



DIRECTORATE OF COMMUNITIES & NEIGHBOURHOODS
THE HEALTH AND SAFETY ENFORCEMENT SERVICE PLAN 2012/13

FOREWORD

Under Section 18 of the Health and Safety at Work Act 1974, local authorities (LAs) are required to make adequate arrangements for enforcing health and safety legislation.

The 'Section 18 Standard' has been developed to help demonstrate that an enforcing authority has the operational, managerial, administrative, legal and political resources (both staff and infrastructure) to contribute to improving health and safety outcomes.

As part of this Section 18 Standard, City of York Council must produce a service plan (this document) setting out its priorities and plan of interventions for the forthcoming year.

These plans must take into account:

- The Health and Safety Executive's (HSE) priorities.
- National and regional priorities, targets and plans.
- Locally derived objectives.
- Relevant guidance and policies.

City of York Council must target its interventions:

- To maximise its impact in improving health and safety outcomes.
- To securing action by duty holders to manage and control the health and safety risks of their work activities.
- On the duty holders who are best placed to control the risks whether they be employers or others.
- On other organisations and stakeholders that can influence risk reduction.
- On activities that give rise to serious risks or where the hazards are least well controlled.
- To stop those that seek economic advantage from non compliance.
- In accordance with national guidance on interventions and priority programmes.

This services plan sets out the aims and objectives of the service for 2012/2013, based on the demands placed upon the service and the resources available. In a time of limited resource, the council is not able to achieve all of the desirable aims for health and safety enforcement. However, this service plan makes the best use of existing resources to provide a risk-based mix of enforcement approaches.

1 SERVICE OBJECTIVES, AIMS AND POLICIES

1.1 Our vision:

To deliver the highest standards of protection of health, environmental and economic well-being to the people of York, through the provision of a quality customer focused service.

1.2 The objectives of Environmental Health and Trading Standards are to:

- Protect residents and local businesses from unfair and unsafe business practices
- Protect residents and our environment from pollution and other public health and safety hazards
- Help local businesses achieve compliance with their legal obligations
- Promote healthy living in the city

1.3 Aims of the Health and Safety team

To ensure that workplace health and safety is given sufficient priority, and contributes to providing a safe human environment, the health and safety team's aims are:

- To manage the risk in high risk, poor performing and/ or rogue trader businesses (targeted approach in line with the better regulation agenda).
- To investigate major injury incidents and fatalities (national justice agenda and used to assess and target poor management in line with better regulation).
- To seek to reduce work related ill health and accidents, and to protect the health, safety and welfare of people at work and to safeguard others (principally members of the public) who may be exposed to risks from the way work is carried out.
- To carry out an annual targeted programme of health and safety inspections and enforcement for all local authority enforced premises in the city, in accordance with statutory requirements, approved codes of practice and guidance.
- To support the annual inspection programme with targeted promotional advice and educational initiatives in line with HSE enforcement strategies.
- To respond to all complaints and requests for advice promptly.
- To carry out sampling when necessary to provide accurate information to identify workplace hazards.

- To be accessible, open and fair when taking proportionate enforcement action against health and safety law offenders.
- To promote and provide health and safety information and advice to businesses and members of the public.
- To carry out registration of premises operating skin-piercing activities as prescribed by government.
- To deal with enquiries referred by other agencies and refer enquiries to the health and safety executive and to other bodies when necessary.
- To continue to work in partnership with the Health and Safety Executive

1.4 Enforcement policy and service standards

The team operates to a comprehensive, documented enforcement policy in accordance with the Section 18 Standard. In addition, there are service standards for environmental health and trading standards.

1.5 Council priorities

The Council Plan covers the period 2011-15. The health and safety service contributes to the following priorities contained in the plan:

- Create jobs and grow the economy.
- Build strong communities.
- Protect vulnerable people.

