

HEALTH and SAFETY

HEALTH and SAFETY ACTIVITY BULLETIN 2004

Inspection and enforcement in local authority enforced sectors



Introduction

This bulletin presents estimates of local authority (LA) work in inspection and enforcement of health and safety for the five years to 2002/03, 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 2002/03 are based on 387 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 prosecution data or activity indicators.

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Summary

Over the past five years, there has been no substantial change in the total number of premises where local authorities (LAs) are responsible for enforcing health and safety. Within the total, the number of retail premises has dropped by 9% since 1998/99.

Full time equivalent (FTE) inspectoral resources have increased by 7% in 2002/03, to 1130. The numbers had decreased year on year, in the past five years.

The overall number and rate of visiting (per 1000 premises) have dropped over the past five years. However LAs are maintaining or increasing the relative priority of visits in wholesale premises and residential care homes, where risks of both fatal and non-fatal injury are high.

LAs issued 5780 enforcement notices in 2002/03, compared with 5960 the previous year. The overall rate of issuing notices (per 1000 premises) has remained relatively stable since 1998/99.

LAs secured 285 convictions in 2002/03, from 330 informations laid/complaints taken, leading to an average fine of £4100 per conviction. This compares with an average fine per conviction of £3134 in 2001/02.

Premises

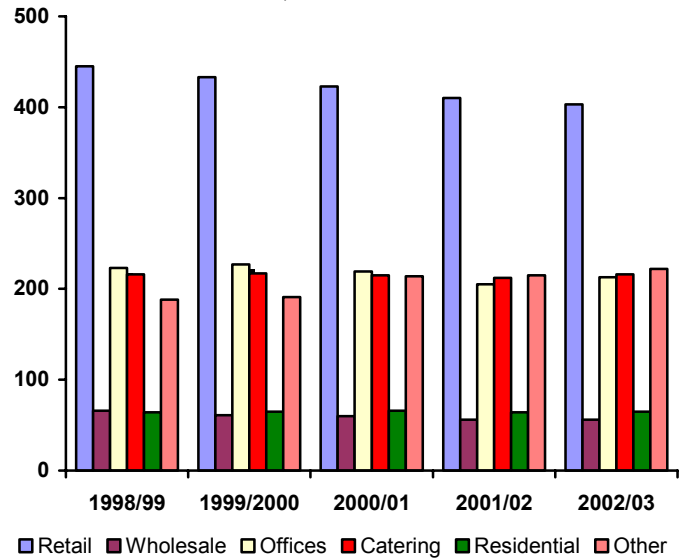
(see Supplementary table 1)

In 2002/03 local authorities were responsible for enforcing health and safety in an estimated 1 175 000 premises, 1% higher than the previous year and 2% lower than in 1998/99.

In 2002/03 the number of premises increased or remained the same for each premise category, except for retail premises, where the number fell by 2% to 403 000

The Small and Medium Enterprise (SME) Statistics for 2002 (produced by the Small Business Service) indicate that almost all businesses in the main LA enforced sectors employ less than 50 employees and over 95% employ 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% of businesses employ no staff.

Figure 1 : Premises enforced by LAs, by industry sector, 1998/99 - 2002/03



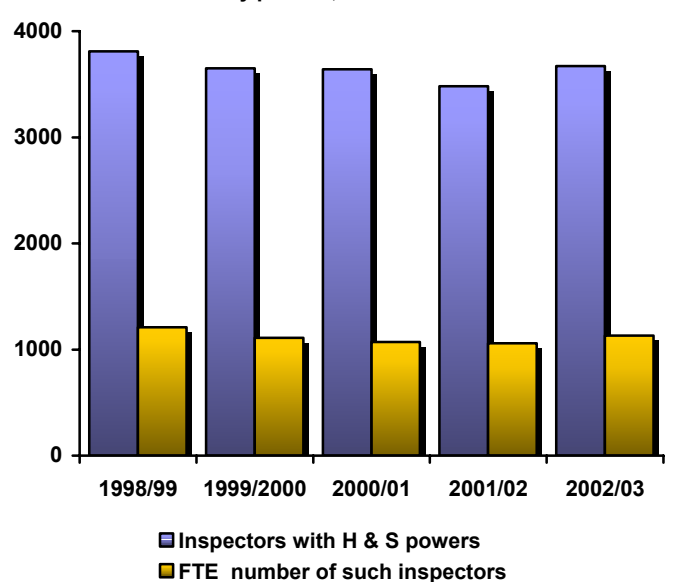
Local authority staff resources

(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 2002/03 there were an estimated 3670 inspectors holding and using health and safety powers, 5% higher than in 2001/02. The full-time equivalent number of such inspectors was 1130, almost 7% higher than the 2001/02 estimate of 1060.

