

AGENDA

This meeting will be livestreamed and the video archive published on our website

Regulatory Committee
Thursday, 9th June, 2022 at 6.30 pm
Council Chamber - The Guildhall

This Meeting will be available to watch live via: <https://west-lindsey-public-i.tv/core/portal/home>

Members: Councillor Mrs Jessie Milne (Chairman)
Councillor Mrs Angela Lawrence (Vice-Chairman)

Councillor Liz Clews
Councillor David Cotton
Councillor Timothy Davies
Councillor Mrs Caralyne Grimble
Councillor Paul Howitt-Cowan
Councillor Mrs Cordelia McCartney
Councillor Peter Morris
Councillor Keith Panter
Councillor Mrs Judy Rainsforth
Councillor Mrs Diana Rodgers
Councillor Jim Snee
Councillor Jeff Summers

- 1. Apologies for Absence**
- 2. Public Participation**
Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each.
- 3. Declarations of Interest**
Members may make declarations of Interest at this point or may make them at any point in the meeting

4. **Minutes of Previous meetings** (PAGES 3 - 6)

To confirm and sign as a correct record the Minutes of the Meeting of the Regulatory Committee held on Thursday 10 March 2022.

5. **Public Reports for approval**

a) Gainsborough Cemeteries - Public Space Protection Order Review (PAGES 7 - 21)

b) Food and Health and Safety Work Plan 2022/23 (PAGES 22 - 44)

Ian Knowles
Head of Paid Service
The Guildhall
Gainsborough

30 May 2022.

Regulatory Committee - 10 March 2022

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Regulatory Committee held in the Council Chamber - The Guildhall on 10 March 2022 commencing at 6.30 pm.

Present: Councillor Mrs Jessie Milne (Chairman)
Councillor Mrs Angela Lawrence (Vice-Chairman)

Councillor Liz Clews
Councillor David Cotton
Councillor Timothy Davies
Councillor Mrs Caralyne Grimble
Councillor Paul Howitt-Cowan
Councillor Peter Morris
Councillor Keith Panter
Councillor Mrs Judy Rainsforth
Councillor Mrs Diana Rodgers
Councillor Jim Snee

In Attendance:
Andy Gray Housing and Enforcement Manager
Kimble Enderby Senior Licensing and Community Safety Officer
Tracy Gavins Licensing Enforcement Officer
Katie Storr Democratic Services & Elections Team Manager
Andrew Warnes Democratic and Civic Officer

Apologies: Councillor Mrs Cordelia McCartney

22 PUBLIC PARTICIPATION

There was no public participation.

23 DECLARATIONS OF INTEREST

There were no declarations of interest at this point in the meeting.

24 MINUTES OF PREVIOUS MEETINGS

Regulatory Committee – 9 December 2021

RESOLVED that the Minutes of the Meeting of the Regulatory Committee held on

Thursday, 9 December 2021 be confirmed and signed as an accurate record.

25 MATTERS ARISING

With regard to the black action entitled “Flyposting” and in response to Members enquiry as to when such a report would be brought to the Committee, Officers confirmed this matter would be considered as part of the wider the Public Space Protection Order scheduled for consideration by the Committee in December 2022.

A Member notified Officers of some flyposting from the Trinity Arts Centre Christmas events from late 2021. The Housing & Environmental Enforcement Manager stated that he would work with the team at the Trinity Arts Centre to deal with this issue.

Another Member raised concerns regarding fly-tipping nearby and within her ward. The Officer indicated he would contact the Member outside of the meeting to address any ward specific concerns.

In the absence of any further questions, the report was taken as read and with no requirement for a vote, the Matters Arising were **DULY NOTED**.

26 TAXI FARE INCREASE REQUEST

Members gave consideration to a report which provided Members of the Regulatory Committee the background and options to the Taxi Fare Increase Request.

Under the provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 the District Council was the Authority responsible for licensing hackney carriages and private hire vehicles. The Council was also responsible for setting a scale of fares, which set out the maximum amount that could be charged by hackney carriage proprietors. The Council could not, however, control fares for private hire vehicles.

The Council licensed 55 hackney carriages, 26 private hire vehicles and 103 drivers in the District. In the last 10 years there had been two increases in the scale of fares, the last one being in 2017 when rates had been increased. As a result of a hackney carriage proprietor contacting the Licensing Team to request a fare increase. In the absence of a Hackney Association in West Lindsey, each proprietor was contacted individually for their views as to whether they felt there was a need for an increase in fares.

Out of 43 proprietors consulted, 14 were in favour of an increase and had suggested various options, 7 were not in favour of an increase. The Officer concluded his remarks by reminding Members that it was their decision regarding whether there should be an increase in the fees chargeable, and if so, to determine the level of that increase. The report provided Members with current tariff levels and an indication of the fares which would be chargeable if the options suggested by those responding to the consultation, were accepted, Table 2.2 referred.

Debate ensued and Members recognised longer term issues that included the rise of

inflation, petrol price increase, and the cost of living that had led to the taxi firms' request. Members also drew attention to medium term and short-term effects which included the effect of the Coronavirus-19 pandemic, and the war in Ukraine.

In response to a question about the consultation process, Members learnt that the process was conducted in November 2021, which a Member pointed out was prior to the war in Ukraine, which the Member noted had led to a substantial increase in the price of petrol. Replying to a similar question about the rate of the responses, Members heard that 21 out of 43 responses showed a good number of traders expressing their opinions, almost 50%.

In answer to a comment about the publication, Members heard that the change would be publicised through a Public Notice without a press release.

Noting that the general consensus from the Committee was that fees chargeable should be increased and that there were no concerns with the re-naming of the tariffs, the Chairman suggested recommendations a) and b) be dealt with first, to allow debate to focus on the level of increase to be applied.

With recommendations a) and b) having been proposed and seconded, on voting it was unanimously

RESOLVED that: -

- a) the renaming of tariffs be approved; and
- b) the current scale of fares be increased.

Having determined an increase should be applied and having resolved such, debate ensued as to what that level of increase should be (recommendation c) related). The initial proposal was for a 7% increase, with a Member stating that any higher increase would be too high for some of the main users of taxis, citing those on lower incomes and older people. It was important to balance the needs of the trade against the needs of its users.

A counter proposal was made for a 9% increase, with several Members' comments reflecting difficulty for the taxi business to make a profit given the substantial increases in their costs, and suggested that a slighter higher raise at this point would limit the need for a further review in the near future.

The amendment was proposed and seconded and on being put to the vote, the amendment was **CARRIED**. It was therefore

FURTHER RESOLVED that:

- c) the fares chargeable be increased by 9%.

For the avoidance of doubt, following the vote the Housing and Environmental Enforcement Manager clarified a 9% increase would result in the Tariff 1 start rate increasing to £3.20 and the Tariff 2 start rate increasing to £4.36.

