

EXECUTIVE

Monday, 22 July 2019

6.00 pm

Committee Room 1, City Hall

Membership: Councillors Ric Metcalfe (Chair), Donald Nannestad (Vice-Chair), Chris Burke, Bob Bushell, Rosanne Kirk and Neil Murray

Officers attending: Angela Andrews, Democratic Services, Kate Ellis, Jaclyn Gibson, Daren Turner, Simon Walters and Carolyn Wheeler

A G E N D A

SECTION A

Page(s)

MINUTES AND EXTRACTS

- | | |
|-----------------------------------------|--------------|
| 1. Confirmation of Minutes 24 June 2019 | 3 - 8 |
| 2. Declarations of Interest | |

Please note that, in accordance with the Members' Code of Conduct, when declaring interests members must disclose the existence and nature of the interest, and whether it is a disclosable pecuniary interest (DPI) or personal and/or pecuniary.

OUR PEOPLE AND RESOURCES

- | | |
|-------------------------------------------------------|------------------|
| 3. Statement of Accounts 2018/19 | To Follow |
| 4. Regulation of Investigatory Powers Act 2000 Update | 9 - 12 |
| 5. Health, Safety and Welfare Policy | 13 - 56 |
| 6. Exclusion of the Press and Public | 57 - 58 |

You are asked to resolve that the press and public be excluded from the meeting during the consideration of the following items because it is likely that if members of the press or public were present, there would be disclosure to them of 'exempt information'.

In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, notice is hereby given of items which will be considered in private, for which either 28 days' notice has been given or approval has been granted by the appropriate person specified in the Regulations. For further details please visit our website at <http://www.lincoln.gov.uk> or contact Democratic Services at City Hall, Beaumont Fee, Lincoln.

This item is being considered in private as it is likely to disclose exempt information, as defined in Schedule 12A of the Local Government Act 1972. No representations have been received in relation to the proposal to consider this item in private.

SECTION B

QUALITY HOUSING

7. Supported Housing Review

[Exempt Para(s) 2]

59 - 92

Present: Councillor Ric Metcalfe (*in the Chair*),
Councillor Donald Nannestad, Councillor Chris Burke,
Councillor Bob Bushell, Councillor Rosanne Kirk and
Councillor Neil Murray

Apologies for Absence: None.

13. Confirmation of Minutes - 28 May 2019

RESOLVED that the minutes of the meeting held on 28 May 2019 be confirmed.

14. Declarations of Interest

No declarations of interest were received.

15. New Strategic Performance Measure Set

Purpose of Report

To present the Executive with the new strategic performance measure set for information and final approval in advance of quarter one 2019/20 performance reporting commencing on 1 July 2019.

Decision

That the proposed new strategic performance measure set and allocated targets, in advance of quarter one 2019/20 performance commencing on 1 July 2019, be approved.

Alternative Options Considered

None.

Reason for Decision

The current performance management system which provided information for the corporate reports to Corporate Management Team and elected members was unlikely to be supported in the near future by the software suppliers and by the Council's internal IT system. Work had therefore been undertaken to develop a new in-house performance system. As part of this development, officers from the Policy Team had been working with service managers, assistant directors and directors to review the existing measure set which would help to ensure that performance measures included in this set continued to be the right measures to report moving forwards. All measures within the new strategic measure set had both high and low targets allocated to them, with the exception of those considered to be volumetric.

Appendices A to C showed the new set of strategic performance measures with targets split by directorate and by quarterly or annual collection. All corporate measures would continue to be collected, however, the presentation of these measures would change as a result of being reported through a new system.

The new measure set was formed of 68 targeted measures, 17 volumetric measures and six corporate measures.

The Performance Scrutiny Committee had considered this report at its meeting on 5 June 2019.

Councillor Ric Metcalfe commented that performance monitoring and the measures and targets associated with it was becoming more and more sophisticated and welcomed this piece of work.

16. Lincoln Intervention Team - Year 2 Funding

Purpose of Report

To provide the Executive with information relating to the Lincoln Intervention Team, their achievements and work to date and to seek approval for year two funding.

Decision

That the Executive:

- (1) Notes the performance of the team in the first six to nine months of operation.
- (2) Approves the allocation of £65,000 as match funding to enable the project to continue through to December 2020.

Alternative Options Considered and Rejected

None.

Reason for Decision

The Lincoln Intervention Team was launched in October 2018 and currently had funding until December 2019, funded by a range of partners including the Police and Crime Commissioner, Lincoln BIG and the City Council. The team was working to reduce on-street Anti-Social Behaviour by holistically working with individuals to deal with the root cause of their behaviour and comprised of an Anti-Social Behaviour Outreach Officer, Mental Health Nurse Outreach Officer, Addaction Outreach Officer and a Team Co-ordinator.

Achievements to date were noted as follows:

- the team had worked with 103 different individuals since the start of the project in October 2018 and had logged in excess of 614 actions on the case management system;
- 29 individuals had received in depth support for substance misuse and five had entered treatment where previously they were not engaging with services;
- 39 individuals had received in depth support for mental health related issues and 14 had engaged in a support plan or entered treatment;
- the team had issued 40 written warnings about behaviour or substance misuse, ten legal notices, completed four prosecutions and obtained one Criminal Behaviour Order;

- the team was working on a city centre injunction against persons unknown to provide additional powers to both the City Council and the Police when dealing with substance misuse in the city;
- the team had assisted Legal Services Officers with the service of notices to remove encampments from City Council land;
- the team was assisting Lincolnshire Police to support vulnerable victims of county lines hate crime across the city.

The current staffing structure was set out in paragraph five of the report. Funding for the team for year two was proposed as follows:

- £65,000 from the City of Lincoln Council;
- £10,000 from Lincoln BIG;
- £50,000 from the Police and Crime Commissioner.

Paragraph seven of the report set out how this funding would be allocated to the different roles associated with the team.

Discussion ensued on the significant physical and mental health problems associated with those people who found themselves in need of the support of the Intervention Team. With this in mind, clarity was requested over any contribution from the Clinical Commissioning Group for West Lincolnshire, or any other health organisations. It was reported that a request for the same contribution as the previous year, which totalled £5,000, had been made. If that funding came through it would be allocated towards backfill arrangements, although this had yet to be confirmed.

Nottingham was cited as an example where the services of street nurses, street general practitioners and street dentists had been allocated as part of a similar Intervention Team arrangement to help address immediate primary health care needs and keep people engaged with health services, counteracting potential longer term health problems. It was noted that a person classified as homeless in Lincoln could only currently register with a general practitioner for 28 days, which provided a limit on and inconsistency to their access to care. Members agreed, therefore, that the health community in Lincolnshire should provide a financial contribution to this important project.

A suggestion was made that this matter be highlighted through the Health Scrutiny Committee for Lincolnshire which, as a body, could be asked to make a specific request of commissioning bodies to provide a funding contribution towards the Intervention Team.

The Strategic Director of Communities and Environment provided an assurance to the Executive that conversations with the health community in respect of a funding contribution would continue. He made the point that in many cases it was necessary to demonstrate the impact funding could make to an issue before attracting further financial contributions. The success of the Intervention Team was becoming apparent and it was in a position where its positive impact could be demonstrated. The Strategic Director agreed to make contact with the Health Scrutiny Committee for Lincolnshire, as suggested.

Councillor Metcalfe, on behalf of the Executive, placed on record his thanks and appreciation to the excellent work of the Intervention Team to date.

17. Lincoln High Street Character Appraisal

Purpose of Report

To present the Lincoln High Street Character Appraisal to the Executive and seek approval to use the document as planning guidance.

Decision

That use of the Lincoln High Street Character Appraisal document as planning guidance be approved.

Alternative Options Considered and Rejected

None.

Reason for Decision

There were eleven conservation areas within the City Council's administrative boundary and in order to achieve the successful management of these, the conservation areas should be periodically assessed in terms of their special character and appearance.

Each conservation area was unique and differed in type and style of the urban landscape within it. In considering how to approach the first appraisal associated with the assessment process, it was felt that the high street was an appropriate place to commence due to its significance and importance as the principal commercial zone within the city.

The appraisal outlined what was important within the designated area and why it was of special interest or significance. This provided valuable information which could be taken into account when submitting and considering planning applications. The document would also assist with identifying challenges and opportunities within this area of the high street and inform what proposals and development should come forward in the interests of the proper planning of the area.

A copy of the proposed Lincoln High Street Character Appraisal was appended to the report. It was noted that this document did not replace the current conservation area designations or create a new conservation area, however, it represented a supplementary document which provided valuable context as to the reason why those areas had been designated conservation areas in the first instance as well as provide an important character assessment of Lincoln's high street.

The Lincoln High Street Character Appraisal document had been considered by the Planning Committee at its meeting on 5 December 2018 and, whilst the Committee was supportive, it was considered that other areas beyond this initial zone were of equal importance and warranted assessment in the same way. Officers had therefore prepared a plan of subsequent appraisal zones, as appended to the report.

Councillor Ric Metcalfe welcomed this hugely important document, which he said would provide further protection in conserving Lincoln's historic character, ensuring that it remained an attractive place to live and visit. The high street, being the main route through the city centre, was an obvious place to commence this piece of work.

Councillor Neil Murray reiterated the importance of this document and said that it would provide the Council's Planning Officers and its Planning Committee with even more ammunition to resist some applications received in some areas which were not always in keeping with the character of historic Lincoln.

Councillor Burke welcomed reference within the document to open and green spaces. He also highlighted that retail premises had previously dominated certain areas, with very little consideration given to the historic area where they were located.

Councillor Nannestad echoed the comments regarding green spaces, making the point that there were very few trees within the city centre.

Councillor Metcalfe highlighted that this document was not seeking to prevent change in the city, but sought to ensure that any change and associated design should be sympathetic to the historic and distinctive nature of the city. He cited the Cornhill and the works at the Sincil Street area as an excellent example of what could be achieved in this respect.

The Strategic Director, made reference to the City Council's Public Realm Strategy, which covered the City's green spaces as well as 'blue spaces' such as the Brayford Pool and the River Witham. It was agreed that an update on the implementation of the Public Realm Strategy would be presented to the Executive in due course.

18. Exclusion of the Press and Public

RESOLVED that the press and public be excluded from the meeting during consideration of the following items of business because it was likely that if members of the public were present there would be a disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

These items were considered in private as they were likely to disclose exempt information, as defined in Schedule 12A of the Local Government Act 1972. No representations had been received in relation to the proposal to consider these items in private.

19. Local Agreement - On Call Rota for Tactical Commanders

Purpose of Report

To seek approval to implement a tactical command 'on call' rota.

Decision

That the local agreement regarding the implementation of a tactical command 'on call' rota be approved.

Alternative Options Considered and Rejected

None.

Reason for Decision

The reason for this decision was set out in the report.

