

**Licensing and Safety Committee – 7<sup>th</sup> March 2007**

**Report of the Director of the Urban Environment**

**Health and Safety Enforcement Service Plan**

**Purpose of Report**

1. To bring to members' attention the Health and Safety Service Plan 2006-07 and to report progress at the three quarter 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
  - 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. A summary of the current year's service plan is appended to this report (Appendix 1). A full copy is located in the members' room

- 6 Progress with the activities in the Service Plan up to 31<sup>st</sup> December 2006 is detailed in the table in Appendix 2. Items of note include:
- Inspections of high and medium risk premises are above target.
  - The proportion of reportable accidents which have been fully investigated is above target.
  - Progress with the safety in builders merchants project for which Dudley and partners have been awarded a National 2006 Award for Innovation by HELA (Health and Safety Executive and Local Authorities Enforcement Liaison Committee).

### **Finance**

- 7 Financial implications from implementing the Health and Safety Service Plan are met from within existing budgets and no extra resources are needed.

### **Law**

- 8 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.
- 9 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.
- 10 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 with expenses being reimbursed by the defaulting authority.

### **Equality Impact**

- 11 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.
- 12 Children and young persons may be particularly vulnerable in the workplace and particular emphasis is placed on securing compliance with health and safety legislation affecting children and young persons. Educational and promotional activities to protect children and young persons in the workplace have been carried out, for example, last year's initiative in conjunction with educational welfare officers to raise awareness of butchers and other retailers of the specific health and safety laws governing the employment of children and young persons. The focus of the 2006 European Week for Safety and Health in October was on young persons entering the workforce. The health and safety service worked with Colleges training young persons for the various beauty industry professions to cover subjects such as occupational dermatitis as well as general awareness of the health and safety standards that young persons should expect when starting work.

## **Recommendation**

13 It is recommended that:

- The Committee endorses the Health and Safety Service Plan 2006-07 of the Directorate of the Urban Environment and notes progress at the three quarter year stage.



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### **List of Background Papers**

1. Health and Safety Service Plan 2006-07



**Directorate of the Urban Environment  
Development and Environmental Protection**

**Health & Safety Service Plan  
Summary**

**2006-2007**

1.0 Service Aims and Objectives

1.1 The aim of the health and safety service is to ensure that satisfactory standards of health, safety and welfare exist in all Dudley MBC enforced premises. The service supports the aims of the Community Strategy by promoting a sense of well being and good health for everyone and contributes to the Council Plan themes of Caring, Safety, Regeneration and Quality Service Matters.

2.0 Service Provision

2.1 The Health and Safety Service is provided by the officers on the Food and Occupational Safety division of Public Protection, led by the Principal Officer (Occupational Safety). Four Environmental Health Officers (EHOs) work under the supervision of the Principal Officer, carrying out health and safety inspections in non-food premises and reactive health and safety work for all premises.

2.2 The number of premises for which the local authority has responsibility for enforcing health and safety was 5303 as of 1<sup>st</sup> April 2005.

2.3 The baseline position for the service at the beginning of 2006-07 can be seen by comparing the workload over the previous three years:

	<b>2003-04</b>	<b>2004-05</b>	<b>2005-06</b>
No. of health & safety inspections undertaken	485	470	339
No. of accidents reported	310	265	285
No. of health & safety complaints/ requests for service	358	331	293

2.4 The service is signed up to the WMHSLG Enforcement Policy and the Enforcement Concordat which specifies the standards expected when following the principles of good enforcement. These are also reflected in the Development and Public Protection Enforcement Policy approved by the Council in February 2004. The policy includes appendices relating to specific services, including occupational safety and embraces the principles of Section 18 guidance including the Enforcement Management Model (EMM).

3.0 Current and Future Pressures

3.1 Under Section 18 guidance, local authorities have to devote sufficient resources to the Health and Safety enforcement function. The Health and Safety Commission will judge local authority performance on enforcement and promotional activities using information supplied in annual returns to the LAU (Local Authority Unit) and by reviewing reports of the inter-authority audits. Full compliance with Section 18 guidance is therefore essential. Striving to comply with mandatory guidance issued under Section 18 of the Health and Safety at

Work Act 1974 in terms of resources for health and safety is both a current and future pressure.

3.2 Health and safety enforcement work continues to be a challenge due to capacity issues. The additional post on the health and occupational safety team has increased the number of officers per thousand premises to just below the national average for metropolitan authorities. Although the revised guidance on Health and Safety Inspections (LAC 67/1) allows the removal of the elapsed years factor and permits category B3 and B4 premises to be subject to alternative enforcement strategies, this still produces an inspection programme of approximately 650 health and safety inspections in 2006-07 which is not achievable and would take up to 3 years to clear the backlog. Additionally, no arrangements are yet in place to deal with the approximate 4,500 Category B3, B4 and C rated premises for which alternative strategies to inspection can be used.

