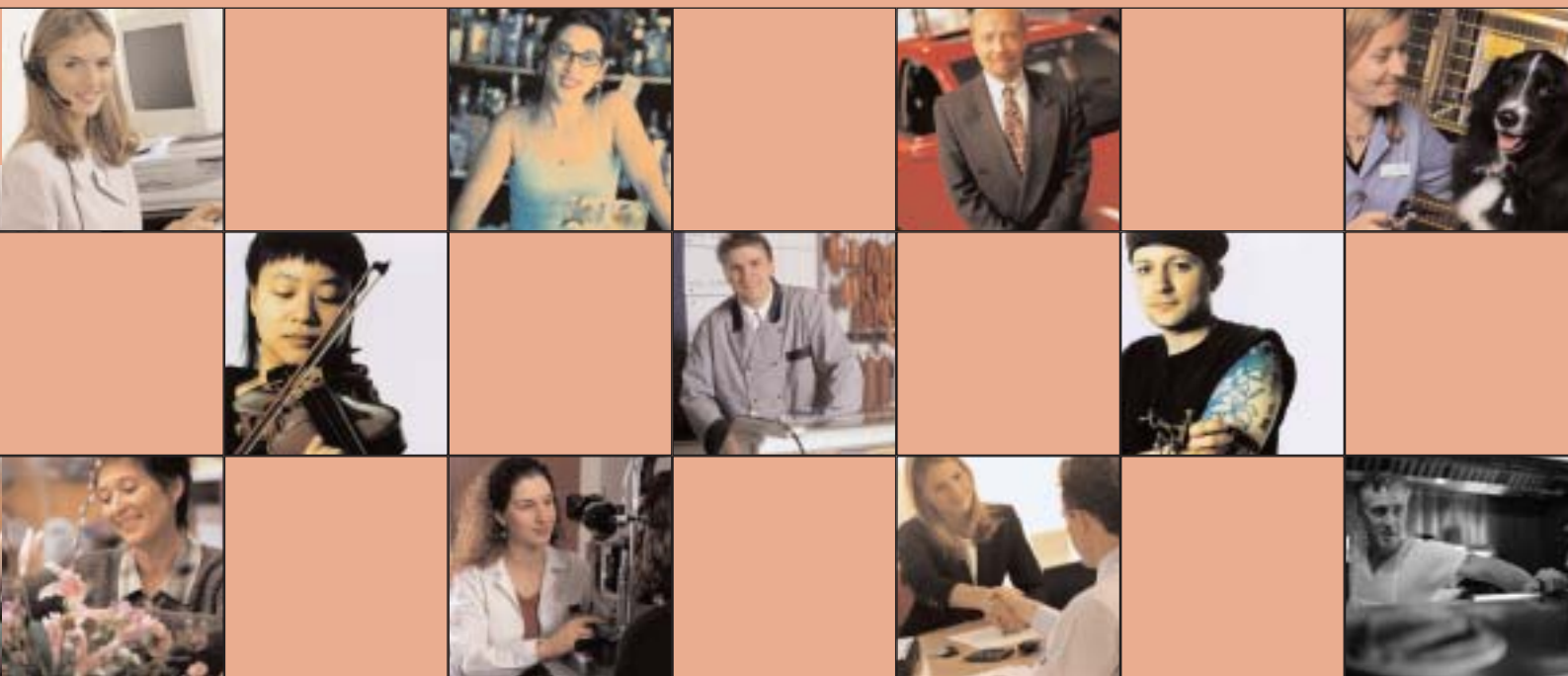


HELSA

HEALTH and SAFETY ACTIVITY BULLETIN 2005

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 2003/04, for Great Britain and the devolved administrations (see supplementary table 8). This information is supplied to HSE by local authorities on their annual health and safety returns. The estimates for 2003/04 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.

The estimates of visits in 2003/04 are not directly comparable with previous years, as local authorities had started to adopt new ways of working (such as topic based inspections) as part of the LAs and HSE Working Together Strategic Programme. A review of data collection is planned, as part of the Programme, to ensure that new ways of working are adequately reflected, and can be monitored across enforcing authorities.

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Summary

The number of premises subject to local authority (LA) enforcement was 1 144 000 in 2003/04, compared with 1 175 000 in 2002/03. This number has dropped over the past five years.

