

## ABERDEEN CITY COUNCIL

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<b>COMMITTEE</b>	Public Protection
<b>DATE</b>	9 <sup>th</sup> May 2018
<b>REPORT TITLE</b>	Protective Services Occupational Health and Safety Intervention Plan 2018/19
<b>REPORT NUMBER</b>	OPE/18/017
<b>DIRECTOR</b>	Robert Polkinghorne
<b>CHIEF OFFICER</b>	Mark Reilly
<b>REPORT AUTHOR</b>	Andrew Gilchrist
<b>TERMS OF REFERENCE</b>	3.3

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### 1. PURPOSE OF REPORT

- 1.1 Outlines the Protective Services proposals for delivering the occupational safety and health regulatory service for 2018/19.

### 2. RECOMMENDATION(S)

That the Committee approves the Occupational Health and Safety Intervention Plan for 2018/19 (Appendix 1).

### 3. BACKGROUND

- 3.1 As an Enforcing Authority, the Council has responsibility for the provision of health and safety enforcement services covering a range of businesses, mainly within the service sector, covering approximately 4,000 premises.
- 3.2 The principal activities in regard to these premises are:
- Investigating complaints relating to safety, occupational health and welfare at these workplaces;
  - Investigating reported accidents arising in the course of work activities;
  - Investigating reports of statutory examination of certain types of work equipment, where the examination has revealed defects;
  - Receiving notifications of work involving asbestos that may require to be followed up to ensure adequate controls are in place; and
  - Engaging in focussed intervention programmes.
- 3.3 It is a statutory requirement that the Council “make adequate arrangements for enforcement” of the requirements of the Health and Safety at Work etc. Act

1974 and therefore it is essential that there is appropriate, proportionate engagement in this field. In particular, the Council should be seen to be taking a proactive approach in developing initiatives that are directed toward making a significant impact in the community.

- 3.4 The interventions have been selected on the basis that they represent concerns that are widely known nationally. Although they have been produced with the intent that they represent an achievable target, the Committee's understanding is sought on the possibility that there may be a carry over of the planned work to the following financial year.

<b>What</b>	<b>Why</b>	<b>How</b>
<b>Proactive work</b>		
Control of legionella	National priority and high risk sector	Proactive inspection of registered cooling towers/evaporative condensers.
Tanning salons	Concern about overexposure of clients to UV radiation and use by underage clients.	Advisory visits to ensure appropriate controls in place ,with the option of enforcement follow up if required.
Electrical safety	Recognition that there is a lack of awareness by small businesses on their responsibilities of providing and maintaining a safe electrical system	Provision of written advice on maintenance responsibilities Training of officers to identify matters of evident concern (MEC) Reactive visits as a result of knowledge of MEC

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 There are no direct financial implications arising from the recommendations of this report.

#### **5. LEGAL IMPLICATIONS**

- 5.1 Local authorities have a duty to 'make adequate arrangements for enforcement' under Section 18 of the Health and Safety etc. at Work Act 1974. Failure to do so could lead to Health and Safety Executive(HSE) using it's default powers to take over services.

## 6. MANAGEMENT OF RISK

	Risk	Low (L), Medium (M), High (H)	Mitigation
<b>Financial</b>			
<b>Legal</b>	Statutory duty to provide an adequate health and safety enforcement service.	L	Sufficient resources allocated to avoid legal challenges.
<b>Employee</b>	The lack of an effective intervention plan could adversely impact on the competence of staff in relation to health and safety enforcement	L	Delivery of an effective intervention plan will support the maintenance of competence.
<b>Customer</b>	The lack of an effective intervention plan to tackle health and safety issues could result in unacceptable risks to the health and safety of the population of Aberdeen	L	The intervention plan is designed to tackle significant health and safety issues to protect the population of Aberdeen.
<b>Environment</b>			
<b>Technology</b>			
<b>Reputational</b>	The lack of an effective intervention plan to tackle health and safety issues could result in reputational damage.	L	Criticism could be directed at the Council if there is failure to effectively implement the Service Plan, but it is considered that there are sufficient controls in place to avoid this.

## 7. OUTCOMES

<b>Local Outcome Improvement Plan Themes</b>	
	<b>Impact of Report</b>
<b>Prosperous Economy</b>	The regulation of commercial premises within the city contributes to making Aberdeen an attractive,

	clean, healthy and safe place to live.
<b>Prosperous People</b>	Implementation of this plan will contribute to ensuring the health, safety and welfare of Aberdeen's workforce and the general public
<b>Prosperous Place</b>	Implementation of this plan will contribute towards ensuring Aberdeen is a safe place to work, to enjoy recreationally and to visit.

<b>Design Principles of Target Operating Model</b>	
	<b>Impact of Report</b>
<b>Governance</b>	Appropriate oversight of services delivering public protection provides assurance to both the organisation and the public in terms of meeting the council's statutory duties, and also contributes to compliance with agreed standards

## 8. IMPACT ASSESSMENTS

<b>Assessment</b>	<b>Outcome</b>
<b>Equality &amp; Human Rights Impact Assessment</b>	Not required.
<b>Privacy Impact Assessment</b>	Not required.
<a href="#"><u>Children's Rights Impact Assessment/Duty of Due Regard</u></a>	Not applicable.

## 9. BACKGROUND PAPERS

Occupational Health and Safety Intervention Plan 2017/18.

[HELA LAC 67/2\(rev. 6\) Advice/Guidance to Local Authorities on Targeting Interventions](#)

[National Local Authority Enforcement Code- Health and Safety at Work](#)

## 10. APPENDICES

Appendix 1 –Protective Services Occupational Health and Safety Intervention Plan

## **11. REPORT AUTHOR CONTACT DETAILS**

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