

Health and Safety Statutory Service Plan

2024 – 2025



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Introduction

This is the City of Wolverhampton Council's Health and Safety Service Plan, dedicated to the health and safety enforcement function. It covers all elements of responsibilities relating to premises and functions falling within this Council's remit for health and safety enforcement as encompassed within the Health and Safety (Enforcing Authority) Regulations 1998.

The Health and Safety Service Plan is an expression of this Council's commitment to Health and Safety Enforcement and is a requirement of the Health and Safety Executive (HSE) as the body that monitors, audits, and broadly sets Councils' activities on health and safety enforcement. It also plays a vital role towards contributing to the Council Plan, and the Council's vision for 2030. The format and content of this service plan incorporates mandatory guidance issued by the HSE under Section 18 of the Health and Safety at Work etc. Act 1974. This is the standard which, local authorities must reach in relation to their priorities.

Health and Safety has undergone dramatic change over recent years. Through its actions via LA Code of Practice 67/2 (Revision 13) (LAC 67/2) and modifications to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR). Health and Safety enforcement is confined to distinct nationally applied high-risk areas or local intelligence-based enforcement. Consequently, the nation-wide number of inspections has fallen dramatically to around 5% of what they were. There is no longer a legal requirement to register premises for health and safety enforcement and local authorities must rely on local 'intelligence information' to root out poor practices. It is against this backdrop that local authorities must now perform. Local authorities are able to respond to matters of evident concern and have done so where there is a serious risk of personal injury.





For 2024 – 2025 The City of Wolverhampton Council health and safety team will follow the national LA Code of Practice – LAC 67/2. This includes national priorities such as the duty to manage asbestos and electrical safety in hospitality settings, amongst others. The Service will continue to investigate workplace accidents in keeping with national selection guidance that identifies which accidents and incidents are worthy of investigation and those which are not.

During the financial year for 2023 – 2024, eight site audits were carried out within commercial catering premises to assess against Gas Safe Standards. Following on from this, 761 businesses were sent advisory information via email regarding the importance of ensuring that gas installations and appliances are maintained in a safe condition. Ahead of the coronation of King Charles III, advisory information was shared with businesses via Wolverhampton Today and WV Public Protection regarding the safe use of bouncy castles and other inflatable amusement devices, and the importance of checking and maintaining any outdoor electrical equipment, such as lights and heaters.

Stress and Mental Health in the workplace remains a key priority area of work for all businesses, with an estimated 875, 000 cases of work-related stress, depression or anxiety reported in 2022 – 2023 according to the HSE. Access to free online training and a toolkit was sent to over 5,000 businesses and their employees via the council's Re-Light newsletter and WV Public Protection.

Awareness on welfare for delivery drivers during routine food hygiene inspections and pro-active health and safety inspections has been raised, including provisions for access to on-site toilets, hand washing and rest facilities.

The health and safety team continue to undertake and fulfil the roles and responsibilities of the Council in undertaking statutory duties at qualifying sports grounds across the city, working in conjunction with partner agencies, to ensure that reasonable steps are taken to ensure that all people are protected from physical harm or injury.

Emma Caddick
Service Manager, Environmental Health

1. Aims and Objectives

- 1.2** 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. The Environmental Health Service will follow the National Local Authority Enforcement Code. This code defines 'adequate arrangements for enforcement' of health and safety legislation at premises, which is requirement under section 18 of the Health and Safety at Work Act 1974.
- 1.2** The service will prioritise their work based on the national priorities set by the HSE, with the key objective to focus on the safety of the workforce and protect them from work related ill health.
- 1.3** Proactive inspection will only be used for high-risk premises or where intelligence suggests that risks are not being effectively managed.
- 1.4** Staff will follow the incident selection criteria set by the HSE to determine whether to investigate accidents, incidents, and cases of ill health.
- 1.5** Education plays an important part in improving health and safety standards where local intelligence identifies sector issues we will consider undertaking a proactive awareness campaign subject to resources.
- 1.6** Staff will support the Primary Authority Principle.
- 1.7** Staff will refer to the Black Country Local Authorities Enforcement policy and the Enforcement Management Model issued by the HSE when undertaking health and safety enforcement.



