

CITY OF  
WOLVERHAMPTON  
COUNCIL

## Response to Request for Information

Reference      FOI 003333  
Date            8 March 2019

### ***Occupational Health Risks***

#### **Request:**

Can you please provide or answer the following in connection with the local authority's occupational health risks:

1. Does Wolverhampton City Council ("WCC") have a policy on occupational health risk. If so then please provide a copy.  
[With reference to question 1, please see attached from page 5 a copy of the latest Health and Safety Statutory Plan.](#)

[We have also provided you with a link to our generic enforcement policy:](#)

<https://www.wolverhampton.gov.uk/licences/regulatory-policy>

2. Does WCC provide health and safety advice and guidance for business. If so then is that advice recorded.  
[Please see our response provided on page 4.](#)
3. Has WCC ever provided health and safety advice and guidance for business that operate in high risk sectors such as Warehousing/distribution. If so then please provide details on how this has been achieved, further please confirm how many events, guidance, planned visits and proactive inspections have been made to warehouses/distribution premises since 1 April 2011 to present.  
[Please see our response provided on page 4.](#)
4. Has WCC ever attended STB Foods Limited premises to give advice and guidance on Health and Safety.  
[In response to question 4, I can confirm that the department holds information that you have asked for, but in this instance, we will not be providing it to you as it is exempt from disclosure.](#)

[We are not obliged, under section 40\(2\) of the Act, to provide information that is the personal information of another person if releasing would contravene any of the provisions in the Data Protection Act 1998 \(DPA\). In this instance we](#)

believe that the release of this information would contravene the first data protection principle, and therefore section 40 (2) is engaged.

The terms of this exemption in the Freedom of Information Act mean that we do not have to consider if it would be in the public interest for you to have the information.

You can find out more about Section 40(2) by reading the extract from the Act and some guidance points we consider when applying the exemption on the Information Commissioner's website:  
<https://ico.org.uk>

5. Attached is a list of activities and level of risk associated with certain sectors of business published by the Health and Safety Executive. One of the sectors listed as high risk is Warehousing and distribution. The HSE and national policy code requires all Local Authorities to take regular proactive inspections on such business premises as part of their occupational and safety assessment duty. In accordance with the national requirement does WCC have a proactive inspection policy. If so how many planned proactive inspections have been carried out on warehouse/distribution premises since 1 April 2011. Please provide and set out the number of visits per year, and please confirm the number of visits made to STB Foods Limited Classic House Ettingshall Wolverhampton WV14 in relation to the proactive inspections.  
[Please see our response provided to question 4.](#)
6. Does WCC have a proactive inspection policy for high risk sectors that is in line with the national code, if so can you please provide a copy of the policy.  
[Please see our response provided on page 4.](#)
7. If inspections are carried out then do the inspectors possess the relevant expertise and are approved or regulated by The Chartered Institute of Environmental Health (CIEH).  
[Please see our response provided on page 4.](#)
8. By whom and how are the inspections carried out.  
[Please see our response provided on page 4.](#)
9. Is WCC policy on carrying out a risk assessment on high risk business sectors compatible and in line with the national guidance that all Local Authorities follow.  
[Please see our response provided on page 4.](#)
10. How many inspections and site visits have been carried out upon the warehouses/distribution businesses in Wolverhampton since 1 April 2011.  
[Please see our response provided on page 4.](#)
11. Please provide a copy of the businesses and sites visited over the past 10 years.  
[Please see our response provided on page 4.](#)

12. WCC are required to meet its obligations as set out in the national guidance for Health and Safety published and Enforcement Code published by the HSE regulator, please provide answers to the below and also evidence in reply:
- a. Does the WCC have a risk based approach to intervention planning for both local & national priorities?  
[Please see our response provided on page 4.](#)
  - b. Do specific intervention plans meet the requirements of the Regulators Compliance Code (e.g. no inspection without a reason); and the Enforcement Management Model (e.g. was enforcement action proportional to risk)?  
[Please see our response provided on page 4.](#)
  - c. Is there a published enforcement policy and is it being followed?  
[Please see our response provided on page 4.](#)
  - d. Are there adequate arrangements to manage the appointment of suitably qualified inspectors?  
[Please see our response provided on page 4.](#)
  - e. Is there a system for ensuring on-going Inspector competence?  
[Please see our response provided on page 4.](#)
  - f. Do LAs benchmark their intervention activity?  
[Please see our response provided on page 4.](#)
  - g. Do LAs peer review their enforcement decisions as part of their peer review process?  
[Please see our response provided on page 4.](#)
13. Has WCC implemented the combined intervention programme on food safety and health & safety policy. If so when did the implementation commence. A copy of the extract of Lord Young's recommendations and which the coalition government adopted and required all local authorities to adopt on combining food safety & health and safety inspections.  
[Please see our response provided on page 4.](#)
14. Can you please provide records/dates and outcomes of the combined annual inspections carried out at STB FOODS Limited Classic House, Ettingshall Road, Wolverhampton, West Midlands, WV2 2RB since April 2011.  
[Please see our response provided to question 4.](#)

*Competency requirements*

15. The relevant duties and enforcement actions carried out in combined interventions should only be carried out by officers with the necessary competency and training and the required authorisation. Can you please confirm that the inspectors who visited STB foods Limited in 2017 are up to date and have been approved by the authorised body as competent.  
[Please see our response provided to question 4.](#)

16. Please confirm what policy/training is provided to all inspectors to ensure that they are competent and possess up to date skills qualification to carry out their duty. Please see our response provided below.

