



Health and Safety Service Intervention Plan 2024-25

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Orkney Islands Council
Planning and Community Protection Service
Environmental Health

Health and Safety Service Intervention Plan for 2024/25

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Foreword

Orkney Islands Council recognises the importance that local businesses play in connection with employment and the provision of activities and services to local residents and visitors.

Although the responsibility for managing risks arising from work activities rests with the persons who create those risks – the duty holders – the Council takes its responsibility as a health and safety enforcing authority seriously and commits to delivering a service which is appropriate to Orkney and meets the requirements in the mandatory guidance issued by the Health and Safety Executive to enforcing authorities.

This plan fits with and adds support to the Environmental Health Team plan, setting out the areas of priority work for 2024/25.

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Background and purpose of this document

This document summarises how Orkney Islands Council (The Council) will meet its responsibilities as a health and safety regulator and how it will focus resources and activities according to risk and identified priority topics. It does not deal with the Council's duties as an employer under the Health and Safety at Work etc Act 1974.

The Council recognises its statutory role as a health and safety regulator and its legal duty to comply with mandatory guidance issued under section 18 of the Health and Safety at Work etc Act 1974. This includes producing a health and safety service intervention plan (this document) setting out the Council's approaches to targeted health and safety interventions for the year. The Council also acknowledges and accepts the statement of commitment between HSE and local authority regulators [Statement of commitment between: Local Authority and HSE Regulatory Services](#) and will work jointly with other regulators and employers to maintain and improve standards of health and safety at work.

Role of the council as a regulator

The Council has a statutory duty to make adequate arrangements for the enforcement of health and safety law and to legally appoint suitably qualified Inspectors to carry out the range of regulatory duties for which they have been appointed. Within the Council, officers from environmental health are appointed to carry out these duties.

Businesses and organisations are responsible for identifying and managing the risks they create to workers and the public who might be affected by their work activity. This applies to all businesses and work activities, no matter how large or small.

The role of the Council as a health and safety regulator is to support, encourage, advise and where necessary hold to account businesses to ensure that duty holders effectively manage the occupational health and safety risks they create. As a regulator the Council is expected to ensure best use of resources and to help improve the effective management of work related health and safety risks in a proportionate way.

The Council will achieve this through choosing the most appropriate way of influencing "risk creators" and by targeting interventions, including inspection, investigation and enforcement activity, on those businesses and sectors that represent a higher level of risk to the health and safety of workers and the public.

Enforcement of health and safety law is split between Health and Safety Executive (HSE) and Local Authorities as set out in the Health and Safety Enforcing Authority Regulations 1998. This means, within the county of Orkney, the Council will be the enforcing authority for premises where the main activity is set out in schedule 1 to the regulations, as summarised in appendix 1, except if the Council is itself the duty holder for these activities.

The HSE are national co-regulator, based in Edinburgh. Therefore, following discussions and given the location of Orkney it is recognised that it is not unreasonable to expect informal approaches from the HSE for Council officers to assist with local knowledge and instigating local contacts, as and when the need arises.

The Council also has other roles in connection with local businesses aside from health and safety regulation, and subject to data protection, such roles may assist in identifying and managing risk. Example roles include being the Licensing Authority, the Food Law Authority, a Category 1 responder for the Civil Contingencies Act, Trading Standards Authority, Local Housing Authority, and the Local Planning Authority. Therefore, the Council's work can have an impact on wider public health outcomes, reduction of health inequalities, and contributing to delivering the growth agenda. Council officers can therefore provide invaluable advice to receptive new business through either specific advice, visits or signposting.

As a regulator and in line with the enforcement policy [Enforcement Policy \(orkney.gov.uk\)](http://orkney.gov.uk), the Council can use a full range of "interventions" from advice and guidance through to formal enforcement action to influence behavioural change in the way a business manages or undertakes its work and complies with health and safety law. Fundamentally this means targeting interventions on those work activities that give rise to the most serious risks or where the hazards are least well controlled. The Council will not invest limited resources on matters of comparatively low risk unless, of course, they are matters of evident concern.

As a regulator, the Council recognises the responsibilities of duty holders to comply with the law and in this regard it is not the role of the Council as a health and safety regulator to review, validate or verify paperwork on behalf of duty holders. Local Authority Inspectors (like HSE Inspectors) are not in a position to authorise or approve an event organiser's safety plan, or give an opinion on compliance with safety related licensing conditions so the contribution of Local Authority Inspectors should not be inferred by any Safety Advisory Group, Event Planning Group or the event organiser as sanctioning their methods of controlling risk.

