

Meeting of:	Shared Regulatory Services Joint Committee
Date of Meeting:	Wednesday, 19 June 2024
Relevant Scrutiny Committee:	Homes and Safe Communities
Report Title:	Shared Regulatory Services Health and Safety Enforcement Service Plan 2024/25
Purpose of Report:	To seek approval for the Health and Safety Enforcement Service Plan for the Shared Regulatory Service for 2024/25
Report Owner:	Miles Punter - Director of Environment and Housing
Responsible Officer:	Christina Hill - Operational Manager Shared Regulatory Services
Elected Member and Officer Consultation:	No Elected Members have been consulted. The following officers have been consulted ; Assistant Director, Cardiff Council, Head of Legal and Regulatory services, Bridgend County Borough Council
Policy Framework:	This is a matter delegated to the Joint Committee
Executive Summary:	<ul style="list-style-type: none"> The report appraises the Joint Committee of the work of the Health and Safety team and requests approval for the Health and Safety Enforcement Service Plan for the Shared Regulatory Service for 2024/25.

Recommendations

1. Approve the 2024/25 Health and Safety Enforcement Service Plan.
2. Authorise the Head of the Shared Regulatory Service to make administrative amendments to the 2024/25 Health and Safety Enforcement Service Plan should the need arise.

Reasons for Recommendations

1 & 2

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

1. Background

- 1.1 The Shared Regulatory Service, together with the Health and Safety Executive is responsible for the enforcement of Health and Safety at Work Act 1974.
- 1.2 The Councils have a duty, which is delegated to Joint Committee to enforce the Health and Safety at Work Act 1974.
- 1.3 Section 18 of the Health and Safety at Work Act requires Local Authorities to produce a Health and Safety Service Plan setting out the arrangements in place to discharge these duties. This Health and Safety Enforcement Service Plan is produced in response to that requirement and is designed to inform residents, the business community of Bridgend, Cardiff and the Vale of the arrangements the Councils have in place to regulate health and safety.
- 1.4 A Copy of the draft Health and Safety Enforcement Plan for 2024/25 has been attached to this report as Appendix 1.
- 1.5 The Service Plan details the aims and objectives of the service in respect of Health and Safety enforcement, which are determined annually. The plan details:
 - the demands on the service,
 - the risk based work programme and
 - the resources available to deliver the required work
- 1.6 The plan explains the Health and Safety Executives expectations of Local Authorities along with some achievements from 2023/24 and the challenges envisaged in the year ahead.

2. Key Issues for Consideration

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

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

- 3.1** The Well-being of Future Generations Act requires the SRS to underpin decision making by contributing to the seven well-being goals of the Act, following the five ways of working, and consequently undertaking actions that will have a positive impact on people living in the future as well as those living today. Consequently SRS seeks to work in the following ways:

- Looking to the long term
- Taking an integrated approach;
- Involving a diversity of the population in the decisions affecting them;
- Working with others in a collaborative way to find shared sustainable solutions
- Acting to prevent problems from occurring or getting worse.

4. Climate Change and Nature Implications

- 4.1** As set out in 1.1 above, one of the key strategic themes for the Shared Regulatory Service is *Protecting the Local Environment*.
- 4.2** The SRS Business Plan articulates the work carried out under this theme to deliver on the corporate priorities for the participant Councils, including their ambitions to minimise climate change and impacts on the natural environment.

- 4.3** In this context, the Joint Committee is regularly updated on the contribution of SRS to this agenda, for example through its work in the areas of animal health and welfare, air quality, contaminated land, energy efficiency in the private rented sector and investigating greenwashing claims or environmental fraud.

5. Resources and Legal Considerations

Financial

- 5.1** The Participants' contribution towards the Shared Regulatory Service is recharged on a quarterly basis, based upon the approved budgets for 2023/24. Accounting for the full year is reported to the Committee at the Annual General Meeting.

Employment

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

Legal (Including Equalities)

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

6. Background Papers

- Appendix 1 - Draft Health and Safety Enforcement Service Plan 2024/25.
- The Shared Regulatory Services Business Plan 2024/25

Shared Regulatory Services



Health and
Safety at Work

Health & Safety Enforcement

Service Plan 2024/25



Contents

Introduction

1. Service Aims and Objectives

- 1.1 Service aims and objectives
- 1.2 Links to Corporate objectives and local plans

2. Overview of Service

- 2.1 Area profile
- 2.2 Organisational structure
- 2.3 Scope of the Health and Safety Enforcement Service
- 2.4 Enforcement Policy
- 2.5 Challenges for the year ahead.

3. Service delivery

- 3.1 Intervention Plan
- 3.2 Intervention Plan 2024/2025

4. Resources

- 4.1 Financial and staffing allocation
- 4.2 Staff Development

5. Review

- 5.1 Quality Assessment
- 5.2 Review against the Service Plan
 - Performance and activity measures
 - Intervention Plan activities 2023/2024
 - Achievements for 2023/2024
- 5.3 Areas for improvement & challenges ahead

Appendix 1 – Action Plan 2024/2025

Appendix 2 – Electrical Safety in Hospitality Venues Intervention

Appendix 3 – Health and Safety in Storage and Distribution Warehousing ('Safe Estates') Intervention

Appendix 4 – Corporate Priorities of Bridgend, Cardiff and Vale of Glamorgan Councils

Introduction

Shared Regulatory Services (SRS) is a collaborative service that was formed between Bridgend, Cardiff and the Vale of Glamorgan Councils on 1st May 2015. It delivers a fully integrated service under a single management structure, with shared governance arrangements to achieve full elected member engagement, for Trading Standards, Environmental Health and Licensing functions.

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

The Service Plan contains two elements:

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

The Plan is therefore designed to meet the Health and Safety Executive's national planning priorities (*as detailed in LAC 67(2) revision 13*) and highlight how Shared Regulatory Services will target its available resources to optimise workplace health, safety and welfare standards across the 3 legacy Authority areas.

The plan will illustrate how the Service will meet the objectives of the Health and Safety at Work etc. Act 1974 to:

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

SRS was able to successfully complete a number of national and local priority health and safety project interventions during 2023/24, and engage with a range of different duty holders; however, the 2024/25 business year requires us to plan our work through a wider lens and be mindful of the introduction of the new Welsh Government special procedures licensing regime. Whilst this statutory function will present a competing demand on existing resources, the Service remains committed to protecting and improving the health and safety of people across the region.

Christina Hill, Operational Manager Commercial Services

1. Service Aims and Objectives

1.1 Service aims and objectives

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

The overall aim of the Service is:-

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

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

- To target enforcement activity in accordance with national guidance, and local level intelligence, to focus resources on higher risk work activities and poor performers.
- Support delivery of the HSE’s National 10 year Strategy, “Protecting People and Places” <https://www.hse.gov.uk/aboutus/assets/docs/the-hse-strategy.pdf>
- Investigate notified work-related injuries, occupational disease and dangerous occurrences in accordance with the Accident Investigation Policy.
- Respond to all service requests received as complaints from employees, unions, safety representatives or members of the public in accordance with the Complaint Investigation Policy.
- To respond in a timely manner to service requests on matters such as asbestos removal notifications, statutory notifications for lifting equipment and pressure systems, licensing applications.

1.2 Links to Corporate Objectives, national and local plans

As a regional organisation providing regulatory services across three local authority areas, we place the **corporate priorities** and outcomes of the three councils at the heart of all that we do (Appendix 4). In developing our own strategic priorities for Shared Regulatory Services, we have considered the priorities of all three authorities, together with the needs and aspirations of our partners and customers, so they translate into priorities that meet local needs.



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

Improving
health and
wellbeing

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

Safeguarding
the vulnerable

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

Supporting the
local economy

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

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

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

As a co-regulator of workplace health and safety, SRS remains committed to delivering services which focus on:

- Encouraging and recognising improvements whilst promoting a joined-up approach to minimise unnecessary burdens on businesses;
- Continuing to promote a risk-based, goal-setting regulatory regime;
- Working with key stakeholders to promote safer and healthier workplaces, providing a level playing field for responsible employers with regulators and co-regulators, by advising, promoting, and where necessary, enforcing good standards of risk control;
- Taking a proportionate, risk-based approach to support better outcomes, innovation and the safe use of new technologies;
- Supporting the development and sharing of services, products and knowledge that contribute to improved management and control of risks;
- Continuing stakeholder engagement to ensure services and systems remain effective, efficient, appropriate and relevant.

As a public body, SRS is required to implement the key principles of the **Well-being of Future Generations (Wales) Act 2015** which seeks to ensure the needs of the present are met in a sustainable way by using the following ways of working:

- looking to the long term so not compromising the ability of future generations to meet their own needs;
- taking an integrated approach;
- involving a diversity of the population in the decisions affecting them;
- working with others in a collaborative way to find shared sustainable solutions; and
- acting to prevent problems from occurring or getting worse.

Welsh Government requires Local Authorities to embody these principles as part of the strategic planning process.

2. Overview of the Service

2.1 Area profile

Shared Regulatory Services covers the Council areas of Bridgend, Cardiff and the Vale of Glamorgan and serves over 650,000 residents. Extending from St Mellons in the East of Cardiff to Maesteg in the west, the area encompasses Cardiff, the capital City of Wales with its array of cultural, financial and commercial organisations and the rural areas of Bridgend and the Vale of Glamorgan with their vibrant tourist and agricultural economies.

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



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



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

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



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

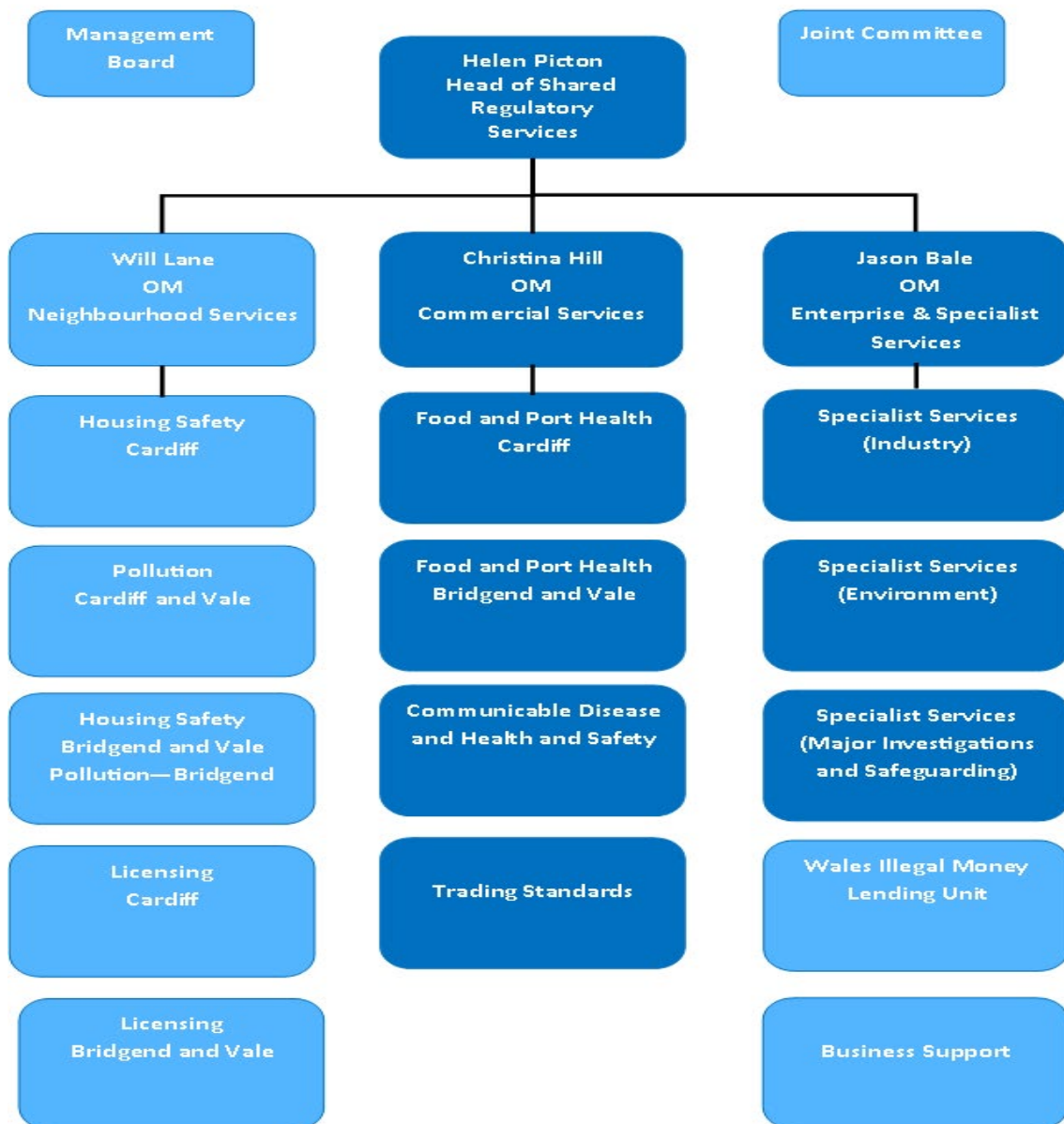


130,000 residents. The area is predominantly rural in character, but contains several urban areas of note such as Barry, Penarth, Dinas Powys and the historic towns of Cowbridge and Llantwit Major. Barry is the largest town, a key employment area and popular seaside resort. The rural parts of the Vale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

2.2 Organisational structure

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

Shared Regulatory Services Organisational Chart



2.3 Scope of the Health and Safety Enforcement Service

Shared Regulatory Services is responsible for providing a comprehensive health and safety service combining education, advice and enforcement. The enforcement of Health and Safety at Work legislation is shared with the Health and Safety Executive (HSE) and division of responsibilities is laid down by regulation. The Service is responsible for enforcement in premises such as offices, retail premises, wholesale/retail warehouses, consumer services used by members of the public, places of entertainment and leisure, hotels and some residential accommodation and catering establishments. There are approximately **10,034** premises across the region that require a range of health and safety interventions such as inspection, survey, monitoring, advice and enforcement. Activities are categorised as either reactive or proactive. The full scope of the health and safety service includes:

Reactive

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

Proactive

- Planned health and safety interventions which focus on national priority topic areas;
- Undertaking targeted initiatives informed by local intelligence and consideration of risk and confidence in management;
- Evidence-based education of employers, employees and contractors through guidance and information;
- Promoting proportionate and sensible health and safety through business engagement and partnership working;
- Undertaking and participating in health and safety promotion campaigns;
- Liaising with other internal and external organisations including: Planning, Building Control, Licensing, Trading Standards, Wellbeing Team, Corporate Health and Safety Team, HSE, other Technical panels; Commissioning Teams; Local Health Boards; Public Health Wales; Care Inspectorate Wales.
- Devising material to help businesses comply with the law and promote good practice.

All reactive and proactive work is underpinned by local, regional and national liaison. This is an appropriate mechanism for promoting consistency between enforcers, for sharing good practice and information, and raising particular concerns and challenges with wider agencies. The main liaison arrangements are as follows:

- Working in partnership with HSE and all guidance and advice they produce;
- Complying with HELA and other guidance;
- Participation in the Directors of Public Protection Wales (DPPW) Regional Liaison Group via Environmental Health Wales;

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

Service delivery points

Whilst all 3 Local Authority areas include regional hubs which operate office hours from Monday to Friday, the health and safety enforcement service is primarily delivered by Officers following a hybrid working model. Weekend and out-of-business hour duties are carried out as the need arises. The service also operates an out-of-hours duty officer scheme for emergency situations.

[SRS.wales](http://www.srs.wales)

Tel: 0300 1236696



@SRS_Wales



<http://www.srs.wales>

Bridgend

Civic Offices
Angel Street
Bridgend
CF31 4WB

Normal offices hours:

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

Cardiff

Level 1
County Hall
Cardiff
CF10 4UW

Normal office hours:

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

Vale of Glamorgan

Civic Offices
Holton Road
Barry
CF63 4RU

Normal offices hours:

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

Responsibility

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

Team	Responsibility
Health and Safety Enforcement Team (Commercial Services)	Health and Safety proactive inspections and project interventions
	Investigation of complaints and service requests
	Investigation of accidents; occupational diseases & dangerous occurrences
	Investigation of workplace fatalities
	Permissioning activities (<i>as detailed above</i>)
	Business engagement and partnership working

	Targeted promotion and education with businesses
Trading Standards Teams	Firework and explosives safety Product safety
Enterprise and Specialist Services Team (Industry)	Health and Safety at large outdoor events
	Coaching and paid for advice visits at the request of business
	Training and targeted education
	Primary Authority partnership work
Petroleum licensing	
Major Investigations and Safeguarding	Assisting with major investigations

2.4 Enforcement Policy

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

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

Traditionally based upon the principles of the Enforcement Concordat and the Regulators Compliance Code, Local Authority Enforcement Policies must now reflect the Regulators Code of 2014 (*as amended*) and the regulatory principles required under the Legislative and Regulatory Reform Act 2006.

The Regulators Code is based upon six broad principles:

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

2.5 Challenges for the year ahead

Resourcing and Service Delivery – Not only do we continue to deliver the SRS in a climate of continued financial cuts to Local Government services, but will also face resource challenges associated with the introduction of a new licensing regime for special procedures (*tattooing, cosmetic piercing, acupuncture and electrolysis*) in accordance with the Public Health (Wales) Act 2017. It is now predicted that the new regulatory framework will ‘go live’ in Autumn 2024 and will require each premises to be approved, and each practitioner to be personally licensed (*unless exempt*), every 3 years. Whilst costs will be recoverable through the licensing fee structure, additional funding is not being provided to enable Local Authorities to address workforce shortages and on-board staff for delivering this significant piece of work. Since SRS has the largest number of registered skin piercing practitioners and premises throughout all of the Welsh Authorities, it will likely experience the greatest impact from this new legislative regime.

Service delivery has further been impacted by staff recruitment and retention challenges within the SRS, reflective of the national landscape across the Environmental Health profession as reported in the workforce survey undertaken by the Chartered Institute of Environmental Health.

The new financial year will require SRS to review and dynamically adapt its service delivery model to ensure that the needs and priorities of service users can continue to be managed effectively and in a meaningful way.

Services Driven by New Legislation – The new licensing regime for special procedures will require practitioners to complete infection prevention and control training before applying for their personal licence. To support practitioners operating across Bridgend, Cardiff and the Vale of Glamorgan, SRS became an accredited training centre to deliver the Level 2 Award in Infection Prevention and Control for Special Procedures and has run a number of successful, in-person courses throughout 2023/24. However, in order to meet the significant demand for this training ahead of the introduction of the new regulatory scheme, SRS will need to identify opportunities to develop additional delivery models for this training course.

Cost of Living Challenges – The UK economic climate continues to remain challenging for businesses across the board, but even more acutely at a micro level. As predicted in last year’s plan, evidence of inadequate equipment maintenance, and poor standards of structural repair, is already more prevalent than previously seen and has generated a notable increase in ‘matter of evident concern’ referrals to the Communicable Disease, Health and Safety Team – particularly surrounding gas safety in the food industry and electrical safety in the hospitality sector. Duty holder reluctance to prioritise spending on pre-planned maintenance and staff training could have a profound and long-term impact on workplace safety standards and employee competencies, creating a need for SRS to investigate more complaints and accidents over the forthcoming year.

Cardiff’s City Status - Cardiff is the capital city of Wales, and the largest Local Authority in the country; its population of 360,000 swelling by approximately 70,000 each day from commuters, students and visitors. The popularity of the city as a leisure, entertainment and sporting event destination continues to grow and it’s anticipated that visitor numbers throughout 2024/25 will continue to see an upward trend.

3. Service Delivery

3.1 Intervention Plan

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

- National Local Authority Enforcement Code and
- Local Authority Circular (LAC) 67/2 (rev 13): “Setting Local Authority Priorities and Targeting Interventions for 2024/25”

The National Local Authority Enforcement Code, developed by HSE, sets out Government expectations for a risk based approach to targeting health and safety regulatory interventions. It provides a principle based framework that recognises the respective roles of business and the regulator in the management of risk. Importantly the Code is designed to ensure that Local Authorities take a more consistent and proportionate approach to their regulatory intervention. Local Authority Circular 67/2 (rev 13) provides guidance under Section 18 of the Health and Safety at Work etc. Act 1974 and gives LAs a steer and tools for priority planning and targeting their interventions to enable them to meet the requirements of the national Enforcement Code. In March 2011, the Minister of Employment published ‘Good Health and Safety, Good for Everyone’. The focus of which was for LAs to concentrate on higher risk industries and tackle serious breaches of the rules. In May 2011 the Local Government Group (LGG) and HSE produced further guidance ‘Reducing Proactive Inspections’ for LAs to determine their proactive interventions. In simple terms, inspections are now limited to the highest risk premises only. In addition, a range of other proactive interventions should be applied to other premises to improve awareness and management of health and safety. Selection of an intervention type will be either based on agreed national priority topic areas or local-level intelligence.

All interventions are evidence based and typically include:-

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

Proactive inspection should only be used for the activities in the sectors contained in the list of priority topic areas which is embodied in the National Code and LAC 67/2 (rev 13), or where there is local intelligence of failure to manage risk. Commonly, these premises are identified on an annual basis by local historical accident and complaint trends, local and national industry and accident data and the findings of local accident investigations. Recent workplace activities which have been subject to proactive inspections are detailed within this business plan.

- **Non-inspection interventions:**

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

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

Previous interventions have included:

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

Matters of evident concern - when visiting premises, officers are able to consider any 'matters of evident concern' that may be beyond the initial scope of the visit, but which are observed or brought to their attention, and present a risk of serious personal injury or illness. Where additional health and safety issues are identified, the scope of the visit can be widened to include whatever aspects of workplace health and safety are necessary.

Since the publication of LAC 67/2 (rev 6) there is no longer a requirement for Local Authorities to report the risk rating of premises visited (this requirement has been removed). However, HSE advises that risk rating premises based on a duty holder's health and safety performance is still useful information to assist in the determination of relative intervention priorities.

Accident and Incident Investigation

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

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

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

Advice to businesses

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

- Discussions with duty holders during site visits.
- Responding to permissioning activities.
- Responding to complaints and service requests.
- Preparation and dissemination of leaflets, posters and newsletters.
- Provision of training.
- Representing the Service at business seminars.
- Participation in national events such as European Health and Safety Week.
- Maintaining the Shared Regulatory Services website.

3.2 Intervention Plan 2024/2025

An intervention plan confirming the programme of interventions for 2024/2025 has been developed to demonstrate how, through reactive and proactive work, the service will secure improvements to health and safety standards in workplaces throughout Bridgend, Cardiff and the Vale of Glamorgan. This plan has been developed after considering the priority topic areas listed in LAC 67/2 (rev 13), local based intelligence and following discussions at the All-Wales Health and Safety Expert Panel and regional health and safety task groups.

The intervention plan further considers staffing levels, existing competencies and resources available within the Communicable Disease, Health and Safety Enforcement Team for 2024-2025 and the impending introduction of special procedures licensing in October 2024 which will require the team to deliver an additional statutory function.

Intervention Plan 2024 -2025								
Reactive work activity		Activity detail						
1.	Accident investigation	Receive notifications of all reportable injuries, occupational disease and dangerous occurrences from the HSE website, or employees / members of the public/ Trades Unions, and investigate in accordance with Accident Investigation Policy.						
2.	Complaint investigation	Receive and investigate all complaints (including service requests and 'matter of evident concern' referrals) from employees, members of the public and others in line with Service Request and Complaints Policy.						
3.	Permissioning Activities	Respond to licence and registration applications for skin piercing activities, statutory examination reports, and asbestos removal notifications in a timely and effective manner.						
Proactive inspections – national priority projects		Activity detail			Target No. of premises		Total no. of interventions	
					B	C		V
1	Electrical safety in hospitality settings	Annex A of LAC 67/2 (rev 13) continues to include this priority topic to improve standards of compliance across the hospitality sector. The continuation of this project in 2024/25 is informed by the outcome of visits undertaken in 2023/24 and will see a focus on nightclub venues and older hospitality venues that are independently operated.			10	10	10	30

2	Health and safety in warehousing/wholesale storage facilities	This intervention will focus on traffic management, work at a height (including racking safety) and manual/mechanical handling which satisfy several criteria specified in Annex B of the current LAC 67/2 (rev 13) document. This intervention has also been informed by the outcome of visits undertaken during the 2023-24 business year, with a focus on independent operators.	5	5	5	15
Proactive inspections – local intelligence led projects		Activity detail	Target No. of premises			Total no. of interventions
			B	C	V	
1.	Safety associated with planned and unplanned working at a height in larger retail park shops.	This proactive intervention is led by local level intelligence – complaints about unsafe working practices at a height and a recent fatality in Newport. The intervention will focus on out-of-town retail parks and premises that would not normally be subject to proactive interventions. Emphasis on confirming how planned and unplanned works are undertaken at a height (e.g. cleaning, maintenance and repair, re-merchandising), both in-house and through third party contractors.	10	10	10	30
Non inspection led interventions - National Priorities		Activity detail	Target No. of premises			Total no. of interventions
			B	C	V	
1.	Health risks associated with exposure to lead in indoor firing ranges and gun clubs.	Annex B in LAC 67/2 (rev 13), which lists activities and sectors suitable for proactive inspection, includes lead poisoning hazards associated with indoor firing ranges and gun clubs for the first time. This has not historically been flagged as a significant issue in the SRS area so 2024/25 will focus on identifying facilities across the region and communicating key messages about effective air extraction, adequate hand washing facilities and correctly managed cleaning procedures. This initial exercise will inform the need for future proactive inspections.	4	1	3	8
Non inspection led interventions – Local intelligence led		Activity detail	Target No. of premises.			Total no. of interventions
			B	C	V	
1.	Managing the risks of exposure to biological hazards in barber shops across the SRS region.	The past 12 months has seen an increase in the number of concerns raised about Ringworm infection in children associated with the current trend for fades haircuts. 2024/25 will see a continuation of engagement with barbers across the SRS region to cascade in-house educational material about infection prevention and control arrangements.	N/A	N/A	N/A	N/A

The content of the Intervention Plan is reflected in the Service’s Action Plan 2024/25 in Appendix 1.

4. Resources

4.1 Financial and staffing allocation

Financial allocation

The expenditure directly involved in providing the Health and Safety Service for 2024/25 is included in the Service budget and is considered adequate to ensure the effective delivery of the service.

Staffing allocation

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

Position	Function	FTE
Operational Manager Commercial Services x 1	Public Protection including the management of health and safety.	0.2
Team Manager x 1 (Equal split between health and safety and communicable disease functions)	Communicable Disease, health & safety.	0.5
Team Manager x 1 (Industry)	Management of the health and safety aspects delivered by the Enterprise & Specialist Services (Industry) Team	0.1
Commercial Services Officer Posts x 6 1 CSO works 4 days a week (equal split H&S : CD) 1 CSO post is full time and equal split H&S : CD 1 CSO post is full time and has a 20/80 H&S : CD split 2 CSO posts are full time (100% H&S) 1 CSO post vacant as of 1st April 2024 (100% H&S)	All aspects of health and safety enforcement (plus communicable disease work)	3.1
Commercial Services Officers x 2 (Industry) Both officers are part time and make up 1 FTE post	Health and safety enforcement (large events), advice and training.	1.0
Commercial Services Officer x 1 (Major Investigations Team)	Lead officer for major investigations	0.1
Commercial Services Technical Officer x 2 (Equal split between health and safety and communicable disease work)	All aspects of health and safety enforcement (plus communicable disease work).	1.0
Business Support Officer	Administrative support.	0.2

The Communicable Disease, Health and Safety Team starts the 2024/25 business year carrying 1 Commercial Services Officer vacancy, a full-time post which previously undertook 100% health and safety enforcement work. This presents a significant resource challenge for a small team tasked with delivering two discrete areas of work.