3.3 The Health and Safety Commission's "Strategy for Workplace Health and Safety in Great Britain to 2010 and Beyond" is currently shaping the relationship between HSE and local authorities. The Fit 3 Programme ("Fit for Work, Fit for Life, Fit for Tomorrow") has increased expectations of local authorities over the next two years and there is increasing direction from the Health and Safety Executive about the deployment of resources. More effective partnership between local authorities and HSE is a continuing aim to ensure the most efficient and effective use of combined resources. A new HSE Partnership Manager for the Midlands region has been in place since April 2006.

3.4 New legislation will continue to impact upon the service's work during the coming years, for example:

- New byelaws to control premises carrying out body piercing and semi-permanent skin colouring are in the process of being implemented in Dudley and when effective will require the registration and inspection of approximately 40 premises.
- The Freedom of Information Act which came into force in January 2005 has increased the number of requests to the Food and Occupational Safety service from third parties, in particular requests for health and safety information, for example in relation to accident investigations. Responding to the requests for information is often time consuming and may divert resources away from other work.
- New Work at Height Regulations 2005 are now in force and is a priority theme for all health and safety inspections.
- The new legislation to prohibit smoking in workplaces and indoor public places will be in place from 1<sup>st</sup> July 2007. This legislation will be enforced by Environmental Health Officers; hence this will be a new work area for FOS officers. The detail of the proposed legislation will be examined when available and plans made during 2006-07 as to options for delivering this new enforcement service. Information and advice to the trade, particularly the licensed and restaurant trade, will also need to be considered during 2006-07.
- New noise at work regulations will apply to the entertainment sector from 2008.

#### 4.0 Performance Targets

4.1 The only current national performance indicator is BVPI 166 which is a qualitative checklist of enforcement best practice covering all aspects of environmental health including health and safety. Performance against BVPI 166 2005-06 was 100%.

- 4.2 Achievement on health and safety inspections and accident investigations are local indicators in the Head of Service's Annual Plan and quarterly reports are submitted to the Head of Public Protection detailing achievement in these areas. In 2005-06 the inspection target was 275 high and medium risk inspections and 75 new business inspections. The accident investigation target was to fully investigate 20% of reportable accidents.
- 5.0 Review of 2005-06
- 5.1 339 full health and safety inspections were completed in 2005-06. The health and safety target for inspections of 350 premises was not achieved, although the overall rate was 96.8%. This was due to understaffing of the health and safety team at periods during the year due to vacancies, jury service and time necessary to induct and develop new staff. A fatal accident investigation also demanded significant staff resources during the year.
- 5.2 285 accidents were reported during the year of which 147 were deemed to be reportable with 60 (41% of reportables) receiving full investigations. The percentage of accidents responded to within the target time of 5 days was 95.4%.
- 5.3 293 health and safety complaints or requests for service were received during the year with 97.6% being actioned within the target response time of 7 working days.
- 5.4 Specific initiatives conducted during the year included the provision of guidance on bonfire and firework safety information to 400 licensed premises, a partnership project with the Health and Safety Executive focusing on health and safety in builders' merchants and a child employment initiative.
- 5.5 The health and safety service was audited internally in July 2005 and was assessed as satisfactory or good in all areas, with just two recommendations for action being made by the auditors, one relating to improved monitoring of inputted inspection data and the other to improving the link between the health and safety database and the Council's business rates database.
- 5.6 The new byelaws to control body piercing businesses and those carrying out semi-permanent skin colouring were not implemented during the year. This was due to delays in the Department of Health issuing advice to local authorities on model byelaws combining all regulated skin piercing activities. A decision to repeal Dudley's existing byelaws covering ear-piercing, electrolysis, acupuncture and tattooing and to replace with new combined byelaws covering all skin piercing activities was made in January 2006 by the cabinet member for the Environment and the Director of the Urban Environment. The format for the new byelaws was agreed in March 2006 and the process of advertising and submitting the new byelaws to the Secretary of State is underway.
- 5.7 The project to raise awareness of safety in steelstock premises was not carried out. A decision was made to postpone this until the completion of proceedings following a fatality at a steelstock premises to enable the lessons learnt to be disseminated to all premises. However, all steelstock premises were written to

following the fatality. This project will be carried forward to 2006-07.

5.8 Whilst the majority of the planned improvements in the Action Plan which resulted for the Health and Safety Enforcement Audit were completed, three actions were not completed. These included the review of the accident policy and procedure which has been commenced. HSE guidance on accident investigation is overdue for review but has not yet been updated. Dudley has drafted an update of the WMHSLG Accident Policy and Procedure which is being circulated for comment amongst the other local authority members, following which the WMHSLG document will be completed, allowing the Dudley one to be completed also. Engagement with trades associations, employee representatives and business forums was not undertaken, beyond working with trade associations on the builders merchants project. Formal monitoring of accident trends through IT reports was not completed as this would require additional software to be purchased. However, informal monitoring of accident trends does take place and is used to inform priorities in service planning. All outstanding improvements have been incorporated into the Health and safety Work Programme for 2006-07.