Interface between the council as a regulator and employer

As Orkney Islands Council is also an employer and therefore a duty holder for health and safety legislation as well as a regulator, particular care will be taken to avoid any perceived or actual conflicts of interest arising from these two roles. To help manage this, the Council will:

- Recognise that conflicts of interest could be real or perceived and unless managed properly they can undermine health and safety regulation and the Council's reputation.
- Provide clarity in the enforcement policy showing how potential conflicts of interest are to be practically managed.

- Put in place organisational and procedural systems which enable the Council's regulatory team to demonstrate that they can and do act as an independent enforcing authority in connection with inspection, investigation or enforcement.
- Maintain a managerial culture in which senior managers and Elected Members are unable to influence regulatory officers to act in a way which is contrary to the law or enforcement policy.
- Recognise the personal independence of officers by enabling Inspectors (and the legal officers providing support to them) that are (or are potentially) involved in investigations to not be involved in giving corporate health and safety advice, including to Council contractors and arms length organisations.
- Where officers from the Council's Safety and Resilience team and environmental health team engage in dialogue and discussion on safety topics, being open and transparent about the different roles of regulator and duty holder.
- Be proactive, open and transparent in communicating how the Council deals with conflicts of interest with all interested parties.

The Council recognises it is expected to maintain a strong deterrent against those businesses who fail to meet their health and safety obligations and put their employees or the public at material risk thereby also deriving an unfair competitive advantage.

Key components of the Council's health and safety service intervention plan

In order to prioritise resources, comply with mandatory guidance and protect the public, whilst recognising that businesses and organisations who create risks are best placed to identify and manage them, the Council will:

- Prepare an annual risk-based service intervention plan focussed on tackling specific risks (this document);
- When considering the risks that need to be addressed, utilise the whole range of available interventions to target those specific risks;
- Recognise the different roles the Council undertakes, and provide clarity on the separation of such roles, particularly where one business has contact from more than one Council service area in relation to a particular topic;
- Reserve unannounced proactive inspection only for the activities and sectors that are nationally agreed (see appendix 2) or where intelligence suggests risks are not being effectively managed;
- Use national and local intelligence to inform work priorities;
- Have trained and competent officers who can exercise professional judgement to:
 - Differentiate between different levels of risk or harm;
 - Decide how far short a business has fallen from effectively managing the risks it creates;
 - Apply proportionate decision making in accordance with the Enforcement Policy, HSE's Enforcement Policy Statement [HSE - Enforcement policy statement](#) and the national Enforcement Management Model [HSE - The Enforcement Management Model](#)
 - Identity personal Continuous Professional Development (CPD) needs in order to keep themselves up to date and competent, having regard to the nature of their work and regulatory risk portfolio of the Council's jurisdiction.
- Use nationally developed incident selection criteria to determine which incidents will be selected for investigation (see appendix 3);
- Work with the Police, Crown Office/Procurator Fiscal Service and others to ensure a joined up, coordinated and proportionate approach to work related fatalities;

- Use a risk-based approach to complaint handling;
- Publish successful enforcement action;
- Promote and utilise the Regulatory Challenge Panel [The Independent Regulatory Challenge Panel \(hse.gov.uk\)](https://www.hse.gov.uk/regulatory-challenge-panel/);
- Keep records and complete the annual LAE1 return

Work activities and outcomes for the financial year 2024/25

This section sets out the work activities which the Environmental Health team will undertake during 204/25 as a health and safety regulator. It is informed by the National Local Authority Code - [National Local Authority \(LA\) Enforcement Code - HSE and LAs Working together - HSE](#) and Local Authority Circular 67/13

1. We will undertake proactive inspections/visits only where there is reason to do so.

Proactive visits or inspections have long been a key component of health and safety regulation, however they are resource intensive and can be counterproductive if they do not focus on real and genuine risk. Therefore, the Council will reserve proactive inspections for health and safety compliance to:

- a) Specific projects/ programmes of inspection identified at a national level for attention.
- b) Nationally identified high risk premises/activities in the LA enforced sector
- c) Locally identified potential poor performers where specific local intelligence indicates that a business is failing to effectively manage risk.

The areas deemed suitable for proactive visits are shown in appendix 2, however in all cases the Council Inspector has the right to determine if a proactive visit is needed.

