the process to ensure national priorities and standards are addressed and delivered locally. They are designed to focus debate on key delivery issues, provide an essential link to financial planning, set objectives and provide a means of managing performance and making performance comparisons.

The service plan has been drafted based on a template which includes work streams that can be considered and implemented when resources allow.

For 2017/18 the Service will focus on the following elements:

National Priorities: Where reactive intelligence allows, the Team will investigate matters of evident concern reported to them which involves the national priority areas listed in the Plan on a risk based approach.

Local priorities:

Events: There are in excess of 20 major events and due to the nature of these it will require the input of considerable resource to support food safety, public health and health and safety compliance. In the run up to the events in 2017, the Service will continue to work with partners to deliver a safe event including the lead role in Chairing the "Safety Advisory Group" to bring together the regulators involved with the event to support compliance and to facilitate the arrangements to secure public safety.

Asbestos: Remains the biggest cause of workplace deaths in the UK Priority will be given to ensure the compliance with the duty to manage asbestos in the workplace. This will be implemented during routine food hygiene inspections and the receiving of intelligence in other premises.

Registration and support for businesses in the beauty sector: Contact will be made with premises that register their business initially and to those who have failed to register as part of the requirements for public health legislation.

Intelligence led reactive work: Information received by accident notification, complaints and whistle blowing

Large warehousing and builder merchants: Proactive approach in dealing with large warehousing and builders yards as part of the national priorities.

Solid fuel and gas safety: Proactive approach to assessing the danger of solid fuel burners and gas safety within the catering sector when undertaking routine food hygiene inspections.

RESOURCE IMPLICATIONS:

All work will be undertaken within the existing allocated budget. The total health and safety budget for 2017/18 is £163k.

CONSULTATION UNDERTAKEN ON THE DECISION

No consultation carried out.

FURTHER ALTERNATIVE OPTIONS CONSIDERED AND REJECTED FOLLOWING PUBLICATION OF THE DRAFT PORTFOLIO HOLDER DECISION NOTICE

n/a

DECLARATION OF INTERESTS BY THE DECISION MAKER OR A MEMBER OR OFFICER CONSULTED

n/a

DISPENSATION GRANTED BY THE STANDARDS COMMITTEE

n/a

Approved by: (signature)

Date of Decision: 14.02.18

Councillor Jan Warwick Portfolio Holder for Environment

APPENDICES: Draft Health and Safety Service Plan

Environmental Health and Licensing Service

Health & Safety Service Plan 2017/2018

Health Protection Team

HS 01 Prepared by K Gosling Date 1st July 2017

INTRODUCTION

The purpose of this Health and Safety Service (HSS) Plan is to explain to our customers how we protect and promote compliance throughout the City Council's area, including supporting businesses to compliance. The Plan also outlines the Service's priorities, targets, resources and performance.

The Health Protection Team forms part of the multi disciplinary Environmental Health and Licensing Service of Winchester City Council. WCC covers a geographical area of 250 square miles with an estimated population of 116,600 (Source: Census 2011). The Council is located in Central Hampshire and includes Winchester City plus a number of outlying towns and villages. The HSS is located at Winchester City Council, Colebrook Street, Winchester. SO23 9LJ.

Health and Safety Service

The Council is designated as an Enforcing Authority (EA) under the Health and Safety (Enforcing Authority) Regulations 1998, and is responsible for the enforcement of the Health and Safety at Work Act 1974 (and relevant statutory provisions) for activities which fall to the local authority sector within the borough.

The HSS regulates health and safety in approximately 2500 premises in the district. However our database is no longer accurate as there is no requirement for businesses to notify the LA. Of these, the vast majority are smaller, lower risk businesses such as offices and small retail outlets. 440 of the total fall into the medium risk categories, being smaller residential care units, larger offices and premises deemed to be a medium risk by other activities or previous non-compliance.

