

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Corporate Services

Corporate and Efficient Governance Committee: 21 September 2011

Subject: Health and Safety Enforcement Service Plan 2011/2012

1. Purpose

- 1.1 To seek Committee approval of the Health and Safety Enforcement Service Plan 2011/2012. (Appendix 1).

2. Background

- 2.1 Guidance issued by the Health and Safety Executive under Section 18 of the Health and Safety at Work etc Act 1974 requires the formal approval of the annual service plan to manage Health and Safety activities in the local authority enforced sector.

3. Main Issues

- 3.1 The service plan builds on the work undertaken during 2010/2011 and seeks to maintain and further develop partnership working arrangements with the Health and Safety Executive and authorities within the West of Scotland Health and Safety Liaison Group.

4. People Implications

- 4.1 There are no personnel issues.

5. Financial Implications

- 5.1 There are no financial implications.

6. Risk Analysis

- 6.1 Failure to approve the Health and Safety Enforcement Service Plan would be contrary to the mandatory requirements of the Health and Safety Commissions guidance.

7. Equalities, Health & Human Rights Impact Assessment (EIA)

- 7.1 No issues were identified in a screening for potential equality impact of this service plan.

8. Strategic Assessment

- 8.1 The Health and Safety Enforcement Service Plan contributes to the Social and Economic Regeneration Priority for 2011/12. Local Authorities are key partners with the HSE in the enforcement of health and safety legislation and for delivering the HSE strategy in Scotland at a local level. Local Authority responsibilities cover premises employing nearly half of the Scottish working population. Occupational Health and Safety enforcement is therefore important to local community safety, well-being and public health outcomes. Support is also provided to local businesses in line with our enforcement policy through the provision of free advice and guidance.

9. Conclusions and Recommendations

- 9.1 The Health and Safety Enforcement Service Plan requires to be approved to ensure compliance with the Health and Safety Commissions guidance.
- 9.2 It is recommended that the committee approve the Health and Safety Enforcement Service Plan 2011/2012.

Executive Director of Corporate Services

Date: 01 July 2011

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Background Papers:	Section 18 HSC Guidance to Local Authorities
Wards Affected:	All

West Dunbartonshire Council
Corporate Services Department
Regulatory Services

HEALTH AND SAFETY ENFORCEMENT SERVICE PLAN 2011/2012

1. Service Aims and Objectives

1.1 Aims and Objectives

The aim of the Environmental Health Section in relation to health and safety is to contribute to the prevention of death, injury and ill health of those at work or affected by the work activity in the local authority enforced business sector.

This is achieved through a combination of:

- risk based inspection programmes covering highest risk businesses
- encouraging local businesses to comply with health and safety legislation through education and advice in line with Regulatory Services Enforcement Policy
- investigation of complaints
- investigation of reportable work related incidents, accidents, diseases and dangerous occurrences
- participation in awareness raising projects, surveys and campaigns to highlight particular issues

1.2 Links to Corporate Objectives and Plan

The commitments in the West Dunbartonshire Council 2011-15 Corporate Plan influence all Council services.

The themes for the next 4 years are:

- (i) regeneration and the local economy
- (ii) health and well being
- (iii) safe and strong communities
- (iv) sustainable environments
- (v) education and lifelong learning
- (vi) an improving council

1.2.1 The health and safety enforcement activities are broadly set out below:

Review, update and publish the Health and Safety Enforcement Service Plan by September 2011.

In line with Joint HSE – LGR guidance for reduced proactive inspections:-

- Achieve an inspection rate for highest risk health and safety premises of 100%.
- Achieve a minimum inspection rate of 80% for medium risk health and safety premises, where following assessment, it is considered that proactive inspection is a useful component of future interventions. Such inspections are coordinated with other planned or reactive inspection types to reduce the regulatory impact on businesses.
- Undertake and evaluate at least 6 projects by March 2012 using alternative interventions for medium risk premises (where there may be a comparatively high risk but proactive inspection is not considered a useful component of future interventions) and lower risk premises i.e. areas where proactive inspection is not justified in terms of outcomes.

2.0 Background

2.1 Organisational Structure

2.1.1 Council Structure

Health and Safety Enforcement Service issues are reported to the Corporate and Efficient Governance Committee.

2.1.2 Departmental Structure

Environmental Health which is a Section of the Regulatory Services Unit within the Corporate Services Directorate has responsibility for the enforcement of health and safety in the local authority enforced sector as defined by the Health and Safety (Enforcing Authority) Regulations 1998.

The Lead Officers for the delivery of this service are John Stevenson, Section Head, Environmental Health and Martin Keeley Team Leader Environmental Health.

2.1.3 Specialist Services

A specific Health and Safety Executive and local authorities liaison body (HELA) is established which encourages consistency and produces authoritative guidance.

