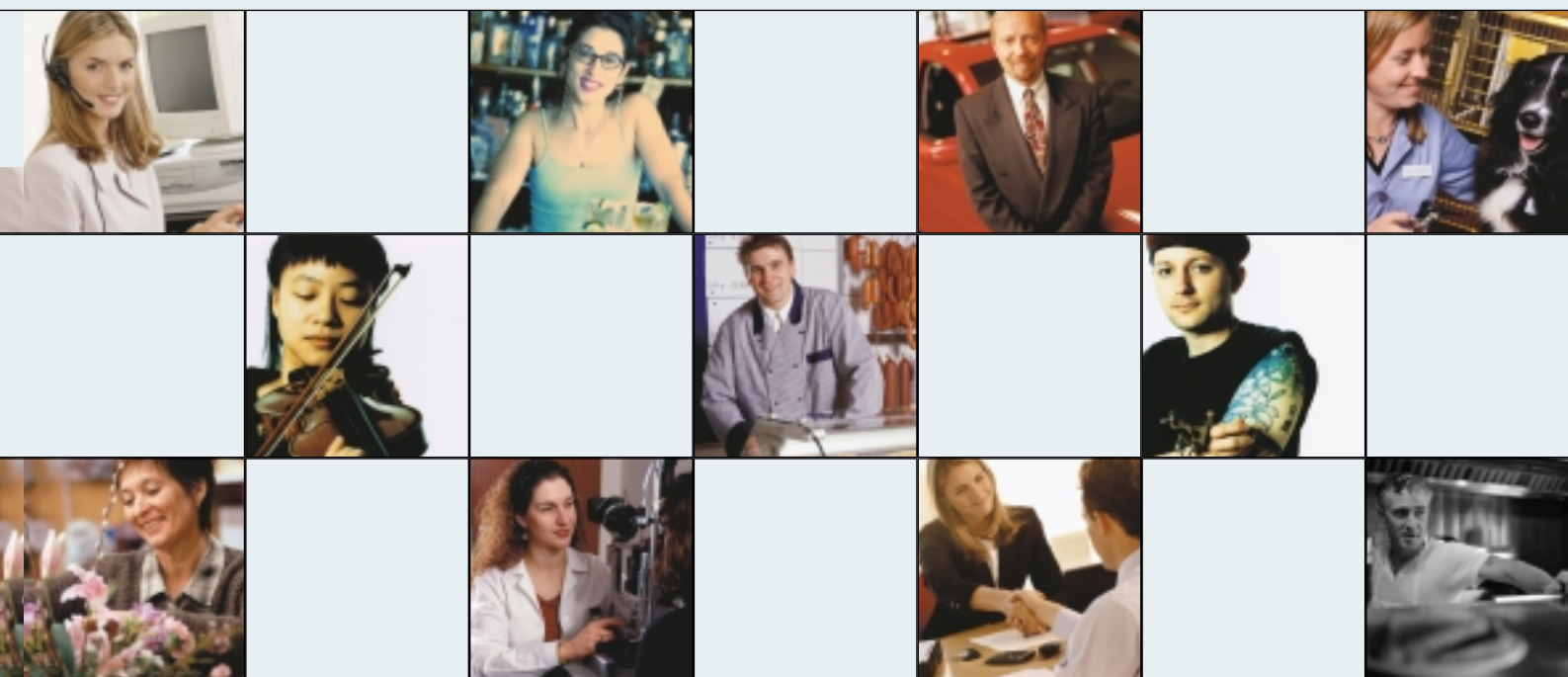


HEALTH and SAFETY

HEALTH and SAFETY ACTIVITY BULLETIN 2003

Inspection and enforcement in local authority enforced sectors





HEALTH and SAFETY ACTIVITY BULLETIN 2003

Inspection and enforcement in local authority enforced sectors

FURTHER INFORMATION

Free copies of this publication can be downloaded from HSE's website at www.hse.gov.uk/statistics

For information about health and safety ring HSE's Infoline Tel: 08701 545500 Fax: 02920 859260

e-mail: hseinformationservices@natbrit.com or write to HSE Information Services, Caerphilly Business Park,

Caerphilly CF83 3GG

Introduction

This bulletin presents estimates of local authority work in inspection and enforcement of health and safety for the five years to 2001/02, for Great Britain and the devolved administrations. This information is supplied to HSE by local authorities on their annual health and safety returns. The estimates for 2001/02 are grossed up from 389 returns from the 410 Local Authorities (including District councils, Unitary Authorities, City Councils, Metropolitan Borough Councils and Borough Councils) in Great Britain, although no estimates are made for prosecutions.

Contents

Page

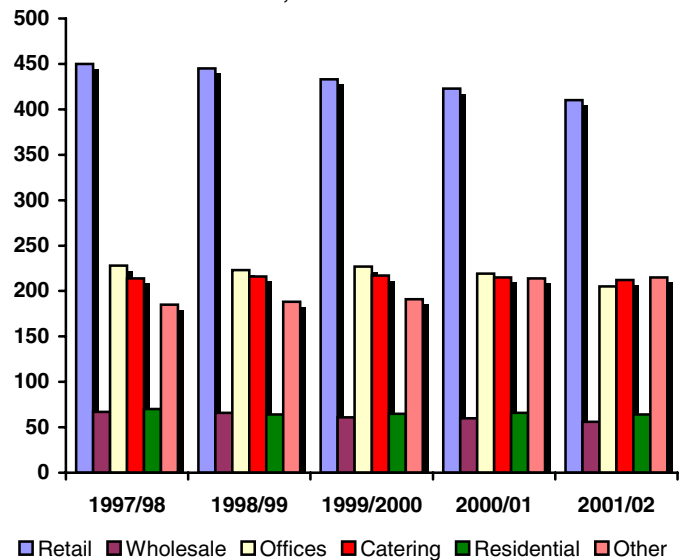
Premises	1
Local Authority staff resources	2
Visits	2-3
Notices	4
Prosecutions and convictions	5
Key figures for England, Wales and Scotland	5-6
Local authority activity indicators	7-8
Technical notes	8
Supplementary tables.	9-12

Premises

(see Supplementary table 1)

- In 2001/02 local authorities were responsible for enforcing health and safety in an estimated 1 162 000 premises, 3% fewer than the previous year and 4% lower than in 1997/98.
- In 2001/02 the number of premises dropped slightly for each category, except for 'other' premises (such as leisure and cultural, consumer services etc), which has seen a 16% increase since 1997/98 (185 000 to 215 000).
- The number of wholesale premises has fallen by 16% since 1997/98 and offices by 10%.
- The Department of Trade and Industry's 'Small Business Service' indicates that in 2001, in the main LA enforced sectors, almost all businesses employ less than 50 employees and over 90% less than 10 employees. In consumer and leisure services almost 80% of businesses employ no staff, (i.e. sole proprietors and partnerships comprising self employed or an employee director). In contrast, in the hotel and catering sector less than 15% employ no staff.