2. Scope of the Health and Safety Service

2.1 The role of this service is to support, educate and advise, and where necessary to hold to account businesses to ensure that they manage their occupational health and safety risks. This will be through:

- Provision of advice, investigating complaints and accidents and inspection only where specifically identified.
- Acting as responsible authority in relation to the Licensing Act 2003 and Pre-Event Safety Advisory applications, and as consultee in relation to relevant planning and building control applications.
- Acting as the responsible authority on behalf of the Council in relation to statutory duties as mentioned in the Safety of Sports Grounds Act 1975 (as amended) and the Fire Safety and Safety at Places of Sport Act 1987 at each of our three qualifying sports grounds.
- Commenting on proposed health and safety legislation, codes of practice, guidance, and other official documents as necessary and as requested.
- Promoting and enforcing as necessary the provisions contained in the Health Act 2006, relating to smoke free workplaces and vehicles.
- Identification of cosmetic body piercing activities (acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing, and electrolysis) requiring registration and prepare them for the issue of registration.

2.2 The team is available from 9:00am – 5pm. Monday to Thursday and 9:00am – 4.30pm on Friday. Out of Hours interventions are carried out where required.

2.3 Informal arrangements are in place for contacting senior officers regarding matters arising outside of normal working hours e.g., accidents and incidents.



3. Service Delivery

- 3.1** The Health and Safety Executive has published a range of guidance for LA's to create a targeted regulatory programme.
- 3.2** In May 2013 the HSE published the National Local Authority Enforcement Code (The Code). The Code provides Local Authorities (LA) with guidance on intervention and enforcement programmes so that LA regulators take a consistent and proportionate approach to their regulatory interventions. It also sets out the Government expectations of a risk-based approach to targeting health and safety interventions and enforcement.
- 3.3** The Code provides LA's with a principles-based framework that focuses regulatory resources on the basis of risk via a range of different regulatory techniques and interventions. Advice to Local Authorities on targeting interventions is contained in Local Authority Circular 67/2 (rev.13) which sets out a list of national priorities and provides guidance on setting local priorities.



4. National Priority Projects

4.1 For 2024 - 2025 the HSE have set a number of topic areas which are deemed to be a national priority. These priorities are now presented in two distinct sections, 'Health Topics' and 'Safety Topics'. The City of Wolverhampton Council will conduct the following projects that have been identified as national priority: -

4.2 Asbestos - Duty to Manage

People responsible for premises that likely contain asbestos (i.e. built before 2000) should regard the duty to manage as a proactive duty. Officers will remind duty holders of their responsibilities, including the requirement to review their asbestos plans annually, and that they must ensure that anyone at risk of being exposed to asbestos at their premises are aware of where asbestos is, and the risks associated with exposure.

4.3 Legionella - Cooling towers in built-up areas

Earlier in 2023, there was a significant legionnaires disease outbreak associated with a cooling tower on the roof of a 5 star hotel.

Officers will check with businesses that have cooling towers in built up areas, and who fall to the local authority for enforcement, that the responsible persons are appropriately managing the legionella risks from their cooling towers, in accordance with L8 Approved Code of Practice.

4.4 Electricity safety in hospitality settings

In 2018, a seven-year-old boy tragically lost his life after he touched 'defective' lighting and was electrocuted in a pub beer garden.

Proactive inspections will be undertaken to pubs, bars, restaurants, and cafes urging duty holders to ensure that outdoor electrical equipment, such as lights and heaters are especially designed for outdoor use, are installed by a competent person, and maintained in a safe condition. Officers will undertake checks with businesses during routine food safety visits.

4.5 Gas safety in commercial catering premises

Officers will raise awareness with local duty holders of the importance of gas safety and risks on exposure to carbon monoxide in commercial kitchens from badly installed or faulty appliances; poor ventilation resulting in lack of make-up air to support combustion; and/or inadequate extraction systems.

Officers will check with businesses that gas has been properly installed and is maintained and inspected by a competent gas safe registered engineer during routine food hygiene inspections.

4.6 Planned Preventative Maintenance

Planned preventative maintenance is essential to the reduction of serious injuries and fatalities in the workplace.

Officers will proactively check with employers during visits to Warehouses, Industrial Retail and Wholesale premises that all work equipment is being maintained in an efficient state, is in efficient order and in good repair. In addition to this, officers will check the maintenance requirements for lifting operations and lifting equipment, and any statutory examinations.