Regulatory Committee - 10 March 2022

The meeting concluded at 7.00 pm.

Chairman



Regulatory Committee

Thursday 9th June 2022

Subject: Gainsborough Cemeteries - Public Space Protection Order Review

Report by:

Assistant Director – Change Management & Regulatory Services

Contact Officer:

Andy Gray
Housing and Enforcement Manager

andy.gray@west-lindsey.gov.uk

Purpose / Summary:

To propose that the current PSPO in place at the Gainsborough Cemeteries is discharged and seek approval for consultation on this matter.

RECOMMENDATION(S):

Committee are asked to:

- a) Approve that consultation is undertaken in regards to discharging the "Gainsborough Cemeteries PSPO".
- b) Approve that the consultation would take place for a period of 4 weeks, between Monday 4th July and Monday August 1st 2022.
- c) Approve that a further report be brought back to Regulatory Committee in September 2022, detailing the response to the consultation and to include a final proposal for the PSPO.

IMPLICATIONS

Legal:

Public Space Protection Orders are made under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014. The legislative consultation requirement has been met.

Power to make a PSPO is within the Terms of Reference of the Regulatory Committee.

Breach of a PSPO may be dealt with by a fixed penalty notice or prosecution. Delegated powers are in place for service of fixed penalty notices.

Appeals against the making of a PSPO can be made in the High Court within 5 weeks of the PSPO being made, on the grounds that the process has not been followed, or that the Council did not have the authority to make the Order or put certain restrictions in the Order.

At the point that it expires a PSPO can be discharged or extended subject to the necessary publication, consultation and communications taking place.

Financial : FIN/26/23/MT/SSC

There will be a small amount of revenue funding required to publicise the proposal to discharge the order to consult upon this. This is estimated to be in the region of £500 and can be covered via the existing revenue budget.

Staffing :

There is a requirement for staff to support the consultation process, this requirement can be met from the existing staff resource.

Equality and Diversity including Human Rights :

The proposed removal of the PSPO is not deemed to disadvantage any social groups over another.

It is not believed that lifting the restrictions will prohibit any specific group from accessing the cemetery.

Data Protection Implications:

None noted.

Climate Related Risks and Opportunities:

None noted.

Section 17 Crime and Disorder Considerations:

The nature of the PSPO is aimed at addressing particular specific concerns. There is no evidence to suggest that crime and disorder is prevalent at this site, nor that the matters that sought to be addressed within the original PSPO are causing ongoing concern.

Health Implications:

Disruptive activity at a site such as a cemetery can cause distress and annoyance for any visitors to the site. This in turn could have a detrimental impact on a persons mental health.

Title and Location of any Background Papers used in the preparation of this report :

Original Decision to approve PSPO: Regulatory Committee Minutes and Reports, 12th September 2019

<https://democracy.west-lindsey.gov.uk/ieListDocuments.aspx?CId=262&MId=2358&Ver=4>

Risk Assessment :

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

1. Introduction

- 1.1. The Public Space Protection Order (PSPO) for Gainsborough Cemeteries has been in place since 2019 and is due to expire on 13th October 2022. Both sites are owned and managed by Gainsborough Town Council.
- 1.2. This paper seeks to provide information on the current situation regarding the PSPO and to propose that it be discharged (i.e. is not extended) when it comes to an end.

2. PSPOs

- 2.1. These Orders can be made on any land open to the air that the public have a right or entitlement of access to. This means that the legislation can apply to land belonging to local authorities, as well as, for example, Church grounds and land belonging to a resident owned management company.
- 2.2. To make an Order, the local authority needs to be satisfied on reasonable grounds that the activities carried out, or likely to be carried out, in a public space:
 - Have had, or are likely to have a detrimental effect on the quality of life of those in the locality
 - Is, or is likely to be persistent or continuing in nature
 - Is, or is likely to be unreasonable
 - Justifies the restrictions imposed
- 2.3. A PSPO can be varied, extended or discharged and in order to do so, the same legislative tests of detrimental impact, proportionality and reasonableness need to be satisfied.
- 2.4. In considering the determination of the proposed PSPO the Council have had regard relevant guidance including the revised statutory guidance, which can be found here

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/823316/2019-08-05_ASB_Revised_Statutory_Guidance_V2.2.pdf

3. Current Position

- 3.1. The existing PSPO (see appendix 1) seeks to address the following;

“That within the boundaries of Gainsborough General Cemetery and North Warren Cemetery outlined in red in Schedule 3, dogs must be kept on leads at all times and the use of motor vehicles for recreational purposes will be prohibited.”

3.2. The request for the PSPO to be put in place came via Gainsborough Town Council and at its inception, signage was placed across the site advising visitors to the area that the PSPO was in place.

3.3. As with all PSPOs the Council's approach has been to publicise the restrictions and then monitor the site initially. This approach is then scaled back based on the level of reports that are received. A pragmatic educational approach is taken in line with the Police 4 Es approach; Engage; Explain; Encourage; Enforce.

3.4. At the cemetery sites, there has been very little intervention needed from Council officers and there have not been any fixed penalty notices issued relating to either of the restrictions.

3.5. The activities carried out relating to the PSPO are as follows:

- 61 visits to monitor (averaging 30 minutes @ £15.64ph)
- 6 reports from the public
- 0 FPNs
- 1 warning letter (dog off lead)
- 7 persons given words of advice (dog off lead and asked to be put back on lead)
- 2 offences witnessed (dog off lead, offender left cemetery before action could be taken)
- 17 instances where dogs were witnessed being on leads
- 0 instances of offences relating to motor vehicles

4. Proposed Way Forward

4.1. Given that the level of issues relating to the site are not significant, it is proposed that a discharge of the PSPO is consulted upon. This would require the Council to publicise the decision and then seek the views of key stakeholders.

4.2. "The necessary consultation" would be undertaken. "The necessary consultation" means consulting with—

(a) the chief officer of police, and the local policing body, for the police area that includes the restricted area;

(b) whatever community representatives the local authority thinks it appropriate to consult;

(c) the owner or occupier of land within the restricted area;

4.3. The Police and Gainsborough Town Council would be contacted directly on the matter. The remaining consultation would be undertaken using an online survey (with paper copies where appropriate), which would be publicised accordingly.

4.4. The consultation would take place for a period of 4 weeks, between Monday 4th July and Monday August 1st 2022. The notice of the

proposed discharge and consultation would be placed on the Council's website.

4.5. Given that the proposal is to discharge the PSPO the survey will be minimal in its nature and ask respondents to simply state yes or no on whether they agree with the discharge. If a respondent selects "No" they will be asked to provide the reasons as to why.

