



DIRECTORATE OF COMMUNITY & NEIGHBOURHOOD SERVICES  
THE HEALTH AND SAFETY ENFORCEMENT SERVICE PLAN 2010/11

## FOREWORD

Section 18 of The Health and Safety at Work etc. Act 1974 requires local authorities to make adequate arrangements for enforcing health and safety legislation. To achieve this duty, City of York Council must produce a service plan setting out its priorities and plan of interventions for the forthcoming year. These 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.

The Section 18 mandatory standard requires every enforcing authority to have the operational, managerial, administrative, legal and political resources (both staff and infrastructure) to contribute to improving health and safety outcomes.

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 2010/2011, 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 Is:**

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
- Reduce noise nuisance and make an effective contribution to reducing anti social behaviour in York

## **1.3 Aims of the Health and Safety Enforcement Team**

To ensure that workplace health and safety is given sufficient priority, and contributes to building a safe human environment, the health and safety enforcement team 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 investigate 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
- Delivery of Fit 3 program –
  1. Workplace transport (country wide approach to nationally recognised priority)
  2. Slips, trips and falls (rising cause of workplace injuries)
  3. Disease reduction programme – dermatitis (targeted at the local catering industry)
  4. Stress (of concern nationally and locally). The team is the lead authority for a large insurance company based in the city, where stress is an important issue.
  5. Management of asbestos (of concern nationally and locally because of York's legacy of asbestos related diseases).

#### **1.4 Enforcement Policy and Service Standards**

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

#### **1.5 Links to Community Strategy**

City of York Council has set out its corporate strategy for 2009 - 2012. The strategy has eight objectives, including Thriving City, Safer City and Healthy City. The team supports the Thriving City objective by supporting business with advice, whilst seeking compliance from those who might seek to gain an unfair competitive advantage. The team also makes a strong contribution to Safer City and Healthy City by its interventions on targeting high risk premises and its work on work related stress, dermatitis and asbestos management.

