

Licensing and Safety Committee 8th December 2008

Report of the Director of the Urban Environment

Health and Safety Enforcement Service Plan 2008-09

Purpose of Report

1. To bring to members' attention the Health and Safety Service Plan 2008-09 and progress with the activities detailed in the Plan at the half year stage.

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 steelstockholders.
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 "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.
- 6 Appendix 1 details the achievements of the health and safety enforcement service in 2007-08. Key items of note include:
- 439 health and safety inspections were carried out, exceeding the target of 350 inspections
 - 224 reportable accidents were responded to with 70 (31%) receiving full investigations, exceeding the West Midlands target of 20%
 - 1941 smoke free inspections were carried out with 97.6% of premises being compliant, exceeding Local Area Agreement (LAA) targets.
 - A Safety and Health Awareness Day (SHAD) was delivered for steelstockholding businesses at Himley Hall in September 2007. The event was organised by Dudley officers and attended by 85 businesses from across the West Midlands including 28 from the Dudley borough.
 - 2 prosecutions and 2 simple cautions involving health and safety enforcement cases were concluded during the year. A case against a large local wholesaler for health and safety offences resulted in fines totalling £32,000.
- 7 Appendix 2 is a summary of the main activities in the current year's service plan. A full copy of the service plan is located in the members' room. Progress with activities detailed in the plan at the half year stage, up to September 2008, is summarised in Appendix 3.

Finance

- 8 Financial implications from implementing the Health and Safety Service Plan are met from within existing budgets. However the temporary Smoke Free Environment Officer post was funded by a one off grant from the Department of Health which will be fully spent in 2008-09. In 2009-10, statutory smoke free inspection and enforcement work will have to be carried out by existing environmental health staff within existing resources.

Law

- 9 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.
- 10 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.

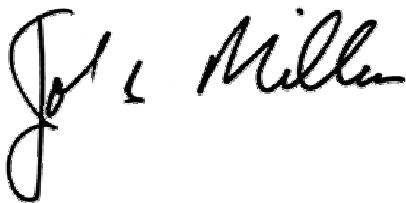
- 11 The Health and Safety at Work Act contains default powers whereby the Health and Safety Commission may report failure of a local authority to perform health and safety enforcement duties to the Secretary of State. There are sanctions against defaulting local authorities which include the transfer of enforcement functions to the Health and Safety Executive (HSE) with expenses being reimbursed by the defaulting authority.

Equality Impact

- 12 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.

Recommendation

- 13 It is recommended that the Committee endorses the Health and Safety Service Plan 2008-09 and notes progress with delivery of the service at the half year stage.



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John Millar
Director of the Urban Environment

Contact Officer: Dolores Nellany
Telephone: 01384 814611
Email: dolores.nellany@dudley.gov.uk

List of Background Papers

1. Health and Safety Service Plan 2008-09