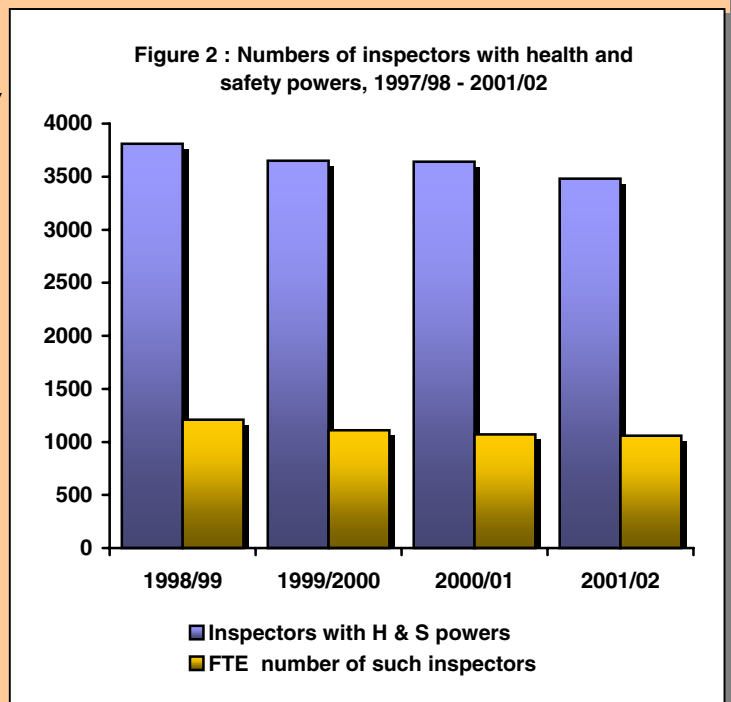
Figure 1 : Premises enforced by LAs, by industry sector, 1997/98 - 2001/02



Local Authority staff resources

(see Supplementary table 2)

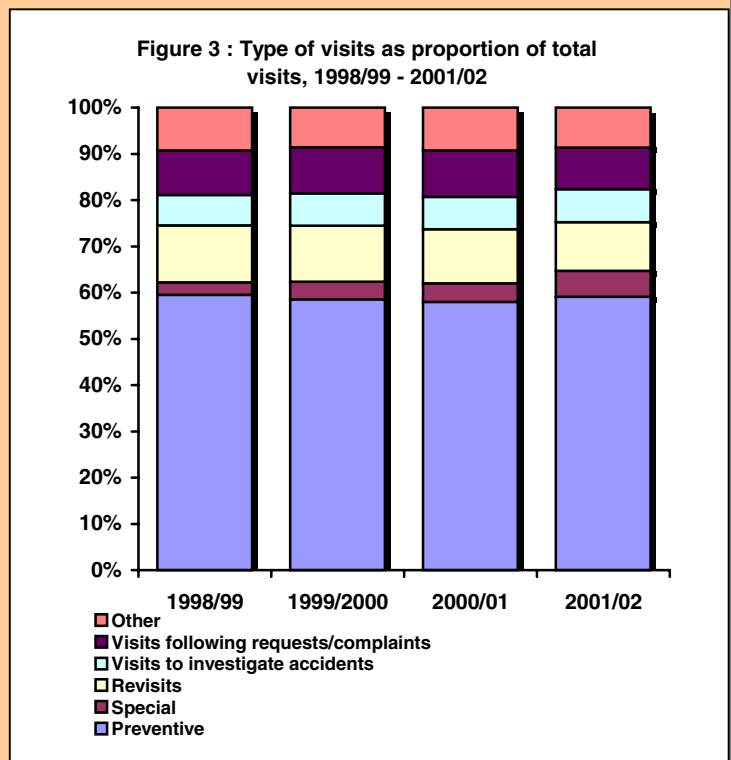
- Many local authority inspectors (environmental health/technical officers) combine health and safety duties with other public protection work. A key indicator of staff resources for health and safety is the full-time equivalent (FTE) number of such inspectors.
- In 2001/02 there were an estimated 3480 inspectors holding and using health and safety powers, 4% lower than in 2000/01. The full-time equivalent number of such inspectors was 1060, marginally lower than the 2000/01 estimate of 1070.
- The number of inspectors holding and using section 19 powers has fallen by 9% since 1998/99, while the full-time equivalent has fallen by 12% over the same period, although the rate of decline in FTEs has reduced.



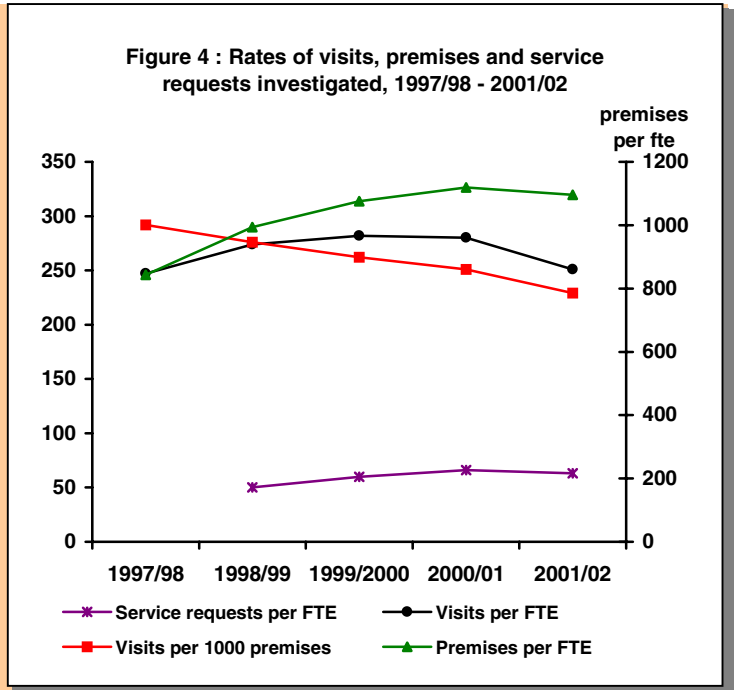
Visits

(see Supplementary tables 3,4,5 & 6)

