

Committee(s):	Date(s):
Port Health & Environmental Services Committee	23 May 2016
Subject: Health & Safety Intervention Plan 2016- 2017	Public
Report of: Director of Markets & Consumer Protection	For Decision
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Summary

This report seeks your Committee's approval for the Health & Safety Intervention Plan 2016-2017 for which the City of London Corporation is required to obtain Member approval and subsequently publish.

The Health & Safety Executive (HSE) requires local authorities to produce an annual Health & Safety Intervention Plan in accordance with its National Enforcement Code for Local Authorities. Under this code, every authority, such as the City of London Corporation, is required to make a formal, corporate commitment to improving health & safety outcomes locally and all Intervention Plans should be agreed by Members.

In addition to routine intervention work in areas such as inspecting cooling towers, investigating accidents and complaints, other locally identified intervention topics will include :-

- Falls from height related to cleaning and servicing buildings;
- Continuing to promote the Construction (Design & Management) Regulations 2015 (CDM 2015) and the designing-in of good health & safety measures for end users, right from the start of any development project; and
- Continuing to support businesses to achieve wellbeing recognition and promote the GLA's "London Healthy Workplace Charter".

Recommendations

I recommend that your Committee approves the key work areas outlined in this report and detailed in the Health & Safety Intervention Plan 2016-2017

Main Report

Background

1. In order to be transparent and accountable, local authorities are required to publish plans setting out their enforcement work in key areas, and Health & Safety is one such area for which we are required to publish such by the Health & Safety Executive, the relevant Government agency.
2. We must also however, continue to meet the local needs of City businesses, residents, workers and visitors as set out in the Vision, Strategic Aims and Key Policy Priorities of the City of London Corporate Plan 2015-2019; this is achieved through our departmental Business Plan and individual service plans such as this one which detail the work that will be done and by which we are judged overall by our key performance indicators.
3. The highlights of our health & safety intervention work during the past year, 2015-2016, were that we:-
 - a) inspected all City cooling towers sites that were due an inspection to assess their systems for managing the risk of Legionnaires' disease;
 - b) continued to use the team's Twitter account @SafeSquareMile - "*signposting the way to safety, health and well-being for all who work in the historic "Square Mile"* – to inform and promote health & safety issues in the City and beyond;
 - c) continued to promote the previous year's successful campaign to improve building managers' awareness of managing safe working at height;
 - d) promoted CDM 2015 and good design with the production with a specific health & safety video for the City of London's YouTube channel;
 - e) continued to develop our income generating Primary Authority Partnerships¹ with **CBRE** and **Virgin Active** advising and helping improve their health & safety management systems, including driving improvement through auditing the Top 5 and Bottom 5 UK performing sites for **Virgin Active**;
 - f) commenced new chargeable Primary Authority Partnerships with **Pure Gym** and **Monsoon Accessorize** and finally
 - g) successfully prosecuted a window cleaning company, **Blades (London) Ltd.**, following the fatal fall from height of one of their employees from a City office building and for which they were fined £45,000 plus £7,500 costs.
4. We also contributed to the City of London Health & Wellbeing Board's Strategy and Action Plan, including most recently, the Suicide Prevention Action Plan and promoted the "London Healthy Workplace Charter" and workplace wellbeing generally.

¹ Primary Authority Partnerships are when a local authority formally agrees to work with a business or trade organisation and provide them with "assured advice" on a single or a variety of regulatory subjects – e.g. Food Safety, Health & Safety, etc. Once "assured advice" has been given on an issue, other local authorities are bound to take heed of it and can only take enforcement action against the business in respect of that issue with the Primary Authority's approval except in urgent situations.