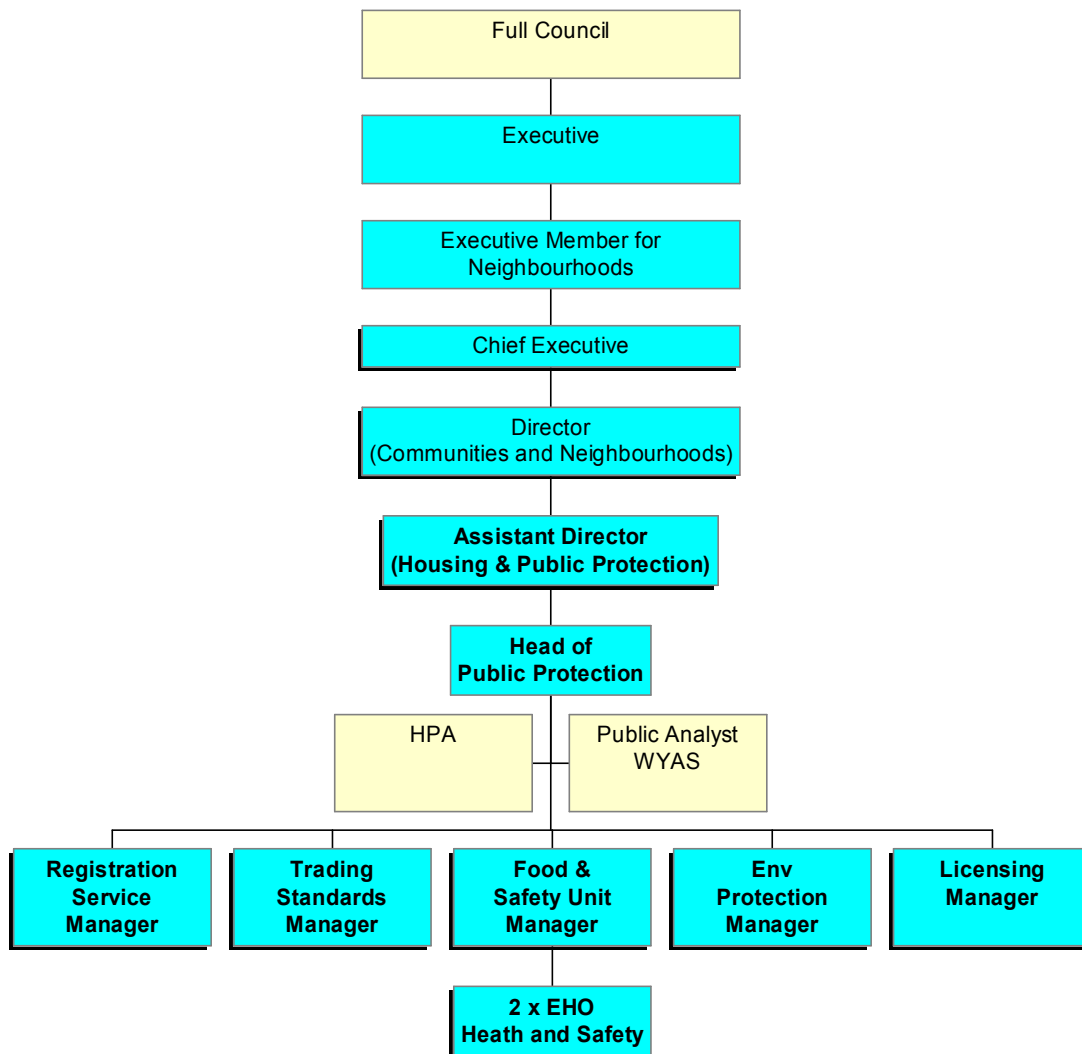
2. BACKGROUND

2.1 Profile of the Local Authority

City of York Council is a unitary authority, with a population of approximately 200,000 and an area of 105 square miles (27,250 hectares). The majority of the electorate (60%) are located in the urban city area, with the remainder resident in the outlying towns and villages.

The area is predominantly urban, covering the historic city with the associated tourism, hospitality and catering activities.

2.2 Organisational Structure



2.3 Provision of specialist services

Micro-biological examination is carried out under a service level agreement with the regional public health laboratory, which is operated by the Health Protection Agency (HPA). Examples of the type of examination carried out include swimming and spa pool water, and Legionella in water systems.

