

## ABERDEEN CITY COUNCIL

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<b>COMMITTEE</b>	Public Protection
<b>DATE</b>	13 <sup>th</sup> June 2019
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Protective Services Occupational Health and Safety Intervention Plan 2019/20
<b>REPORT NUMBER</b>	OPE/19/262
<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 2019/20.

### 2. RECOMMENDATION(S)

That the Committee approves the Occupational Health and Safety Intervention Plan for 2019/20 (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 establishments.
- 3.2 The principal activities in regard to these establishments 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;
- d) Receiving notifications of work involving asbestos that may require to be followed up to ensure adequate controls are in place; and
- e) 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. It should be noted that for the past few years, a formal proactive inspection programme has not been implemented. This has been in accordance with Government’s direction to reduce the burden to businesses. The option of using proactive inspections is reserved only for those potentially not managing risk within specific sectors /activities. Further information is available in the background paper referred to below (LAC 67/2(rev. 8)). As an example, in Aberdeen City in 2017/18, 25 inspections of childcare establishments were carried out as this was considered a vulnerable sector worthy of attention. Therefore the intervention programme is undertaken on a risk basis targeted towards high risk activities.

3.4 The Service has been unable to implement and complete the planned interventions for 2018/19,- electrical safety, health issues in tanning salons. This has primarily been due to other workload priorities and unfilled officer posts, with the investigation of two workplace fatalities also requiring a significant officer resource. The following interventions are of current significance. On completion of. these interventions, resources will be made available to implement the unfulfilled 2018/19 interventions.

<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.
Beverage gases in the hospitality industry.	National priority with the aim of - raising awareness of the risks associated with the handling of beverage gases in the hospitality industry. In particular, highlighting the need to provide safe systems of work and emergency procedures for cellar work, with emphasis given to the handling, and storage of cylinders and work in confined spaces.	Provision of training to field staff to enable identification and resolution of the critical issues when visiting establishments handling beverage gases. Email questionnaire to businesses likely to be using beverage gases. Follow up with visits to those failing to respond or providing inadequate response.
<a href="#">Inflatable play devices</a>	National priority for reactive interventions following fatalities in recent years.	Provision of written advice on safe operating procedures when consulted on public entertainment licence applications Visits to events to verify compliance with requirements.

#### 4. FINANCIAL IMPLICATIONS

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

#### 5. LEGAL IMPLICATIONS

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 its default powers to take over services. The potential impact of Brexit should be recognised.

#### 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 officers 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. There may be a risk to the ability to implement this plan if resources are diverted to meeting food safety requirements arising from Brexit.	L	The intervention plan is designed to tackle significant health and safety issues to protect the population of Aberdeen. Resources are targeted at high risk activities.
<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.
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## 7. OUTCOMES

<b>Local Outcome Improvement Plan Themes</b>	
	<b>Impact of Report</b>
<b>Prosperous Economy</b>	The regulation of commercial establishments 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>Enabling Technology</b>	

<b>Design Principles of Target Operating Model</b>	
	<b>Impact of Report</b>
<b>Customer Service Design</b>	No impact
<b>Organisational Design</b>	No impact
<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
<b>Workforce</b>	Enhancement and development of professional skills.
<b>Process Design</b>	No impact.
<b>Technology</b>	No impact.
<b>Partnerships and Alliances</b>	No impact.

## 8. IMPACT ASSESSMENTS

Assessment	Outcome
Equality & Human Rights Assessment	Not required.
Data Protection Impact Assessment	Not required.
Duty of Due Regard / Fairer Scotland Duty	Not applicable.

## 9. BACKGROUND PAPERS

[HELA LAC 67/2\(rev. 8\) Advice/Guidance to Local Authorities on Targeting Interventions](#)

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

## 10. APPENDICES (if applicable)

Appendix 1 –Protective Services Occupational Health and Safety Intervention Plan 2019/20

## 11. REPORT AUTHOR CONTACT DETAILS

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