Full time equivalent (FTE) inspectoral resources have increased in each of the past two years, to 1150 in 2003/04. The numbers had previously decreased year on year since 1996/97.

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 6080 enforcement notices in 2003/04, compared with 5780 the previous year.

LAs secured 354 convictions in 2003/04, from 410 informations laid/complaints taken, leading to an average fine of £4375 per conviction. This compares with an average fine per conviction of £4100 in 2002/03.

Premises

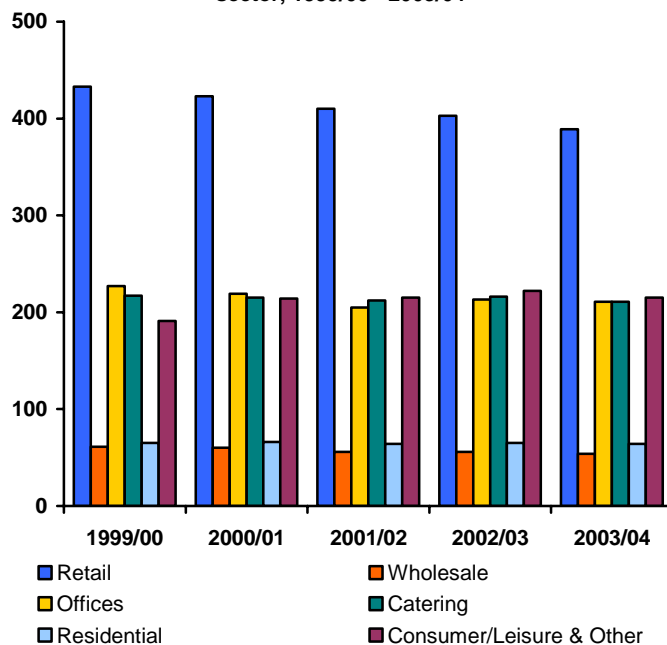
(see supplementary table 1)

In 2003/04, local authorities enforced health and safety in an estimated 1 144 000 premises, compared with 1 175 000 in 2002/03.

Retail premises accounted for 34% of all premises enforced by local authorities; their number fell by 14 000 to 389 000 in 2003/04.

The Small and Medium Enterprise (SME) Statistics for 2003 (produced by the Small Business Service) indicate that around 95% of businesses in the main LA enforced sectors employ less than 10 employees and about 64% have no employees (i.e. sole proprietors and partnerships). Across all industry, 70% of businesses have no employees and 95% employ less than 10 employees.

Figure 1 : Premises enforced by LAs, by industry sector, 1999/00 - 2003/04



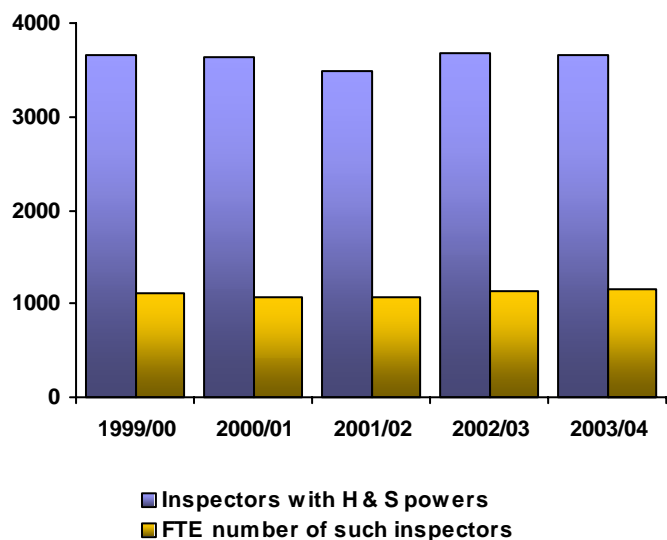
Local authority staff resources

(see supplementary table 2)

In 2003/04 there were an estimated 3660 inspectors holding and using health and safety powers, compared with 3670 in 2002/03. The full-time equivalent* number of such inspectors was 1150, compared with 1130 in 2002/03 and 1060 in 2001/02.

* 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.