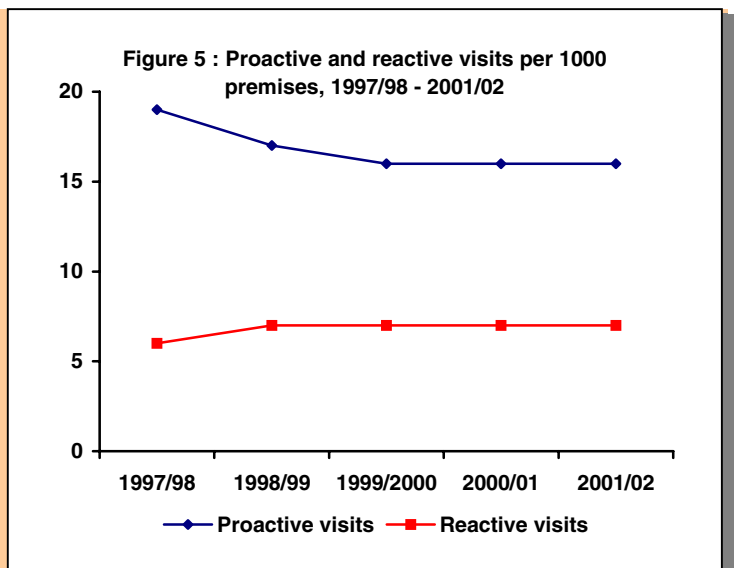
- LA inspectors made 266 000 visits during 2001/02, 11 % fewer than the previous year. The total number of visits has fallen by 20% since 1998/99, continuing the downward trend of the 1990s.
- Of the 266 000 visits in 2001/02, 157 000 were preventive inspections involving a full inspection of health and safety standards. Preventive inspections account for around 60% of visits each year.
- Inspectors made 15 000 visits in connection with special surveys or initiatives in 2001/02, a 25% increase on the previous year.
- A further 19 000 visits were made to investigate the circumstances surrounding workplace accidents, 14% fewer than in 1998/99 (22 000).



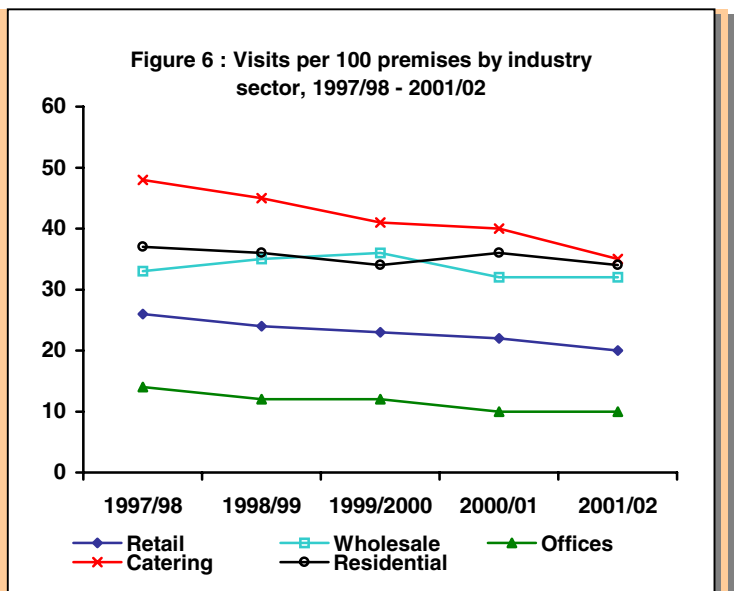
- In 2001/02 there were almost 1100 premises per FTE inspector, 2% lower than in 2000/01 but 30% higher than in 1997/98. The rate of premises per FTE shows the resources available to assist business in complying with health and safety law (the higher the rate the lower the resource available).
- In 2001/02, there were 251 visits per FTE inspector, 10% less than in 2000/01. This rate of visiting per FTE is still marginally higher than in 1997/98.
- In 2001/02 there were 229 visits per 1000 premises, 9% less than in 2000/01, and 22% less than 1997/98.
- The visit rate per 1000 premises has dropped mainly because of the increase in premises per FTE inspector, rather than any marginal change in visits per FTE.



- There are three main categories of inspection:
 - the **proactive** category of preventive and special surveys or initiatives;
 - **reactive** visits including investigations of accidents or complaints, advice or training, visits to new premises, and other visits;
 - **re-visits** made to check that previous specified action for premises has been made.
- The balance of inspection between 'proactive' and 'reactive' visit rates has remained relatively stable since 1998/99.
- The proportion of all visits, which are proactive, remained at 62% between 1998/99 and 2000/01, but has increased to 65% in 2001/02.



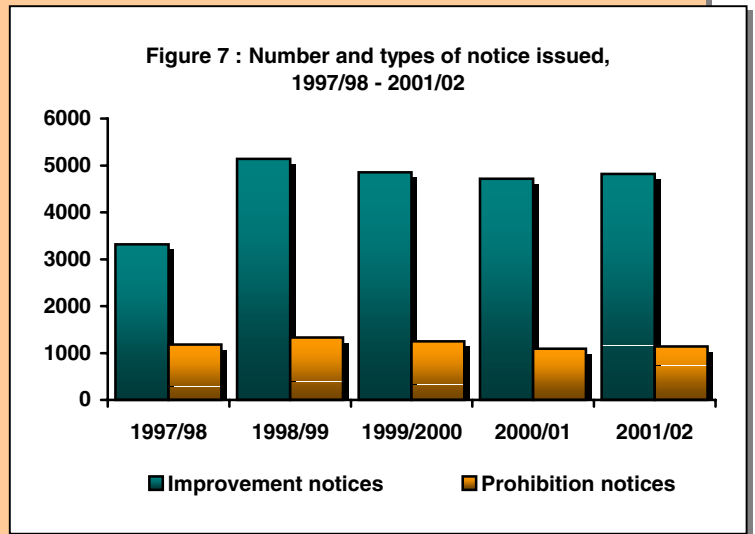
- Around 60% of all visits in 2001/02 were to retail or catering premises, which together form over half of all premises in the LA enforced sector.
- The overall rate of visiting has fallen by just over 20%, from 29 visits per 100 premises in 1997/98 to 23 visits per 100 premises in 2001/02.
- The rate of visiting has remained relatively stable in residential accommodation and wholesale since 1997/98, but has generally decreased in all other premise types.
- The rate of visiting catering premises has fallen by 12% on the previous year, and by over a quarter since 1997/98.



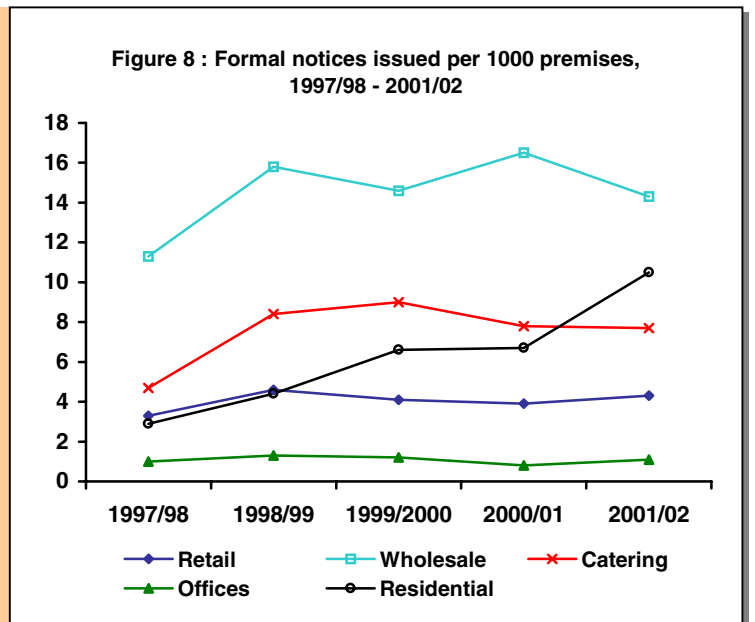
Notices

(See Supplementary tables 7,8 & 9)

