

Health and Safety Enforcement and Prosecutions in Local Authority Enforced Sectors 2009/10

A report compiled by the Health and Safety Executive

Introduction

Currently there are over 400 local authorities (LAs) in Britain that are enforcing authorities under the Health and Safety at Work etc Act 1974 (HSW Act). 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 three years to 2009/10. Data relating to notices and visits is collected through the voluntary health and safety return (form LAE1), from which national estimates are produced to account for those LAs who do not provide a return.

The report also provides summary information for prosecutions taken by LAs, county councils and fire authorities for 2009/10 under the HSW Act and associated health and safety regulations.

Headline figures (2009/10)

- There were a total of 345 convictions secured by LAs, county councils and fire authorities, of which 254 were by LAs and 91 were by fire authorities.
- The total amount of fines imposed was £2 856 523.
- The average fine per conviction for all authorities was £8280.
- The average fine per conviction for LAs only was £8102.
- The number of enforcement notices issued by LAs was 6110.
- The largest single fine for a single company was £250 015. This case was brought against a residential home where a resident with autism and Tourette's choked to death on a sandwich while in the care of two untrained staff. The assistant manager (on duty) had left the home to go to other employment which her employer was not aware of. No first aid was administered at the time. The company was prosecuted for failing to carry out suitable and sufficient risk assessment and the duty manager prosecuted for failing to take reasonable care for the health and safety of persons in her care. The case involved breaches of the HSW Act sections 3(1) and 33(1a).
- Of the 6110 enforcement notices issued, 1380 were immediate Prohibition Notices, 4680 were Improvement Notices and 50 were deferred Prohibition Notices.
- LAs employed 3170 inspectors, equating to 1050 full-time equivalent staff.
- LAs are responsible for 1 131 000 premises, compared with 1 116 000 premises in 2008/09 (an increase of 1.3%).

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, make prosecutions under the HSW Act and 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 HSW Act 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 under the HSW Act 1974

	2007/08	2008/09	2009/10
Local authorities	187	167	139
County councils	0	2	0
Fire authorities	3	0	0
Total	190	169	139

Table 2 Convictions under associated health and safety regulations

	2007/08	2008/09	2009/10
Local authorities	147	142	115
County councils	0	2	0
Fire authorities	3	0	91
Total	150	144	206

Table 3 Enforcement notices issued by local authorities 2007/08 to 2009/10

	2007/08	2008/09	2009/10
Improvement	4 470	4 930	4 680
Deferred prohibition	60	40	50
Immediate prohibition	1 480	1 370	1 380
All formal notices	6 010	6 340	6 110

Table 4 Fines imposed following convictions

		2007/08	2008/09	2009/10
Local authorities only	Total fines	£2 559 557	£1 732 709	£2 057 873
	Average fine	£7 663	£5 607	£8 102
All authorities (local authorities, county councils and fire authorities)	Total fines	£2 559 557	£1 735 659	£2 856 523
	Average fine	£7 528	£5 545	£8 280
	Maximum fine per breach	£250 000	£225 000	£250 015
	Maximum fine per case	£325 000	£250 000	£250 015

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 LAs are requested to complete the LAE1 form. These are the sole sources 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, LAs in 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 Britain as a whole, 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 HSW Act and 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 LAs are available on HSE's website: www.hse.gov.uk/statistics/enforce/index.htm

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

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

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