

REPORT TITLE: Statutory Health & Safety Service Plan 24-25

Meeting:	Scrutiny
Date:	25 September 2024
Cabinet Member (if applicable)	Cllr Munir Ahmed
Key Decision Eligible for Call In	No No – adopted by Cabinet in July 2024
Purpose of Report: To provide a report to Members on the function and activity of the Health and Safety Team within Environmental Health and present the Service Plan, adopted by Cabinet in July 2024, detailing activity between April 2023 to March 2024 and priorities and activity for the following 12 months until March 2025.	
Recommendations <ul style="list-style-type: none"> • For Scrutiny to review and note the report • To present to Scrutiny the activities of this important statutory, regulatory team. 	
Reasons for Recommendations <ul style="list-style-type: none"> • Service priorities have been set in consultation with Health and Safety Executive (HSE) guidance. • Service priorities deliver on Council shared outcomes. • Service priorities have been set in consultation with neighbouring local authorities. 	
Resource Implications: None – within existing budget.	
Date signed off David Shepherd, Executive Director for Place, Growth and Regeneration. 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?	Give name and date for Cabinet reports Health & Safety Service Plan 2024/25 Cabinet: 9 th July 2024 – signed off and agreed Scrutiny: 25 th September 2024 16 th September 2024 John Bartlett on behalf of Kevin Mulvaney 26.06.24 YES – David Stickley, Principal Lawyer, for Samantha Lawton, Service Director 25.06.24

Electoral wards affected: All
Ward councillors consulted: None

Public or private: Public

Has GDPR been considered? Yes, no personal data included, and any sensitive data anonymised.

1. Executive 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.

The law places a legal duty on local authorities to make adequate arrangements for enforcement of Health and Safety in workplaces. In Kirklees, the Council's Health & Safety Team enforce the provisions of the Act within businesses within Kirklees and the team are located within the wider Environmental Health (EH) team under the Head of Public Protection. The team work closely with the Health and Safety Executive (HSE), and the enforcement relates to the leisure, retail, office and warehouse working environments. The enforcement and the priorities for enforcement are determined with reference to the HSE National Local Authority Enforcement Code (the Code), which provides local authorities with a principle-based framework that focuses regulatory resources based on risk. It allows LAs to develop their 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 be given to which are the most effective to influence management of risk in a particular business.

The service delivery plan at appendix 1 has been created in reference to this National guidance and sets out the service priorities for the financial year 2024/25. The Service Plan also discusses how the team met the priorities set for 2023/24, with reference to the resources allocated and considers the financial resources required to continue to meet the Council's statutory obligations and how.

2. Information required to take a decision

This service delivery plan reviews the outcomes from the Team in 2023/24 and sets out the Health & Safety priorities for financial year 2024/25. It has 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, over the 2023/24 period.

The previous year's performance outcomes are submitted, 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 Health and Safety at Work etc Act 1974 (HASWA).

The 1.8 FTEs within the team and the high percentage of workplaces that the 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 proactive interventions only being used on highest risk workplaces. Some priorities/interventions remain the same each year, as these must be undertaken by the Team to meet the Council's statutory duties. These are listed as 'Continued Priorities' with new initiatives identified as 'New Priorities for 2024/25'.

The 2024/25 service priorities are:

Continued Priorities:

- *Investigate all major injuries/ accidents/ serious complaints and notifications of disease.*

All fatal and major accidents will be investigated in line with service guidelines and national guidance produced by the HSE. The Service received 121 accidents last financial year and through their investigations, the team have identified some unsafe working practices. Through their advice and enforcement, these working practices have been made safe.

New Priorities for 2024/25:

- *To reduce work related ill health from stress and depression by raising awareness amongst employers within the retail sector.*

Poor mental health and ill health, associated with work related stress, is contributing to increasing numbers of lost days from work. The HSE in conjunction with LAs is targeting employers and their workforces to ensure they have the necessary tools to help prevent work related stress and to support good mental health at work. The service has identified the retail sector to target this intervention, with this sector having a high turnover of staff, it's a manual profession, which is relatively low paid. Furthermore, the increasing incidences of shop lifting within this retail sector (Office for National Statistics, Crime in England and Wales: year ending December 2023) has created the additional risk of violence at work. The team will look at reviewing what controls the business already has and will advise them on ways to improve their support to staff. The team will also review other risks associated with this type of industry including violence and aggression at work, manual handling and working at height.