The scope of the Health and Safety Service primarily includes the:

- provision of information, advice and support to local businesses and the public
- enforcement of health and safety law, with a risk-based approach to regulation
- investigation and appropriate response to requests for service
- maintenance of prescribed public registers
- investigation and appropriate response to accidents, diseases and dangerous occurrences
- role of "responsible authority" under the Licensing Act 2003 and in particular working with the Safety Advisory Group for events within the City's district
- registration functions in respect of special treatments such as tattooing and skin piercing
- · participating in the Council's wider input into public health issues

Organisational Structure of the Health and Safety Service

The service is provided by both environmental health teams depending on the function of provision and responsibility. The Health Protection Team is primarily responsible for the health and safety function which comprises of 1 Environmental Health Managers (EHM), 2.5 Environmental Health Officers and 2 .5 Technical Officers, the EHM (HP) deputises for the Corporate Health and Safety Advisor to the Council. The Environmental Protection Team has an input into licensable activities, asbestos and swimming pools. The Team is part of a wider service Environmental Health and Licensing where the EHM reports to the Head of Service. These officers also undertake other environmental health duties and equates to 0.9fte.

OUR PURPOSE AND PRIORITIES

This section sets the work of the Health and Safety Service in the context of the Councils, and the Environmental Health and Licensing Service's purpose and priorities. The Council's vision is: *Our vision for the Winchester District is of diverse and dynamic communities, where people work together to ensure that everyone has the opportunity to lead a fulfilling life now and in the future*

In support of the Council's Strategy 1017-20 it is the **aim of Environmental Health and Licensing** Service: "to safeguard the health, safety and welfare of the community and the environment in which people work and live and, wherever possible, to promote and secure improvements in the quality of life."

Health and Safety Service Standards

The Health and Safety Service, service standards are:

- responding to requests for service at least within 3 working days and in the case of greater risks, on the same day
- responding to reported ill health, accidents, diseases, statutory reports, etc. within 3 working days and, in the case of greater risks, on the same day
- undertaking appropriate and timely, risk-based interventions of businesses
- ensuring interventions are in accordance with guidance and relevant codes of practice
- taking appropriate enforcement action (proportional to the risks involved and in accordance with the Enforcement Policy, providing appropriate help, support and guidance wherever possible)
- ensuring all staff involved in the Service are properly qualified, competent and have adequate equipment and other resources to enable them to undertake their work
- working in partnership with the HSE, other LAs, and other stakeholders to support compliance, provide advice and support and to reduce the burdens on businesses

REGULATION AND ENFORCEMENT

There is a Regulatory Services Enforcement Policy and the HSS is governed by its content.

The Council also operates a complaints and appeals procedure which initially encourages contact with the officer dealing with the matter, and also offers a means of escalating issues should this be necessary.

Both the **Regulatory Services Enforcement Policy** and the **Complaints and Comments procedure** can be found online at <u>www.winchester.gov.uk</u>.

In addition, and regarding matters of health and safety regulation, businesses may approach the **Health and Safety Executive, Independent Regulatory Challenge Panel** which will look into complaints regarding advice given by Local Authority officers where the customer believes that incorrect information has been given or where what is required to control the risk exceeds what the law requires. The panel consists of independent members who have the competence and experience to assess advice that has been given on regulatory matters. Before the Panel is approached it is expected that a business will first have tried to resolve the matter with the relevant officer and their manager.

DEMANDS ON THE HEALTH AND SAFETY SERVICE

This section reviews the principal demands placed on the Health and Safety Service.

Reactive Demands

- The Service continues to be a frontline point of business contact for local businesses with officers able to deliver key business support and advice.
- As a "Responsible Authority" under the Licensing Act 2003, it is anticipated that the Service will
 have reviewed more than 600 licence applications in all, and appropriately commented on a
 significant number during the year, raising representations and undertaking enforcement visits
 as required to deliver against the public safety objective. Winchester has a prolific event scene
 and the Service plays an active part within the Safety Advisory Group.