2. We will select incidents and complaints for investigation.

The law requires certain incidents to be reported to the Council as an Enforcing Authority, and from time-to-time employers or workers may refer information to the Council. However, there is not a legal duty placed on the Council to investigate incidents or safety related complaints. We will use the criteria in appendix 3 to determine whether or not a work-related incident should be investigated (regardless of whether or not it was correctly notified).

3. We will raise awareness of national issues of concern.

In accordance with LAC 67/13 the priority issues of concern for 2024/25 are:

- Asbestos - Duty to manage asbestos
- Legionella - Spa pools and hot tubs in the holiday sector, Spa pools and hot tubs on display and cooling towers located in built-up areas
- Work Related Stress (WRS)
- Visitor attractions prevention/control of ill health arising from animal contact
- Planned Preventative Maintenance
- Inflatable amusement devices
- Trampoline Parks – improved information provision and supervision of users
- Gas safety in commercial catering premises
- Electrical safety in hospitality settings
- Safety in the Motorsport and Motor Leisure Industries
- Provision of licensable adventure activities without an AALA licence

Our specific approaches to dealing with these topics are set out in appendix 4 and informed by the guidance in LAC 67/13 and our knowledge of the local business portfolio.

Additionally, to support HSE who are the relevant enforcing authority and where the circumstances arise, we will raise awareness of:

- Health risks of respirable silica dust
- The need to prevent injury to members of the public from accessing large commercial waste and recycling bins

4. We will take appropriate enforcement action where required and monitor "matters of evident concern" and "matters of potential major concern" identified during advisory or other regulatory activities

Matters of evident concern (MECs) are defined as "those that create a risk of serious personal injury or ill-health and which are observed (i.e., self-evident) or brought to the inspector's attention". Matters of Potential Major Concern (MPMCs) are those which "have a realistic potential to cause either multiple fatalities or multiple cases of acute or chronic ill-health".

We will take appropriate enforcement action where required and monitor MECs or MPMC's dealt with during advisory or other regulatory visits to identify potential local issues. Any MECs or MPMC's identified which may have national significance or relate to new or emerging issues that may have a national significance will be reported to the HSE local authority unit.

A key matter to resolve during the coming year is establishing the arrangements for making reports to the Crown Office/Procurator Fiscal Service, should the need arise. Work is underway in this regard but clarity regarding internal processes is still required.

5. We will provide advice and guidance (especially for new businesses)

We will do this by using the following methods:

- Council website
- Provision of advice and guidance as part of promotions and campaigns
- Specific visits, upon request and subject to resources and priorities
- Signposting duty holders to further sources of advice, for example through industry bodies, HSE website and other specialist resources.

In July 2025 Orkney will host the World Island Games seeing athletes from island nations from across the world converging on Orkney for a week of competition. To support this event, we will engage with the event organisers, contribute to a Safety Advisory Group (SAG) and intend to make contact with each of the significant venues being used for games purposes which fall to the Council for health and safety regulation. We will also work with colleagues to ensure that any conflicts of interest arising from the council being involved in the organisation of the games or as a venue owner and a health and safety enforcing authority are identified and mitigated.

The Council recognises the potentially wide scope of section 3 of the Health and Safety at Work etc Act 1974 which imposes duties upon employers to persons not in their employment. Given the wide scope of this duty, and overlaps with other legislation designed to ensure public safety, the Council recognises and affirms the HSE policy statement regarding section 3 [HSE - Section 3 of the Health and Safety at Work etc Act 1974 - HSE Policy](#) Therefore the Council recognises the importance and primacy of other relevant pieces of law, for example public entertainment licensing, to protect and promote *public* safety.

The Council and its partners have recently set up a Safety Advisory Group and it is recognised that this is a key mechanism for engagement with event organisers at the planning stage of events.

Appendix 1. Extract from the Health and Safety (Enforcing Authority) Regulations 1998

Note this appendix is a summary, and needs to be read in conjunction with the full regulations.

Main activities which determine whether local authorities will be enforcing authorities.

1. The sale of goods, or the storage of goods for retail or wholesale distribution, except—

(a) at container depots where the main activity is the storage of goods in the course of transit to or from dock premises, an airport or a railway;

(b) where the main activity is the sale or storage for wholesale distribution of any substance or preparation dangerous for supply;

(c) where the main activity is the sale or storage of water or sewage or their by-products or natural or town gas;

and for the purposes of this paragraph where the main activity carried on in premises is the sale and fitting of motor car tyres, exhausts, windscreens or sunroofs the main activity shall be deemed to be the sale of goods.

