

Neighbourhood Services & Scrutiny
Commission

Briefing Report

**PUBLIC SAFETY TEAM 2020 UPDATE AND
2021 FORWARD PLAN**

Lead director: **JOHN LEACH**
**Director of Neighbourhood and Environmental
Services**

Useful information

- Ward(s) affected: **All**
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1. Summary

- 1.1 The aim of the Public Safety Team (PST) is to prevent and protect those working, living or visiting the city of Leicester from activities or events that could endanger their safety from significant dangers leading to injury, harm or damage.
- 1.2 Currently the PST is made-up of a Team Manager, 5 Environmental Health Officers and 1.6 FTE Enforcement Officers.
- 1.3 The PST regulates a wide range of regulatory legislation governing public safety including health and safety at work legislation, sports ground safety requirements, public health/health protection legislation, explosives/fireworks safety regulations, Health Act and Smokefree legislation, and local byelaws relating to invasive treatments. The PST also regulates Coronavirus regulations in the businesses they visit.
- 1.4 The Key Activities undertaken by the Public Safety Team are:

Infectious diseases/Outbreak Management

The team will work with other public health protection agencies (LCC Public Health, Public Health England, CIEH etc.) to prevent the spread of disease to protect public health. This may include investigating outbreaks of infectious diseases (coronavirus), prohibiting unsafe beauty treatment premises, and other public protection activities. The team will take formal action against anyone risking public health.

Beauty/Invasive Treatments

The team currently enforces the registration requirements for hairdressers, cosmetic piercers, tattooists, semi-permanent skin colouring, electrolysis and acupuncture to ensure hygiene requirements are met and maintained to protect public health. However, the team is aware that the beauty industry is rapidly evolving and some of these new treatments pose a similar or greater risk to public health. The team continues to work with colleagues to develop and adopt national legislation that would allow the team to impose a minimum hygiene standard via a license regime on these new and evolving treatments.

Protecting Vulnerable Persons

One of the main priorities for the team is to protect vulnerable persons within our community by partnership working with relevant agencies (eg OFSTED, CQC, Leicestershire Constabulary, Leicestershire Fire and Rescue, Borders Agency, and Social Services). By enforcing a wide range of regulatory legislation, the team accesses a range of premises for example residential care homes, public houses, day nurseries and tattooists. With wide-ranging enforcement powers, the PST are able to help ensure that business owners have adequate safeguards in place to protect vulnerable persons.

Health and Safety at work

For certain places of work, the Team has regulatory powers. The PST will proactively ensure the safety of all involved with these premises/activities by undertaking risk-based inspections to ensure compliance with regulatory requirements. Typical premises that PST enforces includes shops, offices,

warehouses, stadiums, consumer services, hotels, care homes, nurseries, entertainment businesses, pubs/clubs & circuses. The team will also instigate investigations following alerts, complaints, notifications and/or accidents.

Smokefree advice/enforcement

Smoking is not permitted in smoke free premises. The team enforces the smoking ban in smokefree premises using various techniques including covert monitoring. There is 99% compliance with the only exceptions being shisha cafes.

Event Safety/Crowd Safety

Large scale events (Caribbean Carnival, Pride, Eid Festival etc.) occur in the city resulting in large crowds, the team will work with event organisers to ensure that adequate controls are put in place to ensure crowd safety.

Sports Ground Safety

Leicester also has 3 certificated sports stadiums (football, rugby, speedway) that hold regular sporting and other events that attract 1000s of spectators. The primary purpose of a safety certificate is to set the safe capacity of a designated ground, in addition the safety certificate will set out the detailed terms and conditions with which the certificate holder must comply if that capacity is maintained. The team will prioritise public safety by developing and reviewing certificates as necessary, carrying out regular inspections and undertaking events monitoring of key events. Leicester also has two non-certified sports (cricket and basketball) that also require regular inspections to ensure the public are protected.

Public Safety in Leisure and Entertainment Premises

The team will ensure public safety in Leisure and Entertainment premises where Leicester City Council has enforcement responsibilities, the team will proactively ensure the safety of all involved with these premises/activities by undertaking risk-based inspections to ensure compliance with regulatory requirements. The team will also instigate investigations following alerts, complaints, notifications and/or accidents relating to such premises.

Firework safety

Only licensed businesses are allowed to sell certain types of fireworks to members of the public. Also, those storing fireworks (except those for personal use) must register with the team. The team will ensure that fireworks that are sold and stored by businesses in Leicester not only meet our licensing requirements but that they also meet health and safety legislation.

Dealing with the Coronavirus Pandemic

The Public Safety Team has helped provide advice and guidance to members of the public, businesses, places of worship, educational and residential settings; other teams within LCC (Public Health; Corporate Health & Safety, Estates Management) and partner agencies including the Health & Safety Executive, Leicestershire Police, Leicestershire Fire & Rescue, Public Health England.

