

**Licensing and Safety Committee – 25<sup>th</sup> September 2007**

**Report of the Director of the Urban Environment**

**Health and Safety Enforcement Service Plan**

**Purpose of Report**

1. To bring to members' attention the Health and Safety Service Plan 2007-08.

**Background**

2. The Council is responsible for the provision of a health and safety regulatory Service at approximately 5300 premises including retailers, wholesalers, catering premises, residential homes, places of leisure and entertainment as well as tyre fitting bays, warehouses and some steel stockholders.
3. The health and safety service consists of :
  - Programmed inspections of premises
  - Investigation of reportable injuries, workplace diseases and dangerous occurrences
  - Investigation of complaints
  - The provision of advice to businesses and members of the public
  - Educational and promotional activities and initiatives.
4. By ensuring that workplaces and leisure facilities are safe and without risks to health, the service actively contributes to the "Caring Matters" and "Safety Matters" themes in the Council Plan and to the theme of promoting a sense of well being and good health for everyone in the Community Strategy. The service also contributes to the government and Health and Safety Commission "Revitalising Health and Safety" agenda and the Health and Safety Executive's "Fit 3" (Fit for work, Fit for life, Fit for tomorrow) programme.
5. Guidance on how to comply with the mandatory requirement to carry out health and safety enforcement has been issued to local authorities under Section 18 of the Health and Safety at Work etc Act 1974. Section 18 guidance requires that a health and safety service plan is produced annually and agreed by elected members. A summary of the current year's service plan is appended to this report (Appendix 1). A full copy is located in the members' room.

## **Finance**

- 6 Financial implications from implementing the Health and Safety Service Plan are met from within existing budgets. In addition, Department of Health funding of £136,000 as a one off grant has been made available to assist the Council in preparing for and enforcing the new smoke free legislation.

## **Law**

- 7 The Council's duties in relation to the enforcement of health and safety are laid down in the Health and Safety at Work etc Act 1974. Under section 18 of the Act the Council is obliged to make adequate arrangements for the enforcement of health and safety and to carry out enforcement in accordance with guidance given by the Health and Safety Commission.
- 8 The categories of premises for which the Council is responsible for enforcing health and safety is laid down in the Health and Safety (Enforcing Authorities) Regulations 1998. However the Council is responsible for the enforcement of the new smoke free legislation in all premises including approximately 5,000 additional premises normally under the jurisdiction of the Health and Safety Executive (HSE) for health and safety enforcement.
- 9 The Health and Safety at Work etc., Act 1974 contains default powers whereby the Health and Safety Commission may report failure of a local authority to perform health and safety enforcement duties to the Secretary of State. There are sanctions against defaulting local authorities which include the transfer of enforcement functions to the Health and Safety Executive with expenses being reimbursed by the defaulting authority.

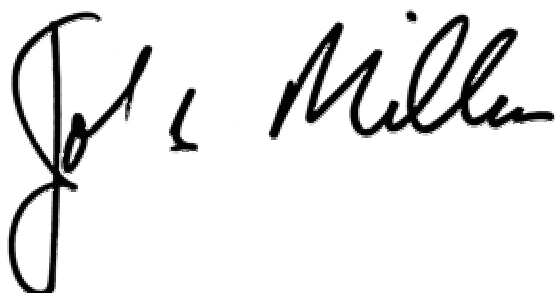
## **Equality Impact**

- 10 The proposals in this report do not impact on relevant groups or conflict with the Council's commitment to equality. The health and safety enforcement service is delivered impartially and borough wide to all dutyholders and service users.
- 11 Children and young persons may be particularly vulnerable in the workplace and particular emphasis is placed on securing compliance with health and safety legislation affecting children and young persons. The focus of the 2006 European Week for Safety and Health in October was on young persons entering the workforce. The health and safety service worked with Colleges training young persons for the various beauty industry professions to cover subjects such as occupational dermatitis as well as general awareness of the health and safety standards that young persons should expect when starting work.

## **Recommendation**

12 It is recommended that:

- The Committee endorses the Health and Safety Service Plan 2007-08 of the Directorate of the Urban Environment.

A handwritten signature in black ink, appearing to read 'John Millar', written in a cursive style.

