

# Health and Safety Statutory Service Plan

2023 – 2024



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# Introduction

This is the City of Wolverhampton Council's Health and Safety Service Plan, dedicated to the health and safety enforcement function. It covers all elements of responsibilities relating to premises and functions falling within this Council's remit for health and safety enforcement as encompassed within the Health and Safety (Enforcing Authority) Regulations 1998.

The Health and Safety Service Plan is an expression of this Council's commitment to Health and Safety Enforcement and is a requirement of the Health and Safety Executive (HSE) as the body that monitors, audits, and broadly sets Councils' activities on health and safety enforcement. It also plays a vital role towards contributing to the Council Plan, and the Council's vision for 2030. The format and content of this service plan incorporates mandatory guidance issued by the HSE under Section 18 of the Health and Safety at Work etc. Act 1974. This is the standard which, local authorities must reach in relation to their priorities.

Health and Safety has undergone dramatic change over recent years. Through its actions via LA Code of Practice 67/2 (Revision 12) (LAC 67/2) and modifications to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR). Health and Safety enforcement is confined to distinct nationally applied high-risk areas or local intelligence-based enforcement. Consequently, the nation-wide number of inspections has fallen dramatically to around 5% of what they were. There is no longer a legal requirement to register premises for health and safety enforcement and local authorities must rely on local 'intelligence information' to root out poor practices. It is against this backdrop that local authorities must now perform. Local authorities are able to respond to matters of evident concern and have done so where there is a serious risk of personal injury.





For 2023-2024 The City of Wolverhampton Council health and safety team will follow the national LA Code of Practice – LAC 67/2. This includes national priorities such as work-related stress and mental health and electricity in hospitality settings, amongst others. The Service will continue to investigate workplace accidents in keeping with national selection guidance that identifies which accidents and incidents are worthy of investigation and those which are not.

During the financial year for 2022 – 2023, 315 leaflets were emailed and or distributed on site to commercial catering premises regarding the importance of ensuring that any gas installations and appliances are maintained in a safe condition. 586 premises were written to regarding the safe use of bouncy castles and other inflatable amusement devices, ahead of the Queen's Jubilee and Commonwealth Games, and 586 leaflets were distributed to Hospitality and Entertainment Settings regarding electrical safety, including the use of outdoor areas, and duties to maintain equipment in a safe condition.

Following local intelligence, a leaflet was produced and distributed via email to 287 Nail Bars and Beauty Salons providing practical advice on how to avoid the spread of infection in a salon, undertaking a risk assessment, and included a checklist of things to consider.

A Stress and Mental Health awareness campaign was launched, to prevent and support good mental health at work. A news letter, which included a leaflet was sent to over 5,000 businesses and their employees, providing access to a free on-line webinar, including advice on risk assessments, tools and practical guidance.

The health and safety team continue to undertake and fulfil the roles and responsibilities of the Council in undertaking statutory duties at qualifying sports grounds across the city, working in conjunction with partner agencies, to ensure that reasonable steps are taken to ensure that all people are protected from physical harm or injury.

**Emma Caddick**  
Service Manager, Environmental Health

# 1.0 Aims and Objectives

- 1.1** To protect 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. The Environmental Health Service will follow the National Local Authority Enforcement Code. This code defines 'adequate arrangements for enforcement' of health and safety legislation at premises, which is requirement under section 18 of the Health and Safety at Work Act 1974.
- 1.2** The service will prioritise their work based on the national priorities set by the HSE, with the key objective to focus on the safety of the workforce and protect them from work related ill health.
- 1.3** Proactive inspection will only be used for high risk premises or where intelligence suggests that risks are not being effectively managed.
- 1.4** Staff will follow the incident selection criteria set by the HSE to determine whether to investigate accidents, incidents, and cases of ill health.
- 1.5** Education plays an important part in improving health and safety standards where local intelligence identifies sector issues we will consider undertaking a proactive awareness campaign subject to resources.
- 1.6** Staff will support the Primary Authority Principle.
- 1.7** Staff will refer to the Black Country Local Authorities Enforcement policy and the Enforcement Management Model issued by the HSE when undertaking health and safety enforcement.



## 2.0 Scope of the Health and Safety Service

**2.1** The role of this service is to support, encourage and advise and where necessary to hold to account businesses to ensure that they manage their occupational health and safety risks. This will be through:

- Provision of advice, investigating complaints and accidents and inspection only where specifically identified.
- Acting as responsible authority in relation to the Licensing Act 2003 applications and as consultee in relation to relevant planning and building control applications.
- Acting as the responsible authority on behalf of the Council in relation to statutory duties as mentioned in the Safety of Sports Grounds Act 1975 (as amended) and the Fire Safety and Safety at Places of Sport Act 1987 at each of our four qualifying sports grounds.
- Commenting on proposed health and safety legislation, codes of practice, guidance, and other official documents as necessary and as requested.
- Promoting and enforcing as necessary the provisions contained in the Health Act 2006, relating to smoke free workplaces and vehicles.
- Identification of cosmetic body piercing activities (acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing, and electrolysis) requiring registration and prepare them for the issue of registration.