5. Proactive Inspection

5.1 Proactive inspections will be undertaken where local intelligence suggests the risks identified in Annex B of the LAC 67/2 health and safety guidance are not being controlled.

5.2 Since 1 April 2023, the service has undertaken intelligence led inspections concerning workplace transport at fourteen of our larger warehouse distribution centres and wholesale sites. This work has been successful, and will continue throughout 2024 – 2025, on both an intelligence led basis and as part of a pro-active inspection programme.

6. Sports Ground Safety

- 6.1** Under the provisions of the Safety of Sports Grounds Act 1975 local authorities are responsible for issuing and enforcing safety certificates for designated grounds and regulated stands.
- 6.2** A safety certificate will set the permitted capacity for the sports ground together with the detailed terms and conditions with which the ground management must comply in order to operate the sports ground at its permitted capacity.
- 6.3** The authority has three certified grounds:
- Molineux Stadium home to Wolverhampton Wanderers FC
 - Wolverhampton Racecourse
 - Monmore Green Stadium
- 6.4** The certified grounds are subject to inspection to ensure that they are operating in accordance with the conditions on the safety certificate. The frequency of inspection varies for different sites and is determined by risk.
- 6.5** Molineux Stadium is a designated ground so the certificate applies to the whole ground. This has an annual walkabout inspection and a minimum of 4 during performance inspections, with 3 SAG's in October/January/May.
- 6.6** The regulated stand at Wolverhampton Racecourse, which has a capacity >2000 spectators has an inspection annually, whereas Monmore Green Stadium has one every two years, with a SAG annually or bi-annually accordingly.
- 6.7** Information obtained from inspections of Molineux Stadium is required to be fed back to the Sports Ground Safety Authority (SGSA), and they carry out their own independent annual audit to ensure that as a Local Authority we are performing our role satisfactory. During our most recent audit, on the 19 December 2023, we received a score of 100% pass rate.
- 6.8** Since 1 April 2021 significant work has been undertaken at the Wolverhampton Wanderers Football Club, including continued oversight of flame and pyrotechnic effects that are used during match days, renewal of certificates, oversight of the rebuild of the Graham Hughes stand, liaison with West Midlands Fire Service regarding the club's fire risk assessment, oversight of the application to have licensed standing areas as well as regular document reviews. Monitoring has also been undertaken to ensure the licensed standing areas do not lead to standing elsewhere in the ground.
- 6.9** Our sports grounds venues are popular locations for large scale concerts, attracting high volume crowds. We ensure that reasonable steps are taken to protect attendees from physical harm or injury.



7. Health and Safety Complaints and Intelligence

7.1 Since 1 April 2023, the service has responded to over 172 requests for service in relation to health and safety. This can range from enquiries about health and safety law for example, employers/proprietors' duties, through to complaints and "whistle blowers" detailing serious workplace conditions or reports of dangerous practices.

7.2 All health and safety intelligence and complaints received, including those which are received anonymously are prioritised and investigated in accordance with the good enforcement principle of targeting, transparency, consistency, and proportionality.

Emphasis is placed on those complaints that have the potential to cause most harm to employees or the public via a risk-based approach.

7.3 All requests for service are logged on to the back-office system (Uniform) and any action taken in relation to a complaint is logged on this system too.

7.4 Any enforcement action taken during an intervention where the public are affected is placed onto a public register, and is available to view upon request to encourage local accountability.

8. Accident Investigations

8.1 Since 1 April 2023, the service has received 70 accident investigation reports. The Reporting of Injuries, Diseases, and Dangerous Occurrences Regulations 2013 (RIDDOR), places duties on employers, the self-employed and people in control of work premises to report certain workplace accidents, occupational diseases and specified dangerous occurrences (near misses).

8.2 All accident investigations received are prioritised and investigated in accordance with the RIDDOR Regulations, and HSE incident selection criteria.

8.3 All RIDDOR reports are logged on to the back-office system (Uniform) including any action taken in relation to the accident.



9. Lifting Operations and Lifting Equipment

- 9.1** Since 1 April 2023, the service has received 11 notifications of reports concerning defective lifting equipment. Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) places duties on people and companies who own, operate or have control over lifting equipment. This includes all businesses and organisations whose employees use lifting equipment, whether owned by them or not.
- 9.2** All LOLER notifications received are prioritised and investigated accordingly, including any necessary enforcement action to take such lifting equipment out of use.