Figure 2 : Numbers of inspectors with health and safety powers, 1997/98 - 2002/03



Visits

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

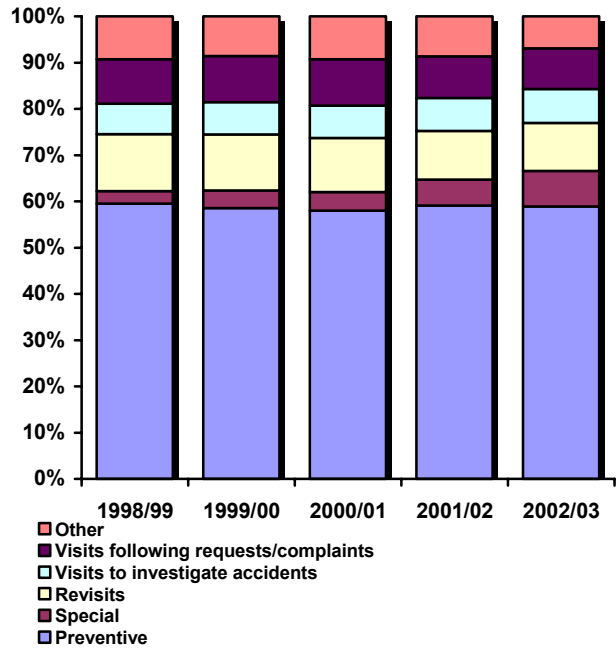
LA inspectors made 260 000 visits during 2002/03, 2% fewer than the previous year (266 000).

Of the 260 000 visits in 2002/03, 153 000 were preventive inspections involving a full inspection of health and safety standards. Preventive inspections account for around 60% of visits each year.

Inspectors made 20 000 visits in connection with special surveys or initiatives in 2002/03, compared with 15 000 in 2001/02.

A further 19 000 visits were made to investigate the circumstances surrounding workplace accidents, the same number as the previous year.

Figure 3 : Type of visits as proportion of total visits, 1998/99 - 2002/03



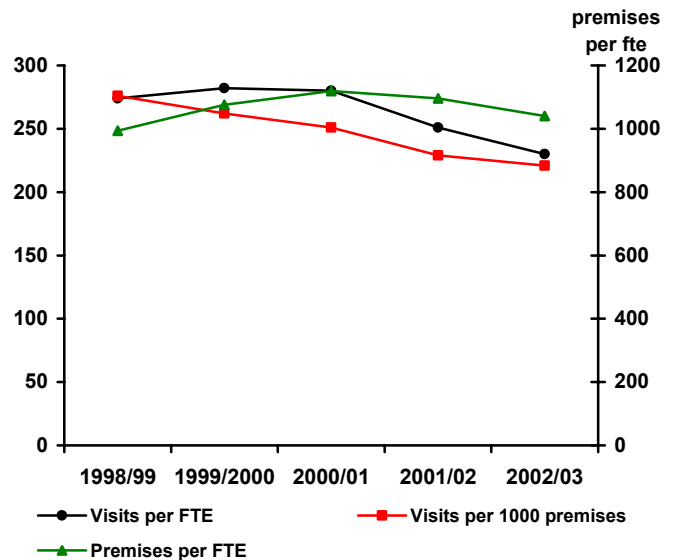
In 2002/03 there were on average 1040 premises per FTE inspector, compared with 1096 in 2001/02 and 993 in 1998/99. The rate of premises per FTE shows the resources available to assist business in complying with health and safety law (the higher the rate the lower the resource available).

On average, there were 230 visits per FTE inspector in 2002/03, 8% less than in 2001/02 (251).

In the same year there were 221 visits per 1000 premises, compared with 229 in 2001/02, and 276 in 1998/99.

Up to 2000/01, the reduction in the rate of visits per 1000 premises was due mainly to the increase in premises per FTE, with visits per FTE remaining relatively stable. However, since 2000/01 the pattern has changed and it is the recent decrease in visits per FTE which is now driving the fall in visits per 1000 premises.

Figure 4 : Rates of visits and premises per FTE, and visits per 1000 premises, 1998/99 - 2002/03



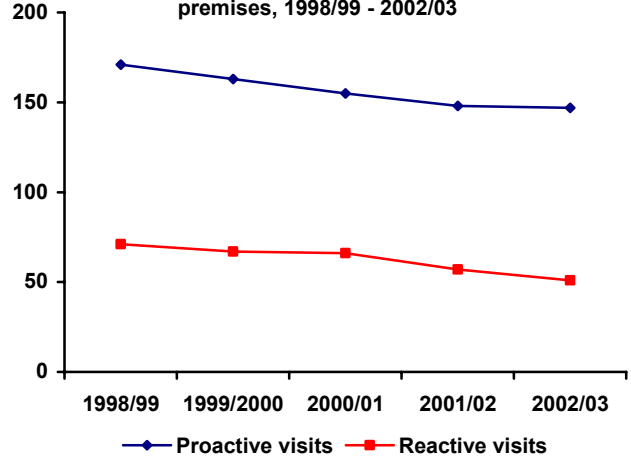
There are three main categories of inspection:

- 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 increased to 67% in 2002/03, having remained relatively stable over the past 4 years.

Figure 5 : Proactive and reactive visits per 1000 premises, 1998/99 - 2002/03



Around 57% of all visits in 2002/03 were to retail or catering premises, which together form over half of all premises in the LA enforced sector. Of the 69 000 visits to catering premises, 60% were joint food inspections.