**2.2** The team is available from 9:00 am – 5pm. Monday to Thursday and 9:00 am – 4.30 pm on Friday. Out of Hours interventions are carried out where required.

**2.3** Informal arrangements are in place for contacting senior officers regarding matters arising outside of normal working hours e.g., accidents and incidents.



## 3.0 Service Delivery

- 3.1** The Health and Safety Executive has published a range of guidance for LA's to create a targeted regulatory programme.
- 3.2** In May 2013 the HSE published the National Local Authority Enforcement Code (The Code). The Code provides Local Authorities (LA) with guidance on intervention and enforcement programmes so that LA regulators take a consistent and proportionate approach to their regulatory interventions. It also sets out the Government expectations of a risk-based approach to targeting health and safety interventions and enforcement.
- 3.3** The Code provides LA's with a principles-based framework that focuses regulatory resources on the basis of risk via a range of different regulatory techniques and interventions. Advice to Local Authorities on targeting interventions is contained in Local Authority Circular 67/2 (rev.12) which sets out a list of national priorities and provides guidance on setting local priorities.



## 4.0 National Priority Projects

**4.1** For 2023 – 2024 the HSE have set a number of topics which are deemed to be of national priority. The City of Wolverhampton Council will conduct the following projects that have been identified as being a national priority: -

**4.2 Raising awareness of the work related stress and mental health campaign ‘Working Minds’ with businesses**

The service will continue to raise awareness of workplace stress across all small and medium business enterprises, and will work with stakeholders to keep people better informed. Awareness will target employers and their workers to ensure that they have the necessary tools to prevent work related stress and help to support good mental health at work.

**4.3 Electricity safety in hospitality settings**

In 2018, a seven-year-old boy tragically lost his life after he touched ‘defective’ lighting and was electrocuted in a pub beer garden.

Proactive inspections will be undertaken to pubs, bars, restaurants and cafes urging duty holders to ensure that outdoor electrical equipment, such as lights and heaters are especially designed for outdoor use, are installed by a competent person, and maintained in a safe condition. Officers will undertake checks with businesses during routine food safety visits.

**4.4 Inflatable amusement devices**

There have been a number of serious incidents where inflatable amusement devices have collapsed or blown away in windy conditions.

Advisory safety information will be issued to premises who are likely to use devices or install these devices, such as hospitality venues and community centres around the Coronation of King Charles III. Highlighting the importance of safe installation and use; suitable arrangements for measuring weather conditions; written documentation from a competent inspection body; and annual inspection by a competent person.

**4.5 Gas safety in commercial catering premises**

Officers will raise awareness with local duty holders of the importance of gas safety and risks of exposure to carbon monoxide in commercial kitchens from badly installed or faulty appliances; poor ventilation resulting in lack of make-up air to support combustion; and/or inadequate extraction systems.

Officers will check with businesses that gas has been properly installed and is maintained and inspected by a competent gas safe registered engineer during routine food hygiene inspections.

**4.6 Welfare provision for delivery drivers**

Raise awareness with hospitality venues and warehouses that receive or send regular deliveries that the law requires welfare provisions to be made available, such as access to toilet, hand washing and rest facilities if the premises has been made available to them as a place of work.

Officers will check and advise as necessary during routine food hygiene, and pro-active health and safety inspections.



## 5.0 Proactive Inspection

- 5.1** Proactive inspections will be undertaken where local intelligence suggests the risks identified in Annex B of the LAC 67/2 health and safety guidance are not being controlled.
- 5.2** Since 1 April 2022, the service has undertaken intelligence led inspections concerning workplace transport at thirteen of our larger warehouse distribution centres and wholesale sites. This work has been successful, and will continue throughout 2023 – 2024, on both an intelligence led basis and as part of a pro-active inspection programme.