In response to questions 2, 3, 6, 7, 8, 9, 10, 11, 12(a)-(g), 13, 15 and 16 we can confirm that the Council holds information falling within the description specified in your request. However, Section 12 of the Freedom of Information Act 2000 allows a public authority to refuse a request if the cost of providing the information to the applicant would exceed the 'appropriate limit' as defined by the Freedom of Information Act.

The Regulations provide that the appropriate limit to be applied to requests received by local authorities is £450 (equivalent to 18 hours of work). In estimating the cost of complying with a request for information, an authority can only take into account any reasonable costs incurred in:

- (a) Determining whether it holds the information
- (b) Locating the information, or a document which may contain the information
- (c) Retrieving the information, or a document which may contain the information
- (d) Extracting the information from a document containing it.

For the purposes of the estimate the costs of performing these activities should be estimated at a rate of £25 per hour.

The information appertaining to your request is not easily accessible and as such this information is not held as a distinct set able to be retrieved or reported on. To provide you with the information requested would take approximately 4 days.

Excess cost removes the City of Wolverhampton Council's obligation under the Freedom of Information, however the Council may be able to provide answers to the request, should you wish to submit a refined request.

CITY OF  
WOLVERHAMPTON  
COUNCIL

**Business Services  
Health and Safety  
Statutory Plan**

**2018/19**

## Introduction

***The Health and Safety Statutory Plan is one of two related Statutory service delivery plans implemented by Business Services. The plans formalise the statutory obligations of the different enforcement services discharged.***

***The Health and Safety Service Plan is a requirement of mandatory guidance issued under Section 18 of the Health and Safety at Work etc. Act 1974. This plan serves as a quality assured framework for the delivery of the service.***

Should you have any comments or views with respect to this plan please forward these to the Service Director for City Environment, Ross Cook

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Councillor Alan Bolshaw  
Chair of the Licensing Committee

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Ross Cook  
Service Director, City Environment

## City of Wolverhampton Council

# HEALTH AND SAFETY STATUTORY SERVICE PLAN 2018/2019

### Table of Contents

Introduction .....	1
1.0 Service Aims and Objectives.....	4
1.1 Aims .....	4
1.2 Objectives .....	4
1.3 Service Statement.....	5
1.4 Authority profile.....	5
1.5 Links to Corporate Issues .....	6
Approval and Review Process .....	6
2.0 The means by which the service is discharged.....	6
2.1 Organisational Structure .....	6
2.2 Scope of the Service .....	8
Priority Programme .....	9
Strategic Partnerships .....	9
Accidents and Requests for Service .....	9
2.4 Access to the Health and Safety Service .....	9
Customer Services.....	9
2.5 West Midlands Health and Safety Liaison Group .....	9
2.6 Investigation Skills Training.....	10
3.0 Delivery in Accordance with Section 18 HASWA.....	10
3.1 Inspection Programme .....	10
3.2 Priority Planning Health and Safety Inspections .....	10
Inspection Frequencies LAC 67/2 .....	10
New Approach .....	11
Intervention Type Table .....	11
LA Inspection Wolverhampton Guidelines .....	13
3.3 Priority Programme Delivery .....	14
Wolverhampton Delivery.....	14

3.4	Complaint Response .....	15
	Selection Criteria and Priorities.....	15
3.5	Incident response.....	16
3.6	Response Criteria and Priorities.....	16
3.7	Enforcement Policy.....	17
3.8	The National Code, Section 18 Guidance.....	17
3.9	Future Objectives/Action Plan .....	17
3.10	Extra-service Issues .....	18
3.11	Lead Authority Principle .....	18
3.12	Primary Authority Scheme.....	19
4.0	Strategic Governance (HELA) .....	19
	Role of HELA .....	19
5.0	Resources .....	20
5.1	Financial Allocation .....	20
5.2	Staffing Allocation .....	20
5.3	Staff Development Plan/ Employee Performance Review .....	21
6.0	Quality Management and Review.....	21
6.1	Enforcement Policy Review.....	21
6.2	Prosecution Procedure.....	21
6.3	Regulatory and Investigatory Powers Act (RIPA) .....	22



## 1.0 Service Aims and Objectives

### 1.1 Aims

- 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; either in Wolverhampton, or by employers whose managerial control is based in Wolverhampton.
- In accordance with Health and Safety Executive (HSE) guidance, to reduce risks and protect people.

### 1.2 Objectives

- To maintain a balance of enforcement which achieves optimum use of resources.
- To maintain a fully trained and competent inspectorate.
- To carry out enforcement in a transparent and proportionate manner.
- To maintain liaison arrangements and The Strategic Partnership with HSE and other West Midlands Authorities through the West Midlands Health and Safety Liaison Group.
- To work in collaboration with other regulatory and 'health' agencies such as Public Health England (PHE) and the Care Quality Commission
- To adhere to guidance / direction issued by Health and Safety Executive Local Authority Liaison Committee (HELA), Health and Safety Executive, Local Authority Unit, Chartered Institute of Environmental Health and Local Government Association.
- To support the Lead Authority / Primary Authority Principle.
- To respond to complaints, requests for service, accidents, incidents/reports of ill health and dangerous occurrences.
- To make elected Councillors aware of the Statutory Plan, its contents and how the service will be discharged.
- To implement the general aims and objectives of the statutory plan and to discharge those duties detailed within this document.
- To ensure all actions and decisions taken by officers and Councillors are done so in an open and transparent fashion and with due regard to the Council's policies on equality and the principles of fairness and natural justice.
- To promote access to the Regulatory Challenge Panel in the event of a regulatory dispute.