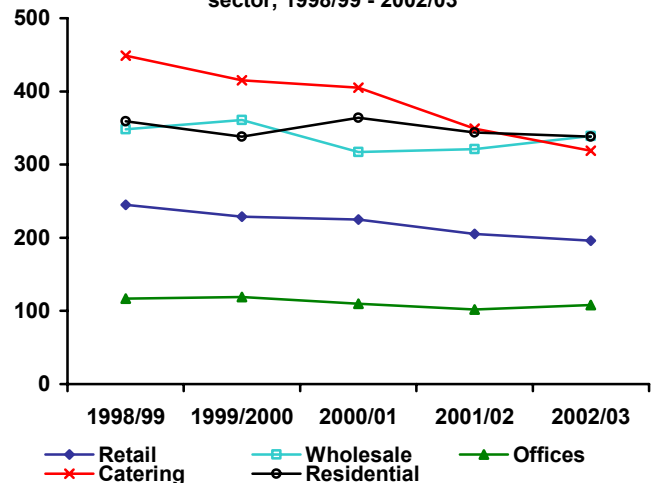
The overall rate of visiting has fallen by 20%, from 276 visits per 1000 premises in 1998/99 to 221 visits per 1000 premises in 2002/03.

The rate of visiting has remained relatively stable in residential accommodation and wholesale premises since 1998/99. Rates of both fatal and non-fatal injury in these sectors are high.

Offices attract the lowest rate of visiting each year and have the lowest rates of injury.

The rate of visiting catering premises has fallen by almost 9% on the previous year, and by 24% since 1998/99.

Figure 6 : Visits per 1000 premises by industry sector, 1998/99 - 2002/03



Notices

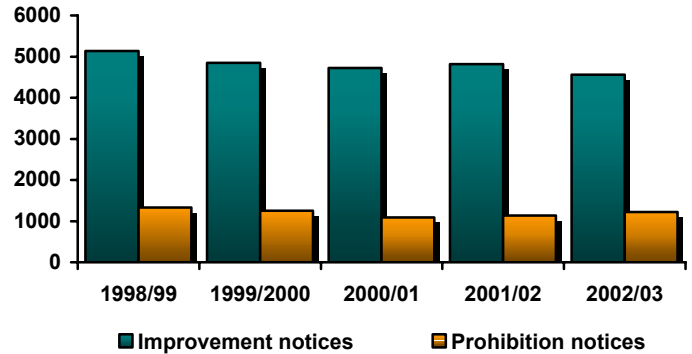
(See Supplementary tables 7,8 & 9)

During 2002/03 local authorities issued 5780 enforcement notices, compared with 5960 in 2001/02. The general trend over the past five years is downward.

LAs issued 4560 improvement notices in 2002/03, compared with 4820 the previous year.

The number of all prohibition notices increased by 7% in 2002/03 to 1220, although numbers have generally fluctuated over the last five years.

Figure 7 : Number and types of notice issued, 1998/99 - 2002/03

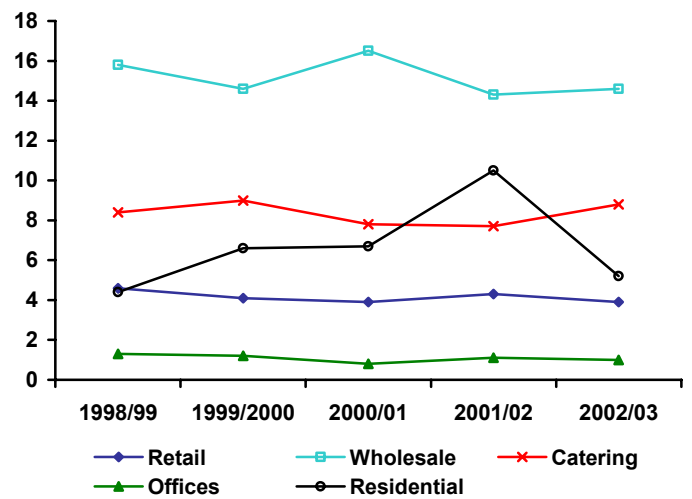


In 2002/03, LAs issued on average 4.9 formal notices per 1000 premises, compared with 5.1 in 2001/02.

This rate:

- has remained relatively stable since 1998/99;
- is highest in the wholesale industry, nearly three times the average;
- is lowest in office-based premises; and
- tends to fluctuate within each industry, with no overall trend.