- *Planned Preventive Maintenance within Tyre and Exhaust retailers.*

Planned preventative maintenance (PPM) of work equipment is essential to the reduction of serious injuries and fatalities in the workplace. Evidence suggests that maintenance has lapsed during COVID due to difficulties preventing contractors entering duty holder sites to undertake statutory examinations. Moreover, with the current cost of living crisis placing additional pressures on businesses, national intelligence suggests planned preventative maintenance on work equipment is not taking place to save money. The team has identified the tyre and exhaust sector for this intervention, with this sector having lifting platforms and other major work equipment, which if not maintained and serviced, could result in serious injury. Furthermore, through the examination of HSE project archive database, a similar project was found to be useful. Initial scoping suggest we have round 60 tyre and exhaust businesses within the Kirklees area.

- *Raising awareness of pressure vessels in coffee machines*

The increasing culture of barista coffee within our leisure industry has resulted in most cafes or restaurants having a pressure vessel in their control. These vessels require a written scheme of examination by a competent person and require periodic inspection by a trained individual. A lack of maintenance on this equipment can result in these pressurised vessels over pressurising and exploding. A local business who contacted the team earlier this year and provided free

training on the pressure systems, alerted the team to these types of equipment, within the food sector, and the potential risk they pose.

In conjunction with the national priority of planned preventive maintenance the team plan to raise awareness within this leisure sector by delivering key training to the food safety team, who in their remit will visit these types of businesses.

Advice will be provided to the business owner on the risks of their work equipment and how to comply with this legal requirement. Any matters of concern will be fed back to the Health and Safety team who will contact the business owner and provide additional advice.

- *Carbon Monoxide in commercial premises*

Raising awareness of the risk of exposure to carbon monoxide in commercial kitchens has been a national priority for a few years. Recent close working with the industry inspector (Gas Safe) has enabled the team to identify potential specific catering equipment (tandoor ovens) which could be a risk. These types of equipment are large and expensive to purchase new, with most businesses inheriting them when they take over the business. Often, they have not been serviced regularly and as a result key safety features have failed or been bypassed to get the machine operating. This results in a significant risk of a gas explosion and the team will utilise the food safety team to identify this type of equipment during their food hygiene inspections. Any matters of evident concern will be reported back to the Health and Safety team who will contact the business owner and provide additional advice to reduce that risk.

3. Implications for the Council

The service delivery plan sets out its priorities for the financial year 2024/25 and the anticipated impact from this work will contribute to the Council's shared vision for a better Kirklees and its shared outcomes. The service plan will contribute to the four key council priorities:

3.1 Council Plan

3.1.1 Address our financial position in a fair and balanced way.

The proposed service plan will be delivered within the existing Health and Safety Team budget and will not require any additional staffing resources. The priorities identified have been based on the staffing resources available, not just within the H&S Team, but by utilising the wider EH resources. As part of this, a wide range of different interventions will be utilised to deliver the priorities, maximising the impact and influence on the management of risks within businesses. For example, raising awareness of the dangers of pressure vessels within restaurants and cafes will be delivered by food safety officers, who are already visiting this type of business during statutory food inspections. Delivering this project through this method widens the impact of the intervention without increasing the dedicated H&S staffing resources required to deliver it.

All existing Health and Safety fees and charges are set in accordance with legislation and are calculated to recover the cost for delivering them. These fees will be reviewed annually to ensure all costs are being recovered and where possible efficiency saving can be made.

3.1.2 Strive to transform council services to become more modern, efficient and effective

The Health and Safety team will deliver its service priorities by utilising a wide range of interventions to ensure the greatest impact and influence on the management of risk within that business. For example, rather than visiting all cafes and restaurants to raise awareness of risk of pressure vessels, it is more productive and efficient to raise this awareness through the food safety team, who will be visiting this type of business through their existing statutory food hygiene inspections. Furthermore, not all reports of Health and Safety incidents and complaints will get investigated after initial enquires have been made, with only those meeting HSE incident selection criteria (LAC 22/13) being selected. This triaging of service requests will ensure those incidents which have a greater severity of potential or actual harm are investigated. This ensures a better and more efficient use of the limited staff resources available within the team and enables the Council to meet its statutory obligations, within the resources available.