## 6.0 Sports Ground Safety

- 6.1** Under the provisions of the Safety of Sports Grounds Act 1975 local authorities are responsible for issuing and enforcing safety certificates for designated grounds and regulated stands.
- 6.2** A safety certificate will set the permitted capacity for the sports ground together with the detailed terms and conditions with which the ground management must comply in order to operate the sports ground at its permitted capacity.
- 6.3** The authority has four certified grounds:
- Molineux Stadium home to Wolverhampton Wanderers FC
  - Wolverhampton Race Course
  - Aldersley Stadium
  - Monmore Green Stadium
- 6.4** The certified grounds are subject to inspection to ensure that they are operating in accordance with the conditions on the safety certificate. The frequency of inspection varies for different sites and is determined by risk.
- 6.5** Molineux Stadium is a designated ground so the certificate applies to the whole ground. This has an annual walkabout inspection and a minimum of 4 during performance inspections, with 3 SAG's in October/January/May.
- 6.6** The Regulated stand at Wolverhampton Racecourse, which has a capacity >2000 spectators has an inspection annually, whereas Aldersley Stadium, and Monmore Green Stadium have one every two years, with a SAG annually or bi-annually accordingly.
- 6.7** Information obtained from inspections of Molineux Stadium is required to be fed back to the Sports Ground Safety Authority (SGSA), and they carry out their own independent annual audit to ensure that as a Local Authority we are performing our role satisfactorily.

**6.8** Since 1 April 2021 significant work has been undertaken at the Wolverhampton Wanderers Football Club, including continued oversight of flame and pyrotechnic effects that are used during match days, renewal of certificates, oversight of the rebuild of the Graham Hughes stand, liaison with WMFS regarding the club's fire risk assessment, oversight of the application to have licensed standing areas as well as regular document reviews. Monitoring has also been undertaken to ensure the licensed standing areas do not lead to standing elsewhere in the ground.

**6.9** Our Sports Grounds venues are popular locations for large scale concerts, attracting high volume crowds. We ensure that reasonable steps are taken to protect attendees from physical harm or injury.



## 7.0 Health and Safety Complaints

- 7.1** Since 1 April 2022, the service has responded to over 143 requests for service in relation to health and safety. This can range from enquiries about health and safety law e.g., employers/proprietors' duties, through to complaints and "whistle blowers" detailing serious workplace conditions or reports of dangerous practices.
- 7.2** All health and safety complaints received, including anonymous complaints are prioritised and investigated in accordance with the good enforcement principle of targeting, transparency, consistency and proportionality. Emphasis is placed on those complaints that have the potential to cause most harm to employees or the public via a risk-based approach.
- 7.3** All requests for service are logged on to the back-office system (Uniform) and any action taken in relation to a complaint is logged on this system too.
- 7.4** Any enforcement action during an intervention where the public are affected, and is available to view upon request to encourage local accountability.

## 8.0 Accident Investigations

- 8.1** Since 1 April 2022, the service has received 62 accident investigation reports. The Reporting of Injuries, Diseases, and Dangerous Occurrences Regulations 2013 (RIDDOR), places duties on employers, the self-employed and people in control of work premises to report certain workplace accidents, occupational diseases and specified dangerous occurrences (near misses).
- 8.2** All accident investigations received are prioritised and investigated in accordance with the RIDDOR Regulations, and HSE incident selection criteria.
- 8.3** All RIDDOR reports are logged on to the back-office system (Uniform) including any action taken in relation to the accident.



## 9.0 Enforcement Action

- 9.1** The Health and Safety Service endeavors wherever possible to use informal means to achieve compliance with the law. Where there is evidence of imminent risk, flagrant breaches of the law, or persistent failure to maintain standards, the service will exercise their powers in accordance with its Enforcement Policy, and will follow the general principles of proportionality, consistency, transparency and targeting of resources when applying the law.
- 9.2** Since 1 April 2022, the service has served six improvement notices following matters relating to electrical installations, workplace transport and work at height concerns. Seventeen prohibition notices were served following evidence of imminent risk, including falls from height, unsafe racking, and matters relating to non surgical buttock augmentation injections. One simple caution was also issued for concerns relating to poor management of legionella in a hotel.

## 10.0 Cooling Tower Registration

- 10.1** Many large factories and office blocks have cooling towers and evaporative condensers associated with their air conditioning units. As there is a risk of spreading legionnaires disease from these units all premises where cooling towers and evaporative condensers are situated must register with the Council under The Notification of Cooling Towers and Evaporative Condensers Regulations 1992. There are currently 27 sites with cooling towers registered with the authority.
- 10.2** Registered premises within Wolverhampton which are enforced by the Council for health and safety may be subject to an inspection / intervention visit.

# 11.0 Cosmetic Body Piercing Registration

- 11.1** Under the Local Government (Miscellaneous Provisions) Act 1982, personal and premises registration is required for the activities of Acupuncture, Tattooing, Semi-Permanent Skin Colouring and Cosmetic Body Piercing, and compliance with local adopted Bye Laws.
- 11.2** As there is a risk of cross contamination including blood borne viruses and other skin infections, an inspection is important to review risk assessments, including infection prevention and control procedures.
- 11.3** Since 1 April 2022, the service has reviewed and inspected against 42 applications for the certification of registration to be granted for Cosmetic Body Piercing activities.