**John Millar**

**Director of the Urban Environment**

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## **List of Background Papers**

1. Health and Safety Service Plan 2007-08



**Directorate of the Urban Environment  
Development and Environmental Protection**

**Health & Safety Service Plan  
Summary**

**2007-2008**

## 1.0 Service Aims and Objectives

- 1.1 The aim of the health and safety service is to ensure that satisfactory standards of health, safety and welfare exist in all Dudley MBC enforced premises. The service supports the aims of the Community Strategy by promoting a sense of well being and good health for everyone and contributes to the Council Plan themes of Caring, Safety, Regeneration and Quality Service Matters.

## 2.0 Service Provision

- 2.1 The Health and Safety Service is provided by a team of officers in the Food and Occupational Safety Service of Public Protection, led by the Principal Officer (Occupational Safety). Four Environmental Health Officers (EHOs) work under the supervision of the Principal Officer, carrying out health and safety inspections in non-food premises and reactive health and safety work for all premises.
- 2.2 The number of premises for which the local authority has responsibility for enforcing health and safety was 5283 as of 1<sup>st</sup> April 2007.
- 2.3 The baseline position for the service at the beginning of 2007-08 can be seen by comparing the workload identified below for 2006 - 2007

|   | <b>2006-07</b> |
|---|----------------|
| No. of health & safety inspections undertaken           | 441            |
| No. of accidents reported                               | 313            |
| No. of health & safety complaints/ requests for service | 198            |

- 2.4 The service is signed up to the West Midlands Health and Safety Liaison Group Enforcement Policy and the Enforcement Concordat which specifies the standards expected when following the principles of good enforcement. These are also reflected in the Development and Public Protection Enforcement Policy approved by the Council in February 2004. The policy includes appendices relating to specific services, including occupational safety and embraces the principles of Section 18 guidance including the Enforcement Management Model (EMM).

## 3.0 Current and Future Pressures

- 3.1 Under Section 18 guidance, local authorities have to devote sufficient resources to the Health and Safety enforcement function. The Health and Safety Commission will judge local authority performance on enforcement and promotional activities using information supplied in annual returns to the Local Authority Unit (LAU) and by reviewing reports of the inter-authority audits. Full compliance with Section 18 guidance is therefore essential. Striving to comply with mandatory guidance issued under Section 18 of the Health and Safety at Work Act 1974 in terms of resources for health and safety is both a current and future pressure. During 2007-08 there will be changes to Section 18 guidance with local authorities being expected to comply with new guidance in 2008-09.

- 3.2 Health and safety enforcement work continues to be a challenge and resource intensive. Gradual growth over recent years in resources in the Health and Safety team has increased the number of officers per thousand premises to just below the national average for metropolitan authorities.
- 3.3 The Health and Safety Commission's "Strategy for Workplace Health and Safety in Great Britain to 2010 and Beyond" is currently shaping the relationship between the HSE and local authorities. The Fit 3 Programme ("Fit for Work, Fit for Life, Fit for Tomorrow") has increased expectations of local authorities over the next two years and there is increasing direction from the Health and Safety Executive about the deployment of resources. More effective partnership working between local authorities and HSE is a continuing aim to ensure the most efficient and effective use of combined resources. There are currently discussions on-going concerning the Lead Authority Partnership (LAP) scheme and the Large Organisation Pilot Project (LOPP) which may both be compulsory in the future. To date Dudley has not entered into any formal Lead Authority Partnership schemes.
- 3.4 New legislation will continue to impact upon the service's work during the coming years, for example:
- New byelaws to control premises carrying out body piercing and semi-permanent skin colouring are in the process of being implemented in Dudley and when effective will require the registration and inspection of approximately 40 premises.
  - The Freedom of Information Act has increased the number of requests to the Food and Occupational Safety service from third parties, in particular requests for health and safety information, for example in relation to accident investigations. Responding to the requests for information is often time consuming and may divert resources away from priority work.
  - New Work at Height Regulations 2005 are now in force and are a priority theme for all health and safety inspections.
  - The new legislation to prohibit smoking in workplaces and indoor public places will be in force from 1<sup>st</sup> July 2007. Dudley MBC will be responsible for enforcement in approximately 11,000 premises in the borough, including approximately 5,000 premises currently inspected by HSE in addition to enforcement in Council owned premises, common parts of residential premises and in public transport including taxis and private hire vehicles. Considerable preparation work was undertaken during 2006-07 including the appointment of a Smoke Free Implementation Officer on six month secondment from February 2007. Although additional enforcement staff will be employed using funding from the Department of Health, existing staff across the section will be required to carry out compliance checking when visiting premises for programmed food and health and safety inspections.
  - From October 2006, local authorities have become responsible for enforcement of the new fire safety legislation in Sports Grounds under the Regulatory Reform (Fire Safety) Order 2005 which will require additional time during the inspection and enforcement at premises such as football grounds.
  - New noise at work regulations will apply to the entertainment sector from 2008.