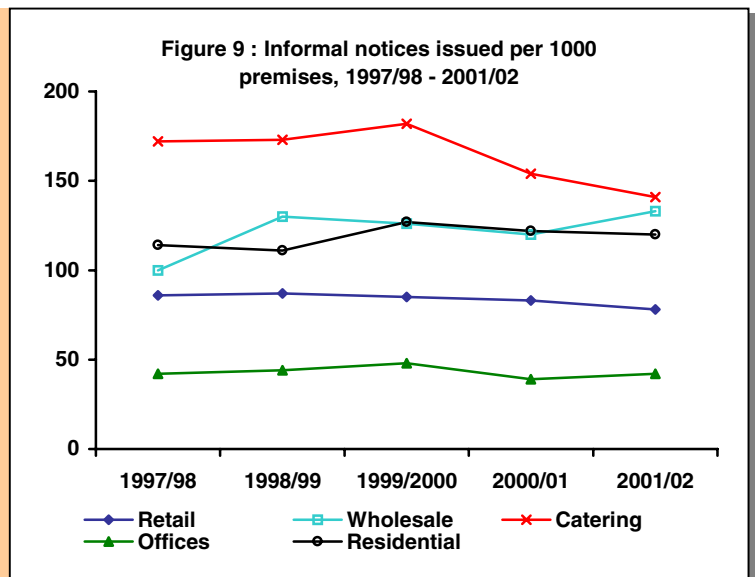
- During 2001/02 local authorities issued 5960 enforcement notices, 3% more than in 2000/01, but fewer than the preceding two years.
- The number of improvement notices issued by LAs also increased by 3% in 2001/02, from 4720 to 4820. However, there had been a fall of 3% in the previous year, from 4850 in 1999/2000 to 4720 in 2000/01.
- The number of all prohibition notices increased by 5% in 2001/02, although numbers have generally fluctuated over the last five years.



- In 2001/02, there were 5.1 formal notices issued per 1000 premises compared with 4.9 in 2000/01. This rate :
 - has remained relatively stable since 1998/99;
 - is highest in the wholesale industry, at just below three times the average;
 - is lowest in office-based premises; and
 - has risen by almost 60% in residential accommodation (including hotels, campsites, care homes) from a rate of 6.7 in 2000/01 to 10.5 in 2001/02.



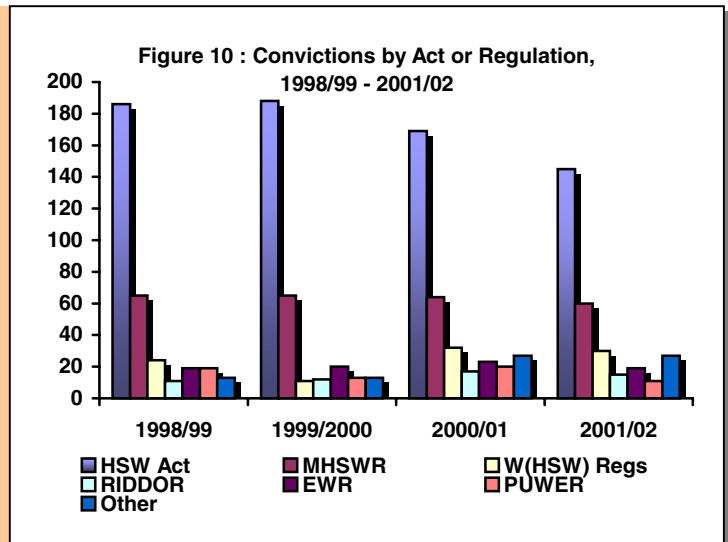
- The overall number of informal notices issued in 2001/02 is 102 650, a fall of over 6% from the previous year's figure of 109 820. There has been a downward trend over the last five years.
- Catering premises attracted the highest rate of informal notices (primarily letters seeking compliance), more than three times higher than the rate for offices, although the rate has declined over the past three years.
- Office-based premises also attracted the lowest rate of informal notices from LAs.
- Informal notice rates generally decreased in 2001/02, but have risen in wholesale (11%) and offices (10%).



Prosecutions and convictions

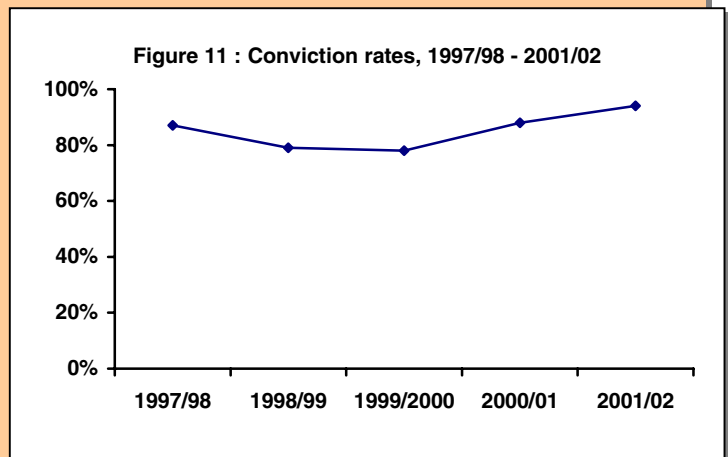
(See Supplementary tables 9 & 10)

- A total of 325 informations laid/ complaints taken were completed in 2001/02, leading to 307 convictions, both figures are the lowest in five years.
- 46% of informations laid/complaints taken completed in 2001/02 related to breaches of the Health and Safety at Work Act 1974, and 20% to the Management of Health and Safety at Work Regulations.
- In 2001/02 the average fine per conviction was £3134, 20% lower than in 2000/01 (£3903). If untypically large fines (more than £100 000) are omitted, the average fine in 2001/02 is still 10% lower than in 2000/01 (£3134 against £3476).
- The average fine per conviction for breaches of the Health and Safety at Work Act was £4949, 13% lower than 2000/01 (£5704).



Health and Safety at Work Act (HSW Act); Management of Health and Safety at Work Regulations (MHSWR); Workplace (Health, Safety and Welfare) Regulations (W(HSW)Regs); Electricity at Work Regulations (EWR).