The team has led on outbreaks of Coronavirus within different types of settings (workplaces, educational establishments and accommodation settings). The team

have provided advice and guidance and also had to take formal action to ensure compliance.

The team have delivered mailshots to a number of business sectors as the legislation continually changed and this was followed up with advice visits. Sectors included Hotels, Shisha cafes, Gyms, Student accommodation, Large venues, hosiery manufacturers (for the HSE), hair and beauty businesses.

The team also undertook joint visits and interventions with Leicestershire Police.

The team has also taken formal action when businesses were not adhering to their legal obligations. This included the service of Fixed Penalty Notices, Coronavirus Improvement Notices and Coronavirus Prohibition Notices.

Following intelligence, projects were carried out which led to monitoring of shisha premises and massage parlours who were trading during lockdown.

Example: A provider of beauty products was served with a Coronavirus Prohibition Notice when they were allowing customers to enter their premises when they were only allowed to trade by providing deliveries, online sales, click and collect and telephone orders.

1.5 This report seeks to provide:

- An update of the Team's work for past 12 months; and
- Proposed regulatory interventions for April 2021 onwards.

2. Recommendations

2.1 The Commission is asked to:

- a) Note the work undertaken by Leicester City Council's Public Safety Team
- b) Comment on issues raised on 2020/21 interventions and proposed 2021/22 programme.

3. Leicester's Commercial Premises Sector

3.1 Leicester is the largest city in the East Midlands region and the tenth largest in England. The city is a major regional commercial, manufacturing and retail centre located close to the M1 and M69. Although it is known for diversity of its trades rather than for the dominance of any single industry, it has a sizeable number of SME's from many diverse ethnic backgrounds.

3.2 The Authority is only responsible for health and safety enforcement in certain premises. The sectors Leicester City Council is responsible are:

- Retail shops (Petrol stations,
- Warehouses (Cash & carry's & distribution centres)
- Offices (Call centres, estate agents,
- Catering premises (Cafes, restaurants, pubs, take-aways)
- Hotels, guest-houses & hostels,

- Residential care homes & sheltered living
- Nurseries (Playgroups, creches & day care)
- Consumer Services (Beauty, hairdressers, tattooists, piercers, acupuncturists etc)
- Sports/Entertainment (Stadiums, arenas, circuses, golf clubs, cinemas, theatres & nightclubs)
- Other (Betting shops, casinos, launderettes, galleries, car/tool hire, funeral directors, health clubs, gyms & zoos)

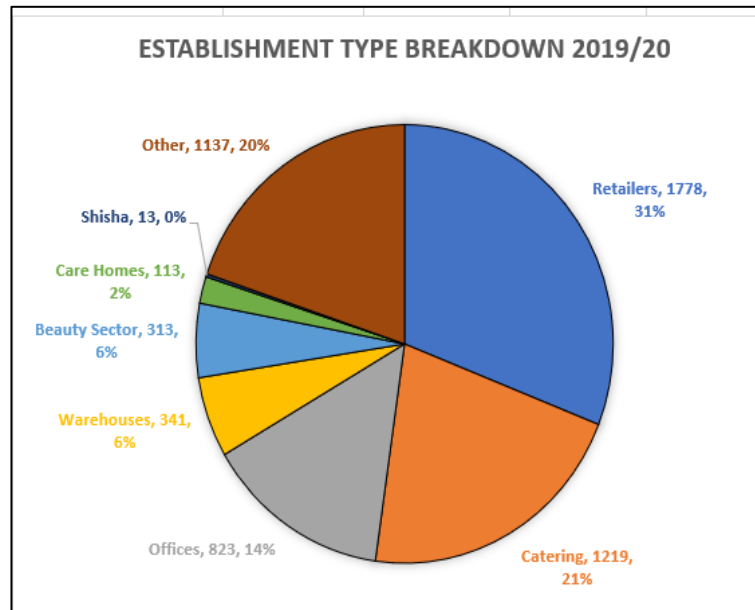
3.3 The number of businesses enforced by the Public Safety Team has steadily increased over the past 5 years. In the past 12 months is has increased by 3%.

Year	2016/17	2017/18	2018/19	2019/20	2020/21
Enforced Businesses	5682	5684	5715	5737	5905

3.4 The number of new businesses has been constant pre pandemic but fewer new businesses were noted during lockdown.

Year	2016/17	2017/18	2018/19	2019/20	2020/21
New Businesses	675	660	713	505	508

3.5 The type of businesses enforced by the PST shown below. Retailers, catering and offices make-up around 2/3 of the premises in Leicester at present. See below:



3.6 Leicester's commercial sector is made-up of a high number of SMEs that are historically from the Asian sub-continent but now there are an increasing number of Eastern European businesses starting-up. Some are run by people for whom English is not their first language. Several languages are spoken by operators and staff including Bengali, Gujarati, Urdu, Chinese, Turkish, Vietnamese, Turkish and now several eastern European languages. This continues to provide advice/enforcement challenges for officers on a regular basis

4. Interventions, Enforcement and Compliance Levels

4.1 The PST carry out regular interventions (based on risk) to help ensure businesses are compliant and workers protected.