Glasgow Scientific Services provide analytical services and microbiological services in addition to being the Food Examiner for West Dunbartonshire Council.

The advice of HSE officers is utilised when required for certain areas of specialist work.

2.2 Scope of the Health and Safety Service

The local authority has a duty to deal with all areas of health and safety enforcement in the local authority enforced sector.

Inspections are prioritised based on an assessment of risk in accordance HELA Circular 67/2 (rev 2) Advice/Guidance to Local Authorities on Priority Planning.

Civica's APP software system is used to manage the health and safety inspection programmes, record accidents, incidents, service requests and for the compilation of the Local Authority Health and Safety Return (LAE1).

Inspections, sampling, complaint investigations etc., are undertaken by Environmental Health Officers all of whom are fully authorised in terms of Section 19 of the Health and Safety at Work etc. Act 1974.

2.3 Demands on the Health and Safety Service

The health and safety premises profile in the West Dunbartonshire enforced section at 1 April 2011) can be categorised as follows.

Retail shops:	466
Wholesale shops, warehouses and fuel storage depots:	21
Offices:	205
Catering, restaurants and bars:	269
Hotels and other short stay accommodation:	27
Residential Care Homes:	5
Leisure and Cultural services:	93
Consumer Services:	132
Other premises (not classified above):	27

The Regulatory Services Unit operates from Rosebery Place, Clydebank and is open Monday – Friday 09.00 to 16.00 hrs.

2.4 Enforcement Policy and National linkage

On 27 January 2010 the Corporate and Efficient Governance Committee approved a single enforcement policy for the whole of Regulatory Services. Authorised officers will take cognisance of the Enforcement Policy when considering any proposed enforcement action and, where appropriate, the Primary Authority Partnership Scheme introduced by the Regulatory Enforcement and Sanctions Act 2008 and the partnerships formed with businesses.

3. **Service Delivery**

3.1 Health and Safety Inspection

3.1.1 Topic Inspection

In October 2003 HELA endorsed the adoption of the topic inspection approach by local authorities to meet the 'Revitalising Health and Safety' priority programme targets.

This approach encourages officers to concentrate on five topic areas during inspections and investigations rather than complete all-encompassing inspections.

The five areas identified as the main factors which result in accidents, incidents and ill health at work are: workplace transport, falls from height, slips and trips, musculoskeletal disorders and work induced stress.

This method is still used to target resources to where they are most effective.

3.1.2 Priority Planning

HELA Circular LAC 67/2 (rev 2) Advice/Guidance to Local Authorities on Priority Planning is followed to determine the way in which premises are risk rated and categorised following an inspection. Highest risk premises receive a planned general inspection once a year. Medium risk premises where there may be comparatively high risk, and it is considered that proactive inspection is a useful component of future interventions, should be duly inspected and any uncontrolled risks appropriately targeted for improvement. Such inspections are coordinated with other planned or reactive inspection types to reduce the regulatory impact on businesses. For medium risk premises, where there may be a comparatively high risk but proactive inspection is not considered a useful component and lower risk premises i.e. areas where proactive inspection is not justified in terms of outcomes will receive alternative interventions.

3.1.3 Inspection Programme

Inspection programmes are generated on 1 April each year.

1.5 full time equivalent officers together with clerical and administrative support are available to undertake this work. At 1 April 2011 the risk categories for all premises breaks down as follows:

Category A	0
Category B1	10
Category B2	273
Category C	903
Unrated	80

Following revision of the risk rating categories and issuing of associated guidance, category A and unrated premises must be subject to planned inspection. Alternative interventions using directed initiatives and limited numbers of inspections will be used for B2 and C premises that are not assigned a planned inspection.

3.1.4 Alternative Inspection Strategy

Environmental Health Officers will continue to work closely with other local authorities in the West of Scotland Health and Safety Liaison Group and on a national level through the Health and Safety Co-ordinating Group. Officers will work together to review and inform strategy and best practice in the use of alternatives to inspection in aiding compliance in the local business sector. The strategy will take account of local issues and trends.

3.2 2010/2011 Initiatives

LPG buried service replacement

As part of a national campaign to ensure that buried steel LPG pipework was assessed for structural integrity and where necessary replaced with polyethylene (PE) pipework.

Higher risk premises (2 premises) as identified by the HSE were visited. In both cases the pipework was found to be steel and in unknown condition. Both duty holders submitted proposals to have pipework assessed and where necessary replaced with PE pipework. The anticipated completion date for assessment and/or replacement is June 2011

3.3 2011/2012 Initiatives

Slips & Trips in Catering	This project will concentrate on slips and trips within the catering sector and will include promotion of the HSE slips/trips e-learning tool.
Asbestos	Visits to premises to ensure compliance with the Duty to Manage.
Work at Height	The HSE have developed a new Work at height Access equipment Information Toolkit (WAIT). The initiative will promote the use of the tool in businesses where work at height is carried out.
Gas safety	Small business provisions for gas safety will be reviewed and information provision given to assist with compliance where appropriate.
Electricity at work	Interventions will assess whether small retailers have addressed the safety of fixed electrical installations and appliances in accordance with the regulations.
Violence at Work	Interventions will promote the use of the HSE toolkit on managing work related violence in licensed and retail premises (physical/verbal/racial abuse)

3.4. Local Performance Targets

These have been set locally to reflect the range of activities undertaken by the Service. Details are provided in Section 1.2.1.