#### 4.0 Performance Targets

- 4.1 The only current national performance indicator is BVPI 166 which is a qualitative checklist of enforcement best practice covering all aspects of environmental health including health and safety. Performance against BVPI 166 in 2006-07 was 100%.
- 4.2 Achievement on health and safety inspections and accident investigations are local indicators in the Public Protection Service Plan and quarterly reports are submitted to the Head of Public Protection detailing achievement in these areas. In 2006-07 the inspection target was 350 inspections. The accident investigation target was to fully investigate 20% of reportable accidents.

#### 5.0 Review of 2006-07

- 5.1 441 full health and safety inspections were completed in 2006-07. The over achievement was due to some of the Fit3 projects not progressing as quickly as planned with more time therefore being allocated to inspections.
- 5.2 313 accidents were reported during the year of which 202 were deemed to be reportable with 70 (34.6% of reportables) receiving full investigations. The percentage of accidents responded to within the target time of 5 days was 96.8%.
- 5.3 198 health and safety complaints or requests for service were received during the year with 98.4% being actioned within the target response time of 7 working days.
- 5.4 A partnership project with the Health and Safety Executive (HSE) and Midlands local authorities to target safety in Builders' Merchants was completed. The project was awarded a HELA Award for Innovation 2006 at the Health and Safety Commission Conference in December 2006.
- 5.5 Fit 3 projects were delivered including the "Height Aware" Campaign, a slips and trips initiative and work to raise awareness of dermatitis in hairdressing and the beauty industry. In addition 526 Fit 3 visits were also carried out, including those where Fit 3 project work was included as part of other inspections.
- 5.6 The prosecution of a local steel stockholding company following the fatality of an employee at their former premises in Coseley in February 2005 was concluded at Wolverhampton Crown Court in February 2007 with the Company being fined £100,000 for health and safety offences with costs of over £30,000 being awarded to the Council. In addition one other health and safety prosecution was completed.

#### 6.0 Health and Safety Work Programme Summary 2007-08

- To carry out 350 high or medium risk inspections.
- To investigate approximately 200 health & safety requests for service.
- To action 300 accident reports and carry out full investigations of 20% of reportable accidents.

- Carry out follow up visits to businesses who participated in the builders' merchant safety project.
- To deliver Fit 3 projects including:
  - (i) Falls from Height Campaign, including "Ladders Campaign"
  - (ii) Manual handling campaign in the furniture and carpet handling trade
  - (iii) Slips and trips initiative in hotels, retailers and caterers including the "Stop Slips in Kitchens" Campaign.
  - (iv) Reduction in contact dermatitis initiative in beauty salons and nail bars
  - (v) Raising awareness amongst letting and managing agents of the duty to manage asbestos in premises.
  - (vi) Workplace Transport and Moving Goods Safely project with HSE focusing on distribution centres and shops
  - (vii) Workplace Transport project with HSE on industrial estates.
- Deliver Safety & Health Awareness Day to Steel stock premises.
- Implement new Dudley byelaws for cosmetic piercing (including body piercing) and semi-permanent skin tattooing.
- Provide advice to licensed premises on bonfire and firework safety.
- Implement the new smoke free legislation which will prohibit smoking in approximately 11,000 workplaces and public indoor places in Dudley, in addition to work vehicles and common parts of flats and sheltered accommodation. This involved considerable preparation work leading up to 1<sup>st</sup> July, including working closely with businesses such as the licensed trade, restaurants, taxi and private hire operators, trade, care homes, betting shops, and bingo halls. Preparations to ensure that the Council complies with the new legislation, including the need for No Smoking signs will be co-ordinated by the Smoke Free Implementation Officer. Existing enforcement staff will need to be trained to enforce the new legislation and two temporary additional enforcement staff will be required. From 1<sup>st</sup> July, smoke-free compliance checking will be carried out by existing staff visiting premises for routine programmed inspections in addition to a smoke free compliance inspection programme focusing on high risk premises. In addition, an unknown quantity of complaints and enquiries in relation to the new legislation will need to be dealt with. Smoking compliance inspections of premises will be a Local Area Agreement target over the years 2007-2010 and it is anticipated that approximately 1200 smoke free compliance inspections will be carried out between July 2007 and March 2008.