### 1.3 Service Statement

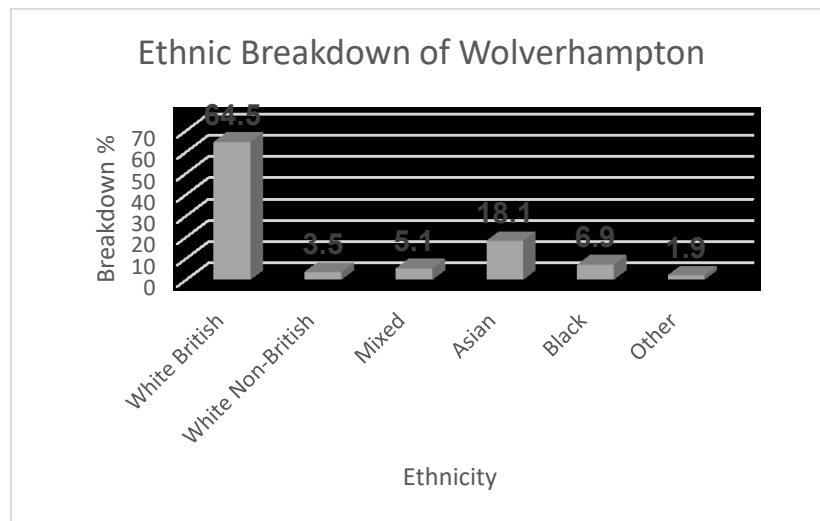
*Business Services deliver the traditionally functions of Environmental Health and Trading Standards. The service is also responsible for the wider protection of public health and property. On average we receive 10,000 requests for service in each year. In addition to dealing with complaints we carry out programmed regulation of shops and businesses in Wolverhampton.*

*Business Services enforces the law through a programme of interventions (inspections) and investigations in respect of food and other commercial and industrial businesses, and the provision of information and advice to businesses, customers and other consumers.*

### 1.4 Authority profile

The City of Wolverhampton has a population of 249,500 comprising approximately 123,400 males and 126,100 females.

The ethnic breakdown of the population is:



**95,000** individuals, including self-employed, either live in or travel to Wolverhampton for paid employment, **73,180** of which are full time workers

**104,200** local people are either in paid employment or looking for work.

Wolverhampton is in the **6%** most deprived areas in the country and the levels of deprivation in the City continue to rise. About **30.2%** (15,000) children live in poverty and life expectancy for both men and women is lower than the England average.

## 1.5 Links to Corporate Issues

In order to achieve continuous service improvement and strive for performance capable of achieving a sustainable future which reflects the political priorities and values of partners within Wolverhampton, it is important that the statutory plan links itself visibly to the overall corporate objectives.

### Approval and Review Process

The Statutory Service Plans are subject to approval and scrutiny by the Head of Service, Service Director and Councillors and this will be the case with the Health and Safety Service Plan.

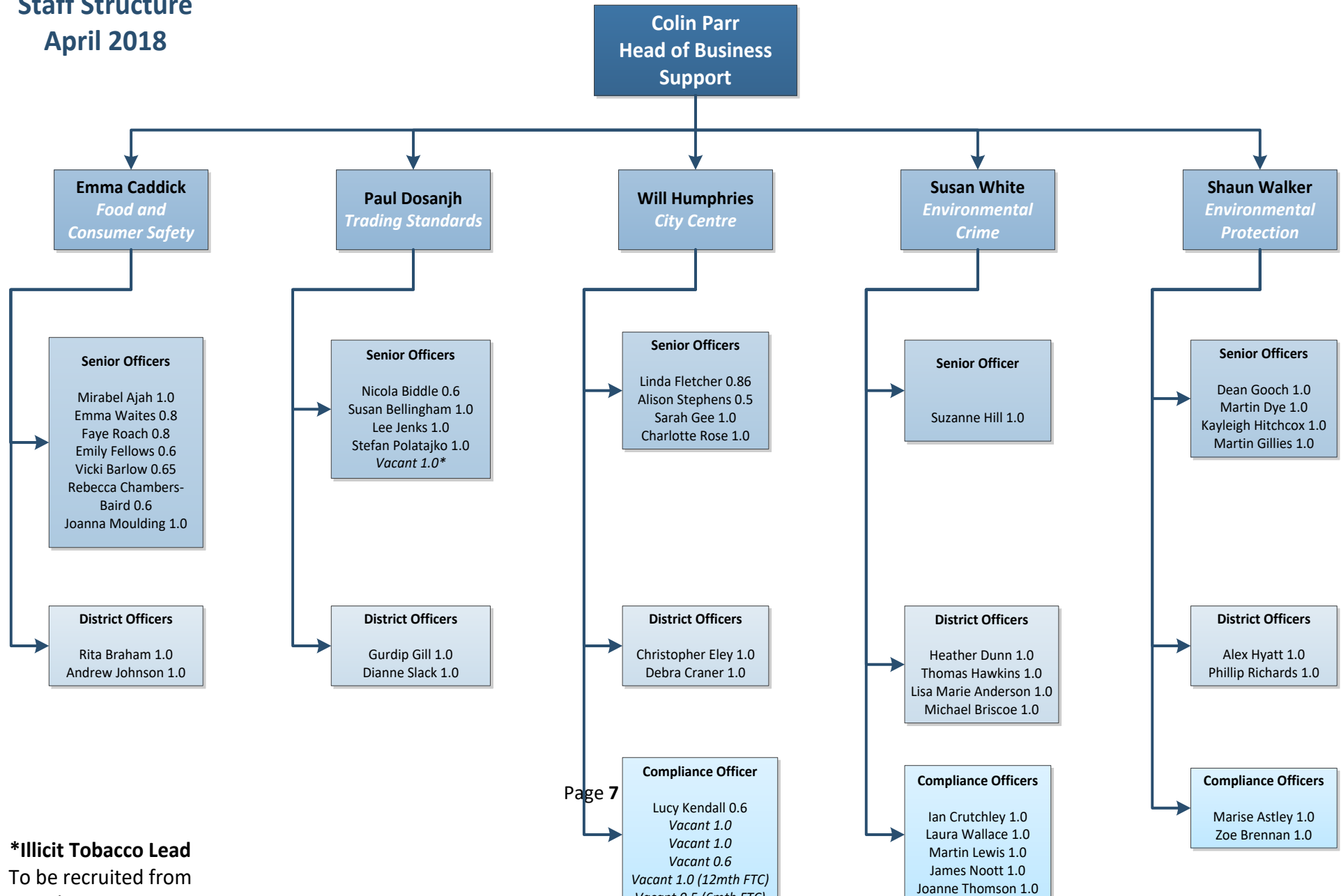
Progress will be monitored monthly by the Business Services Management Team.