20. Fixed Term Contract: Community Services Manager

Purpose of Report

To approve the funding of a fixed term contract post to backfill for the Community Services Manager whilst the current post holder undertook specific projects relating to front line services covering waste, recycling, street cleansing and grounds maintenance.

Decision

That the recommendations contained within the report be approved.

Alternative Options Considered and Rejected

None.

Reason for Decision

The reason for this decision was set out in the report.

SUBJECT:	REGULATION OF INVESTIGATORY POWERS ACT 2000 UPDATE
DIRECTORATE:	CHIEF EXECUTIVE
REPORT AUTHOR:	BECKY SCOTT, LEGAL & DEMOCRATIC SERVICES MANAGER

1. Purpose of Report

- 1.1 To update members on the revised Code of Practices issued to support the Regulation of Investigatory Powers Act 2000 (RIPA) and report the number of authorisations since the last report to Executive in 2018.

2. Background

- 2.1 The Council has a RIPA Policy which cover implications for all staff who investigate suspected criminal offences and other breaches of regulations for which the Council is responsible.

The Policy includes the procedures for obtaining authorisations and together these explain:

- the purpose of the Act in relation to the Council’s functions
- the circumstances which it applies to
- how to make sure that it is complied with
- functions of the Central Register
- process for authorisations
- details for authorisations
- Guidance on the use of Social Media in investigations

3. The RIPA Policy was approved by Executive in June 2016, and it was confirmed in July 2017 and July 2018 that no amendments were needed in the update report as to use of the authorisation process. The number of authorisations to carry out RIPA activity since the last report to Executive is nil.

- 3.1 The Council will be inspected by the Investigatory Powers Commissioner’s Office on 17th July 2019. Any known outcomes will be reported to Executive during the meeting, and any recommendations actioned accordingly.

- 3.2 The last inspection occurred in January 2016. The outcomes of that inspection were limited however were implemented and in particular the need to keep awareness raised through training is an ongoing requirement. This has been carried out, in particular, in the area of social media surveillance.

4. Revised Codes of Practice

4.1 In August 2018 the following revised Codes were implemented:-

- a) Covert Surveillance and Property Interference
- b) Covert Human Intelligence Sources

These are available for viewing online at:

<https://www.gov.uk/government/publications/covert-surveillance-and-covert-human-intelligence-sources-codes-of-practice>

4.2 The legal team has now received some training on the new Codes and in the meantime issued a briefing note to all relevant managers about the use of Social Media as a result of the revised Codes providing additional guidance about this area. The Codes do not change the legislation in any way, nor affect the content of the Council's policy, however it gives more guidance on the term 'private information' and provides examples about how to apply the Codes and the legislation.

4.3 The location of the Codes are referenced in the RIPA policy. The Guidance for use of Social Media in Investigations now includes a briefing note prepared for managers for completeness. This has been passed to all Service Managers through their forum.

5. Authorisations

5.1 There have been no authorisations applied for nor obtained through the Magistrate's Court since the last report to Executive.

6. Organisational Impacts

6.1 Finance

There are no finance implications in this report.

6.2 Legal Implications

As outlined in the report.

6.3 Equality, Diversity & Human Rights

The Public Sector Equality Duty means that the Council must consider all individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees.

It requires that public bodies have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities

The Council's RIPA policy enhances transparency in decision-making. For any authorisation applied for, the Council will ensure that requests consider any potential impact on individuals and groups who share protected characteristics.

7. Risk Implications

7.1 (i) Options Explored

It is considered a requirement to include reference to these revised Codes into the RIPA policy.

7.2 (ii) Key Risks Associated with the Preferred Approach

None.

8. Recommendation

8.1 That members note this report.

Is this a key decision? No

Do the exempt information categories apply? No

Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply? No

How many appendices does the report contain? Two

List of Background Papers: None

Lead Officer: Becky Scott, Legal & Democratic Services Manager
Telephone (01522) 873441

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SUBJECT: HEALTH, SAFETY & WELFARE POLICY

DIRECTORATE: DIRECTOR OF COMMUNITIES & ENVIRONMENT

REPORT AUTHOR: PAUL ROHOWSKY – CORPORATE HEALTH & SAFETY

1. Purpose of Report

1.1 To present the revised Council's Health, Safety & Welfare Policy to the committee.

2. Executive Summary

2.1 The Council's Health, Safety & Welfare Policy has been reviewed and consulted upon and once approved by Executive will supersede the existing policy agreed in July 2016. To assist, all revisions to the policy and the tree of responsibility are shown in ***bold and italics***.

3. Background

- 3.1 The Health, safety and welfare is required to be reviewed every two years, undertaken by corporate health and safety. Following the review managers and assistant directors are requested to review the revised document and forward any comments regarding the content of the document.
- 3.2 CHS provided the revised health safety and welfare policy to trade union safety representative's form Unison, Unite and GMB. The approach the SLWG took was to ensure that the revised policy set out clearly the health and safety responsibilities according role across the organisation.
- 3.3 The draft Health, Safety & Welfare Policy and Appendix 1 Tree of Responsibility was agreed with the Trade Union Safety Representatives on the 19 May 2016.

4. Main Body of Report

4.1 The Council's health, safety and welfare policy is one of the essential building blocks in contributing to an effective and successful health and safety management system. It comprises of four sections and sets out clearly the responsibilities for health and safety across the organisation and the arrangements in place to manage health and safety.

4.2 Section 1 – General Policy Statement

This sets out the Council's commitment towards health and safety and is signed by the Chief Executive, Leader & Deputy Leader, and Corporate Health & Safety Champion and by a Safety Representative from each of the employee trade unions.

There are no revisions to this part of the policy.

4.3 **Section 2 - Organisation for Health & Safety**

This section sets out those health and safety responsibilities according to the role across the organisation.

The health, safety and welfare of volunteers and partnerships working with the council have been included and defined within the policy.

4.4 **Section 3 – Arrangements for health & safety**

This section details the arrangements for the following areas:

- 3.2. Supplementary Policies
- 3.3. Communication, Co-operation and Consultation
- 3.4. Training, Instruction and Supervision
- 3.5. Risk Assessment
- 3.6. Personal Protective Equipment
- 3.7. Incident Reporting
- 3.8. Property Management
- 3.9. First Aid
- 3.10. Employees Health

The revision has material changes in the following areas:-

- 3.2. Supplementary policies now include the full council asbestos policy (3.2.1.), the inclusion of a fire policy statement (3.2.2.), (rather than a fire precaution statement), and a construction design and management statement.

Supplementary policies also include policies which are not responsibility of CHS but do have a bearing on the health safety and welfare of the councils Employees. These are Managing stress, flexible working policy, driving policy (replacing 3.10 use of fleet vehicles and 3.11 use of own vehicles at Work), 3.2.8. Health surveillance policies and 3.2.9 General data protection Regulations.

There are no proposed changes to 3.3 and 3.4

- 3.5. Risk assessment now includes 3.5.1. Working at height, 3.5.2. Control of hand arm vibration, and 3.5.3. Control of noise.

There are no proposed changes 3.6.

- 3.7. Has minor a word change.

There are no proposed changes to 3.8, 3.9 and 3.10.

4.5 **Section 4 - Monitoring & Review of the Health & Safety Policy**

The only change to monitoring and review of the health, safety and welfare policy is that it is proposed that the policy is reviewed every 4 years.

4.6. **Appendix 1 – Tree of Responsibility**

The Tree of Responsibility incorporates a colour coded system intended to assist all individuals to identify their health and safety duties and responsibilities. It is recommended within the Policy that this colour coded system is applied to each Directorate organisational structure chart to enable all individuals within the Council to have clarity as to their own health duties and responsibilities.

There are only minor revisions amending the organisational changes made since 2013.

5. Organisational Impacts

5.1 Finance (including whole life costs where applicable)

There are no implications arising from this report.

5.2 Legal Implications including Procurement Rules

The Health & Safety At Work etc. Act 1974 states where an organisation has five or more employees there is a duty to prepare and revise as appropriate a written statement of the general policy with respect to the health and safety at work. The policy must set out the organisation and arrangements for the time being in force for carrying out that policy, and to bring the statement and any revision of it to the notice of all of his employees.

5.3 Equality, Diversity & Human Rights

An assessment has been made against each of the nine characteristics in the equality analysis toolkit and other than age and pregnant workers the policy has neither a positive or negative effective on the remaining characteristics.

In terms of age, the policy has a positive impact in considering the protection of young persons and in terms of pregnant workers it has a positive impact in ensuring that procedures are in place to protect new and expectant mothers from possible ill health effects at work.

An implementation plan will ensure that the revised policy is brought to the notice of all employees.

6. Recommendation

6.1 That the Health, Safety & Welfare Policy June 2019 be approved.

Is this a key decision? No

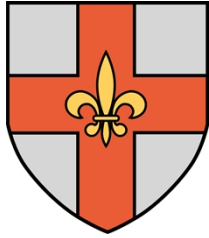
Do the exempt information categories apply? No

Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply? No

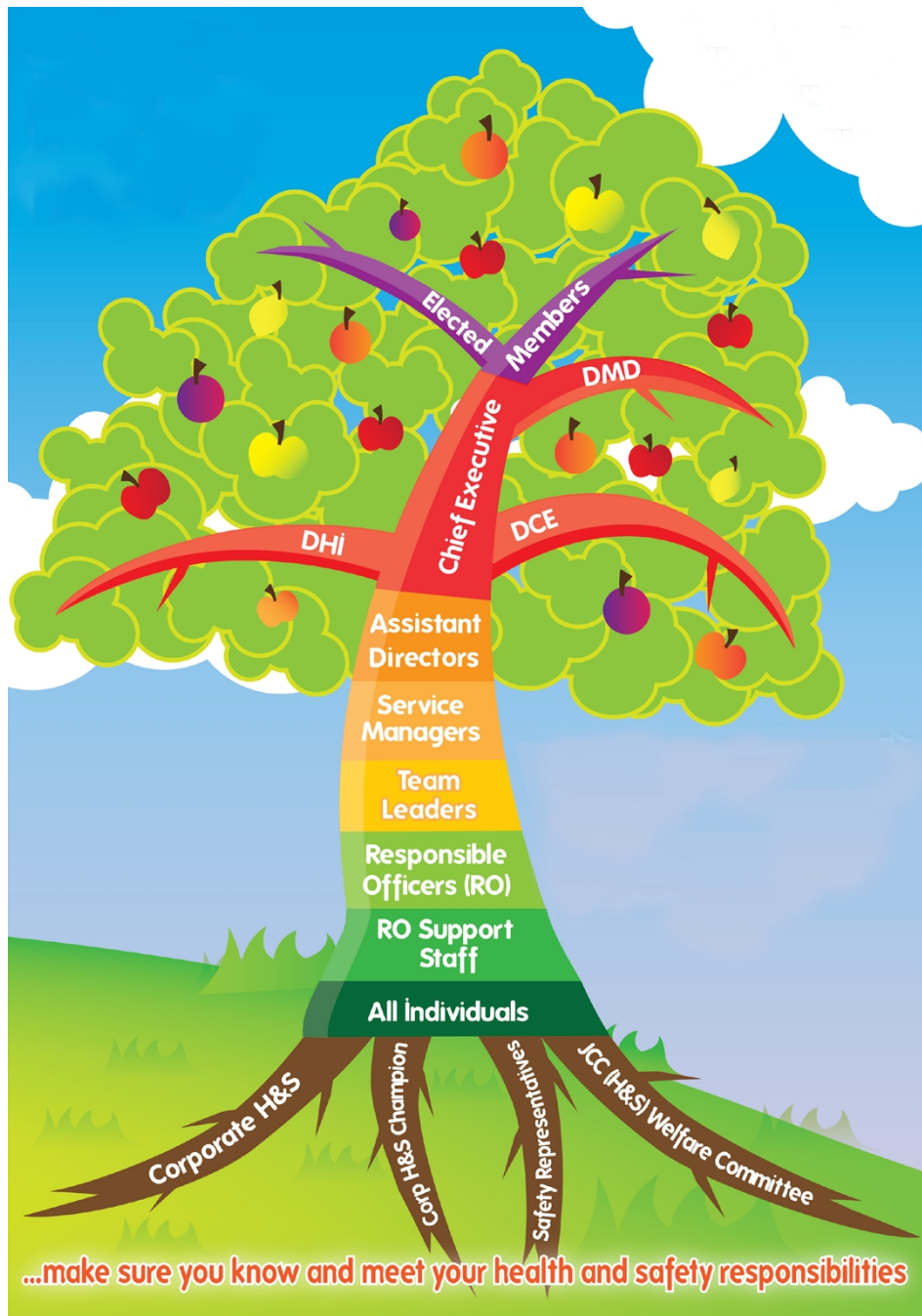
How many appendices does the report contain? Two

List of Background Papers: None

Lead Officer: Paul Rohowsky
Health and Safety Compliance Officer
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CITY OF
Lincoln
COUNCIL



Health, Safety & Welfare Policy

FINAL DRAFT – June 2019

Document Control

Organisation	City Of Lincoln Council
Title	Corporate Health Safety & <i>Welfare</i> Policy
Date	To be completed
Consultation Required	Joint Consultative Committee (Health, Safety & Welfare) Executive – 28 June 2016
Approval Required	Executive – 4 July 2019
Distribution	All Staff & Elected Members
Revocations	Corporate Health & Safety Policy 15 April 2013
Protective Marking	Password Protected
Next Review Date	July 2021

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4 MONITORING & REVIEW OF THE HEALTH & SAFETY POLICY

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APPENDIX 1 – TREE OF RESPONSIBILITY Separate Document

HEALTH AND SAFETY AT WORK etc. ACT 1974

1. GENERAL POLICY STATEMENT

City of Lincoln Council, as a corporate body and employer, recognises and accepts its responsibility to provide a safe and healthy working environment for their employees, and non-employees, who may be affected by the Council's work activities.

The Council will take necessary steps to fulfil its statutory duties under the Health and Safety at Work etc., Act 1974, and associated legislation made under the Act, paying particular attention to the provision and maintenance of:-

- (a) Safe plant and equipment in conjunction with safe systems of work;
- (b) Safe arrangements for the use, handling, storage and transport of monies, articles and substances;
- (c) Sufficient information, instruction, training and supervision to enable all employees to avoid hazards and contribute positively to their own health and safety at work;
- (d) A safe place of work including safe access and egress;
- (e) A healthy working environment;
- (f) Adequate welfare facilities;
- (g) Suitable and sufficient risk assessments to identify work hazards present and ensure satisfactory implementation of control measures to protect the health and safety of employees, and non-employees who may be affected by such work;
- (h) Adequate procedures to ensure all contractors and others where we have a duty of care are fully compliant with this policy and health and safety legislation.
- (i) Competent technical advice on health and safety matters.

The Council will co-operate fully in the appointment of safety representatives by recognized trade unions and will comply with the requirements of the Safety Representatives and Safety Committees Regulations 1977, Approved Code of Practice & Guidance. Staff with a specific responsibility for health and safety will be provided with sufficient facilities and training to carry out their tasks. The Council will consult with employees and safety representatives directly and via Joint Consultative Committee (Health, Safety & Welfare).

The Council expects every employee to comply with its agreed policies, standards and procedures and to take all possible care for their own health and safety and that of others who may be affected by their acts or omissions.

The Council is committed to continuous improvement and will implement a Health & Safety Annual Development Plan.

Signed.....

Dated

Angela Andrews

Chief Executive & Town Clerk

Signed.....

Dated

Councillor Ric Metcalfe

Leader of the Council

Signed.....

Dated

Councillor Donald Nannestad

Deputy Leader of the Council

Signed

Dated

Simon Walters

Corporate Director Health & Safety Champion &

Director of Communities & Environment

Signed.....

Dated

Unison Health & Safety Representative

Signed.....

Dated

Unite Health & Safety Representative

Signed.....

Dated

GMB Health & Safety Representative

2. ORGANISATION FOR HEALTH AND SAFETY

2.1 INDIVIDUAL RESPONSIBILITIES

All Council employees have a legal responsibility to meet the statutory requirements of the Health and Safety at Work etc. Act 1974. At all levels of the organisation, our people will be:

- Responsible for the safety and wellbeing of themselves, those people they manage and the people they work for;
- Aware of their responsibility for health and safety issues and their effects on people within the activities they control; and
- Aware of the influence that their action or inaction can have on the effectiveness of our safety management and performance.

The ultimate responsibility for health and safety within the City Of Lincoln Council lies with the Chief Executive, as the head of paid service.

The corporate director nominated to be the Health and Safety Champion is the Director of Development & Environmental Services. The Health and Safety Champion has a critical role in providing strategic direction and support to ensure health and safety risks are properly managed.

The role of the Health & Safety Champion does not, however detract from the responsibility of other Directors and members of the Corporate Management Team in accepting their responsibilities for specific areas of health and safety risk management under their control.

2.2 TREE OF RESPONSIBILITY – APPENDIX 1

The Tree of Responsibility (TOR) sets out those health and safety responsibilities according to role across the organisation. It identifies generic roles within the Council, such as,

- Elected Members
- Departmental Directors
- Assistant Directors
- Service Managers
- Team Leaders
- Responsible Officers
- Responsible Officer Support Staff, and
- Individuals

And identifies specific roles that have additional health and safety responsibilities to those listed above, such as, but not exclusively:-

- Chief Executive
- Director of Directorate of Communities and Environment
- Corporate Management Team

- Assistant Director – (Growth and Regeneration)
- Assistant Director –(Housing)
- Assistant Director – (Health & Environmental Services)
- Property Services Manager
- Corporate FM Officer (Corporate Property)
- Environmental Health and Corporate Safety Manager
- Corporate Health & Safety Service and
- Trade Union Safety Representatives

The guiding principle in the application of the tree of responsibility is to ensure that where a restriction exists, financial or otherwise, which prevents a health and safety action from being implemented that this failure is reported up through the organisation.

The Tree of Responsibility (**appendix 1**) incorporates a colour coded system intended to assist all individuals to identify their role and their health and safety duties and responsibilities. It is recommended that this system is applied to each directorate organisational structure chart to enable all individuals within the Council to have clarity as to their own health and safety duties and responsibilities.

2.3 SAFETY MATTERS REVIEW GROUP

The purpose of this group is to assist the Council in meeting the matters set out the in General Policy Statement. In particular **but not exclusively** it will oversee:-

- a. The implementation of the Control of Contractor procedures and review the Control of Contractors Health & Safety Competency Register.
- b. The implementation and compliance with the Asbestos Policies, management plan and procedures.
- c. The implementation and compliance with the Control of Legionella procedures.
- d. The system adopted for the recording of risk assessments
- e. The council's health and safety training needs, requirements and recommend solutions to training gaps identified.

2.4 JOINT CONSULTATIVE COMMITTEE (HEALTH, SAFETY & WELFARE)

The main purpose of the committee is to:-

- a. Establish negotiations between the Council and its employees on matters relating to the health, safety and welfare of its employees. In doing so the committee will recommend, instigate, develop, monitor and review actions to safeguard the health, safety and welfare of all persons affected by the activities of the Council.
- b. To review the policies of the Council in relation to the health and safety of its employees and to make recommendations there to.

- c. To make recommendations to the Executive of the Council as to the application and implementation of the Corporate Health Safety & Welfare Policy.

A copy of the policy and constitution of the Joint Consultative Committee (Health, Safety & Welfare) can be found in Authority Wide – Corporate Health & Safety – JCC or by contacting your Safety Representative or the Council’s Corporate Health and Safety or Human Resources.

2.5 NON-COUNCIL EMPLOYEES’ RESPONSIBILITIES

2.5.1 CONTRACTORS OR OTHER SUCH PERSONS

Only competent contractors or other such persons will be permitted to undertake services for the Council.

The Council needs to ensure that contractors or other such persons they engage have the skills, knowledge and competency to carry out the service to the required standards without risks to health and safety. The contractor selection and monitoring procedure should be followed this requires a health and safety competency assessment form completed by the contractor (or other such person) and associated documentation supplied. An assessment as to the contractor’s competency to carry out work on behalf of the Council will be made and a record kept. All documents provided by the contractor will be retained as evidence.

Contractors or other such persons will be required to conform to all relevant Health and Safety legislation or Council instructions that are applicable and to ensure that their employees and sub-contractors also conform.

Any health and safety concerns or issues arising from the health and safety competency assessment or monitoring of contractors or other such persons will be referred to the Corporate Health and Safety.

No Contractor or other such person shall work for the Council unless the Control of Contractors procedures have been adhered to. A copy of the procedures can be found on Authority Wide Corporate Health & Safety – Control of Contractors or by contacting the Corporate Health and Safety.

2.5.2 MANUFACTURERS AND SUPPLIERS

The Health and Safety at Work etc. Act 1974 requires that all plant, machinery, equipment, appliances and materials are so designed and constructed so as to be safe and without risks to health.

Manufacturers and suppliers must provide adequate operating and/or handling instructions and information about any conditions necessary to ensure that their products will be safe and without risks to health when properly used. This information must be made available to all relevant employees.

2.5.3 VOLUNTEERS

The Council recognises the immense benefits that volunteers bring and the bridges that they build between the Council and the local community. In return the Council hopes to give its volunteers an opportunity to exercise their skills in a different environment and to undertake new experiences.

The council has volunteers carrying out activities within a range of environments which exposes them to risks to their health and safety. These risks will be effectively managed through the application of all relevant health, safety and welfare policies, processes and procedures by the councils' managers.