3.4.1. Health and Safety Complaints, Service Requests and Accident Investigation

The section deals with a variety of complaints and service requests from members of the public, employees, HSE, etc.

All complaints and accidents are investigated within two working days of receipt; however more serious issues are dealt with as a matter of urgency. Officers utilise best practice guidance and the HELA Circular 22/5.

During the period 1 April 2010 to 31 March 2011 there were 28 service requests about work premises, 8 about public health and safety and 87 workplace accidents were investigated including a double fatality as a result of a caravan fire within a licensed caravan site.

3.5 Lead Authority Principle & Primary Authority Scheme

No lead or Primary Authority agreements have been entered into at this time. We would consider these should a suitable business be identified. However, Environmental Health Officers involved in Health and Safety enforcement take cognisance of the scheme and those businesses with branches operating in the WDC area who are engaged in a primary authority partnership.

3.6 Advice to Business

The Section actively encourages and supports working closely with the local business community and seeks to achieve compliance through education and advice initiatives such as the provision of small business information packs. General advice during routine programmed inspections is provided as a matter of course by all officers and special advisory visits are arranged on request.

3.7 Liaison with other Organisations

The main liaison forum in which the service is involved is the West of Scotland Health and Safety Liaison Group. This group meets bimonthly and comprises representatives from 14 authorities together with a representative from the Health and Safety Executive.

4. **Resources**

4.1 Health and Safety Enforcement Service Financial Allocation 2011/2012

	£
Employee Costs	£70,183
Property Costs	£2,575
Transport Costs	£2,678
Training	£1,030
Payments to other Bodies	£125,000
Gross Expenditure	£201,466

5. **Quality Assessment**

The majority of officers have received Lead Auditor training in ISO 9001:2000. Acquired skills are used in auditing and assessment of business activities and systems.

The Team Leader – Environmental Health (Commercial) engages in internal monitoring to support consistency and identify improvement opportunities in training and service delivery

6. Review

The Service Plan is reviewed annually to take account of the previous year's performance and performance targets, variances from the Service Plan, other work undertaken and improvement plans where identified by audit or review.

References

1. Enforcement Concordat
2. West Dunbartonshire Council Corporate Plan 2011-2015
3. HELA Advisory Circular 67/2 (rev 2)
4. HELA Advisory Circular 22/5
5. Regulatory Services Enforcement Policy
6. Section 18 guidance

Impact Assessment Policy Profile

1	Title of Policy or service	Health and Safety Enforcement Service Plan 2011/2012
2	Lead Department	Corporate Services
3	Responsible Officer	Martin Keeley, Team Leader, Environmental Health
4	How did policy / service originate? (eg statutory duty)	Section 18 of the Health and Safety at Work etc Act 1974 requires a plan to be produced and approved by the appropriate Council Committee.
5	Intended aim / outcome of policy / service	Health and Safety Service Plans provide details of enforcement activities planned for the coming year. Health and Safety Service Plans are important to ensure national priorities and standards are addressed and delivered locally.
6	Does the policy or service involve any other department, agency or outside organisation? If yes, please identify.	The Health and Safety Executive.
7	Timetable for implementation of policy	01 April 2011 to 31 March 2012.
8	Intended target group	All regulated persons including businesses, their employees and the general public. All persons who are protected by the legislation we enforce.
9	Intended target area in WDC	Entire area.
10	Who is most likely to be affected by the policy / service <ul style="list-style-type: none"> • Whole population • Men • Women • Black and Ethnic Minority people • Disabled people • Older people • Younger people • Lesbian, Gay, Bisexual or Transgender people 	<p>Whole population plus those who own, manage or are employed in businesses in WDC.</p> <p>NB. The percentage of businesses, particularly small family-run businesses, owned or managed by people from black or minority ethnic groups may be higher than the census data information for resident black or minority ethnic populations in WDC.</p>

11	What equalities monitoring is in place in regard to this policy / service?	The service carries out customer satisfaction surveys of consumers and businesses (including those which have sought advice, been inspected, or been investigated in response to a complaint). Information is gathered about the ethnic origin, gender, disability and age of respondents in compliance with WDC guidance on equality monitoring and guidance from the Equalities and Human Rights Commission. Information is used to better inform customer service.
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