## 2.0 The means by which the service is discharged

### 2.1 Organisational Structure

The regulating functions of the Council are discharged, either through the Executive or, in the case of matters which have a quasi-judicial footing such as licensing, the Licensing Committee. The Government has determined that matters relating to the discharge of the health and safety enforcement functions be overseen by a body other than the Executive. Within Wolverhampton this is the Licensing Committee.

**Public Protection  
 Staff Structure  
 April 2018**



**\*Illicit Tobacco Lead  
 To be recruited from**

## 2.2 Scope of the Service

In relation to health and safety Business Services delivers;

- Programmed proactive inspections of high risk premises for health and safety purposes.
- Other interventions with dutyholders.
- Investigation of accidents arising at work within the City.
- Investigation of dangerous occurrences arising at work within the City.
- Investigation of occupational diseases arising at work within the City.
- Response to complaints/requests for service from businesses/members of the public.
- Expert assistance and advice to businesses and public.
- Support to the West Midlands Health and Safety Liaison Group.
- Commitment to the Lead Authority Partnership Scheme (LAPS) Primary Authority Partnership Scheme (PAP) and commitment to the HSE/LA Strategic Partnership and its priorities.
- Education to businesses and the public.
- The registration of premises in respect of acupuncture, cosmetic skin piercing, tattooing, electrolysis, and the operation of cooling towers.
- Representation at the Molineux Stadium Safety Advisory Group to ensure the satisfactory implementation of the General Safety Certificate.
- Representation of Business Services on the Council's Events Safety Advisory Group.
- Liaison with neighbouring local authorities and other agencies such as Public Health England (PHE) on Legionella.
- Enforcement of safety certificates relating to all four regulated sports grounds in Wolverhampton.
- Enforcement of the Health Act 2006

In accordance with the Health and Safety (Enforcing Authority) Regulations 1998, local authorities are responsible for the enforcement of health and safety in certain categories of premises. Depending upon the attendant risks associated with the work activities at these premises they are allocated a priority band. The priority band determines the frequency of inspections/ types of intervention at premises.

During 2011 a joint statement was issued by the Health and Safety Executive (HSE) and the Local Government Group. It was intended to assist LA regulators in determining the use of proactive interventions to achieve both improved health and safety outcomes for each locality and the Government's regulatory reform agenda.

Under Government reforms announced in its publication 'Good Health and Safety, Good for Everyone', protecting people in the workplace and wider society still remains a key priority. The Government's aims for health and safety reform include reducing the inspection burden on business alongside focussing on better health and safety outcomes. Refining the intervention strategies for businesses by further improving the targeting of relevant and effective interventions and preserving

inspection for higher risk premises and issues should lead to a reduced number of proactive inspections.

#### Priority Programme

In conjunction with the HSE priority programme, which identifies those areas of national priority within health and safety and focuses upon the areas that are most likely to bring about an improvement in standards, the programme is aimed at influencing the health of the nation by improving areas of work most likely to contribute to ill health.

#### Strategic Partnerships

The HSE and Local Authority Representative Bodies published a Statement of Commitment which sets out the joint commitment to ensure provision of adequate standards of partnership working in order to prevent death, injury and ill health of those at work and those affected by work activities.

#### Accidents and Requests for Service

In addition to the programmed work the Service receives approximately 100 requests for health and safety service and approx. 120 accident /disease/ dangerous occurrence notifications a year.