Volunteers will not be used as substitutes for employees and an established post will not be used to recruit volunteers, i.e. there will be no job substitution done through volunteer placements.

2.5.4. PARTNERSHIPS

Defined as any management with one or more external organisations where the council is providing or receiving a function or service with or without payment. This includes arrangements such as service levels agreements, shared services, statutory partnerships, contractual arrangements and informal working groups.

All partnership arrangements will ensure that the health and safety roles and responsibilities are clearly defined between all parties involved. The Council will take the necessary steps to fulfil its statutory duties under the Health and Safety at Work etc., Act 1974, and associated legislation made under the Act.

3. ARRANGEMENTS FOR HEALTH & SAFETY

3.1 General

The following arrangements supplement the policy but are not intended to be exhaustive. Constant observance of the policy, adherence to rules and maintenance of good practices and procedures will prevent employees suffering an injury and in some cases property and equipment damage.

3.2 Supplementary Policies

3.2.1 Asbestos Management Policy

The Council will take all necessary steps to fulfil its statutory duties under the Health and Safety at Work etc., Act 1974, and in particular the Control of Asbestos Regulations and have regard to Approved Codes of Practice and Health & Safety Executive guidance.

The Council recognises that it has a responsibility to protect employees and others who may be affected by its operations against the risk of asbestos exposure arising from the use of equipment or work related activities, or from the deterioration of Asbestos Containing Materials (ACMs) in its domestic, non-domestic city of Lincoln Council buildings/land, owned, leased and/or managed by the Council. To underpin the following policy statements Annex 1 - Asbestos Management Policy Action Plan will be in place and continually updated and monitored quarterly.

The Council will:-

- ***Work towards, as far as is reasonably practicable, zero exposure to hazards associated with ACMs.***

- ***before undertaking work in maintenance, demolition, refurbishment and where appropriate any other work which is liable to expose employees to asbestos, carry out a suitable and sufficient risk assessment and determine whether asbestos is present and if so, what type, contained in what material and in what condition. (All survey work will be undertaken in accordance with HSG 264 – Asbestos The Survey Guide)***
- ***Approach the management of all properties on the basis that ACMs are present unless there is evidence to prove otherwise.***
- ***Only allow appropriately trained employees to undertake non licenced work on ACMs following consultation and agreement with the appropriate unions, employees and Joint Consultative Committee (JCC) Safety Representatives has taken place.***
- ***Monitor where appropriate known ACMs by periodic inspections undertaken by either trained in-house staff or by a competent contractor.***
- ***Undertake suitable and sufficient risk assessments to protect employees from any potential risk or hazard associated with their work activity on known ACMs or from the unexpected disturbance of ACMs.***
- ***Ensure safe systems of work are employed so that work is carried out safely and any risk is minimised.***
- ***Ensure emergency procedures are in place to deal with the unexpected release or disturbance of ACMs.***
- ***If any employee or occupant of council controlled domestic or non-domestic premises considers that they have been exposed to asbestos fibre, this will be reported and investigated as appropriate through the Council's incident reporting procedure on the Council's internal incident report form. The appropriate Trade Union Health and Safety Representative(s) will be notified of the incident and an investigation will be carried out by Corporate Health & Safety. Trade unions may undertake their own investigation.***
- ***Produce a resourced asbestos training programme, the level and frequency of training delivered will be determined by roles and responsibilities.***
- ***Provide the level of personal protective equipment appropriate to the task to be undertaken to every employee free of charge.***
- ***Maintain an Asbestos Register for all domestic, non-domestic city of Lincoln Council buildings/land, owned, leased and/or managed by the Council and update the Asbestos Register on the basis of any re-inspection, treatment and/or removal works undertaken.***
- ***Conduct ongoing surveys of residential council properties in relation to ACMs so as to reduce the number of 'cloned' properties on the Council Housing Asbestos Register year-on-year.***
- ***Ensure that where asbestos information has been cloned from other similar council housing archetypes to another that a risk assessment will be carried out and the appropriate survey will be undertaken dependant on the maintenance or refurbishment works required.***
- ***Ensure annual surveys of Council allotments are undertaken.***
- ***Use suitably qualified, experienced and competent contractors in accordance with HSE and CAR requirements (including UKAS accredited for sample analysis or air sampling) where it is a requirement for the work with ACMs.***

- ***Follow the Council's Control of Contractors procedures in assessing and monitoring the health and safety competency of contractors.***
- ***Ensure contractors engaged to carry out work on any of the Council's buildings are provided with information on the location of known ACMs advised of the appropriate precautions and procedures to be followed.***
- ***Keep domestic, non-domestic city of Lincoln Council buildings/land, owned, leased and/or managed by the Council tenants, leaseholders informed if asbestos is discovered in a property or if their property forms part of the asbestos survey programme. The method of communicating this information should be documented in the Asbestos Management Action Plan.***
- ***Where appropriate, label all known ACMs.***
- ***Consult with Trade Union Safety Representatives and the Corporate Health and Safety Team on policy, procedural changes and the outcome of investigations into incidents reported.***
- ***Advise Trade Union Safety Representatives, as soon as possible of an incident relating to employee exposure to an unexpected release of ACMs***
- ***Upon request provide relevant information to the emergency services on the location and condition of any known or presumed ACM in Council managed properties.***

3.2.2. Fire Policy.

The City of Lincoln Council recognises that fire is a significant hazard to the safety of both buildings and their occupants. The Council will comply with its statutory fire duties and meet its responsibilities under current fire legislation (The Regulatory Reform (Fire Safety) Order 2005). The Council will provide the appropriate fire precautions and fire management systems and ensure that those systems are operating effectively.

In order to comply with the Regulatory Reform (Fire Safety) Order 2005 the Council will:

- Provide buildings in which fire precautions appropriate for their use are taken into account during the design and construction.
- Provide and maintain fire detection, alarm systems, emergency lighting, firefighting equipment, evacuation signage, means of escape and protected escape routes.
- Provide responsible officers and other relevant staff with adequate information, instruction and training in order that they may manage and implement the above scheme and undertake and record local water hygiene tasks and checks as required.
- Ensure competent persons, who have sufficient knowledge and training, are available to implement its fire safety procedures.
- Carry out suitable and sufficient fire risk assessments of all premises to assess the risk to relevant persons from fire and to evaluate the adequacy of the protection measures and compliance with all relevant legislation.
- Periodically test, monitor, audit and review all procedures, fire prevention and protection measures and systems.
- All employees will act in accordance with all fire safety procedures, safe systems of work or instructions that have been initiated by management for their health and safety

3.2.3 Unacceptable Behaviour Policy

The council has a responsibility to provide a safe, healthy, and civil working environment for its employees and people visiting its premises. It recognises that it has an obligation to strive to eliminate the distress/danger posed by unacceptable behaviour and will be fully supportive of those who are affected by unacceptable behaviour encountered as a result or during the course of their work.

The Council will:

- Endeavour to prevent unacceptable behaviour to employees occurring out of or as a result of their work.
- Ensure the implementation of this Unacceptable Behaviour Policy and the associated procedures and any relevant guidance.
- Ensure adequate resource such as training and support is available to meet the obligations of this policy and the procedures.
- Ensure that all relevant risk assessments include a consideration of unacceptable behaviour as part of work activities.
- Ensure that employees have correct means to report incident(s) of unacceptable behaviour.
- Ensure that where unacceptable behaviour incidents are either physical assault or threatening behaviour where the potential could result in physical assault these are reported to the police.
- Advise the employee and any other person(s) relevant of the correct course of action to be taken appropriate to the level and nature of the incident.
- Provide suitable support to any employee who becomes a victim of unacceptable behaviour not only regarding their welfare and any criminal investigations but also if the employee wishes to make a formal complaint or pursue civil action against an individual.

Further guidance can be found on Authority Wide>Corporate Health Unacceptable Behaviour or by contacting the Corporate Health and Safety.

3.2,4 Smoke Free Policy

This policy aims to make sure that all people who use our facilities are not put at risk from second hand smoke, it seeks to encourage a healthier workforce that recognises the benefits of a non-smoking environment.

This policy is applicable to all employees, agency workers, councillors and contractors who undertake activities on behalf of the Council on any of our premises. This policy is also applicable to visitors and customers attending at any council premises.

Council employees and contractors who undertake any work activity at council tenanted properties should not be exposed to the effects of second hand smoke. If during a visit, a client refuses not to smoke, the organisation will support any member of staff who leaves the premises on the grounds of health and safety.'

Smoking is strictly prohibited on Council premises, including entrances and anywhere on within its grounds including car parks. Any vehicle used for Council business will be smoke free. A

copy of the policy ***on the intranet within the Human Resources Policy Handbook and further advice can be obtained by contacting HR or Corporate Health and Safety.***

3.2.5. Managing Stress Policy

The Council recognises that workplace stress maybe a health and safety issue for any person employed by the Council and acknowledges the importance of identifying and reducing workplace stressors where possible. The Council will endeavour to assist such employees in dealing with stress related issues, whatever their cause. A copy of the policy can be found on the intranet within the Human Resources Policy Handbook and further advice can be obtained by contacting HR or Corporate Health and Safety.

3.2.6. Flexible Working Policy

The Council is committed to the implementation of work-life balance and flexible working policies to support improved organisational productivity and performance whilst helping employees to improve the quality of their working life and/or more effectively combine work with their other responsibilities. Further details can be found on the intranet within the Human Resources Policy Handbook.

3.2.7. Driving Policy

The Council will ensure that its duties under Road Traffic law are met, have suitable health and safety arrangements in place to manage its fleet activities, and as far as reasonably practicable that its employees and others will not be put at risk by the Councils work related driving activities.

Due to the nature of some tasks it may be necessary to drive for work purposes, (this does not include driving to and from the normal place of work). Road Safety legislation will take precedence over any work procedures however, if it is necessary for individuals to drive as part of their work procedures to exist to identify risks and reduce these by all reasonably practicable means. Full details and guidance can be found on Authority Wide Corporate Health & Safety – Guidance of Use of Own Vehicles.

3.2.8. Health Surveillance Policy

City of Lincoln Council are fully committed to ensuring the effective management of health, safety and wellbeing and provide a programme of health surveillance where it allows for the early identification of occupationally linked ill health or disease.

Medical issues not relating to a statutory duty remains private and confidential between employee and OH provider unless the employee gives consent.

Health surveillance helps identify any corrective action required, after all other reasonable precautions and control measures have been implemented.

Health surveillance is provided to those employees who are exposed to noise, vibration, dusts and some other substances hazardous to health.

As a responsible employer, the council has a duty to monitor the health of their employees when a risk assessment identifies that there is a specific known risk to their health or well-being; for example carrying out hearing tests on employees who work in noisy environments.

The council uses a specialist health surveillance provider, through its' occupational health service.