4.2 Staff Development and Competency

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

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

Workforce development is supported through regular performance reviews where line managers and employees identify and agree performance and learning objectives to support training and development needs. Officers are also expected to satisfy the annual Continual Professional Development requirements of their accredited professional organisation and are supported to achieve this.

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

- Internet subscription.
- HSE liaison.
- Access to external specialist services.

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

5. Review

5.1 Quality Assessment

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

Documented procedures

To promote quality and consistency in the work delivered by Shared Regulatory Services, relevant processes, procedures and work instructions for health and safety enforcement activities are produced and held electronically. Periodic internal audits enable documented procedures to remain relevant and appropriate, and to ensure work instructions are being implemented correctly.

Assessment and audits

Monitoring of the implementation of our policies and procedures is undertaken in a number of ways:

- All proactive health and safety projects include officer training followed by a shadow visit with a more experienced colleague and a validation visit to assess consistency of approach and technical knowledge.
- Review of completed visit forms and letters for proactive and reactive work on the Tascomi database.
- Review of officer work via monthly reporting of performance information for the team.
- Customer consultation and feedback.
- Corporate complaints and compliments about the service.
- Peer review audits (informal and formal) by other local authorities, in accordance with the Section 18 standard may be undertaken.

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

5.2 Review against the Service Plan

To ensure the work of the Health and Safety Service successfully meets the key strategic goals of the organisation, it is essential that performance is regularly monitored. Shared Regulatory Services has performance management arrangements in place throughout its hierarchy as illustrated below.

- The Joint Committee for the Shared Regulatory Service approves this Service Plan which sets out the work programme for the Health and Safety Service, and reviews performance against the programme on an annual basis.
- The Joint Committee for the Shared Regulatory Service additionally monitors how the work of the Service is aligned with, and meets, key organisational strategic priorities on a quarterly basis.
- Performance of the Health and Safety Service is reviewed monthly at team meetings, communicated to Senior Management via monthly performance reports, and discussed at fortnightly Team Manager meetings.
- Team meetings facilitate the effective management of project interventions and provide an opportunity to maximise staff engagement and collaboration in their development and delivery.
- Performance of all staff is further strengthened and supported through the Personal Development Review Scheme, #Itsaboutme.

Performance and activity measures

The Health and Safety Service uses the Tascomi database to record details of premises, inspections (visits), complaints and other activities, which can be used to inform the targeting of priority work and development of the annual work plan.

Each April/May a new service plan is prepared which confirms the work of the Health and Safety Service for the forthcoming business year to reflect the national planning priorities detailed in the latest iteration of LAC 67/2, and initiatives based on local level intelligence. Each project and intervention will be assigned a target number of visits for Officers to complete, enabling performance to be monitored. The service plan also reflects on the business year just ended to report on its successes, challenges and achievements against agreed performance targets.

The following sections confirm what work streams were successfully completed by the Health and Safety Service throughout the 2023/24 business year.

Programmed Proactive interventions

In terms of performance targets, the benchmark for success is completion of at least 90% of all planned national, and local intelligence, inspection-led interventions for the business year. In 2023/24 the Health and Safety Service was able to fully deliver its intended proactive inspection-led intervention programme. In some instances, Officers did undertake visits but identified that the business had ceased trading or had changed its work activities so that the planned intervention was no longer relevant.

Programmed Non-inspection led interventions

In terms of performance targets, the benchmark for success is completion of at least 85% of all planned national, and local intelligence, non-inspection led interventions for the business year. Again, the Health and Safety Service was able to fully achieve its planned work.

LAE1 – Local Authority Health and Safety Annual Return – Under the Code, all Local Authorities are required to ensure that they have a means of monitoring, capturing and sharing health and safety intervention, enforcement and prosecution activity. This information must be made available to HSE via the annual LAE1 return which allows the preparation of national data. The LAE1 is limited to the capture of occupational health and safety regulatory activity required by HSE and is recorded in a standardised format. Comparative information on enforcement and health and safety activity over recent financial years can be found on the next page.

Business feedback

Whilst duty holder feedback is sought from all businesses involved in any of the health and safety project interventions, this information is inherently difficult to obtain; especially if escalated enforcement action has to be taken. Whilst all duty holders were invited to provide feedback via the link <https://www.srs.wales/en/Tell-Us-What-You-Think/Tell-us-what-you-think.aspx> or a QR code following visits, no comments were received throughout the 2023/24 business year for the Health and Safety Service.

Intervention Plan - Activities 2023/2024

The 2023/2024 work plan was developed to continue to meet the needs of each of the local authority areas and to ensure a consistent approach to implementation.

In 2023/2024, **10,034** businesses within SRS were logged on the Tascomi database as falling under the Local Authority remit for health and safety enforcement.

- Bridgend **2,525** (25%)
- Cardiff **5,591** (56%)
- Vale of Glamorgan **1,918** (19%)

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

Type	2020/21			2021/22			2022/23			2023/24		
	B	C	V	B	C	V	B	C	V	B	C	V
No. of workplaces.	2546	5640	1911	2561	5729	1946	2544	5693	1935	2525	5591	1918
Total No. of proactive interventions	1266	1361	2194	3590	964	1600	254	450	317	146	170	108
No. of proactive intervention visits	1181	1229	2098	3525	876	1506	35	73	32	46	42	34
No. of non-face-to-face interventions*	82	128	88	54	68	84	208	362	275	76	92	53
No. of other face-to-face contacts**	3	4	8	11	20	10	11	15	10	24	36	21
Total No. of reactive visits	109	226	62	701	559	587	103	316	86	121	354	104
No. of accident and complaint/service request visits	66	180	45	674	485	563	48	182	35	56	213	54
No. of Permissioning requests	43	46	17	27	70	23	48	116	45	51	122	43
No. of revisits	0	0	0	0	4	1	7	18	6	14	19	7
No. of formal cautions	0	0	0	0	0	0	0	0	0	0	0	0
No of H&S improvement notices	0	6	0	0	0	0	1	4	1	3	22	4
No. prohibition notices	0	1	0	0	0	1	0	2	0	1	5	0
No. of prosecutions	0	2	0	0	0	0	0	2	0	0	0	0

* Includes desk top assessments; provision of advice by phone or email; responding to FOI requests from solicitors

** Includes provision of training/education; attendance at ESAG/ELP meetings and outdoor events; Primary Authority work; paid for advice visits; business forums; other visits not falling within scope of a proactive intervention visit.

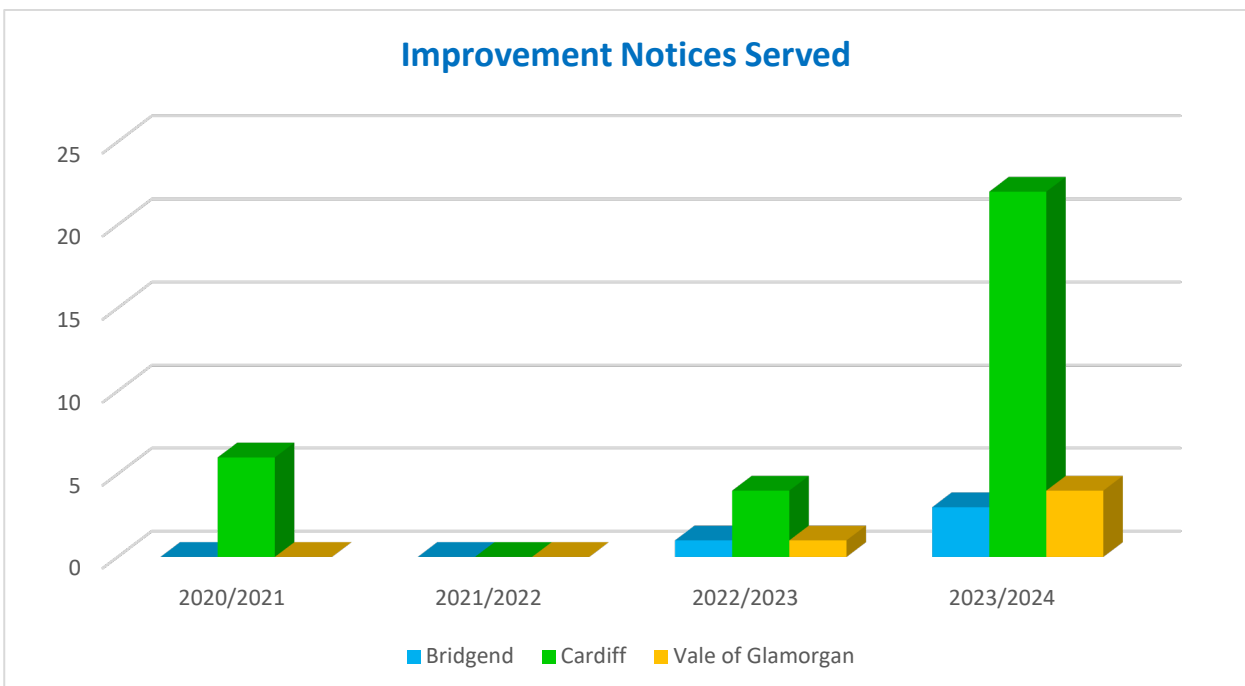
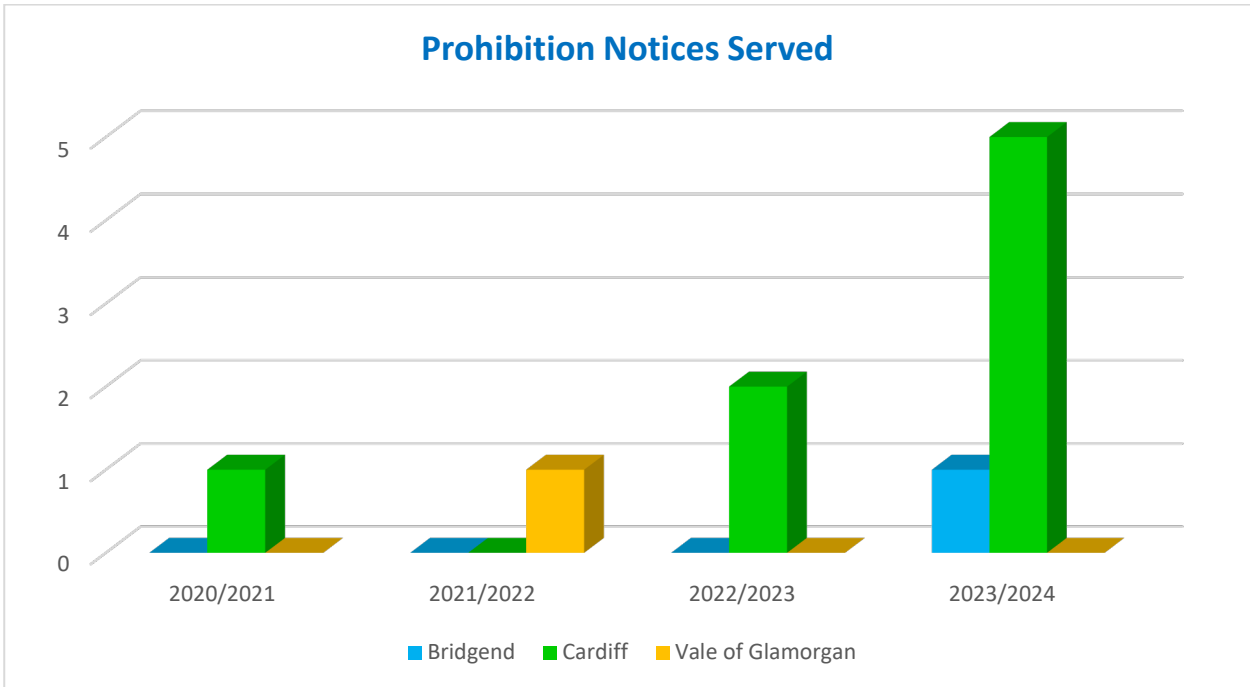
Total number of reactive visits = accidents/complaints/service requests/permissioning requests/revisits

Six (6) health and safety Prohibition Notices were served during 2023/24 – 3 associated with the use of unsafe commercial catering gas appliances, 1 for unsafe electrics, 1 for unsafe work activities at a height, and 1 to prevent access to part of a hotel following the collapse of an internal ceiling.

Twenty nine (29) health and safety Improvement Notices were served during 2023/24 requiring duty holders to make improvements to:

- The maintenance of their commercial gas appliances,
- The construction and maintenance of electrical systems,
- LPG storage facilities,

- Control measures for working at a height,
- The maintenance of premises being used as workplaces,
- The management of asbestos containing materials,
- The assessment of risks associated with specific work activities.



The Intervention Plan table illustrated below provides specific details on how the team performed against targeted planned work in Bridgend, Cardiff and Vale of Glamorgan throughout 2023/2024.

Intervention Plan 2023 -2024								
Reactive work activity		Activity detail						
1.	Accident investigation	<p>Receive notifications of all reportable injuries, occupational disease and dangerous occurrences from the HSE HELEX website; employees; other enforcement agencies or members of the public and investigate in accordance with the SRS Accident Investigation Policy. A total of 119 notifications were investigated during 2023/2024 in accordance with the accident investigation procedure: Bridgend (13); Cardiff (77); Vale (29).</p> <p>A total of 300 RIDDOR notifications were received between 01/04/23 and 31/03/24 – Bridgend (45); Cardiff (200) and Vale (55).</p>						
2.	Complaint / Service Request investigation	<p>Receive and investigate all complaints and service requests from employees, members of the public; referrals from other enforcement bodies and others. A total of 314 complaints/service requests/referrals were investigated during 2023/2024: Bridgend (66); Cardiff (203); Vale (45)</p> <p>Complaints and service requests also include smoke-free complaints and the investigation of matters of evident concern referrals.</p>						
3.	Permissioning Activities	<p>Respond to licence applications for skin piercing activities, statutory equipment/plant reports, and asbestos notifications in a timely and effective manner. A total of 216 permissioning requests were dealt with by Officers during 2023/2024.</p> <p>123 (57%) of these applications were skin piercing registration requests which require at least 1 Officer visit: Bridgend (25); Cardiff (72); Vale (26).</p> <p>Petroleum and firework/explosive visits are also included in this category.</p>						
4.	Outdoor events	<p>The Enterprise & Specialist Services Team are lead officers for specified outdoor events and lead the Council's response to public safety matters at outdoor events via the Events Liaison Panel (ELP) and ESAG mechanisms.</p> <p>During 2023/2024, a total of 30 ESAG/ELP meetings were attended by Officers (Bridgend 11; Cardiff 9; Vale 10).</p> <p>3 actual events were visited and monitored for health and safety compliance reasons (Bridgend 0; Cardiff 3; Vale 0)</p> <p>110 desk top exercises for other events were conducted (Bridgend 53; Cardiff 25; Vale 32). The latter involved scrutiny of event management plans and risk assessments, and the provision of feedback and advice to event organisers.</p>						
Proactive work activity		Activity Detail	No. of premises T = Target A = Actual					
			Bridgend		Cardiff		Vale	
			T	A	T	A	T	A
1.	All applicable explosive storage premises.	Inspect all applicable premises that store explosives including fireworks.	-	11	-	22	-	6
2.	Petroleum storage premises	Inspect all premises that store petroleum or have stored petroleum.	-	4	-	7	-	7

Project based activity – National projects		Activity Detail	No. of premises					
			Bridgend		Cardiff		Vale	
			T	A	T	A	T	A
1.	Electrical safety in hospitality settings	Annex A of LAC 67/2 (rev 12) included this priority topic to improve standards of compliance, particularly in outdoor areas. Following a regional pilot across SE Wales Authorities in 2022/23, an adequate evidence base was found to continue this intervention and widen the scope to include indoor electricians in addition to outdoor electrical safety.	20	20	20	21	20	21
2.	Health and safety in warehousing and wholesale storage facilities	This intervention focused on traffic management, work at a height (including racking safety) and manual/mechanical handling which satisfy several criteria specified in Annex B of the current LAC 67/2 (rev 12) document. LAC 67/2 (rev 12) also asks Local Authorities to raise awareness of the HSE/DfT guidance “Driving and Riding Safely for Work” at premises where workers are required to make deliveries, also forming a part of the project intervention. This intervention was further informed by local level intelligence from the investigation of health and safety complaints at local, independently operated warehouse facilities.	10	11	10	11	10	8
3.	Gas safety in commercial catering	Gas safety in commercial catering premises continued to be an Annex A priority topic area in LAC 67/2 (rev 12). Whilst visits for this theme were not targeted for 2023/24, proactive interventions were undertaken where significant concerns were noted following referrals from other teams.	-	1	-	-	-	-
4.	Crowd management at large scale public gatherings.	Annex B in LAC 67/2 (rev 12), which lists activities and sectors suitable for proactive inspection, included safety associated with crowd management at large scale public gatherings. In 2023/24 the Service attended 3 Cardiff based events as part of its health and safety enforcement work.	-	-	-	3	-	-
Project based activity – Local projects		Activity detail	No. of premises.					
			Bridgend		Cardiff		Vale	
			T	A	T	A	T	A
1.	Sunbed safety	In addition to monitoring compliance with the Sunbeds (Regulation) Act 2010 and The Sunbeds (Regulation) (Act) 2010 (Wales) Regulations 2011 (<i>see Communicable Disease service plan</i>), the local intervention also focused on electrical safety; equipment maintenance; ventilation; infection control; risk assessments and safe working practices. This intervention was also informed by the outcome of a test purchase survey	13	7	22	10	7	5

		undertaken by the BBC Wales X-Ray programme which raised concerns about standards in tanning salons in the Cardiff area in 2022.							
2.	Managing the risks of exposure to biological hazards in barber shops across the SRS region.	2023/24 saw an increase in child Ringworm infection associated with the current trend for Fades haircuts. This unplanned piece of work enabled the Service to undertake a number of infection prevention and control interventions to barber shops in the Maesteg area of Bridgend.	-	7	-	-	-	-	-
Non Inspection led interventions – National Priorities		Activity detail	No. of premises.						
			Bridgend		Cardiff		Vale		
			T	A	T	A	T	A	
1.	Work related road safety – deliveries made from takeaway premises	LAC 67/2 (rev 12) asks Local Authorities to raise awareness of the HSE/DfT guidance, “Driving and Riding Safely for Work”, at premises where workers are required to make deliveries. To communicate key messages to takeaways using bike couriers for home deliveries, an information sheet was produced and uploaded to the SRS website, and was included as an article in the SRS newsletter. Numbers of businesses accessing the information cannot be quantified and is the reason why actual numbers have not been included here.	N/A	N/A	N/A	N/A	N/A	N/A	
Non Inspection led interventions – Local Intelligence Led		Activity detail	No. of premises.						
			Bridgend		Cardiff		Vale		
			T	A	T	A	T	A	
1.	Safety of coffee barista machines	Non face-to-face intervention to communicate key safety messages to duty holders about coffee barista machines and the requirements for thorough examination under the Pressure Systems Regulations. To communicate key messages to food premises, an information sheet was produced and uploaded to the SRS website, and was included as an article in the SRS newsletter. Numbers of businesses accessing the information cannot be quantified and is the reason why actual numbers have not been included here.	N/A	N/A	N/A	N/A	N/A	N/A	

Numbers shown in red reflect inspection numbers being lower than expected as a result of businesses either closing or changing some of their work activities. This was particularly prevalent in businesses operating UV tanning equipment, potentially as a response to recent, and considerable, increases in energy prices and Bank of England interest rates.

Reactive Interventions

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

Accidents, Complaints and Service requests

Officers investigated a wide range of complaints/service requests and accidents during 2023/24, with the most frequently reported concerns relating to:

- Electrical safety concerns
- Gas safety concerns, including gas leaks, unsafe use of LPG appliances and high levels of carbon monoxide inside premises.
- Slips, trips and falls to both employees and non-employees
- Significant injuries to younger members of the public at indoor trampoline parks and allied indoor, and outdoor, leisure facilities
- Burns and scalds to both employees and non-employees
- Serious injuries sustained whilst participating in horse riding activities.
- Workplace traffic management concerns.
- Poor infection control measures associated with skin piercing and barbering activities.

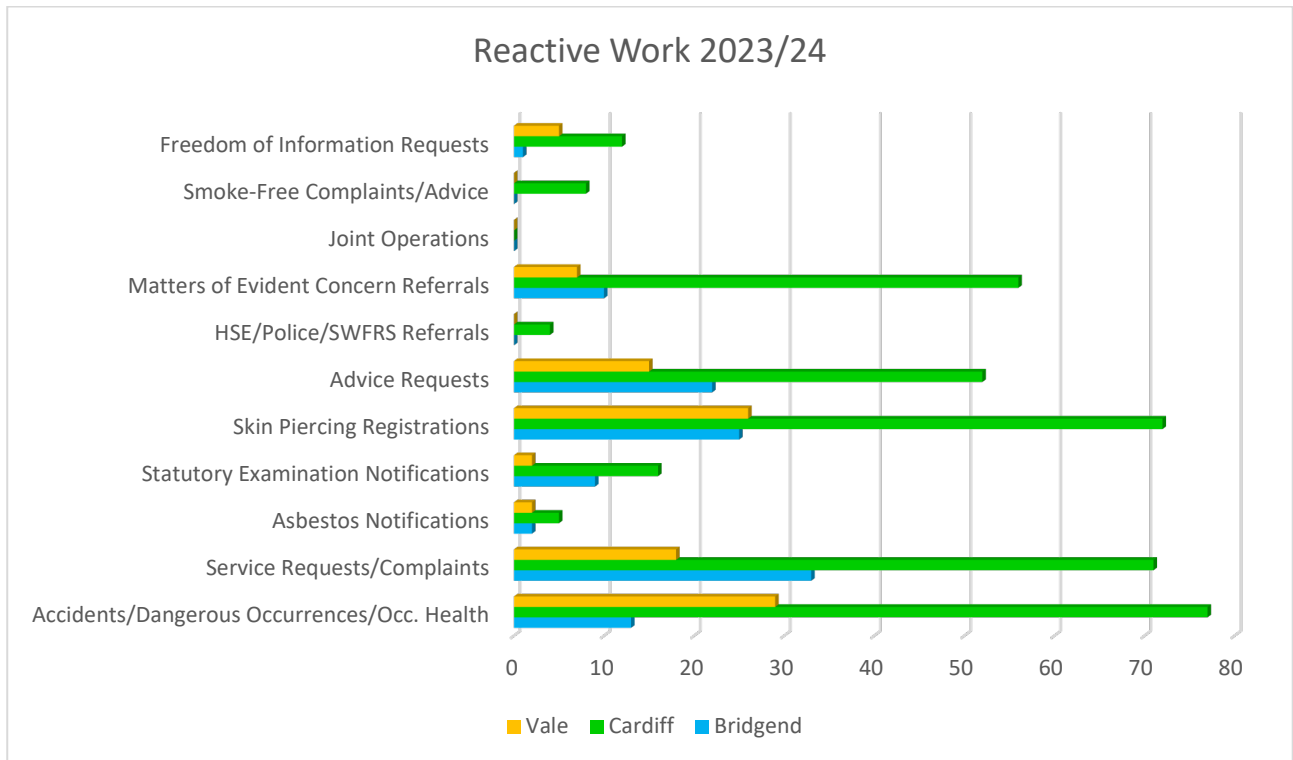
Examples of significant accidents and complaints investigated by Officers during 2023/2024 are outlined below:

Significant accident & complaint investigations during 2023/2024
<ul style="list-style-type: none">• A young child sustained health complications from becoming fully submerged in waste oil products after falling into an unsecured grease separator tank in a public area behind a Vale-based shop/restaurant.• Officers investigated elevated levels of carbon monoxide in commercial food premises associated with poorly maintained natural gas cooking equipment and the unsafe use of LPG space heaters.• A Cardiff-based hotel employee sustained a loss of consciousness after being struck on the head by a collapsed ceiling.• Officers worked alongside Dwr Cymru to investigate elevated levels of Hydrogen Sulphide at a Cardiff-based entertainment venue associated with the drainage system.• A third party audio-visual engineer was electrocuted when installing moving head lighting equipment in a suspended ceiling void at a Cardiff-based public house, requiring on-site resuscitation by members of the public and emergency responders.• The Service assisted South Wales Police after an unknown male was found deceased in the outdoor seating area of a Cardiff-based nightclub.

All of the above were fully investigated by Authorised Officers, with appropriate enforcement action being taken which ranged from formal written warnings to formal departmental warnings.

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

cause a danger to users. All permissioning requests require officer intervention, which includes both desk-top assessments and visits.

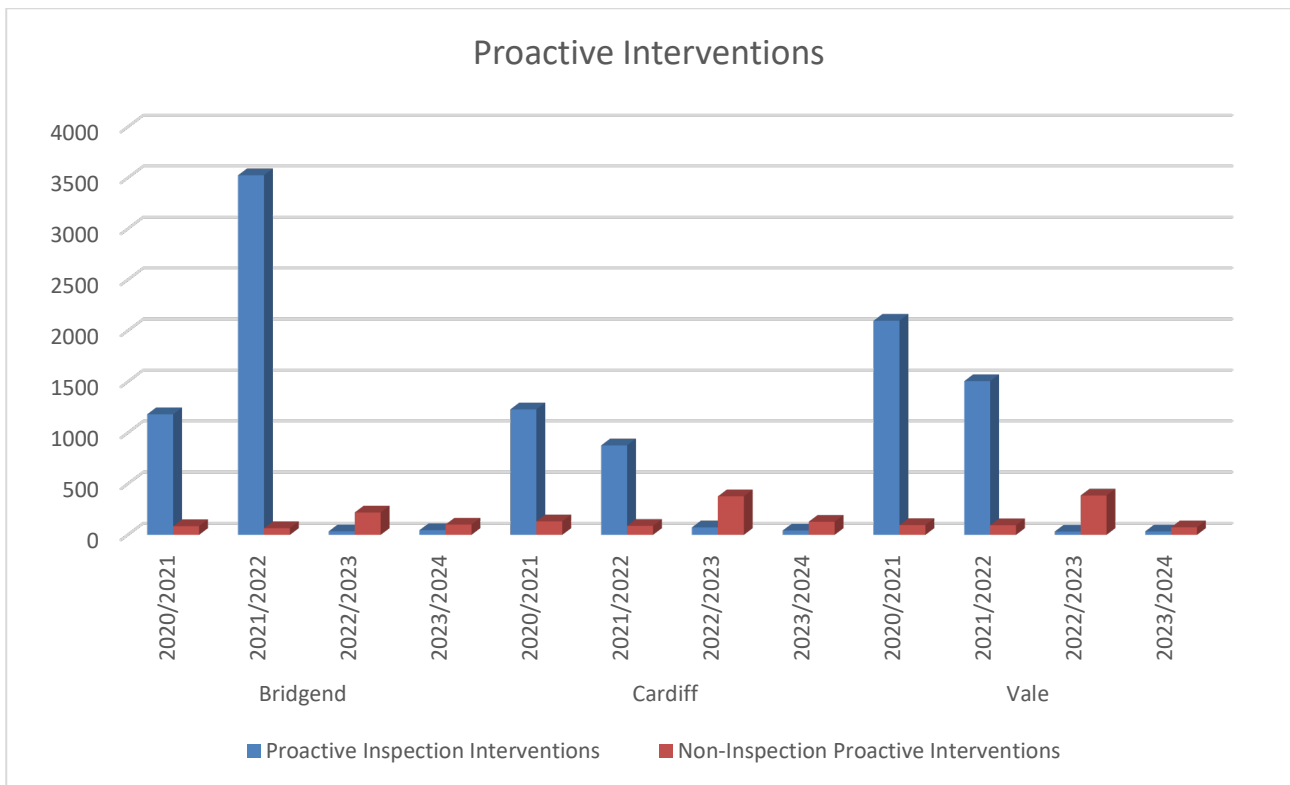


Proactive Interventions

Proactive Interventions include **proactive inspection-led interventions (projects)**, which are either local intelligence led or based on national priority topic areas, and **non-inspection led proactive interventions** which both face-to-face interventions (*including the provision of training/education, attendance at event safety liaison groups, primary authority engagement work, and chargeable advice visits*) and non-face-to-face interventions (*including desk top assessments, provision of advice by email or telephone*).