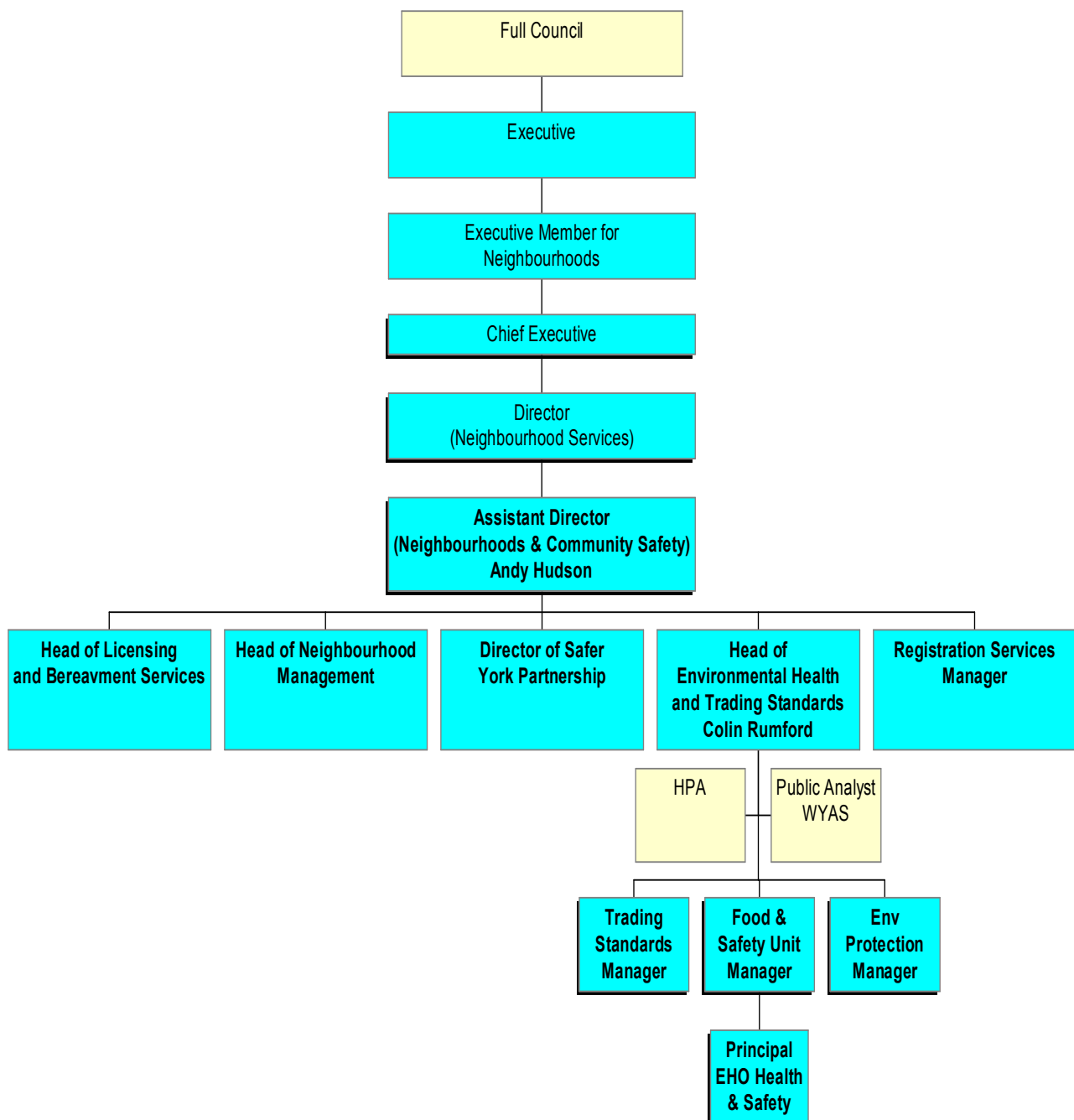
## 2. BACKGROUND

### 2.1 Profile of the Local Authority

A unitary authority with a population of approximately 193,000 and an area of 105 square miles (27,250 hectares), 60% of the electorate is based in York 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**

The team makes use of the following specialist services:

- Asbestos sampling and other environmental monitoring is carried out in conjunction with AH Allen, 6 Waterside House, Maritime Business Park, Livingstone Road, Hessle, Hull
- Micro-biological examination is carried out under service level agreement with the public health laboratory service (HPA) based in Leeds, e.g. for swimming and spa pool water sampling and Legionella in water systems

## **2.4 Scope of the Health and Safety Enforcement Team**

The team is part of the food and safety unit and deals with all health and safety issues in non-food and food premises. The principal and senior environmental health officer undertake a programme of health and safety inspections and investigations in response to complaints and accidents. In addition to its enforcement role, the service also provides information and advice to members of the public, businesses, professional bodies and organisations. It provides education, training and a variety of promotional work.

## **2.5 Demands on the Health and Safety team.**

The local authority enforced sector mainly comprises of catering, retail, wholesale, offices, leisure, catering, places of worship and premises including hotels and guesthouses and residential care homes.

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

## **2.6 Service Delivery Point**

The service is delivered from our office based in De Grey House, Exhibition Square, York. The hours of operation are 08:30 -17:00 Monday to Friday although officers work out of these hours when the nature of the work dictates.

# **3 PLANNED ENFORCEMENT ACTIVITY**

## **3.1 Programmed Health and Safety at Work Premises Inspections**

The team aims to inspect premises in accordance with a risk-based programme. However, the inspections are centred on those activities in the workplace which the HSE have identified as contributing nationally to the highest rates of accidents/incidents and ill-health at work. This programme is based on analysis of injury and ill health generation across known hazard and sector hotspots in businesses, large and small. The key topics are workplace transport, falls from height, slips and trips, musculoskeletal disorders, work induced stress, contact dermatitis, occupational asthma and asbestos.

In adopting the topic based inspection approach, the team will maximise its resources by focusing on these areas, rather than completing all-encompassing inspections.

In previous years we have worked to the standards outlined in HSE guidance LAC 67/1(Rev 3) "Advice to local authorities on intervention programmes and an inspection rating system". This document has been withdrawn by HSE and has been replaced by LAC 67/2. This document reduces the number of premises into which premises can be classified from six to four. The new priority rating system is as follows:

Old LAC 67/1	New Category	Description	Inspection Frequency
A	A	Highest Risk	12 months
B1	B1	Medium Risk 1	18 months
B2 & B3	B2	Medium Risk 2	No rigid inspection regime
B4 & C	C	Lowest Risk	No rigid inspection regime

This new priority rating scheme will come into operation in April 2010. Once the software supplier for our database provides the update, these new ratings will be applied.

Categories B2 and C premises, which under the new system require no rigid inspection regime, will be subject to other forms of intervention e.g priority topic works or questionnaires.

The total number of Health and Safety premises in City of York at 01 April 2010 was 5035.

Type	Number of premises	Inspections in work plan
High Risk Category A	0	0
Medium Risk1 Category B1	383	135
Medium Risk2 Category B2	2107	80
Lowest Risk Category C	2545	0

The team estimates that 30 revisits to premises will be carried out in the year.

### Comments on Past and Projected Performance

In 2009/10, the team achieved the total number of programmed A-risk inspections (8) and B1 inspections (54), thus meeting the local performance measure for those categories of premises. In addition, another 158 inspections were carried out on the priority topics.