5. Future Approach

5.1. Whilst it is proposed that the PSPO be discharged. This does not mean that any future concerns cannot be addressed. There are measures that the Council and the Town Council could carry out to address any future concerns. These measures are listed below;

- Use of Community Protection Notices (CPNs) to address dog owners who are not in control of their dog.
- Additional signage in and around the areas regarding expected behaviours for dog owners and the general public
- Continued patrols of the sites by enforcement officers

END

WEST LINDSEY DISTRICT COUNCIL

Anti-Social Behaviour, Crime and Policing Act 2014, section 59 Public Space Protection Order

This order may be cited as the West Lindsey District Council – Gainsborough Cemeteries Public Space Protection Order 2019.

West Lindsey District Council (“the Council”), being satisfied that the conditions set out in Section 59(2) of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) have been met in relation to this order, namely that the Town Council have reported numerous problems being caused by the misuse of alcohol and recreational use of vehicle on its land. Also that the off lead exercising of dogs has caused concerns of fouling, safety and has prevented the full use of land for its proper purpose by other residents. Accordingly, these activities have had a detrimental effect on the quality of life of those in the locality, or it is likely that those activities will be carried out in the area and have such an effect. The Council is also satisfied that the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, and these activities are unreasonable and justify the restrictions imposed by the notice, and that it is in all circumstances expedient to make this order for the purpose of reducing crime and/or anti-social behaviour in a public place.

The Council in exercise of its powers under Sections 59, 64 and 72 of the Act and under all other enabling powers, hereby makes the following order:

1. That within the boundaries of Gainsborough General Cemetery and North Warren Cemetery outlined in red in Schedule 3, dogs must be kept on leads at all times and the use of motor vehicles for recreational purposes will be prohibited.
2. Exemptions to this order are listed in Schedule 1

Schedule 1

1. Alcohol and recreational vehicle use as part of an event organised by or with the permission of Gainsborough Town Council will not be a breach of the PSPO.

Schedule 2

1. It is an offence for a person without reasonable excuse to fail to comply with this order.
2. A person found to be in breach of this order is liable on summary conviction to a maximum penalty of a level 3 fine or to a fixed penalty notice of £75.
3. An authorised officer will be an officer of the District council, or any other suitably trained person, to whom the council has delegated powers under this legislation to demand the surrender of alcohol and to issue fixed penalty notices. Warranted police officers and PCSOs in Lincolnshire are also authorised officers under this legislation.

Schedule 3

Found at the end of the proposed order.

The Order shall come in to operation on Monday 14th October 2019 and shall have effect for a period of 3 years thereafter, unless extended by further orders under the Councils statutory powers.

If any interested person requests to question the validity of this order on the grounds that the Council did not have the power to make the order or that a requirement under the Act has not been complied with, then he or she may apply to the High Court within six weeks from the date in which the order is made.

GIVEN under the Common Seal of West Lindsey District Council on the

..... Day of 2019

The Common Seal of
West Lindsey District Council
was hereunto affixed
in the presence of



69/19

Authorised Officer

[Redacted signature]

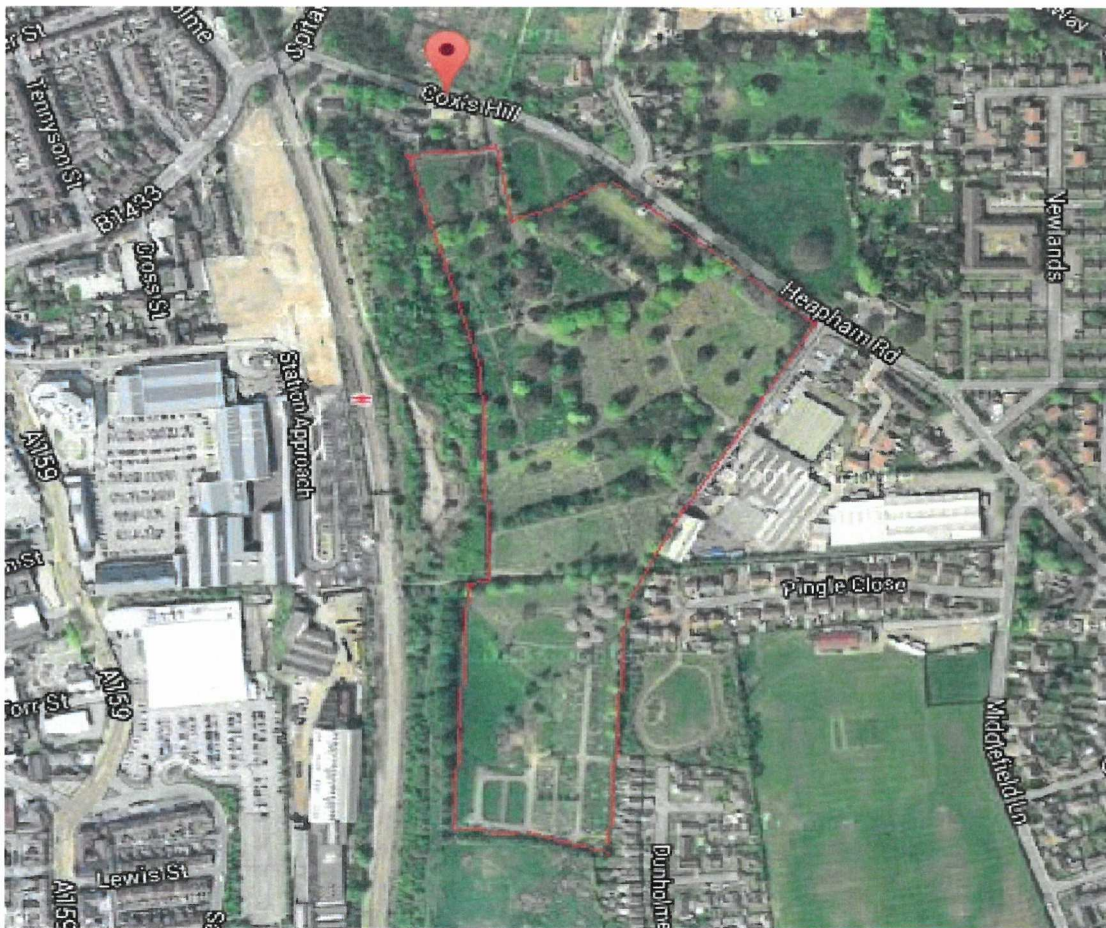
Executive Director of Resources/Head of Paid Service

[Redacted signature]

Chairman

Schedule 3 – areas to be covered by the Gainsborough Cemetery PSPO

Gainsborough General Cemetery



North Warren Cemetery



WEST LINDSEY DISTRICT COUNCIL

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in the presence of



Authorised Officer

[Redacted signature]

Executive Director of Resources/Head of Paid Service

69/19

[Redacted signature]

Chairman

Agenda Item 5b



Regulatory Committee

Thursday 9th June 2022

Subject: Food and Health and Safety Work Plan 2022/23

Report by:

Assistant Director for Change Management and
Regulatory Services

Contact Officer:

Andy Gray
Housing and Enforcement Manager

andy.gray@west-lindsey.gov.uk

Purpose / Summary:

To provide Committee with the Food, Health and
Safety Work Plan 2022/2023 for approval.