## 2.4 Access to the Health and Safety Service

Business Services is based at the Civic Centre in Wolverhampton City centre. The office is staffed Monday to Friday (except statutory holiday days) between the hours of 8.30 am, and 5.00 pm. The full range of services provided is accessible during these periods. However, when work activities enforced by the service are taking place outside these hours, officers will be available to fulfil required functions.

#### Customer Services

In August 2004, as one of the responses to the Comprehensive Performance Assessment (CPA) report, the Council created City Direct (now Customer Services), a single access point enabling customers to contact the Council via telephone or e-mail between the hours of 8am – 6pm Monday to Friday and 9am – 2pm Saturday.

Outside office hours, a work related death, major incident or dangerous occurrence will be referred to the service through the Council's emergency control room. A protocol of understanding also exists with the police, HSE and the Crown Prosecution Service in circumstances where there is a work related death.

## 2.5 West Midlands Health and Safety Liaison Group

The Health and Safety Executive/Local Authority Enforcement Liaison Committee (HELA) was created in 1975 to promote consistency of enforcement throughout and between Local Authorities and the Health and Safety Executive. In 1982 the Local Authority Unit (LAU) was created to specifically co-ordinate liaison between the Health and Safety Executive and Local Authorities. Part

of this liaison is carried out through the creation of local liaison groups which include the HSE Local Enforcement Liaison Officer (ELO). The West Midlands Health and Safety Liaison Group (WMHSLG) is chaired by the Chief Environmental Services Officer for Birmingham C.C.

The group co-ordinates the West Midlands Metropolitan authorities approach to enforcement via the production of an annual business plan and the adoption of common practices, policies and procedures.

The group also organises regular training programmes for enforcement officers.

## 2.6 Investigation Skills Training

One of the cornerstones of the work of the West Midlands Health and Safety Liaison Group is the promotion of consistency throughout the West Midlands authorities by organising Investigation Skills Workshops. The authority is committed to attending at least one health and safety Investigation Skills Workshop per year.

## 3.0 Delivery in Accordance with Section 18 HASWA

### 3.1 Inspection Programme

Of the premises in Wolverhampton the Local Authority is liable for the enforcement of the Health and Safety at Work Act 1974 at approximately 2730 premises, approximately 230 fall into the priority rating bands A to B2. These represent the highest health and safety risk within the City. Many involve complex processes or dangerous equipment and plant. The inspection programme relating to these is detailed below. The remaining c.2500 category 'C' premises are a combination of low risk premises such as small shops or offices where inspection would not be an efficient use of resources and premises which are currently low risk but consist of light to medium industrial type units, where although the current occupier is low risk, the premises could accommodate different/higher risk activities.

### 3.2 Priority Planning Health and Safety Inspections

#### Inspection Frequencies LAC 67/2

This guidance is divided into two parts: Part One - Risk Rating and Part Two - Frequency of Intervention. The guidance requires a shift of focus in terms of interventions planning by LAs and their officers. It reflects the HSE Board's new strategy "The Health and Safety of Great Britain: Be part of the solution" and sets out a new approach to developing effective health and safety regulatory interventions justified by risk. This is also mirrored through the reactive intervention approach via the Incident Selection Criteria (LAC 22/13). The two systems should be used in conjunction to enable enforcing authorities to focus and optimise impact in areas of greatest risk.

### New Approach

For proactive work, priority should be given to the inspection of those premises and activities that, after assessment, are rated as category 'A'. The aim of the inspection must be to improve compliance and, where significant breaches continue to exist, enforcement actions should be considered. Topic based interventions, partnership projects, joint working with other regulators, contributions to local and national policy development and other non-inspection interventions can be undertaken with premises that fall into any category. It is expected that category "C" premises would normally fall outside of any inspection-based intervention because of their low risk.

The new rating process consists of evaluating 4 different elements as they relate to a work activity. A rating value is then assigned to each of these 4 elements:

- ✓ Confidence in management
- ✓ Safety performance
- ✓ Health performance
- ✓ Welfare compliance gap.

### Intervention Type Table

Description	Category	Rating Score	Intervention Types
<b>Highest Risk</b>	<b>A</b>	Score of 5 or 6 on any risk	Suitable for proactive inspections until risks are adequately managed such that the premise can be re-categorised;  Accident/complaint investigation
	<b>B1</b>	Score of 4 on any risk	Not suitable for proactive inspection but all other interventions to be considered.  Accident/complaint investigation
	<b>B2</b>	Score of 3 on any risk	Not suitable for proactive inspection; consider the use of other interventions only where necessary based on national and local information.  Accident/complaint investigation
<b>Lowest Risk</b>	<b>C</b>	No score greater than 2	Use non-inspection intervention methods/techniques  Accident/complaint investigation



## Lord Young, Löfstedt, Red Tape Challenge, Joint Statement of LGG and HSE

A key priority for the Government is to ease the burden of bureaucracy on business as part of the Government's goal of making Britain more growth focused. The Government is committed to transforming the way in which regulation is delivered at the frontline and an important part of the Government's deregulatory agenda is to change the culture of health and safety.

For the Government, the first step in this process of changing the culture of health and safety was the review of the operation of health and safety laws and the growth of the compensation culture - commissioned by the Prime Minister – and the subsequent publication of the report “Common Sense, Common Safety”.

