

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Corporate Services

Corporate and Efficient Governance Committee: 24 June 2009

Subject: Health and Safety Enforcement Service Plan 2009/2010

1. Purpose

- 1.1 To seek Committee approval of the Health and Safety Enforcement Service Plan 2009/2010. (Appendix 1)

2. Background

- 2.1 Guidance issued by the Health and Safety Commission under Section 18 of the Health and Safety at Work etc Act 1974 requires the formal approval of an annual Service Plan to manage Health and Safety Enforcement activities.

3. Main Issues

- 3.1 The Service Plan builds on the work undertaken during 2008/2009 and further develops the partnership working arrangements with the Health and Safety Executive and those authorities within the West of Scotland Health and Safety Liaison Group.

4. Personnel Issues

- 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 deemed to be non-compliant with the mandatory requirements of the Health and Safety Commissions guidance.

7. Conclusions and Officers' Recommendations

- 7.1 Approval of the attached plan is required to secure compliance with the guidance issued by the Health and Safety Commission under Section 18 of the Health and Safety at Work etc Act 1974.

7.2 The Committee is asked to approve the Health and Safety Enforcement Service Plan 2009/2010.

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Date: 24 June 2009

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Appendix: Appendix 1 Health and Safety Enforcement Service Plan 2009/2010

Background Papers: Section 18, HSC Guidance to Local Authorities

Wards Affected: All

West Dunbartonshire Council
Regulatory Services

HEALTH AND SAFETY ENFORCEMENT SERVICE PLAN 2009/2010

1. Service Aims and Objectives

1.1 Aims and Objectives

The aim of the Environmental Health Section of West Dunbartonshire Council in relation to health and safety is to enforce the Health and Safety at Work etc. Act 1974 in respect of premises and activities in the local authority enforced sector.

This is achieved through a combination of:

- risk based programmes of inspection covering 'higher risk' health and safety businesses
- work with local businesses to encourage, through education and advice, compliance with health and safety legislation in line with the Council's Health and Safety Enforcement Policy and the Enforcement Concordat
- investigation of complaints
- investigation of all reportable work related accidents and incidents
- participation in appropriate projects, surveys and campaigns to raise awareness and to highlight particular issues

1.2 Links to Corporate Objectives and Plan

West Dunbartonshire Council has policy commitments in its 2009-2013 Corporate Plan that influence all Council services.

The Council has a programme that sets out how it will deliver the commitments.

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 Environmental Health Section's health and safety enforcement activities are broadly set out below:

Review, update and publish the Health and Safety Enforcement Service Plan by June 2009.

Achieve an inspection rate for highest risk health and safety premises of 100%.

Achieve a minimum inspection rate for medium risk health and safety premises of 80%.

Undertake and evaluate at least 6 alternative interventions for lower risk categories of premises by March 2010.

2. Background

2.1 Profile of West Dunbartonshire Council

2.1.1 Area Profile

West Dunbartonshire Council was formed on 1 April 1996 to assume all of the administrative duties performed by the former Councils of Strathclyde Region, Dumbarton District and Clydebank District.

West Dunbartonshire comprises three main settlement areas, which have developed along the rivers Clyde and Leven.

The settlement of Clydebank covers from Whitecrock, Linnvale and Drumry in the East to Old Kilpatrick and Bowling in the west, and Faifley, Duntocher and Hardgate in the North.

Dumbarton abuts Clydebank in the east and at Bowling and runs to Castlehill and Westcliff in the west and Bellsmyre and Overtoun in the north.

The Vale of Leven runs from Renton and Bonhill in the south to Balloch and Gartocharn in the north. All three areas have a history in manufacturing including shipbuilding, sewing machines, textiles and car production.

The general decline in manufacturing has led to a change in the employment base for West Dunbartonshire to being primarily service sector.

The three areas are well serviced with local amenities including the retail centres in Clydebank, Dumbarton and Alexandria.

Within the boundaries of the Authority, the three large areas of water, the river Clyde, the river Leven and the southern extents of Loch Lomond combine to cover 2,505 ha.

The urban areas of the Authority have spread from the two rivers up to the foothills of the Kilpatricks, Dumbarton Muir and Carman, and cover a land area of 2,735 ha. The remaining 12,986 ha of the Authority cover the greenbelt, farmland, foothills and the raised bogland of the countryside area.