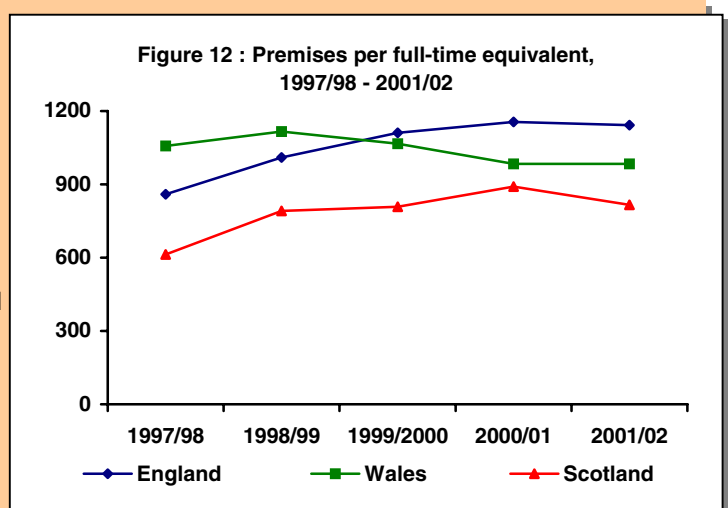
- The conviction rate has fluctuated since 1997/98, although the 2001/02 figure of 94% is the highest in the period.
- Successful prosecutions for breaches of the Health and Safety at Work Act have resulted in a conviction rate of over 96%, the highest for five years.
- Since 1997/98, there has been an increasing trend in the conviction rate for breaches of the Management of Health and Safety at Work Regulations, to 92% in 2001/02.



Key figures for England, Wales and Scotland

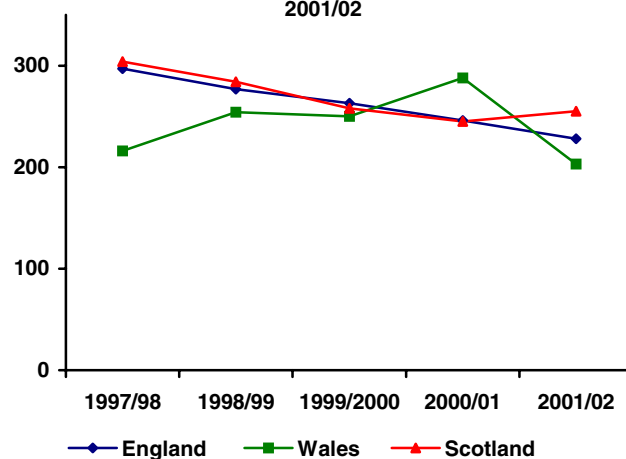
(See Supplementary table 11)

- The number of full-time equivalent (FTE) inspectors in England in 2001/02 has fallen to 880, continuing the downward trend since 1998/99 (a reduction of 15%). The corresponding figures for Scotland and Wales over the same period are fairly stable, at 120 and 60 FTE respectively for 2001/02.
- In 2001/02 the number of premises per FTE in England and Wales has remained similar to 2001/01 (1142 and 983 respectively) but has fallen in Scotland from 891 to 817.
- Since 1997/98, the number of premises per FTE has risen by a third in England (from 859 to 1142) and Scotland (from 613 to 817), but has dropped by 7% in Wales, from 1057 to 983.



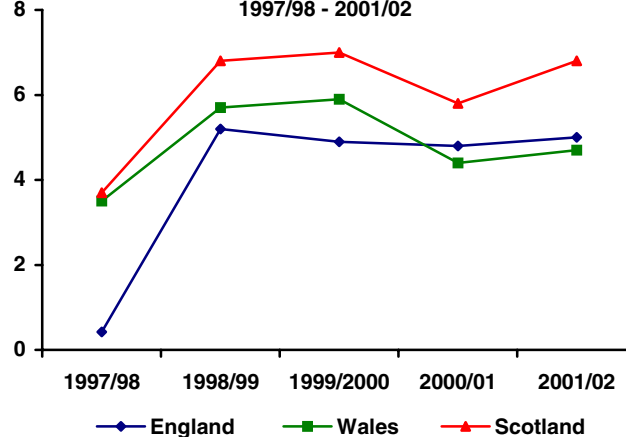
- The overall number of visits fell by 11% in England and 29% in Wales in 2001/02 (to 229 000 and 12 000 respectively). However, the number of visits in Scotland increased marginally by 4% to 25 000.
- The overall rate of visiting has fallen substantially in England and Scotland since 1997/98, by 23% and by 16% respectively.
- The visit rate in Wales increased by 33% to 288 between 1997/98 and 2000/01, although it fell sharply, by 30%, to 203 in 2001/02.

Figure 13 : Visits per 1000 premises, 1997/98 - 2001/02



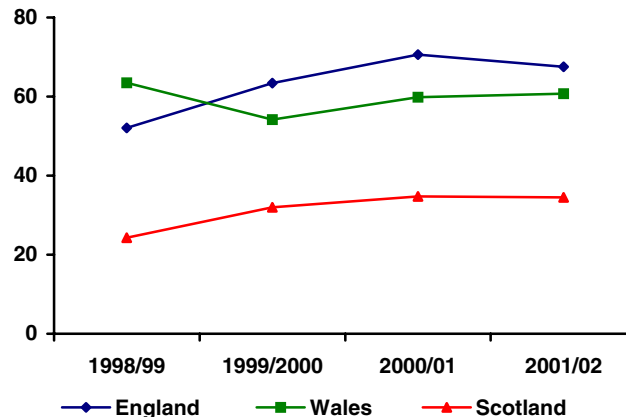
- In 2001/02, there were 5.0 formal notices issued per 1000 premises in England. This rate has been relatively stable since 1998/99.
- In Wales, the rate has increased by 7% in 2001/02 to 4.7 per 1000 premises but has fluctuated since 1997/98.
- In Scotland, the rate has increased by 17%, to 6.8 per 1000 premises in 2001/02, returning to the same level as 1998/99 and 1999/00.
- The conviction rate for successful prosecutions in 2001/02 is 100% in Wales, 95% in England and 86% in Scotland.

Figure 14 : Notices issued per 1000 premises, 1997/98 - 2001/02



- In 2001/02 the number of requests for service investigated per FTE in Scotland and Wales has remained almost the same as 2000/01. However the number investigated by authorities in England has fallen by 4% to 67.
- Since 1998/99 the number of requests for service investigated per FTE has fluctuated in Wales, but has increased by 29% in England and 42% in Scotland.