In October 2010 the Government accepted all of the report's recommendations, which included measures for improving the public perception of health and safety and reducing the burden of bureaucracy on businesses. Two specific recommendations resulted in: a) Joint Health and Safety Executive (HSE), Local Government Regulation (LGR) and Food Standards Agency (FSA) guidance on “Combining Food Safety and Health and Safety Inspections.” and b) A strengthening of the Primary Authority (PA) inspection plans with an enhanced role for HSE – whereby HSE will assist the Better Regulation Delivery Office (BRDO) in the development of inspection plans; and will develop sector intervention strategies for large multi-site retailers to assist individual PAs to develop inspection plans which other Local Authorities (LAs) must follow.

In March 2011, the Minister for Employment announced the next steps in the Government's plans for the reform of the health and safety system with the publication of “Good Health and Safety, Good for Everyone”.

Under the reforms protecting people in the workplace and in society remains a key priority but the focus of the health and safety regime will move to a lighter touch approach concentrating on higher risk industries and on tackling serious breaches of the rules.

As a result of this Government's reforms HSE and LAs are required to reduce the number of inspections carried out; to have greater targeting where proactive inspections continue; and to increase information provision to small businesses in a form that is both accessible and relevant to their needs.

In May 2011, Local Government Group (LGG) and HSE published joint guidance - “Reducing Proactive Inspections”

This document provided guidance for LAs to determine their proactive interventions with flexibility to deliver local and national health and safety priorities within the Government's overall policy framework

Accordingly, the frequency of intervention for 2018/ 2019 is detailed in the table below, only Category “A” rated premises will receive a proactive inspection in line with Government policy, guidance on the decision to carry out a proactive inspection is contained below in the LA Inspection Wolverhampton Guidelines.

Priority Rating	Visit Frequency	No of Premises (2018/19) Approximate.
<b>A</b>	Proactive Inspection	5
<b>B1</b>	Not Proactive Inspection	50
<b>B2</b>	Not Proactive Inspection	175
<b>C</b>	Other intervention strategies and reactive strategies	2500

### LA Inspection Wolverhampton Guidelines

In focussing this aspect of our work on the areas of greatest risk, we will undertake a programme of interventions in those industries, and with those employers, which present significant risk. Inspection is an appropriate intervention that improves the control of the identified risk. It is important for the reasons expressed in paragraph 3 that we are in a position to both monitor and measure our numbers of inspection visits. To enable us to do this we will reclassify our inspections.

#### *I. Inspection action following Investigation/topic visit:*

Is any inspection undertaken immediately following an investigation (RIDDOR or complaint) or immediately following a single topic visit (currently, inspection of LPG installations and where Legionella risks are uncontrolled) where the inspector judges it is necessary to further test health and safety risk management arrangements

#### *II. Inspection action of a High-Risk Sector:*

This is any inspection of high risk areas (HSE priority and premises rated as high risk) inclusion for the 2018/19 plan are:

- Premises with cooling towers/evaporative condensers, risk of legionella infection.
- High volume warehousing / distribution, risk of being struck by vehicle, crushing, falls from height, cutting injuries.
- Industrial retail and wholesale, risks from falls, amputation or crushing.
- Large scale public events, risks due to large crowd movements.

*III. Inspection action of a Poor Performer:*

This is an inspection undertaken as a result of intelligence indicating poor health and safety performers [1] such as Cat A premises, intelligence driven visits (e.g. Accidents, complaints, intelligence from other regulators).

*IV. Joint Initiatives with Industry*

Are those visits with industry to promote safe and healthy workplaces (eg, partnership with National Association of Steel Service Centers) (NASS).

*V. Supply Chain Interventions:*

Includes procuring services and compliance with EU law etc.

*VI. Check Visits:*

It is recognised that both Joint Initiatives and Supply Chain Interventions may not always involve an 'inspection'.

### 3.3 Priority Programme Delivery

#### Wolverhampton Delivery

The Priority Programme for 2018/19 is detailed in the table below and will include the programmed priority inspections and following alternate interventions.

Programme	Hazard	Detail
Health National	Legionella	Maintain register of cooling towers and investigate notifications of legionella.
Safety National	Risk of being struck by vehicle, falls from height, crushing or cutting injuries.	Industrial retail / wholesale, high volume warehousing / distribution.
Health National	Respiratory disease	Identify premises for advice and action on prevention of respiratory disease including in-store/craft bakeries, cut stone retailers/wholesalers.
Safety National	Carbon monoxide poisoning	Commercial catering premises use of solid fuel cooking and the risk of carbon-monoxide poisoning. Advise whilst on programmed food safety inspections.

Safety National	Risk of violence	Premises with vulnerable working conditions lone working at night/cash handling e.g. betting shops, off licenses, hospitality. Address risk during visits for other purposes.
Health Local	Asbestos	Review all asbestos works notifications, provide advice/ intervene where necessary.
Safety National	LPG	Continue to respond to and act upon LPG notifications

### 3.4 Complaint Response

Business Services receives approximately 150 requests for health and safety service a year ranging from enquiries about health and safety law eg. employers/proprietors duties, through to complaints and “whistle blowers” detailing serious workplace conditions or reports of dangerous practice.

Additional enquiries often come from employees for whom the HSE is the enforcing authority, these are either dealt with or, in the event of a complaint, referred to the HSE.

All requests for service are logged and coded onto the Authority (Idox) system.