2. The display or demonstration of goods at an exhibition for the purposes of offer or advertisement for sale.

3. Office activities.

4. Catering services.

5. The provision of permanent or temporary residential accommodation including the provision of a site for caravans or campers.

6. Consumer services provided in a shop except dry cleaning or radio and television repairs, and in this paragraph “consumer services” means services of a type ordinarily supplied to persons who receive them otherwise than in the course of a trade, business or other undertaking carried on by them (whether for profit or not).

7. Cleaning (wet or dry) in coin operated units in launderettes and similar premises.

8. The use of a bath, sauna or solarium, massaging, hair transplanting, skin piercing, manicuring or other cosmetic services and therapeutic treatments, except where they are carried out under the supervision or control of a registered medical practitioner, a dentist registered under the Dentists Act 1984(1), a physiotherapist, an osteopath or a chiropractor.

9. The practice or presentation of the arts, sports, games, entertainment or other cultural or recreational activities except where the main activity is the exhibition of a cave to the public.

10. The hiring out of pleasure craft for use on inland waters.

11. The care, treatment, accommodation or exhibition of animals, birds or other creatures, except where the main activity is horse breeding or horse training at a stable, or is an agricultural activity or veterinary surgery.

12. The activities of an undertaker, except where the main activity is embalming or the making of coffins.

13. Church worship or religious meetings.

14. The provision of car parking facilities within the perimeter of an airport.

15. The provision of child care, or playgroup or nursery facilities.

Appendix 2. Matters suitable for proactive inspections within Orkney

These are based on LAC 67 (rev) and local business profile.

Business activity	Area of focus for risk management	Local business profile
Indoor firing ranges and gun clubs	Lead poisoning arising from ineffective air extraction, poorly managed cleaning procedures and inadequate handwashing facilities	None within Orkney
Open Farms/Animal Visitor Attractions (including where animals are taken on a visit to another premises)	Lack of suitable micro-organism control measures leading to E. coli/cryptosporidium infection especially in children	Small number of premises, but several agricultural (and similar) shows
Industrial retail/wholesale premises such as steel stockholders, builders' and timber merchants	Occupational deafness arising from exposure to excessive noise	Limited businesses in scope within Orkney
Industrial retail/wholesale premises such as steel stockholders, builders' and timber merchants	Silicosis arising from exposure to respirable crystalline silica (either from cutting natural stone or high silica content manufactured stone in kitchen worktops or gravestones)	Limited businesses in scope within Orkney
Industrial retail/wholesale premises such as steel stockholders, builders' and timber merchants	Lung cancer arising from exposure to welding fume as a result of less than adequate LEV or RPE	Limited businesses in scope within Orkney

Business activity	Area of focus for risk management	Local business profile
In-store bakeries and retail craft bakeries where loose flour is used and inhalation exposure to flour dust is likely to frequently occur	Tasks where inhalation exposure to flour dust and/or associated enzymes may occur e.g., tipping ingredients into mixers, bag disposal, weighing and dispensing, mixing, dusting with flour by hand or using a sieve, using flour on dough brakes and roll machines, maintenance activities or workplace cleaning.	Some premises in scope, but many will be deemed manufacturers as the manufacturing element outweighs the retail element and will therefore not fall to LA for enforcement
Residential care homes	MSD arising from ineffective management of the risks relating to moving and handling persons	No residential care premises within Orkney fall to the Council for health and safety regulation.
High volume warehousing and distribution (i.e. large warehouses and distribution centres with frequent vehicle movements and work at height)	Ill health from lack of effective management of manual handling risks	Limited businesses in scope within Orkney – warehousing is not considered to be “high volume” with frequent vehicle movements when compared to other LA areas
Commercial catering using solid fuel	Prevention of carbon monoxide poisoning through suitable ventilation and safe appliances for cooking with solid fuel	Some premises within scope
Communal/amenity buildings on caravan/camping parks with buried metal LPG pipework	Caravan/camping parks with poor infrastructure risk control/management of maintenance	Initial intelligence suggests unlikely within Orkney.

