

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Corporate Services

Corporate and Efficient Governance Committee: 25 August 2010

Subject: Health and Safety Enforcement Service Plan 2010/2011

1. Purpose

- 1.1 To seek Committee approval of the Health and Safety Enforcement Service Plan 2010/2011. (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 an 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 2009/2010 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. 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 deemed to be non-compliant with the mandatory requirements of the Health and Safety Commissions guidance.

7. Equalities Impact

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

8. Conclusion and Recommendation

- 8.1 The Health and Safety Enforcement Service Plan requires to be approved to ensure compliance with the Health and Safety Commissions guidance.
- 8.2 It is recommended that the committee approve the Health and Safety Enforcement Service Plan 2010/2011.

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Date:

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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 2010/2011

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 reduce accidents and ill health in respect of premises and activities in the local authority enforced sector.

This is achieved through a combination of:

- risk based inspection programmes covering highest risk health and safety businesses
- encourage the compliance with health and safety legislation by local businesses through education and advice in line with Regulatory Services Health and Safety Enforcement Policy and the Enforcement Concordat
- investigation of complaints
- investigation of reportable work related accidents and incidents
- participation in awareness raising projects, surveys and campaigns 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 themes for the next 3 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 June 2010.

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 different projects rather than routine inspections for lowest risk premises by March 2011.

2. 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 Corporate Services has responsibility for the enforcement of health and safety in the local authority enforced sector.

The Lead Officer for the delivery of this service is John Stevenson, Section Head, 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 section 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 for West Dunbartonshire can be broken down (at 1 April 2010) into the following categories as follows.

Retail shops:	476
Wholesale shops, warehouses and fuel storage depots:	21
Offices:	207
Catering, restaurants and bars:	252
Hotels and other short stay accommodation:	27
Residential Care Homes:	5
Leisure and Cultural services:	92
Consumer Services:	134
Other premises (not classified above):	39

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

2.4 Enforcement Policy

On 27 January 2010 the Corporate and Efficient Governance Committee approved a single enforcement policy for the whole of Regulatory Services including Environmental Health.

3. Service Delivery

3.1 Health and Safety Inspection

3.1.2 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.

The section continue to use this method to target resources to where they are most effective.

3.1.3 Priority Planning

HELA Circular LAC 67/2 (rev 2) Advice/Guidance to Local Authorities on Priority Planning has replaced the previous guidance and is to be followed from 1 April 2010. The new guidance changes the way in which premises are risk rated and categorised following an inspection. The highest risk premises must still receive a planned general inspection once a year but alternatives to inspections may now be used for medium and low risk premises.

An alternative programme can comprise a number of elements the main being: planned general inspections, planned enforcement initiatives, accidents and complaint investigations, advisory visits to existing and new premises and revisits to check compliance.

3.1.4 Inspection Programme

Inspection programmes are generated on 1 April each year.

1.85 full time equivalent officers together with clerical and administrative support are available to undertake this work.

At 1 April 2010 the risk categories for all premises breaks down as follows:

Category A	1
Category B1	8
Category B2	272
Category C	918
Unrated	71

Only category A and Unrated premises must be inspected under the new guidance. However, planned inspections will be carried out for a selection of B1 and B2 premises as a means of evaluating the new risk rating strategy. Initiatives will also be targeted at B1, B2 and C premises that have not been assigned a planned inspection.

3.1.5 Alternative Inspection Strategy

Working with other local authorities in the West of Scotland Health and Safety Liaison Group and on a national level through the Royal Environmental Health Institute of Scotland's Health and Safety Co-ordinating Group will continue.

3.2 2009/2010 Initiatives

Tanning Salons. Inspections included checks to ensure compliance with the new Public Health legislation regarding age restrictions and health risk information for customers.

Four inspections were carried out. Compliance levels were good with only a couple of issues relating to the location of signage and the proactive issuing of information leaflets.

Grounds Maintenance Following a serious accident the previous year, focussed inspections targeted relevant premises to assess systems of work for grounds maintenance. Seventeen inspections were carried out (mainly to bowling clubs). Compliance level generally good. One premises had a contravention relating to chemical storage which was resolved without requiring formal action. Advice/information letters sent to all 17 premises.

Violence at Work Premises were visited to increase awareness and improve management of work-related violence in retail and hospitality businesses. This included promotion of the HSE online toolkit. Fifty inspections were carried out (mainly small retailers with off-sales). No enforcement action was taken as adequate controls were found to be in place. Advice/information letters were sent to all 50 premises.

Loading/Unloading Large retail and wholesale premises were visited to inspect work activities around delivery areas. Twenty one inspections were carried out. No formal enforcement action was required – minor contraventions only. Advice/information letters sent to all 21 premises

3.3 2010/2011 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.

Gas Ovens Inspections of restaurants/takeaways to check the safety of tandoor ovens/chapatti flamer devices. This follows a widely publicised accident in Birmingham.

Upper Limb Disorders Moved forward from 2009/10 to coincide with the completion of the HSE ULD assessment tool. Inspections will focus on checkout operators in supermarkets.

Work at Height The HSE are developing a new assessment tool for work at height (WAIT). Premises will be inspected to assess compliance and promote the tool when it is made available.

Electricity - Small Retailers Inspections will assess the safety of electrical installations and appliances.

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, elected Members 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 2009 to 31 March 2010 there were 23 service requests about work premises, 12 about public health and safety and 80 workplace accidents were investigated including a double fatality as a result of a caravan fire within a licensed caravan site.

Following the Sections report to the Procurator Fiscal on 27 June 2008 regarding a fatality within a residential care home the Crown Office and Procurator Fiscal Service confirmed that they would not be proceeding with a prosecution and thanked the staff involved for their investigation of the case.

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.

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 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 2010/2011

	£
Employee Costs	83,651
Property Costs	2,500
Transport Costs	2,600
Training	1,000
Payments to other Bodies	136,270
Flare/civica	2,500
Gross Expenditure	228,521

5. Quality Assessment

All officers have received Lead Auditor training in ISO 9001:2000.

Legal, Administrative & Regulatory Services (of which Environmental Health and Trading Standards are a part) attained Investors in People at bronze level in April 2009.

6. Review

The Service Plan is reviewed on an 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 2009-2013
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 2010/2011
2	Lead Department	Corporate Services
3	Responsible Officer	John Stevenson, Section Head, 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	1 April 2010 to 31 March 2011.
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 	Whole population plus those who own, manage or work for businesses. NB. A higher percentage of businesses are owned by people from black and ethnic minorities than is the case for the population as a whole. This is especially true in small family-run businesses.

11	What equalities monitoring is in place in regard to this policy / service?	We carry out customer satisfaction surveys of consumers and businesses (including those which have sought advice, been inspected, or been investigated in response to a complaint). We gather information about the ethnic origin, gender, disability and age of respondents.
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