

Licensing and Safety Committee 24th May 2012

Report of the Director of the Urban Environment

Health and Safety Enforcement Service Plan 2012-13

Purpose of Report

1. To bring to members' attention the Health and Safety Service Plan 2012-13, including a review of achievements of the service in 2011-12.

Background

2. The Council is responsible for the provision of a health and safety regulatory Service at approximately 5,100 premises including retailers, wholesalers, catering premises, residential homes, places of leisure and entertainment as well as tyre fitting bays, warehouses and some steel stockholders.
3. The health and safety service consists of :
 - Programmed premises inspections and interventions
 - 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 Jobs and Prosperity theme and to the Health and Well-being theme of the Council Plan and the Dudley Community Strategy. The service provides practical support to businesses in difficult economic times, which helps to ensure fair competition and allow well run safe businesses to flourish and contribute to the local economy.
5. The service also contributes to the government and Health and Safety Executive's (HSE) national health and safety strategy and priorities. A key contribution is also made to the priorities of the Dudley Joint Accident Prevention Strategy, working alongside other local partners to reduce the incidence of accidents on the road, in the home, at leisure and in the workplace.

6. 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.
7. A full copy of the Health and Safety Service Plan 2012-13 is located in the members' room.
8. Key achievements of the health and safety enforcement service in 2011-12 include:
 - 283 health and safety inspections were carried out, predominantly at high risk businesses and new businesses in the borough. In addition 250 food premises received appropriate health and safety advice and guidance when visited for food hygiene inspection.
 - 200 accidents reports were received of which 85 were deemed to be legally reportable. 26 accidents (30% of reportables) were investigated.
 - 28 applications for registration of skin piercing activities (such as tattooing, body piercing, electrolysis and acupuncture) were dealt with.
 - 221 complaints and requests for service were received in relation to workplace health, safety and welfare.
 - 1202 smoke free inspections were carried out with 99% of premises compliant with the smoke free legislation. 36 complaints were investigated and 9 fixed penalty notices served for smoking offences.
 - Specific projects were delivered including:
 - Raising awareness of new legislation prohibiting under 18s from using sun beds
 - Improving gas safety standards in catering premises
 - Improving safety in premises used for the storage, handling and distribution of nuts, bolts and fasteners
 - A project to deal with safety issues in retail premises caused by high stock levels in the run up to Christmas
9. The key delivery priorities in the Health and Safety Service Plan for 2012-13 are:
 - Targeting of inspections and interventions to manage the risk in the highest risk businesses.
 - Investigating major injury accidents and fatalities.
 - Responding to complaints and requests for service from businesses and members of the public in relation to health and safety issues at local authority enforced premises.
 - Continuing to identify skin piercing businesses that require registration, including tattooists.
 - Carrying out specific projects to:
 - Extend the gas safety project to further takeaways and catering premises in the borough
 - Extend the safety in nuts and bolts storage project to new premises identified during 2011-12 which are likely to be high risk premises
 - Raise awareness of manual handling and musculoskeletal disorders (MSD) in the furniture and carpet handling trade
 - Deliver a joint initiative with the Child Employment Officer in Children's Services to improve safety of young persons engaged in newspaper delivery
 - Extend the safety in the use of sun beds project to raise awareness

of schools and school age children of the legislation prohibiting under 18s from using sun beds

- Continue with the smoke free inspection project in the joint initiative with NHS Dudley to target premises where routine and manual workers are employed and additionally making referrals to the Dudley Stop Smoking Service and raising awareness of illicit tobacco issues.
10. Changes to health and safety regulation as a result of Lord Young's report "Common Sense, Common Safety" (October 2010) and the Lofstedt review (December 2011) are in the process of being implemented by central government. Accident reporting requirements changed in April 2012 so that only those injuries resulting in over 7 days absence from work are now reportable (previously it was over 3 day injuries). There is expected to be further changes during the coming year including a consolidation of health and safety regulations and codes of practice and the possibility of opening up the delivery of health and safety inspections in the lower risk sectors to accredited external bodies. Progress with future changes will be followed and consultation processes engaged with during the current year so that an update can be given to the Committee at the time of next year's report.

Finance

11. Financial implications from implementing the Health and Safety Service Plan are met from within existing budgets.

Law

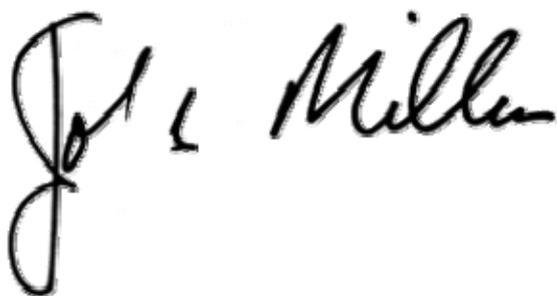
12. The Council's duties in relation to the enforcement of health and safety are laid down in the Health and Safety at Work etc Act 1974. Under section 18 of the Act the Council is obliged to make adequate arrangements for the enforcement of health and safety and to carry out enforcement in accordance with guidance given by the Health and Safety Executive.
13. 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.
14. 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

15. The proposals in this report do not adversely 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 duty holders and service users. Specific projects will have benefits for particular age groups, such as under 18s in the sun beds project and the newspaper delivery project.

Recommendation

18. It is recommended that the Committee endorses the Health and Safety Service Plan 2012-13 and notes the achievements of the service in 2011-12.



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List of Background Papers

Health and Safety Service Plan 2012-13