Business activity	Area of focus for risk management	Local business profile
Catering establishments using LPG	Explosions caused by leaking LPG arising from unsafe gas appliance installation/maintenance and unsafe use and storage of LPG cylinders and cartridges.	Some premises within scope
Premises with vulnerable working conditions (lone/night working/cash handling e.g., betting shops/off-licences/hospitality) and where intelligence indicates that risks are not being effectively managed	Lack of suitable security measures/procedures. Operating where police/licensing authorities advise there are local factors increasing the risk of violence at work e.g., located in a high crime area, or similar local establishments have been recently targeted as part of a criminal campaign	No intelligence from police /licensing received to date.
Professional Firework Display Operators	Fires and explosions caused by poorly managed fusing of fireworks	Local intelligence suggests annual displays (eg Guy Fawkes night) are organised by Community Councils, and the Council is therefore not the enforcing authority
High volume warehousing and distribution (i.e. large warehouses and distribution centres with frequent vehicle movements and work at height)	Fatalities and injuries from being struck by a vehicle as a result of poorly managed workplace transport	Limited no of businesses in scope within Orkney – warehousing is not considered to be “high volume” with frequent vehicle movements when compared to other LA areas

Business activity	Area of focus for risk management	Local business profile
High volume warehousing and distribution (i.e. large warehouses and distribution centres with frequent vehicle movements and work at height)	Fatalities and injuries resulting from falls from height, amputations and crushing injuries as a result of poorly managed workplace transport, work at height, cutting machinery and lifting equipment	Limited number of businesses in scope within Orkney – warehousing is not considered to be “high volume” with frequent vehicle movements when compared to other LA areas
Large scale public gatherings e.g., cultural events, sports, festivals & live music	Lack of suitable planning, management and monitoring of the risks arising from crowd movement and behaviour as they arrive, leave and move around a venue	Some events, including preparations for the Island Games 2025. Crowd numbers unlikely to be more than several thousand at any one time.

Appendix 3. Incident selection criteria

This *operational appendix* gives guidance to officers appointed as Inspectors under the Act, it will also be of interest to employers, employees, trade union safety representatives and legal advisors. It takes account of the HSE revised incident selection criteria [incidselcrits \(hse.gov.uk\)](http://incidselcrits(hse.gov.uk))

Preliminary

Officers will need to discern if the matter in question falls to the local authority for health and safety regulation or if it should be referred to another appropriate enforcing authority.

Not every incident reported will require investigation after initial enquiries have been made. Incidents may also come to light that should have been reported, and the criteria below can be used to determine if any such incidents should be investigated, keeping in mind it is an offence and potentially an indicator of poor safety management to not notify and incident in accordance with the regulations.

The criteria for selecting incidents suitable for further investigation are detailed below.

General

When determining if an incident (either notified, notifiable or workforce/trade union complaint) should be selected for investigation, Officers will generally have regard to the following:

- severity and scale of potential or actual harm;
- seriousness of any potential breach of the law;
- duty holder's known past health and safety performance;
- enforcement priorities;
- practicality of achieving results; and
- wider relevance of the event, including serious public concern, including its status as a priority topic [within the context of LAC 67 rev]

Incidents that will always be selected for investigation

Fatalities (Work-related deaths):

- All work-related accidents which result in the death of any person, including non-workers. "Accident" specifically excludes suicides and deaths from natural causes.
- Other deaths arising from a preventable work-related cause, where there is a likelihood of a serious breach of health and safety law, and where it is appropriate for enforcing authorities to investigate.

This will be undertaken in accordance with the Work Related Death Liaison Protocol and working with the COPF, police and other enforcing authorities as appropriate.

All work-related accidents resulting in a "Specified Injury" as described in regulation 4(1) of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) to any person, including non-workers, that meet any of the following conditions:

- Serious multiple fractures (more than one bone, not including wrist or ankle);
- All amputations other than amputation of digit(s) above the first joint (eg fingertip);
- Permanent blinding in one or both eyes;
- Crush injuries leading to internal organ damage, eg ruptured spleen;
- Any burn injury (including scalding) which covers more than 10% of the surface area of the body or causes significant damage to the eyes, respiratory system or vital organs;
- Any degree of scalping requiring hospital treatment;
- Loss of consciousness caused by head injury or asphyxia;
- Any injury arising from working in an enclosed space which leads to hypothermia or heat induced illness, or requires resuscitation or hospital admittance for more than 24 hours.

Cases of Occupational Disease:

The following notifications of cases of occupational disease, other than those arising from circumstances or situations which have already been investigated:

- All reports of cases of occupational disease which are reportable under RIDDOR Regulations, specifically:
 - Carpal Tunnel Syndrome,
 - cramp in the hand or forearm,
 - occupational dermatitis,
 - hand arm vibration syndrome,
 - occupational asthma,
 - tendonitis or tenosynovitis in the arm or forearm,
 - any cancer attributed to an occupational exposure to a known human carcinogen or mutagen,
 - any disease attributed to an occupational exposure to a biological agent.
- Other reports of cases of occupational disease with the potential to cause death or a "serious health effect" as defined in the Enforcement Management Model (EMM), and which arise from working practices that are likely to be ongoing at the time the report is made.