RECOMMENDATION(S):

Committee are asked to:

- a) Approve the Food, Health and Safety Work Plan as detailed at Appendix 1.

IMPLICATIONS

Legal:

The provision of this document is a statutory requirement and it is completed in line with the Food Standards Agency Framework Agreement.

Financial: FIN/35/23/SSC

There are no financial implications within this report.

Staffing :

The report identifies the staffing resource available to the service and how they are deployed in order to meet the Council's statutory responsibilities.

Equality and Diversity including Human Rights :

There are no implications noted.

Data Protection Implications :

There are no implications noted.

Climate Related Risks and Opportunities :

There are no implications noted.

Section 17 Crime and Disorder Considerations :

There are no direct implications within this report. In line with the Council's Corporate Enforcement Policy this work area seeks to ensure that other agencies are engaged where necessary to address specific concerns.

Health Implications:

The delivery of an effective Food and Health and Safety Work Plan has a clear and direct impact on the health of the Districts residents. The plan seeks to ensure that Food Hygiene Standards are maintained in line with legislation and that Health and Safety incidents are investigated accordingly.

During the period of 2021/2022, the service played a direct role in the response to the Covid-19 pandemic. This response was based on the work areas resources being re-directed to address Covid-19 related concerns, to enforce the new Coronavirus Regulations and to respond to any Outbreak Management concerns in partnership with Lincolnshire County Council Public Health.

At the time of writing the 2022/2023 work plan, there are no such restrictions in place, however the service is still working in line with the FSA recovery plan, which was developed during the pandemic and is continually reviewed.

Title and Location of any Background Papers used in the preparation of this report:

None noted.

Risk Assessment :

Maintaining Food Hygiene Inspection Requirements – the ability to deliver statutory obligations will continue to be impacted by Covid-19 and the Council will continue to work to the FSA guidance in relation to this.

Covid-19 – any major outbreaks or changes to local restrictions impact on the ability of the service to deliver its core functions. This position is continually reviewed in line with the Governments guidance and local infection rates.

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

1. Introduction

- 1.1. The Council is required to produce and approve a work plan that is in line with the Food Standards Agency Framework Agreement and the Statement of Commitment agreed nationally between Local Authority Representatives and the Health and Safety Executive (HSE). This plan covers all work undertaken within the Housing and Environmental Enforcement work area relating to Food and Health and Safety.
- 1.2. The purpose of the work plan is to set out how the Council delivers its official controls and fulfils its duties under food, health and safety, public health and drinking water legislation.

2. Content

- 2.1. The work plan is attached as appendix 1. The plan reflects the impact that the Covid-19 pandemic has had upon the work area in relation to delivering its statutory functions for food hygiene.
- 2.2. Information on performance and the inspection regime are shown in sections 8 and 9 of appendix 1.

3. Covid – 19 Impact

- 3.1. From the outset of the pandemic, this service has been severely impacted in its ability to deliver the usual obligations in relation to food safety. The cohort of officers allocated to this work were immediately identified and delegated by Government to provide the frontline response within the majority of Local Authority Coronavirus Regulations.
- 3.2. During 21/22, there were less requirements across this cohort of officers to respond directly to covid-19 related issues. This was generally in line with the Government's roadmap for living with covid, which has reduced restrictions generally across most sectors.
- 3.3. The objectives that were originally set out in terms of inspection figures at the commencement of the 21/22 work plan varied as they year progressed. The Council has met all of the required targets within the FSA (Food Standards Agency) Recovery Plan and achieved a total of 87% of inspections completed against the initial target from April 21.
- 3.4. The overall request for service are still increased however have decreased significantly in line with the reduction of covid-19 related restrictions. In 21/22 there were 395 service requests, down from 875 in 20/21. In 19/20 there were 354.

4. Service Demand in 21/22

- 4.1. The table below shows the demand placed on the service over the last 4 years

	2018/19	2019/20	2020/21	2021/22
Total Routine Planned Food Hygiene Inspections (A to D)	358	372	291	198
Completed Food Hygiene Inspections	248 (67%)	347 (92.5%)	18 n/a	172 (87%)
Food Inspection Visits (inc abortive)	268	401	39 (M38)	210
Food Inspection Revisits (additional)	47	25	4 (M24)	26
Request for Revisit (FHRS)	20	16	0	2
Food / H&S Complaints and Service Requests (note 2020/21 figure includes covid related complaints and service requests)	334	354	875	395
Service Requests Requiring a Premises Visit (additional)	35	45	5	28
Accident Investigations	6	2	12	2
RIDDOR Reports	42	37	50	64
Infectious Disease Reports	74	41	23	50
Sampling Undertaken	0	37	4	0

4.2. The figure of 198 total routine planned food hygiene inspections (A to D) reflected the number of inspections required within the FSA Recovery plan to the end of March 22. During 21/22 officers took the opportunity to include other non-recovery plan premises within the inspection regime and in a normal programmed inspection year, the total number of premises requiring inspection would have been 554.

4.3. There is a level of uncaptured demand that relates to general advice and queries that arise as part of the day to day work relating to food and health and safety. The offering of advice provides additional value to businesses in the district and help to ensure that strong relationships are in place.

5. Approach to Food Hygiene Inspections in 22/23

5.1. The Food Law Code of Practice (March 2021) provides opportunity for a range of interventions in relation to food premises. The approach that the Council takes regarding these interventions is linked to its corporate enforcement policy, which officers have regard for when making any decision. The planned programme of intervention is shown in the table below:

Category	Inspection Frequency	No of Premises
A	6 months	4
B	12 months	25

C	18 months	114
D	24 months	212
E	36 months	398
UNRATED		92

5.2. The above table represents a normal routine inspection programme for the Year 2022/23 of 845. Of these, 447 require a physical food inspection hygiene inspection, and 398 category E are inspected via an Alternative Enforcement Strategy. During 21/22 the FSA have set out within their Recovery Plan how they wish for the Council to approach the inspection regime. This is set out in the table below;



5.3. The FSA have also stated that there has been a significant increase in the number of food businesses where the risks associated with them remain largely unknown as initial inspections have not been undertaken. The FSA have also stated that there is anecdotal information suggesting that there has been a general trend of reducing hygiene standards in food establishments since the onset of the pandemic. The above two points may impact on delivery against the service plan in the short to medium term. This again, may require further resources, which will be monitored ongoing.