Figure 8 : Formal notices issued per 1000 premises by industry sector, 1998/99 - 2002/03



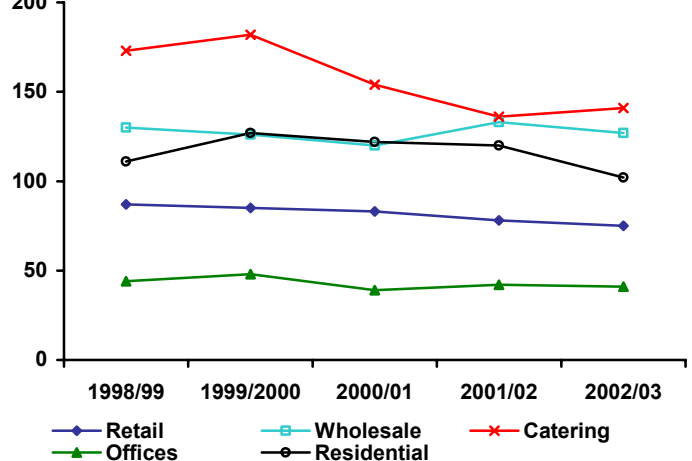
The overall number of informal notices (primarily letters seeking compliance) issued by LA's in 2002/03 is 100 400, a fall from the previous year's figure of 102 630. There has been a downward trend in the rate of issuing informal notices since 1999/00.

Catering premises attracted the highest rate of informal notices, more than three times higher than the rate for offices.

Office-based premises also attracted the lowest rate of informal notices from LAs.

Informal notice rates generally decreased in 2002/03, but have risen by 4% in catering following substantial falls in the previous 2 years.

Figure 9 : Informal notices issued per 1000 premises, 1998/99 - 2002/03



Prosecutions and convictions

(See Supplementary tables 9 & 10)

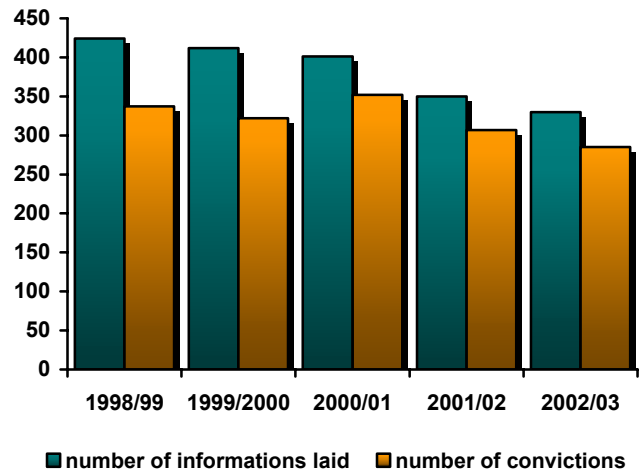
A total of 330 informations laid/ complaints taken were completed in 2002/03, leading to 285 convictions. The conviction rate has remained relatively stable over the past three years.

60% of informations laid/complaints taken completed in 2002/03 related to breaches of the Health and Safety at Work Act 1974, and 19% to the Management of Health and Safety at Work Regulations.

In 2002/03 the average fine per conviction was £4100, 31% higher than in 2001/02 (£3134).

The average fine per conviction for breaches of the Health and Safety at Work Act was £4698, 5% lower than 2001/02 (£4949).

Figure 10 : Number of informations laid and convictions, 1998/99 - 2002/03



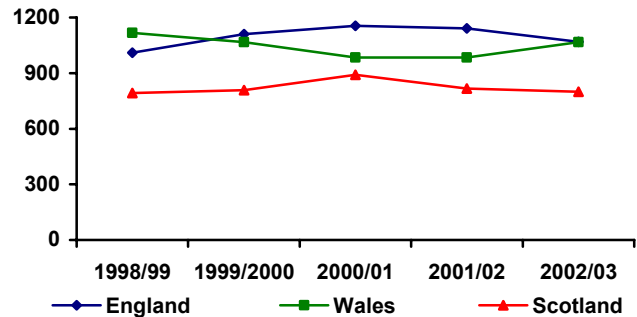
Key figures for England, Wales and Scotland

(See Supplementary table 11)

The number of full-time equivalent (FTE) inspectors in England has risen to 950 in 2003/03, reversing the downward trend. The corresponding figures for Scotland and Wales have remained stable over the past 5 years.

The number of premises per FTE has increased in Wales in 2002/03 by 8.5%, while the corresponding figures in England and Scotland have reduced.

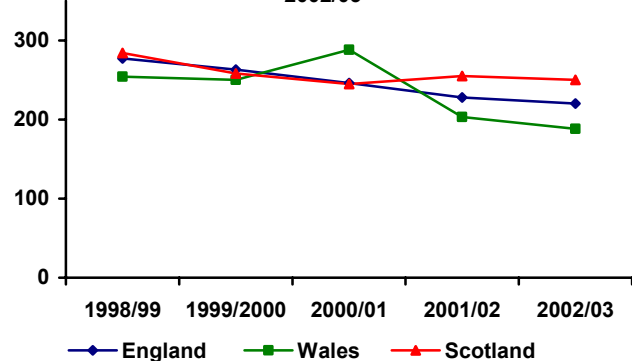
Figure 11 : Premises per full-time equivalent, 1998/99 - 2002/03



The overall number of visits fell by 2% in England and 4% in Scotland in 2002/03 (to 224 000 and 24 000 respectively). The number of visits in Wales remained stable at 12 000.

The overall rate of visiting has fallen substantially in England, Scotland and Wales since 1998/99, by 20%, 12% and 26% respectively.