Serious incidents

Incidents which indicate a likelihood of a serious breach of health and safety law:

This includes any incidents considered liable to give rise to serious public concern, where, from the facts known, the application of the EMM would give rise to an initial enforcement expectation of a notice or a prosecution.

For any mandatory incident that is not investigated, a decision record should be completed to explain the reasons for non-investigation. A senior manager should be involved in any decision with the Inspector.

The grounds for not investigating incidents that would normally be investigated may include:

- where an investigation is impractical, eg unavailability of key witness(es), key evidence is no longer available;
- no reasonably practicable precautions available to prevent the incident/accident or its recurrence;
- investigating the accident will mean the Local Authority will be acting ultra vires;
- there is a conflict of interest between the LA as a regulator and duty holder, in which case the appropriate enforcing authority should be notified, or
- inadequate resources due to other priorities.

Discretionary investigations

Those incidents not falling into the above criteria for mandatory investigation may be investigated at the local authority's discretion when taking into account the following factors:

- the incident may not have caused a RIDDOR defined major injury but is either in accordance with HSE's national guidance to LAs on targeting interventions ([LAC 67/2](#)) or one which arises from a specific health and safety initiative that may be contained within the Local Authorities Service Plan;
- the poor health and safety track record of the duty holder and whether or not there has been a history of similar events;
- the incident has the potential for high public profile/media attention or has received considerable media attention leading to reputational risk through inaction/perceived inaction;
- the incident may give rise to complaint(s). Depending on the circumstances, this should be dealt with as a normal complaint procedure and not necessarily require a full incident investigation unless found to be appropriate, or any incident that has been identified as being useful for –
 - enhancing sector good practice/technical knowledge or
 - training and developing of staff/trainee inspectors.

For further information

LAC 22-13

Work related death protocol for liaison

HSE Enforcement Guide (Scotland)

LAC 22-10

Appendix 4 – Work plan for priority topics during 2024/25

Topic	National focus	Local business profile	Intended activity
Duty to manage asbestos	<p>In premises likely to contain asbestos (i.e. built before 2000) LA health and safety regulators should draw dutyholders' attention to their duty to manage asbestos and the relevant HSE guidance/webpages.</p> <p>LA EHOs should focus their attention on determining how every relevant dutyholder's premises they enter is managing asbestos.</p>	There are businesses built before 2000 that are within the LA enforced sector within Orkney	<ol style="list-style-type: none"> 1. The Council website will be updated with relevant information to assist duty holders 2. Where a visit is made to a relevant premises discussion will take place with the dutyholder (or their representative) focusing on: <ol style="list-style-type: none"> (a) how they are implementing the proactive duty (including the guidance on a yearly review) (b) checking duty holder is aware of where ACM exists and how they make persons who need to know aware of its presence (c) What survey work has been undertaken before any construction work commences
Legionella - Spa pools and hot tubs in the holiday sector	There has been a number of cases of Legionnaires' disease associated with spa pools and	There are a number of commercial premises (including short term lets) who provide hot tubs.	<ol style="list-style-type: none"> 1. We will provide information on the council website 2. Where we are consulted on a STL licence application and it reveals potential for hot tub(s)

	<p>hot tubs in the holiday rental sector. Whilst some of the larger organisations are likely to manage the risk well, smaller concerns may not have the same level of awareness of the risks and the requirements to manage those risks.</p>	<p>It is not known which hotels (if any) provide hot tubs. Many visiting cruise ships have hot tubs/spas but these do not fall to the LA for HS regulation</p>	<p>then we will reminder duty holder of statutory obligations and signpost to L8. We will not approve or sign off RAs</p> <p>3. We will contact our major hotels to see if they provide hot tubs for guests.</p>
<p>Legionella - Spa pools and hot tubs on display</p>	<p>Spa pools and hot tubs in a retail, exhibition or trade show setting that are filled with water and in operation, present an under-appreciated infection risk.</p> <p>LAs should raise awareness of the risks of display spa pools and hot tubs and promote careful management to ensure when water is used, water quality does not encourage microbial growth and pose risks to people in the vicinity or passing near the spa pool or hot tub</p>	<p>Previous intelligence has revealed that during the year hot tubs are offered for sale at shows/events and this includes having them filled with water but previous interaction suggests risk is being managed.</p>	<p>1. We will write to the business concerned, to remind them of their duties</p>
<p>Legionella - Cooling towers located in built-up areas</p>	<p>In the last year there was a significant Legionnaires' disease outbreak associated with a cooling tower on the roof of a 5-star hotel. Cooling towers can have the potential to spread</p>	<p>The current "cooling tower" register shows 2 premises with cooling towers, and these are both manufacturing</p>	<p>1. We will review our process and procedure for updating the register of cooling towers and evaporative condensers</p>