- The Health and Safety Service also registers and licenses as appropriate, skin piercers, tattooists, hairdressers, acupuncturists, electrolysists and their premises, in accordance with relevant health and safety legislation and local byelaws to ensure that consistent standards are maintained and good public health practice is in place.
- It is estimated that the Service will have reviewed over 90 statutory notifications of accident, diseases and dangerous occurrences and investigated as required with appropriate interventions to control health and safety risks.

Proactive Demands

• Proactive Inspections of poor performing businesses (National and Local Priority)

The Service continues to use a risk-based approach to inspection. It has provided appropriate interventions to ensure that there is an overall improvement, and reduction in risks to health and safety at all those rated as high risk "A rated" premises, using proportionate enforcement action in accordance with the Enforcement Management Model. There are 2 premises within this category at present.

• Medium to low risk premises

For low risk premises not included within the programme of directed work, non-inspection interventions are considered acceptable. Compliance has been monitored in medium/lower risk premises resulting from service requests, accident notifications, visits for food safety and other causes of intervention. Officers determined the most suitable types of interventions taking into account a number of risk factors.

• Provision of Business Advice and Support including Service Requests

The Health and Safety Service will provide advice and support to businesses on health and safety issues at every opportunity to support business growth and development. This is particularly pertinent in the difficult economic climate and fits in with WCC approach to the Governments initiative Better Business For All (BBFA) The Service is similarly the frontline for public enquiries and support.

As a result of ongoing regulatory reform, direction from the Health and Safety Executive requires Local Authorities to carry out appropriate local interventions in intelligence led, high-risk sectors. In all cases, the Service has ensured that it has taken proportionate action and used the full range of intervention methods available to ensure that it has supported local business, protected the community and contributed to the wider public health agenda. It has ensured its responses have been consistent and maintained a strong deterrent against businesses who fail to meet their legal obligations.

In reviewing the proactive work required of the Service, the national priority areas evidenced by the HSE and use of local knowledge help to inform an intervention plan: <u>National Priorities for LA</u> <u>Sector</u>

Local health and safety initiatives based on local public health needs

• Registration for Special Treatments (Local Priority)

The Service registers ear piercers, tattooists, hairdressers, acupuncturists, electrolysists and their premises in accordance with relevant health and safety legislation and local byelaws to ensure that consistent standards are maintained and good public health practices are in place.

The Service has continued to engage the local trade and has responded rapidly and appropriately with regulatory partners to deal with public health risk arising from special treatments.

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• Safety Advisory Groups

The Service has a key role representing Winchester City Council at the Safety Advisory Group where EH&L has acted as a lead partner in non-statutory SAGs to support safe and successful events. Winchester has a prolific events scene ranging from large music festivals to the British leg of the Moto-cross Grand Prix.

HEALTH AND SAFETY SERVICE PLANNING FOR 2017/2018

Government Reforms

The Government has continued to pursue regulatory reform, particularly in health and safety regulation. In his report "Reclaiming health & safety for all: An independent review of health and safety legislation", commissioned by the then Minister for Employment, Professor Ragnar Löfstedt, recommended that HSE be given a stronger role in directing Local Authority (LA) health & safety inspection and enforcement activity.

As a result the "National Code" has now been implemented for Local Authority Health and Safety regulatory services. The Code is designed to support a more consistent and proportionate approach to enforcement.

This service plan follows the requirements of the National Code, particularly in the arrangements to ensure the effective and proportionate management of risk, in supporting business and in protecting communities, and in contributing to the wider public health agenda. Recognising this and further guidance issued by the HSE, the Service will deliver against Reactive and Proactive Demand as follows:

Reactive Demand

During 2017/18 the Health and Safety Service anticipates that it will receive the following reactive demands:

- 40 service requests from the public concerning matters relating to health and safety
- 600 licence applications for temp event or formal review with comments on at least 30 applications
- 40 annual Licence application for animal welfare ie animal boarding/horse riding establishments
- 17 applications for skin piercing, tattooing, hairdressing, etc.
- 90 accident notifications with appropriate interventions to control health and safety risks.