Figure 2 : Numbers of inspectors with health and safety powers, 1999/00 - 2003/04



Visits

(see supplementary tables 3 & 4)

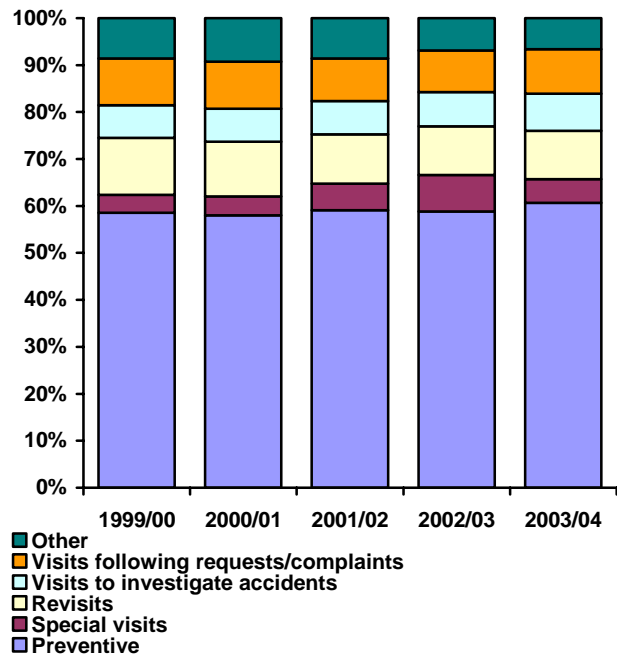
LA inspectors made 242 000 visits during 2003/04* compared with 260 000 in 2002/03.

Of the 242 000 visits in 2003/04: 147 000 were preventive inspections involving a full inspection of health and safety standards; 12 000 were visits in connection with special surveys or initiatives; and a further 19 000 visits were made to investigate the circumstances surrounding workplace accidents.

The proportion of all visits that are proactive (preventive inspections and special surveys or initiatives) was 66% in 2003/04 and has remained relatively stable over the past three years.

* As noted in the introduction, estimates of visits in 2003/04 are not directly comparable with previous years.

Figure 3 : Type of visits as proportion of total visits, 1999/00 - 2003/04



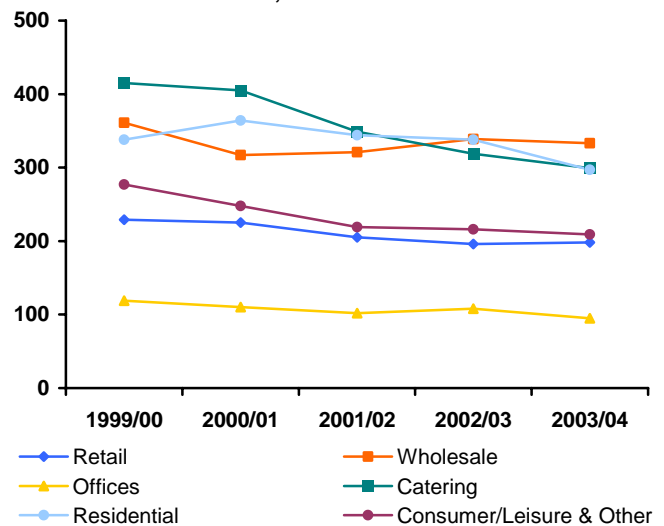
The overall rate of visiting was 212 visits per 1000 premises in 2003/04* compared with 221 in 2002/03.

The rate of visiting has remained relatively high in residential accommodation and wholesale premises since 1999/2000. 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.

Of the 63 000 visits to catering premises in 2003/04, 35% were joint food inspections. The rate of visiting catering premises has fallen by 28% since 1999/00.

Figure 4 : Visits per 1000 premises by industry sector, 1999/00 - 2003/04



Notices

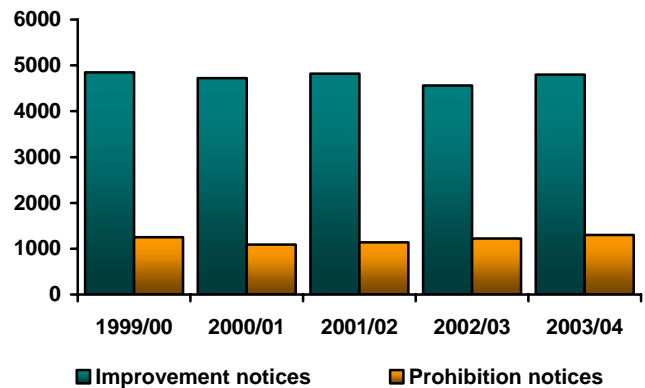
(See supplementary table 5)

During 2003/04 local authorities issued 6080 enforcement notices, compared with 5780 in 2002/03. The number has fluctuated over the past five years.