www.gov.uk/government/organisations/regulatory-delivery

Current Position

5. Under the HSE's **National Local Authority Enforcement Code - Health and Safety at Work**² (the Code), Health & Safety Enforcing Authorities (HSEAs), should make a formal commitment to improving health & safety outcomes and produce a written intervention plan agreed by senior management and Members.
6. The Code is made under the HSE's powers under Section 18 of the Health & Safety At Work Etc. Act 1974 and is a prescribed standard setting out the risk-based approach to targeting health and safety interventions to be followed by HSEAs. It also provides a framework that recognises the respective roles of businesses and regulators in the management of risk, concentrating on four objectives:-
 - a) clarifying the roles and responsibilities of businesses, regulators and professional bodies;
 - b) outlining the risk-based approach to regulation that HSEAs should adopt with reference to the Regulators' Compliance Code and HSE's Enforcement Policy Statement and the need for effective, targeted interventions that focus on influencing behaviours and improving the management of risk;
 - c) setting out the need for training and competence of all HSEA staff; and
 - d) explaining the arrangements for the collection and publication of data to give assurance the Code's requirements are being met.
7. The enforcement operations of all HSEAs are judged against the Code and a HSEA's health & safety intervention plan should set out their overall aims and priorities and include a range of risk-based interventions such as pro-active inspections of high risk businesses, specific locally identified initiatives, accident and complaint investigations, revisits to check on earlier enforcement action, the provision of advice to businesses, and awareness raising and promotional activities in general. These interventions should all be targeted at:-
 - the most serious health & safety risks and/or least well-controlled hazards;
 - those businesses that seek economic advantage from non-compliance with health & safety law;
 - securing action by dutyholders to reduce health & safety risks; and
 - improving health & safety outcomes for employeesand in order to ensure national consistency a List of Activities and Supplementary Guidance to the Code is produced for all HSEAs to follow.
8. The City Corporation's annual Health & Safety Intervention Plan should also:-
 - set out how it intends to deliver its health & safety enforcement service; and

² www.hse.gov.uk/lau/laenforcementcode

- be a stand-alone document, or part of a broader plan of regulatory services, as long as it clearly identifies the health & safety priorities and plans for intervention of the HSEA.
9. The Intervention Plan is based upon both locally identified risks, and whenever possible, regional and national initiatives, in accordance with the Government's current guidance on health & safety enforcement for 2016-2017. As well as
 10. We will continuing with our proactive and reactive intervention work on national issues such as:-
 - a) inspecting the management of all cooling towers and other at-risk water systems according to their perceived risk and previous performance;
 - b) investigating health & safety accidents and complaints;
 - c) managing Falls from Height associated with cleaning and servicing of buildings'; and
 - d) managing health & safety risks in food businesses including workplace transport and fork lift truck risks Smithfield Market where the City is the HSEA; and
 - e) developing Primary Authority Partnerships with **CBRE, Virgin Active, Pure Gym, Monsoon Accessorize** and the **Ornamental Aquatic Trade Association**
 11. However, we will also be look be looking at the local issues of:-
 - a) promoting the Construction (Design & Management) Regulations 2015 (CDM 2015) and the designing-in of good health & safety measures for end-users right from the start of any development project; and
 - b) continuing to contribute to the City Health & Wellbeing Strategy and Action Plan, including the Suicide Prevention Action Plan and will further develop our engagement strategy for promoting workplace wellbeing and the "London Healthy Workplace Charter" in partnership with colleagues in Community & Children's Services.

Proposals

12. I therefore recommend that your Committee approves the Health & Safety Intervention Plan 2016-2017.

Corporate & Strategic Implications

13. The Health & Safety Intervention Plan reflects the detailed operational work undertaken by regulatory enforcement teams as set out in the Vision, Strategic Aims and Key Policy Priorities of the City of London Corporate Plan 2015-2019 and the Health & Wellbeing Board's strategies. This is achieved through our departmental Business Plan and individual service plans which detail the work that will be done and which is judged by our key performance indicators.

14. Approval of these Plans will ensure that the City meets its fundamental obligations under the requirements of the HSE's National Enforcement Code for Local Authorities.
15. As previously thought, it is also my intention to make the plan available to all stakeholder businesses operating within City of London through publication on the City of London's website. This will make the City's intentions transparent and accountable to all relevant parties, and also enables any comments received on the documents to be taken into account at the next revision for 2017-2018.

Other Implications

16. There are no other implications that would result from approval of this report.

Conclusion

17. The Health & Safety Intervention Plan is linked to the Port Health & Public Protection Business Plan 2016-2019 and sets a clear and transparent standard for our health & safety regulatory work for the year, subject to your approval.

Background Papers

Health & Safety Intervention Plan 2016-17 (provided separately electronically)