Proactive Demand

In accordance with the direction given to Local Authorities by the Health and Safety Executive, the Service Plan for health and safety is shown in the format of a Table as follows:

| Intervention Priority Area (National) | Why intervene? Evaluation of evidence | Where to intervene? Sectors and activities to be targeted | How and when to intervene? Range of interventions available and the timing (if applicable). |
|--|---|--|--|
| 1 – Legionella Control Premises with cooling towers/evaporative condensers and other 'at risk' water systems. | As informed by local knowledge and evidence, to support control of systems which pose a high risk if poorly managed. "Cluster cases" have been found in previous years across North Hampshire and Nationally. Workstream supported and coordinated with Hampshire Health and Safety Advisory Group. | Businesses with equipment registered on the Cooling Towers and Evaporative Condensers public register (held by the Council). Businesses with other 'at risk' water systems e.g. vulnerable | Initial contact with registered businesses to discuss control measures to motivate "responsible persons", with suitable and supportive intervention, if required. During other interventions, as appropriate. Participating in the PHE national sampling campaign of spa pools and taking the necessary enforcement action when |
| 2 – Explosion caused by leaking LPG | As informed by local knowledge and evidence, to continue to support this priority area. | adults and hot/cold water systems based on local intelligence. Businesses identified as having bulk LPG systems, based on local | adverse results are seen Undertake inspections of sites identified by HSE. Officers will identify during routine food inspections other. |
| Premises (including caravan parks) with buried metal LPG pipework. | Workstream supported and coordinated with Hampshire Health and Safety Advisory Group. | intelligence and HSE notification Additional sites identified by HSE that will need contact during 17/18. | To follow up on "matters of evident concern" which arise during other interventions, complaints or requests for service. |
| 3 e.coli/cryptosporidium infection especially in young persons Premises included – animal handling venues ie zoo and mobile animal farms | Pathogenic organisms cause considerable pain and suffering including death and serious kidney damage. | Open Farms and visitor attractions plus visiting mobile attractions | Likely notification will come from Public Health England, and a outbreak control will be set up. Likely to be an immediate response to prevent further spread. |
| 4A – Fatalities/injuries resulting from being struck by vehicles High volume Warehousing & | As directed by HSE's "list of activities/sectors for proactive inspection by LAs". Workplace transport fatalities increased over a 3 | LA enforced businesses in which warehousing and distribution are high volume. | Education & awareness campaign for businesses with high volume warehousing and distribution, to deal with workplace transport. |
| Distribution Specifically workplace transport | year period to 2011 (source HSE). Workstream supported and coordinated with Hampshire Health and Safety Advisory Group. | | To follow up on reactive work in this area, and following up on "matters of evident concern" which arise during other interventions, complaints, accidents or requests for service. |
| 4B – Fatalities/injuries resulting from being struck by vehicles Tyre fitters | As directed by HSE's "list of activities/sectors for proactive inspection by LAs". | LA enforced businesses such as tyre fitters in which two-post vehicle lifts are used. | Education & awareness campaign for businesses using two- post vehicle lifts. To follow up on reactive work in this area, and following up on |
| Specifically the use of two-post vehicle lifts. | | | "matters of evident concern" which arise during other interventions, complaints, accidents, LOLER reports or requests for service. |
| 5 – Fatalities/injuries resulting from falls from height/ amputation and crushing injuries - Industrial retail/wholesale | As directed by HSE's "list of activities/sectors for proactive inspection by LAs". Workstream supported and coordinated with | LA enforced steel stockholders, builders & timber merchants. | Education & awareness campaign including inspection by appointment, focussing on workplace transport, work at height, cutting machinery and lifting equipment. |