The team comprises of two officers, who have to carry out the number of inspections required under the HELA risk rating system. This has led to a large backlog of outstanding inspections for the lower risk premises. However, the HSE have recently shifted the

emphasis away from comprehensive, programmed inspections, onto more resource-efficient and focused enforcement activities in accordance with the FIT 3 Strategic Programme.

Following the Safer Working Community project in 2007, the York Health and Safety Forum was set up in partnership with the Health and Safety Executive. This forum is provided for local businesses to discuss health and safety issues with the HSE and CYC inspectors. The forum meets every three months and guest speakers are invited to talk on subjects chosen by the local businesses. This forum has proved very popular and will continue in 2010/11.

As part of the partnership agreement with HSE, officers in the team have been trialing a flexible warrant initiative. Officers have been authorised by the HSE to enter and 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 (eg. officers from both inspectorates can take immediate action to stop dangerous activities).

The flexible warrant scheme will continue in 2009/10 and it is planned to carry out joint initiatives with HSE inspectors. The flexible warrant scheme is highly praised and now is an indicator of excellence in the Section 18 standard.

### **3.2 Other Planned Enforcement and Advice Work**

As in 2009/2010, the team will align its proactive work to the HSE priority areas. In addition to carrying out proactive inspections of our category A and B premises, we have made an agreement with the Health and Safety Executive on areas where we can work with them on joint projects (in line with Section 18 standards).

These joint projects are:

- Agricultural Safety . Our Animal Health officers regularly visit agricultural premises. We have agreed that these officers provide HSE with intelligence on unsafe working practices on farms. Training has been provided by HSE.
- Reducing slips and trips in hotels, catering, food retail and in residential care homes.
- Reducing dermatitis in the catering and beauty industries.
- Protecting employees from noise related hearing loss in pubs and clubs
- Targeted inspections of compactors and bailers at warehouses/supermarkets.
- The management of asbestos in buildings.
- Stress in financial sector – to continue our work with Aviva (formally Norwich Union).
- Workplace transport.



### 3.2.1 Advice to Businesses

The team provides all reasonable support and assistance to businesses operating or intending to operate in the area. This work will be complemented by the team's contribution and promotion of the York business forum.

The council is lead authority on health and safety for Aviva, providing advice which is disseminated to the company's other UK offices.

## 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 2008/2009	Numbers taken/issued 2009/2010
Prosecution	0	0
Formal Caution	0	0
Prohibition Notice	1	2
Improvement Notice	12	9

### 4.2 Health and Safety Complaints/Service Requests

During 2009/10 the team received 472 complaints and service requests of all types.

It is estimated that future demands on the team are likely to increase as a result of growing awareness of health and safety at work amongst our customers, resulting in an increase of the number of complaints and service requests.

### 4.3 Reports of Accidents and Dangerous Occurrences

The team receives reports of accidents and dangerous occurrences from a variety of sources and is required to access the RIDDOR reporting centre at Caerphilly for notifiable injuries within the City of York Council area. Some of these reports are statutory notifications required to be made under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR).

In 2009/2010 the team received 288 statutory notifications.

#### **4.4 Notification of Work with Asbestos**

The team receives notification of asbestos removal work. This requires site meetings in order to ensure compliance by asbestos removal contractors with all relevant health and safety legislation.

During 2009/2010 the team received 10 notifications as apposed to 9 for 2008/2009.

### **5 OTHER AREAS OF SERVICE DELIVERY**

#### **5.1 Partnership Working**

The team aims to continue its role in providing a more 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 or receipt.

## 7 RESOURCES, THEIR USE AND DEVELOPMENT

### 7.1 Financial Allocation

The overall level of financial allocation to health and safety enforcement activity for the year 2009/2010 is as follows.

	<b>Actual 2009/10 £k</b>	<b>Estimate 2010/11 £k</b>
Staffing Costs (inc direct employee expenses)	88.1	88.7
Support Costs	42.5	42.5
Supplies & Services (inc transport)	2.0	5.5
Income	-6.7	-1.5
<b>Overall Expenditure</b>	<b>125.9</b>	<b>135.2</b>

### 7.2 Staffing Allocation

Health and safety enforcement is led by one full time principal environmental health officer under the overall supervision of the food and safety unit manager.

In addition there is 1 FTE senior environmental health officer carrying out all functions relating to health and safety in those premises for which the team has responsibility.

### 7.3 Staff Development Plan

The training development needs are identified both on an ongoing basis and by annual review. Last year the HSE launched their Regulators Development Needs Analysis tool. This is an online tool which is completed by each officer with their manager. This has identified training needs for the officers. The results of this were fed back to the HSE partnership manager who has identified training needs in the region. Training needs will be 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.