10. Enforcement Action

- 10.1** The Health and Safety Service endeavors wherever possible to use informal means to achieve compliance with the law. Where there is evidence of imminent risk, flagrant breaches of the law, or persistent failure to maintain standards, the service will exercise their powers in accordance with its Enforcement Policy, and will follow the general principles of proportionality, consistency, transparency and targeting of resources when applying the law.
- 10.2** Since April 2023, the service has served four improvement notices following matters relating to conditions of floors and traffic routes, failure to maintain work equipment in an efficient state and working order, damaged racking, and the need for assistance via a competent person. One prohibition notice has been served following evidence of imminent risk, which included matters relating to the safe use of a forklift truck.

11. Cooling Tower Registration

11.1 Many large factories and office blocks have cooling towers and evaporative condensers associated with their air conditioning units. As there is a risk of spreading legionnaires disease from these units all premises where cooling towers and evaporative condensers are situated must register with the Council under The Notification of Cooling Towers and Evaporative Condensers Regulations 1992. There are currently 12 sites with cooling towers and or evaporative condensers registered with the authority.

11.2 Registered premises within Wolverhampton which are enforced by the Council for health and safety may be subject to an inspection / intervention visit.

12. Indoor Firing Range

12.1 Wolverhampton is home to two specialised indoor firing ranges, designed specifically for training, practice, and recreational use. As there is a risk of lead poisoning and hearing loss, responsible persons must ensure that they conform to The Control of Lead at Work Regulations 2002 in addition to their legal obligations under health and safety law.

12.2 NSRA Aldersley - National Small-bore Rifle Association, located at Aldersley Leisure Village, is a unique facility in the UK, and was built to accommodate all levels of indoor shooting with air guns, from beginners and casual shooters, regional and national sports, and many organisations with links to target shooting regularly use the centre. Visually impaired shooting clubs are also thriving under the care of volunteers at the centre. Forty Four Club, is a rifle and pistol range, and is for members only.

12.3 Pro-active inspections have been undertaken by officers at both premises since April 2023, reviewing workplace risk assessments, including an assessment of cleaning, ventilation, and employee health checks.



13. Cosmetic Body Piercing Registration

- 13.1** Under the Local Government (Miscellaneous Provisions) Act 1982, personal and premises registration is required for the activities of Acupuncture, Tattooing, Semi-Permanent Skin Colouring and Cosmetic Body Piercing, and compliance with local adopted Bye Laws.
- 13.1** As there is a risk of cross contamination including blood borne viruses and other skin infections, an inspection is important

to review risk assessments, including infection prevention and control procedures.

- 13.1** Since 1 April 2023, the service has reviewed and inspected against 56 applications for the certification of registration to be granted for Cosmetic Body Piercing activities and issued a Temporary Registration for 2 Tattoo Conventions.

14. Non-Surgical Cosmetic Procedures

- 14.1** Recent years have witnessed a growing prevalence and normalisation of non-surgical cosmetic procedures, with many procedures now available on the high street which are akin to surgery.
- 14.2** All procedures have some degree of risk, some more than others, and can lead to serious complications, even death, if not performed by an appropriately trained regulated practitioner.
- 14.3** Following local intelligence and our continued efforts for the council to raise awareness on the risks associated with Buttock Augmentation, a press release was published, which made national

news coverage as the first local authority to take action against this procedure on the high street. Since April 2023, officers have continued to work with businesses who have come to our attention who offer this treatment, and this work has assisted with raising awareness on the need for change to central government.

- 14.4** Officers have also taken action and raised awareness on the illegal use of prescription medicines, namely Vitamin Injections, after intelligence identified concerns with absence of informed consent and practitioners self-prescribing to their clients.

15. Public Event Safety Advisory Group

15.1 The Public Event Safety Advisory Group is a multi-agency Group formed to offer guidance to anyone organising a public event in Wolverhampton. The council will aim to ensure that assistance is consistent and will encourage a minimum standard of safety at all events held throughout the area.

15.2 The Group provides an opportunity to implement a co-ordinated process that enables organisers of public events to give notification of a future event and to ensure this information is disseminated across all agencies.