	<p>aerosol several hundred metres from the source, which in a built-up area, can potentially expose very large numbers of persons</p> <p>offsite. With the inflationary pressures and post-COVID changes to occupancy to buildings, this could affect risk and the way that systems are being managed. LAs should satisfy themselves that Legionella risks from cooling towers located in built-up areas are being appropriately managed.</p>	<p>premises so do not fall to the LA for regulation.</p>	<ol style="list-style-type: none"> 2. We will review and refresh the guidance on the council website for duty holders, making particular reference to ACoP L8 3. As there are only 2 entries on the register we will check other likely premises and confirm current entries are correct.
<p>Work Related Stress (WRS)</p>	<p>the national priority covers 2 aspects of linked work, the continued awareness</p> <p>raising of the work related stress and mental health campaign 'Working Minds' with</p> <p>businesses and a new angle of intelligence gathering.</p>	<p>A number of businesses would be in scope.</p>	<ol style="list-style-type: none"> 1. We will refresh the information on the Council's website relating to the "working minds campaign" to ensure it covers the five Rs approach. 2. Where possible at every visit we will complete the national intelligence gathering online return.
<p>Visitor attractions prevention/control of ill health arising from animal contact</p>	<p>Preventing infection from contact with animals (especially E.coli and cryptosporidium in children)</p>	<p>A few businesses in scope but also a number of agricultural shows/events take place each year (which have elements</p>	<ol style="list-style-type: none"> 1. We will undertake a joint visit with the Council's animal welfare officer as part of the routine licensing visit and focus on this topic. 2. As part of event planning for the annual agricultural shows we will raise awareness of this risk with the event organisers.

		that fall to the LA for regulation)	3. We will review and update the information on the council website, ensuring signposts to HSE guidance and industry codes of practice.
Planned Preventative Maintenance	Planned preventative maintenance (PPM) of work equipment is essential to the reduction of serious injuries and fatalities in the workplace and a new British Standard (BS14200 “maintenance of machinery”) has been published to work alongside the statutory requirements in PUWER, LOLER and PSSR. LA health and safety regulators are asked to raise awareness, with all of their local dutyholders, of their statutory duties and signpost to relevant guidance material	Premises such as golf courses, sports centres, retailers and caravan/camping sites are likely to be in scope	<ol style="list-style-type: none"> 1. We will review and update the information on the council website, ensuring signposts to the new British Standard. 2. We will consider local intelligence to see if it is appropriate to send information to specific businesses (including for example golf courses and sports centres).
Inflatable amusement devices	There has been a number of serious incidents where inflatable amusement devices have collapsed or blown away in windy conditions	A number inflatable amusement devices (outside of a fairground) are used throughout Orkney	<ol style="list-style-type: none"> 1. These activities are regulated in Orkney using public entertainment licences, so we will suggest to the licensing team may wish to review current conditions to see if they are currently up to date in light of recent incidents. 2. This will be a focus for inspections at shows/events (where not in a fairground) and will also be addressed a meetings of the SAG

<p>Trampoline Parks – improved information provision and supervision of users</p>	<p>There has been an increase in the number of accidents occurring at the parks, involving both children and adults, which resulted in a specified major injury (fracture) as well as a small number which resulted in life-changing injuries. Analysis of RIDDOR reports suggests a lack of user understanding of the risks accompanied by reckless, unchallenged behaviour plays a factor in the number of injuries reported by this sector. LA health and safety regulators are asked to highlight, with their local dutyholders, the importance of ensuring that there are suitable and sufficient standard operating procedures in place to ensure the safety of users, spectators, employees, and others</p>	<p>Local intelligence suggests there are no such premises within Orkney</p>	<p>No proactive actions intended, we will raise this issue should such premises open/ intend to open within Orkney.</p>
<p>Gas safety in commercial catering premises</p>	<p>LA health and safety regulators should raise awareness, with their local dutyholders, of the risks of exposure to carbon monoxide in commercial kitchens from badly installed or faulty appliances; poor ventilation resulting in lack of make-up air to support combustion; and/or inadequate extraction systems. LA regulators should consider a</p>	<p>A number of businesses would be in scope.</p>	<ol style="list-style-type: none"> 1. We have already sent information (the REHIS mobile catering safety guidance) to our licensing team to send onwards to mobile traders 2. We will put information onto the council website 3. We will raise this issue at the time issuing s39 or s50 certificates

