

## ABERDEEN CITY COUNCIL

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<b>COMMITTEE</b>	Public Protection
<b>DATE</b>	5 <sup>th</sup> October 2022
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Protective Services Occupational Health and Safety Intervention Plan 2022/23
<b>REPORT NUMBER</b>	OPE/22/211
<b>DIRECTOR</b>	Steven Whyte
<b>CHIEF OFFICER</b>	Mark Reilly
<b>REPORT AUTHOR</b>	Andrew Gilchrist
<b>TERMS OF REFERENCE</b>	3.1

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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 2022/2023.

### 2. RECOMMENDATION(S)

- 2.1 That the Committee approves the Occupational Health and Safety Intervention Plan for 2022/23 (Appendix 1)

### 3. CURRENT SITUATION

- 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 regarding these establishments are:
- a) Investigating complaints relating to safety, occupational health and welfare at these workplaces.
  - b) Investigating reported accidents arising in the course of work activities.
  - c) 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 In specific regard to e), the Service has been unable to produce and implement any planned intervention programmes since 2018/19. This was largely due initially to staff being heavily engaged in activities around the Coronavirus pandemic, and also bearing in mind a critical staff shortfall. It is therefore considered prudent to confine proactive activities in this area to those that have

been determined by the Health and Safety Executive(HSE )to be a national priority in their Local Authority Circular LAC 67/2(rev. 11) Advice/Guidance to Local Authorities on Targeting Interventions.

3.4 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 the production of a Service Plan and the ability to meet its targets in practice is considered to fulfil this stipulation.

#### 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 its default powers to take over services.

#### 6. ENVIRONMENTAL IMPLICATIONS

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

#### 7. RISK

##### Management Of Risk

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H)  *Taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
<b>Strategic Risk</b>	Unable to deliver service due to acute disruptive events	Business continuity plans in place to continue key service provision.	L	Yes

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H)  *Taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
<b>Compliance</b>	Failure to meet statutory duty to provide an adequate health and safety enforcement service could lead intervention by HSE.	Provision of – <ul style="list-style-type: none"> <li>• adequate staff resources to meet demand,</li> <li>• appropriate training needs identified through CR+D, 1-2-1 discussions</li> <li>• effective management of staff workloads,</li> <li>• achievable targets within the Service Plan</li> </ul>	L	<b>Yes</b>
<b>Operational</b>	Inability to meet targets in Service Plan through other work being given priority. Insufficient number of appropriately trained staff.	Provision of – <ul style="list-style-type: none"> <li>• adequate staff resources to meet demand,</li> <li>• appropriate training needs identified through CR+D ,121 discussions,</li> <li>• effective management of staff workloads,</li> <li>• achievable targets within the Service Plan</li> </ul>	L	<b>Yes</b>

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *Taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
<b>Financial</b>	No significant risks identified	n/a		
<b>Reputational</b>	Local and National press coverage of any failure to effectively perform the statutory duties can present reputational damage to the organisation	Provision of- – <ul style="list-style-type: none"> <li>• adequate staff resources to meet demand,</li> <li>• effective management of staff workloads,</li> <li>• achievable targets within the Service Plan</li> <li>• Effective communication with media on work activities that may be of Local /National significance.</li> </ul>	L	<b>Yes</b>
<b>Environment / Climate</b>	No significant risks identified	n/a		

## 8. OUTCOMES

<b>COUNCIL DELIVERY PLAN 2022-2023</b>	
	<b>Impact of Report</b>
Aberdeen City Council Policy Statement  Working in Partnership for Aberdeen	The proposals in this report have no impact on the Council Delivery Plan.'
<b><u>Aberdeen City Local Outcome Improvement Plan</u></b>	
Prosperous Economy Stretch Outcomes	N/A
Prosperous People Stretch Outcomes	The proposals in this report support the delivery of LOIP Stretch Outcome 11 "Healthy life expectancy (time lived in good health) is five years longer by 2026" Ensuring that acceptable standards of health, safety and welfare are being met in Aberdeen will contribute towards this outcome.
Prosperous Place Stretch Outcomes	N/A
<b>Regional and City Strategies</b>	The proposals within this report support the Regional Economic Strategy by assisting local businesses to thrive and prosper by providing advice to ensure compliance with relevant legislation

## 9. IMPACT ASSESSMENTS

<b>Assessment</b>	<b>Outcome</b>
<b>Integrated Impact Assessment</b>	Not required
<b>Data Protection Impact Assessment</b>	Not required
<b>Other</b>	Not required.

## 10. BACKGROUND PAPERS

- 10.1 [HELA LAC 67/2\(rev. 11\) Advice/Guidance to Local Authorities on Targeting Interventions](#)
- 10.2 [National Local Authority Enforcement Code- Health and Safety at Work](#)

## 11. APPENDICES

- 11.1 Appendix 1 –Protective Services Occupational Health and Safety Intervention Plan 2022/23.

## 12. REPORT AUTHOR CONTACT DETAILS

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