#### Selection Criteria and Priorities

Differing responses are available to the service depending on the seriousness of the complaint. Responses may vary from giving advice/guidance over the telephone to an immediate visit by an officer.

When determining the type of response, officers have regard to:

- the potential of the circumstances to cause injury, ill health or death
- the imminence of the risk
- the number/vulnerability of the people at risk
- the history of the undertaking
- the source of the complaint
- the reliability/credibility of information received
- if anonymous, the reason given, eg worker/relative/whistleblower/neighbour
- any HSE priorities (see section 4.0)
- links to other legal duties eg emergency plan/environmental protection/food safety/ sports grounds
- public perception of risk

- involvement of other agencies eg Police, Fire, Environment Agency, Primary Care Trust, Public Health England.

Response times and targets for requests for service are set out within the work programme. Serious complaints within working hours will normally be responded to immediately. Other complaints will be responded to within target times based on the above criteria. The availability of officer resources may also be a factor in the speed of response

### 3.5 Incident response

The service receives approximately 150 notifications of injuries, disease or dangerous occurrences every year for premises where the Local Authority are the enforcing authority.

Reportable incidents fall into 4 main categories:

- Fatalities
- a major injury to an employee eg broken large bones/amputations, blinding
- an injury to an employee which prevents them from working for more than 7 days or
- an injury to a member of the public which meant they had to be taken from the scene of the accident to a hospital for treatment.

In addition to these four main categories are reports of disease and dangerous occurrences, however these are considerably less frequent.

The requirement to report any of these incidents is moderated by the caveat of “arising out of or in connection with the work activity”. It is insufficient for an injury to merely occur on the premises. The way the work is being done has to have contributed to the accident. For most accidents involving employees the work activity is a contributing factor, accidents involving members of the public are less often reportable.

Reports must be sent, by the employer, to the appropriate enforcing authority within 10 days, or forthwith for major injuries or fatalities. Accidents are reported on line via

[www.hse.gov.uk/riddor](http://www.hse.gov.uk/riddor)

### 3.6 Response Criteria and Priorities

Response times and targets for accidents reported to the service are set out within the work programme. Fatalities and major injuries will normally be responded to immediately unless it is a death from natural causes or unrelated to the work activity.

Not all accidents are investigated as the circumstances are either trivial or unforeseeable. When considering how to respond, regard is had to:

- the actual and potential severity of the event
- the seriousness of the potential breach
- the history of the undertaking
- HSE/ HELA/ local priorities

- the number/vulnerability of people at risk
- the likelihood that intervention will achieve improvement
- the relevance of the event to a wider range of premises
- the reasonable practicability of avoidance
- the foreseeability of the event
- legal factors.

More detailed instructions and quality procedures relating to accident investigations are contained within The West Midlands Health and Safety Liaison Group (WMHSLG) Operational Handbook.

### 3.7 Enforcement Policy

Wolverhampton and the other West Midlands Authorities have adopted a common enforcement policy in line with the Regulators code in 2016.

### 3.8 The National Code, Section 18 Guidance

The Health and Safety Executive (HSE) and Local Authorities (LAs) are the principal Enforcing Authorities (EAs) for Health and Safety at Work etc Act 1974 (HSWA) in Great Britain. The primary purpose of the HSWA is to control risks from work activities. The role of the EAs is to ensure that duty holders manage and control these risks and thus prevent harm to employees and to the public.

To achieve this the HSE publishes from time to time guidance issued under Section 18 of HASWA. The most recent guidance is National Local Authority Enforcement Code.

### 3.9 Future Objectives/Action Plan

The current Section 18 Guidance is called The National Code and requires the Authority to go into more detail in areas such as:

- Clarifying the roles and responsibilities of business, regulators and professional bodies to ensure a shared understanding on the management of risk;
- Outlining the risk-based regulatory approach that LAs should adopt with reference to the Regulator's Compliance Code, HSE's Enforcement Policy Statement and the need to target relevant and effective interventions that focus on influencing behaviours and improving the management of risk;
- Setting out the need for the training and competence of LA H&S regulators linked to the authorisation and use of HSWA powers; and
- Explaining the arrangements for collection and publication of LA data and peer review to give an assurance on meeting the requirements of this Code.

### 3.10 Extra-service Issues

City of Wolverhampton Council's priorities are:

- **Stronger Economy**
- **Stronger Communities**
- **Stronger Organisation**

These aspirations are achieved in part through Regulatory contributions to the Council's strategic goals. This Statutory Plan makes a valuable contribution to those goals.

### 3.11 Lead Authority Principle

Lead Authority Partnership schemes are concerned with the maintenance of consistency, primarily with companies that are national "high street names" and therefore have a single head office within one enforcing authority but multiple premises in other enforcing authorities.

Companies that have a presence in a number of enforcing authority areas are subject to a large quantity of enforcement actions and accordingly well placed to identify inconsistencies of approach. The Lead Authority Partnership scheme was introduced in order to manage these inconsistencies of enforcement action.

Organisations wishing to enter the scheme will normally, but not always, contact the local authority in whose area the head office resides. If mutually agreeable to both parties the local authority agrees to act as Lead Authority and will co-ordinate centrally enquiries from other authorities about matters of national significance. The authority also undertakes a review of the company's safety management procedures.

Local Authorities are either active participants within a scheme or have a passive obligation to observe the scheme in respect of partner premises.