West Dunbartonshire has good communication links with local access to Glasgow Airport and the M8 across the Erskine Bridge. Glasgow and Edinburgh are within 30 minutes and 1 hour respectively and the improvements to the West Coast Main Line have enhanced the rail links with London and the South East.

The main arterial route through West Dunbartonshire, the A82, is the key access route to Loch Lomond and the West Highlands.

West Dunbartonshire is also the western starting point for the Millennium Link, which re-opened the Forth and Clyde Canal in 2001 to create a navigable link between the Atlantic Ocean/Clyde Estuary and the River Forth/North Sea.

2.1.2 Resident Population

In 2006, the General Registers Office for Scotland (M&d Population Estimates 27 July 2007) reported that the total number of people resident in West Dunbartonshire was 91,240 of whom 43,233 were male and 48,017 female.

2.2 Organisational Structure

2.2.1 Council Structure

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

2.2.2 Departmental Structure

The Environmental Health Section of the Department of Corporate Services has responsibility for the enforcement of health and safety in the local authority enforced sector.

The Lead Officer for the delivery of the health and safety enforcement service is John Stevenson, Section Head, Environmental Health.

2.2.3 Specialist Services

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

The advice of HSE Specialists Officers is employed when required for certain areas of work.

2.3 Scope of the Health and Safety Service

The Commercial and Licensing Team duties include responsibility for all areas of health and safety enforcement in the local authority enforced sector.

Inspections of all premises are based on an assessment of risk in compliance with the Health and Safety Executive / Local Authorities Enforcement Liaison Committee (HELA) Circular 67/1 (rev 3) Advice to Local Authorities on Intervention Programmes and an Inspection Rating System.

A Flare based 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.

The team is also responsible for food inspections and enforcement, smoke free public places enforcement activities and licensing functions e.g. Houses in Multiple Occupation, Pet Shops, Animal Boarding, Riding Schools, Cinemas, Dangerous Wild Animals, Zoos, Caravan Sites, Game and Venison Dealers and Private Landlord Registration.

2.4 Demands on the Health and Safety Service

The health and safety premises profile for West Dunbartonshire can be broken down (at 1 April 2009) into the following categories as follows.

Retail shops:	483
Wholesale shops, warehouses and fuel storage depots:	22
Offices:	211
Catering, restaurants and bars:	249
Hotels and other short stay accommodation:	28
Residential Care Homes:	5
Leisure and Cultural services:	92
Consumer Services:	135
Other premises (not classified above):	32

The Environmental Health Section operates from Rosebery Place, Clydebank and is open Monday – Friday 09.00 to 16.00 hrs.

2.5 Enforcement Policy

The Health and Safety Enforcement policy was agreed by the Community Safety and Environmental Services Committee on 7 January 2004 and was reviewed in March 2008 following the implementation of the national protocol agreed for Work-related deaths.

3. Service Delivery

3.1 Health and Safety Premises Inspection

Local Authorities (Environmental Health) and the HSE are responsible for the enforcement of health and safety.

3.2 Topic Inspection

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

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

The five areas that were identified by the HSC 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 strategy is still employed by the Environmental Health Section to target resources to where they are most effective.

3.3 Priority Planning

In addition to topic inspection, changes have also been agreed by HELA to the priority planning framework as set out in LAC 67/1 (rev 3) 'Advice to Local Authorities on Intervention Programmes and an Inspection Rating System.

An interventions programme comprises a number of components, the main being: planned general inspections, planned enforcement initiatives, investigation of accidents, investigation of complaints, advice, visits to new premises and revisits to premises to check compliance.

The changes are designed to enable local authorities to both incorporate the topic inspection approach within their existing inspection planning frameworks and create 'headroom' within service plans to contribute to partnership working with HSE colleagues.

3.4 Inspection Programme

Inspection programmes are generated on 1 April each year.

The target number of planned inspections due to be undertaken for the year 2009/2010 is 49 based on the topic inspection and priority planning system. Full target compliance is expected to be achieved. The total number of programmed inspections is broken down into the following risk band categories. 2.75 full time equivalent officers together with clerical and administrative support are available to undertake the programme.