The graph below compares the number of proactive interventions in Bridgend, Cardiff and Vale of Glamorgan for 2023/2024 against the number of proactive interventions for the previous 3 financial years (*visits made in relation to petroleum and explosives are excluded since they are not in-scope of the annual LAE1 return and are classified as permissioning visits for the purpose of this Service plan*).

The figures for 2020/21 and 2021/22 include proactive interventions undertaken during the COVID-19 pandemic, whereas the results for 2022/23 and 2023/24 are more reflective of a return to 'business as usual' for Shared Regulatory Services.



Proactive Project Inspections/Visits

122 businesses (Bridgend: 46; Cardiff: 42; Vale: 34) received proactive, face-to-face health and safety interventions in the following topic areas during 2023/24:

- Gas safety in commercial catering premises.
- The management of health and safety in warehousing ('Safe Estates')
- Electrical safety in hospitality venues.
- UV tanning equipment (also included electrical safety and the control of exposure to biological hazards).
- Controlling exposure to biological hazards in barber shops.

These projects were targeted initiatives aligned with national planning priorities detailed in LAC 67/2 (revision 12) and local intelligence, details of which are included in the next section and within Appendices 2 and 3.

Safe Use of Commercial UV Tanning Equipment – Improving health and wellbeing

Whilst the legislation governing the use of sunbeds in Wales is contained in **The Sunbeds (Regulation) Act 2010** and **The Sunbeds (Regulation) Act 2010 (Wales) Regulations 2011**, a key aim of the intervention undertaken by the Service during 2023/24 was to determine if businesses throughout Bridgend, Cardiff and Vale of Glamorgan were operating in compliance with the provisions of **The Health and Safety at Work etc. Act 1974**, **The Management of Health and Safety at Work Regulations 1999 (as amended)**, **The Control of Substances Hazardous to Health Regulations 2002**, and **The Electricity at Work Regulations 1989**.

The full report can be located as an Appendix to the Communicable Disease and Health Service Plan 2024/25; however, wider health and safety concerns identified by Officers included:

- Unlabelled or incorrectly labelled cleaning chemical bottles available for use.
- Sanitising products in use only being effective against bacteria, not viruses or fungus.
- Mixing of different chemical products.
- Maintenance records were not universally available at businesses, with 3 (14%) salons not having any documented evidence of on-going maintenance, and 3 (14%) salons not having records readily available on request of the inspecting Officer.
- Visible cracks and temporary repairs of equipment were evident in 1 Cardiff-based tanning salon.
- Health and safety policy documents were not effectively communicated to staff.
- Workplace hazards were not being suitably and sufficiently risk assessed.
- Lack of emergency procedures, particularly in relation to staff being able to access restricted zones if a client reported an issue and fire safety precautions.
- Inadequate or complete lack of staff training records to evidence current competencies.



1 premises in Cardiff was served with a Health and Safety Improvement Notice because of the lack of evidence of on-going maintenance of the electrical installation to prove it was suitably constructed and maintained to prevent danger.

Electrical Safety in Hospitality – Improving health and wellbeing

See full report in Appendix 2

Management of Health and Safety in Storage and Distribution Warehousing ('Safe Estates') – Improving health and wellbeing

See full report in Appendix 3

Major Outdoor Events – Supporting the local economy

Officers from the Enterprise and Specialist Services Team attended a total of **30 Event Safety Group/Events Liaison Panel meetings** across Bridgend (11), Cardiff (9) & Vale of Glamorgan (10) during 2023/2024. A total of **3 site visits** were made during which Officers worked with event organisers to resolve matters of evident concern that could impact on public safety. A further **110** events received **desktop reviews** to assess event management plans, site plan layouts and risk assessments. Event Organisers were subsequently provided with constructive feedback to bolster the robustness of their event management arrangements.

Achievements for 2023/2024

The Achievements Section highlights a range of work activity including:

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

Prosecution of a Cardiff-based Indoor Trampoline Park Operator – Improving health and wellbeing & safeguarding the vulnerable.

Details of the prosecution of a Cardiff-based indoor trampoline park operator were reported in the Service Plan for 2023/24; however, the outcome of the legal proceedings was delayed until June 2023 after being referred to Crown Court for sentencing.

On Monday 19th June 2023, the case was listed before His Honour Judge Porter-Bryant at Cardiff Crown Court. In sentencing HHJ Porter-Bryant told the defendant that:

“.....he had a cavalier attitude towards safety and there had been an absence of basic safety provisions. The risks were obvious, there had been inadequate protective equipment and there was no desire to listen or investigate any person’s report following an incident. Basic safety standards were missing. The problems should have been anticipated and people should have been able to trust that, in a premises such as this, that all precautions had been taken. The defendant had intentionally or flagrantly disregarded the law. The local authority had provided him with advice and guidance and advised him what he was doing wrong. The same accidents continued to happen as there were the same fundamental issues.”

HHJ Porter-Bryant sentenced the Director to 10 months imprisonment, suspended for 18 months, and required him to carry out 200 hours of unpaid work. The limited company was fined £10,000 and ordered to pay costs of £10,000.

Development of Guidance – Improving health and wellbeing; maximising the use of resources



Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 – What does this mean for me?

If someone has died or been injured because of a work-related accident, this may have to be reported. Not all accidents need to be reported, other than for certain [gas incidents](#). A RIDDOR report is required only when:

- the accident is **work-related** AND
- it results in an injury of a type which is reportable*

An accident is 'work-related' if any of the following played a significant role in how an injury was sustained:

- the way in which the work was being carried out
- how any machinery, plant, substances, or equipment was being used for carrying out the work
- the condition of the site, or premises, where the accident happened

The 'Responsible Person' has the duty to report under RIDDOR. This includes employers, the self-employed, and people in control of work premises. **Injured persons, members of the public or others who do not have duties under RIDDOR should not use this reporting system.**

Reportable injuries* detailed in <https://www.hse.gov.uk/riddor/reportable-incidents.htm> include:

- Work-related deaths (not including suicides)
- Specified injuries to workers as detailed in <https://www.hse.gov.uk/riddor/specified-injuries.htm>
- Injuries to workers which result in their incapacity for more than 7 days
- Injuries to non-workers which result in them being taken directly to hospital for treatment

Employers and self-employed people must report diagnoses of certain occupational diseases where these are likely to have been caused, or made worse, by their work. Examples include occupational dermatitis, occupational asthma and tendonitis in the hand or forearm. Further examples can be found at <https://www.hse.gov.uk/riddor/occupational-diseases.htm>

Dangerous occurrences are certain, specified near-miss events. There are 27 categories of dangerous occurrences that are relevant to most workplaces <https://www.hse.gov.uk/riddor/dangerous-occurrences.htm>. Not all near-miss events are reportable, so check the list of categories before completing a RIDDOR notification.

'Responsible Persons' should complete the appropriate online RIDDOR report form which will then be submitted directly to the RIDDOR database. All forms will then be forwarded to the correct Enforcing Authority – Local Authority Environmental Health or the Health and Safety Executive – for review.



RIDDOR reporting links can be accessed at <https://www.hse.gov.uk/riddor/report.htm>

With ever decreasing resources, the Service endeavoured to communicate key messages to a wider audience during the 2023-24 business year.

Guidance on the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 was placed on the SRS website alongside information about:

- Health and safety of workers who drive or ride for work, and
- Safety of commercial coffee barista machines.


Key messages were further communicated to duty holders in Edition 6 of the SRS Food and Safety Newsletter.

Health & safety of workers who drive or ride for work

If any of your employees use motorcycles, mopeds, scooters or bicycles as part of their work activity, you must manage any risks to their health and safety whilst at work.

This applies to employees or those engaged to carry out work in the gig economy, including limb (b) workers (dependent contractors) and any self-employed persons.

Health and safety law applies if your workers use their own vehicle or a company vehicle for a work-related journey, apart from commuting (driving to and from home to their normal place of work).



What employers must do

- 1 Provide workers with relevant training
- 2 Keep workers safe
- 3 Plan journeys so they are safe for workers
- 4 Protect worker health and wellbeing

What employees must do

- 1 Take reasonable care for their own and other people's health and safety – e.g. not driving tired; telling an employer if they are taking medication that may impair their ability to drive
- 2 Co-operate with your employment business and the end user where you are working – attending health and safety training and following instructions
- 3 Use any vehicle provided in line with the training provided and to notify the relevant person if the vehicle is damaged
- 4 Carry out checks to make sure vehicles are safe to use on the road – e.g. they are serviced, insured, and have valid MOTs

[For further advice, visit our website](#)

@SRS_Wales 0300 1236696 | www.srs.wales

Food & Safety News Edition 6 - February 2024 Page 9

How Safe is Your Commercial Coffee Machine?



Users of installed commercial coffee machines, and owners of mobile equivalents, must not allow a pressure system to be operated unless the equipment has a **written scheme of examination (WSE)** prepared by a **competent person (CP)**, and examination is being carried out by a CP in accordance with that WSE.

This is a requirement of the **Pressure Systems Safety Regulations 2000 (PSSR)**.

Coffee machines incorporating a steam boiler in any workplace are therefore in scope of PSSR 2000 and are classed as a minor system.

What commercial coffee machines are covered by PSSR 2000?

The system requires a 'relevant fluid' to be present, which in the case of a coffee machine is 'steam'. **Steam** has a special status within the regulations as steam systems are in scope at 'any pressure' and 'any volume'.

Coffee machines incorporating a steam boiler in any workplace are therefore in scope of PSSR 2000 and are classed as a minor system.

A competent person is someone who...

- ...is qualified to incorporate **engineer level**, and if an in-house employee, is impartial.
- ...has **knowledge** of the relevant law, codes of practice, examination / inspection techniques and an understanding of the effects of operation for the system concerned so that they can identify any defects or weaknesses
- ...is able to make an **assessment** of the significance of these defects and weaknesses in terms of the integrity and safety of the equipment.

[Click here to visit our website for full details and further advice](#)

@SRS_Wales 0300 1236696 | www.srs.wales

Proactive Intervention - Firework Safety

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

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

In 2023/2024 Commercial Services Trading Standards officers carried out **39** inspections of premises across **Bridgend (11)**, **Cardiff (22)** and the **Vale of Glamorgan (6)** that applied for a licence to store and sell fireworks and explosives.

Engagement with National Hospitality Company – Improving health and wellbeing; maximising the use of resources

Investigation of the electrocution of a third party contractor undertaking works in a ceiling void at a Cardiff-based public house identified that local level management had directly engaged the services of the contractor, circumventing existing health and safety arrangements requiring the appointment of approved contractors. All approved contractors would be required to sign up to a code of practice, provide copies of health and safety policies and risk assessment method statement documents for scrutiny, and be managed through internal information management systems.

Positive engagement with the company not only led to local level improvements, but also a reinforcement of key health and safety messages across the company's entire portfolio of 1,784 managed pubs, bars and restaurants, thereby maximising the impact of the Service's intervention.

Engagement with Primary Authority Partner, Marston's Trading Limited – Improving health and wellbeing; maximising the use of resources

Marston's has been a well-established part of the British pub landscape for over 180 years and now has a portfolio of around 1,400 pubs and 11,000 employees. Marston's entered into a Primary Authority Partnership arrangement with Shared Regulatory Services during the course of the project.

Visits to several Marston's sites identified that Residual Current Devices (RCDs) fitted to distribution boards were not being routinely tested. Detailed advice was subsequently provided by the Service to the company's Nationwide Director of Safety, enabling the development of a solution that could be achievable rolled out across its entire estate; maximising the impact of the intervention undertaken by Shared Regulatory Services.

5.3 Areas for Improvement

The following improvements are to be continued during 2024/2025:

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

Appendix 1 – Action Plan 2024/2025

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

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

Relevant Strategic Priorities	Objective
1, 2, 3, 4	Q1 Complete and secure approval from SRS Joint Committee for the 2024/25 Section 18 Health and Safety Service Plan.
1, 2	Review existing project materials and commence visits to hospitality settings to assess safety of indoor/outdoor electrical systems.
1, 2	Review existing project materials and commence visits to warehousing/wholesale storage facilities across SRS.
1, 2, 3	Engage with barber shop operators across the region to assess how the risk of exposure to biological hazards is being mitigated.
1, 2	Identify suitable premises to include in the local-intelligence led intervention examining the safety of planned and unplanned work at a height in larger retail park shops.
1, 2	Identify all indoor firing ranges and gun clubs across the SRS region.
1, 2	Q2 Continue with visits to hospitality settings to assess safety of indoor/outdoor electrical systems.
1, 2	Continue with visits to warehousing/wholesale storage facilities across SRS.
1, 2	Develop project materials for the local-intelligence led intervention examining the safety of planned and unplanned work at a height in larger retail park shops.
1, 2, 3	Engage with barber shop operators across the region to assess how the risk of exposure to biological hazards is being mitigated.
1, 3, 4	Prepare article for SRS newsletter to raise duty holder awareness about national planning priority work being undertaken by the Service, and signpost them to appropriate and relevant resource materials.
1, 2	Q3 Complete all visits to hospitality settings to assess safety of indoor/outdoor electrical systems.
1, 2	Complete all visits to warehousing/wholesale storage facilities across SRS.
1, 2	Commence the local-intelligence led intervention examining the safety of planned and unplanned work at a height in larger retail park shops.
1, 4	Develop educational materials for operators of local gun clubs and indoor firing ranges to communicate the health risks associated with exposure to lead.
1, 2	Q4 Complete the local-intelligence led intervention examining the safety of planned and unplanned work at a height in larger retail park shops.
1, 4	Engagement with operators of local gun clubs and indoor firing ranges to communicate the health risks associated with exposure to lead.

Appendix 2 - Electrical Safety in Hospitality Venues



Project Report

ELECTRICAL SAFETY IN HOSPITALITY SETTINGS



Email: healthandsafetyenforcement@cardiff.gov.uk

Website: <https://www.srs.wales/en/Environmental-Health/Health-and-Safety/>



Contents

<u>Background and Evidence Base.....</u>	<u>2</u>
<u>Aims of the Intervention</u>	<u>9</u>
<u>Preparation and Scope of the Intervention Visits</u>	<u>9</u>
<u>Significant Findings of the Intervention Visits</u>	<u>12</u>
<u>Conclusion</u>	<u>29</u>
<u>Recommendations/future work.....</u>	<u>30</u>

Background and evidence base

"You know they say time heals but it gets harder and harder every single year... it's so hard to live every minute of every day without him because he was such a big part of our family."

Danielle Jones, the mother of Harvey Tyrrell who sadly died after he touched a defective garden light in an east London beer garden.

The Shared Regulatory Services Health and Safety service plan for 2023-24 is directed by Local Authority Circular (LAC) 67/2 (revision 12), "Setting Local Authority Priorities and Targeting Interventions", which is guidance made under Section 18 of the Health and Safety at Work etc. Act 1974 and assists Local Authorities (LAs) to target their finite resources with a clear focus on delivering specific outcomes. To facilitate a more consistent and proportionate approach to regulatory interventions, LAC 67/2 sets out the Government expectations of a risk-based approach to targeting and sets out principles to enable LAs to comply with the requirements of the National Local Authority Enforcement Code. The document also incorporates an annual list of national planning priorities within its Annex A, as well as a list of specific work activities considered to be suitable for proactive inspection (Annex B). LAC 67/2 also recognises that LAs will have access to local level intelligence about poor performers, matters of evident concern and specific local priorities.



The strategic priorities illustrated below are aligned with the principles of the Well-being of Future Generations (Wales) Act 2015 and contribute to the National Enforcement Priorities for Wales for Local Regulatory Delivery. They also embody the corporate priorities and outcomes of the 3 legacy Authorities, thereby focusing on priorities that meet local, specific needs.



National Evidence

Annex A of LAC 67/2 (revision 12), states:


“The Electricity at Work Regulation 1989 requires that any electrical equipment which has the potential to cause injury is maintained in a safe condition. Local Authority Enforcement Officers are asked to increase awareness to improve standards of compliance. They are asked to remind duty holders to ensure both the fixed installation and electrical appliances are inspected by a competent person at appropriate intervals.

The reminder follows the tragic case of Harvey Tyrell, a seven-year-old boy who died after suffering an electric shock when he touched defective lighting at the King Harold Pub in Romford on 11th September 2018.

Many hospitality venues have extended their space to make the most of outdoor areas. Pubs, restaurants and cafés are urged to ensure outdoor electrical equipment such as lights and heaters are specifically designed for outdoor use, installed by a competent person and checked regularly for damage or water ingress.”

Local Evidence – South East Wales

The previous iteration of LAC 67/2 had included electrical safety in hospitality settings as a national priority for the first time, but with a focus on outdoor areas only. Local Authorities had witnessed a significant uptick in the use of outdoor space by hospitality businesses, a trend that became particularly prevalent during the COVID-19 pandemic, which included an increase in pavement licenses for customer seating areas.



Consequently, in 2022/23, the Local Authority South East Wales Health & Safety Task Group (SEWHSTG) commissioned a pilot project to examine the benefit of undertaking electrical safety visits of outdoor areas in the hospitality sector in South East Wales. SRS officers undertook most of the pilot visits. Analysis of these visits found that not only were the visits warranted, but there was an imperative to extend their scope to include the electrical installation and equipment inside of hospitality premises. As part of the pilot, it was identified that further training should be provided to Local Authority Officers.

Electrical Safety Hazards

Electricity can kill or severely injure people and cause damage to property. The main hazards are:

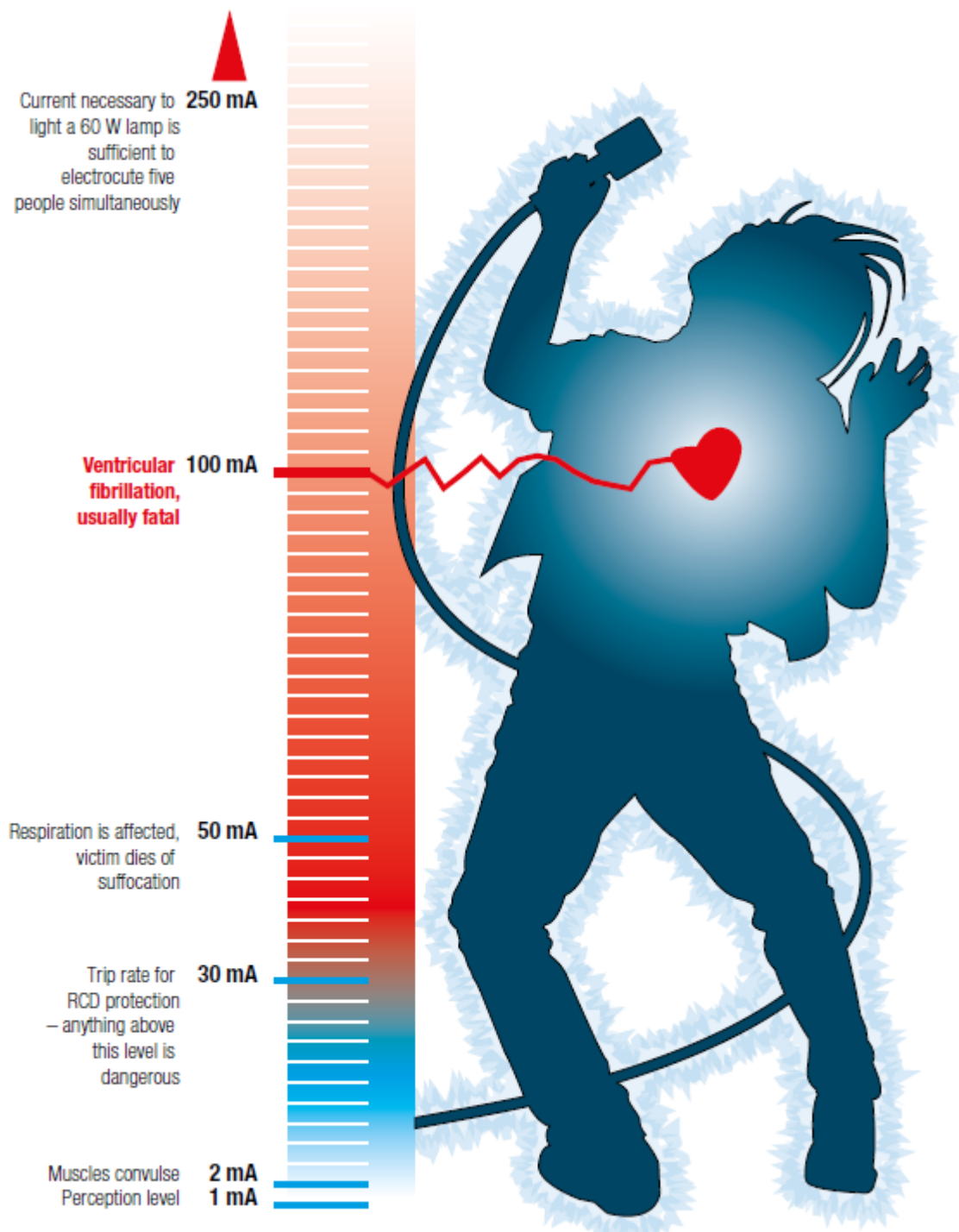
- **Electric shock and burns from contact with live parts - normal mains voltage, 230 volts (V) AC, can kill.**
- **Injury from exposure to arcing (when electricity jumps from one circuit to another).**
- **Fire from faulty electrical equipment or installations.**
- **Explosion caused by unsuitable electrical apparatus.**
- **Fire or explosion where electricity could be the source of ignition in a potentially flammable or explosive atmosphere.**

Electric shock is the result of current flowing through the body; the more current that flows, the greater the likelihood of harm. How much current flows through the body will depend on the shock voltage. Voltages in excess of 50 V alternating current (or 120 V direct current) should be regarded as dangerous even in cool, dry conditions.

Electric shock has a variety of effects on the human body. Mild shocks cause an unpleasant tingling sensation; more severe ones cause muscle contractions, interfere with breathing and can upset the heartbeat; while severe shocks cause extensive burns and are usually fatal.

Electric shocks can also lead to other types of injury, for example by causing a fall when working from ladders or scaffolds etc.

Even incorrectly wiring a plug can be dangerous and lead to fatal accidents or fires.





Legislative Controls

The Electricity at Work Regulations 1989 (SI 1989/635) (as amended) (the Regulations) came into force on 1 April 1990. The purpose of the Regulations is to require precautions to be taken against the risk of death or personal injury from electricity in work activities. Guidance on the regulations is available on the HSE website - <https://www.hse.gov.uk/pubns/priced/hsr25.pdf>.

The Regulations are made under the Health and Safety at Work etc. Act 1974 (the HSW Act). The HSW Act applies principally to employers, the self-employed and to employees, including certain classes of trainees. Duties are imposed on people (duty holders) in respect of systems, electrical equipment and conductors, and in respect of work activities on or near electrical equipment. The duties are in addition to those imposed by the HSW Act. The 1989 Regulations pre-date the risk assessment process brought in with the 1992 version of the Management of Health and Safety at Work Regulations. However, the risk assessment process is still required.

The Regulations apply to all electrical systems and equipment whenever manufactured, purchased, installed or taken into use, even if its manufacture or installation pre-dates the Regulations. Where electrical equipment pre-dates the Regulations, this does not mean that the continued use of the equipment would be in contravention of the Regulations. For example, some of the equipment to which the Regulations apply may have been made to a standard, such as a British Standard, which has since been modified or superseded.

British Standard (BS) 7671 Requirements for Electrical Installations (also known as the IET Wiring Regulations)

BS 7671 Requirements for Electrical Installations is also known as the IET Wiring Regulations. They are non-statutory regulations which 'relate principally to the design, selection, erection, inspection and testing of electrical installations, whether permanent or temporary, in and about buildings generally. BS 7671 is a code of practice which is widely recognised and accepted in the UK and compliance with it is likely to achieve compliance with relevant aspects of the Electricity at Work Regulations 1989. BS 7671 is updated alongside improvements in electrical safety and technologies etc. the current version is BS 7671:2018+A2:2022.

Fixed Wire Testing helps toward ensuring that electrical installations are safe and are governed by BS 7671. After completing the fixed wire testing of installations, electrical contractors supply duty holders with an Electrical Installation Condition Report (EICR).

Electrical Installation Condition Reports (EICRs)

C1 – Danger Present. Risk of Injury. Immediate remedial action required

A C1 represents an immediate threat to the safety of employees, customers or other members of the public and should be rectified or made safe as soon as possible. This means there is a risk of electric shock or fire if the issue is not made safe as soon as possible. An example of a C1 code could be the exposure of live electrical parts, deteriorated insulation, or broken light switches/plug sockets.

C2 – Potentially dangerous – urgent remedial action required

A Code 2 (C2) is not as severe as a C1, but is still a potentially dangerous defect. They may not pose an immediate threat but are likely to become a danger in the future.

FI – Further investigation required without delay

This code means that the electrical engineer has identified an issue, but they need more time to investigate it. An example, is if the emergency lights seem very dim. This might not have been covered in the report so they have noted it separately as code FI.

What codes mean an EICR inspection is unsatisfactory?

If the inspection was unsatisfactory, this means that C1 or C2 work needs to be done, or FI codes need to be looked at in more detail.

C3 – Improvement recommended


This means that this part of the installation is not in line with the wiring regulations, but it does not present any immediate danger. Alternatively, improving it would enhance the safety of the electrical installation. Think is like an 'advisory note' on an MOT. You don't have to get it fixed, but it is recommended you do.

Historic Licensing Conditions

Historically, for premises to be permitted by Licensing for the sale or supply of alcohol, the provision of regulated entertainment and the provision of late-night refreshment (provision of hot food or drink between 11pm and 5am), licensing conditions for public safety relating to electrical safety were enforced.

These included conditions to the effect of:

- Ensuring that the fixed electrical installation had been inspected and tested with a satisfactory Electrical Installation Condition Report (EICR) being produced.
- Ensuring that 30mA RCD protection was provided to sockets in 'stage' areas.



The Licensing Act requires conditions to be proportionate, enforceable and relevant to the licensing objective. Electrical safety relates to the public safety element, however Licensing Officers currently do not undertake checks on electrical safety. Licensing no longer routinely applies these conditions on duty holders, with subsequent legislation in a number of those fields being more specific. These licensing conditions are now rarely seen.

Competent Persons

The Registered Competent Person Electrical single mark and register went live on 30th June 2014 and was officially launched in Parliament on 2nd July 2014. It was created following an agreement between all Government-approved electrical Competent Person Scheme Operators in England and Wales.

All electrical enterprises listed and permitted to display the mark are registered to undertake work on domestic electrical installations under the Competent Person Scheme, introduced by the Government, to allow individuals and enterprises to self-certify that their work complies with the Building Regulations.