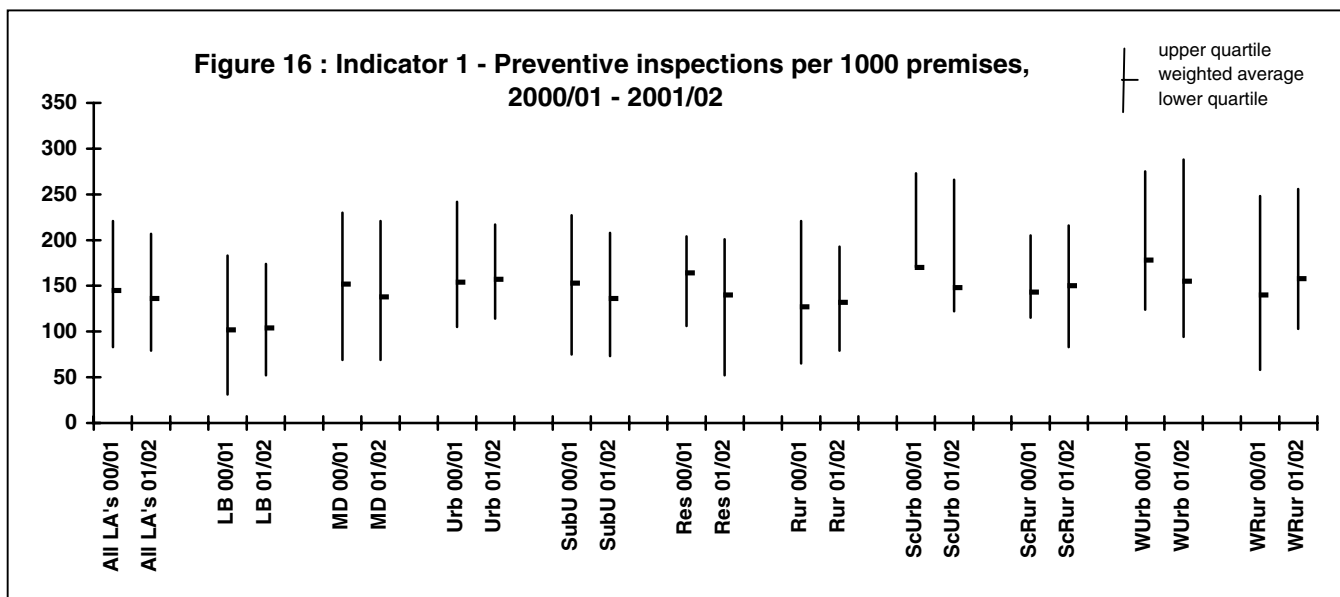
Figure 15 : Number of requests for service investigated per FTE, 1998/99 - 2001/02



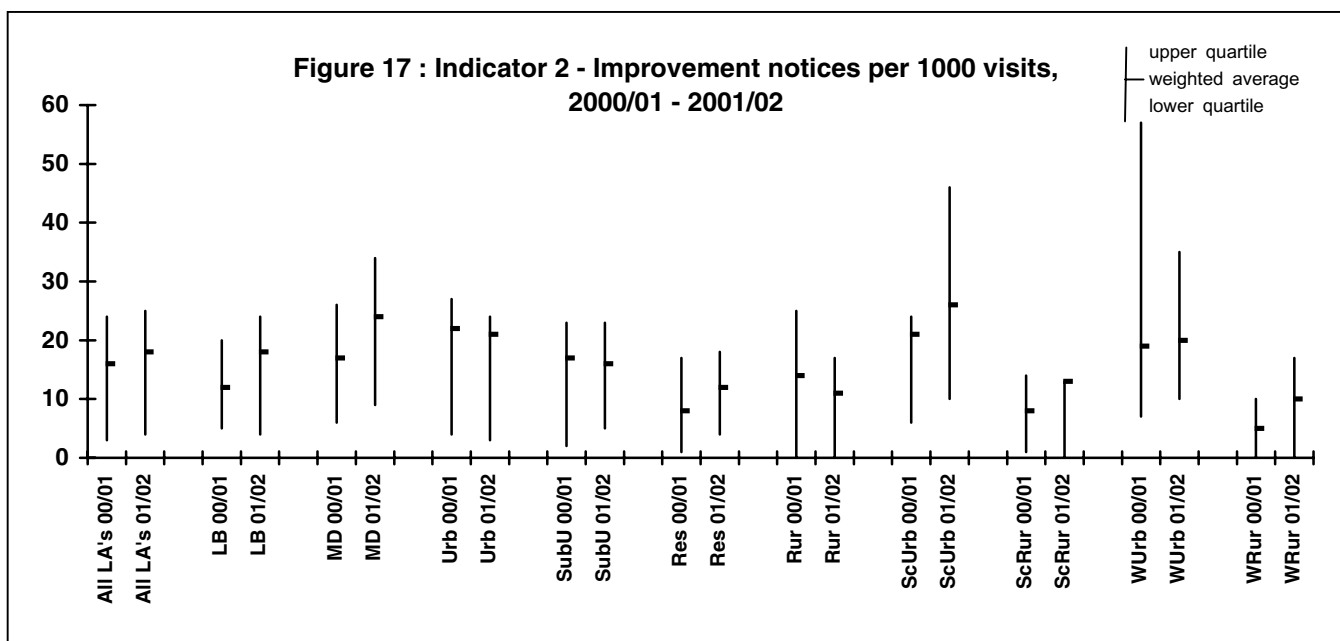
Figures from 1998/99 are not directly comparable with figures for previous years as they now cover all requests for LAs' services, including complaints and provision of information or advice.

Local Authority activity indicators

(See Supplementary tables 12, 13 & 14)