Category A	1
Category B1	4
Category B2	20
Category B3	3
Category B4	6
Category C	99
Unrated	24

Only categories A-B2 and Unrated premises are required to be inspected under the new regime however a number of inspections from within the other categories are planned to take place this year to as a means of evaluating the risk rating strategy employed and the effectiveness of the alternative strategies that have been introduced to date.

3.5 Alternative Intervention Strategy

Joint working will continue to include working with other local authorities expanding on the current work undertaken by the West of Scotland Health and Safety Liaison Group and on a national level with those other authorities attending the Royal Environmental Health Institute of Scotland's Health and Safety Co-ordinating Group.

3.5.1 2008/2009 Initiatives

Dermatitis in Florists	This campaign aimed to continue to build on the project work already undertaken in relation to this health condition and concentrated on the wet work in this industry sector.
Health and Safety	A further 5 health and safety awareness courses for school
School Leavers Course	leavers in all secondary schools within the area were delivered.
Warehouses	The problems associated with racking and forklifts were addressed. This followed on from officer training in these specific areas.

Nail Bars	This campaign assessed compliance with the Control of Substances Hazardous to Health Regulations in this type of premises, with particular focus on ventilation.
Legionella	Hotels were visited to raise awareness and assess controls in place to reduce the risk of Legionella bacteria infections.

3.5.2 2009/2010 Initiatives

Slips & Trips in Catering	This project aims to concentrate on slips and trips within the catering sector and will include promotion of the HSE slips/trips e-learning tool.
Violence at Work	Increase awareness and improve management of work-related violence in retail and hospitality businesses. This will include promotion of the online toolkit.
Loading/Unloading	Inspection of work activities around loading bays.
Grounds Maintenance	Following a serious accident last year, focussed inspections will target relevant premises to assess systems of work for grounds maintenance.
Upper Limb Disorders	The HSE ULD assessment tool will be used to identify high risk activities in relevant premises.
Business Newsletter	A newsletter will be developed and issued to raise awareness of specific areas and promote key messages to businesses.
H&S Course	The course developed and delivered at all Secondary Schools within the area will continue this year to target school leavers to provide an understanding of health and safety issues before they enter the workplace.

3.6 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.

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

The Environmental Health Section deals with a variety of complaints and service requests from a number of sources e.g. members of the public, employees, HSE, Members etc.

It is policy that all complaints and accidents are investigated within two working days of receipt, however more serious issues are dealt with as a matter of urgency.

All complaints, service requests and accident investigations will be investigated in accordance with best practice guidance and the HELA Circular 22/5.

During the period 1 April 2008 and 31 March 2009 the Commercial and Licensing Team received a total of 489 complaints/service requests which included 27 in relation to work premises and 17 related to public health and safety. The team were also involved in the investigation of 75 reportable accidents.

In June 2008 a report was sent to the Procurator Fiscal following a fatal accident at a residential care home for the elderly. A decision on proceedings against the home is awaited.

3.7 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. The duties imposed by the new Primary Authority scheme will be followed when planning inspections and enforcement activities.

3.8 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.

3.9 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 monthly 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 2009/20010

	£
Employee Costs	92,927
Property Costs	45
Transport Costs	2,530
Supplies, Services	6,745
Admin Costs	
Payments to other Bodies	140,358
Gross Expenditure	242,605

5. Quality Assessment

ISO 9001:2000 Lead Auditor training has been undertaken by all Health and Safety authorised officers.

Following rigorous assessment the Environmental Health Section received the Charter Mark Award in April 2007. This is the Government's national standard for excellence in customer service. In particular the section was praised for; having well motivated staff, being easy to work and communicate with, accessing funding from out with the Council and the innovative use of schools and pupils in spreading awareness if the work of the Section.

A successful reassessment of compliance with the service standards was undertaken on 22 July 2008.

6. Review

The Service Plan is reviewed on an annual basis to take account of information on the previous year's performance and performance targets, variances from the Service Plan, additional work undertaken and setting improvement plans where identified by audit or review.

References

1. Enforcement Concordat
2. West Dunbartonshire Council Corporate Plan 2009-2013
3. General Registers Office for Scotland (M&d Population Estimates 27 July 2007)
4. West Dunbartonshire Council. Social and Economic Profile 2001/2002
5. HELA Advisory Circular 22/5