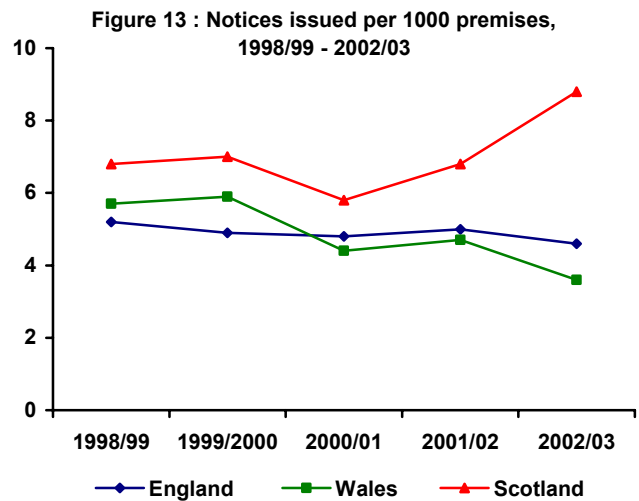
Figure 12 : Visits per 1000 premises, 1998/99 - 2002/03



In 2003/03, an average of 4.6 formal notices were issued per 1000 premises in England. This rate has been relatively stable since 1998/99.

In Wales, the average rate of issuing notices has fallen to 3.6 per 1000 premises in 2002/03 from 4.7 the previous year and has followed a downward trend since 1998/99.

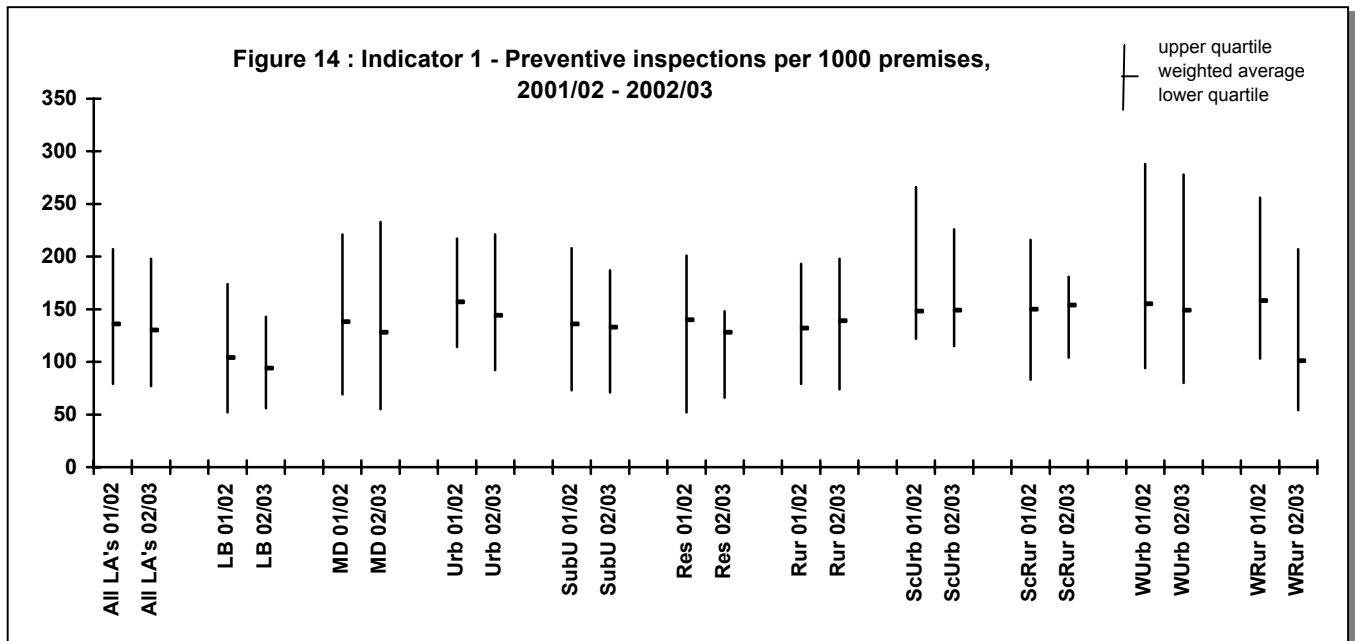
In Scotland, the rate of issuing notices has increased to 8.8 per 1000 premises in 2002/03, the highest level over the past 5 years.



Local authority activity indicators

(See Supplementary tables 12, 13 & 14. Further details on all indicators can be found at: <http://www.hse.gov.uk/statistics/industry/index.htm#la>).