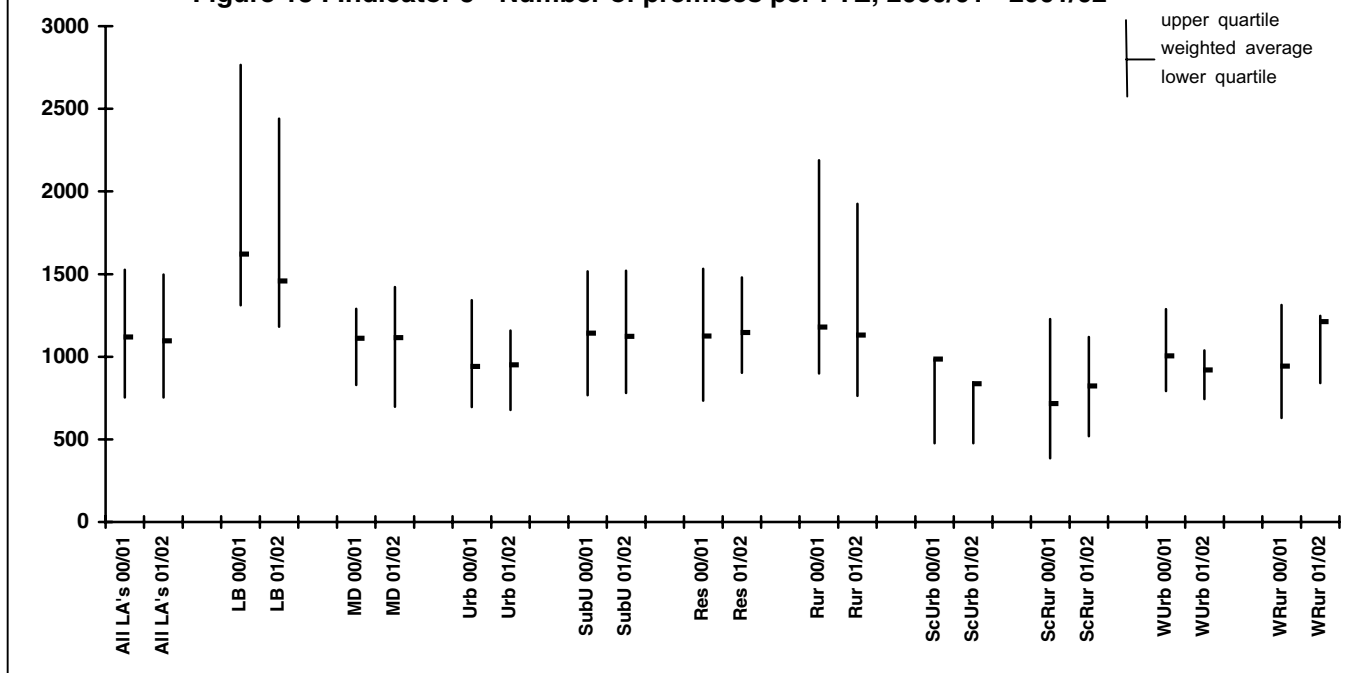


- In 2001/02, the average rate of preventive inspections has fallen by more than 10% in resort areas, and Scottish and Welsh urban authorities when compared to 2000/01. Whilst the variation in their preventive inspection rates has increased.
- The average rate of preventive inspection has increased in London boroughs, urban, rural and Welsh rural authorities, although variation has decreased.



- There were increases in the overall rate of improvement notices per 1000 visits for most categories of local authority. Although, despite the increase in rate, in resort and Welsh urban authorities variation has decreased. Urban, suburban and rural authorities have each decreased the average number of notices issued, and variation has decreased also.
- The overall rate has increased slightly, but the variation between authorities has remained broadly the same.
- There are several types of local authority which have a lower quartile of zero. This means that at least 25% of LAs in these categories issued no improvement notices in either 2000/01 or 2001/02.

Figure 18 : Indicator 5 - Number of premises per FTE, 2000/01 - 2001/02



- There has been a slight reduction in the overall number of premises per FTE, and variation, when comparing 2001/02 with the previous year. London boroughs have shown a reduction of just over 10% in average rates, with a similar reduction in variation.
- Authorities in Scotland and Wales have both shown large increases in average rates for rural areas, although variation has decreased, but large decreases in average rates for urban areas.

Technical note

Source of local authority enforcement statistics

AI.1 Each year local authorities are requested to complete a health and safety return (LAEI form). The LAEI forms are the sole source of information about staff resources, premises, visits, complaints, and enforcement activity (HSE's Local Authority Unit has recently started collecting additional information on successful prosecution cases directly from LAs). The LAEI form for 1998/99 changed following a review by a HELA working group, with some minor changes to the 2001/02 form which build on and further refine the earlier changes.

AI.2 All LAEI 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. In recent years, at least 90% of local authorities have returned the form, with 389 out of 410 returns for 2001/02 (95%). Where an authority does not make a return for two consecutive years, they are contacted by Local Authority Unit with a view to that authority being audited.

AI.3 Local authorities in Great Britain are categorised into 10 different types (as described in tables 12 to 14 below). 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, those LAs that have returned are 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 premise data, visits, requests for service, staff resources, and formal and informal notices. Prosecution information and textual summaries are as provided, and not imputed.

AI.4 Local authority 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. Informal notices are any other form of written communication advising or warning about health and safety failures, but stopping short of formal action. Where prosecutions are taken, only those completed in the current year are included in this report, and used as a basis for the conviction rate.

Supplementary Tables

Table 1: Premises enforced by local authorities, 1997/98 - 2001/02

Type of premise	Number of premises (thousands)				
	1997/98	1998/99	1999/00	2000/01	2001/02
Retail shops	450	445	433	423	410
Wholesale, warehouses, etc.	67	66	61	60	56
Offices	228	223	227	219	205
Catering services	214	216	217	215	212
Residential accommodation	70	64	65	66	64
Consumer/leisure services and other premises	185	188	191	214	215
All premises	1 214	1 202	1 194	1 197	1 162

Table 2: Numbers of inspectors with health and safety powers, 1997/98 - 2001/02

Staff resources	Number of inspectors				
	1997/98	1998/99 ¹	1999/00	2000/01	2001/02
Number of inspectors holding appointments under Section 19 of HSW Act	6 430	3 810	3 650	3 640	3 480
Full-time equivalent number holding appointments under Section 19	1 440	1 210	1 110	1 070	1 060

¹ Figures from 1998/99 are not directly comparable to figures for previous years due to changes in the question to clarify definition of an inspector and enable more accurate calculation of full-time equivalents.

Table 3: Types of visit, 1998/99 - 2001/02

Type of visit	Number of visits: thousands			
	1998/99	1999/00	2000/01	2001/02
Preventive inspection	198	183	174	157
Special visits	9	12	12	15
Revisits to check	41	38	35	28
Visits to investigate accidents	22	22	21	19
Visits requested/completed	32	31	30	24
Other	31	27	28	23
All	332	313	300	266

Table 4: Number of visits carried out by local authority inspectors, 1997/98 - 2001/02

	1997/98	1998/99	1999/00	2000/01	2001/02
Number of visits/ 1000 premises	292	276	262	251	229
Number of visits/ FTE inspector	247	274	282	280	251
Number of premises/ FTE inspector	843	993	1 076	1 119	1 096
Number of requests for service ¹ per FTE	29	50	60	66	63

¹ Figures from 1998/99 are not directly comparable with figures for previous years as they now cover all requests for LAs service, including complaints and provision of information or advice.

Table 5: Rate of proactive and reactive visits, 1997/98 - 2001/02

Type of visit	Number of visits per 100 premises				
	1997/98	1998/99	1999/00	2000/01	2001/02
All proactive visits (Planned general or preventive inspection and special visits)	19	17	16	16	15
Reactive visits	6	7	7	7	6

Table 6: Number of visits made per 100 premises, 1997/98 - 2001/02

Type of premise	Number of visits per 100 premises				
	1997/98	1998/99	1999/00	2000/01	2001/02
Retail shops	26	24	23	22	20
Wholesale shops, warehouses, etc.	33	35	36	32	32
Offices	14	12	12	10	10
Catering services	48	45	41	40	35
Residential accommodation	37	36	34	36	34
Consumer/leisure Services and other premises	30	29	28	25	22
All premises	29	28	26	25	23

Table 7: Enforcement notices issued by local authorities, 1997/98 - 2001/02

Type of notice	Number of formal notices issued				
	1997/98	1998/99	1999/00	2000/01	2001/02
Improvement	3 320	5 140	4 850	4 720	4 820
Deferred Prohibition	110	130	80	60	50
Immediate Prohibition	1 070	1 200	1 170	1 030	1 090
All formal notices	4 500	6 470	6 100	5 810	5 960