5.4. Food hygiene inspections undertaken which do not form part of the routine inspection programme are estimated to add a further 20 to 30% to these figures. Non-routine inspections include: -

- Paid for food hygiene inspections undertaken as part of the Food Hygiene Rating Scheme.
- Food hygiene inspections undertaken as part of a complaint investigation.
- New food businesses opening after 1st April 2022.
- Changes to the risk rating, resulting in more frequent inspection.

Therefore, the true food inspection programme, comprising of both the routine planned and unplanned inspection program's is estimated at between 536 and 581 food hygiene inspections required in the current financial year.

6. Resources

- 6.1. There are currently four officers authorised to undertake both food and health and safety related work within the Council. Due to other service demands, this equates to 2 FTEs for food, and 0.1 FTE for health and safety, in relation to the operational delivery of the service. A further 0.3 FTE, towards delivery of the food and health & safety function, is provided by administrative support.
- 6.2. Operational delivery of the service is currently complemented by 1.2 FTE temporary contractors. There is a potential for a further 0.3 FTE to be re-assigned to operational service delivery, dependent on service demands placed upon the food and health & safety manager / lead food officer.
- 6.3. The additional 1.2 FTE contractors have clearly made a significant difference to the inspection regime. This resource, coupled with the removal of covid restrictions, resulted in more inspections being undertaken in quarter 4 than in the previous three quarters. Alongside this, one officer was still completing their competency assessment.
- 6.4. The current resources do not allow for proactive health and safety work, and only minimal reactive health and safety work to be undertaken.
- 6.5. It is believed that moving forward an additional 1 FTE, taking the total available to 3 FTEs would provide the Council with a resource that would ensure that its food hygiene requirements could be met, along with its health and safety requirements.
- 6.6. The current 1.2 FTE contractors will be with the Council until the end of 22/23. During this period officers will be working with Management Team to determine how best to put in place any additional resources required.

END

Food, Health and Safety Work Plan 2022/2023

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1. Introduction

- 1.1. The Council is required to produce and approve a work plan that is in line with both the Food Standards Agency Framework Agreement, and the Statement of Commitment agreed nationally between Local Authority Representatives and the Health and Safety Executive (appendix A). It covers all work undertaken within the Housing and Environmental Enforcement work area relating to Food and Health and Safety.
- 1.2. The purpose of the work plan is to set out how the Council delivers its official controls and fulfils its duties under food, health and safety, public health and drinking water legislation.
- 1.3. The Service has now returned to a degree of normality, following the Covid-19 crisis. Re-introduction of a Routine Planned Inspection Programme has commenced from 1st April 2022. There is currently a significant backlog of food hygiene inspections resulting from the Covid-19 crisis and lack of resources. The Food and Health & Safety Team will continue to provide the Council's response to the ongoing coronavirus pandemic in relation to advice, education and ultimately, enforcement, to both businesses and residents, should this be required in the future.
- 1.4. During this period the impact of Brexit on the service has also been managed. Whilst this has not resulted in any direct service impacts as such to date, the work area is prepared for these should they arise.

2. Service Aims and Objectives

- 2.1. The Food and Health & Safety work areas play a key role in ensuring that the district is safe and healthy.

The work of the service;

- Protects and improves the health, wellbeing and safety of all persons who live in, work in or visit the district
- Enables economic development and prosperity
- Protects and improves the local environment
- Ensures that a proportionate and risk-based approach to enforcement is delivered

3. Links to the Corporate Plan and Other Functions

- 3.1. The Councils Corporate Plan 2019 – 2023 has the following vision; "West Lindsey is a great place to be where people, businesses and communities can thrive and reach their potential"

In order to deliver the Councils vision it will focus on three key areas; Our Council, Our People and Our Place.

- 3.2. This work plan supports this vision and specifically contributes to a number of key activities such as;
- Creating a safer, cleaner district in which to live, work and socialise
 - Reducing health inequalities and promote wellbeing across the district through the promotion of healthy lifestyles
 - Creating strong and self-reliant communities and promote positive life choices for disadvantaged residents
- 3.3. The Councils Corporate Enforcement Policy was reviewed and updated in 2018 and provides the framework under which these functions operate.
- 3.4. The work across the wider Housing and Enforcement service area seeks to broaden the scope of the food and health and safety work areas. This particularly relates to food premises that may present wider issues relating to housing or environmental health.
- 3.5. The work areas also contribute and influence work relating to development management and policy, growth, licensing and community safety.

4. Authority Profile

- 4.1. The West Lindsey District is one of the largest and most rural in England. It covers 1,156km² (446 square miles), with the administrative center in Gainsborough on the River Trent to the west, and the market towns of Caistor and Market Rasen to the east.
- 4.2. The mid-year population estimate for 2017 was 94,300; an increase of 566 people or 0.6% compared to 2016. The population is steadily growing and is dispersed across 42,670 households. However, it is an ageing population and is ageing at a faster rate than the population nationally. The south of the district has experienced sustained growth.
- 4.3. Across the district there are wide variations in the levels of deprivation. Some areas experience the highest levels of deprivation in the country, while others are amongst the most affluent.

5. Scope of the Service

- 5.1. The Food and Health & Safety functions sit within the wider Housing and Environmental Enforcement work area. The main functions of the work area are as follows:
- Inspection of registered food premises
 - Investigation of food poisoning and infectious disease notifications
 - Investigation of food related complaints

- Responding to national and local food alerts
- Inspection of businesses in relation to health and safety compliance
- Investigation of statutory reportable incidents
- Provision of advice and guidance in relation to the matters above
- Maintenance of a register of cooling towers and food premises

5.2. A number of functions within the food safety work area come with an associated fee. These fees are reviewed annually and detailed on the Councils website.

6. Service Delivery

6.1. There are a number of elements within the service delivery aspect of this plan:

6.1.1. Staff Development / Internal Monitoring

We are committed to ensuring that we have a high standard of competency for Authorised Officers working within the Food / Health and Safety Team. We will ensure that resources are available to allow Authorised Officers to meet their obligations of Continued Professional Development. Training needs will be reviewed as part of the appraisal process to identify any competency deficiencies and further staff development.

Internal monitoring of food interventions / complaints / service requests will be conducted by the Food Team Manager / Lead Food Officer. Verification of the above will be undertaken at regular 1-2-1 meetings with Authorised Officers. Review of Competency Assessments, required under the Food Law Code of Practice / Practice Guidance will form part of the appraisal process. Subject to the findings of the internal monitoring at 1-2-1 meetings. Accompanied food hygiene inspections will be undertaken as a minimum, yearly.

6.1.2. Food Complaints

We will investigate all complaints about food / complaints about food premises received, where we have the authority and jurisdiction to do so. Food complaints will be investigated by Authorised Officers, demonstrably competent to do so, in accordance with the requirements of the Food Law Code of Practice: Statement of Competence for Authorised Officers. Officers will use their Professional Competency, coupled with available guidance, to determine the nature and scope of the investigation. Advice may also be obtained from colleagues. All complaints may trigger a food hygiene inspection, at the professional discretion of the Authorised Officer.