3.1.3 Continue to deliver a greener, healthier Kirklees and address challenges of climate change.

The Council's vision of a healthier, safer Kirklees is mirrored by the objective of the team to work with others to protect people's health and safety, by ensuring risks in the workplace are managed properly. All service priorities have an outcome of improving the health or safety of employees in Kirklees, with the proposed project of raising awareness of work-related stress and depression key in achieving this shared vision. Work related stress is a leading cause of ill health from work and contributes to 17.1 million days lost per annum. Through raising awareness and sign posting the duty holders to the necessary tools available, this ill health could be reduced.

3.1.4 Continue to invest and regenerate our towns and villages to support our diverse places and communities to flourish.

Having a safe working environment is key to ensuring any business is sustainable and the proactive, and reactive interventions delivered by the Health and Safety team can contribute to this council priority. The team will continue to offer free health and safety advice to all businesses within our enforcement area, with those not being regulated by the Local Authority being directed to the HSE. The team will continue to participate within the Safety Advisory Group for large Kirklees events and will provide health and safety advice to event organisers. Through utilisation of their expert knowledge, event risk assessments can be reviewed and advice on practical management of risk can be shared.

3.2 Financial Implications

The plan outlines the priorities for the team and the staffing resources required to deliver on these priorities. The priorities have been identified using a risk-based approach to ensure that they will be delivered within budget, utilising the 1.8 FTE H&S officers and through other EH staff providing additional resource, through the provision of information and advice, as previously discussed. The H&S budget has remained consistent with previous years, with increases relating solely to staffing cost increases associated with inflation etc.

The H&S Team budget for 2024/25 is as follows:

2024/25	
Expenditure	Health and Safety Team
Staffing	£88,506
Training	£0
Travel and other subsistence	£0
Supplies and services	£702
ICT	£0
Sampling	£0
Total Expenditure	£89,208

Income generated will be offset against the necessary costs associated with service delivery and/or contribute to training and other costs.

The income target for the H&S Team is £11,263. This income is generated through fees charged for skin penetration registration activities (e.g. ear piercing, tattooing etc). Fees are reviewed on a yearly basis to ensure cost recovery.

The funding for the Team's budget is based on the following funding streams:

- Government Grant £40,000
- Council Tax/Business Rates £38,000
- Fees and Charges £11,000

3.3 Legal Implications

Section 18 of the Health and Safety at Work etc Act 1974 places a legal duty on every Local Authority to make adequate arrangements for the enforcement of this statutory provision. The Health and Safety plan 2024/25 has been developed in conjunction with the National Local Authority Enforcement Code and the Local Authority Circular 67/2 (Revision13) setting Local Authority Priorities and Targeting interventions for 2024/2025. The plan outlines the priorities for the team for the 2024/25 and ensures adequate arrangements are in place to meet this legal duty.

The priorities have been identified to ensure a proportionate and risk-based approach to H&S enforcement that ensures that all statutory obligations are met, with the staffing resources available. The process of determining these priorities indicates that satisfactory staffing resources are available for the 2024/25 period to meet statutory obligations.

3.4 Other (e.g. Risk, Integrated Impact Assessment or Human Resources)

The service plan sets out the team's priorities for the delivery of Health and Safety for the year 2024/25. The plan ensures that Kirklees Council meets its statutory duty under the Act and provides detail in what the team will focus its resources. Some of these priorities have been chosen using national and local intelligence to form these priorities. However, as these

priorities partly change the focus of the service, an integrated impact assessment has been completed.

4. Consultation

There is no requirement to consult members of the public or business on the Health and Safety plan. It is a document required, by law, to ensure that the Council has the resources in place to enforce H&S legislation and to set priorities and projects.

Internal consultation with officers has been carried out and priorities agreed with Senior Officers and Portfolio Holder.

5. Engagement

No public engagement with this Plan is required. It is for members to note.

6. Options

6.1 Options considered

Not applicable, the Health and Safety Service Plan is for noting.

6.2 Reasons for recommended option

Cabinet adopted the service plan in July 2024. Service priorities have been set in conjunction with national guidelines from the Health and Safety Executive. Both national and local intelligence has been used to form the service priorities, with neighbouring authorities critically reviewing these priorities to ensure consistency with national guidance.

7. Next steps and timelines

Following the adoption of the Health and Safety Plan it is published on the Council's website and the Health and Safety team will carry out its regulatory and discretionary functions in line with the adopted plan.

8. Contact officer.

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9. Background Papers and History of Decisions

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

10. Appendices

Health and Safety Service Plan 2024/25

11. Service Director responsible

Katherine Armitage – Service Director Environmental Strategy and Climate Change

