



Name of meeting: Economy and Neighbourhoods Scrutiny Panel

Date: Tuesday 21 March 2023

Title of report: Statutory Health and Safety service plan 22-23

Purpose of report:

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards? Decisions having a particularly significant effect on a single ward may also be treated as if they were key decisions.	NO
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u>	Key Decision – Yes Private Report/Private Appendix No
The Decision - Is it eligible for call in by Scrutiny?	Yes If no give the reason why not
Date signed off by <u>Strategic Director</u> & name Is it also signed off by the Service Director for Finance? Is it also signed off by the Service Director for Legal Governance and Commissioning?	02.03.23. Colin Parr Strategic Director Environment and Climate Change. To be heard at scrutiny on 21.03.23 No No
Cabinet member portfolio	Cllr Will Simpson

Electoral wards affected: All

Ward councillors consulted: None

Public or private: public

Has GDPR been considered? Yes

1 Summary

Health and Safety (H&S) legislation in England, Scotland and Wales is enforced by either the Health and Safety Executive (HSE) or local authorities (LA). The Health and Safety (Enforcing Authority) Regulations 1998 determine whether an activity comes under the HSE or LA enforcement.

In Kirklees, the Health & Safety Team enforce provisions of the Health and Safety at Work etc Act 1974 within businesses within the Kirklees. Working closely with the Health and Safety Executive (HSE), the team enforce provisions of the Act within leisure, retail, office and warehouse working environments. Section 18 (4) of the Act places a legal duty on this Authority to make adequate arrangements for enforcement and the team are located within the wider Environmental Health team under the Head of Public Protection.

The team consists of one Environmental Health Group leader, one part time Senior Environmental Health Officer and one Senior technical officer working towards a health and safety qualification. The team utilise two other staff members from the wider Environmental Health team for one day per week to help in delivery of the service. This equates to a total of 1.8 FTE, with the service having 3 warranted officers.

In 2013 the HSE published the National Local Authority Enforcement Code (the Code) which was created to ensure LA health and safety regulators take a more consistent and proportionate approach to their regulatory interventions. It sets out the Government's expectation of a risk based approach to targeting interventions and highlights the important role LA health safety regulators have in ensuring effective and proportionate management of risk.

The Code provides this Authority with a principle-based framework that focuses regulatory resources based on risk. It allows LAs to develop our own health and safety priorities and target intervention to consistently comply with the code. Guidance issued outlines the wide range of regulatory interventions open to LAs, requiring consideration to which are the most effective to influence management of risk in a particular business.

The attached service delivery plan has been created in reference to this National guidance and sets out the service priorities for the financial year 22-23.

2 Information required to take a decision

This service delivery plan sets out the Health & Safety priorities for financial year 22-23. It's been formulated in reference to national priorities set by the HSE and considers the local priorities through the review of accident statistics and intelligence information from other departments or partners.

The service plan outlines the previous year's performance outcomes which are supplied annually to the HSE through a statutory return called the LAE1. This return

is analysed by the HSE to determine if the LA is meeting the requirements of the Code and its legal duty under the HASAW etc Act 1974.

The 1.8 FTE's within the team and the high percentage of workplaces that team regulate make delivery of a regulatory function based on inspection of individual workplaces inefficient and impracticable. The Code enables the use of a wide range of interventions to improve our impact and reach, with pro active interventions only being used on highest risk workplaces.

The 22-23 priority to pro-actively visit warehouses addresses the national risks of workplace transport, working at height and manual handling. Furthermore, local intelligence through analysis of accident data highlighted serious accidents involving workplace transport. Initial scoping of the borough identified some 50 large volume warehouses which warranted this proactive intervention.

3 Implications for the Council

3.1 Working with People

The Health and Safety team recognises the importance of engaging with business and how successful business can impact and increase local and council wide economic development. By ensuring workplaces are safe through the delivery of a targeted intervention plan and being consistent in their enforcement approach will ensure key council outcomes are achieved.

The Public Protection Enforcement Policy outlines the graduated approach to enforcement, which starts at education and can ultimately lead to enforcement action where there is repeated failure to comply with legal requirements and/or the seriousness of the risk associated with non-compliance requires formal, enforcement action. This Enforcement Policy has been prepared in-line with the Regulators' Code.

The increase in demand for health and safety advice because of the Covid-19 pandemic demonstrated the team's approach in working with people and business. Advice on risk assessment and the implementation of practical controls to keep their workforce safe enabled local businesses to continue to operate through this difficult time. The team provided advice on the government guidance and offered support through signposting, reviewing and auditing.

3.2 Working with Partners

The Health and Safety team works collaboratively with other departments of the Council, where appropriate. For example, there are strong links with the Infection Prevention and Control Team, throughout the Covid-19 pandemic and infectious disease outbreaks in certain settings; Corporate Health and Safety to provide advice and guidance on legislative requirements; and with Building Control through inspection of unsafe structures.

The team has strong links with neighbouring health and safety teams within West Yorkshire to ensure their delivery is consistent with the Code and to allow the sharing of intelligence to enable emerging risks to be highlighted. The West Yorkshire Health and Safety liaison group regularly discuss risks and act as critical friend by auditing and reviewing statutory returns.

3.3 Place Based Working

The Enforcement Code requires the Health and Safety team to prioritise its resources in delivering specific outcomes and the attached service plan identifies both national and local priorities. These local priorities have been identified through the review of accident data and the processing of intelligence from partner agencies. The wet cupping project came about from intelligence from UKSHA and the notification of a bloodborne disease. Initial investigation identified that the individual recently had received this treatment and from initial scoping of the local area, many practitioners were advertising this practice.

3.4 Climate Change and Air Quality

Nothing to consider.

3.5 Improving outcomes for children

The investigation of major accidents and complaints in line with the HSE selection criteria enable the team to investigate and prevent accidents within the workplace. Workplace accidents can also have a detrimental effect on members of the public, with some resulting in injury and harm to children. The team have carried out accident investigation at nurseries and leisure facilities which have involved children. The outcome of these investigations has identified why the accident happen and prevented future incidents / accidents from occurring. The team carried out 103 reactive visits in 21-22 to address accidents / complaints and other H&S interventions.

3.6 Financial Implications for the people living or working in Kirklees

There are no known financial implications for people living or working in Kirklees from the Health and Safety service plan. The plan outlines the priorities for the team and provides information on outcomes from the previous year. The plan highlights emerging risk that could require additional funding to increase staffing levels, however at present this additional resource are not needed.

3.7 Other (eg Integrated Impact Assessment (IIA)/Legal/Financial or Human Resources) Consultees and their opinions

Nothing to consider

4 Consultation

The Health and Safety service plan has been presented to Colin Parr Strategic Director for Environment and Climate Change. The plan is scheduled to be presented to scrutiny on 21 March 2023. Following this review and depending on the recommendations of scrutiny and Cabinet portfolio holder Councillor Simpson, the plan will be presented to Cabinet in Summer 23.

5 Engagement

None.

6 Next steps and timelines

The Health and Safety delivery plan will be presented to Cabinet in summer 23 for formal acceptance

7 Officer recommendations and reasons

Cabinet are asked to approve and adopt service plan.

8 Cabinet Portfolio Holder's recommendations

Acceptance of the service plan.

9 Contact officer

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10 Background Papers and History of Decisions

National Local Authority (LA) Enforcement Code
<https://www.hse.gov.uk/lau/la-enforcement-code.htm>

11 Service Director responsible

Katherine Armitage – Service Director Environmental Strategy and Climate Change