The results of health surveillance are confidential and are collected and stored by our occupational health provider, Health Management. They will treat it as confidential medical information which legally has to be stored for 40 years. These medical records cannot be accessed by anyone else without the written consent of the employee.

Concerns may be raised as a consequence of the initial health surveillance and the CMO will often need to take instruction from the councils HR or Corporate Health and Safety Team to further fully investigate the case, to come to a formal diagnosis. **All information will be directly sent to employees and employers at the same time.**

Where any reportable diseases are identified from the health surveillance, they will be reported as required by RIDDOR and all relevant risk assessments and safe systems of work and control measures will be reviewed to ensure full legal compliance and effective controls are being used.

3.2.9. General Data Protection Regulations

All data will be held in accordance with the Data Protection Act 1998 and the General Data Protection Regulation (EU) 2016/679 (GDPR).

Safeguards will ensure the security of the data and will comply with Article (1) (f) of the GDPR.

All personal information:

- 1. Shall be processed fairly and lawfully and, in particular, shall not be processed unless at least one of the specific conditions in Schedule 2 to the DPA are met;**
- 2. Shall be obtained only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose or those purposes;**
- 3. Shall be adequate, relevant and not excessive in relation to the purpose or purposes for which it is processed;**
- 4. Shall be accurate and, where necessary, kept up to date;**
- 5. Shall not be kept for longer than is necessary for that purpose or those purposes;**
- 6. Shall be processed in accordance with the rights of data subjects under the DPA;**
- 7. Shall be kept secure i.e. protected by appropriate technical and organisational measures against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to personal data; and**
- 8. Shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of data protection.**

The DPA provides rules for the processing of any personal data. It also makes a distinction between personal data and "sensitive" personal data (see glossary for definitions). Sensitive personal data requires stricter processing rules, as at least one of the conditions in Schedule 3 to the DPA need to be met, in addition to at least one condition in Schedule 2 to the DPA.

3.2.10. Construction Design Management Policy.

The City of Lincoln Council as the client for whom the construction project is being carried out must ensure suitable arrangements are in place for managing a project. The Council will appoint the other duty holders (principle designers and principle contractors). The council will also ensure that sufficient time and resources are allocated to the project.

The Council will ensure that the relevant information is prepared and provided to other duty holders. The Council as the Client will make sure that the principle designer and principle contractor carry out their duties under CDM and that welfare facilities are provided for the project.

When the City of Lincoln Council takes on the role of more than one duty holder (client, principle designer and principle contractor), it will ensure that those within the organisation undertaking the relevant duties, have the skills, knowledge and organisational capability and capacity to meet the applicable statutory duties and provisions set out in the Construction, Design and Management Regulations.

3.3 Communication, Co-operation and Consultation

No safety policy is likely to be successful unless it actively involves all employees.

Employees will be consulted on health and safety matters either communicating directly through line management at team meetings, team briefings, intranet Safety Matters or directly by Trade Union Safety Representatives.

Employees can raise concerns directly to Corporate Health and Safety or by making use of the Council's *Whistle Blowing Procedure*, further details of which can be found on the Intranet within the Human Resources Policy Handbook.

Safety Representatives appointed by the recognised trade unions have an important role in consulting and communicating with staff on health, safety and welfare related issues. Therefore it is to be accepted by Directors, Assistant Directors, Service Managers and Team Leaders that the Council will provide safety representatives, with reasonable facilities, assistance, attendance at TUC, union specific training and any other council delivered training appropriate for the purpose of carrying out their functions as defined by the Safety Representatives and Safety Committees Regulations 1977. Functions of the safety representatives include:-

- a. the investigation of potential hazards, dangerous occurrences and causes of accidents at the workplace
- b. The investigation of employee complaints relating to that employee's health, safety or welfare at work.
- c. Making representations to the management on matters arising out of (a) and (b) above.
- d. Making representations to the employer on general matters affecting the health, safety or welfare at work of the employees at the workplace.
- e. carrying out inspections

None of the functions undertaken by Safety Representatives are imposed upon them by the Council, however, reasonable time off without loss of earnings will be given whilst undertaking health and safety functions.

3.3.1 Co-operation with Regulatory Authorities

Any contact, including correspondence from any regulatory authority, in particular, the Health and Safety Executive (HSE), the Fire Authority and the Environment Agency must be notified to

Corporate Health and Safety by the quickest possible means. Corporate Health and Safety will provide those services with appropriate support and advice.

3.4 Training, Instruction and Supervision

All employees regardless of position, length of service or role will be provided with appropriate health and safety training. Training needs will be determined by a number of mechanisms, including, assessment of the individuals job role and activities expected to be undertaken, risk assessment controls, appraisals, or in some circumstances as part of professional or self-improvement.

It is recognised that the funding of essential health and safety training will be prioritised against the corporate training budget.

Employees must co-operate, by ensuring that all health and safety training and instruction as is deemed necessary is completed.

A copy of the Training and Development Policy can be found on the intranet within the Human Resources Policy handbook. Further advice can be obtained by contacting HR or corporate Health and Safety compliance officer.

3.5 Risk Assessment

Risk assessment is the foundation in building an effective health and safety management system and its purpose is to make sure that appropriate workplace precautions are implemented and kept in place to safeguard employees, elected members and the public alike.

The responsibility for ensuring that suitable and sufficient risk assessments are carried out, recorded and that staff are aware of and comply with health and safety requirements is set out within the Tree of Responsibility in Appendix 1.

- (a) The responsibility for ensuring the implementation of the control or precautionary measures is set out within the Tree of Responsibility in Appendix 1.
- (b) Risk assessments will be carried out by trained Risk Assessors. The views of employees and their safety representatives should be considered as part of the process in identifying hazards, evaluating risks and deciding upon the appropriate control or precautionary measures to eliminate or minimise risks.
- (c) The authorisation of risk assessments will be carried out only by those who have been trained, as the process of authorising a risk assessment requires the evaluation that the control or precautionary measures defined within the risk assessment are reasonable and effective in either eliminating or minimising risk.
- (d) Corporate Health & Safety will provide framework risk assessments where it is appropriate to do so. Generally it will be those that apply to a group of workers as a whole over several locations i.e. lone working, such framework risk assessments must be adapted to be service specific.
- (e) Risk assessments will be recorded and held on a central database.

The Management of Health & Safety at Work Regulations 1999 sets out the general requirement for risk assessments to be carried out, recorded and control measures implemented, however there are a number of specific regulations that require risk assessments to be undertaken and the Council, as an employer must have regard to:-

3.5.1 Working at Height

Falls from height are the largest cause of fatality and serious injury in the construction industry, accounting for around 50% of all construction fatalities including low level falls and falls through fragile material. They also account for a significant proportion of fatalities and injuries within other sectors.

The CoLC therefore requires that full precautions are put in place to prevent falls, or where this is not possible, that measures are put into place to minimise the risk of injury from a fall. This applies to all staff and contractors who carry out WAH.

What is work at height?

The Work at Height Regulations 2005 define work at height as all tasks or activities where a person or materials could fall any distance liable to cause injury, including falls into excavations etc. from ground level or below. It also includes falls from ladders, steps and hop ups, which are widely used within many of the council's workplaces.

Suitable and sufficient risk assessments of all work at height must be carried out before any WAH takes place to ensure that all control measures to prevent the risk from falls are in place.

Duties of managers/team leaders

All managers/team leaders must:

- **Carry out detailed, suitable and sufficient, task specific risk assessments on all work at height, before it is undertaken.**
- **Ensure that adequate arrangements are in place for the provision and safe use of suitable and sufficient equipment for work at height.**
- **Provide equipment for work at height that is suitable for the task and is sufficient to enable the task to be completed safely, as far as reasonably practicable.**
- **Ensure employees are adequately trained to enable safe selection and use of the Appropriate equipment.**
- **Ensure adequate hazard management is carried out to ensure the correct access Equipment is selected and used and hazards are adequately controlled.**
- **Where work at height is deemed to be high risk, ensure that a documented safe system of work (SSW) is developed from the RA, detailing the specific control measures to be implemented to eliminate or minimise the risk of falls and include emergency/rescue arrangements.**
- **Ensure that all persons undertaking WAH are competent and receive a recorded task briefing /toolbox talk on the agreed SSW before work is allowed to commence.**
- **Ensure that all WAH is supervised, regularly monitored and reviewed by competent persons.**
- **Ensure that where contractors are engaged to carry out WAH, they are on the CoLC Control of Contractors Register and that they have submitted suitable and sufficient risk assessments and method statements.**

The hierarchy of measures and options which MUST be implemented when planning WAH are as follows:

- **Avoid working at height completely.**
- **Prevent falls using a safe place to carry out work.**

- **Prevent falls using collective equipment.**
- **Use personal protective equipment (PPE): Fall restraint.**
- **Minimise the distance the worker could fall.**
- **Minimise the impact of a fall.**
- **Use PPE: Fall arrest.**

Where specialist access equipment is to be used, such as a mobile elevated working platform (MEWP) suitable and sufficient risk assessments and method statements along with specialist training must be in place before work is carried out.

3.5.2 Control of Exposure to Vibration

CoLC will ensure that systems and procedures are implemented to effectively manage employee exposure to vibration.

The Council also operates a corporate procedure for the selection, evaluation and monitoring of contractors which is used to ensure that all significant health and safety risks to the employees of contractors and sub-contractors, such as exposure to hand arm vibration are effectively managed.

The council will ensure that:

- **Employee exposure to hand arm vibration is reduced to a minimum and kept below the Exposure Limit Value (ELV) (5.0m/s² A (8)).**
- **Employee exposure to hand arm vibration is reduced to a minimum and so far as is reasonably practicable, kept below the Exposure Action Value (EAV) (2.5m/s² A (8)).**
- **Information and training is provided to all affected employees.**
- **Exposure levels are assessed.**
- **A programme of measures to reduce exposure and provide appropriate health surveillance when exposure reaches the exposure action value (2.5m/s² A (8)) is implemented.**

Employees who are exposed to vibration will receive adequate information, instruction and training through briefing sessions and HSE guidance to enable them to fully understand the risks from exposure and the measures required to prevent unsafe levels of exposure.

The council will implement safe systems of work which ensure that all employees are not put at unnecessary risk. These safe systems of work will be documented and effectively communicated to all relevant employees.

3.5.3 Control of Noise

CoLC recognises and accepts that it is responsible for the health, safety and welfare of its employees when at work.

Some employees may have to carry out work which exposes them to noise. The council therefore has a duty to ensure that employee exposure to noise is eliminated, or where this is not possible, the noise levels are assessed and that measures are implemented to control exposure and lower it as far as possible.

Exposure to noise can cause distraction, increase the likelihood of accidents through hindering effective communication, make warnings harder to hear and can cause Tinnitus and noise induced hearing loss.

