

## ABERDEEN CITY COUNCIL

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<b>COMMITTEE</b>	Communities, Housing and Public Protection
<b>DATE</b>	14 November 2023
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Protective Services Occupational Health and Safety Service Plan 2023/24
<b>REPORT NUMBER</b>	RES/23/297
<b>DIRECTOR</b>	Steven Whyte
<b>CHIEF OFFICER</b>	Mark Reilly
<b>REPORT AUTHOR</b>	Andrew Gilchrist
<b>TERMS OF REFERENCE</b>	2.3

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### 1. PURPOSE OF REPORT

- 1.1 To outline the Protective Services' proposals for delivering the occupational safety and health regulatory service for year 2023/2024. This Service Plan has been produced at this time to allow a full year to expire after implementation of the Plan for 2022/23. This was itself delayed due to assessment of the impact from the pandemic on the Service.

### 2. RECOMMENDATION(S)

- 2.1 That the Committee approves the Occupational Health and Safety Service Plan for 2023/24 (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:
- 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 The Health and Safety Executive (HSE) identifies its national priorities for local authority action in their Local Authority Circular Interventions. However, the

priority areas for 2023/ 24 essentially replicate those for the previous year and which are being/have been addressed in this current year by this Service.

- 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.

There is presently a national shortage of qualified officers who can be authorised to carry out health and safety enforcement. There are currently 7.6 FTE qualified field officers who spend approximately 15% of time involved in health and safety enforcement activities. The full establishment number of field officer (FTE) posts for the service is 14.5.

The 2023-24 service plan sets out prioritising statutory duties related to investigation and enforcement of activities detailed in 3.2.

Officers carry out a range of activities including food safety, licensing, animal health, port health and welfare inspections. Focused interventions referred to in 3.4 will be restricted to being undertaken at premises being visited for other purposes, such as food law inspections, to minimise the impact on service demand.

#### **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 at Work etc. Act 1974.. The Occupational Health and Safety Service Plan 2023/24 assists the Council to perform their enforcement functions and to comply with this duty.

#### **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	<b>Yes</b>
<b>Compliance</b>	Failure to meet statutory duty to provide an adequate health and safety enforcement service could lead to intervention by HSE and the transfer of some enforcement functions from the Council to 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</li> </ul>	L	<b>Yes</b>

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?
		the Service Plan		
<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	The proposals in this report have no impact on the Council Delivery Plan.'
Working in Partnership for Aberdeen	A Prosperous City, delivering an interventions programme that assists stimulate sustainable economic development in workplaces
<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>	It is confirmed by Chief Officer, Mark Reilly, that no Integrated Impact Assessment is required
<b>Data Protection Impact Assessment</b>	Not required
<b>Other</b>	Not required.

## **10. BACKGROUND PAPERS**

- 10.1 [HELA LAC 67/2\(rev. 12\) 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 Service Plan 2023/24.

## **12. REPORT AUTHOR CONTACT DETAILS**

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