These electricians meet strict qualification requirements, and their work is regularly assessed by their electrical Competent Person Scheme Operator to ensure their ongoing competence. The list of Government-approved electrical Competent Person Scheme Operators, their requirements and how they are authorised can be found on the Gov.uk website.

The “Registered Competent Person Electrical single mark and register” and Government-approved electrical Competent Person Scheme Operators do not cover hospitality premises per se. However, there are no equivalent schemes covering the hospitality sector, so the use of electricians registered with these schemes is generally viewed as satisfactory and provides more assurance than using an electrician who is not registered with a competent person scheme. Further information can be found on the Registered Competent Person Electrical single mark and register website -

<https://electricalcompetentperson.co.uk/>.

Aims of the Intervention

- **To increase awareness and to improve standards of compliance with the Electricity at Work Regulations 1989.**
- **To identify how duty holders were managing the risk of harm from the electrical installation and the electrical equipment in use at the premises under their control.**
- **To identify if there was a suitable outdoor electrical installation with suitable electrical equipment for use outdoors.**
- **To identify if duty holders were adequately maintaining their electrical installation and electrical equipment.**
- **To identify if duty holders were using competent people to inspect and maintain their electrical installation and electrical equipment.**


Preparation and Scope of the Intervention Visits

Hospitality businesses such as pubs, restaurants and cafes which fell to SRS for health and safety enforcement and were thought to have an outdoor customer area were considered for inclusion in the project intervention.

A total of 60 premises were selected, 20 for Bridgend, 20 for Cardiff and 20 for the Vale of Glamorgan.

Local knowledge of businesses with outdoor areas was provided by the Food Safety Teams with additional businesses being added to the list for each area after conducting internet searches. A reserve list was also compiled. Should any of the businesses on the visit list have permanently closed, officers were expected to select another from the reserve list.

Letters were sent to advise that unannounced project visits would take place from May 2023; the reason for the intervention, and what documentation would be required by the inspecting Officer. Also included in the letter was information specifically on the installation and use of outdoor electrical equipment and information for duty holders, where they have entertainers perform at their premises.



A full day training course was attended by all Officers that had been allocated project visits. This included basic electrical awareness and what to look for and how to interpret Electrical Installation Condition Reports. A project briefing session was held over Teams for all Officers involved with the project to discuss the visit proforma, expectations and to address any concerns. Following this, the visits commenced, with any less experienced Officers shadowing those with more experience initially.

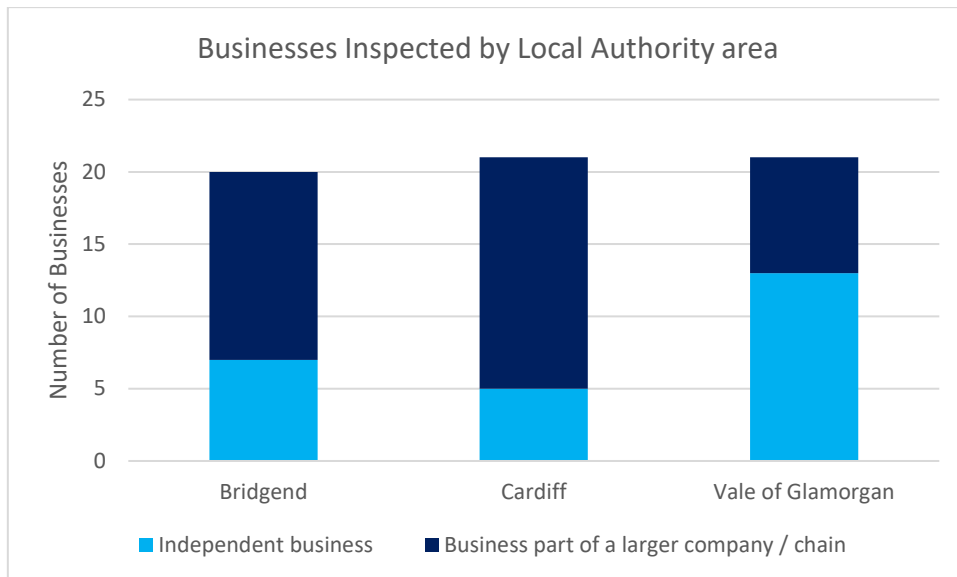
All Officers used the visit proforma that had been adapted from the one used in the 2022/2023 Electricity in Hospitality pilot project. This would ensure a consistent approach to visits by all Officers.

Significant Findings of the Intervention Visits

A total of 62 hospitality venues across SRS were inspected by 7 officers between July 2023 and March 2024 as part of the Electricity in Hospitality project intervention. 58/60 of the premises chosen for the project were inspected, and 4 premises were added to the project that were notified to the Team as Service Requests via referrals from other departments, Officers or customer complaints. Two project visits on the original list were not undertaken due to business closures.

Premises were chosen for the project if they met the inclusion criteria and no account was taken as to whether they were independently owned or part of a larger company portfolio or chain.

The following graph illustrates the number of premises inspected per Local Authority and the number of independent businesses versus businesses that were part of larger companies or chains.



37 (60%) of the businesses inspected were part of larger companies or chains. Of these, 14 (38%) were Marston's, 7 (19%) were Stonegate and 5 (13%) were Mitchells and Butlers. The remaining 11 (30%) were companies that had 1 premises each.

Maintenance and Inspection of Electrical Installation

Fixed Wire Testing

Maintenance of an electrical installation is required to ensure it is in a safe condition and does not present a risk of harm, with testing being an essential part of this. For commercial premises, electrical installation fixed wire testing is required at a minimum of every 5 years. During the premises visits, Officers requested to view current Electrical Installation Condition Reports (EICRs) to ensure that the installation was assessed to be in a satisfactory condition.

A total of 40 (65%) businesses were able to evidence that their electrical installation had been inspected and tested within the 5 years prior to the Officer visit and this was done by providing a current EICR. For many businesses, especially those that were part of larger companies or chains, the EICR was held off-site at head office or on an online portal and had to be provided via email or on a revisit to the business.

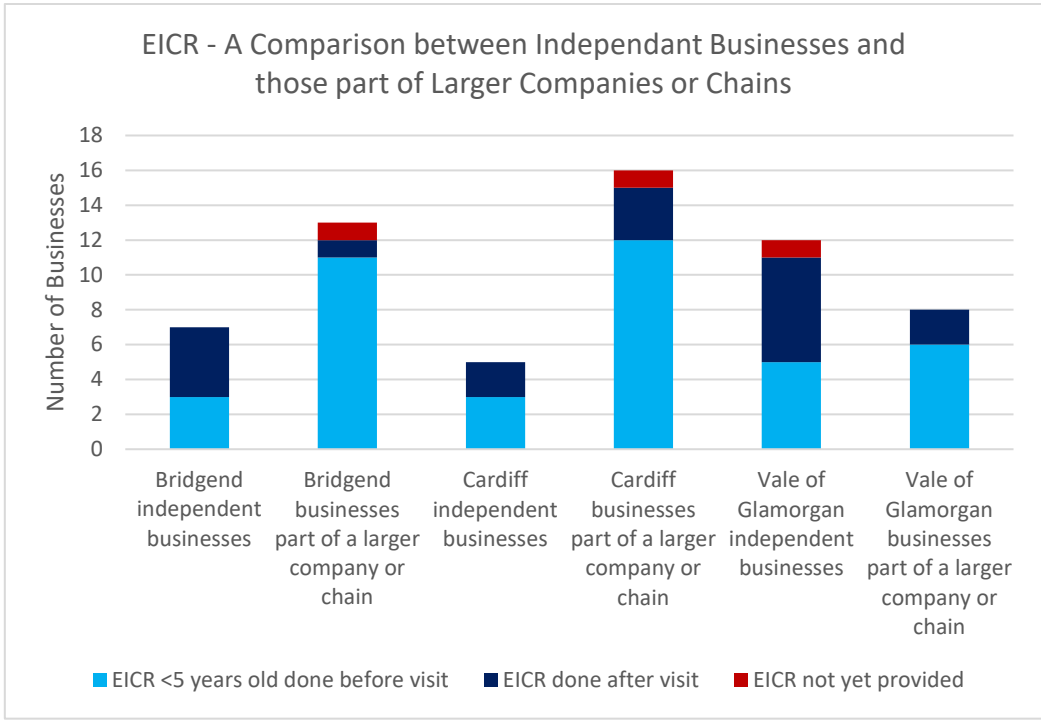
18 (29%) businesses had their electrical installation inspected and tested following the Officer visit and subsequently provided a copy of their new EICR for inspection.

Officers are still waiting for 3 (5%) businesses to provide a copy of their EICR, following recent visits.

1 premises did not have their EICR available onsite and the business closed down soon after, without providing a copy.

The table below illustrates the number of businesses per Local Authority that had an EICR less than 5 years old and also details whether this was done before or after the Officer's visit.

	Bridgend	Cardiff	Vale of Glamorgan	Total
EICR <5 years old done before visit	14	15	11	40
EICR done after visit	5	5	8	18
EICR not provided	1	1	1	3
Total	20	21	20	61



Over three quarters (29, 79%) of businesses that were part of larger companies or chains were able to provide a current EICR less than 5 years old for inspection compared with just under half (11, 46%) of independent businesses.

All except 1 business that provided an EICR for inspection had addressed all the code C1 and C2 faults. The remaining business had remedial work scheduled in to address a code C2 item following the visit. This involved the business closing, a full electrical power down and work done to change the main three phase board. The certificate to confirm that the C2 item has been addressed and the installation is in a satisfactory condition is expected imminently from the business.

Competent Person

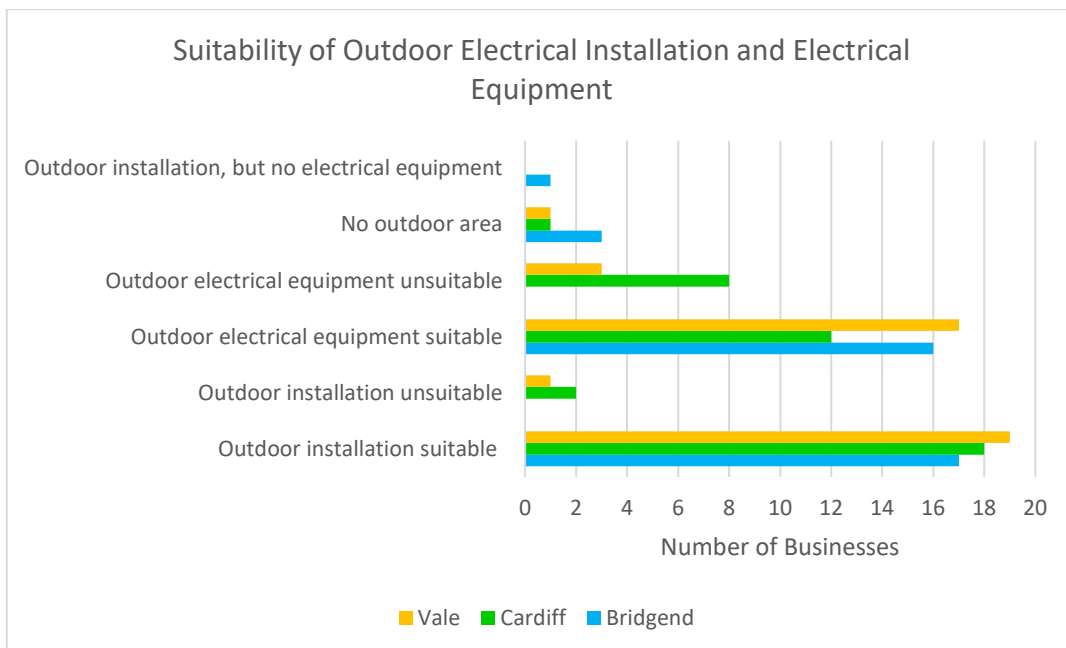
Regulation 16 of the Electricity at Work Regulations 1989 ensures that people are not placed at risk due to their own lack of competence in dealing with electrical equipment, or that of others. Whilst reviewing EICR's, Officers made checks on the person who had inspected and tested the electrical installation to ensure that the business had used a competent person. This was done by checking the Registered Competent Person Electrical single mark and register or if they were registered with a specific competent person body such as the Electrical Contractors Association (ECA), National Association for Professional Inspectors and Testers (NAPIT) or National Inspection Council for Electrical Installation Contracting (NICEIC).

Almost all businesses that had provided a copy of their EICR (57/58, 98%) were using a competent person to inspect and test their electrical installation. The one that did not was an independent business in the Vale of Glamorgan that had for years, been using a retired electrician who is unregistered with any of the professional trade bodies. The inspecting officer required the business to have a new EICR done using a competent person, to which the business obliged.

Outdoor Installation and Outdoor Electrical Equipment

Of the 62 businesses inspected, 5 (8%) were found to have no outdoor area, 3 of which were part of the original premises list and 2 were added to the project as Service Requests. The remaining 57 had an outdoor customer area with an outdoor electrical installation. The outdoor electrical installation was found to be suitable if the installation, including fixed sockets, light switches and fittings were of such a construction or protected to prevent any danger occurring from exposure to the effects of the weather. Officers were looking for ingress protection (IP) ratings of at least IP54 or higher, depending on what kind of conditions the specific part of the installation would be subject to.

Suitability of outdoor electrical equipment was assessed, and Officers were again looking to see if the equipment being used outdoors had a high enough IP rating to protect it from the effects of the weather. The graph below illustrates the suitability of the outdoor electrical installation and electrical equipment being used outdoors.



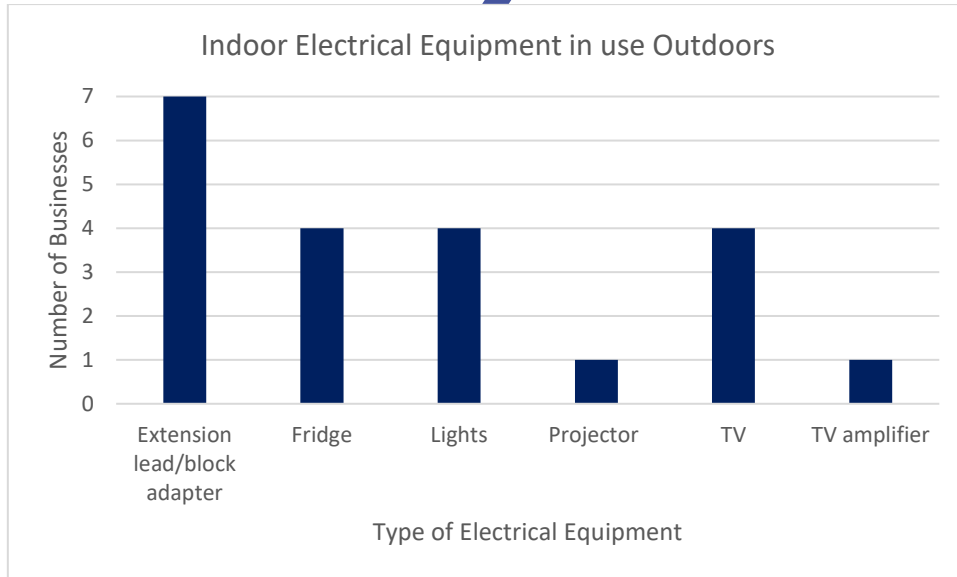
A total of 3 (5%) premises had unsuitable outdoor electrical installations. The 2 premises in Cardiff had indoor sockets installed for use outdoors. One premises had the sockets hidden behind televisions mounted on the wall, the other had mounted indoor sockets under a covered area outdoors, pictured below. The premises in the Vale of Glamorgan had cabling that was not adequately covered or suitable for an outdoor environment.



Businesses were instructed not to use the unsuitable parts of the electrical installation and to ensure a competent person fitted the correct sockets/adequate cables for use outdoors. Furthermore, to make conditions safe officers ensured that circuits to the affected parts were electrically isolated and that items were taken out of use during the visits.

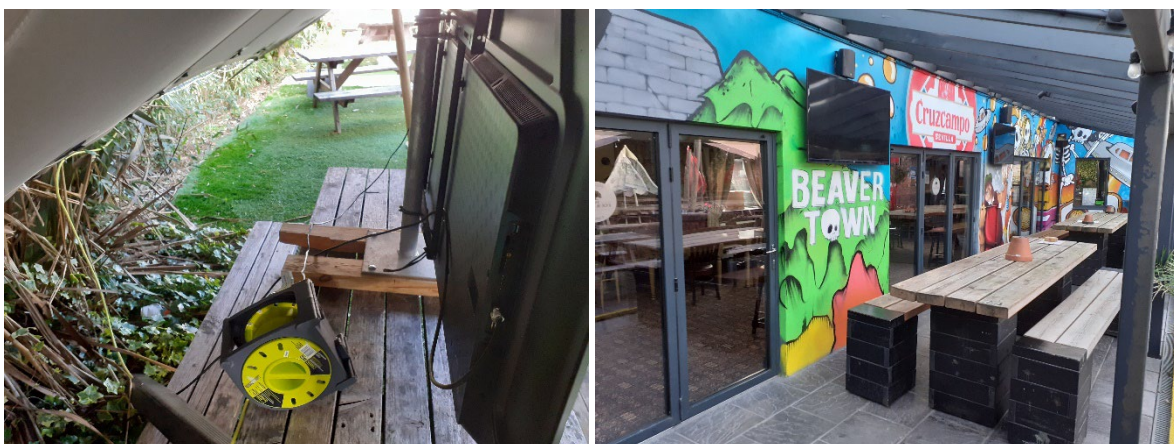
11 (18%) businesses were found to be using electrical equipment designed for indoor use only, in their outdoor areas. 8 (13%) were in Cardiff and 3 (5%) were in the Vale of Glamorgan. Officers found all businesses visited in Bridgend were using suitably protected equipment in their outdoor areas.

A range of different indoor electrical equipment was found to be in use outdoors without adequate protection. The following graph shows the type of equipment and the number of premises that these items were observed at.



The most common indoor items found in use outdoors were extension leads and block adapters, found at 7 (10%) premises. This was followed by fridges, lights and televisions, all found at 4 (6%) premises each. Businesses were told to cease using the unsuitable equipment outdoors and to either remove to an indoor location, adequately protect if appropriate (e.g. encase television in IP rated box), or replace the item with one of a suitable IP rating for outdoor use. Where possible, staff were told to remove the item from the outdoors area at the time of the visit, such as an extension lead or portable lights or send evidence via email, or to demonstrate on a revisit that the item had been removed, adequately protected, or replaced.

Examples of indoor equipment found in use outdoors in premises visited as part of this intervention are shown in the photographs below.



Indoor televisions and extension cables.



Indoor fairy lights, television, extension cables and fridge.

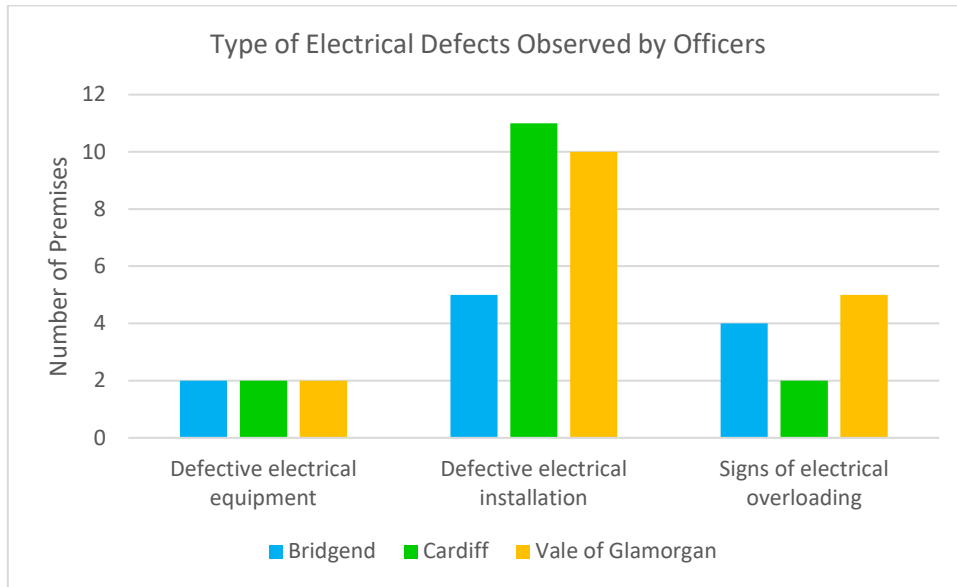


Indoor fridge, television signal amplifier, extension cables

Defects identified with Electrical Installations and Electrical Equipment

The presence of defective electrical equipment poses a risk of harm which must be removed or reduced to as low as is reasonably practicable. On visits, Officers were checking whether businesses took a proactive approach to identifying defective items, such as ensuring user checks are done before the equipment is used, removing any defective items as soon as they are identified and if it is not possible to remove an item, then to stop the item being used until sufficient repairs are made by a competent person.

The following graph details the types of defects observed by Officers on their visits.

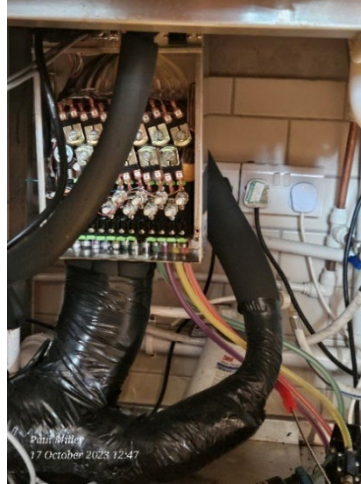


Officers observed a higher number of defects with the electrical installations when compared to defects observed on electrical items.

Electrical Equipment

Most businesses (55/62, 89%) were conducting regular checks of electrical equipment to ensure it was in a good, safe condition for use. This was reflected by the **number of businesses where defective electrical equipment was observed, which was low (6/62, 10%)**. A small number of businesses who were carrying out regular checks did also have defective electrical equipment observed by Officers, so an increase in the frequency of their user checks was suggested or further training on what to look for, for staff carrying out electrical equipment checks. Portable appliance testing was being carried out by a large number of businesses and this was included in the regular checks statistics.

The photographs below show examples of defective equipment seen by Officers – The first photograph shows 2 appliances wired into one plug, followed by a missing electrical panel for a drinks machine and damage to an electric cable.

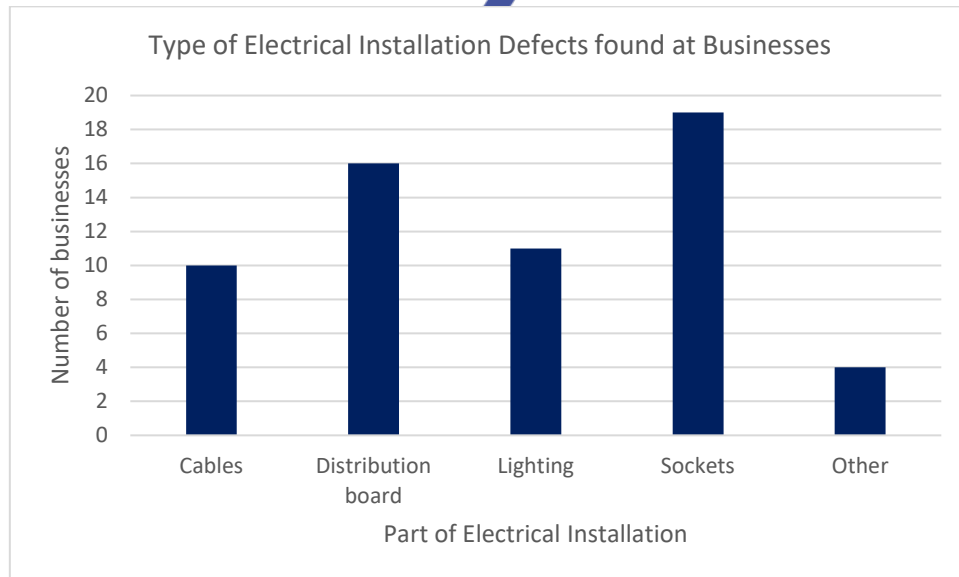


Two businesses in each Local Authority were found to have defective electrical equipment in use. Over half of the defects observed (5/9, 56%) were associated with defective cables and included damage to cables and cable sheaths that had come away from the plug leading to exposed internal wiring. Two defects noted were missing electrical panels on a drinks machine and a light and 2 involved plugs – one plug had 2 electrical appliances re-wired into it and the other had visible damage to the casing.

Electrical Installation

26/62 (42%) businesses were found to have defects with their electrical installation and of these, 5 (8%) were in Bridgend, 11 (18%) were in Cardiff and 10 (16%) were in the Vale of Glamorgan.

The following graph illustrates the affected parts of the electrical installation and the number of businesses where the defects were observed.



- **19/62 (31%) businesses had defective sockets.** This included damage to the socket casing, loose sockets and missing covers off IP rated sockets.
- **16/62 (26%) businesses had defective distribution boards** which included missing blanks or circuit breakers, missing covers, missing screws, missing gland covers and unlabelled circuits.
- **11/62 (18%) had defective lighting,** including broken light covers, missing bulbs, unsecure light fittings and a missing light switch face plate.
- **10/62 (16%) had defective cabling** including exposed live basic insulation, inadequately joined cables, unsupported twin and earth cabling and detached earth bonding.
- **4/62 (6%) had other defects observed** and included damaged hand dryer switches, a damaged junction box and missing a fuse.
- **Of the businesses with defective electrical installations, 14/26 (54%) were part of larger companies or chains and 12/26 (46%) were independent businesses.**

Some examples of damaged installation observed on visits are shown below.



Photographs above show an outdoor socket with cover missing, live cables and missing switch covers exposing live cables.

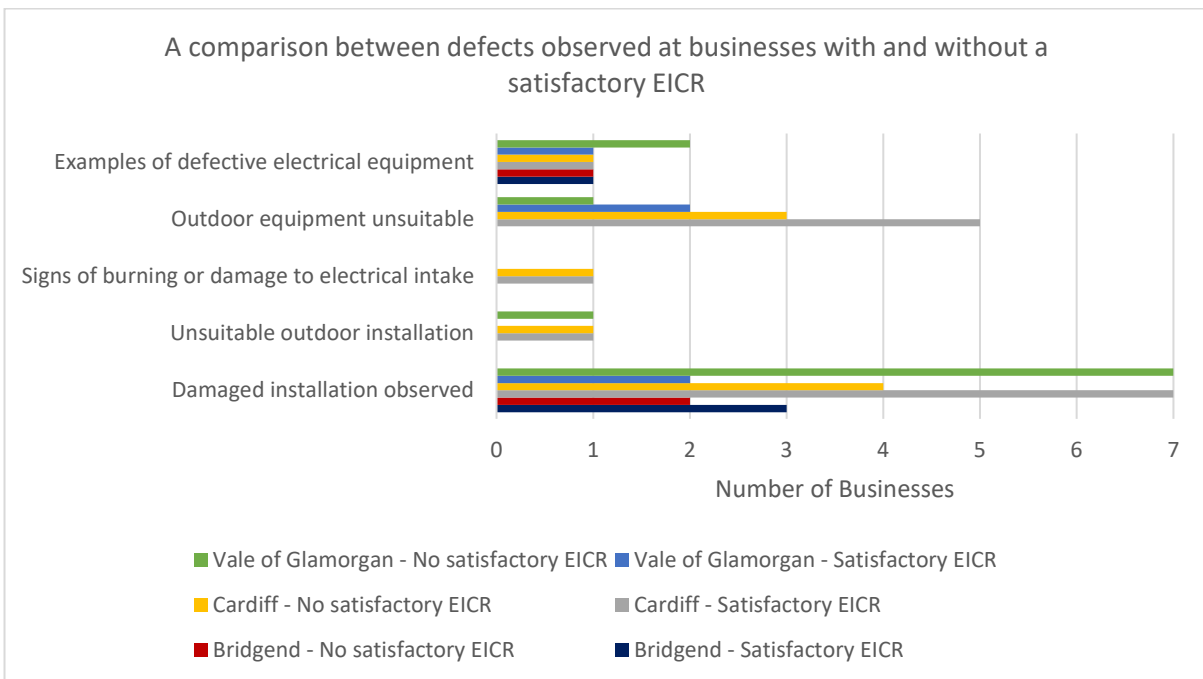


Photographs above show a broken light switch, burnt socket and gland covers missing on a distribution board.