CoLC will ensure that systems and procedures are implemented to effectively manage employee exposure to noise and to ensure compliance with the Control of Noise at Work Regulations 2005.

We will assess and identify measures to eliminate or reduce risks from exposure to noise so that we protect the hearing of our employees.

The Council also operates a corporate procedure for the selection, evaluation and monitoring of contractors which is used to ensure that all significant health and safety risks to the employees of contractors and sub-contractors, such as exposure to noise, are effectively managed.

CoLC will ensure that:

- **Employee exposure to noise is eliminated wherever possible or if this is not possible, reduce the risks from exposure to noise.**
- **Provide employees with hearing protection if we cannot reduce the noise exposure enough by using other methods;**
- **Make sure the legal limits on noise exposure are not exceeded.**
- **Information and training is provided to all affected employees.**
- **Exposure levels are assessed.**
- **We provide appropriate health surveillance (hearing checks) for all our employees who are likely to be regularly exposed above the upper exposure action values, or are at risk for any reason, e.g. they already suffer from hearing loss or are particularly sensitive to damage.**

The council will implement safe systems of work which ensure that all employees are not put at unnecessary risk. These safe systems of work will be documented and effectively communicated to all relevant employees.

3.5.4 Manual Handling

All manual handling tasks with a significant risk of injury will be suitably risk assessed, and control measures implemented where required and practicable, in accordance with the Manual Handling Operations Regulations 1992.

3.5.5 Hazardous Substances

All substances hazardous to health used within the workplace will be suitably assessed in accordance with the requirements of the Control of Substances Hazardous to Health Regulations 2002. Where possible, hazardous materials will be substituted by non-hazardous or less hazardous substances.

Material Safety Data Sheets will be requested by management from manufacturers or suppliers of substances, and all relevant details will be made available for users of the substance, prior to use.

3.5.6 Control of Legionella

The Council will ensure, so far as is reasonably practicable, that no occupant of, or visitor to a council controlled premises could be exposed to a risk arising from Legionella bacteria.

The Council recognizes and accepts its legislative obligations, including the Health and Safety at Work etc. Act 1974, the Control of Substances Hazardous to Health Regulations 2002 and the HSE Approved Code of Practice and guidance - The Control of Legionella Bacteria in Water

Systems 2013 (L8), HSG 274 part 2 control of legionella bacteria in hot and cold water systems, and part 3 control of legionella bacteria in other risk systems.

In particular, the Council will:-

- Appoint a competent contractor to advise and assist in assessing and managing risk from water systems in council controlled premises. All relevant water systems will have a suitable and sufficient risk assessment and a written scheme for preventing or controlling the risk from legionella bacteria.
- Provide responsible officers and other relevant staff with adequate information, instruction and training in order that they may manage and implement the above scheme and undertake and record local water hygiene tasks and checks as required.
- Ensure that contractors delivering services within a non-domestic building on the Council's behalf, such as leisure centres, have effective water hygiene management arrangements and are meeting the requirements of the above Code of Practice and guidance L8.

3.5.7 Display Screen Equipment

All display screen equipment and 'users' as defined within the Health and Safety (Display Screen Equipment) Regulations 1992 will be assessed.

3.5.8 Pregnant workers

1999 requires the protection of new or expectant mothers.

Procedures are in place to protect new and expectant mothers from possible ill health effects at work. The Council is committed to ensuring a safe environment for all new and expectant mothers throughout employment and will ensure appropriate arrangements are in place regardless of the type of work carried out by the individual.

All expectant mothers should inform their line manager, Human Resources and Corporate Health & Safety as soon as they are aware they are pregnant to ensure protective measures, if necessary can be taken to ensure the safety, health and welfare of the individual and their unborn child.

3.5.9 Young Persons

Regulation 19 of Management of Health and Safety at Work Regulations 1999 requires the protection of young persons.

The Council will not employ any person paid or not in work situations unless a risk assessment has been carried out. Further advice can be obtained by contacting a member of Human Resources or the Corporate Health and Safety.

Regulation 16 of Management of Health and Safety at Work Regulations

3.6 Personal Protective Equipment

Some tasks will require the wearing or use of RPE/PPE including hand, foot or eye protection, protective clothing or respiratory equipment. All tasks will be thoroughly assessed and RPE/PPE will be used as a 'last resort' when controlling or reducing risks.

Employees who are required to wear PPE will receive this free of charge. RPE/PPE will be replaced immediately, if it has become damaged, lost or no longer provides the protection intended. Appropriate training, information and instruction in its limitation, use and care will be provided with health monitoring as necessary. Further information can be obtained by contacting the Corporate Health and Safety.

3.7 Incident Reporting

The incident reporting system covers all employees employed by the City of Lincoln Council, Council Members, and members of the public, visitors, and contractors whilst they are within the property of the Council or grounds owned by the Council, or those which are under the Council's managerial responsibility.

An Incident Form must be completed through the online incident reporting system in respect of all incidents (accidents, near misses, unacceptable behaviour, damage and occupational diseases). Managers are responsible for investigation, analysis and corrective action. Managers should also ensure staff are given appropriate feedback.

Incident report forms can be found on the front page of City People (under report an incident) employees who do not have access to the intranet must report an incident to their team leader or service manager.

Corporate Health and Safety will assess all internally reported incidents and will be the 'responsible person' for notifying all reportable events as defined by the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 to the Health & Safety Executive's Incident Contact Centre.

Incidents, relative to each Directorate, will be discussed at Directorate Management Team (DMT) meetings.

3.8 Property Management

The Council recognises the importance in maintaining property standards and safety and has processes in place to ensure that repair and maintenance is assessed and carried out and that fire, electrical, gas and legionella safety is managed.

The responsibility for ensuring that property standards and safety are maintained within operational properties and land (excluding Council Housing) are set out within the Tree of Responsibility in Appendix 1 and within the Responsible Officer Guidance Notes, a copy of which can be found on Authority Wide – Corporate Buildings R & M and within the site specific matrix detailed on the Council's dedicated property management software P2 system. Further information can also be obtained by contacting Corporate Property Services.

3.9 First Aid

The Council will ensure that there are sufficient number of trained first aiders, appointed persons, suitable equipment and facilities to enable adequate first aid to be carried out across the Council's workplaces.

3.10 Employees Health

The Council takes its responsibility for the health and wellbeing of its workforce seriously and will deal with health issues under the Management of Sickness Policy, Capability policy and Redeployment policy.

The Council reserves the right to refer employees to an Occupational Health provider, where there is a belief that the employee may not be fit to undertake their duties. If having been referred, a medical report confirms that a medical condition may pose a potential risk to the employee or others in the workplace, the Council reserves the right to suspend an employee on full pay, in line with the Management of Sickness policy, in order to identify a collaborative way forward.

The Council will refer employees with a disability to an occupational health provider to ensure that we are meeting our obligations under the Equality Act 2010 to provide reasonable adjustments in the workplace.

4.0 Monitoring and Review of the General Policy Statement

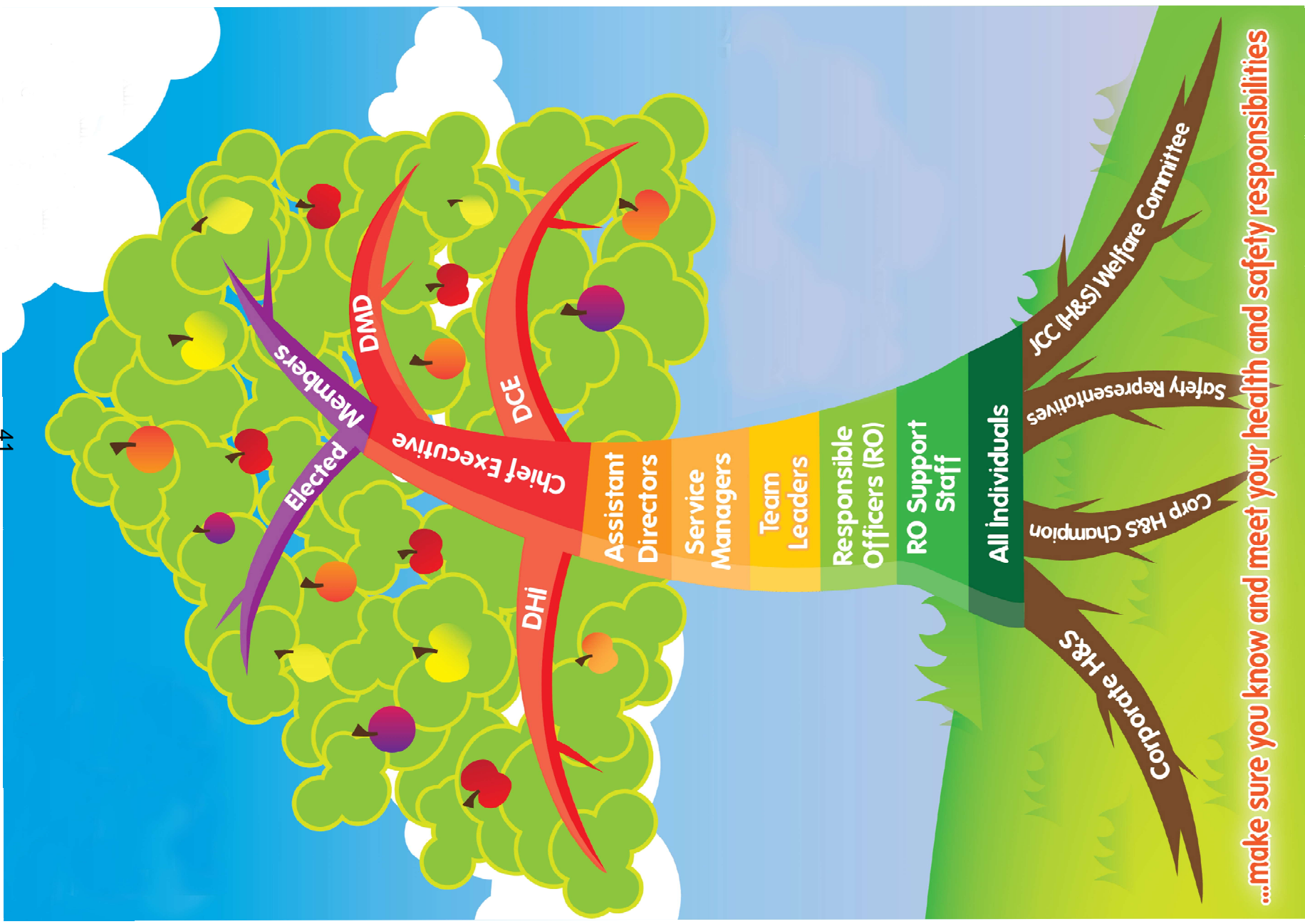
4.1 Monitoring of the Policy

The monitoring of this Policy will be carried out by Corporate Health & Safety, actively through health and safety auditing and reactively by the investigation of incidents and collation of accident, near miss, violent incident and ill health statistics produced and reported on a regular basis. It is anticipated that appointed Trade Union Health & Safety Representatives will also assist by the carrying out of inspections of the workplace.

