

Licensing and Safety Committee 26th May 2011

Report of the Director of the Urban Environment

Health and Safety Enforcement Service Plan 2011-12

Purpose of Report

1. To bring to members' attention the Health and Safety Service Plan 2011-12, including a review of achievements of the service in 2010-11.

Background

2. The Council is responsible for the provision of a health and safety regulatory Service at approximately 5,100 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
 - Enforcement of the smoke free legislation in relation to premises and vehicles
 - 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 Jobs and Prosperity theme and to the Health and Well-being theme of the Council Plan and the Dudley Community Strategy. The service provides practical support to businesses in difficult economic times, which helps to ensure fair competition and allow well run safe businesses to flourish and contribute to the local economy.
5. The service also contributes to the government and Health and Safety Executive's (HSE) national health and safety strategy and priorities. A key contribution is also made to the priorities of the Dudley Joint Accident Prevention Strategy 2009-2012, working alongside other local partners to reduce the incidence of accidents on the road, in the home, at leisure and in the workplace.
6. 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.

7. A full copy of the Health and Safety Service Plan 2011-12 is located in the members' room.
8. Key achievements of the health and safety enforcement service in 2010-11 include:
 - 468 health and safety inspections were carried out, predominantly at high and medium risk businesses and new businesses in the borough.
 - 235 accidents reports were received of which 110 were deemed to be legally reportable. 50 accidents (45% of reportables) received full investigations.
 - 1414 smoke free inspections were carried out with 97.9% of premises compliant with the smoke free legislation. 18 written warnings were issued in relation to smoke free complaints and offences and 3 fixed penalty notices were served.
 - Projects were delivered including preventing musculoskeletal injuries in the carpet and furniture trade, a liquid petroleum gas campaign with HSE, a project to raise awareness of new motor vehicle repair guidance with tyre and exhaust fitting premises and completion of the Control of Noise at Work project with licensed premises.
 - Dudley took the lead in delivering a Safety and Health Awareness Day at Himley Hall for the carpet and furniture removal trade attended by businesses and local authority officers from across the West Midlands region where businesses were assisted in drawing up action plans with practical solutions to deal with manual handling issues.
 - Two prosecutions involving health and safety enforcement cases were concluded during the year.
9. Two actions from the 2010-11 Health and Safety Service plan were not achieved in 2010-11 due to delays in Government announcements on new legislation and guidance, these being:
 - The sun bed intervention project, to raise awareness of the new legislation prohibiting under 18s from using sunbeds, has been rolled over into 2011-12. An implementation date of April 2011 was not announced until March 2011 which prevented this project being progressed in 2010-11.
 - The project to disseminate information on revised guidance for managing health and safety to medium and larger businesses was not completed during the year as the expected new guidance from HSE was not produced.
10. The key delivery priorities in the Health and Safety Service Plan for 2011-12 are:
 - Targeting of inspections to manage the risk in the highest risk businesses.
 - Investigating major injury accidents and fatalities.
 - Responding to complaints and requests for service from businesses and members of the public in relation to health and safety issues at local authority enforced premises.
 - Continuing to identify skin piercing businesses that require registration,

including tattooists.

- Carrying out specific projects to:
 - Improve gas safety standards in catering premises
 - Improve safety in premises used for the storage, handling and distribution of nuts, bolts and fasteners
 - Raise awareness and deal with safety issues in relation to retail premises which store excess stock leading up to the Christmas period.
 - Raise awareness and secure compliance with the new legislation prohibiting under 18s from using sunbeds, in place from April 2011.
 - Continue with the smoke free inspection project in the joint initiative with NHS Dudley to target premises where routine and manual workers are employed and additionally making referrals to the Dudley Stop Smoking Service and raising awareness of illicit tobacco issues.
11. In the report to the Licensing and Safety Committee on 27th May 2010 concerning last year's health and safety service plan, members were updated on the statutory scheme known as the Primary Authority Scheme whereby any business which operates across more than one local authority boundary is eligible to apply for a nominated local authority to act as the primary advisor on regulatory matters. To date no Dudley based regulated entities have requested a Primary Authority arrangement. In one case there was a requirement to notify a Primary Authority of the intention to take enforcement action against a Dudley based business but this was not objected to by the Primary Authority.
12. There are future proposed changes to health and safety regulation in the UK as a result of the Lord Young report "Common Sense, Common Safety" (2010). These are likely to include a consolidation of current health and safety regulations into a single set of regulations, a review of accident reporting requirements, the reduction of proactive inspections to focus on the highest risk businesses and the possibility of opening up the delivery of health and safety inspections in the lower risk sectors to accredited external bodies. Progress with future changes will be followed and consultation processes engaged with during the current year so that an update can be given to the Committee at the time of next year's report.

Finance

13. Financial implications from implementing the Health and Safety Service Plan are met from within existing budgets.

Law

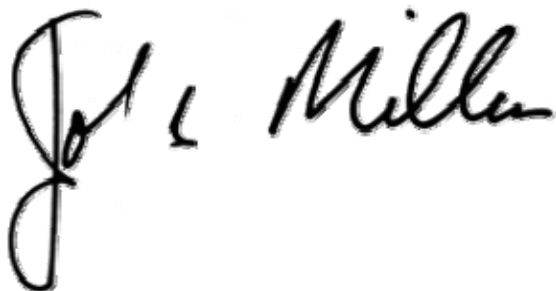
14. The Council's duties in relation to the enforcement of health and safety are laid down in the Health and Safety at Work etc Act 1974. Under section 18 of the Act the Council is obliged to make adequate arrangements for the enforcement of health and safety and to carry out enforcement in accordance with guidance given by the Health and Safety Executive.
15. 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 smoke free legislation in all premises including approximately 5,500 additional premises normally under the jurisdiction of the Health and Safety Executive (HSE) for health and safety enforcement.
16. The Health and Safety at Work Act 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 (HSE) with expenses being reimbursed by the defaulting authority.

Equality Impact

17. 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 duty holders and service users.

Recommendation

18. It is recommended that the Committee endorses the Health and Safety Service Plan 2011-12 and notes the achievements of the service in 2010-11.

A handwritten signature in black ink, appearing to read 'John Millar'. The signature is written in a cursive style with a large initial 'J'.

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John Millar
Director of the Urban Environment

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List of Background Papers

Health and Safety Service Plan 2011-12