Overloading was an issue in 11/62 (18%) businesses, **some examples of what was seen is pictured below.**



The following graph shows a comparison between the businesses that had a satisfactory EICR, less than 5 years old and those that did not.



Even though a business had a satisfactory EICR, this did not mean that there were no defects with the electrical installation or equipment observed by Officers on their visit.

- 
- **An unsuitable outdoor installation was observed in 3 businesses only and of these, 2 had no satisfactory EICR.**
 - **Defective electrical installations were observed in businesses across all 3 Local Authorities with the highest number seen in businesses in Cardiff that did have a satisfactory EICR, and in businesses in the Vale of Glamorgan that did not have a satisfactory EICR – 7 businesses in each group. Bridgend had 1 more business that had a damaged installation in the group that had a satisfactory EICR versus those that did not.**
 - **There were no differences between businesses where signs of burning were observed as one was in a business with a satisfactory EICR, the other was in a business that did not have a satisfactory EICR.**
 - **Unsuitable outdoor electrical equipment was only observed in Cardiff and Vale of Glamorgan businesses and in both Local Authorities, there were more businesses with unsuitable outdoor electrical equipment that had satisfactory EICR's versus those that did not.**
 - **Defective electrical equipment was observed in businesses in each Local Authority, with very little difference in numbers between those that did and those that did not have a satisfactory EICR.**


Distribution Boards

Officers inspected distribution boards, of which most businesses had numerous units serving different parts of the electrical installation. Officers were looking to see if all circuits were labelled, there were no blanks or circuit breakers missing, gland covers were in place, unit covers were present and functioning, RCDs/RCBO's were in place, there were no signs of damage or burning and units were accessible to staff in an emergency.

Although the lack of RCDs/RCBO's will not cause an outcome of unsatisfactory on an EICR, they are a highly recommended safety feature of an electrical installation and a lack of these would generate a code C3. Many distribution boards were installed before RCDs/RCBO's were made mandatory in the IET wiring regulations (BS 7671) and are therefore a recommended upgrade.

The main electrical intake to the business was also inspected to ensure it was adequately sited and enclosed, in good condition, and that the main fuse was in place and that the seals were intact.

The table below details the observations of Officers regarding the distribution boards and main electrical intake.



	Bridgend	Cardiff	Vale of Glamorgan	Total	Total %
Distribution board suitably sited and enclosed	19	17	19	55/62	89
Employees know how to switch electrical supply off	20	20	21	61/62	98
All circuits RCD/RCBO protected	20	14	19	53/62	85
RCD/RCBO's regularly checked*	6	5	5	16/60	27
Entertainers audio circuits protected by RCD/RCBO**	10	9	13	32/38	84
Electrical intake fuse in place	20	21	20	61/62	98
Signs of burning or damage to electrical intake	0	2	0	2/62	3

*2 businesses did not have any RCD/RCBO's on any of their circuits

**24 businesses did not have circuits for entertainers

Most distribution boards (89%) were suitably sited and enclosed, with those that were not, mainly required that staff keep the cupboard locked or for the boards to be made inaccessible to members of the public.

All except one business (98%) had employees that knew how to switch off the electrical supply in an emergency and all except one (98%) had the main supplier's fuse in place.

There were very little signs of burning or damage to the electrical intake. This was only observed in 2 (3%) businesses.

The majority of businesses (85%) had all circuits protected by RCD/RCBO's, however less than a third (27%) were regularly checking their functionality. This included businesses part of a larger companies such as Marston's. Of those that had separate circuits for the entertainers' audio equipment, the majority (85%) were protected by RCD/RCBOs.

At just one of the premises, one of the electric network operator's three 100 Amp fuses was missing. Nonetheless, the next fuse back is the area generator/sub mains. This exposed live conductors in the missing fuse position and posed a risk of electrocution. An Officer provided the network operator's details (National Grid) to the duty holder. National Grid were able to attend within a matter of hours to resolve the issue.



High Standards

Although a lot of defects with the electrical installation, electrical equipment and lack of EICRs were identified on visits, there were also a number of businesses that excelled.

Just over a third (21/62, 34%) of businesses, of which 9 (15%) were in Bridgend, 5 (8%) were in Cardiff and 7 (11%) were in the Vale of Glamorgan had high standards. All had EICR's less than 5 years old with all code C1 and C2 items corrected, suitable outdoor installations and outdoor equipment with no damage to any of the installation or electrical equipment at the business. There were no signs of electrical overloading, distribution boards were suitably sited and enclosed and in good condition, the main electrical intake fuse was in place with no obvious signs of burning or damage and all circuits were protected by RCDs/RCBO's. Of these businesses, 8/21 (38%) were independent businesses and 13/21 (62%) were part of larger organisations or chains.

Enforcement Action

Of the 62 hospitality businesses visited as part of this intervention, 58 duty holders received a formal warning letter which detailed the 'Schedule A' contraventions and 'Schedule B' recommendations identified by the Officer on the visit. Duty holders were required to provide evidence of how contraventions had been resolved or a detailed action plan confirming how they were going to be addressed by the deadline given by the Officer. Some businesses were also subject to a revisit to check the work that had been done.

Three businesses were found to have very high standards and did not require any further work, negating the need to send a formal warning letter. One further business was left a Confirmation of Intervention form with no further letter sent.



One Improvement Notice was served on a duty holder due to inadequate maintenance of their electrical installation as evidenced by numerous defects observed by Officers. These included distribution boards that were missing circuit breakers/blanking plates and gland covers, exposed live coloured basic insulation, evidence of live electrical wires being joined and taped, unsupported twin and earth cabling and electrical control boxes with missing covers, which exposed live coloured basic insulation.

A “notice to take possession of article or substance” was also served to seize two damaged extension leads, with broken flexible cables, at the same premises.

The Improvement Notice was complied with by the given deadline. Unrelated to the notices, the premises has subsequently ceased trading.

There was no need to serve any Prohibition Notices to mitigate risk of serious personal injury. However, during visits officers were able to make conditions safe by ensuring that hazardous circuits were electrically isolated and that hazardous items were taken out of use.



Discussion

From the findings of this report, it can be seen that only 65% of the premises had an in date EICR at the time of the officer's initial visit.

Alongside this 42% of all businesses had defects to the installation. Reasons for this could include smaller businesses looking to save on costs of inspection, testing and repairs to their electrical installations. This may be exacerbated by:

- the removal of historic licensing conditions or the enforcement thereof .
- the cost-of-living crisis.
- industry wide issues that have affected the hospitality industry including staff retention & recruitment post COVID-19.


Following the visits 29% of businesses had their fixed electrical installation inspected and tested.

Competent Persons

Awareness of the UK Governments Registered Competent Person Electrical single mark and register

Whilst all but one of the premises visited were found to be using a competent person, most businesses were not aware of the Competent person checks UK Governments Registered Competent Person Electrical single mark and register (<https://electricalcompetentperson.co.uk/>), as such officers brought this scheme to the attention of duty holders.

As expected, duty holders who received certification from a registered electrician did not appear to have questioned the validity of the EICR. As such no businesses were being found to verify if the EICR's had been completed correctly – unfortunately from complaint/accidents the team have investigated it has been noted that two NICEIC approved electricians had provided EICR's that state that the installation is satisfactory when in fact the EICR should have stated that the installation was unsatisfactory. In one instance due to further investigation being stated in the body of the EICR, in another instance due to the presence of C2 defects recorded deliberately as C3 defects.



The invalid certification issues were addressed with the duty holder and electrician respectively and the team manager reported these concerns with our Health & Safety Executive partners at the All Wales Health & Safety Expert Panel Meeting.

Work With Primary Authority Partner - Marston's Trading Ltd

Marston's is a leading UK operator having been part of the British pub landscape for over 180 years and they have grown from a local family run business to a PLC with 1,400 pubs and around 11,000 employees. Marston's entered in to a "Primary Authority Partnership" (<https://www.gov.uk/guidance/local-regulation-primary-authority>) with SRS during the course of the project.

Several Marston's pubs were visited and because of the visits, it was noted, that alike other project premises the Residual Current Device's (RCDs) to the distribution boards in Marston's pubs were not being routinely tested.

Subsequently, detailed information and advice was provided by the team to Marston's Nationwide Director of Safety and consequently **a solution was developed to be implemented across all pubs in Great Britain.** This solution involves a check of the RCD test buttons by Marston's contractors who also undertake fire safety equipment checks, a record of these checks is then recorded on an online portal.



Conclusion

The visit proforma was fit for purpose and covered a wide range of topics associated with electricity at work and Officers were able to consistently inspect, advise and identify areas for improvement with each duty holder across all businesses. The methods used for the intervention were appropriate and targeted the correct type of businesses outlined in the plan, that is, hospitality businesses with outdoor customer areas. Only a very small number were later identified as having no outdoor area, however the intervention still identified areas for improvement with the indoor electrical installation, so it was still beneficial for those businesses.

Overall, Bridgend premises performed better than those in Cardiff and the Vale of Glamorgan, with less defects identified with electrical installations and electrical equipment and a higher number of businesses that were seen to already have high standards in managing the risks associated with electricity at work.

Satisfactory EICRs less than 5 years old were in place at just under two thirds of the businesses, although it was found that many of these were not held onsite. This was especially true for businesses part of larger companies or chains. As a result of the intervention, those businesses without a satisfactory EICR subsequently employed a competent person to inspect, test and maintain their electrical installation to the required standard to gain a satisfactory outcome on the test report, therefore raising safety standards surrounding electricity in the workplace.

All businesses bar one were using a competent person to conduct work with electricity at their premises. The intervention found that a larger proportion of independent businesses, when compared to businesses that were part of larger companies or chains, did not have a satisfactory EICR that was less than 5 years old, however having a satisfactory EICR did not mean that defects with the electrical installation were not present and in some instances, such as in Cardiff, more defects were found with installations in businesses that had a satisfactory EICR.

Very few businesses had outdoor electrical installations that were unsuitable, however one fifth were found to be using electrical equipment outdoors which was designed for indoor use only with the most common items being extension leads, fridges, televisions and lights.

The majority of businesses were conducting regular safety checks of electrical equipment and taking any found to be defective out of use for disposal or repair. This is reflected in the low number of



defects observed by Officers on electrical items. The majority of damage observed was on cables, with overloading being an issue in a fifth of businesses.

In contrast to this, Officers observed a significantly higher number of defects with the electrical installations where just over two fifths of businesses had defects. The most common issues were with sockets, distribution boards and lighting.

Employees generally knew how to isolate the electrical supply however, testing that RCDs/RCBOs were functional was not routinely being done in a large majority of businesses and was something that Officers tried to address on their visits. In some instances, larger companies did not want to put this task on the business manager and have incorporated the testing of RCDs/RCBOs with other routine inspections such as fire safety.

The electricity in hospitality intervention has been a worthwhile piece of work undertaken by the Team and has undoubtedly raised electrical safety standards and awareness in the businesses visited.

Recommendations/future work

- Further extension of the project to include nightclubs, especially since there has been a recent fatality in the outdoor area of a nightclub recently. Night clubs (and wet pubs) are not visited as often by Officers in other teams, such as the Food Safety Team, who often highlight matters of evident concern (MEC) including electrical hazards to the Communicable Disease, Health and Safety Team.
- Discussion with our licensing partners with a view to reintroduce the old licensing conditions for 5 yearly EICRs and RCDs for circuits to be used by entertainers.
- Targeting of independent hospitality businesses especially those with outdoor customer areas.

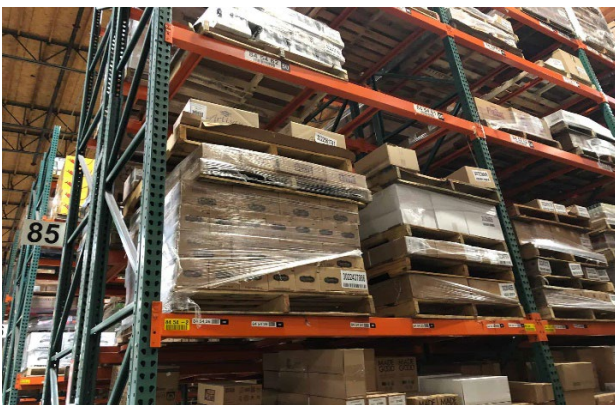
Appendix 3 - Management of Health and Safety in Storage and Distribution Warehousing



Safe Estates Intervention 2023/24



Assessment of health and safety management systems and on site controls in storage and distribution warehouses within the Shared Regulatory Services region: October 2023 to March 2024



Background & Evidence Base for Intervention

The Shared Regulatory Services (SRS) health and safety service plan for each year is directed by Local Authority Circular (LAC) 67/2, "Setting Local Authority Priorities and Targeting Interventions", which is guidance made under Section 18 of the Health and Safety at Work etc. Act 1974 and assists Local Authorities (LAs) target its finite resources with a clear focus on delivering specific outcomes.

To facilitate a more consistent and proportionate approach to regulatory interventions, LAC 67/2 sets out the Government expectations of a risk-based approach to targeting and sets out principles to enable LAs to comply with the requirements of the National Local Authority Enforcement Code. The document also incorporates an annual list of national planning priorities within its Annex A, as well as a list of specific work activities considered to be suitable for proactive inspection (Annex B).

Analysis of accident data produced by the Health and Safety Executive (HSE) identified storage and distribution warehouse premises, and a number of the work activities undertaken by this sector, as suitable for proactive inspection. This intervention has also been informed by local intelligence gathered within the SRS region following the investigation of reactive complaints and accidents.

The Shared Regulatory Services Communicable Disease service plan also makes a commitment to improve the health and well-being of service users, and safeguard more vulnerable members of society, through the delivery of public health interventions.

The strategic priorities illustrated below are aligned with the principles of the **Well-being of Future Generations (Wales) Act 2015** and contribute to the National Enforcement Priorities for Wales for Local Regulatory Delivery. They also embody the corporate priorities and outcomes of the 3 legacy Authorities, thereby focusing on priorities that meet local, specific needs.



Key aims of the Intervention

- To determine if duty holders operating storage and distribution warehouses across Bridgend, Cardiff and the Vale of Glamorgan were operating in compliance with the Health and Safety at Work etc. Act 1974, and Regulations made thereunder.
- To determine if duty holders operating storage and distribution warehouses across Bridgend, Cardiff and the Vale of Glamorgan were operating in compliance with Approved Codes of Practices and published sector guidance.
- To determine if duty holders operating storage and distribution warehouses across Bridgend, Cardiff and the Vale of Glamorgan were operating in compliance with their own internal health and safety management systems.
- To educate duty holders operating storage and distribution warehouses across Bridgend, Cardiff and the Vale of Glamorgan on legal matters pertaining to their undertakings.
- To identify other matters of evident concern.
- To collate data about the duty to manage asbestos to share with the HSE.

Relevant Legislation

Legislation relevant to the management of storage and distribution warehouses, and assessed as part of these intervention visits, includes:

- The Health and Safety at Work etc. Act 1974
- The Management of Health and Safety at Work Regulations 1999, *as amended*
- The Workplace (Health, Safety and Welfare) Regulations 1992
- The Provision and Use of Work Equipment Regulations 1998
- The Lifting Operations and Lifting Equipment Regulations 1998
- The Working at Height Regulations 2005
- The Control of Asbestos Regulations 2012
- The Control of Substances Hazardous to Health Regulations 2002 (COSHH)
- The Electricity at Work Regulations 1989
- The Health and Safety (First Aid) Regulations 1981
- The Reporting of Injuries, Disease and Dangerous Occurrences Regulations 2013
- The Safety Signs and Signals Regulations 1996

Preparation and Scope of the Intervention

All premises identified for inclusion in the intervention fell within scope of Schedule 1 of the Health and Safety (Enforcing Authority) Regulations 1998, with the main activity being enforced by the Local Authority for health and safety matters. The premises to be targeted were warehouses offering storage and distribution services. Aligning with Annex B of LAC 67/2 (rev 12), the focus of the work was on vehicle movement/traffic management, work at a height (including racking safety) and manual and mechanical handling. LAC 67/2 (rev 12) also asks Local Authorities to raise awareness of the HSE guidance, "Driving and Riding Safely for Work", at premises where workers are required to make deliveries. This awareness raising initiative was also included in the project intervention. To maximise added value with each intervention visit, officers were required to identify Matters of Evident Concerns (MEC's) whilst on site, with particular focus on electrical safety, duty to manage asbestos (DTM) and alcohol and drug awareness.

DTM (asbestos) information will subsequently be collated and shared with the HSE, as requested via the All Wales Health and Safety Expert Panel, to enhance knowledge on the current status of compliance by industry. It is anticipated that this data will contribute to targeted work streams in the future.

An initial scoping exercise of the Tascomi database, internet searches and collation of local intelligence initially identified a primary inspection list of warehouses offering storage and distribution facilities across each of the 3 legacy Authority areas. A reserve list was also prepared to ensure that Officers were able to achieve the agreed target of 30 premises, ideally 10 per Local Authority area. Since this sector had not been looked at by Health and Safety Service for several years, the inspection list included a mix of both national and independent duty holders.

For the purpose of this intervention, duty holders with one outlet located solely within the SRS region were regarded as **independents**, whilst those with multiple outlets located beyond the boundary of the SRS region were classified as **national**.

A project work plan, and visit proforma, were developed to promote consistency amongst all Officers engaged with site visits. All Officers allocated project visits attended briefing sessions with the allocated Project Lead prior to visits starting to discuss the work plan.

Businesses identified through the scoping exercise were sent a letter in September 2023 to advise that unannounced visits would be taking place from October 2023, the reason for the intervention, and what documentation would be required by the inspecting Officer during the visit. Duty holders were also signposted to relevant links on the HSE website to support them prepare for Officer visits.

Significant Findings of Intervention Visits

A total of **30 warehouses** were visited as part of this project. However, a number of business closures on both the primary and reserve lists impacted the distribution of these visits across the SRS region, as illustrated in **figure 1** below.

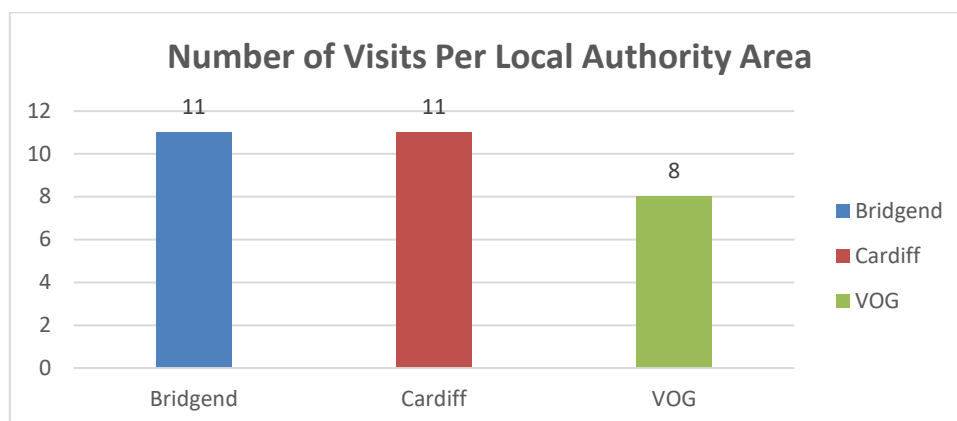


Figure 1

Management of Health and Safety

- **Health and Safety Policy**

The Health and Safety at Work etc. Act 1974 requires an employer to have a policy in place which explains how they will manage health and safety in its business. Roles and responsibilities of key personnel should be clearly defined so that employees are aware who is tasked with specific health and safety functions within the organisation, whilst the health and safety arrangements should effectively communicate organisational operational procedures. Where an employer has five or more employees, the health and safety policy must be written down and effectively communicated to employees.

Of the 30 businesses visited as part of this intervention, **6 (20%)** businesses were not able to provide a documented health and safety policy at the time of the officer's initial intervention - **Bridgend (1), Cardiff (4) and Vale of Glamorgan (1)** - see **Figure 2** below.

One of these businesses employed less than 5 employees thus was not required to produce a written Health and Safety Policy.

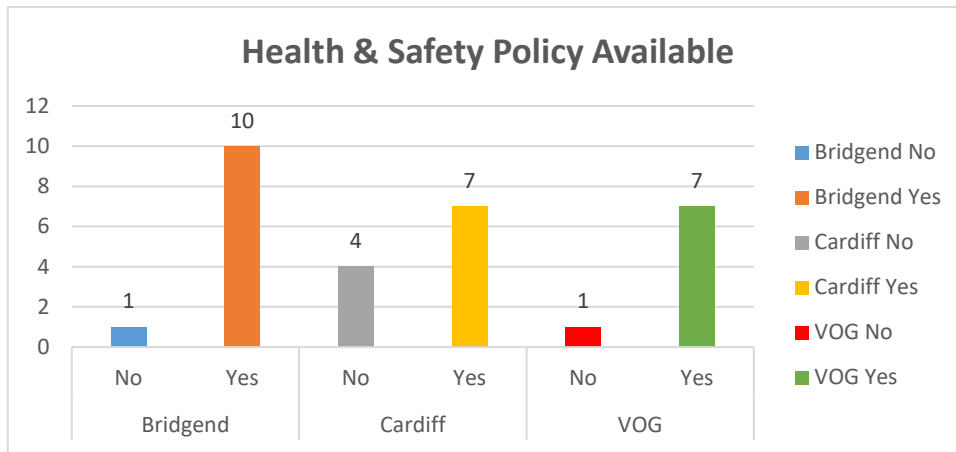


Figure 2

- **Risk Assessments**

Regulation 3 of the Management of Health and Safety at work Regulations 1999 requires every employer to undertake a suitable and sufficient risk assessment of workplace activities to identify hazards and significant risks to employees and others. Where 5 or more people are employed, these assessments must be documented.

By following the hierarchy of controls principle (as illustrated in **Figure 3** below), significant risks must either be removed, through elimination or substitution, or effectively mitigated through the implementation of suitable, and effective, control measures. All safe systems of work developed from risk assessment findings must be robustly implemented and routinely monitored to ensure they remain appropriate and effective.

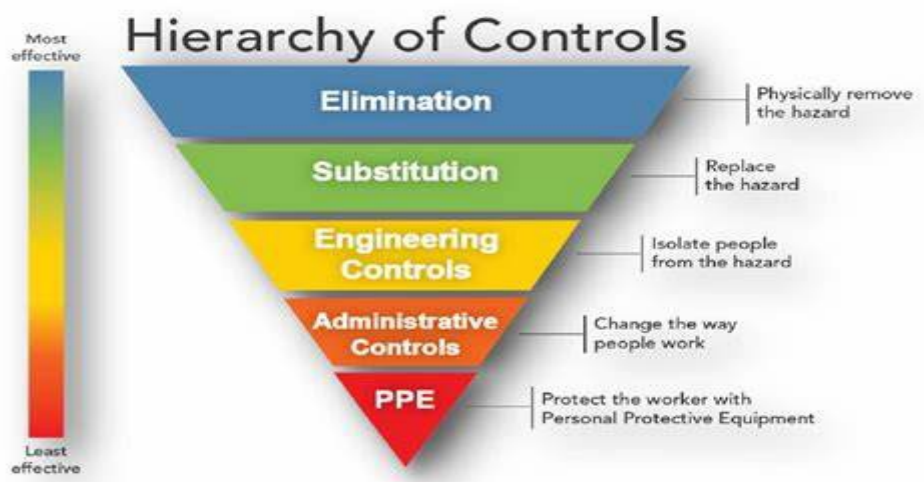


Figure 3

Of the 30 businesses inspected, **10 (34%)** premises - **Bridgend (2), Cardiff (2) and Vale of Glamorgan (4)** - were not able to provide evidence of documented risk assessments during initial Officer visits. See **Figure 4** below.

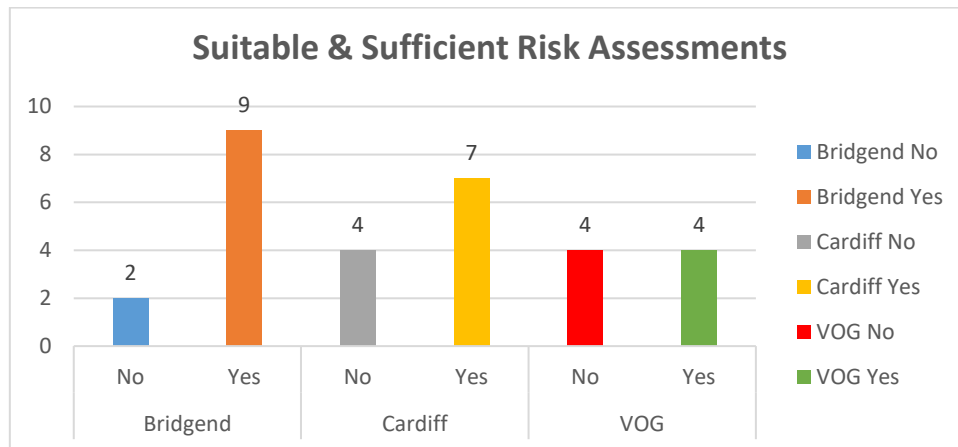


Figure 4

Of the **10 (34%)** businesses without written risk assessments, 2 employed less than 5 employees and were not legally required to document their risk assessments. Two other businesses who employed less than 5 employees had, however, elected to record their risk assessments.

Across all 3 local authority areas, **50%** of independent businesses employing more than 5 people had failed to produce suitable and sufficient documented health and safety management systems. Conversely **75%** of national businesses employing more than 5 people had suitable and sufficient documented health and safety management arrangements in place. See **Figure 5** below.

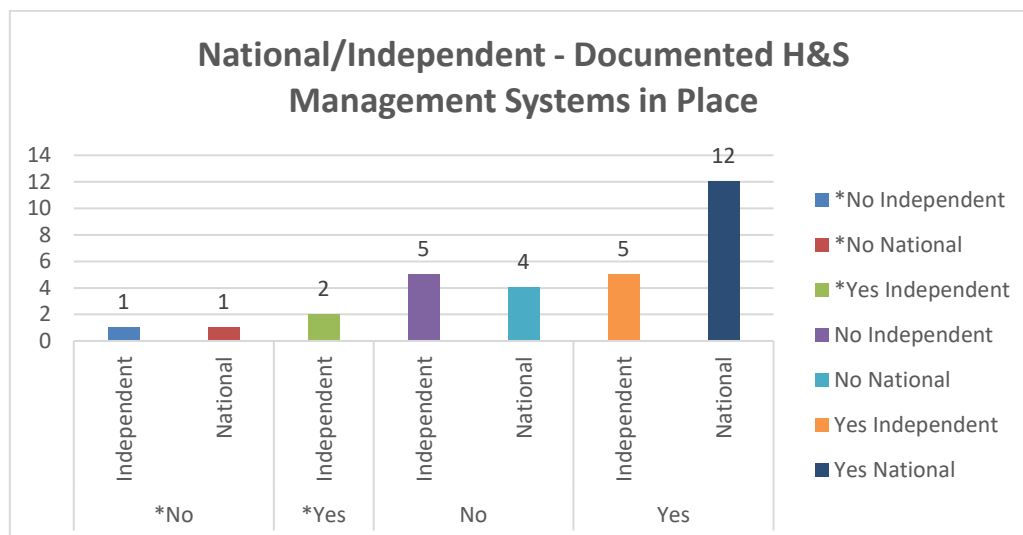


Figure 5 *Employ less than 5 persons

Visits identified that only **6 (20%)** duty holders - **Bridgend (2), Cardiff (2) and Vale of Glamorgan (2)** - were aware of the HSE Manual Handling Assessment Charts (MAC Tool) to effectively risk assess manual handling activities. See **Figure 6**.