6.1.3. Home Authority Principle & Primary Authority Scheme

The Council supports the Primary Authority Scheme and Home Authority Principle. However, the Food Service does not have any formal Home Authority arrangements with individual businesses. Currently there are no food related Primary Authority relationships in place.

6.1.4. Advice to Businesses

The Council provides advice and education to food businesses, to support them in complying with their legal requirements, whilst also helping them to adopt good practices. The Council supports businesses by providing information on the Council webpage. Advice is readily available by contacting Officers directly. The Council also operates one to one advice visits for the benefit of food businesses, although this is a paid service.

6.1.5. Control of Infectious Disease

The service will investigate all outbreaks of food or water borne disease. All suspected cases will be followed up and confirmed cases will be contacted by telephone or by questionnaire to try and ascertain if there are any common factors.

6.1.6. Food Safety Incidents

Food safety alerts notify the public and food authorities of incidents concerning food which does not meet food safety or composition standards. Alerts are received via the FSA alert system into the Commercial Team shared e-mail inbox which is monitored during office hours. Any alert marked “for action” is referred to the Team Leader to determine the most appropriate course of action.

6.1.7. Sampling

West Lindsey District Council shall comply with all relevant UK and retained EU legislation to ensure food within the district is appropriately sampled for microbiological safety. Each year a food sampling policy and programme will be produced and published to be available to local businesses and consumers. This will outline our general sampling strategy and approach relating to specific local situations.

Sampling within the district will be carried out in accordance with this policy, programme and following a set documented procedure.

West Lindsey District Council has access to Senior Microbiologists from the Food, Water and Environmental Microbiology Laboratory (York) Laboratory as Food Examiners.

West Lindsey District Council aims to participate in all sampling programmes organised nationally through the Food Standards Agency and UK Health Security Agency. As agreed through Lincolnshire Environmental Health Manager's Group all programmes organised through Lincolnshire Food Sampling Group will be participated in.

Locally, West Lindsey District Council will have regard to sampling from food businesses and manufacturers, particularly those premises producing high risk foods of animal origin. The Council will also sample businesses which produce and distribute foods outside the area. Food sampling and swabbing of food premises may be included as part of food hygiene inspections to help assess hygiene standards and processes. Food sampling will also be used as an important tool, when appropriate, in the investigation of food complaints and food poisoning incidents.

6.1.8. Food Sampling Policy

This policy will set out West Lindsey District Council's general approach to food sampling and its approach in specific situations such as process monitoring, Home Authority Principles, inspections, complaints, special investigations and national, regional and locally co-ordinated programmes.

Sampling makes an important contribution to the protection of public health and the food law enforcement function of the Local Authority. It is a useful tool for:

- Investigating complaints
- Investigating food poisoning or food contamination incidents
- Assisting in measuring compliance with food safety legislation when undertaking food hygiene inspections.

These matters are demand driven and samples will be taken as required.

Local Authorities have a duty to ensure food meets legally prescribed standards and routine sampling will monitor compliance.

West Lindsey District Council will ensure appropriate action on non-compliance with food safety legislation is taken in accordance with relevant Food Safety Legislation, Food Standards Agency Codes of Practice and the Enforcement Policy.

A procedural document details the method for taking samples, continuity of evidence and preventing deterioration or damage to samples whilst under the Authority's control.

Samples for examination are sent by courier to UK Health Security Agency, Food Water and Environmental Microbiology Laboratory (York). Other accredited laboratories may be used for specialist projects.

West Lindsey District Council's sampling programme will reflect the manufacturing, retail and catering premises within the district to ensure locally produced foods meet legal requirements and to assist those businesses in monitoring compliance. This will also reflect our Home Authority and any future Primary Authority responsibilities.

West Lindsey District Council will participate in UK Health Security Agency and local co-ordinated sampling programmes with other Local Authorities.

Figures relating to food sampling undertaken by the Authority will be returned to the Food Standards Agency via the Food Surveillance System and LAEMS returns.

West Lindsey District Council will follow documented procedures to ensure consistency following results of sampling and consider the Enforcement Policy before deciding what action to take.

During routine sampling if unsatisfactory results are found the manufacturer or if relevant the local retailer/caterer will be notified of the results to discuss the proposed course of action.

If formal samples are taken in accordance with the FSA Code of Practice the local business will be notified and action taken in accordance with the Code of Practice, the Council documented Food Sampling Procedure and the Enforcement Policy in consultation with the Senior Environmental Health Officer/Environmental Health Manager as appropriate.

The sampling programme will be reviewed and updated annually and as required to reflect local and national priorities.

7. Profile

7.1. The current profile of food premises and timescales for inspections are as follows:

Category	Primary Producers	Manufacturers & Packers	Importers / Exporters	Distributors / Transporters	Retailers	Restaurants & Caterers	Totals
A (6 months)	0	2	0	0	0	2	4
B (12 months)	0	5	0	0	3	17	25
C (18 months)	0	15	0	1	5	126	147
D (24 months)	0	3	0	1	35	243	282
E (36 months)	8	8	0	34	98	334	482
Unrated	0	3	0	3	9	77	92
Total	8	36	0	39	150	799	1032

7.2. The total number of food premises is 1032 and there are currently 9 approved premises which may require 2 inspections per year.

7.3. The food hygiene rating system (FHRS) extends to businesses supplying food directly to consumers. The overall aim of the scheme is to reduce the incidence of food borne illness and the associated costs of this to the economy. The system helps to inform members of the public in regards to places they wish to eat or purchase food from. This in turn helps to raise food hygiene standards. The rating of premises across the District as of March 2022 is shown below;

FHRS Rating	Description	Number	%
5	Very Good	541	79.9%
4	Good	85	12.6%
3	Generally Satisfactory	39	5.7%
2	Improvement Necessary	2	0.3%
1	Major Improvement Necessary	8	1.2%
0	Urgent Improvement Necessary	2	0.3%

** Please note. These figures come from the Food Standards Agency website and includes premises that may have been rated but that may no longer require rating

8. Service Demand

8.1. The table below shows the demand placed on the service over the last 4 years

	2018/19	2019/20	2020/21	2021/22
Total Routine Planned Food Hygiene Inspections (A to D)	358	372	291	198*
Completed Food Hygiene Inspections	248 (67%)	347 (92.5%)	18 n/a	172 (87%)
Food Inspection Visits (inc abortive)	268	401	39 (M38)	210
Food Inspection Revisits (additional)	47	25	4 (M24)	26
Request for Revisit (FHRS)	20	16	0	2
Food / H&S Complaints and Service Requests (note 2020/21 figure includes covid related complaints and service requests)	334	354	875	395
Service Requests Requiring a Premises Visit (additional)	35	45	5	28
Accident Investigations	6	2	12	2
RIDDOR Reports	42	37	50	64
Infectious Disease Reports	74	41	23	50
Sampling Undertaken	0	37	4	0

*See section 8.2

8.2. The figure of 198 total routine planned food hygiene inspections (A to D) reflected the number of inspections required within the FSA Recovery plan to the end of March 22. During 21/22 officers took the opportunity to include other non-recovery plan premises within the inspection regime and in a normal programmed inspection year, the total number of premises requiring inspection would have been 554.