## 12.0 Event Safety Advisory Group

- 12.1** The Event Safety Advisory Group is a multi-agency Group formed to offer guidance to anyone organising a public event in Wolverhampton. The council will aim to ensure that assistance is consistent and will encourage a minimum standard of safety at all events held throughout the area.
- 12.2** The Group provides an opportunity to implement a co-ordinated process that enables organisers of public events to give notification of a future event and to ensure this information is disseminated across all agencies.
- 12.3** The Group is currently chaired by the Licensing Manager, with the following council departments and other government authorities being represented:
- Licensing
  - Highways
  - Trading Standards
  - Environmental Health
  - Public Health
  - Building Control
  - Internal Health and Safety
  - West Midlands Police
  - West Midlands Fire Authority
- 12.4** Since 1 April 2022, the Environmental Health Service have reviewed 100 applications via the Event Safety Advisory Group, and provided support on compliance with food, health and safety and noise compliance.

## 13.0 Liaison with other Organisations

- 13.1** The City of Wolverhampton Council are part of the West Midlands Health and Safety Liaison Group (WMHSLG), who work together to produce common policies, practices and procedures to aid consistency. The group also organises regular training programmes for enforcement officers.
- 13.2** The City of Wolverhampton Council are also part of the West Midlands Skin Piercing Liaison Group (WMSPLG), who work together to tackle common problems across the High Street with beauty, tattooing and non-surgical aesthetic treatments. The group produces common policies, practices and procedures to aid consistency.
- 13.3** Officers continue to work with the Chartered Institute of Environmental Health (CIEH), The Institute of Licensing (IoL), and
- The All Party Parliamentary Group (APPG) for Beauty and Wellbeing, to assist with the campaign and implementation of a licensing scheme to regulate non-surgical aesthetic treatments available on the High Street.
- 13.4** As a Council we liaise with other organisations as appropriate such as the Fire Rescue Service and the Police.
- 13.5** The service also advises and liaises with other services within the Council, including Building Control, Planning and Licensing.
- 13.6** Safety Advisory Groups have been set up for certified grounds, their function is to provide specialist advice to the local authority so it can discharge its functions under the Safety of Sports Grounds Act 1975 (1975 Act) and / or Fire Safety and Safety of Places of Sport Act 1987.



## 14.0 Health and Safety Partnerships

**14.1** The City of Wolverhampton Council are partners with the HSE and the National Association of Steel Service Centres to create the Steel Stockholding Lead Authority Partnership, which has been in existence now for over 20 years. This has created published industry guidance, training and guidance for both industry and officers has been developed through this group.

**14.2** The Council has three developed Primary Authority Partnership's with **Marston's PLC, Little Dessert Shop (Holdings) Ltd and CMC Consultancy**. The partnerships primarily focus on health and safety, food hygiene and standards.

**14.3** Primary authority is a means for businesses to receive assured and tailored advice on (amongst other areas) meeting environmental health and trading standards regulations through a single point of contact.

In maintaining our primary authority partnerships, officers from the service will:

- respond to enquiries from other local authorities about, or concerning, the business or its operations or procedures
- act on behalf of other local authorities as the primary regulatory link to the business
- provide advice to the companies on the interpretation of legislation
- provide assistance to enforcing authorities in the conduct of investigations and encourage the businesses to offer reasonable assistance.

The authority will have regard to the Primary Authority Partnership Scheme and associated official guidance when considering formal legal action.



## 15.0 Resources

### 15.1 Staffing Allocation

The Environmental Health Service is a multi disciplinary team. There are 17 officers who undertake a range of duties, including health and safety enforcement.

The proportion of an officers time spent undertaking health and safety work will vary throughout the year and is dependent on what incidents are reported to the service. The service manager alongside the team leaders will continually monitor the work the service is doing through out the year and reallocate resources as required.

**15.2** The approved budget for the Environmental Health Service 2023 - 2024 is £682, 900, 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 £84,800.

**15.3** Whilst it is the intention of the Service to undertake the work outlined in the service plan this will continue to be subject to the level of resource and the emerging issues, which arise during the year.

## 16.0 Staff Training and Development

**16.1** Officers individual training needs are identified formally during employee professional conversations, which are held quarterly. In addition, Officers are assigned lead responsibilities to develop a specialism within the commercial sector.

**16.2** Officers that are members of the Chartered Institute of Environmental Health (CIEH) are required to undergo at least 20 hours of Continuous Professional Development (CPD) per year. The service recognises this need and supports staff in achieving this.

**16.3** Typical sources of training include day release courses, on the job training and development, in house short courses and cascade training, and external short courses and seminars.

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