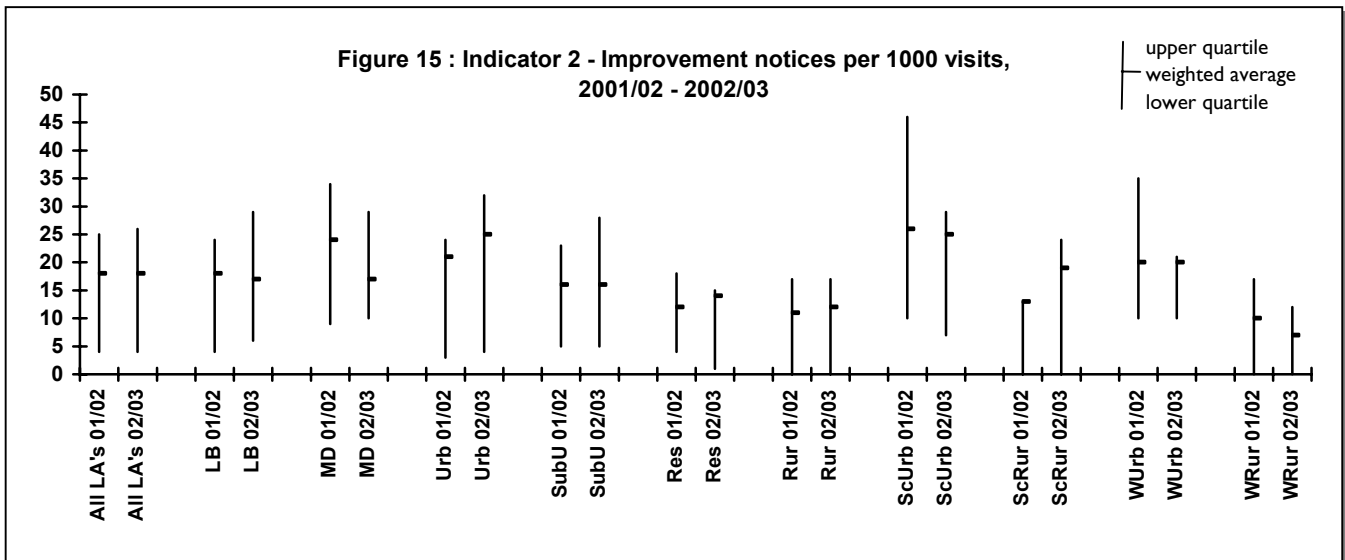
The following indicators enable individual LAs to compare their data with that of similar authorities to inform on consistency of approach to health and safety activity. Variation in LA activity within groups will reflect the diverse roles of LA inspectors as well as any local issues and priorities.



The average rate of preventive inspections across LAs is 130 per 1000 premises in 2002/03.

In 2002/03, the average rate of preventive inspections fell substantially in Welsh rural authorities from 158 to 101, while the variation between authorities in this group has remained the same.

The average rate of preventive inspection has increased marginally in rural and Scottish urban and rural authorities.

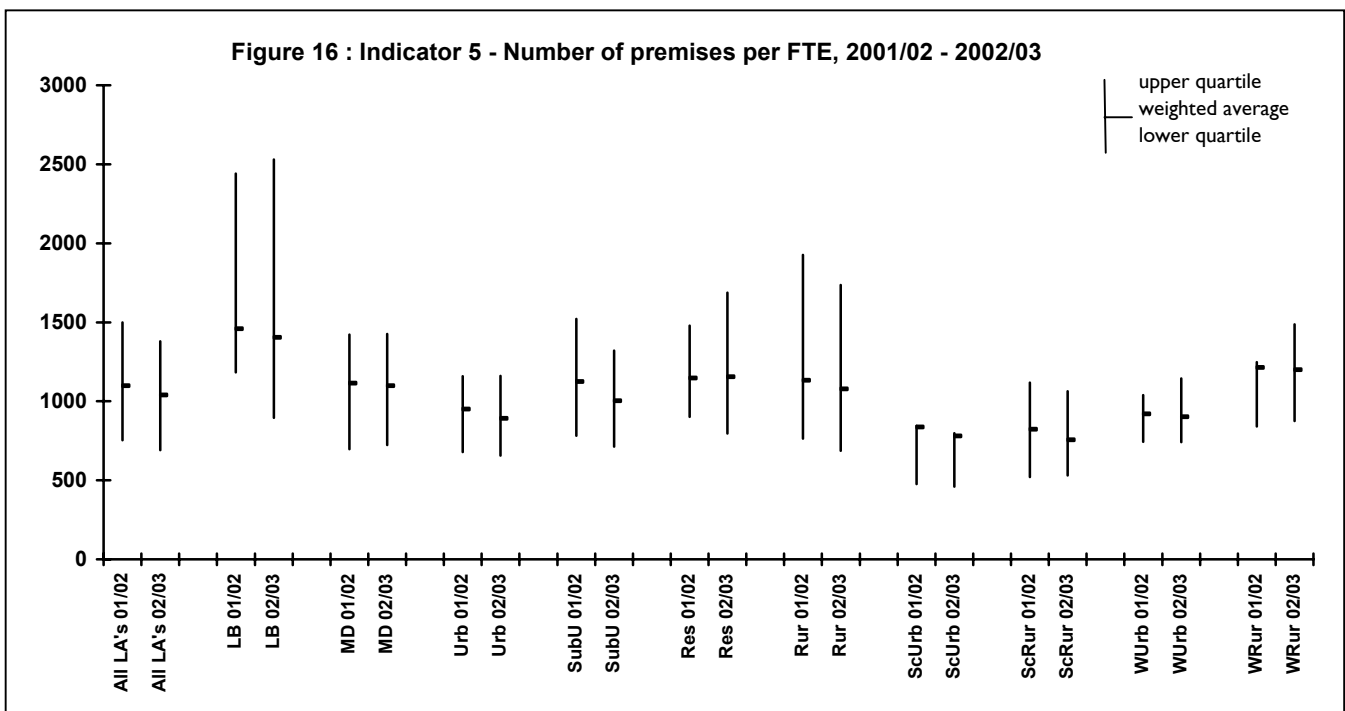


The overall rate of issuing improvement notices has remained the same as the previous year at 18 per 1000 visits, although there has been a slight increase in variation.