8.3. There is a level of un-captured demand that relates to general advice and queries that arise as part of the day to day work relating to food and health and safety. The offering of advice provides additional value to businesses in the district and help to ensure that strong relationships are in place.

8.4. There is a specific charging schedule in place for various aspects of food safety work such as food hygiene revisits and advice and guidance provided to new businesses.

9. Planned Inspection Programme

9.1. An inspection programme is established and maintained for all food premises within the District. Inspections are undertaken in accordance with the Food Safety Act 1990, Code of Practice. The frequency of inspection is determined by the risk that is

presented. The Council has no formal Home/Lead Authority Agreement with any business operating in the district.

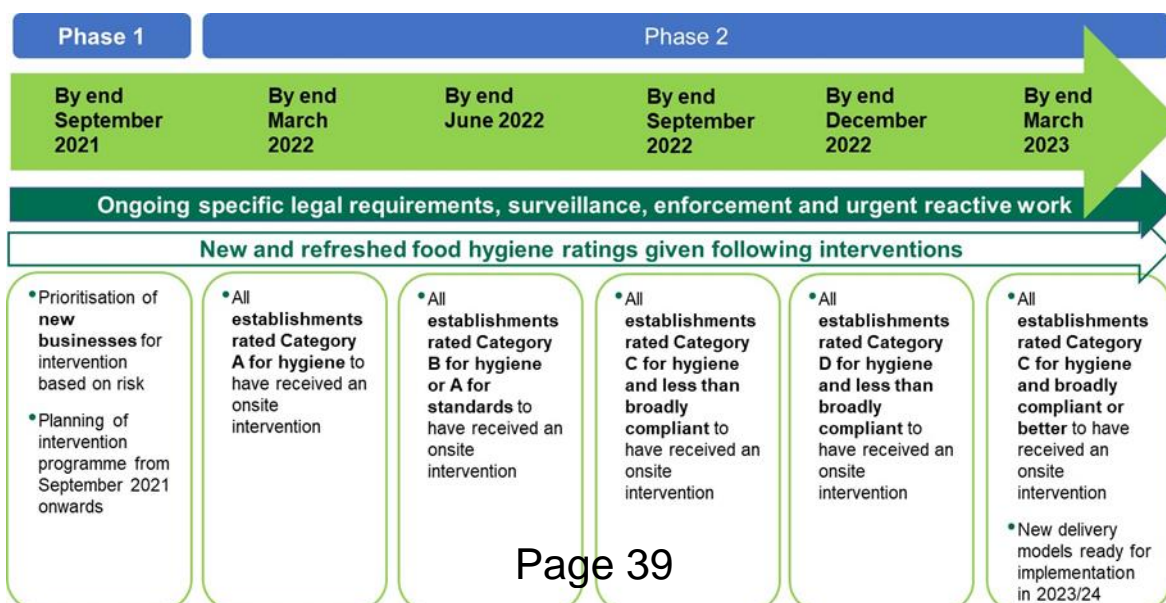
In 2022/23 the service aims to:

- Provide advice and support to businesses and residents
- Achieve compliance with the FSA Local Authority Recovery Proposal in relation to food hygiene inspections
- Return to a routine inspection programme
- Ensure that any high-risk complaints are addressed
- Maintain a level of 97% of premises rating 3* or above
- Continue to respond to the Covid-19 pandemic recovery as required

9.2. The Food Law Code of Practice (March 2021) provides opportunity for a range of interventions in relation to food premises. The approach that the Council takes regarding these interventions is linked to its corporate enforcement policy, which officers have regard for when making any decision. The planned programme of intervention is shown in the table below

Category	Inspection Frequency	No of Premises
A	6 months	4
B	12 months	25
C	18 months	114
D	24 months	212
E	36 months	398
UNRATED		92

9.3. The above table represents a normal routine inspection programme for the Year 2022/23 of 845. Of these, 447 require a physical food hygiene inspection, and 398 category E are inspected via an Alternative Enforcement Strategy. During 21/22 the FSA have set out within their Recovery Plan how they wish for the Council to approach the inspection regime. This is set out in the table below;



- 9.4. Food hygiene inspections undertaken which do not form part of the routine inspection programme are estimated to add a further 20 to 30% to these figures. Non-routine inspections include: -
- Paid for food hygiene inspections undertaken as part of the Food Hygiene Rating Scheme.
 - Food hygiene inspections undertaken as part of a complaint investigation.
 - New food businesses opening after 1st April 2022.
 - Changes to the risk rating, resulting in more frequent inspection.
- 9.5. The true food inspection programme, comprising of both the routine planned and unplanned inspection program's is estimated at between 536 and 581 food hygiene inspections required in the current financial year.
- 9.6. Food sampling is an important aspect of food safety enforcement, providing information about the microbiological safety of food available within the district. Sampling will be undertaken in accordance with the relevant guidance and may be taken during a routine inspection, in response to a complaint or as part of a national sampling programme.
- 9.7. The Council ensures that a risk-based approach to inspections occurs in regards to its health and safety obligations. Reference is made to targeting advice produced by the Health and Safety Executive contained within Local Authority Guidance LAC 67/2 version 10, ensuring we are aligned with wider national priorities, and other relevant guidance. Programmed work focuses on reports that are received from members of the public or reports that are received via the Health and Safety Executive.
- 9.8. The Council is required to undertake accident investigations relating to fatalities and life changing injuries as a result of poor health and safety practice. We also investigate cases of occupational ill health and dangerous occurrences as defined by the Reporting of Incidences, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013.
- 9.9. The Council works in partnership with the UK Health Security Agency to identify, control and prevent the spread of infectious diseases.

10. Resources

- 10.1. There are currently four officers authorised to undertake both food and health & safety related work within the Council. Due to other service demands, this equates to 2.0 FTEs for food, and 0.1 FTE for health and safety, in relation to

the operational delivery of the service. A further 0.3 FTE, towards delivery of the food and health & safety function, is provided by administrative support. Operational delivery of the service is currently complemented by 1.2 FTE temporary contractors. There is a potential for a further 0.3 FTE to be re-assigned to operational service delivery, dependent on service demands placed upon the food and health & safety manager / lead food officer.