4.2 Performance reports below show the importance of the Teams interventions to ensure continued and long-term compliance:

Service Demand

Intervention Type		2016/17	2017/18	2018/19	2019/20	2020/21
Advice		287	356	240	189	440
Complaints		294	313	318	267	90
Statutory notifications		99	92	80	91	6
Accidents		66	82	51	59	42
Licences/Registrations		142	130	154	115	92

Interventions

Intervention Type		2016/17	2017/18	2018/19	2019/20	2020/21
Advice visits		287	356	240	189	49
Inspections		420	747	668	496	43
Compliance checks		258	374	344	381	31
Investigations		426	458	267	304	54

Enforcement

Enforcement Type		2016/17	2017/18	2018/19	2019/20	2020/21
Advice		762	989	826	915	414
Warning		1086	1603	712	663	150
Improvement notice		9	12	25	21	0
Immediate prohibition		20	24	30	29	0
Prosecution		2	7	0	3	0

Coronavirus Interventions

Enforcement Type	2020/21
Service Requests received	681
Advice Given	210
Visits	800
Revisits	204
Covid Warning Letters	75
Covid Fixed Penalty Notices	4
Covid Prohibition Notices	4
Covid Mailshots	17

Compliance levels

Year	2015/16	2016/17	2017/18	2018/19	2019/20
Broadly Compliant %	98%	98%	98%	98%	98%

5. Highlights of 2020 Workplan/Interventions

5.1 Inspections projects

Petrol stations – No formal action needed – contracting sector as supermarkets taking more market share.

5.2 Explosives Licencing

Significant fall in number of applications received/licences issued. 2 to 5 years licences now affecting figures as well. One licence revoked.

Year	2016/17	2017/18	2018/19	2019/20
Licences	53	53	56	32

5.3 Sports Grounds Safety

3 certified stadiums - Regular interventions through-out 2020 during the period they could carry out matches. KP Stadium/Tigers have major developments planned. LCCC, Grace Road now holding regular non-sporting events requiring PST input with crowds of 20,000 expected. Morningside Arena now holds regular non-sporting events and plans to extend to 5,000 as well. More team resources will be required in 2021.

5.4 Infection Control

The majority of work carried out by PST has been to tackle the Coronavirus pandemic. This required the team to utilise their Infection Control specialism by preventing and reducing the spread of the infection in workplaces, educational establishments, places of worship, sports grounds and in the community in general. The Team also had to assist HSE during lockdown by visiting factories to ensure covid compliance.

5.5 Event Safety

Following Government guidance most events as with the rest of the country were postponed during 2020/21. However, as restrictions lifted the number of events occurring in the city have steadily been increasing. This years Eid celebrations attracted thousands of worshippers and the team were involved to ensure public safety measures were in place at all events.

5.6 Smokefree

99.9% of businesses are smokefree compliant. The exception is shisha premises. The Team have had to devote significant resources to ensure these businesses remain compliant. Enforcement action leading to prosecutions has been noted since the introduction of smokefree legislation.

5.7 Coronavirus

A business selling beauty products was served with a Coronavirus Prohibition Notice for allowing customers into their premises when they were only allowed to trade via Click and Collect, Online sales, through deliveries or telephone sales. This immediately prevented the business trading, by allowing customers onto their premises during lockdown.

The screenshot shows a news article from Leicester News. The headline is "Dozens of customers ordered out of Leicester shop which breached coronavirus social-distancing rules". Below the headline is a sub-headline: "Officials found numerous measures needed to restrict the spread of Covid-19 were missing". The article is by Dan Martin, Agenda Editor, dated 10:04, 3 JUN 2020, and updated at 17:40, 3 JUN 2020. There are social media share buttons for Facebook, Twitter, and LinkedIn, and a "COMMENTS" button. A "NEWS" tag is visible in the top right. Below the article text is a search bar with the text "Enter your postcode for local news and info" and a "Go" button. Below the search bar is a photograph of a shopfront. The shopfront has a sign that says "BEAUTY QUEENS COSMETICS" in large red letters. Above the sign, there are logos for Nike and Reebok. The shopfront also has a sign that says "Lycamobile".

A Shisha Café was also served with a Prohibition Notice for trading when they were required to remain closed.