There are increases in the average rate of issuing improvement notices in urban/industrial, resort, rural and Scottish rural authorities. Variation for these authorities has either remained the same or has increased.

London boroughs, metropolitan districts, Scottish urban and Welsh rural authorities have all decreased in the average rate, with all except London boroughs showing a corresponding decrease in variation.

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 the given year.



The average number of premises per FTE across LA's has reduced from 1096 in 2001/02 to 1040 in 2002/03, and there has been a similar reduction in variation.

Resorts are the only group to have experienced an increase in average premises per FTE, although this was marginal.

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).

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 387 out of 410 returns for 2002/03 (94%).

AI.3 Local authorities in Great Britain are categorised, for estimation purposes, into 10 different types (as described in supplementary 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 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 premise data, visits, requests for service, staff resources, and formal and informal notices. Prosecution information and textual summaries are as provided, no estimate is made for missing information.

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 another 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.

Supplementary tables

Table 1: Premises enforced by local authorities, 1998/99 - 2002/03

Type of premise	Number of premises (thousands)				
	1998/99	1999/00	2000/01	2001/02	2002/03
Retail shops	445	433	423	410	403
Wholesale, warehouses, etc.	66	61	60	56	56
Offices	223	227	219	205	213
Catering services	216	217	215	212	216
Residential accommodation	64	65	66	64	65
Consumer/leisure services and other premises	188	191	214	215	222
All premises	1 202	1 194	1 197	1 162	1 175

Table 2: Numbers of inspectors with health and safety powers, 1998/99 - 2002/03

Staff resources	Number of inspectors				
	1998/99	1999/00	2000/01	2001/02	2002/03
Number of inspectors holding appointments under Section 19 of HSW Act	3 810	3 650	3 640	3 480	3 670
Full-time equivalent number holding appointments under Section 19	1 210	1 110	1 070	1 060	1 130

Table 3: Types of visit, 1998/99 - 2002/03

Type of visit	Number of visits: thousands				
	1998/99	1999/00	2000/01	2001/02	2002/03
Preventive inspection	198	183	174	157	153
Special visits	9	12	12	15	20
Revisits to check	41	38	35	28	27
Visits to investigate accidents	22	22	21	19	19
Visits requested/completed	32	31	30	24	23
Other	31	27	28	23	18
All	332	313	300	266	260

Table 4: Number of visits carried out by local authority inspectors, 1998/99 - 2002/03

	1998/99	1999/00	2000/01	2001/02	2002/03
Number of visits/ 1000 premises	276	262	251	229	221
Number of visits/ FTE inspector	274	282	280	251	230
Number of premises/ FTE inspector	993	1 076	1 119	1 096	1040

Table 5: Rate of proactive and reactive visits, 1998/99 - 2002/03

Type of visit	Number of visits per 1000 premises				
	1998/99	1999/00	2000/01	2001/02	2002/03
All proactive visits (Planned general or preventive inspection and special visits)	171	163	155	148	147
Reactive visits	71	67	66	57	51
Revisits	34	32	29	24	23

Table 6: Number of visits made per 1000 premises, 1998/99 - 2002/03

Type of premise	Number of visits per 1000 premises				
	1998/99	1999/00	2000/01	2001/02	2002/03
Retail shops	245	229	225	205	196
Wholesale shops, warehouses, etc.	348	361	317	321	339
Offices	117	119	100	102	108
Catering services	449	415	405	349	319
Residential accommodation	359	338	364	344	338
Consumer/leisure Services and other premises	287	277	248	219	216
All premises	276	262	251	229	221

Table 7: Enforcement notices issued by local authorities, 1998/99 - 2002/03

Type of notice	Number of formal notices issued				
	1998/99	1999/00	2000/01	2001/02	2002/03
Improvement	5 140	4 850	4 720	4 820	4 560
Deferred Prohibition	130	80	60	50	50
Immediate Prohibition	1 200	1 170	1 030	1 090	1 170
All formal notices	6 470	6 100	5 810	5 960	5 780

Table 8: Formal and informal notices issued, by type of premise, 1998/99 - 2002/03