| premises e.g. steel stockholders, builders/timber merchants, specifically workplace transport & work at height & cutting machinery /lifting equipment. | Hampshire Health and Safety Advisory Group. | | To follow up on reactive work in this area, and following up on "matters of evident concern" which arise during other interventions, complaints, accidents, LOLER reports or requests for service. |
|---|---|---|---|
| 6 – Industrial diseases (occupational asthma/deafness) Industrial retail/wholesale premises e.g. steel stockholders, builders/timber merchants Specifically use of isocyanate paints & noise & dust | As directed by HSE's "list of activities/sectors for proactive inspection by LAs". | LA enforced steel stockholders, builders & timber merchants. | Education & awareness campaign including inspection by appointment, focussing on safety and health in the use of isocyanate paints and to assess compliance with requirements relating to noise and dust. To follow up on reactive work in this area, and following up on "matters of evident concern" which arise during other interventions, complaints, accidents, LOLER reports or requests for service. |
| 7 – Falls from height High volume Warehousing and Distribution Specifically work at height | As directed by HSE's "list of activities/sectors for proactive inspection by LAs". Workstream supported and coordinated with Hampshire Health and Safety Advisory Group. | LA enforced businesses in which warehousing and distribution are high volume. | Education & awareness campaign for businesses with high volume warehousing and distribution, to deal with work carried out at height. To follow up on reactive work in this area, and following up on "matters of evident concern" which arise during other interventions, complaints, accidents or requests for service. |
| 8 – Crowd control & injuries/fatalities to the public Large scale public events/sports/leisure facilities e.g. motorised leisure pursuits including off road vehicles and track days. Inadequate consideration of public safety e.g. poor organisation and/or supervision of high speed or off-road vehicle movements | As directed by HSE's "list of activities/sectors for proactive inspection by LAs". Delivery of the Service role as a Responsible Authority for "Public Safety" in accordance with Licensing Act 2003. | Large scale local events and motorised leisure pursuits. | Engagement with applicants through the role of responsible authority and, for non-licensed activities, as they arise. Preventative interventions through SAGs and by inspection as appropriate. Continuing to work proactively with the organisers of large scale events to provide for a safe event, in partnership with co-regulators. To follow up on reactive work in this area, and following up on "matters of evident concern" which arise during other interventions, complaints, accidents, or requests for service. |
| 9 – Carbon monoxide poisoning in commercial catering premises using solid fuel cooking equipment Lack of suitable ventilation and/or unsafe appliances | As directed by HSE's "list of activities/sectors for proactive inspection by LAs". Workstream supported and coordinated with Hampshire Health and Safety Advisory Group. | LA enforced food premises. | Delivering a project to assist Food Officers in the identification and appropriate enforcement action for matters of evident concern whilst inspecting food businesses. To follow up on reactive work in this area, and following up on "matters of evident concern" which arise during other interventions, complaints, accidents, or requests for service. |

| 10 – Violence at work Premises with vulnerable working conditions (lone/night working/cash handling e.g. betting shops/off-licences/care settings) and where intelligence indicates that risks are not being effectively managed. | As directed by HSE's "list of activities/sectors for proactive inspection by LAs". Workstream supported and coordinated with Hampshire Health and Safety Advisory Group. | LA enforced premises. | Reacting to intelligence and working with other agencies (e.g. Police) to identify premises where risks are not being effectively managed or there is a significant concern with crime. To follow up on reactive work in this area, and following up on "matters of evident concern" which arise during other interventions, complaints, accidents, or requests for service. |
|---|---|--|---|
| 11 – Poor Performing Businesses | As directed by HSE's "list of activities/sectors for proactive inspection by LAs" and LAC 67/2. Risk-based approach to proactive inspection. Highest risk premises within the Borough, such as where intelligence suggests that risks are not being effectively managed. | LA enforced premises previously inspected and rated as A – high risk and poor performer. | Proactive inspections of poor performing businesses where appropriate. Proportionate intervention where standards fall below required standards. To follow up on reactive work in this area, and following up on "matters of evident concern" which arise during other interventions, complaints, accidents, ill health, or requests for service. |
| | | | |
| Intervention Priority Area (Local) | Why intervene? Evaluation of evidence | Where to intervene? Sectors and activities to be targeted | How and when to intervene? Range of interventions available and the timing (if applicable). |
| | | Sectors and activities to be | Range of interventions available and the timing (if |