City of Wolverhampton Council operates as a partner authority with Marston's Brewery Plc and the National Association of Steel Service Centres. The authority remains committed to maintaining these relationships by providing sufficient resources to maintain at least one specialist officer to act as local liaison officer for each partner organisation.

In addition, officers will contact the local authority in appropriate circumstances, such as, where formal action is being considered or where shortcomings have been identified in the organisations policies or procedures.

### 3.12 Primary Authority Scheme

The Better Regulation Delivery Office (BRDO) was created on 1 April 2012 as an independent unit within the Department for Business, Innovation and Skills

BRDO is intended to support economic Regeneration and business by improving regulation in the fields of Environmental Health, Trading Standards and Fire Safety.

One of the mechanisms through which BRDO intended to deliver these benefits was through the operation of the Primary Authority Scheme.

The Primary Authority Scheme builds upon the foundation of Home and Lead Authority Schemes but places the relationship on a statutory footing. Local Authorities are obliged to enter into a Primary Authority Scheme when asked by a business. Equally if an undertaking is already in such a scheme, then the counterpart Authority must have regard to any inspection plans or guidance issued by the Primary Authority prior to taking anything but expeditious action. BRDO wishes to substitute the Lead Authority Scheme with the Primary Authority Scheme however this approach is not universally supported by Local Authorities and businesses alike. It is government policy to no longer support the Lead Authority Scheme.

## 4.0 Strategic Governance (HELA)

HELA meets at least twice a year and is chaired jointly by the Deputy Chief Executive of the Health and Safety Executive (HSE) and the Chair of the Local Government Regulation (LG Regulation) Health and Safety Policy Forum.

The current Chairs of HELA are Kevin Myers, HSE's Deputy Chief Executive and Colin Alborough of Rushmore Borough Council.

HELA membership comprises senior LA officers. These members represent the Local Government Association (LGA) in England, the Convention of Scottish Local Authorities (COSLA) in Scotland and the Welsh LGA (WLGA) in Wales. HELA also includes HSE officials concerned with policy development and operations.

Also represented are The Chartered Institute of Environmental Health (CIEH) and the Royal Environmental Health Institute of Scotland (REHIS) .

### Role of HELA

HELA's aim is to provide strategic oversight of the partnerships between HSE and local authorities, with a view to maximising effectiveness and improving health and safety outcomes.



## 5.0 Resources

### 5.1 Financial Allocation

The resources available to the service are set within the context of the agreed Medium Term Financial Strategy and comprise a proportion of those revenues allocated to Business Services.

The overall budgetary provision for 2018/19 for the Public Protection teams within Business Services is in the region of £ 2.5 million.

Health and Safety covers:

- Health and Safety inspection
- Accident Investigation
- Health and Safety Complaints/Advice
- Asbestos advice and enforcement
- Legionella investigations
- Certification of designated Sports Grounds/ regulated stands
- Registration of premises for the purposes of acupuncture, skin piercing, electrolysis and tattooing.
- Maintenance of Lead Authority partnerships
- Consultation on Licensing and Planning matters
- Representation on City Council Safety Advisory Groups

### 5.2 Staffing Allocation

The strategic financial, human and service functions are undertaken through the Business Services Management Team.

Within Business Services there will be the equivalent of 2.5 fte Senior Environmental Health Officers dedicated to the delivery of health and safety enforcement.

A breakdown of the proportions of time spent on operational and managerial duties dedicated to health and safety is detailed below:

Job Title	No FTE	% Health and Safety	FTE
Service Lead Commercial Group 3	1.0	30%	0.30
Inspectors	2.5	100%	2.5
<b>Total</b>	<b>3.5</b>		<b>2.8</b>

### 5.3 Staff Development Plan/ Employee Performance Review

As part of the Council's aim to provide a service efficiently and effectively, business Services Management Team regularly reviews training needs to ensure all staff are trained to a level of competence appropriate to their work. This includes both managers and operational staff. Records of all training received are kept so that suitable monitoring can take place. The different ways in which training needs can be met include:-

- Internal and external training courses/events
- Team meetings and briefings - used to disseminate information etc
- Attendance at ad hoc working groups
- "On the Job" training - as part of delegation process
- Self directed training - suitable journals and up to date information are provided
- Establishment of trainee/student placements and Student EHO training
- Cascade training
- Internal placements with other service areas or teams

An additional training programme targeting health and safety operational matters is managed by the West Midlands Health and Safety Liaison Group

In addition to the above the Service will ensure all staff participate in the regional health and safety standardisation exercise and in any organised in-house. There will also be opportunities for members of the Service to attend one-off seminars on topical issues arising during the year. Where appropriate, staff attending these seminars are required to do a cascade training session for other officers within the service.

## 6.0 Quality Management and Review

### 6.1 Enforcement Policy Review

The Service maintains continuous review of its enforcement policy.

### 6.2 Prosecution Procedure

The service maintains a documented prosecution procedure which details how inspectors proceed where investigations appear to fulfil criteria which conform with Enforcement Policy considerations that would lead to an outcome of prosecution. This procedure is monitored throughout by line management and the Council's Solicitors decisions on interventions are also informed by the Enforcement Management Model (EMM).

### 6.3 Regulatory and Investigatory Powers Act (RIPA)

Business Services has fully implemented the requirements of RIPA and arrangements for the authorisation of surveillance exercises in relevant circumstances are in place.