15.3 The Group is currently chaired by the Licensing Manager, with the following council departments and other government authorities being represented:

- City Events
- Licensing
- Highways
- Trading Standards
- Environmental Health
- Public Health
- Building Control
- Internal Health and Safety
- West Midlands Police
- West Midlands Fire Authority
- West Midlands Ambulance Service

15.4 Since 1 April 2023, the Environmental Health Service have reviewed 77 applications via the Event Safety Advisory Group, and provided support on compliance with food, health and safety and noise compliance.



16. Liaison with Other Organisations

16.1 The City of Wolverhampton Council are part of the West Midlands Health and Safety Liaison Group (WMHSLG), who work together to produce common policies, practices and procedures to aid consistency. The group also organises regular training programmes for enforcement officers.

16.2 The City of Wolverhampton Council are also part of the West Midlands Skin Piercing Liaison Group (WMSPLG), who work together to tackle common problems across the High Street with beauty, tattooing and non-surgical aesthetic treatments. The group produces common policies, practices and procedures to aid consistency.

16.3 Officers continue to work with the Department of Health and Social Care (DHSC), Chartered Institute of Environmental Health (CIEH),

The Institute of Licensing (IoL), and The All Party Parliamentary Group (APPG) for Beauty and Wellbeing, to assist with the campaign and implementation of a licensing scheme to regulate non-surgical cosmetic treatments available on the High Street.

16.4 As a Council we liaise with other organisations as appropriate such as the Fire Rescue Service and the Police.

16.5 The service also advises and liaises with other services within the Council, including Building Control, Planning and Licensing.

16.6 Safety Advisory Groups have been set up for certified grounds, their function is to provide specialist advice to the local authority so it can discharge its functions under the Safety of Sports Grounds Act 1975 (1975 Act) and / or Fire Safety and Safety of Places of Sport Act 1987.



17. Health and Safety Partnerships

17.1 The City of Wolverhampton Council are partners with the HSE and the National Association of Steel Service Centres to create the Steel Stockholding Lead Authority Partnership, which has been in existence now for over 20 years. This has created published industry guidance, training and guidance for both industry and officers has been developed through this group.

17.2 The Council has three developed Primary Authority Partnership's with Marston's PLC, Little Dessert Shop (Holdings) Ltd and CMC Consultancy. The partnerships primarily focus on health and safety, food hygiene and standards.

17.3 Primary authority is a means for businesses to receive assured and tailored advice on (amongst other areas) meeting environmental health and trading standards regulations through a single point of contact.

In maintaining our primary authority partnerships, officers from the service will:

- respond to enquiries from other local authorities about, or concerning, the business or its operations or procedures
- act on behalf of other local authorities as the primary regulatory link to the business
- provide advice to the companies on the interpretation of legislation
- provide assistance to enforcing authorities in the conduct of investigations and encourage the businesses to offer reasonable assistance.

The authority will have regard to the Primary Authority Partnership Scheme and associated official guidance when considering formal legal action.



18. Resources

18.1 Staffing Allocation The Environmental Health Service is a multi disciplinary team. There are 14 officers who undertake a range of duties, including health and safety enforcement.

The proportion of an officers time spent undertaking health and safety work will vary throughout the year and is dependent on what incidents are reported to the service. The service manager alongside the team leaders will continually monitor the work the service is doing throughout the year and reallocate resources as required.

18.2 The approved budget for the Environmental Health Service 2024 – 2025 is £734, 990, which includes the provision of the Health and Safety service. It should be recognised that a wide range of other non-health and safety related services are delivered within this budgetary provision. The level of resource available for the provision of health and safety activities covered by the statutory plan is currently in the region of £87,250.

18.3 Whilst it is the intention of the Service to undertake the work outlined in the service plan this will continue to be subject to the level of resource and the emerging issues, which arise during the year.



19. Staff Training and Development

19.1 Officers individual training needs are identified formally during employee professional conversations, which are held quarterly. In addition, Officers are assigned lead responsibilities to develop a specialism within the commercial sector.

19.2 Officers that are members of the Chartered Institute of Environmental Health (CIEH) are required to undergo at least 20 hours of Continuous Professional Development (CPD) per year. The service recognises this need and supports staff in achieving this.

19.3 Typical sources of training include day release courses, on the job training and development, in house short courses and cascade training, and external short courses and seminars.



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