#### 6.0 Health and Safety Work Programme: Summary of Key Activities for 2006-07

- To carry out 350 high or medium risk inspections.
- To investigate approximately 280 health & safety complaints.
- To action 260 reportable accidents and carry out full investigations of 20%.
- To complete the builders' merchant project.
- To deliver Fit 3 projects including:
  - (i) Height Aware Campaign
  - (ii) Manual handling campaign in the furniture and carpet handling trade
  - (iii) Slips and trips initiative in shopping centres, office blocks and targeting contract cleaners
  - (iv) Reduction in contact dermatitis initiative in beauty salons and nail bars
  - (v) Reduction of occupational asthma in employees in small bakeries.
- Deliver Safety & Health Awareness Day to Steel stock premises.
- Participate in European Week for Safety and Health.
- Introduce byelaws to control body piercing and semi permanent skin tattooing.
- Continue with exercise to update the database including industrial estate visits.
- Complete all outstanding improvements from the Inter-Authority Audit Action Plan

## APPENDIX 2

### HEALTH AND SAFETY SERVICE PLAN 2006-07

#### Progress up to 31<sup>st</sup> December 2006

<u>ACTION</u>	<u>TARGET</u>	<u>ACHIEVED</u>	<u>COMMENTS</u>
Carry out inspections of high and medium risk premises	263	287	The year end target is 350 inspections
Complete the safety in builders merchants project	Auditing of 5 large organisations. Provide training to small companies	Virtually complete. Final evaluation currently being carried out.	<b>This was a joint initiative with the HSE and other West Midland LAs and has received a HELA 2006 Award for Innovation</b>
Carry out project to raise awareness of health and safety issues in steelstock premises	Deliver Safety and Health Awareness Day(SHAD) for steelstock premises	Postponed pending outcome of legal action resulting from fatality at a steelstock premises	Findings from fatality investigation will be disseminated during the SHAD. This will now be delivered during 2007-08
Implement new byelaws regulating cosmetic piercing and semi-permanent skin colouring	Introduce new byelaws	Delayed due to delay in Department of Health agreeing the format for model byelaws.	Application to the Secretary of State to implement new byelaws underway and byelaws expected to be in place early in 2007-08
Investigate health and safety complaints	Approx 210 complaints	144 received	
To work in partnership with the HSE on Fit 3 (Fit for Work, Fit for Life, Fit for Tomorrow) portfolio of projects	Run "Height Aware" Campaign	Six large premises targeted for inspection including discussions with building/facilities managers and contractors used for work at height. Distribution of "Height Aware" pack	Some enforcement action resulted from this campaign including one Prohibition Notice.

Fit 3 Project	Carry out project to raise awareness of manual handling injuries in the furniture and carpet handling trade	Project has commenced and has now received funding from the National Health and Safety Laboratories (HSL) for production of interactive training packs	This project which started in the Midlands will now be rolled out nationally during 2007-08 due to HSL funding. During 2007-08 SHADs will be run for the trade and practical solutions to manual handling issues disseminated.
Fit 3 project	Carry out slips and trips initiative	Preventing slips and trips has been targeted on all inspections. Contract cleaning companies based in Dudley identified and invited to SHAD organised by HSE	Currently awaiting feedback from the SHAD.
Fit 3 project	Run an initiative focusing on reduction in contact dermatitis in beauty salons and nail bars	Information on dermatitis prevention circulated to hairdressing and beauty salons. Arrangements have been made to deliver training to beauty industry students at 2 local colleges.	Two Dudley officers are currently participating in the national Health and Safety Laboratories (HSL) Nailbars Project.  European Week for Safety and Health contributed to by working with colleges and providing information on dermatitis and general health and safety awareness for students soon to enter the workplace
Fit 3 project	Run a project focusing on prevention of occupational asthma in in-store bakeries and small bakery premises	Project not progressed due to a lack of small retail bakeries with manufacturing identified	The project excluded those organisations under the LOPP (Large Organisation Project Pilot) including some major supermarkets and a national bakery company.
Investigate reportable accidents	20% of reportable accidents to be fully investigated	245 accident reports received, 159 reportable,	

		52 (32.7%) fully investigated	
Provide advice to licensed premises re: bonfire and firework safety	Mail shot licensed premises. Respond to complaints/enquiries	Mail shot not carried out as the industry guidance on new fire legislation for outdoor events had not been published. Known problem sites were inspected and complaints/enquiries responded to.	Currently working with the Fire Officer to produce improved guidance for licensed premises.
Complete all outstanding improvements from the Inter-Authority Audit Action Plan	Only outstanding mandatory improvement was the revision and update of the accident policy and procedure	Completed and in the process of being implemented. Will be in place by the year end.	A national review of the accident reporting criteria has taken place this year and it was considered beneficial to await outcome of the review before updating the existing accident policy and procedure
Carry out an exercise to update the health and safety database	Carry out a closed premises survey.  Survey industrial estates for premises/businesses coming under the LA for health and safety enforcement	Closed premises survey completed  3 industrial estates surveyed, new premises inspected and records updated.	Premises closed on the database when vacated are often subsequently occupied without a new registration being made.