The MAC tool was developed to help duty holders identify high-risk workplace manual handling activities and can help employers understand, interpret and categorise known risk factors associated with lifting, carrying and team manual handling activities. It incorporates a numerical and a colour-coding score system to highlight high-risk manual handling tasks. Officers actively promoted the use of the MAC Tool to duty holders; both verbally during site visits and in written communications sent post-inspection.

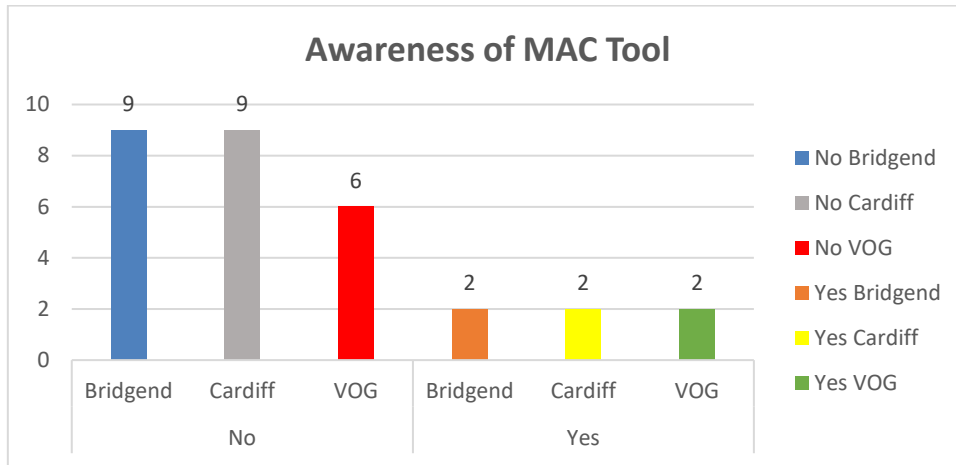


Figure 6

- **Staff Training**

Everyone at work needs to know how to work safely and without risk to their own health and safety, or that of others. When allocating work to employees, employers must ensure that demands of the job do not put employee health and safety at risk, or increase the risk of injury to others who may be impacted by that work activity. Employers should take account of employee capabilities based on their existing levels of training, knowledge, and experience; something of particular significance for new recruits or existing staff changing roles or assuming additional responsibilities. Equally, managers must be conversant with relevant legislation and be competent to undertake their delegated health and safety responsibilities effectively. All employee competencies should be subject to regular review, with additional and refresher training provided as necessary.

At the time of the initial visits only **21 (70%)** of duty holders - **Bridgend (10), Cardiff (7) and Vale of Glamorgan (4)** - had provided staff with adequate training on the main topic areas included in this intervention: manual and mechanical handling, working at height and workplace transport. See **Figure 7**.

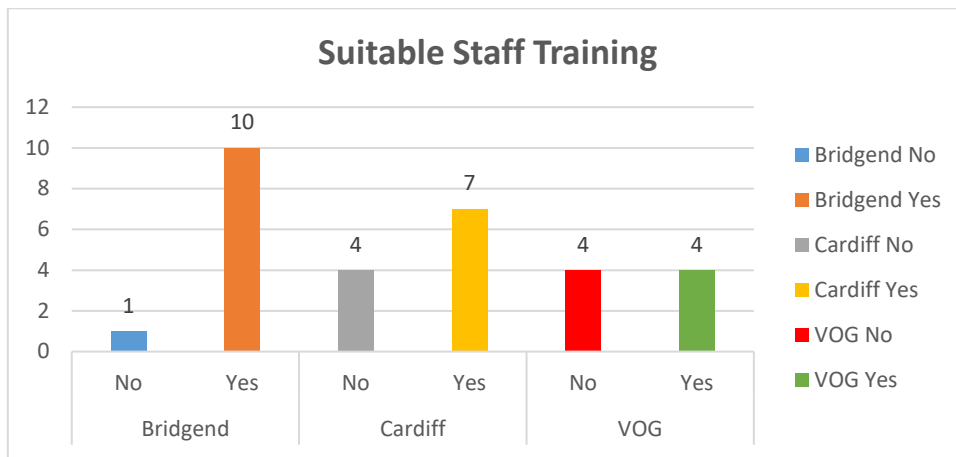


Figure 7

- **Personal Protective Equipment**

On 6 April 2022 the [Personal Protective Equipment at Work \(Amendment\) Regulations 2022](#) (PPER 2022) came into force. They amend the [1992 Regulations](#) (PPER 1992) and extend employers' and employees' duties regarding personal protective equipment (PPE) to **limb (b) workers** (*as defined in Section 230(3) of the Employment Rights Act 1996*).

PPE is defined in the PPER 1992 as 'all equipment which is intended to be worn or held by a person at work and which protects the person against one or more risks to that person's health or safety, and any addition or accessory designed to meet that objective'. Where an employer finds PPE to be necessary after a risk assessment, in consideration of the hierarchy of controls, they have a duty to provide it free of charge.

Generally, workers who are categorised as limb (b):

- carry out casual or irregular work for one or more organisations
- after 1 month of continuous service, receive holiday pay but no other employment rights such as the minimum period of statutory notice
- only carry out work if they choose to
- have a contract or other arrangement to do work or services personally for a reward (the contract doesn't have to be written) and only have a limited right to send someone else to do the work, for example swapping shifts with someone on a pre-approved list (subcontracting)
- are not in business for themselves (they do not advertise services directly to customers who can then also book their services directly)

Growth of the Gig Economy has seen a significant uptick in limb (b) workers across the UK.

Whilst considered the least effective protective measure in the hierarchy of control, the provision and use of suitable PPE (*i.e. Hi-visibility clothing, gloves, protective footwear*) are considered to be baseline control measures throughout most storage and distribution settings.

Of the 30 premises visited, 26 (**87%**) of businesses - **Bridgend 10, Cardiff 8, Vale of Glamorgan 8** - provided suitable personal protective equipment (PPE) to workers. See **Figure 8**.

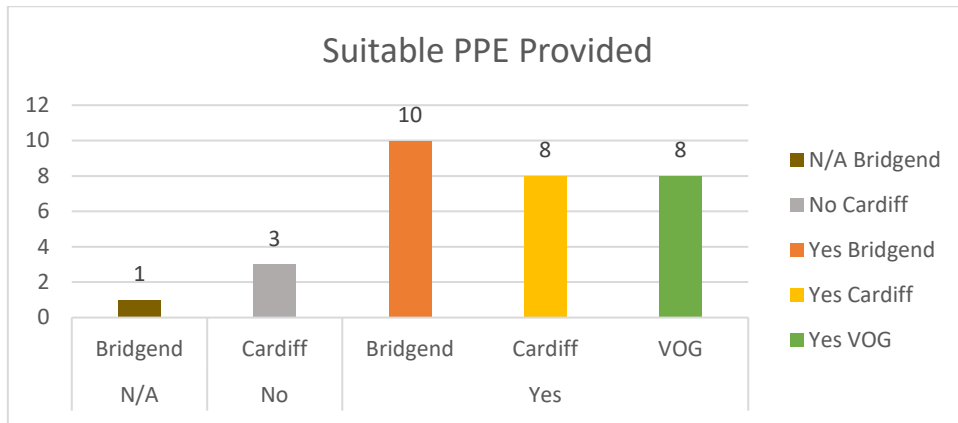


Figure 8

Three (3) businesses in Cardiff were found to have failed to provide workers with suitable PPE, whilst the remaining business in Bridgend had categorised work activities as low risk as part of its risk assessment and determined that no PPE was required.

The three businesses failing to provide workers with suitable PPE were all identified as independent businesses. See **Figure 9** below.

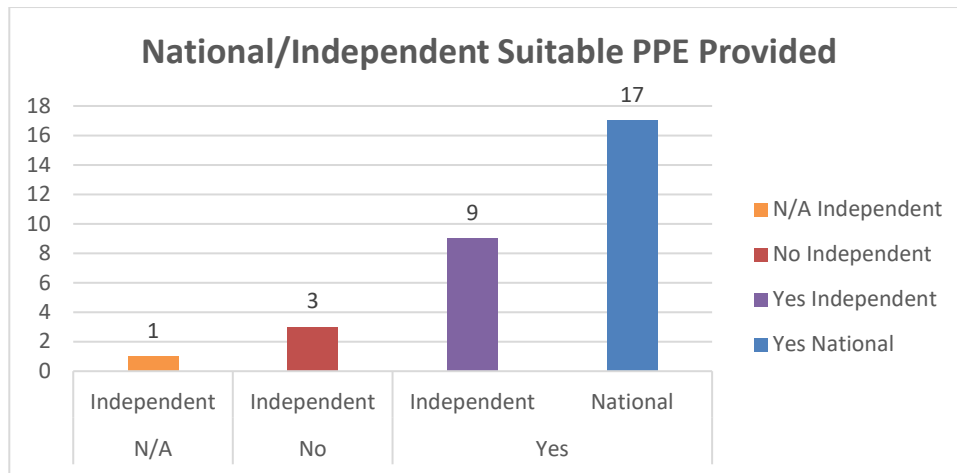


Figure 9

Mechanical Handling Equipment

Mechanical Handling Equipment (MHE) was identified in **28 (93%)** of the businesses in which officers undertook interventions. Whilst not an exhaustive list this equipment included Sack Trucks, Pallet truck's, Fork Lift Trucks (FLT's) and Pallet Hoists. This equipment is used as an aid for the movement of goods around the workplace, the loading and unloading of delivery vehicles and the loading and unloading of items onto racking and other storage systems such as mezzanines.

Examples of MHE's viewed during interventions are shown in **Pictures 1 and 2**.



Picture 1:

Picture 2:

Health and Safety Executive data shows FLT's are involved in about a quarter of all workplace transport accidents. (www.hse.gov.uk/statistics) These accidents not only lead to personal injury, but often damage to the fabric of buildings and the equipment within, particularly racking systems.

Duty holders in **24 (86%)** of premises using Mechanical Handling Equipment - **Bridgend (9), Cardiff (8) and Vale of Glamorgan (7)** - were able to demonstrate to Officers at the time of their initial visit that mechanical handling equipment was subject to a system of proactive daily checks, invariably in the form of documented checklists. These documented systems enabled duty holders to evidence that safety devices such as warning lights, audible alarms and personal restraints were operating correctly; fluid levels were correct; and signs of wear and tear or damage to tyres, forks and chains were being identified in a timely manner.

A total of **4 duty holders** failed to have any system of proactive maintenance checks in place - **Cardiff (3) and Vale of Glamorgan (1)**. See **figure 10** below.

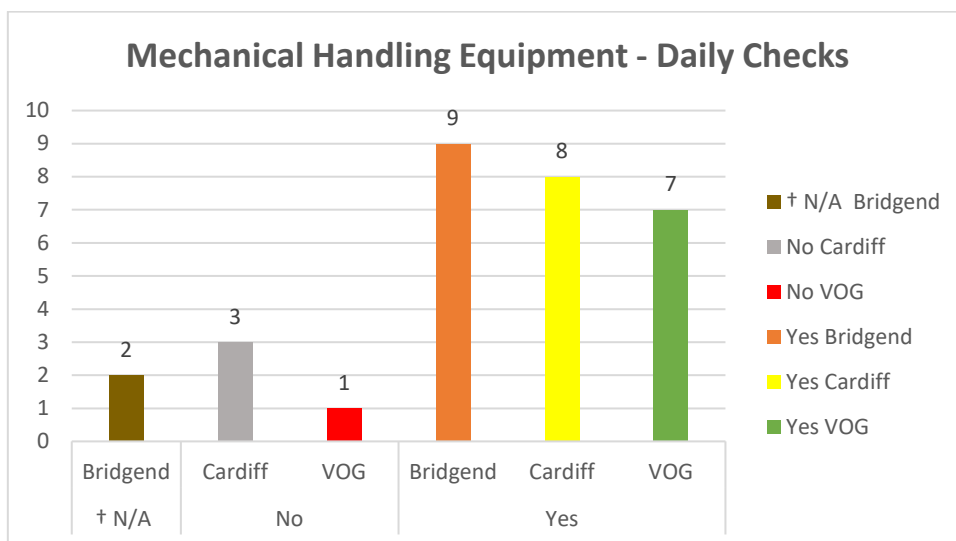


Figure 10 † N/A – No lifting equipment in use

Across the SRS region, **73% of independent businesses**, were identified as having suitable MHE safety checks in place compared to **94% of national businesses**. See **Figure 11** below.

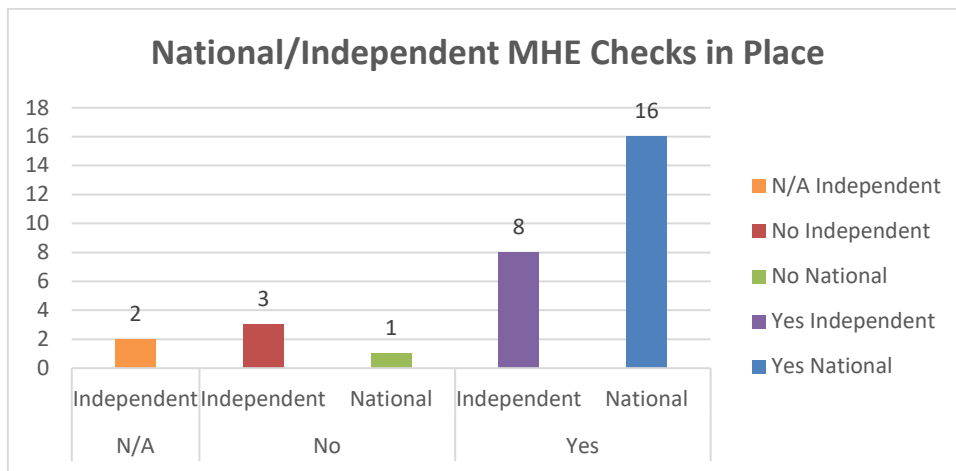


Figure 11

During initial intervention visits **26 (96%)** of premises - **Bridgend (8), Cardiff (10) and Vale of Glamorgan (8)** - had Mechanical Handling Equipment which was operating with the requisite alarms and warning devices in good working order, along with the provision of suitable working safety restraints.

The one business where a device was found with no safety restraint, **Cardiff (1)**, which was an independent operator, voluntarily agreed to take this piece of equipment out of use during the Officer's visit until appropriate repairs had been effected. See **figure 12** below.

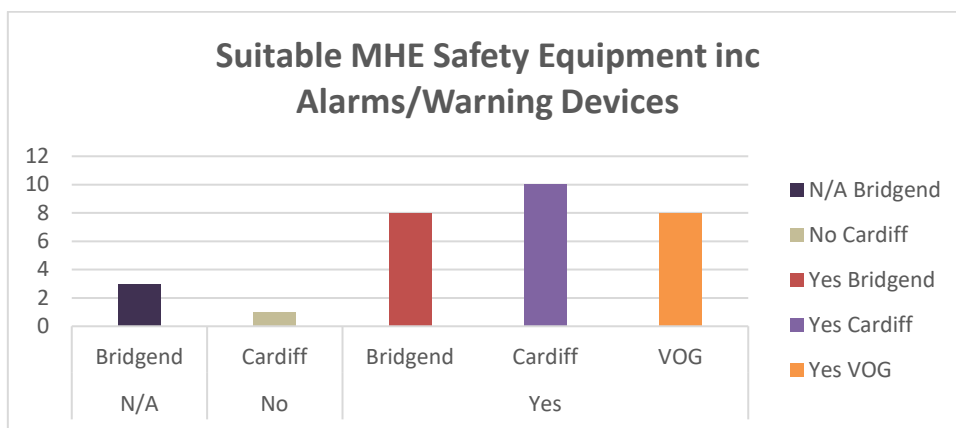


Figure 12 † N/A – No equipment in use which required alarm/warning device

- **Lifting Operations and Lifting Equipment Regulations (LOLER) 1998**

Under these regulations duty holders are required to ensure any lifting equipment, e.g. Fork Lift Trucks or Pallet Hoists, are subject to a thorough examination and evidence of that thorough examination is available to confirm date of the last inspection and date the next examination will be required. The frequency of thorough examinations will be:

- Every 6 months where equipment is used to lift persons, or
- Every 12 months where equipment is used only to lift goods, or
- At a frequency determined by a suitably competent person.

Duty holders in **16 (44%)** of premises using Mechanical Handling Equipment - **Bridgend (4), Cardiff (4) and Vale of Glamorgan (4)** - were unable to demonstrate to Officers at the time of their initial visit that mechanical handling equipment was subject to thorough examination on an annual, or on a six-monthly basis. See **figure 13**.

Across the SRS region, 54% of independent businesses had made arrangements for the thorough examination of lifting equipment, whilst 56% of national businesses were identified as having suitable MHE safety checks in place. See **Figure 14**.

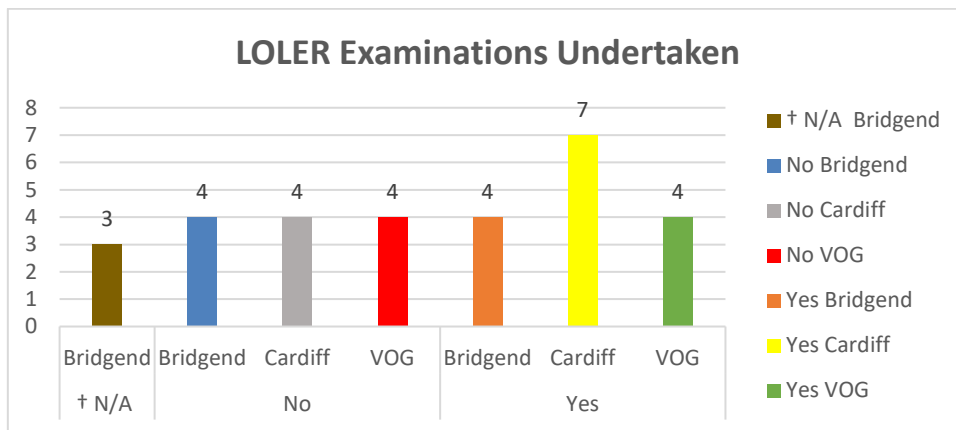


Figure 13 † N/A – No lifting equipment in use which duty holder held LOLER responsibility for

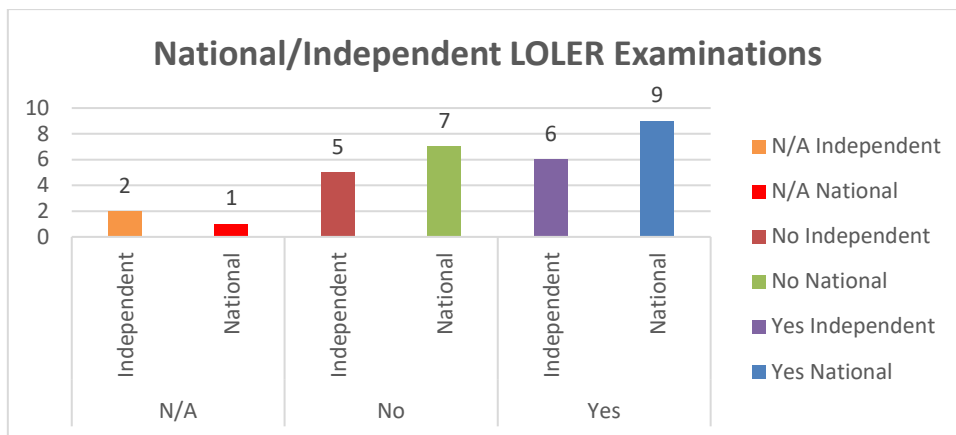


Figure 14

Initial intervention visits identified that **16 (59%)** of premises - **Bridgend (5), Cardiff (6) and Vale of Glamorgan (5)** - had unattended Mechanical Handling Equipment where keys remained in the ignition. Duty holders were instructed to adequately secure equipment keys by Officers during site visits to prevent unauthorised use of equipment. See **Figure 15**.

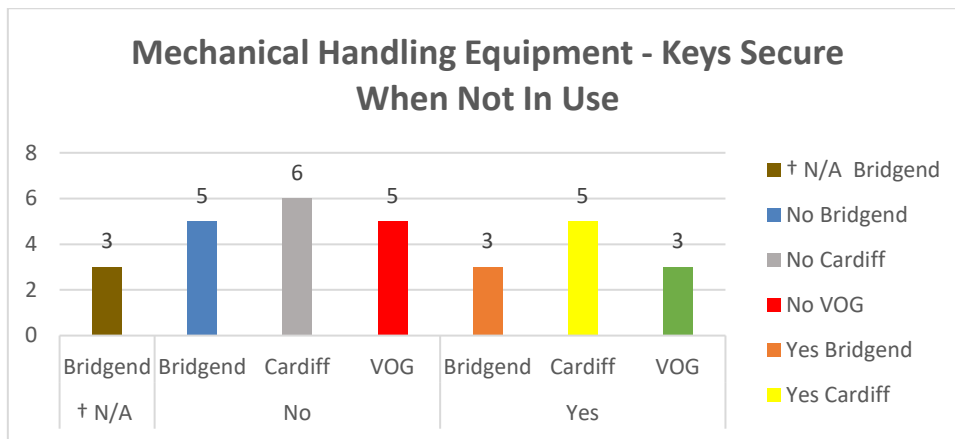


Figure 15 † N/A – No key operated equipment in use

- **Training of Fork Lift Truck Operators**

‘Every employer shall ensure that all persons who use work equipment have received adequate training for purposes of health and safety, including training in the methods which may be adopted when using the work equipment, any risks which such use may entail and precautions to be taken’. Regulation 9, Provision and Use of Work Equipment Regulations 1998

All employers must ensure that lift-truck operators are trained to the standards outlined in the L117 ACOP, whether using in-house trainers or external training providers. Training should always include 3 stages:

- Basic training: the basic skills and knowledge required to operate a lift truck safely and efficiently.
- Specific job training: knowledge and understanding of the operating principles and controls of the lift truck to be used and how it will be used in their workplace.
- Familiarisation training: applying what has been learnt, under normal working conditions, on the job.

Only **23 (82%)** of duty holders - **Bridgend (8), Cardiff (9) and Vale of Glamorgan (6)** - were able to demonstrate to Officers during initial visits that Fork Lift Truck (FLT) operatives had received an appropriate level of training. See **Figure 16**.

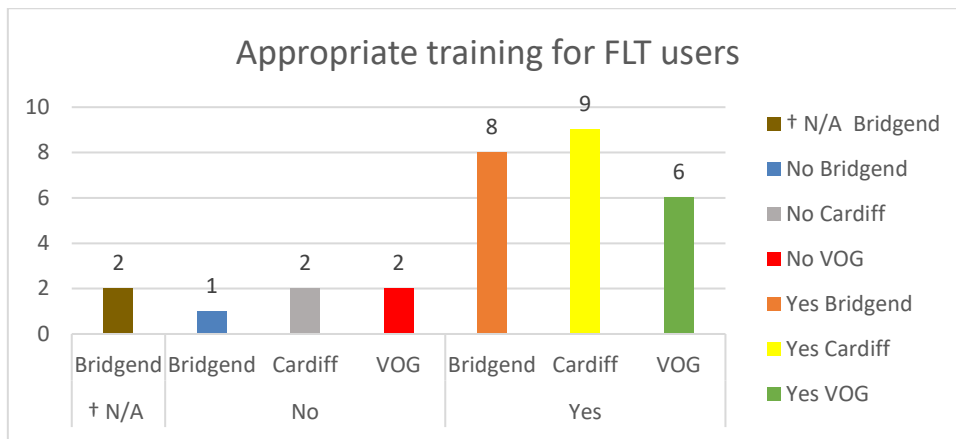


Figure 16 † N/A – No FLT's in use

A total of 72% independent businesses had appropriate arrangements in place to adequately train workers on the safe use of fork lift trucks, compared to 88% of national businesses. See **Figure 17**.

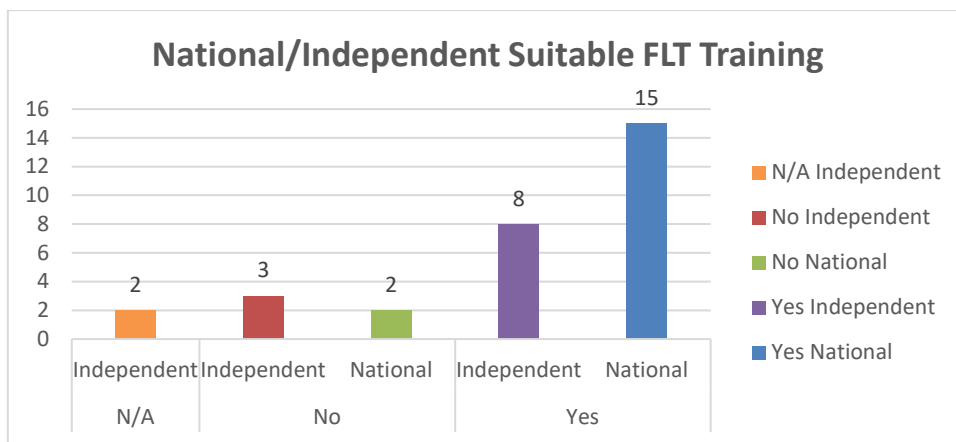


Figure 17

Workplace Transport

Every year, around 50 people are killed and more than 5000 people are injured in accidents involving workplace transport (www.hse.gov.uk/statistics). The most common causes are people falling from or being struck by a vehicle, objects falling from a vehicle, or vehicles overturning. Workplace transport safety is paramount in ensuring employee well-being and operational efficiency. Workplace transport is any activity involving vehicles used in a workplace. Vehicles driven on public roads are excluded, except where the vehicle is being loaded or unloaded on a public road adjacent to a workplace. This intervention looked at the suitability of traffic management systems, safety devices on delivery vehicles, safe systems of work (SSoW) for vehicle/pedestrian interaction, and awareness of relevant Health and Safety Executive (HSE) guidance for driving safely at work, INDG 382.

- **Suitable and Sufficient Traffic Management Systems**

Suitable traffic management systems have an important role in organising and regulating the flow of vehicles and pedestrians, thereby minimising the risk of accidents and injuries. To determine if

traffic management systems were suitable and sufficient, the intervention assessed four different aspects: vehicle and pedestrian separation; road markings and signage; speed calming measures (e.g. speed bumps and speed signs); and if a one way system (if permissible) for traffic was in place. If a business was not compliant in one or more of these areas, then traffic management systems were not deemed to be suitable and sufficient.