We make use of other specialist services as and when required, such as asbestos sampling.

2.4 Scope of the health and safety team

The team is part of the food and safety unit and deals with all health and safety issues in local authority enforced premises. One of the officers is also authorised under the HSE/local authority Flexible Warrant initiative (see 3.2 below).

The officers undertake a range of health and safety interventions and investigations in response to complaints and accidents. In addition to its enforcement role, the team also provides information and advice to members of the public, businesses, professional bodies and organisations.

Due to limited resources we are not able to be involved with other initiatives such as education campaigns, training sessions and promotional work.

2.5 Demands on the health and safety team.

Local authorities only enforce health and safety in the following sectors; catering, retail, wholesale, offices, leisure, places of worship and premises including hotels, guesthouses and residential care homes.

An external factor impacting on service delivery is the large number of visitors that use the city's facilities.

2.6 Service delivery point

The service is delivered from offices based at 20 George Hudson Street, York. The council's hours of operation are 08:30 -17:00 Monday to Friday, although officers work outside of these hours as necessary.

3 PLANNED ENFORCEMENT ACTIVITY

3.1 Health and safety interventions

The total number of health and safety premises enforced by the team at 01 April 2012 was 4898.

The HSE issues guidance to local authorities on how they should deliver their service. The most recent guidance (Local Authority Circular 67(2) rev 3) directs

local authorities to target higher-risk areas/businesses and to deal with serious breaches of health and safety.

The guidance contains advice on the type of interventions that should be used, which include:

- Developing partnerships
- Motivating senior managers
- Sector and industry wide initiatives
- Working with those at risk
- Using education and awareness
- Inspections (see below)

We will only consider an inspection where a businesses is rated as 'Category A' for health and safety (the highest risk). As part of this year's work programme we plan to review the risk rating of the premises we enforce to ensure that the ratings are correct.

We will also consider carrying out an intervention where:

- A premises/activity appears to be a significant potential local issue;
- There is intelligence over a period of time (complaints, RIDDOR reports, adverse insurance reports, risk rating history, information from other enforcing authorities etc) combined with a relevant workplace context (number of employees, public risk etc) to indicate poor performance and/or potential significant breaches of health and safety law;
- An activity is identified as part of a recognised national priority for 2012/13.

The national priorities for 2012/13 are:

- Sites identified as within the scope of the nationally recognised Beauty Sector intervention plan.
- Visitor attractions to prevent or control ill health arising from animal contact.
- Asbestos duty to manage and raising awareness.
- Activities connected with the Olympic Games.

In addition to the local priorities, local topics the team will look at this year are:

- Tattooists and skin piercers.
- Use of sunbeds by minors.
- Use of Intense Pulse Lasers in the beauty sector (new premises)
- LPG installations (in partnership with HSE).
- Gas safety in catering premises.

In addition to these topics, the team will respond to notifications under RIDDOR in accordance with LAC 22/13 rev1. Complaints from employees/members of the public will also be investigated, in accordance with our complaint selection criteria.

For the past few years we have operated a H&S forum for businesses in conjunction with the HSE and a neighbouring authority. This year we are looking to rejuvenate the forum, which we hope will be an effective way to engage with businesses and get across key health and safety messages.

3.2 Comments on past and projected performance

In 2011/12, the team carried out 24 inspections. This is a lower number than in previous years and reflects the fact that there was only one officer in post for part of the year. The HSE also issued a preliminary draft of Local Authority Circular 67/2 (see section 3.1) in September 2011, which indicated that only Category A premises should be inspected. As we had no A rated premises, we stopped carrying out inspections at this point.

As part of the partnership agreement with HSE, an officer in the team has been issued with a flexible warrant. This allows them to exercise their powers on premises which are normally enforced by HSE and vice versa. This initiative has been very successful and provides a more efficient way of working. For example, officers from both inspectorates can take immediate action to stop dangerous activities.

During 2011/12, the officer dealt with five cases using their flexible warrant. One of the cases resulted in the officer issuing a Prohibition Notice to stop roofing work until appropriate scaffolding had been installed.