| | Hampshire Health and Safety Advisory Group. | | complaints, accidents, ill health, or requests for service. |
|---|--|--|--|
| 3 Participate in the PHE national sampling program in relation to spa water quality | HSE National Planning Priority for Legionella | Known leisure facilities with spa pools | Reactive intervention based on sampling results to follow up on matters of evident concern. |
| 4 Events | There in excess of 20 major events and due to the nature of these it will require the input of considerable resource to support both food safety and health and safety compliance. In the run up to the event in 2016, the Service will continue to work with partners to deliver a safe event including the lead role in Chairing the Gold Command "Safety Advisory Group" to bring together the regulators involved with the event to support compliance and to facilitate the "sign-off" of the arrangements to secure public safety. | Working with the event organisers, statutory agencies and contractors. | Partnership working and advice/guidance through attendance of SAG and regular site visits during the build-up and during events To follow up on reactive work in this area, and following up on "matters of evident concern" which arise during interventions, complaints, accidents, ill health, or requests for service. |
| 5 RIDDOR Reports | Serious accidents, incidents and ill health in LA enforced premises are reported to the Council via the RIDDOR reporting system. | LA enforced premises. | To reactively investigate RIDDOR reports – selected using the HSE's incident selection criteria. To investigate non-reportable incidents if appropriate. To investigate incidents where there has been a failure to report. Proportionate intervention where standards fall below required standards. To follow up on reactive work in this area, and following up on "matters of evident concern" which arise during other interventions, complaints, accidents, or requests for service. |
| 6 Intelligence led Employee concerns Complaints from public | Seriousness of the allegation | LA enforced premises | Based upon the information received the outcome will risk assessed to determine most appropriate intervention. |
| 7 Proactive approach in undertaking interventions at large warehousing and builders yards | As per items 5,6 and 7 in National priorities above | LA enforced premises, rolled over from 16/17 | Education & awareness campaign including inspection by appointment, focussing on workplace transport, work at height, cutting machinery and lifting equipment. To follow up on reactive work in this area, and following up on "matters of evident concern" which arise during other interventions, complaints, accidents, LOLER reports or requests for service. |
| | | | Education & awareness campaign including inspection by |

| | | | appointment, focussing on safety and health in the use of isocyanate paints and to assess compliance with requirements relating to noise and dust. To follow up on reactive work in this area, and following up on "matters of evident concern" which arise during other interventions, complaints, accidents, LOLER reports or requests for service. |
|--|---|----------------------|--|
| | | | Education & awareness campaign for businesses with high volume warehousing and distribution, to deal with work carried out at height. |
| | | | To follow up on reactive work in this area, and following up on "matters of evident concern" which arise during other interventions, complaints, accidents or requests for service. |
| 8 Proactive approach in looking at solid fuel burners, gas safety within the catering sector which | As per item 9 for National priority above and Hampshire HS group priority | LA enforced premises | At all relevant premises a proforma gas safety questionnaire to be completed and information stored on EH database. |
| includes solid and cylinder gases | | | To follow up on reactive work in this area, and following up on "matters of evident concern" which arise during other interventions, complaints, accidents, or requests for service. |

6. QUALITY ASSESSMENT

The Service has quality assurance procedures including staff development procedures designed to ensure that the Health and Safety Service is provided in a way that is consistent with emerging framework agreements, codes and relevant guidance.

WCC will participate in any Hampshire and Isle of Wight Health and Safety Liaison Group Peer Review. The service will be open to audit and to making improvements through the audit recommendations.

At a local level, the Service similarly operates a system of officer peer review whereby officers carry out joint inspections to ensure a consistent interpretation with regular team meetings, personal appraisals and one-to-one reviews where matters of review and improvement can be discussed.

Each officer will try and gain at least 10 hours CPD within the field of health and safety annually.

7. REVIEW

The Service reviews its performance throughout the year through reports presented to the Environmental Health and Licensing Head of Service. The authority continues to submit annual returns to the Health and Safety Executive as required. This document will be reviewed annually.