Officer visits confirmed that 22 businesses (**73%**) had suitable traffic management systems in place - **Bridgend (8), Cardiff (8) and Vale of Glamorgan (6)**. Of the remaining **8 (27%)** businesses - **Bridgend (3), Cardiff (3) and Vale of Glamorgan (2)** - **7 (86%)** were found to have adequate vehicle and pedestrian separation. All **8 (100%)** had inadequate signage and road markings. See **Figure 18**.

Suitable traffic calming measures, such as speed bumps and pedestrian crossings, were deemed unnecessary in 86% of businesses visited, principally because of the size and layout of the sites.

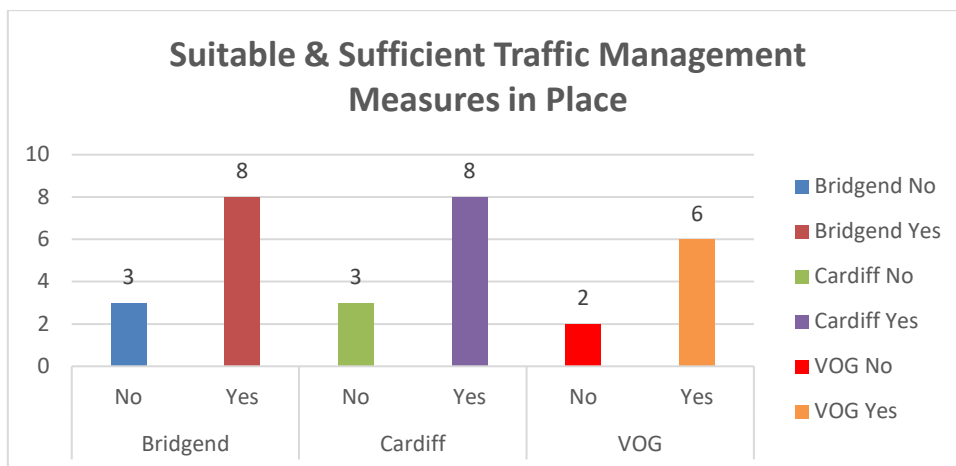


Figure 18

- **Vehicles fitted with safety devices**

Delivery vehicles equipped with safety devices, such as reversing cameras and alarms, are essential for enhancing visibility and alerting pedestrians to potential hazards.

Visits confirmed that **28 (93%)** businesses - **Bridgend (10), Cardiff (10) and Vale of Glamorgan (8)** - had vehicles fitted with suitable safety devices, both audio and visual. In **2 (7%)** businesses - **Bridgend (1) and Cardiff (1)** - it was identified that reversing aids in the form of cameras were not in use, thereby increasing the risk of collision during on-site manoeuvring. See **Figure 19**.

All business vehicles were fitted with safety restraints and audible alarm devices.

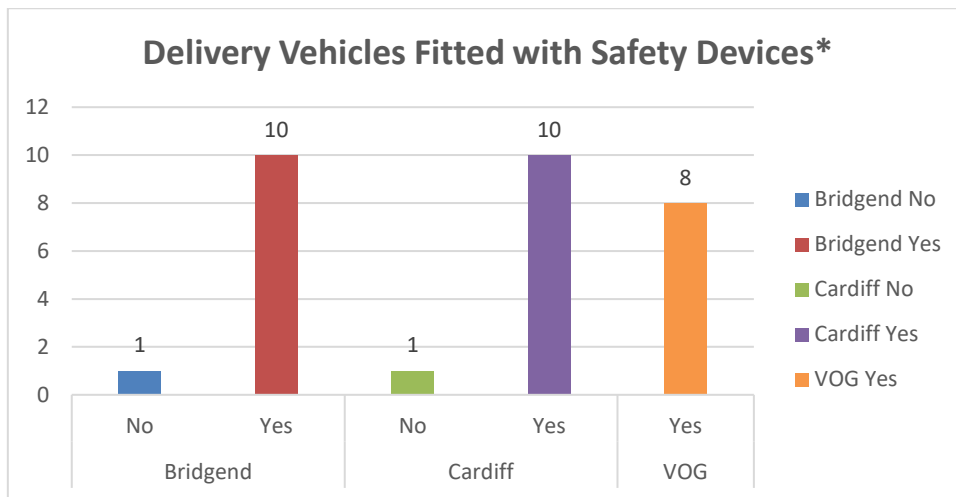


Figure 19 *Reversing cameras, reversing alarms etc.

- **Suitable SSoW in place for Vehicle/Pedestrian interaction***

Safe systems of work (SSoW) are essential for effectively managing interactions between pedestrians and delivery vehicles. Of the 19 businesses where it was deemed critical for a SSoW to be in place to manage safety risks associated with vehicle and pedestrian interactions, visits confirmed that **18 (95%)** businesses - **Bridgend (5), Cardiff (7) and Vale of Glamorgan (6)** - had implemented robust SSoW. See **Figure 20** below.

It is worth noting that 37% of premises visited did not require specific SSoW to manage shared areas used by vehicles and pedestrians. In these cases site layouts and/or work activities had been arranged to physically segregate people and vehicles.

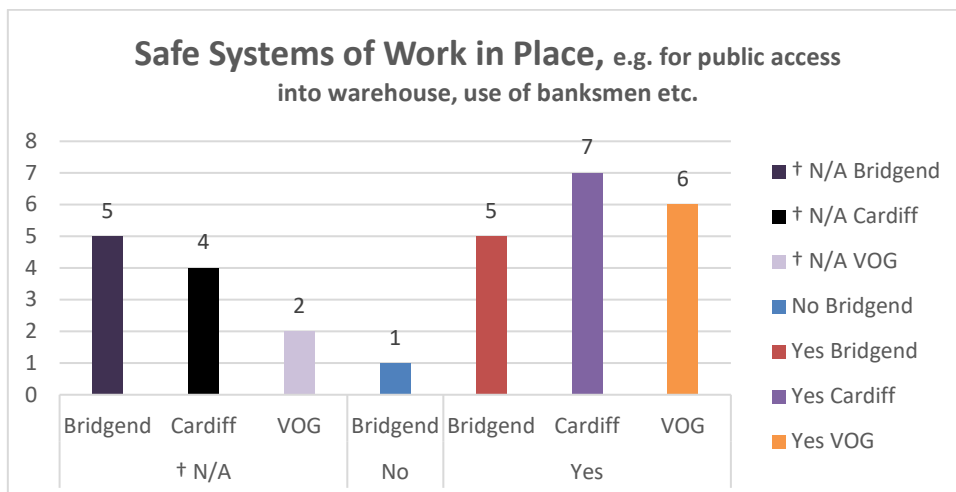


Figure 20 *Interaction between Pedestrians and Delivery Vehicles, own or third party

† N/A – No SSoW required as no onsite interaction due to site layout

- **Awareness of relevant HSE guidance for driving safely at Work (INDG 382)**

Awareness of relevant HSE guidance is crucial for promoting a workplace safety culture. Visits identified that only **8 (29%)** of the 28 premises - **Bridgend (3), Cardiff (2) and Vale of Glamorgan (3)** - were aware of HSE guidance, INDG 382. See **Figure 21**.

INDG 382 was not applicable guidance at the remaining 2 businesses since employees were not required to use vehicles for their operations.

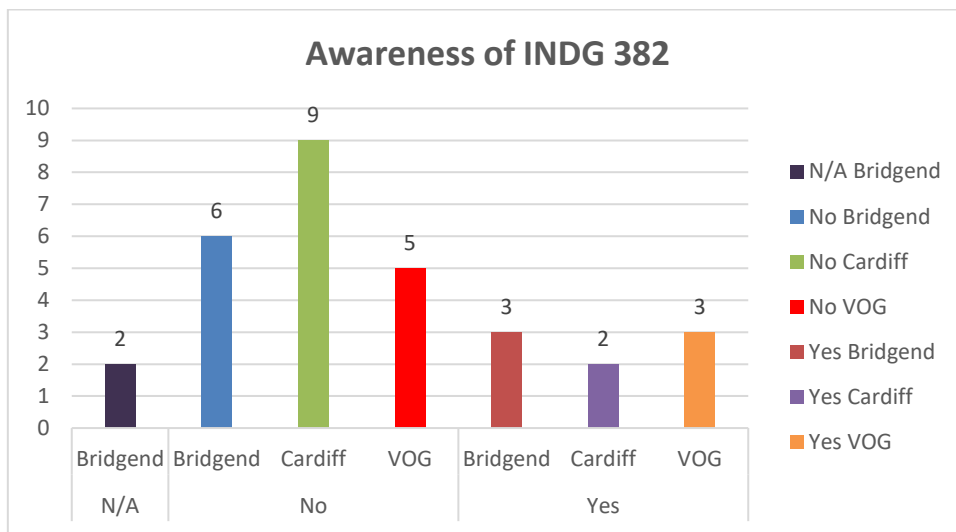


Figure 21

Working at Height

- **Use of Ladders**

Working at a height should be avoided wherever possible, but if it is necessary, employers must follow the hierarchy of control principles to either eliminate or effectively mitigate risks to employees or any other person likely to be impacted by those work activities.

Employers must ensure that all equipment provided to work at a height is appropriate for the task and environment, is maintained in a good state of repair and working order, and anyone using the work equipment has received adequate instruction or training. Arrangements to identify, remove and report defective equipment are crucial for the management of risks associated with work at a height.

Of the 30 businesses visited across the SRS region, **27 (90%)** of businesses - **Bridgend 10, Cardiff 9, Vale of Glamorgan 8** - had ladders that were visually in good condition.

Of the **3 (10%)** of businesses found to have ladders that were visually in a poor condition, advice was given on site and also followed up via formal letter. One business committed to the disposal of a set of “airport style” steps at the time of the inspection to immediately remove defective equipment from use. See **Figure 22**.

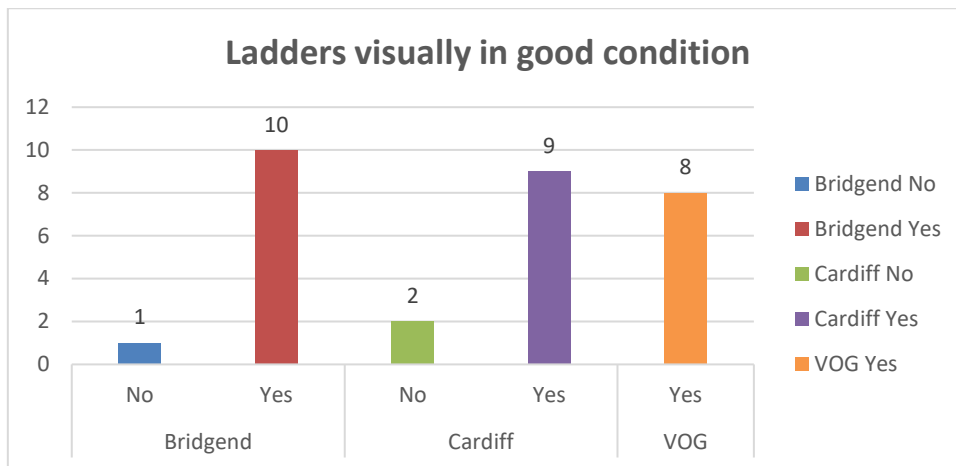


Figure 22

Examples of Ladders seen during intervention visits are shown in **Pictures 3 and 4** below:



- **Use of Mezzanine Floors**

Mezzanine floors are often installed to increase storage capacity and available workspace in buildings. To prevent the risk of people and goods falling from a height, it is critical that mezzanine floors are fitted with appropriate edge protection, a safe means of access and egress is provided, and workers are aware of (and adhere to) safe working loads.

Of the 30 businesses visited, **19 (63%)** of premises - **Bridgend (5), Cardiff (7), Vale of Glamorgan (7)** - had mezzanine floors onsite.

Of these 19 businesses, only **8 (42%)** - **Bridgend (3), Cardiff (2), Vale of Glamorgan (3)** - had suitable and sufficient controls in place. In the remaining **11 (58%)** businesses - **Bridgend (2), Cardiff (5), Vale of Glamorgan (4)** - Officers identified a lack of staff knowledge about safe working loads of mezzanine floors, and 3 businesses had no suitable edge protection fitted to prevent stock or persons falling from height. See **Figure 23**.

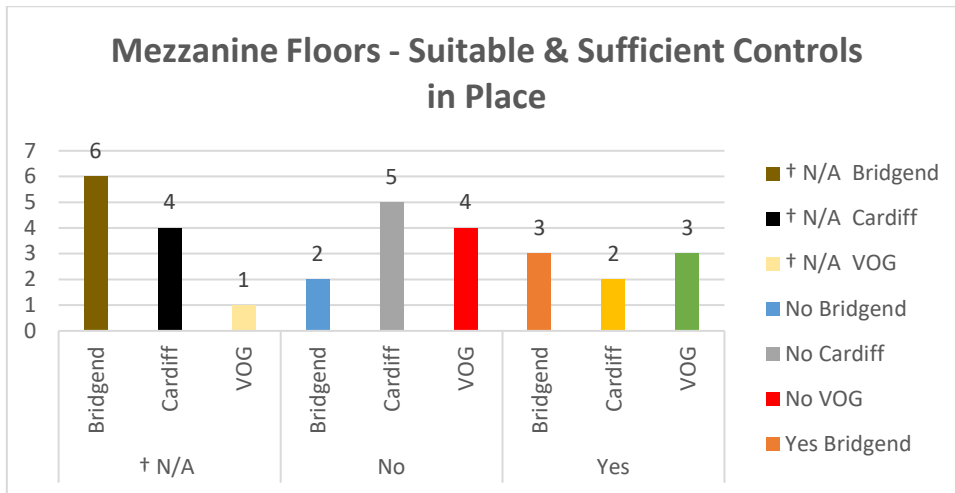


Figure 23 † N/A = No mezzanine floors

Only 25% of independent businesses had provided suitable safety features to mezzanine storage areas compared to 55% of national businesses. See **Figure 24** below.

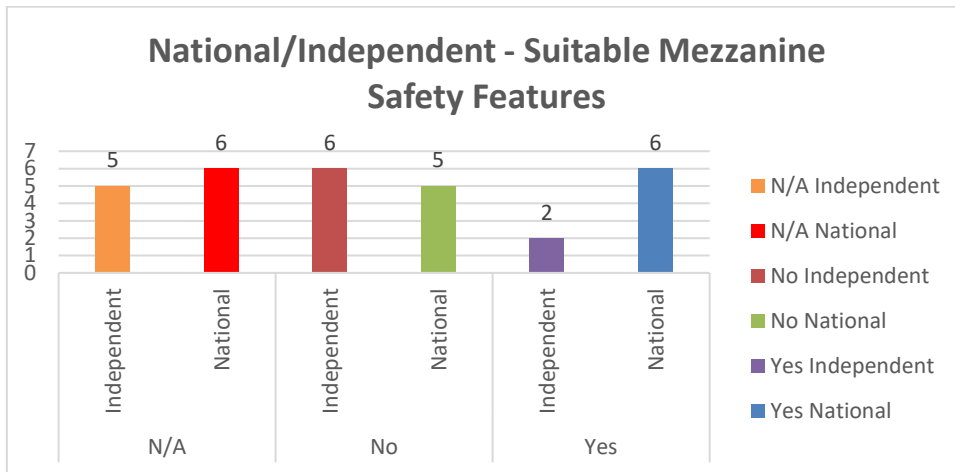


Figure 24

Picture 5 captures a number of the safety features required on a mezzanine area, with suitable toe boards and guard rails fitted. **Picture 6** below shows a mezzanine where suitable edge protection has not been provided.



Picture 5



Picture 6

- **Pallet Inspection on Delivery**

Pallet safety relies on businesses having effective pallet management controls in place, such as checking pallet condition on receipt and inspection of palletised stock on delivery to ensure loads are effectively secured. Unsecured palletised stock may need re-stacking and re-wrapping before being moved and stored in high level locations.

Businesses often re-use pallets so it is imperative that damaged pallets are identified and taken out of use immediately and not re-used for unsuitable loads, handling or storage methods. Staff should be trained to use a suitable pallet for the stock and to consider the stability and height of the load. When storing full pallets, stack height will depend on the height, strength and stability of the unit loads within each pallet.

Of the 30 businesses visited, **2 (7%)** businesses - Bridgend area - had no palletised stock on site. Of the remaining 28 businesses, **100%** of premises that received and handled palletised stock - **Bridgend (9), Cardiff (11), Vale of Glamorgan (8)** - had suitable procedures in place to inspect the condition of palletised stock at the point of delivery into the business. See **Figure 25** below.

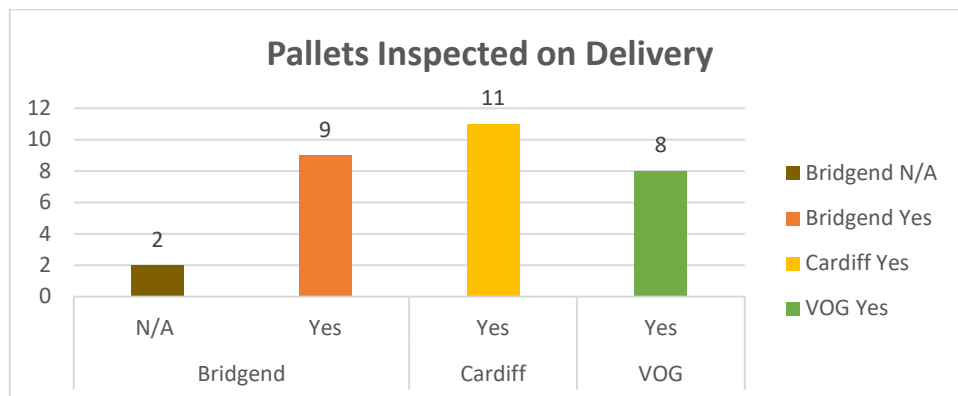


Figure 25

- **Pallet Collapse Procedures**

In the event of a pallet collapse within a high level storage area, it is crucial for businesses to have a safe system of work, or emergency plan, which details how workers will safely access the load. This plan should include controls such as: restricting access to the area, use of safety “buffer” zones when using mechanical lifting equipment, use of specialised machinery that may need to be brought in to facilitate the safe retrieval of collapsed stock.

Of the 30 businesses visited, **10 (33%)** of businesses - **Bridgend (7), Cardiff (0), Vale of Glamorgan (3)** - did not have palletised stock stored at high level. See **Figure 26**.

Of the remaining 20 businesses that did utilise storage of high level palletised stock, **17 (85%)** - **Bridgend (4), Cardiff (9), Vale of Glamorgan (4)** - had suitable systems in place for managing pallet collapse at high level.

3 businesses - **Cardiff (2), Vale of Glamorgan (1)** - were found to have no suitable systems in place. Observations by Officers during visits included unsafe stacking of goods, overhanging pallets, unstable pallets due to excessive stock heights, and concerns about safe access to high-level stock in the event of potential pallet collapse.

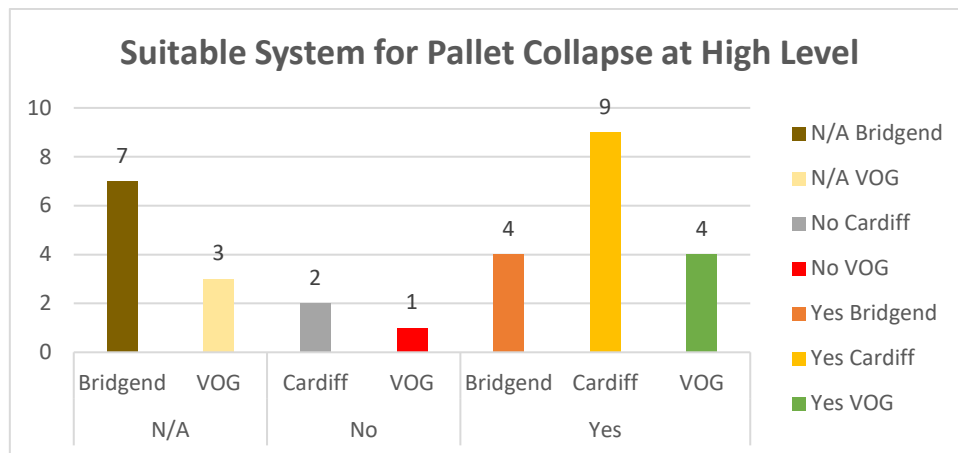


Figure 26

Racking and Storage Systems

Racking systems of varying complexity were present in 90% of the premises visited during this initiative. The 10% of premises which did not use a racking system had small scale shelving systems in place since palletised stock could be stored at ground level.

The industry best practice standards for racking systems in the United Kingdom are designed by the Storage Equipment Manufacturers' Association (SEMA) who promote a number of criteria to ensure a racking system is safe and remains so throughout its lifetime. Racking systems should be to a safe design, be safely installed and be regularly inspected and maintained whilst in use. SEMA advocate a Green, Amber, Red traffic light system as part of their racking inspections, with defects identified as Red requiring immediate attention and stock removal. Amber defects require corrective action within one month.

- **Racking Installations**

Duty holders in **14 (52%)** premises with racking systems - **Bridgend (5), Cardiff (5) and Vale of Glamorgan (4)** - were able to demonstrate to Officers during initial visits that the racking system had been installed by a competent SEMA affiliated company. See **Figure 27** below.

The remaining **13 (48%)** of premises were either unaware of who had installed their racking system - **Bridgend (3), Cardiff (5) and Vale of Glamorgan (3)** - or advised the racking had been installed by persons with no previous experience or competency - **Bridgend (1) Cardiff (1)**.

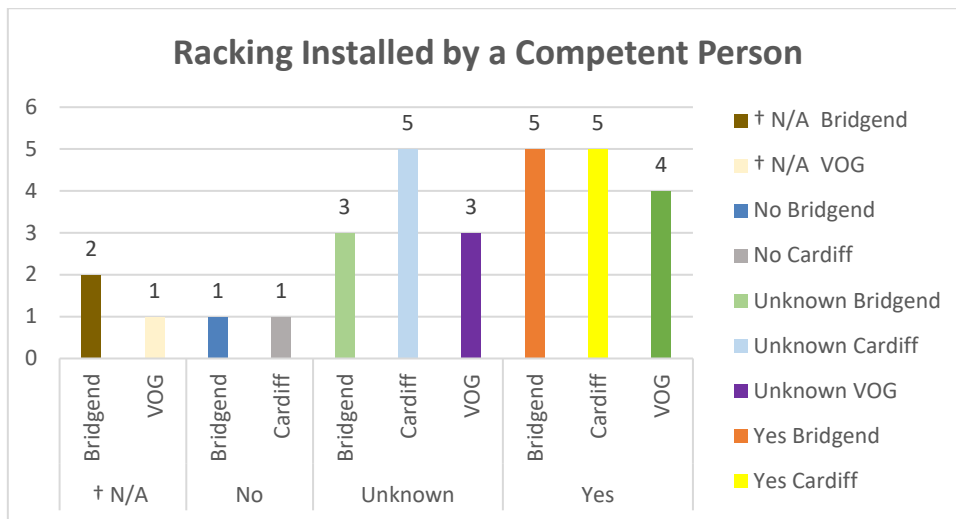


Figure 27 † N/A – No Racking System on site

One premises identified as having racking installed by persons of indeterminable competency, subsequently removed their racking system voluntarily due to the extent of concerns raised by the inspecting Officer about its condition. SRS is currently working with the other duty holder to ensure that their racking system is subject to a suitable inspection regime.

- **Racking Inspection**

Initial inspection visits identified that **18 (67%)** of premises - **Bridgend (6), Cardiff (6) and Vale of Glamorgan (6)** - were undertaking formal inspections of their racking system either via a competent third party or competent in-house inspector. See **Figure 28** below.

Of this particular cohort, 3 duty holders had failed to address all remedial works detailed in the last racking inspection reports, which in 1 premises included a large number of Amber defects (as per SEMA guidance) which should have been actioned within one month.

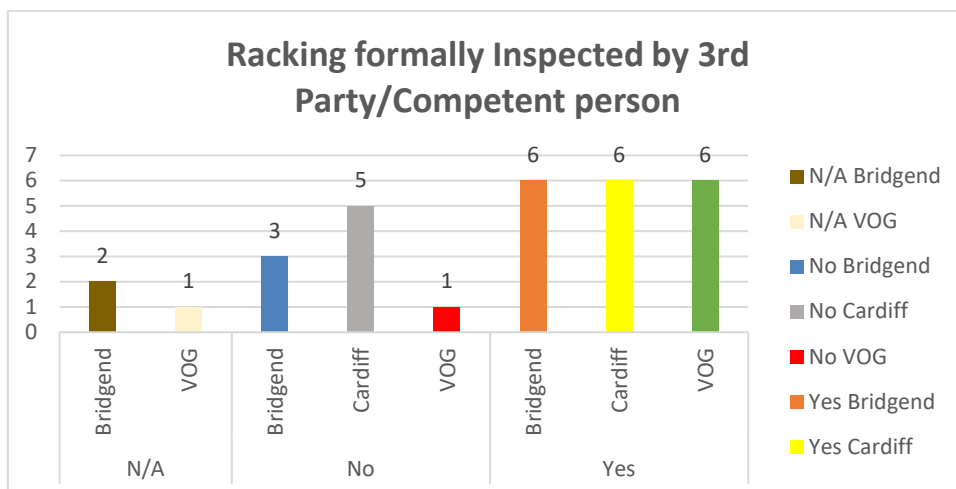


Figure 28 +N/A – No Racking System on site

9 (33%) of premises - **Bridgend (3), Cardiff (5) and Vale of Glamorgan (1)** - were not undertaking formal inspections of their racking.

55% of independent businesses had arrangements in place to ensure racking systems were subject to formal inspection compared to 75% of national businesses. See **Figure 29**.

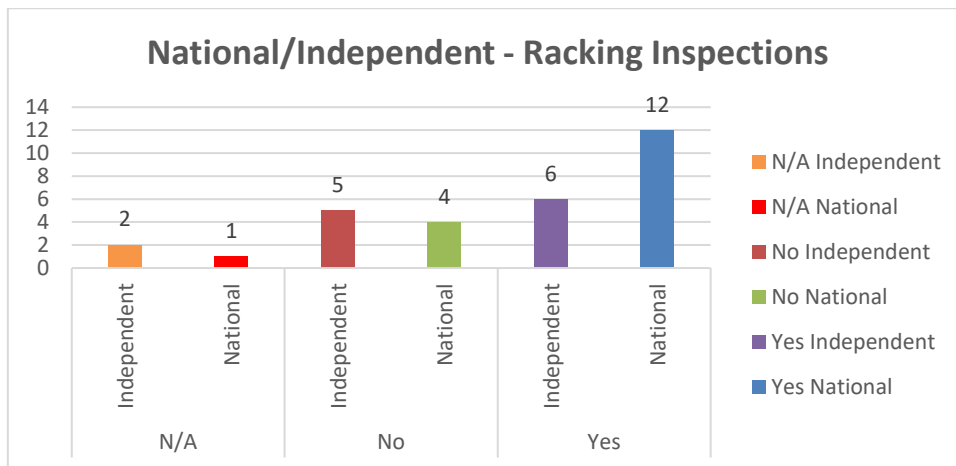


Figure 29

To date, 2 Improvement Notices - **Cardiff (1)** and **Vale of Glamorgan (1)** - have been issued to require duty holders to engage with a competent inspector and undertake all necessary improvements to the racking system. One of these Notices has been served on a National company and one on an independent company.

