

CITY OF
WOLVERHAMPTON
COUNCIL

Regulatory Committee

9 June 2021

Report title	Health and Safety Statutory Plan 2021-2022	
Cabinet member with lead responsibility	Councillor Steve Evans Cabinet Member for City Environment & Climate Change	
Wards affected	All	
Accountable Director	Ross Cook, Director of City Housing and Environment	
Originating service	Commercial Regulation	
Accountable employee	Emma Caddick	Service Lead
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Report has been considered by	Councillor Steve Evans	28 May 2021
	Leadership Team	25 May 2021

Recommendation for decision:

The Regulatory Committee is recommended to:

1. Approve the proposed Health and Safety Statutory Plan 2021-2022

1.0 Purpose

- 1.1 To inform the Regulatory Committee of the legal requirement to produce a Health & Safety Statutory Plan.
- 1.2 To seek Regulatory Committee approval for the 2021-2022 Health and Safety Statutory Plan. The proposed plan is attached at appendix A.

2.0 Background

- 2.1 The Council is responsible for protecting the health, safety and welfare of people at work in Wolverhampton and to safeguard others, principally members of the public, who may be exposed to risks from the way that work is carried out; either in Wolverhampton, or by employers whose managerial control is based in Wolverhampton. This responsibility is shared with the Health and Safety Executive and the Care Quality Commission. The Health and Safety (Enforcing Authority) Regulations 1998 determine who is responsible for whom at what premises.
- 2.2 Traditionally Local Authorities would have delivered their responsibilities through thorough proactive inspection programmes as well as reacting to reports of near misses, accidents and complaints of poor health and safety standards. Over recent years following changes in guidance, 'LAC67/2 – Targeting Local Authority Interventions', from the HSE, proactive inspection has been reduced to only the highest risk businesses. This risk is assessed on; confidence in management, safety performance, health performance and welfare needs compliance. Other businesses would only be contacted proactively to provide advice and education. They could still receive reactive inspection following reports of near misses, accidents and complaints of poor health and safety standards.
- 2.3 The HSE provides the list of 'Activities/ Sectors for proactive inspection by Local Authorities', only those sectors listed can be inspected and the inspection is limited to the activities detailed.
- 2.4 Furthermore, under Section 108 of the Deregulation Act 2015 the Local Authority is required to consider the promotion of economic growth when exercising regulatory functions. In particular, regulatory action is only taken when needed and any action taken must be proportionate.
- 2.5 The Health and Safety Statutory Plan is a requirement under the 'National Local Authority Enforcement Code for Health and Safety at Work'. This code is mandatory guidance issued by the Health and Safety Executive under Section 18 of the Health and Safety at Work Etc. Act 1974. The Health and Safety Statutory Plan is one of two statutory service plans implemented by Consumer Services. The Health and Safety Statutory Plan is a commitment to delivering the service including the resources that will be allocated and creates a standard against which the service can be audited.

2.6 The Health and Safety Statutory Plan for 2021-2022 details the resources allocated, priority areas of activity and a reduced number of proactive inspections.

3.0 Reasons for decision

3.1 The Health and Safety Statutory Plan is a Statutory document and is required to be produced annually. The plan sets out the priorities for the Service and is available for members of the public to view so that they are aware of what the authority is doing to safeguard people.

3.2 It is requested that the Regulatory Committee approve the 2021-2022 Health and Safety Statutory Plan.

4.0 Financial implications

4.1 The overall resource provision required to deliver the requirements of the plan fall within the City Housing and Environment portfolio.

4.2 The approved budget for the Environmental Health Service 2021- 2022 is £672,960, which includes the provision of the Health and Safety service. It should be recognised that a wide range of other non-health and safety related services are delivered within this budgetary provision. The level of resource available for the provision of health and safety activities covered by the statutory plan is currently in the region of £120,000. This is monitored through the Council's routine quarterly revenue monitoring process.

[SB/17052021/Y]

5.0 Legal implications

5.1 It is a legal requirement to produce a Health and Safety Statutory Plan.

5.2 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.

5.3 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. The endorsement of the plan is the responsibility of the Licensing Committee.

5.4 Failure to produce or deliver the statutory plan may result in measure being taken against the authority.

[RP/17052021/A]

6.0 Equalities implications

- 6.1 The Health and Safety Statutory Plan aligns the support and enforcement activities of the Commercial Regulation Service with HSE guidance, all activity is intelligence/ risk based and activity is only undertaken where necessary.
- 6.2 All regulatory activity is undertaken in accordance with the Black Country Regulators Operating Framework, previously approved by Cabinet.
- 6.3 Any prosecutions are taken in accordance with the Home Office Code for Crown Prosecutors, which includes an evidential and public interest test. The evidential test is undertaken by Legal Services and final approval for prosecution is via the Head of Service.

7.0 All other Implications

- 7.1 Implementation of the Health and Safety Plan and the subsequent inspection of businesses within the City helps to ensure that businesses comply with the law and protect the health, safety and welfare of their employees, and any other individual who may be exposed to risks from the way that work is carried out. All work undertaken by the Service is aimed at securing the health and wellbeing of residents and visitors to the City.

8.0 Schedule of background papers

- 8.1 Health and Safety Statutory Service Plan 2019-2020 Approved at Non-Statutory Licensing Committee.

9.0 Appendices

- 9.1 Appendix 1: City of Wolverhampton Council Health and Safety Statutory Service Plan