

Stevenage Borough Council

Environmental Health and Licensing

COVID Aware Charter

Environmental Health Role in commercial premises complaints

Environmental Health Service of Stevenage Borough Council provides advice and guidance to businesses to help them comply with the law. Should non-compliance be identified, the Service works with businesses to require improvement to meet the standards of the legislation.

Formal enforcement action under Public Health (Health Protection (Coronavirus Restrictions) (England) Regulations 2020 and the Health and Safety at Work etc. Act 1974 can be instigated where other approaches to improvement have been exhausted in accordance with the Council's Enforcement Policy.

This includes:

1. Businesses that must remain closed

- 1.1. Officers in Environmental Health have the capacity to close businesses which are open in contravention of the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (Regulations 4 and 5).
- 1.2. Complaints received will be investigated.
- 1.3. Licensed premises which open in contravention of the above legislation may be subject to a review of the Premises Licence in accordance with the Licensing Act 2003, recommending revocation.

2. Businesses open and trading;

- 2.1 Once registered with the Council, complaints will be investigated without delay and within 4 days.
- 2.2. Arrangements relating to managing COVID-19 risk made by businesses may be assessed by Environmental Health; businesses have a duty to ensure the health, safety and welfare of employees and others, such as members of the public.
- 2.3. Social distancing is not prescribed in legislation; it is a method of preventing infection with Coronavirus along with many other controls. A business may limit the number of persons in their premises to ensure that social distancing can be maintained as a control measure; however the business is not required to 'police' social distancing continually where satisfactory arrangements have been made. All persons, including members of the public have a civic duty to observe social distancing guidelines.
- 2.4. An employer has a responsibility to manage work patterns and methods between staff in a workplace so as not to allow spread following current guidance interpreting legislation and risk.
- 2.5. Complaints made to Environmental Health about business' arrangements to ensure health, safety and welfare during the COVID-19 pandemic will be accepted and investigated in order to determine whether there is a breach of legislative standards leading to a risk in the workplace.

- 2.6. All COVID-19 complaints received about open commercial businesses to Environmental Health will be investigated in accordance with Health and Safety at Work etc. Act 1974.
- 2.7. An investigation will be reflective of the issues raised in the complaint; the investigating Officer will assess any documents or instructions to staff and customers. Where improvement is required, the Officer will discuss the requirements with the business and agree a timeframe for improvements being implemented.
- 2.8. Investigating Officers have a range of powers to require improvement; where improvement is required, the Council's Enforcement Policy will guide Officers to a staged enforcement approach.
- 2.9. Some businesses are regulated by the Health and Safety Executive (HSE) for health and safety at work issues; where a relevant complaint is received by the Service, it will be forwarded on to the HSE for their investigation.
- 2.10. Complaints relating to the organisation of queues outside shops or shopping centres that are beyond a business' perimeter cannot be investigated by the Environmental Health team.