LAs issued 4800 improvement notices in 2003/04, compared with 4560 the previous year.

The number of all prohibition notices increased by 5% in 2003/04, to 1280, although numbers have generally fluctuated over the last five years.

Figure 5 : Number and types of notice issued, 1999/00 - 2003/04



Prosecutions and convictions

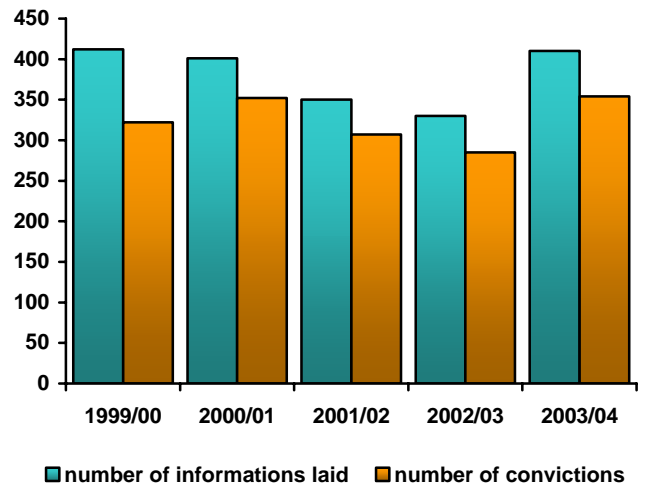
(See supplementary tables 6 & 7)

LAs completed 410 informations laid/complaints taken in 2003/04, leading to 354 convictions*. The conviction rate for 2003/04 is 86% and has remained relatively stable over the last few years.

The average fine per conviction in 2003/04 was £4375, compared with £4100 in 2002/03.

Over half of informations laid/complaints taken completed in 2003/04 related to breaches of the Health and Safety at Work Act 1974, and 18% to the Management of Health and Safety at Work Regulations. The average fine per conviction for breaches of the Health and Safety at Work Act was £6371, 36% higher than in 2002/03 (£4698).

Figure 6 : Number of informations laid and convictions, 1999/00 - 2003/04



* The 2004 *Health and safety offences and penalties in local authority enforced sectors* report (see Technical note, page 5), released in December 2004, reported 319 convictions relating to health and safety at work notified to HSE by LAs in 2003/04.

Technical note

Source of local authority enforcement statistics

A1.1 Each year local authorities are requested to complete a health and safety return (LAE1 form). The LAE1 forms are the sole source of information about staff resources, premises, visits, complaints, and enforcement activity. HSE's Local Authority Unit collects additional information on successful prosecution cases directly from LAs and these are published in the HELA Supplementary Reports – Health and safety offences and penalties in local authority enforced sectors. From 2004/05 the information collected by LAU will be expanded to collect detail of all informations laid/complaints taken to avoid the need for dual reporting by LAs.

A1.2 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. In recent years, at least 90% of local authorities have returned the form, with 387 out of 410 returns for 2003/04 (94%).

A1.3 Local authorities in Great Britain are categorised, for estimation purposes, into 10 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 premise data, visits, requests for service, staff resources, and formal and informal notices. Prosecution information is as provided, no estimate is made for missing information.

A1.4 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, 1999/00 - 2003/04

Type of premise	Number of premises (thousands)				
	1999/00	2000/01	2001/02	2002/03	2003/04
Retail shops	433	423	410	403	389
Wholesale, warehouses, etc.	61	60	56	56	54
Offices	227	219	205	213	211
Catering services	217	215	212	216	211
Residential accommodation	65	66	64	65	64
Consumer/leisure services and other premises	191	214	215	222	215
All premises	1 194	1 197	1 162	1 175	1 144

Table 2: Numbers of inspectors with health and safety powers, 1999/00 - 2003/04

Staff resources	Number of inspectors				
	1999/00	2000/01	2001/02	2002/03	2003/04
Number of inspectors holding appointments under Section 19 of HSW Act	3 650	3 640	3 480	3 670	3 660
Full-time equivalent number holding appointments under Section 19	1 110	1 070	1 060	1 130	1 150