Type of premise	Formal notices per 1 000 premises					Informal notices per 1 000 premises				
	98/99	99/00	00/01	01/02	02/03	98/99	99/00	00/01	01/02	02/03
Retail	4.6	4.1	3.9	4.3	3.9	87	85	83	78	75
Wholesale	15.8	14.6	16.5	14.3	14.6	130	126	120	133	127
Offices	1.3	1.2	0.8	1.1	1.0	44	48	39	43	41
Catering services	8.4	9.0	7.8	7.7	8.8	173	182	154	136	141
Residential accommodation	4.4	6.6	6.7	10.5	5.2	111	127	122	120	102
Consumer/leisure and other premises	5.3	4.1	4.0	4.0	4.1	93	96	83	82	78
All premises	5.4	5.1	4.9	5.1	4.9	99	102	92	88	85

Table 9: Completed informations laid/complaints taken and conviction rates, 1998/99 - 2002/03

	1998/99	1999/00	2000/01	2001/02	2002/03
Informations laid ¹ (known outcome)	424	412	401	350	330
Conviction rate	79%	78%	88%	88%	86%

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, 1998/99 – 2002/03

Convictions taken under:					
	1998/99	1999/00	2000/01	2001/02	2002/03
Health and Safety at Work etc Act, 1974	186	188	169	145	171
Management of Health and Safety at Work Regulations. 1992 & 1999	65	65	64	60	53
Workplace (Health, Safety & Welfare) Regulations. 1992	24	11	32	30	15
RIDDOR '95	11	12	17	15	13
Electricity at Work Regulations, 1989	19	20	23	19	11
PUWER, 1992 & 1998	19	13	20	11	12
Other health and safety legislation or specific regulations	13	13	27	27	10
All Legislation	337	322	352	307	285

Table 11: Local authority inspection and enforcement estimates for England, Wales and Scotland, 1998/99 – 2002/03

	1998/99	1999/00	2000/01	2001/02	2002/03
England					
Total premises	1 040 000	1 033 000	1 040 000	1 005 000	1 015 000
FTE staff	1 030	930	900	880	950
Visit rate per 1000 premises	277	263	246	228	221
Notice rate per 1000 premises	5.2	4.9	4.8	5.0	4.6
Requests for service per fte	52	63	71	67	62
Informations laid/complaints taken by Procurator Fiscal*	378	366	358	311	294
Conviction rate*	82%	79%	87%	89%	85%
LAEI response rate	311/356	326/356	328/356	333/356	333/356
Wales					
Total premises	67 000	64 000	59 000	59 000	64 000
FTE staff	60	60	60	60	60
Visit rate per 1000 premises	254	250	288	203	188
Notice rate per 1000 premises	5.7	5.9	4.4	4.7	3.6
Requests for service per fte	64	54	60	61	63
Informations laid/complaints taken by Procurator Fiscal*	28	21	27	24	21
Conviction rate*	61%	100%	100%	92%	95%
LAEI response rate	21/22	20/22	20/22	19/22	22/22
Scotland					
Total premises	95 000	97 000	98 000	98 000	96 000
FTE staff	120	120	110	120	120
Visit rate per 1000 premises	284	258	245	255	250
Notice rate per 1000 premises	6.8	7.0	5.8	6.8	8.8
Requests for service per fte	24	32	35	35	27
Informations laid/complaints taken by Procurator Fiscal*	18	25	16	15	15
Conviction rate*	56%	52%	88%	87%	93%
LAEI response rate	32/32	29/32	30/32	29/32	32/32

* 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	2001/02	2002/03		Key Category of LA	
	Average ¹ for each category	Average ¹ for each category	Variation between LAs		
			25% of LAs are below:		25% of LAs are above:
London boroughs	104	94	56	143	LB
Metropolitan districts	138	128	55	233	MD
Urban/industrial	157	144	92	221	Urb
Suburban	136	133	71	187	SubU
Resort/retirement	140	128	66	148	Res
Rural	132	139	74	198	Rur
Scottish urban	148	149	115	226	ScUrb
Scottish rural	150	154	104	181	ScRur
Welsh urban	155	149	80	278	WUrb
Welsh rural	158	101	54	207	WRur
All Local Authorities	136	130	77	198	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	2001/02	2002/03		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	18	17	6	29	LB
Metropolitan districts	24	17	10	29	MD
Urban/industrial ²	21	25	4	32	Urb
Suburban	16	16	5	28	SubU
Resort/retirement	12	14	1	15	Res
Rural	11	12	0	17	Rur
Scottish urban ²	26	25	7	29	ScUrb
Scottish rural	13	19	0	24	ScRur
Welsh urban	20	20	10	21	WUrb
Welsh rural	10	7	0	12	WRur
All Local Authorities	18	18	4	26	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	2001/02	2002/03		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	1 458	1 404	895	2 530	LB
Metropolitan districts	1 115	1 098	724	1 426	MD
Urban/industrial	950	892	657	1 160	Urb
Suburban	1 124	1 003	713	1 320	SubU
Resort/retirement	1 147	1 155	796	1 688	Res
Rural	1 132	1 078	686	1 735	Rur
Scottish urban	836	780	460	798	ScUrb
Scottish rural	823	755	531	1 064	ScRur
Welsh urban	920	901	742	1 144	WUrb
Welsh rural	1 213	1 199	876	1 486	WRur
All Local Authorities	1 096	1 040	691	1 380	All LA's

¹ Weighted average estimated for all LAs in the category