4.2 Review

This safety policy will be reviewed every **four** years, and when agreed, added to or modified as necessary within that period.

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Health, Safety & Welfare Policy

Appendix 1

Tree Of Responsibility – June 2019

The Tree of Responsibility sets out a general framework for how health, safety and welfare is organised within the City of Lincoln Council.

The guiding principle in the application of the Tree of Responsibility is to ensure that where a restriction exists, which maybe, for example, a change in service level provision, lack of resources financial or otherwise, which prevents a health and safety action from being implemented, that this restriction is reported through the organisation.

A number of corporate health and safety policies and procedures define and expand on the roles and responsibilities set out in the tree of responsibility, these include:-

- ***Management of Asbestos Policy and procedures***
- ***Unacceptable Behaviour Policy and procedures***
- ***Control of Contractors procedures***
- ***Control of Legionella procedures***
- ***City Hall Emergency Evacuation procedures***

- *Control of Contractors procedures*
- *Control of Legionella procedures*
- *City Hall Emergency Evacuation procedures*
- *Risk Assessment procedures*

APPENDIX 1 – June 2019
City of Lincoln Council – Health, safety and welfare - Tree of Responsibility

Elected Members

Responsible for

Responsible to

The Executive

The conduct of the Council’s undertakings to ensure the health, safety and welfare, of the Council’s employees, the public, and other persons who may be affected by its activities.
 Ensuring there are adequate resources available to meet the requirements of the Corporate Health, Safety & Welfare Policy.

Full Council

Leader of the City Council

The Leader of the Council is identified as the elected member with specific responsibility for Corporate Management which includes corporate health and safety.
 Being the Elected Member Health and Safety Champion.

The Executive

Responsible for

Officers

Responsible to

44

Chief Executive

(These responsibilities are in addition to those set out for Directors)
 Giving overall effect to the implementation of the Corporate Health, Safety & Welfare Policy, and will, as necessary review the effectiveness of the policy, and of the employees under her control, to whom various aspects of health and safety will be delegated.

 Being the City’s Emergency Controller (CEC) for a declared emergency.

The Executive

Corporate Management Team (CMT)

(These responsibilities are in addition to those set out for Directors)
 Supporting the CX and DCE in meeting their additional health and safety responsibilities.

 Policy at a strategic level they will preserve, develop, promote and maintain the Council’s Health & Safety Management System.

 Identifying and allocating resources where this is not either the responsibility of a specific Director, Assistant Director or Service Manager or where adequate resources are not available within a nominated budget.

 Overseeing the delivery of the annual Corporate Health and Safety Development Plan
 Making sure that health & safety matters are taken into account when making organisational decisions.

The Executive

Responsible for

Responsible to

Directors

Implementing the Corporate Health, Safety & Welfare Policy within the Directorate of their control, ensuring that adequate safety management systems are in place at all levels within their Directorate so as to provide the Council with the assurance that all parts of the organisation is adequately meeting its legal obligations.

Establishing structures and strategies to implement policy and integrating these into service activities.

Making sure to fully consider the resources needed across their directorate for putting an effective health and safety management system into practice.

Ensuring that there is a standing item on the Directorate Management Team meetings to consider health and safety matters of evident concern and incident reports.

In the absence of the CX, being the City's Emergency Controller (CEC) for a declared emergency.

Corporate Management Team (CMT)

45

Director of Communities & Environment

(These responsibilities are in addition to those set out for Directors)

Being the Director with the role of Health and Safety Champion and as such agreeing the annual Health & Safety Development Plan and ensure that appropriate resources are allocated to deliver plan.

Providing strategic direction for ensuring the effectiveness of the Authority's health and safety organisation and arrangements.

Informing, and alerting CMT to, health and safety matters of evident concern and initiatives that have or may have an impact on the health and safety of employees, contractors or the public.

Being the sponsor of the annual review of health and safety performance.

Being the Event Control Commander for the duration of the Christmas Market (with support from nominated Assistant Directors) for the safe management of the event.

CMT

Responsible for

Responsible to

Assistant Directors

Having overall responsibility for health and safety in their service area.
Ensuring sufficient resources, financial and otherwise, are available to meet health and safety obligations throughout the service and informing the relevant Director as appropriate, when not.
Ensuring that the legal obligation of consulting with staff directly and with Trade Union safety representatives on relevant health and safety matters takes place in good time and that their views are recorded and duly considered.
Ensuring that adequate health and safety management systems are in place within their service area.
Deciding on appropriate action to be taken to protect health, safety and welfare at work in the event of a system failure or the failure to carry out maintenance or repair work.
Ensuring that there are suitable number of risk assessors, authorisers, fire marshals and incident reporters.
Informing the Corporate Health and Safety Service of matters of evident concern that could impact on health, safety and welfare of employees, contractors or the public.

Departmental Director

Assistant Director (Health & Environmental Services)

(These responsibilities are in addition to those set out for Assistant Directors)
To ensure through effective management the provision of a corporate resource for all issues affecting health & safety across the organisation.
To manage staff and resources in relation to Emergency Planning and to support the Chief Executive (or Directors as nominated officers) in the role of City's Emergency Controller Planning Officer and deputy Emergency Planning Officer .

Director of Communities & Environment

Assistant Director (Growth and Development)

(These responsibilities are in addition to those set out for Assistant Directors)
To share event commander duties as and when required to support delivery of corporate events such as the Christmas market.

Director of major developments

Assistant Director (Housing & Investment)

(These responsibilities are in addition to those set out for Assistant Directors)
Taking responsibility for the Council's housing landlord function ensuring it is effectively managed and actively promotes risk management in relation to all aspects of the housing maintenance, investment & tenancy service delivery.
To share event commander duties as and when required to support delivery of corporate events such as the Christmas market.

Director of Housing & Investment

Responsible for

Responsible to

Chief Finance Officer

(These responsibilities are in addition to those set out for Assistant Directors)

Holding the budget for repair and maintenance of the Council's Corporate Assets i.e. Council buildings and is responsible for ensuring that repair or maintenance work necessary to address health and safety issues are carried out.

Ensuring the effective asset management and maintenance of the Council's property portfolio as the lead policy advisor on all property related matters.

Ensuring the delivery of the corporate asset management plan.

Director of Housing & Regeneration

47

Strategic Property Services Manager

(These responsibilities are in addition to those set out for Service Managers)

Implementing the Council's Asset Management Plan.

Managing the budgets for planned and responsive repair and maintenance of Corporate Assets.

Implementing the repair and maintenance strategy of the Council's Assets (land and property) and prioritising resource, having regard to health and safety priority matters, across the authority and coordinating respective bids.

Managing the Service Level Agreement for responsive repairs.

Reporting to Assistant Director (Chief Finance Officer) where adequate resource is not available to address a health and safety priority matters.

Ensuring co ordination between the council policies in respect of land and property.

Overseeing the role of the Facilities Management Officer.

Chief Finance Officer . CX

**Facilities Manager
(Corporate
Property)**

(These responsibilities are in addition to those set out for Service Managers)

Engaging in the processes of maintaining property standards and safety for the Councils corporate land and premises (other than that managed as Council housing) and ensuring a positive culture and practice of Health and Safety, Risks and Standards (H&S, R&S) Management in relation to that property

Informing, supporting and monitoring service areas, Responsible Officers and Responsible Support Officers to ensure that necessary actions and works are identified and undertaken to ensure compliance with statutory obligations in respect to property and to ensure that land and premises are generally safe for their designated use. To organise and implement, within corporate budget provision, responsive, planned and preventative maintenance programmes

Consult with Service Managers and Responsible Officers to ensure that necessary actions are taken and that works of responsive repair and maintenance are identified and ordered and cyclical contract maintenance works are carried out.

Oversee, support and monitor the performance of health and safety, risks and standards management of property by service areas and 'responsible officers' and to ensure that the responsibilities and tasks relating to this are detailed in guidance notes issued to Responsible Officers.

In conjunction with the Corporate Health and Safety Team to monitor contractors to ensure that principles are carried forward into a regime of working practices and procedures on-site including suitable and sufficient compliance audits and inspections.

To monitor that appropriate records are kept including incident reports, inspection and maintenance logs and risk assessment papers, method statements, health and safety files and building and service plans etc and that relevant H&S information is passed to contractors, emergency personnel and other relevant persons involved in carrying out works, inspections or the like.

To maintain relevant records in a central electronic property database and ensure access to such records by relevant personnel of the Council.

**Strategic Property
Services Manager**

Responsible for

Responsible to

The following responsibilities are in relation to Council's function as a council housing landlord. (These responsibilities are in addition to those set out for Service Managers)

Assessing and reviewing changes to government policy, legislation and regulation to identify implications for policy and procedure. Reporting any failings and non compliance within the service areas.

Managing the control of asbestos for the Council Housing ensuring full compliance with current regulatory and other such requirements that impact on Health and Safety in relation to asbestos and property improvements.

Investigating and monitoring incidents of unplanned disturbances of asbestos containing materials (ACM) in conjunction with the service management.

Managing and monitoring of Council employees and contractors in particular those involved with asbestos surveying, sampling and asbestos removal/encapsulation and to ensure the safe disposal of ACM waste.

Ensuring the Council's Health, Safety & Welfare Policy and all other policies and procedures are embedded within the Maintenance and Investment Teams.

Providing assistance and guidance in the development of risk assessments to other housing services.

Ensuring compliance of the Maintenance and Investment Teams in following the Council's control of contractors procedures and develop assurance processes.

Ensuring that all teams are aware of their obligations under the CDM Regulations.

Ensuring property requirements as to general standards comply with the Council's insurance requirements.

Managing and monitoring the delivery of fire risk assessments and associated action plans to ensure compliance with recommendations.

Liaising with Responsible Officers, to produce a Fire Safety and Emergency Plan and associated written procedures for each property clearly identifying fire hazards and precautionary measures required.