	<p>range of interventions to raise awareness of this issue.</p> <p>The recent trend being reported is catering premises switching from mains gas to LPG. As well as the requirements for proper installation, maintenance and inspection by a competent Gas Safe registered engineer, visits should also check the nature of any fuel supplies to gas fired appliances. Where LPG is used as a fuel supply, checks should include its safe use and storage.</p>		<p>4. We will consider developing a s standard paragraph to go into our letters/ visit reports following a food law inspection.</p> <p>5. We will inform our licensing to see if they think it appropriate to update/amend licence conditions for mobile traders</p>
Electrical safety in hospitality settings	Local authority enforcement officers are asked to increase awareness to improve standards of compliance. They are asked to remind dutyholders to ensure both the fixed installation and electrical appliances are inspected by a competent person at appropriate intervals.	A number of businesses would be in scope.	<p>1. We will put Information on the council website</p> <p>2. We will consider developing a standard paragraph to go into our letters/ visit reports following a food law inspection.</p>
Safety in the Motorsport and Motor Leisure Industries	The motor leisure and motorsport industries are adrenaline/high energy activities (karting, track days etc.) and can place members of the public in proximity of risks which if not controlled can lead to serious	Information suggests there is one venue potentially within scope	<p>1. Engagement took place last year when a copy of the safety information notice was shared with the venue operator</p> <p>2. We will follow this up with the venue operator</p>

	incidents and injury, including fatalities. In 2023 HSE issued a safety notice EPD03-2023 Motorsport/Leisure Track Safety: trackside vehicle restraint barriers This notice is about the selection of trackside vehicle restraint barriers and the need for duty holders to justify their selection of those selected at site. LAs are asked to ensure that those circuits with a history of public use, e.g. track days and karting centres, are aware of and have acted upon the notice where necessary.		
Provision of licensable adventure activities without an AALA licence	The Adventure Activities Licensing Regulation 2008 (as amended) 1989 requires anyone who provides facilities for adventure activities to under 18s in return for payment to hold a licence. Local authority enforcement officers are asked to be alert to providers in their local area who may be operating without a licence, and to take appropriate action.	A search of the AAL database reveals only one organisation is licensed within Orkney	<ol style="list-style-type: none"> 1. We will raise awareness by putting signposting information on the council website 2. We will referring any concerns to the AALA about potentially unlicensed activities that we may come across.
Health risks of respirable silica dust	Dust, containing harmful respirable crystalline silica (RCS), can be generated during	There are potentially situations in scope	<ol style="list-style-type: none"> 1. The Council website will be updated with information to include signposting to the HSE RCS campaign and the "WorkRight" website

	common operations such as block cutting, chasing brickwork and cutting concrete floors		2. If during visits minor construction work that is generating significant quantities of silica dust gives rise to a MEC then poor standards will be addressed with dutyholders and any enforcement action taken in accordance with the Enforcing Authority Regulations 1998, collaborating with HSE where appropriate, using normal channels
The need to prevent injury to members of the public from accessing large commercial waste and recycling bins	There have been numerous cases where members of the public have gained access to commercial bins for shelter and then been injured or killed when those bins were emptied into collection and compaction vehicles. HSE's Waste & Recycling sector supports the strategic industry initiative to prevent people being injured or killed after entering large commercial bins. When engaging with businesses that use commercial waste bins e.g. retail or licensed premises; LA health and safety regulators should raise dutyholder awareness of the need to manage the risks of unsecured access to bins.	The council operates a waste collection service and many premises will have bins within scope, however local information suggests there is not a significant issue with people entering the bins to seek shelter.	<ol style="list-style-type: none"> 1. We will pass this on to the Council's waste team for their awareness 2. We will put information on the council website 3. When engaging with businesses that use commercial waste bins we will raise dutyholder awareness of the need to manage the risks of unsecured access to bins.