The flexible warrant scheme will continue in 2012/13 and the HSE has recently re-launched the scheme on a national scale. The flexible warrant scheme is highly praised and now is an indicator of excellence in the Section 18 standard.

3.2.1 Advice to businesses

The team provides support and assistance to businesses operating, or intending to operate in York.

In our experience, many small and medium businesses particularly value the advice we provide to help them comply with health and safety requirements. In light of this, and because we won't be inspecting our lower risk businesses as we have done in the past, we intend to write to a selection of our premises to offer help and advice. We will evaluate the response to decide whether this approach is successful.

4 REACTIVE ENFORCEMENT ACTIVITY

4.1 Formal action taken

The following table summarises the level and types of formal enforcement action taken in the previous year.

Type of action	Numbers taken / issued 2010/2011	Numbers taken/issued 2011/2012
Prosecution	0	1
Formal Caution	0	0

Prohibition Notice	2	2
Improvement Notice	4	3

The prosecution was in relation to an injury sustained by a sign fitter who fell from a ladder.

4.2 Health and safety complaints/service requests

During 2011/12 the team received 479 complaints and service requests. This is a marked increase from 2010/11 when we received 387 complaints.

4.3 Reports of accidents and dangerous occurrences

The team receives reports of accidents and dangerous occurrences from a variety of sources. Reports can be received from the injured people themselves or from statutory notifications required to be made under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR).

In 2011/2012 the team received 328 statutory notifications, all of which had to be assessed to determine what follow up action was required, such as a visit to the premises or a formal investigation.

4.4 Notification of work with asbestos

The team is notified about certain types of asbestos removal work. This requires site meetings with asbestos removal contractors in order to ensure they are complying with all relevant health and safety legislation.

During 2011/2012 the team received 12 notifications (there were 16 for 2010/2011).

5 OTHER AREAS OF SERVICE DELIVERY

5.1 Partnership working

The team aims to continue its role in providing a holistic approach to health and safety, by ongoing partnership working with other organisations including the HSE, Care Quality Commission, Health Protection Agency, the York Hospitality Association and other business organisations.

City of York Council supports the principle of lead authority and has signed up to a partnership agreement with Aviva.

6 REFERRALS TO AND LIAISON WITH OTHER AGENCIES

6.1 Liaison with other organisations

It is the policy of the team to take all reasonable steps to ensure that it is operating in a manner that is consistent with both neighbouring and national local authorities.

Various methods are adopted to facilitate this including benchmarking and liaison with:

- The Health and Safety Executive Local Authority Unit
- North Yorkshire health and safety liaison group
- North Yorkshire Chief EHO training group
- North and West Yorkshire health and safety local authority liaison group
- North Yorkshire Fire and Rescue Service
- North Yorkshire Police
- Planning/building control/licensing departments of the council

6.2 Referrals to other organisations

Where the team receives a health and safety related service request that does not fall within its enforcement area, it will refer the person concerned to the correct body or forward the request to the relevant authority within one working day of receipt.

7 RESOURCES

7.1 Financial allocation

The overall level of financial allocation to health and safety enforcement activity for 2011/12 and 2012/2013 is as follows:

	Actual 2011/12 £k	Estimate 2012/13 £k
Staffing Costs (inc direct employee expenses)	67.1	88.6
Support Costs	48.5	42.6
Supplies & Services (inc transport)	5.2	4
Income	-5.4	-1.5
Overall Expenditure	115.4	133.7

7.2 Staffing allocation

The health and safety service is delivered by two environmental health officers who carry out all functions relating to health and safety in those premises for which the team has responsibility.

Officers from the food safety section of the team hazard spot any health and safety issues whilst they are in food premises and these are dealt with as necessary.

7.3 Staff development plan

Staff training needs are identified both on an ongoing basis and by annual review. To assess the competency of our staff and to identify training/development needs we use the Regulators' Development Needs Analysis tool.

Training needs are met by:

- Attendance on seminars/courses - Partnership working with the Health and Safety Executive has resulted in a considerable amount of training provided by HSE specialist inspectors.
- In-house training on specific issues.
- Cascade training by staff who have attended relevant courses.
- Use of the HSE on-line GRIP training resource.