Table 8: Formal and informal notices issued, by type of premise, 1997/98 - 2001/02

Type of premise	Formal notices per 1 000 premises					Informal notices per 1 000 premises				
	97/98	98/99	99/00	00/01	01/02	97/98	98/99	99/00	00/01	01/02
Retail	3.3	4.6	4.1	3.9	4.3	86	87	85	83	78
Wholesale	11.3	15.8	14.6	16.5	14.3	100	130	126	120	133
Catering services	4.7	8.4	9.0	7.8	7.7	172	173	182	154	136
Offices	1.0	1.3	1.2	0.8	1.1	42	44	48	39	43
Residential accommodation	2.9	4.4	6.6	6.7	10.5	114	111	127	122	120
Consumer/leisure and other premises	4.4	5.3	4.1	4.0	4.0	83	93	96	83	82
All premises	3.7	5.4	5.1	4.9	5.1	95	99	102	92	88

Table 9: Completed informations laid/complaints taken and conviction rates, 1997/98 - 2001/02

	1997/98	1998/99	1999/00	2000/01	2001/02
Informations laid ¹ (known outcome)	506	424	412	401	325
Conviction rate	87%	79%	78%	88%	94%

¹ and complaints taken by Procurator Fiscal, Scotland. Figures taken from LAs returning in the given year; no estimates are made for this data.

Table 10: Convictions by local authorities by type of legislation, 1997/98 - 2001/02

Convictions taken under:					
	1997/98	1998/99	1999/00	2000/01	2001/02
Health and Safety at Work etc Act, 1974	248	186	188	169	145
Management of Health and Safety at Work Regulations. 1992 & 1999	57	65	65	64	60
Workplace (Health, Safety & Welfare) Regulations. 1992	43	24	11	32	30
RIDDOR '95	37	11	12	17	15
Electricity at Work Regulations, 1989	N/A	19	20	23	19
PUWER, 1992 & 1998	N/A	19	13	20	11
Other health and safety legislation or specific regulations	55	13	13	27	27
All Legislation	440	337	322	352	307

Table 11: Local authority inspection and enforcement estimates for England, Wales and Scotland, 1997/98 – 2001/02

	1997/98	1998/99	1999/00	2000/01	2001/02
England					
Total premises	1 048 000	1 040 000	1 033 000	1 040 000	1 005 000
FTE staff	1 220	1 030	930	900	880
Visit rate per 1000 premises	297	277	263	246	228
Notice rate per 1000 premises	3.7	5.2	4.9	4.8	5.0
Requests for service per fte		52	63	71	67
Informations laid/complaints taken by Procurator Fiscal*	440	378	366	358	289
Conviction rate*	87%	82%	79%	87%	95%
LAEI response rate	87%	87%	92%	92%	96%
Wales					
Total premises	74 000	67 000	64 000	59 000	59 000
FTE staff	70	60	60	60	60
Visit rate per 1000 premises	216	254	250	288	203
Notice rate per 1000 premises	3.5	5.7	5.9	4.4	4.7
Requests for service per fte		64	54	60	61
Informations laid/complaints taken by Procurator Fiscal*	39	28	21	27	22
Conviction rate*	92%	61%	100%	100%	100%
LAEI response rate	86%	95%	91%	91%	86%
Scotland					
Total premises	92 000	95 000	97 000	98 000	98 000
FTE staff	150	120	120	110	120
Visit rate per 1000 premises	304	284	258	245	255
Notice rate per 1000 premises	3.7	6.8	7.0	5.8	6.8
Requests for service per fte		24	32	35	35
Informations laid/complaints taken by Procurator Fiscal*	27	18	25	16	14
Conviction rate*	78%	56%	52%	88%	86%
LAEI response rate	100%	100%	91%	97%	91%

* Informations laid/complaints taken and convictions taken from LAs returning in given year. No estimates are made for this data.

Table 12: Indicator 1 - Number of preventive inspections per 1,000 premises

Category	2000/01	2001/02		Key	
	Average ¹ for each category	Average ¹ for each category	Variation between LAs		Category of LA
			25% of LAs are below:	25% of LAs are above:	
London boroughs	102	104	52	174	LB
Metropolitan districts	152	138	69	221	MD
Urban/industrial	154	157	114	217	Urb
Suburban	153	136	73	208	SubU
Resort/retirement	164	140	52	201	Res
Rural	127	132	79	193	Rur
Scottish urban	170	148	122	266	ScUrb
Scottish rural	143	150	83	216	ScRur
Welsh urban	178	155	94	288	WUrb
Welsh rural	140	158	103	256	WRur
All Local Authorities	145	136	79	207	All LA's

¹ Weighted average estimated for all LAs in the category

Table 13: Indicator 2 - Number of improvement notices per 1,000 visits

Category	2000/01	2001/02		Key	
	Average ¹ for each category	Average ¹ for each category	Variation between LAs		Category of LA
			25% of LAs are below:	25% of LAs are above:	
London boroughs	12	18	4	24	LB
Metropolitan districts	17	24	9	34	MD
Urban/industrial ²	22	21	3	24	Urb
Suburban	17	16	5	23	SubU
Resort/retirement	8	12	4	18	Res
Rural	14	11	0	17	Rur
Scottish urban ²	21	26	10	46	ScUrb
Scottish rural	8	13	0	11	ScRur
Welsh urban	19	20	10	35	WUrb
Welsh rural	5	10	0	17	WRur
All Local Authorities	16	18	4	25	All LA's

¹ Weighted average estimated for all LAs in the category. ² Some LAs in this category issued a large number of improvement notices.

Table 14: Indicator 5 - number of premises per full-time equivalent (FTE) staff

Category	2000/01	2001/02		Key	
	Average ¹ for each category	Average ¹ for each category	Variation between LAs		Category of LA
			25% of LAs are below:	25% of LAs are above:	
London boroughs	1 621	1 458	1 182	2 441	LB
Metropolitan districts	1 111	1 115	697	1 422	MD
Urban/industrial	941	950	678	1 159	Urb
Suburban	1 143	1 124	781	1 521	SubU
Resort/retirement	1 126	1 147	902	1 479	Res
Rural	1 180	1 132	764	1 926	Rur
Scottish urban	985	836	476	844	ScUrb
Scottish rural	716	823	520	1 119	ScRur
Welsh urban	1 006	920	743	1 039	WUrb
Welsh rural	943	1 213	841	1 248	WRur
All Local Authorities	1 119	1 097	754	1 498	All LA's

¹ Weighted average estimated for all LAs in the category

© Crown copyright

This publication may be freely reproduced, except for advertising, endorsement or commercial purposes.

First published 07/03. Please acknowledge the source as HSE.

Printed and published by the Health and Safety Executive

07/03

C10

