

**Wolverhampton City Council      OPEN DECISION ITEM**

Committee / Panel	<b><u>LICENSING COMMITTEE</u></b>	<b><u>Date</u> 13.3.13</b>
Portfolio	<b><u>ENVIRONMENT</u></b>	
Originating Service Group(s)	<b><u>EDUCATION AND ENTERPRISE</u></b>	
Contact Officer(s)/ Telephone Number(s)	<b><u>OLIVER WASSALL, DANIEL O'BRIEN</u></b> <b><u>4351,4381</u></b>	
Title/Subject Matter	<b><u>HEALTH AND SAFETY STATUTORY PLAN</u></b>	

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**Recommendations**

Committee are recommended to:

- (i) acknowledge the status of the Health and Safety Statutory Service Plan in the light of Health and Safety Commission guidance issued under Section 18 of the Health and Safety at Work etc. Act 1974;
- (ii) consider and endorse the draft Health and Safety Statutory Service Plan for 2013/14
- (iii) endorse the Council's continued commitment and participation in the development of the HSE's Strategic Partnership.
- (iv) make formal Committee commitment to improving health and safety outcomes
- (v) make a commitment to "Sensible Risk Management" as explained in paragraph 2.9

# HEALTH AND SAFETY STATUTORY PLAN

## 1.0 Purpose of Report

1.1 The report sets out for consideration and endorsement the twelfth annual Health and Safety Statutory Plan (2013/14). The report details how the implementation of the plan provides a framework for compliance with statutory guidance.

## 2.0 Background

2.1 Headline health and safety statistics for 20011/12 for England, Scotland and Wales are as follows:

- **173** workers were killed at work
- **1.1** million people were suffering from an illness they believed was caused or made worse by their current or past work
- **111 000** other injuries to employees were reported
- **212 000** over 3 day reportable injuries occurred (LFS)
- **27** million days were lost overall.
- Workplace injuries and work related illness (excluding cancer) cost an estimated 13.4 Billion Pounds.
- In 1974, the year the Health and Safety at Work etc Act was introduced, more than 600 people were killed each year at work.

2.2 Councillors will recall there are two enforcing authorities for health and safety. They are the Health and Safety Executive (HSE) which enforces legislation in factories, hospitals, schools etc. and Local Authorities which enforce health and safety in shops, warehouses and the service sector etc. In Wolverhampton the local authority role accounts for approximately 5000 premises.

2.3 The Health and Safety Executive (HSE) is responsible for maintaining a co-ordinated approach from all enforcing authorities and issuing guidance on behalf of the Government.

2.4 Section 18(4) of the HASWA requires that local authorities make **adequate arrangements** for the **enforcement** of health and safety within their area.

2.5 From time to time the Health and Safety Executive issues guidance under Section 18 of HASWA, to direct Authorities on how to discharge their enforcement duties. Compliance with such guidance is a statutory requirement for local authorities and is mandatory.

2.6 Previously issued guidance under Section 18 has concerned issues such as the conduct of enforcing authorities, for example, standards of training and competence of inspectors, and the law relating private clubs.

2.7 In 2001 HSE issued a new Statutory Code under Section 18, this was replaced in 2008 with a code called The Standard which became mandatory on 1<sup>st</sup> April 2011. On 21 December 2012 the Coalition released a consultation document on a new National Enforcement Code in response to The Löfstedt

Report. The consultation closes on 1 March 2013 with anticipated implementation by 1 April 2013.

2.8 The new National Code does not differ substantially from the previous code and should not present any difficulties in implementation.

2.9 The main change is an emphasis on risk based intervention where Authorities will only proactively inspect the highest risk businesses and sectors. Wolverhampton along with many other Authorities have only inspected the highest risk businesses and sectors for many years. The position is distorted however by the completion of health and safety checks at the same time as food hygiene inspections. Whilst this is deemed to be good practice it does give the impression that the Authority is inspecting predominantly low risk businesses. On this basis these will no longer be reported as full inspections

### 3.0 **Health and Safety Commission Statement**

3.1 Since September 2001, the Health and Safety Commission required Councils to have regard to guidance which sets out Council's mandatory obligations for the enforcement of health and safety. A key element is the preparation of a **Service Plan** for Health and Safety. This requirement has remained a key aspect of S18 guidance since 2001.