- **Provision of Safety Features**

During visits Officers visually inspected all racking systems present and determined that only **10 (37%)** of installations were fitted with all the required safety features - **Bridgend (4)**, **Cardiff (4)** and **Vale of Glamorgan (2)**. Expected safety features would include display of the racking Safe Working Load (SWL), provision of suitable anchorage, presence of locking pins, and installation of column guards to protect more vulnerable areas. See **Figure 30**.

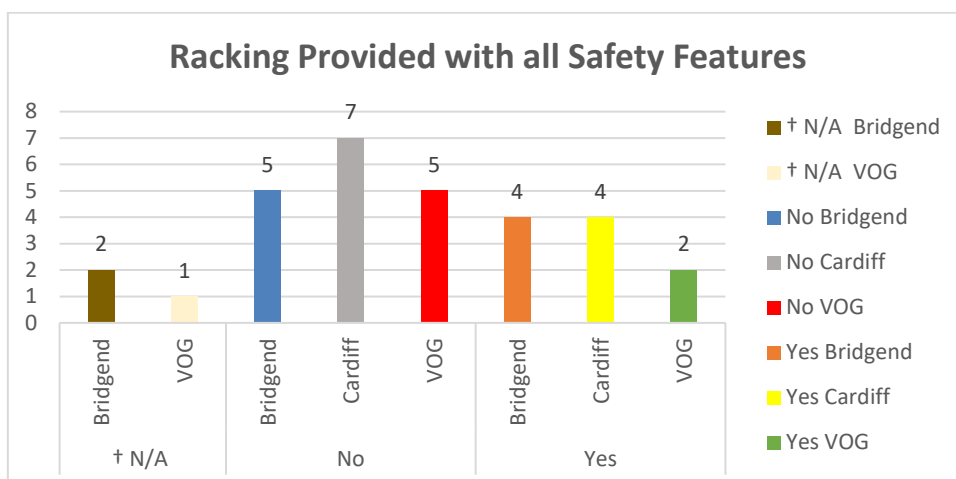


Figure 30 † N/A – No Racking System on site

Of this cohort of 10 businesses, 9 premises could evidence their racking had been installed by a competent person, whilst the racking at the remaining site had an unknown installation history. Out of the **17 (63%)** premises - **Bridgend (5)**, **Cardiff (7)** and **Vale of Glamorgan (5)** - where racking systems were not fitted with all requisite safety features, 2 storage systems had been installed by person(s) not deemed competent to do so.

Only 18% of independent businesses with racking systems had all safety features present, compared to 50% of national businesses. See **Figure 31**.

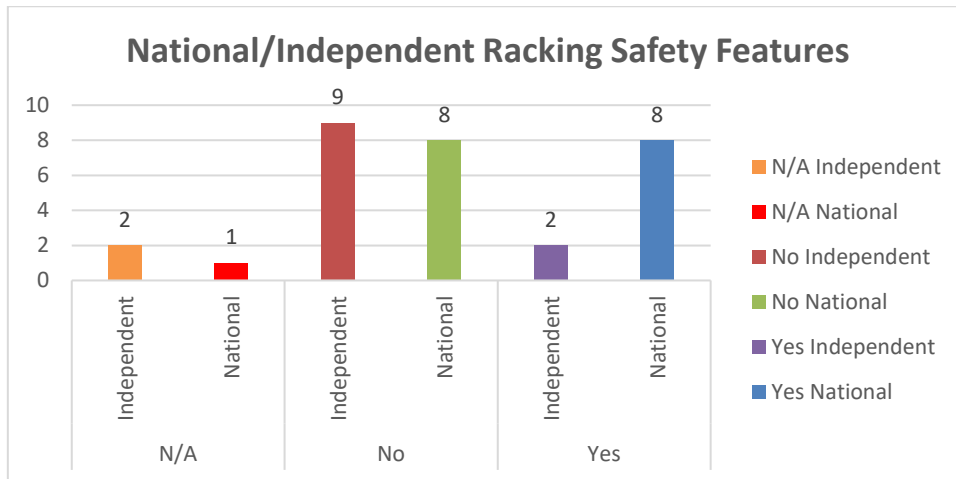


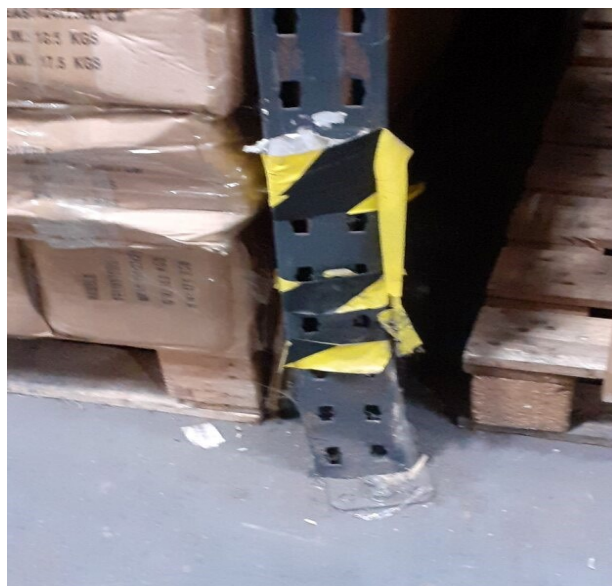
Figure 31

The most common safety features omitted in the 27 premises visited with racking systems was the provision of column guards, particularly important in warehouses where mechanical handling devices are in operation and there is an increased risk of impact damage. **14 (52%)** of premises - **Bridgend (5), Cardiff (5) and Vale of Glamorgan (4)** – did not have column guards installed despite the use of mechanical handling equipment.

Pictures 7 and 8 below illustrate examples of racking damage caused by vehicle impact which are likely to compromise the structural integrity of the racking system. Due to the increased risk of collapse, the duty holder at this business agreed to remove all stock from the damaged racking pending inspection and completion of repair/replacement works.



Picture 7



Picture 8

Pictures 9 and 10 illustrate a racking system in good condition with all safety features provided.



Picture 9



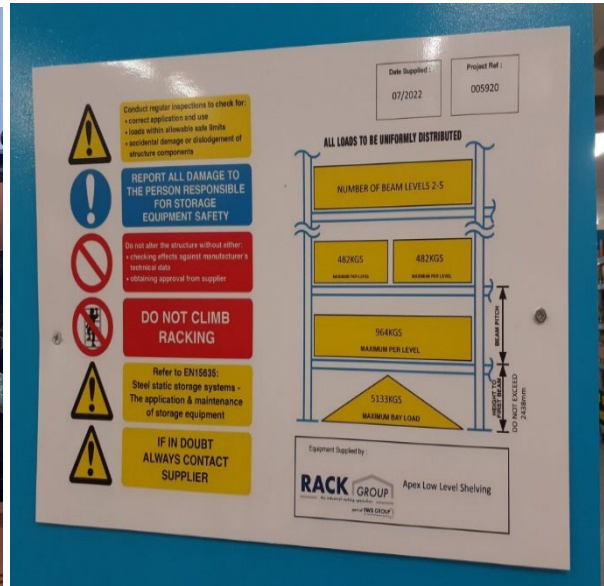
Picture 10

13 (48%) premises - **Bridgend (4), Cardiff (5) and Vale of Glamorgan (4)** - had failed to identify the Safe Working Loads (SWL) their racking systems were designed to withstand. A failure to provide the SWL for a racking system can lead to overloading and potential collapse of the structure.

Pictures 11 and 12 show racking systems marked with Safe Working Loads.



Picture 11



Picture 12

22 (81%) of premises had maintained suitable anchorage for their racking systems, whilst **25 (93%)** premises had provided locking pins to minimise the potential of fork lift trucks accidentally displacing shelving during the transfer of pallets.

Pictures 13 and 14 illustrate missing anchorage and locking pins from racking system.



Picture 13



Picture 14

Pictures 15 and 16 provide examples of racking systems with locking pins fitted and suitable anchorage in place.



Picture 15



Picture 16

- **Secure Storage of Loads**

During initial inspections at all 30 warehouses, 26 (87%) premises were found to have stored stock adequately secured on racking/shelving systems - **Bridgend (10), Cardiff (10) and Vale of Glamorgan (6)**. See **Figure 32**.

Concerns about the security of stock were identified in the remaining **4 (13%)** premises - **Bridgend (1), Cardiff (1) and Vale of Glamorgan (2)** – and duty holders were instructed by Officers to implement immediate corrective actions.

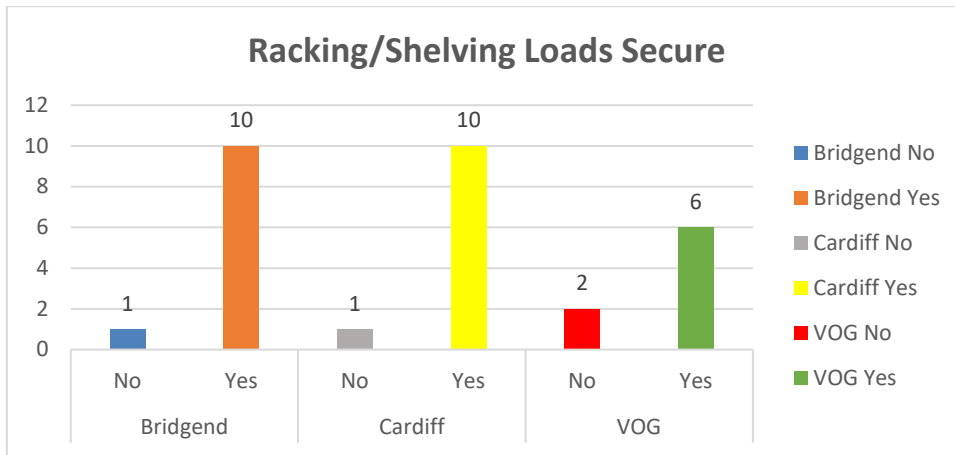


Figure 32

- **Stock Levels**

Suitable stock levels were observed at 28 (93%) of premises visited - **Bridgend (10), Cardiff (10) and Vale of Glamorgan (8)**, however, it is pertinent to note that a significant number of these duty holders were also unaware of the Safe Working Loads of their racking systems. See **Figure 33**.

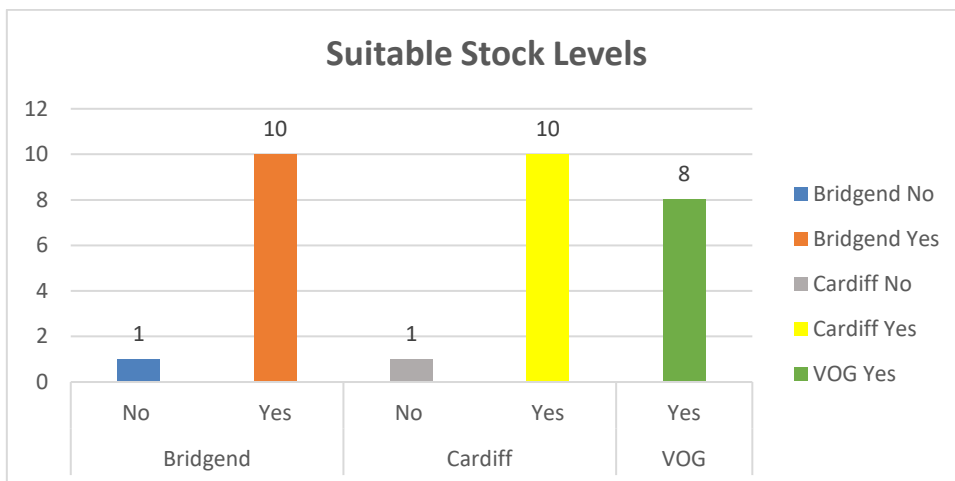


Figure 33

Pictures 17 and 18 below highlight examples of unstable loads on storage racking and at ground level that Officers identified during initial site visits.



In all instances, duty holders were instructed to immediately improve the safety and security of loads.

Matters of Evident Concern

To add value to Officer visits, Officers considered a number of pre-determined topic areas during their primary inspections to all businesses. These additional themes included: duty to manage asbestos (DTM), electrical safety, and workplace management of drugs and alcohol.

- **Asbestos**

Of the 30 businesses visited, Asbestos Containing Materials (ACMs) were present in **16 (53%)** premises- **Bridgend (7), Cardiff (5) and Vale of Glamorgan (4)**. See **Figure 34** below.

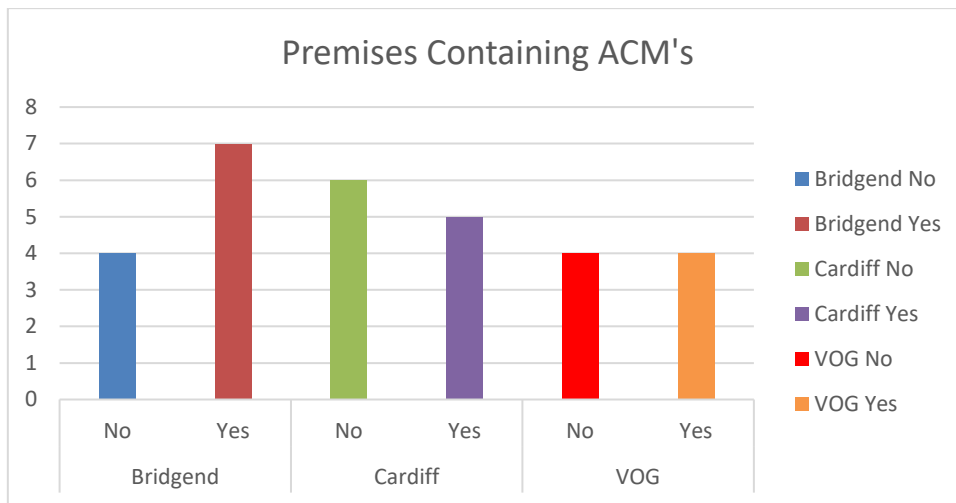


Figure 34

Of these 16 premises, **13 (81%)** of duty holders were found to be suitably managing ACMs on their site - **Bridgend (6), Cardiff (3) and Vale of Glamorgan (4)**. See **Figure 35** below.

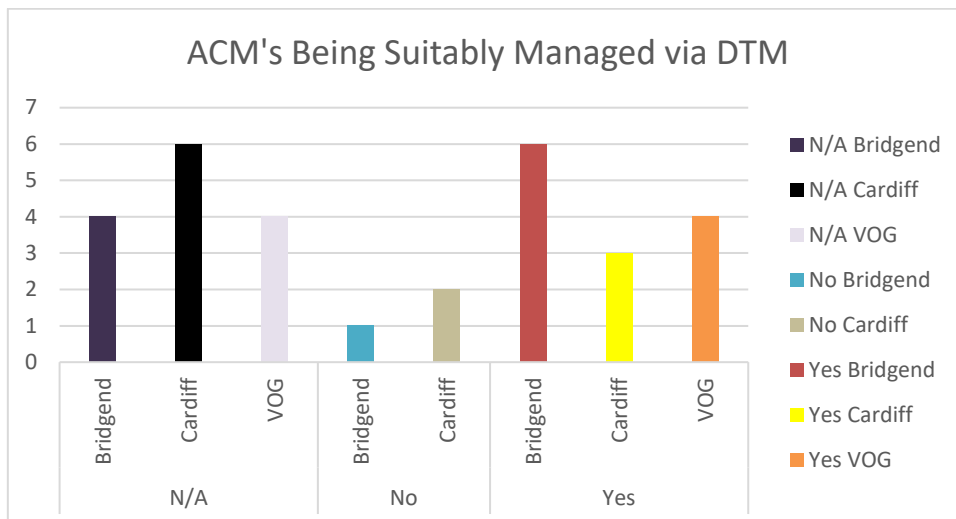


Figure 35

- **Electrical Safety**

Up-to-date Electrical Installation Condition Reports (EICRs) were available for inspection at 18 (60%) of premises during initial site visits - **Bridgend (9), Cardiff (5) and Vale of Glamorgan (4)**. See **Figure 36**.

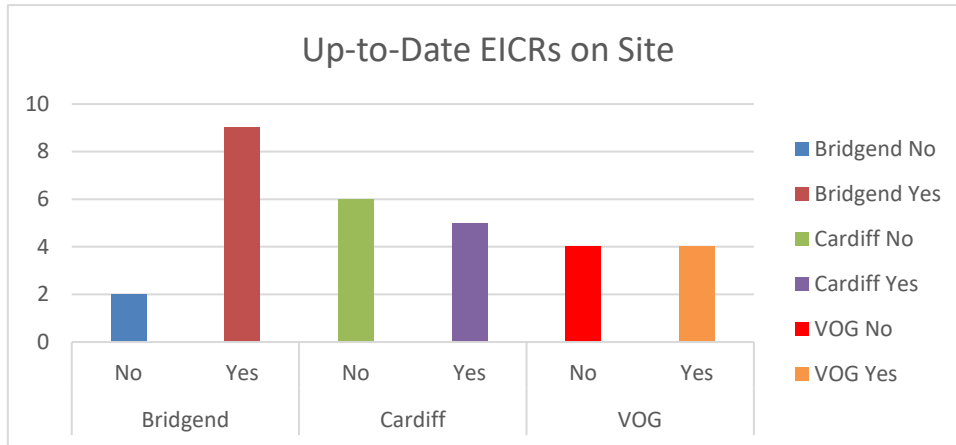


Figure 36

46% of independent businesses had an up-to-date EICR available at the time of inspection, compared to 71% of national companies. See **Figure 37** below.

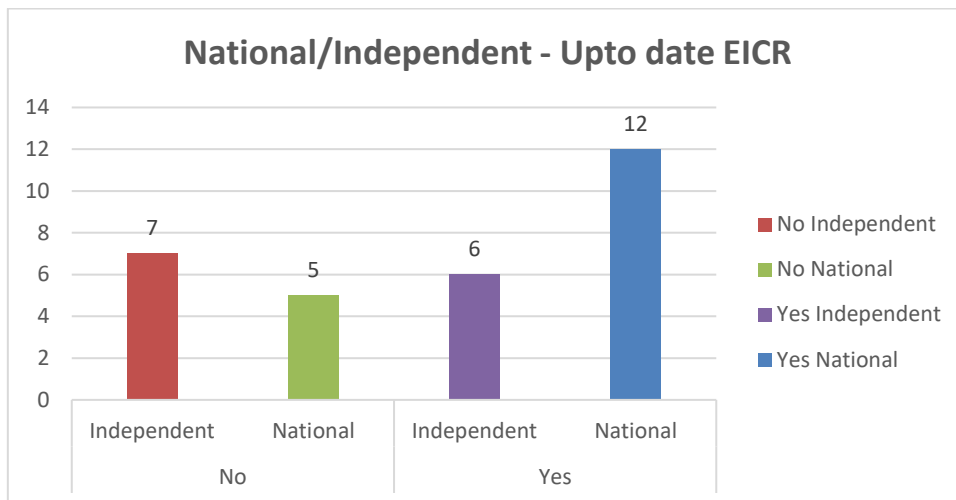


Figure 37

To-date, 1 Improvement Notice has been served on a Cardiff-based duty holder requiring improvements to the construction and maintenance of the electrical systems within its undertaking.

- **Drug and Alcohol Awareness**

Of the 30 businesses visited by Officers, **23 (77%)** of duty holders had introduced proactive measures to improve workplace drug and alcohol awareness with employees - **Bridgend (10), Cardiff (7) and Vale of Glamorgan (6)**. Only 2 duty holders had introduced formal screening for drugs and alcohol in the workplace. See **Figure 38**.

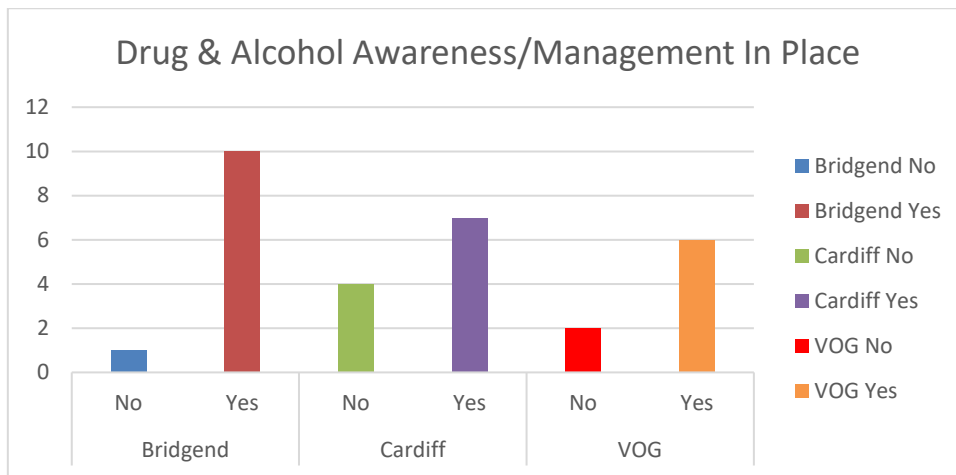


Figure 38

Enforcement Action Taken

Following primary Officer visits, each duty holder was sent a formal written warning to confirm what legislation had been breached and what actions were required to secure the required level of compliance. In accordance with the Shared Regulatory Services Enforcement and Compliance Policy, legal contraventions and Officer recommendations were clearly differentiated in communications. Duty holders were either required to provide a detailed action plan to confirm how issues would be resolved or were subject to an Officer revisit after a specified period. Where duty holders failed to provide Officers with information requested during the initial site visit or subsequent letter, physical revisits have, and continue to be, undertaken to ensure all requisite improvements are being made.

To date, 3 Improvement Notices, **Cardiff (2)** and **Vale of Glamorgan (1)** have been issued under the **Health and Safety at Work etc. Act 1974** – 2 Improvement Notices requiring improvements to the safety of racking system in use, and 1 Improvement Notice requiring improvements to the construction and maintenance of electrical systems to prevent danger.

Conclusion

Initial intervention visits identified that a significant number of duty holders were failing to fully discharge their health and safety duties effectively. This included a failure to provide a health and safety policy and suitable and sufficient risk assessments. A significant number of duty holders were also failing to provide suitable training to employees on the main themes covered by this intervention.

It was noticeable that the majority of duty holders who were discharging their duties in this respect were often part of a multi-outlet organisation where managers were able to access a higher level of specialist support at a local level.

The exception to the above was staff training in the use of Fork Lift Trucks (FLT's) where a high proportion of duty holders from both independent and multi-outlet businesses were able to demonstrate that relevant employees had received appropriate training in the operation of this type of mechanical handling equipment.

Whilst regarded as the least effective control measure in the hierarchy of control, a high proportion of duty holders were relying on the provision of suitable Personal Protective Equipment (PPE) to employees. The duty holders who were failing to provide PPE were noted to be independently operated, single outlet businesses.

Whilst duty holders clearly recognised the importance of maintaining their mechanical handling equipment (MHE), as evidenced by the use of daily equipment checklists and use of equipment safety devices, nearly half of all duty holders had failed to ensure that lifting equipment had been subject to a thorough examination, as required by the Lifting Operations and Lifting Equipment Regulations 1998. Greater compliance levels with this legal requirement was invariably seen in businesses who were part of multi-outlet organisations and/or used lifting equipment that was leased as opposed to owned.

A significant number of unattended Fork Lift Trucks had their keys left in the ignition, thus increasing the opportunity for unauthorised use.

At the majority of sites visited, traffic management arrangements were generally considered to achieve a satisfactory standard, with main failings found to relate to signage and road markings. At sites where pedestrian and vehicular traffic interfaced, most duty holders had adequately assessed the risks and implemented appropriate safe system of work and control features.

Delivery vehicles were generally in good condition, well maintained and fitted with the requisite audio and visual safety features.

The majority of ladders in use were found to be suitable for use and in a good visual condition. Conversely, over half of premises which had mezzanine storage failed to provide the minimum expected safety features to effectively mitigate the risk of persons or stock falling from a height. These failings were more prevalent in independently operated, single outlet businesses.

All duty holders carried out proactive inspections of palletised deliveries to identify defective pallets or loads.

A high proportion of duty holders had a suitable safe system of work for the dealing with pallet collapse at high level.

Only half of duty holders were able to identify that a SEMA affiliated company had installed racking systems at their premises. Other businesses had a lack of information about the installation history of their racking systems.

Whilst two thirds of companies were engaging a competent person to undertake ongoing racking inspections, only approximately one third of businesses had the requisite safety features in place. Failings in both these elements were significantly more prevalent in independently operated, single outlet businesses.

The majority of premises visited were able to demonstrate safe methods of storage and safe stock levels.

A high percentage of duty holders were effectively managing Asbestos Containing Materials (ACMs) where present on site.

Current Electrical Installation Condition Reports were not available in approximately a half of premises visited, and was a more prevalent issue in independent, single outlet businesses.

A high proportion of duty holders were proactively addressing alcohol and drug awareness issues with staff, particularly those who operated vehicles on site or for undertook deliveries. The implementation of formal screening was not, however, implemented to an equivalent level.

The intervention highlighted a significant lack of awareness amongst duty holders about the free resource materials available on the HSE webpages. Whilst Officers took the opportunity to direct duty holders to these materials during visits and in subsequent written communications, there remains an opportunity to improve duty holder awareness about the HSE website across the board.

Recommendations and Future Work

Completion of this intervention during 2023-24 has provided a sufficient evidence base to justify its continuation during 2024-25, albeit in a more focused way. In order to focus finite resources, future interventions should be rationalised to target areas where evidence now shows duty holders to be performing poorly.

It is recommended that future interventions target the following themes:

- Health and safety management systems/employee training arrangements
- Compliance with the Lifting Operations and Lifting Equipment Regulations 1998
- Safe storage and access to mezzanine areas.
- Racking Safety – Installation, inspection and inclusion of safety features
- Electrical installation safety

It is further recommended that the intervention for 2024-25 focuses on independent operators rather than multi-outlet local and national operators. Evidence from this intervention has shown that poor performance is broadly more prevalent in independent operators.

The final recommendation is to explore ways to raise duty holder awareness of the free resource materials freely available on the HSE website to improve health and safety knowledge, and hence compliance levels.

Appendix 4

Corporate priorities and outcomes of partner Councils

Bridgend County Borough Council

Priorities

Outcomes/Aims



- A County Borough where we protect our most vulnerable
 - A County Borough with fair work, skilled, high-quality jobs and thriving towns
 - A County Borough with thriving valleys communities
 - A County Borough where we help people meet their potential
 - A County Borough where people feel valued, heard and part of their community
 - A County Borough where people feel valued, heard and part of their community
 - A County Borough where we support people to live healthy and happy lives.
- Protect our most vulnerable
 - Fair work, skilled , jobs and thriving towns
 - Creating thriving valleys communities
 - Helping people meet their potential
 - Responding to the climate and nature emergency
 - Making people feel valued, heard and part of their community
 - Supporting people to be healthy and happy.

City of Cardiff Council

Priorities

Outcomes/Aims



- Cardiff is a great place to grow up
 - Cardiff is a great place to grow older
 - Supporting people out of poverty
 - Safe, confident and empowered communities
 - A Capital City that works for Wales
 - One Planet Cardiff
 - Modernising and integrating our public services
- Cardiff is a great place to grow up
 - Cardiff is a great place to grow older
 - Supporting people out of poverty
 - Safe, confident and empowered communities
 - A Capital City that works for Wales
 - One Planet Cardiff
 - Modernising and integrating our public services

Vale of Glamorgan Council

Priorities

Outcomes/Aims



- To work with and for our communities
 - To support learning, employment and sustainable economic growth
 - To support people at home and in their community
 - To respect, enhance and enjoy our environment
- A Vale that is:
- Inclusive and Safe
 - Environmentally Responsible and Prosperous
 - Aspirational and Culturally Vibrant
 - Active and Healthy