



# Licensing Committee

<b>Report title</b>	<b>HEALTH AND SAFETY STATUTORY PLAN</b>	
	<b>26 March 2014</b>	
<b>Wards affected</b>	All	
<b>Accountable director</b>	Tim Johnson, Education and Enterprise	
<b>Originating service</b>	<b>EDUCATION AND ENTERPRISE</b>	
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<b>Report to be/has been considered by</b>	None	

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## Recommendation(s) for action or decision:

The Committee is 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 2014/15
- (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 2.6
- (vi) agree to receive a further report if the ongoing restructure of Regulatory Services results in significant changes to the health and safety work programme or statutory plan.

## **1.0 Purpose**

- 1.1 The report outlines the Council's health and safety enforcement plan for 2014/2015. As one of the nation's health and safety regulators, the Council needs to make "adequate arrangements" to show it is performing this important statutory duty. The Health and Safety Statutory Plan details how the Council intends to discharge this function.

## **2.0 Background**

- 2.1 The most recent statistics for work related ill health are;

- An estimated 646 000 workers had an accident at work in 2012/13 - 231 000 of these injuries led to over 3 days absence from work and 175 000 to over 7 days (Source - Labour Force Survey)
- Self-reported non-fatal injuries have fallen by around one third over the past decade (Source – Labour Force Survey).
- 148 workers were fatally injured in 2012/13 - a rate of fatal injury of 0.5 deaths per 100 000 workers. This is less than half the number killed 20 years ago. (Source - Reporting of Injuries Diseases and Dangerous Occurrences Regulations).
- 19 707 major injuries to employees were reported in 2012/13; about 11% less than in 2011/12. (Source - Reporting of Injuries Diseases and Dangerous Occurrences Regulations).

- 2.2 Of the two enforcing authorities for health and safety, Local Authorities and the Health and Safety Executive (HSE), HSE (the national regulator) is responsible for maintaining a co-ordinated approach from all enforcing authorities and issuing guidance on behalf of the Government. HSE does this by issuing guidance under section 18 of the Health and Safety at Work Act (HSWA).

- 2.3 In May 2013, HSE launched the new National Health and Safety Enforcement Code. The LA National Code sets out the risk based approach to targeting health and safety interventions to be followed by local authority regulators.

The Code provides a principle based framework that recognises the respective roles of business and the regulator in the management of risk, concentrating on four objectives:

- Clarifying the roles and responsibilities of business, regulator and professional bodies
- Outlining the risk-based approach to regulation that local authorities should adopt
- Setting out the need for training and competence of local authority health and safety regulators
- Explaining the arrangements for collection/publication of local authority data and peer review to give assurance on meeting the requirements of the Code.

- 2.4** A key element of complying with the National Local Authority Enforcement Code is the preparation of an annual Service Plan. Wolverhampton City Council has been producing an annual service plan since 2001. Copies of the 2014/15 draft plan are available upon request from the Assistant Director – Regeneration. Copies have also been placed in Councillors rooms.
- 2.5** 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.
- 2.6** The 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.

The Strategic Partnership is built on the following core values -

- HSE and Local Authorities 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.
- 2.7** Councillors will be aware Regulatory Services is currently involved in a restructuring exercise in line with the corporate savings programme. It is possible some of the areas of service detailed in the Statutory Service Plan will need to be significantly revised as a result of the implementation of the required savings. In the event of such a scenario arising a further report, setting out any significant changes, will be brought back to this Committee.

### **3.0 Financial Implications**

- 3.1** Health and safety provision forms part of the Environmental Health (Commercial) Service which has a budgetary provision of approximately £1.2 million including a wide range of other non-health and safety services. The service is currently subject to restructure and any significant impact on the Statutory Service Plan will be subject of a further report.

[MF/12032014/S]

#### **4.0 Legal Implications**

- 4.1** 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.
- 4.2** 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.

[SH/06032014/G]

#### **5.0 Environmental Implications**

- 5.1** The report has indirect environmental implications in so far as it affects the working and commercial environment of Wolverhampton.

#### **6.0 Equalities Implications**

- 6.1** Implementation of the Health and Safety Statutory Plan has direct equality implications as it sets out how a range of statutory enforcement duties are to be delivered in the City affecting both individuals and all sections of the community.
- 6.2** In order to ensure a consistent and proportionate approach all decisions are based solely on consideration of risk, public safety, evidence and public interest. All enforcement policies reflect this approach.