3.2 These Service Plans are recognised by Central Government as important expressions of a local authority's commitment to the development of their various services. In addition they serve as a quality framework against which a service can be audited as they provide a focus on resources, capacity and delivering aims and objectives. They also establish mechanisms for managing performance.

3.3 The Environmental Health Commercial Service produce two statutory Service Plans. These are in respect of Health and Safety and Food Safety.

### 4.0 **Health and Safety Statutory Service Plan**

4.1 The Statutory Service Plan was placed in Members' rooms. The Plan addresses the following key areas:

- The Council's Enforcement Policy in respect of health safety and welfare at work and the management of the enforcement process;
- Priority planning and the maintenance of an inspection programme;
- Inter-authority audits and benchmarking of the service;
- Provision of a competent inspectorate;
- Commitment to the Lead Authority Partnership Scheme and Primary Authority Partnership.

4.2 The Plan details the service provided by Wolverhampton City Council. It also identifies appropriate quality procedures and mechanisms for compliance with national strategies promoted by the HSE. It also confirms this Council's commitment to the Strategic Partnership with the Health and Safety Executive.

4.3 The proposals contained within the plan maintain a level of resource and service consistent with the joint guidance issued by Local Government Group (LGG) and HSE on reduced proactive inspections.

## 5.0 **Strategic Partnership**

5.1 In developing the HSC "Strategy for Workplace Health and Safety in Great Britain to 2010 and Beyond" the HSE identified that only by developing closer partnerships between HSE, local authorities and other stakeholders could Public Service Agreement Targets be achieved.

5.2 To seal this arrangement the HSE/C, Local Government Association (LGA) and Local Authority Co-ordinating Body on Regulatory Services (LACORS) produced and agreed a joint "Statement of Intent" intended to set out a high level commitment and provide a framework of objectives for the strategic programme. This was signed by all relevant bodies on 19 July 2004. This strategic partnership has revolutionised the way health and safety enforcement is discharged and had a significant impact upon the enforcement sectors local authorities have responsibility for. Wolverhampton's local Statement of Intent was signed by Members and the Partnership Manager in July 2005.

5.3 This Council's participation and support in the development of the Strategic Partnership is considered to be fundamental to the continued provision of a quality health and safety enforcement service in the City of Wolverhampton. It is also essential in the delivery of the Council's commitment to encouraging enterprise and business and empowering people and communities.

5.4 In June 2009 HSE developed a new strategy that has been prompted by a range of factors. These include: the recent slowing of improvement in Great Britain's health and safety performance; the changing industrial landscape with an increase of small businesses and the self-employed; the different risks posed by new sectors, and the need to regain the health and safety brand from those who misuse it to proliferate bureaucracy and as an excuse to hide behind unpopular policy decisions.

The strategy, which is resetting the direction for health and safety, sets out a number of goals:

- HSE and Local Authorities (LA) will continue to work together to investigate work related incidents and secure justice;
- Encouraging strong leadership and championing a common sense approach to health and safety;
- Building competence of those charged with delivering health and safety in workplaces;
- Promoting the benefits of worker involvement, whether the workplace is unionised or not;
- Customising the support for small businesses to help them comply with their health and safety obligations; and
- Taking account of the wider issues that impact on health and safety and its delivery.

5.5 The Environmental Health (Commercial) Work Programme for 2013/14 delivers the Statutory Service Plan for Health and Safety amongst a range of other services.

## 6.0 **Financial Implications**

6.1 The provision of services as set out in the draft Health and Safety Statutory Plan reflects existing budgetary provision. [TK/04032013/O]

## 7.0 **Legal Implications**

7.1 The endorsement of the Plan is the responsibility of the Licensing Committee

7.2 Under Section 18 of the Health and Safety at Work etc Act 1974 the Authority is required to make “adequate arrangements” for the enforcement of health and safety within the City. The production of an annual Service Plan is a mandatory requirement of the guidance to this obligation.

7.3 Health and Safety enforcement is a function which must not be the responsibility of an authority’s executive. Functions under any of the “relevant statutory provisions” within the meaning of Part 1 of the Health and Safety at Work etc Act 1974, fall to the Licensing Committee to approve. [FD/25022013/R]

## 8.0 **Environmental Implications**

8.1 The report has indirect environmental implications in so far as it affects the working environment of Wolverhampton.

## 9.0 **Equalities Implications**

9.1 The plan is in accordance with the Council’s Equal Opportunities Policy.