Table 3: Types of visit, 1999/00 - 2003/04

Type of visit	Number of visits: thousands				
	1999/00	2000/01	2001/02	2002/03	2003/04
Preventive inspection	183	174	157	153	147
Special visits	12	12	15	20	12
Revisits to check	38	35	28	27	25
Visits to investigate accidents	22	21	19	19	19
Visits following requests/complaints	31	30	24	23	23
Other	27	28	23	18	16
All	313	300	266	260	242

Table 4: Number of visits made per 1000 premises, 1999/00 - 2003/04

Type of premise	Number of visits per 1000 premises				
	1999/00	2000/01	2001/02	2002/03	2003/04
Retail shops	229	225	205	196	198
Wholesale shops, warehouses, etc.	361	317	321	339	333
Offices	119	100	102	108	95
Catering services	415	405	349	319	299
Residential accommodation	338	364	344	338	297
Consumer/leisure Services and other premises	277	248	219	216	209
All premises	262	251	229	221	212

Table 5: Enforcement notices issued by local authorities, 1999/00 - 2003/04

Type of notice	Number of formal notices issued				
	1999/00	2000/01	2001/02	2002/03	2003/04
Improvement	4 850	4 720	4 820	4 560	4 800
Deferred Prohibition	80	60	50	50	80
Immediate Prohibition	1 170	1 030	1 090	1 170	1 200
All formal notices	6 100	5 810	5 960	5 780	6 080

Table 6: Completed informations laid/complaints taken and conviction rates, 1999/00 - 2003/04

	1999/00	2000/01	2001/02	2002/03	2003/04
Informations laid¹ (known outcome)	412	401	350	330	410
Conviction rate	78%	88%	88%	86%	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 7: Convictions by local authorities by type of legislation, 1999/00 – 2003/04

Convictions taken under:	1999/00	2000/01	2001/02	2002/03	2003/04
Health and Safety at Work etc Act, 1974	188	169	145	171	199
Management of Health and Safety at Work Regulations, 1992 & 1999	65	64	60	53	64
Workplace (Health, Safety & Welfare) Regulations, 1992	11	32	30	15	21
RIDDOR '95	12	17	15	13	9
Electricity at Work Regulations, 1989	20	23	19	11	20
PUWER, 1992 & 1998	13	20	11	12	28
Other health and safety legislation or specific regulations	13	27	27	10	13
All Legislation	322	352	307	285	354

Table 8: Local authority inspection and enforcement estimates for England, Wales and Scotland, 1999/00 – 2003/04

	1999/00	2000/01	2001/02	2002/03	2003/04
England					
Total premises	1 033 000	1 040 000	1 005 000	1 015 000	985 000
FTE staff	930	900	880	950	950
Total visits	272 000	259 000	229 000	224 000	204 000
Total notices	5 040	4 980	5 010	4 710	5 060
Total requests for service	63 260	67 940	64 680	64 720	67 250
Informations laid/complaints taken by Procurator Fiscal*	366	358	311	294	349
Conviction rate*	79%	87%	89%	85%	89%
LAE1 response rate	326/356	328/356	333/356	333/356	335/356
Wales					
Total premises	64 000	59 000	59 000	64 000	63 000
FTE staff	60	60	60	60	70
Total visits	16 000	17 000	12 000	12 000	12 000
Total notices	380	260	280	230	350
Total requests for service	3 320	3 650	3 890	3 980	4 220
Informations laid/complaints taken by Procurator Fiscal*	21	27	24	21	19
Conviction rate*	100%	100%	92%	95%	100%
LAE1 response rate	20/22	20/22	19/22	22/22	22/22
Scotland					
Total premises	97 000	98 000	98 000	96 000	96 000
FTE staff	120	110	120	120	130
Total visits	25 000	24 000	25 000	24 000	26 000
Total notices	680	570	670	840	670
Total requests for service	4 480	4 510	4 970	3 860	4 900
Informations laid/complaints taken by Procurator Fiscal*	25	16	15	15	42
Conviction rate*	52%	88%	87%	93%	62%
LAE1 response rate	29/32	30/32	29/32	32/32	30/32

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