The team also served Fixed Penalty Notices on a range of businesses who were operating when they required to remain closed. This included a beauty business operating from their premises, a beautician operating from home and a gym operating when they required to remain closed.

The team also provided advice and guidance to educational establishments and workplaces when they were notified of outbreaks. This involved working collaboratively to ensure all Coronavirus control measures were in place.

The team carried out several high profile Coronavirus Blitz days with Leicestershire Police, visiting businesses in areas which had been identified as flouting the legislation.

The team concentrated on and visited many high-risk sectors as gradual easing of restrictions was introduced. This included close-contact beauty premises, gyms, shisha cafes, car washes, jewellers, places of worship, massage parlours and indoor hospitality venues.

The team were involved in undertaking visits along with other partner agencies to the many garment factories in Leicester.

The team followed up on referrals from the Health & Safety Executive by carrying out advice visits.

The team also worked closely with the Director of Public Health on a range of matters during the pandemic

5.8 Reactive work

Reactive work continues to be resource intensive and enforcement normally requires two officers per investigation for evidence gathering and corroboration purposes. 681 service requests for incidents relating to Coronavirus were recorded during this period. For non-coronavirus related requests; 440 advice requests were received by PST, 90 complaints, 42 accidents were investigated and 92 licences/ registrations were processed.

6. Proposed 2021/22 Business Plan

6.1 Planning for the 2021/22 Business Plan (BP) has already commenced. The Plan is implemented 1 April 2021.

6.2 All high-risk premises (A and B1) will receive a full inspection. B2 and C rated businesses will receive an intervention (local project visit or self-inspection questionnaire).

6.3 Likely Projects/Areas of Focus to be included in BP:

High risk

- High Risk Activities/Premises

All identified high risk activities/premises (eg petrol stations, A rated premises etc) will undergo proactive inspection. This is a national HSE priority to contribute towards making Leicester a safer place to work.

- Sports Grounds/Arenas

All identified sports arenas, grounds and stadia will undergo regular interventions (inspections & monitoring) to ensure compliance. This is primarily for public safety and to ensure safety certificate requirements are met.

- Large Public Events

All identified public events (Concerts, Holi, Caribbean Carnival, Eid Festival, Leicester Pride, Circuses etc.) will be provided with appropriate health and safety advice in advance and monitoring will be carried out to ensure compliance. This is primarily a public safety role to ensure events run smoothly and without incident.

- Explosives (Fireworks) Licensing

All premises storing and/or selling explosives (fireworks) within premises require licences. All such premises will be inspected based on risk to ensure compliance as part of the licensing application process. This is primarily for public safety and to ensure licence requirements are met. This year licences will expire 31st August to allow more time to consider and process applications, carry out site visits and do fit-and-proper checks.

Local Projects/Activities/Interventions

- Reduce risks associated with shisha smoking

PST will continue with a risk-based programme of monitoring inspections of shisha premises to help ensure employees and others vulnerable persons are protected from the effects of second-hand-smoke and ensure smoking areas are compliant with smokefree legislation.

- Maintain/Improve health and safety standards within Beauty premises

This has been noted as a growth area in Leicester. Registered premises will be inspected to help ensure they meet current standards, they are properly maintained and the public protected.

Educational/Awareness Raising

- Reduce the number of illegal and unsafe practitioners within beauty sector

Working with our public health colleagues to educate the public on the risks associated with having invasive treatment in illegal, un-registered and usually unsafe premises with poor hygiene controls.

Low Risk Premises

- Self Inspection Questionnaire – Reduce risk and provide advice

All low risk businesses due an intervention in 2020/21 will be sent an 'self inspection questionnaire' by email. Businesses are asked to complete the questionnaire online in place of an inspection.

7. Financial, Legal and Other implications

Financial implications

None

Colin Sharpe
Head of Finance
Ext 37 4081

Legal implications

The local authority is required to comply with all of its obligations under the health & safety and public health legislation. These are delegated to officers within the Public Safety Team to be carried out. The increased level of non-compliance noted over the past few years particularly in shisha premises will result in an increase in matters being referred to Legal Services for advice, training and prosecution.

Climate Change and Carbon Reduction implications

Delivery of the services described in the report will generate some carbon emissions from the travel involved. Carbon emissions from travel undertaken by staff across the council are managed through a policy of asking staff to consider options for using sustainable travel options, where this is feasible and will not negatively affect the effectiveness and efficiency of service delivery.

Leicester City Council runs a scheme called Green BELLE, which provides grants to improve SMEs energy efficiency, reducing their costs and carbon emissions. The scheme is currently applying for further funding and should be able to support food businesses in the city later in the year.

Aidan Davis, Sustainability Officer, Ext 37 2284

8. Background information and other papers:

None.

9. Is this a private report (If so, please indicated the reasons and state why it is not in the public interest to be dealt with publicly)?

Yes.