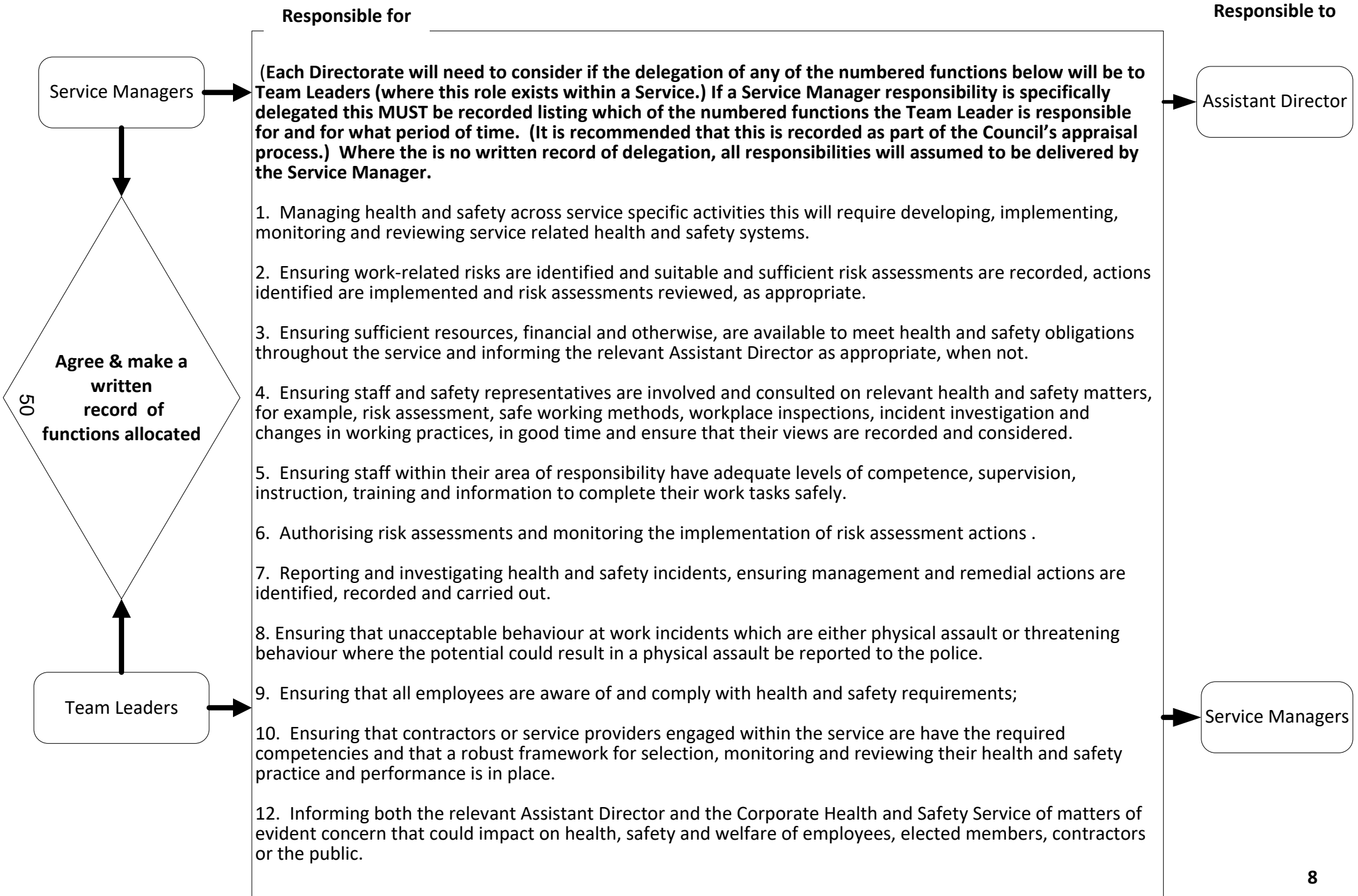
Identifying any training, particularly in relation to health and safety and construction required for the council housing service areas and ensure that training is monitored and training records are kept up to date.

49
Safety Assurance
Manager (Housing)



Assistant Director
Housing
Investment
Strategy





Responsible for

Responsible to

Responsible Officers

(These responsibilities are in addition to those set within the tree of responsibility and determined by each Departmental Structure Chart. The responsibilities and tasks *relating to corporate properties* are detailed in the Guidance Notes for Responsible Officers.)

Having responsibility for the day-to-day management and safety of designated properties and (or) land.

Ensuring that inspection, sampling and monitoring work is carried out at the designated premises, and that the necessary paperwork is completed and certification obtained, where required. Where appropriate, reporting to the Assistant Director any failure to carry out any of the above

Assistant Director,
Service Manager or
Team Leader

Responsible Officer
Support Staff

Supporting the designated Responsible Officer in the day to day safety, management and maintenance of operational properties and/or land.

Nominated
Responsible Officer

Responsible for

Responsible to

Individuals

Work with due regard to the health and safety of themselves and others.

To understand and follow all health and safety rules and procedures.

Co-operate with and support managers in meeting their health and safety responsibilities.

To use any protective clothing and safety equipment provided by the Council for their personal protection.

Inform their line manager if the working conditions are considered to be unhealthy and/or unsafe and of the existence of any hazards or defects to plant, equipment, machinery or building.

Not misuse or interfere with any means or appliance provided for their Health and Safety.

Attend all Health and Safety training sessions arranged on their behalf.

Report any accident or near miss incident involving themselves to their line manager as soon as it happens, and ensure that any absence from work as a consequence of a work-related injury or disease is reported to the Nominated Person on the first day of absence.

Service Manager or Team Leader

52

Health & Safety Assistance

(These responsibilities are in addition to those set out for Service Managers)

Planning, overseeing and monitoring the work of the Council's Health and Safety Service-

Assisting in the development and application of policies, procedures and protocols that, in turn, enable the Council to discharge its responsibilities under the provisions of the Health and Safety at Work Act and subordinate legislation.

Drafting the annual Health and Safety Development plan, overseeing and reporting progress on the delivery of actions.

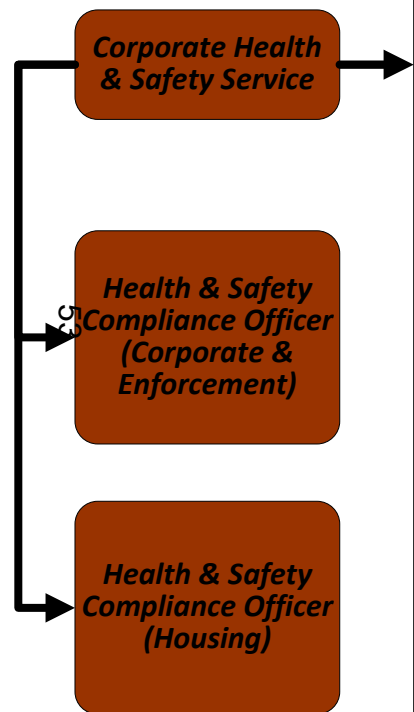
Informing, and alerting Corporate Health & Safety Champion – Director Communities & Environment (or other CMT member), to health and safety matters of evident concern and initiatives that have or may have an impact on the health and safety performance of the Council or on the health and safety of employees, contractors or the public.

Environmental Health & Corporate Safety Manager

Corporate Health & Safety Champions & Assistant Director (Health & Environment)

Responsible for

Responsible to



Fulfilling the role of 'competent person' as required by Regulation 7 of the Management of health & Safety at Work Regulations 1999 across all Directorates of the Council.

Provide clear, consistent, proportionate and timely expert health & safety technical advice, support, guidance and information on which the Corporate Health & Safety Champions, Directors, Assistant Directors and Managers thereunder, can rely upon to make decisions regarding service delivery arrangements and all work activities.

Promoting, developing and co-coordinating the Council's Health and Safety Policy.

Determining in conjunction with Management, the appropriate action for implementation to provide a safe and healthy working environment for City Council employees, and non-employees, who may be affected by the Council's work activities.

Being the Council's point of contact with Health & Safety Executive, with responsibility for recording, distributing and responding to Prohibition and Improvement Notices from the HSE; advising both the Corporate Health & Safety Champion (DCE) and the Director with responsibility for the work activity area to which the notice relates and determining in conjunction with Management the appropriate course of action to remove or mitigate the risk.

Undertaking high level health and safety audits and monitoring progress against audit recommendations, and reporting on failure to make satisfactory progress to the relevant Service Manager, Assistant Director or Director.

Producing an annual health and safety training plan to identify training needs and facilitate the training delivery.

Investigating certain accidents and incidents, this does not detract from the responsibility of Service Managers to investigate all accidents and incidents.

Reporting incidents in accordance with the Reporting of Injuries, Diseases and Dangerous Occurrence Regulations 1995.

Monitoring the Council's risk assessment database and reporting on as to whether recorded task or area risk assessments are 'suitable and sufficient', any risk gaps identified, unauthorised risk assessments, outstanding remedial actions.

Taking the lead in developing the annual corporate health and safety development plan and be responsible, as directed, for the delivering and updating plan against agreed timescales.

Managing and monitoring internally reported health & safety related incidents to ensure that the management actions have been identified are proportionate.

Corporate H & S
Champions &
Environmental
Health &
Corporate Safety
Manager

Responsible for

Responsible to

(Functions of Safety Representatives - Regulation 4 Safety Representatives & Safety Committees Regulations 1977 - 'no function given to a Safety Representative shall be construed as imposing any duty on him')

Representing employees in consultation with Directors, Assistant Directors, Service Managers and Team Leaders, as appropriate on matters affecting their health, safety and welfare at work.

Attending meetings of JCC (Health, Safety & Welfare) committee.

Carrying out inspections of the workplace.

Investigating complaints relating to health safety and welfare at work.

Examining the causes of accidents in the workplace.

Informing the Corporate Health and Safety Service of matters of evident concern that could impact on health, safety and welfare of employees, contractors or the public

Health & Safety
Representatives

JCC (Health, Safety
& Welfare)
committee

12. Health, Safety and Welfare Policy

Paul Rohowsky, Corporate Health and Safety Officer:

- a) presented the revised Council's Health, Safety and Welfare Policy
- b) explained that the Council's Health, Safety and Welfare Policy had been reviewed and consulted upon and once approved by Executive would supersede the existing policy agreed in July 2016
- c) stated that the Health, Safety and Welfare Policy was presented at the JCC meeting on 4th June 2019 and the JCC Trade Union Safety representatives from Unison, Unite and GMB advised that some minor changes be made as follows:
 - Section 3 - Arrangements for Health and Safety:-
 - 3.2.8 Health Surveillance Policy – minor amendment
 - 3.7 Minor word changes.
 - Section 4 – Tree of Responsibility
 - Minor amendments made to the colour coded system so it applied to each Directorate.
- d) Invited members comments and questions.

The Unions felt that the consultation was dealt with sufficiently and were kept well informed.

RESOLVED that the report be referred to Executive for approval.

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SUBJECT:	EXCLUSION OF THE PRESS & PUBLIC
DIRECTORATE:	CHIEF EXECUTIVE & TOWN CLERK
REPORT AUTHOR:	CAROLYN WHEATER, MONITORING OFFICER

1. Purpose of Report

1.1 To advise members that any agenda items following this report are considered to contain exempt or confidential information for the reasons specified on the front page of the agenda for this meeting.

2. Recommendation

2.1 It is recommended that the press and public be excluded from the meeting at this point as it is likely that if members of the press or public were present there would be disclosure to them of exempt or confidential information.

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