- 10.2. There is sufficient support officer resource in place to assist with the administrative functions relating to food and health and safety. These resources are shared across the broader work areas.
- 10.3. All relevant officers are delegated and authorised to carry out their functions. The level of authorisation is determined by their specific role, responsibility and competency level. Specific competency assessments for individual officers are in place relating to the work areas.
- 10.4. Financial Allocation - FS05 Food Safety Budget 2021- 2026

11. Liaison with Other Organisations

- 11.1. Alongside working within the Council, officers liaise with a number of other local authorities, agencies and organisations to ensure that consistency is maintained, develop best practice and to share learning. The groups engaged with as are as follows:
 - Lincolnshire Environmental Health Managers Group
 - Lincolnshire Food and Health and Safety Group
 - Food Standards Agency (East Midlands, Yorkshire and Humber Region)
 - Health and Safety Executive
 - UK Health Security Agency
 - Lincolnshire County Council
 - Lincolnshire Police
 - Drinking Water Inspectorate
 - Anglian Water

12. Review

- 12.1. The Food and health and Safety Work Plan will be reviewed on a yearly basis

HSE

Statement of commitment between: Local Authority and HSE Regulatory Services

This joint statement of commitment (SoC), agreed by local authority (LA) representative bodies and the Health and Safety Executive (HSE) in March 2019, sets out our shared vision for an ongoing LA/HSE co-regulatory partnership. Ensuring LAs and HSE work together as effective, modern and professional regulators - delivering the positive benefits of efficient, world leading workplace health and safety, to achieve:

- Sustainable arrangements for the enforcement of work related health and safety.
- Established joint working arrangements resulting in effective engagement, consultation and communication.
- Consistency of high quality regulation across HSE and LA enforced businesses.

This shared SoC is aimed at Councillors, LA Chief Executives and their Heads of Regulatory Services. It outlines how LA senior managers and HSE will work together, to achieve sustainable future delivery of effective workplace health and safety enforcement in Great Britain (GB).

Current position

LAs are a key part of the health and safety system in GB. They have a statutory duty under Section 18 of the Health and Safety at Work etc. Act 1974 to 'make adequate provision' for health and safety enforcement in their area, as set out in the 'National LA Enforcement Code' (the Code) (www.hse.gov.uk/lau/la-enforcement-code.htm).

LAs enforce workplace health and safety in two thirds of all business premises, around half of the total GB workforce. LAs predominantly cover the retail, consumer services, entertainment and warehousing/supply chain sectors.

Currently failures in the management of health and safety in LA enforced business sectors result in around 10 deaths, 5000 major injuries and over 100,000 new cases of ill health a year. Many of those harmed are members of the public/children, or vulnerable workers not provided with reasonable workplace protection.

HSE provides national direction via the Code and its supporting documentation e.g. annually updated targeting advice (www.hse.gov.uk/lau/lacs/67-2.htm) supports LAs to develop locally responsive sustainable delivery plans, using the most current intelligence and regulatory practice.

Effective management of health and safety brings direct benefits to the local community, by:

- Reducing work related death, injuries and ill health.
- Reducing the need for local public health and support for those recovering from injury and ill health.
- Reducing the rate of business failure due to business outages caused by incidents and harm to staff, or the loss of reputation.

This SoC was developed as part of the on-going work of the strategic group overseeing the HSE/LA co-regulatory partnership (HELA) and the supporting Practitioner's Forum. It also has the endorsement of the Local Government Association (www.local.gov.uk/), Welsh Local Government Association (www.wlga.gov.uk/) and Society of Chief Officers of Environmental Health in Scotland (www.socoehs.com/) and recognises that:

- LAs must target and prioritise regulatory resources to meet their legal duty to enforce health and safety;
- Continued delivery of effective co-regulation will require ongoing evolution in both the LA and HSE approaches to regulatory delivery, and
- The HSE and LA co-regulatory partnership plays a vital role in delivering the 'Help GB Work Well' strategy. (campaigns.hse.gov.uk/hgbww/)

This SoC does not relate to an LA's own responsibilities as a health and safety dutyholder. Information to support LAs as employers, service providers and procurers/commissioners of goods and services can be found on the HSE website (www.hse.gov.uk/services/localgovernment/index.htm).

Joint LA/HSE Commitments to Targeted Sustainable Health and Safety Enforcement

What LAs & HSE will do together as co-regulatory partners to #HelpGBworkwell

LAs & HSE will provide an effective regulatory framework by:

- Sharing information, to make sure we take decisions on the best available evidence.
- Delivering risk based, targeted frontline interventions.
- Maintaining liaison and effective two-way communication via joint representation at county liaison groups as well as the joint LA/HSE HELA and Practitioner forums.

LAs & HSE will secure effective management and control of risk by:

- Delivering a consistent approach to the enforcement of work related health and safety across GB in line with the principles of the Regulator's Code (www.gov.uk/government/publications/regulators-code).

LAs & HSE will lead and engage with others to improve workplace health and safety by:

- Promoting the benefits of proportionate health and safety in their frontline engagement.
- Working together as co-regulatory partners to influence businesses as part of a national strategy.
- Using the latest in behavioural insight to develop new ways to change business behaviour.

What LAs will do as independent co-regulators to #HelpGBworkwell

LAs will provide an effective regulatory framework by:

- Providing the competency, capacity, resource and support to fulfil their delivery plans.
- Working with other LAs to peer review activities and promote better health and safety outcomes.

LAs will secure effective management and control of risk by:

- Developing and implementing local delivery plans which clearly link to national and local priorities.
- Using national and local intelligence to effectively target poor performing sectors.
- Annually reporting their health and safety enforcement activity to HSE.

LAs will lead and engage with others to improve workplace health and safety by:

- Leading and engaging with their local business community to promote health and safety priorities and adopting the "Better Business for All" approach where relevant and sustainable.
- Sharing relevant local intelligence with HSE to inform the national perspective.
- Championing their role as health and safety regulators.

What HSE will do as the national policy lead and a co-regulator to #HelpGBworkwell

HSE will provide an effective regulatory framework by:

- Reviewing the effectiveness of GB's occupational health and safety system.
- Providing LA regulators with access to topic specific materials and technical / forensic support.
- Monitoring and reporting on LA regulatory activity to the HSE's Board and other stakeholders.

HSE will secure effective management and control of risk by:

- Setting national regulatory priorities and the overarching strategic direction.
- Sharing expertise, practice and supporting materials to promote consistent/proportionate regulation.
- Supporting LAs to develop effective intervention plans by providing targeting guidance based upon up-to-date information and intelligence via targeting guidance which accompanies the Code.

HSE will lead and engage with others to improve workplace health and safety by:

- Co-ordinating national engagement and promotion of proportionate health and safety and using feedback from LAs to inform the development of national priorities in the LA enforced sectors.
- Providing support for LA local and national regulatory liaison and industry sector working groups.
- Championing the LA role as health and safety regulator.

