

Health and Safety Enforcement and Prosecutions in Local Authority Enforced Sectors 2008/9

A report compiled by the Health and Safety Executive

Introduction

Currently there are over 400 local authorities (LAs) in Great Britain that are enforcing authorities under the Health and Safety at Work etc Act 1974. This report has been compiled with the intention of providing one central register with HSE, as the National Enforcing Authority.

The report is based on enforcement data voluntarily supplied by LAs in their health and safety returns for the four years to 2008/9¹. It also provides summary information for prosecutions taken by LAs, county councils and fire authorities for 2008/9² under the Health and Safety at Work etc Act 1974 (HSWA 1974) and associated health and safety regulations.

Headline figures 2008/9

- There were a total of 313 convictions secured by LAs, county councils and fire authorities of which: 309 were by LAs and 4 were by county councils.
- The total amount of fines imposed was £1,735,659.
- The average fine per conviction for all authorities was £ 5,545.
- The average fine per conviction for local authorities only was £5,607.
- The largest single fine for a single company was £250,000. This case was brought against a haulage contractor after a lorry driver was crushed between two 40 tonne vehicles whilst undertaking a transhipping operation to transfer a pallet of goods on route. The injured person died seven months later. The case involved breaches of HSWA 1974 Section 2(1) and The Management of Health and Safety at Work Regulations 1999 Regulation 5.1.
- The number of enforcement notices issued by LAs was 6340 compared with 6010 in 2007/8.
- Of the 6340 enforcement notices issued, 1370 were immediate prohibition notices (21.6%).

¹ Table 6 shows the response rate for LAs submitting health and safety returns.

² Table 5 shows the response rate for LAs, county councils and fire authorities submitting prosecution data.

Supplementary tables

LA inspectors have various powers to secure compliance with the law. Formal notices can be issued – improvement notices, prohibition notices (deferred or immediate), and formal caution. LA inspectors can, following investigations, take prosecutions under the HSWA etc 1974 Act and under associated health and safety regulations

Figures for LAs include county and county borough councils in Wales as they are unitary authorities and the main regulators in local government of the HSWA and associated regulations. County council figures are for those in England only and as they are not main regulators their prosecution figures are expected to be small.

Table 1: Convictions taken under the HSWA 1974

	2006/07	2007/08	2008/09
Local Authorities	182	187	167
County Councils	0	0	2
Fire Authorities	0	3	0
Total	182	190	169

Table 2: Convictions taken under associated health and safety regulations

	2006/07	2007/08	2008/09
Local Authorities	132	147	142
County Councils	4	0	2
Fire Authorities	0	3	0
Total	136	150	144

Table 3: Enforcement notices issued by local authorities 2006/07 to 2008/9

Type of notice	Number of formal notices issued		
	2006/07	2007/08	2008/09
Improvement	5 270	4 470	4 930
Deferred Prohibition	50	60	40
Immediate Prohibition	1 640	1 480	1 370
All formal notices	6 960	6 010	6 340

Table 4: Fines imposed following convictions

		2006/7	2007/8	2008/9
Local Authorities only	Total fines	£2,192,344	£2,559,557	£1,732,709
	Average fine	£6,982	£7,663	£5,607
All authorities (local authorities, county councils and fire authorities)	Total fines	£2,195,544	£2,559,557	£1,735,659
	Average fine	£6,904	£7,528	£5,545
	Maximum fine per breach	£175,000	£250,000	£225,000
	Maximum fine per case	£175,000	£325,000	£250,000

Table 5: Response rate of authorities providing prosecution data.

	Percentage of authorities notifying prosecutions to HSE			Percentage of authorities sending nil returns			Percentage of authorities not responding		
	2006/7	2007/8	2008/9	2006/7	2007/8	2008/9	2006/7	2007/8	2008/9
Local Authorities	23.7	25.0	22.3	62.8	58.3	67.7	13.4	16.7	10.0
County councils	0.0	0.0	3.0	10.3	14.7	18.2	89.7	85.3	78.8
Fire Authorities	0.0	14.3	0.0	28.6	0.0	28.6	71.4	85.7	71.4
Total	21.9	23.0	20.6	58.9	54.1	63.5	19.2	23.0	15.9

Table 6: Response rates of Local authorities only providing LAE1 returns

	2006/7	2007/8	2008/9
Great Britain	82.0	87.1	93.4
England	81.7	87.4	92.7
Scotland	87.5	93.8	96.9
Wales	77.3	72.7	100.0

Technical note

Prosecutions data

All information on convictions and penalties has been supplied and verified by the prosecuting LA (investigating LA in Scotland).

Prosecution information is as provided, no estimate is made for missing information and only those completed in the current year are included in this report.

Enforcement data

Each year local authorities are requested to complete a health and safety return (LAE1). These are the sole source of information about enforcement activity.

All LAE1 forms received are checked for accuracy and completeness. Any anomalies or wide variations compared to the previous year are discussed with the authority, and confirmation or explanation sought.

For estimation purposes, local authorities in Great Britain are categorised into ten different types. Returns for each type are analysed separately, such that where authorities of a particular type have not returned, then that category is scaled up by the corresponding shortfall. For example, if 34 out of 36 Metropolitan districts return on a specific question, the result for that question is scaled up by 36/34. This process enables estimates for England, Scotland and Wales, as well as Great Britain to be produced, and is applied to formal notices.

Access to data

Local government is committed to giving access to publicly available information about LAs' enforcement actions. LAs are required to make information publicly available in line with the Environmental Information Regulations 2004, within the restrictions placed on disclosure and for the purposes set out in the HSWA 1974, and under the Data Protection act 1998. Relevant information on enforcement action should be available in public registers, which may be consulted in LA offices.

Further prosecution and enforcement statistics for HSE and local authorities are available on HSE's website: <http://www.hse.gov.uk/statistics/enforce/index.htm>

Summary information of individual prosecutions taken by local authorities is available on HSE's website: <http://www.hse.gov.uk/lau/publications/reports.htm>

Previous LA prosecution reports are available on HSE's website: <http://www.hse.gov.uk/lau/publications/reports.htm>

Details of HSE's prosecution cases are available on HSE's website: <http://www.hse.gov.uk/enforce/prosecutions.htm>