

ENVIRONMENT AND COMMUNITY SAFETY OVERVIEW AND SCRUTINY COMMITTEE

Agenda Item 53

Brighton & Hove City Council

| | | | |
|-----------------------------|--|---|---------------------|
| Subject: | Annual Health & Safety Service Plan 2012-13 | | |
| Date of Meeting: | ECSOSC 7 March 2012 Cabinet 15 March 2012 | | |
| Report of: | Strategic Director, Place | | |
| Lead Cabinet Member: | Councillor Ben Duncan | | |
| Contact Officer: | Name: | Roy Pickard | Tel: 29-2145 |
| | Email: | Roy.pickard@brighton-hove.gov.uk | |
| Key Decision: | Yes | Forward Plan No: 21131 | |
| Ward(s) affected: | All | | |

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Health & Safety Annual Service Plan required under the Health & Safety at Work Act etc 1974 Section 18 standard is part of the Council's Policy Framework on which the relevant cabinet member and other stakeholders are normally consulted before final proposals are formulated.
- 1.2 This work is very important to a city like Brighton & Hove with its leisure and tourist industry, its night time economy and its retail businesses. It keeps the city's workers, residents and visitors safe and healthy and enhances the city's reputation as an attractive place to work, live and visit.

2. RECOMMENDATIONS:

- 2.1 ECSOSC is recommended to comment on the Plan.
- 2.2 *(Cabinet is recommended to agree the proposed Health & Safety Annual Service Plan 2012/2013 at Appendix 1 and recommend that Council approve it.)*

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Health & Safety Annual Service Plan is a statutory document required under guidance issued by the Health and Safety Executive (HSE), Section 18 Standard. The Annual Service Plan for this year reviews 2010-11 and details the aims and objectives for the enforcement of health & safety as a function of the Health & Safety Team.
- 3.2 To ensure local transparency and accountability, it is a requirement that the Health & Safety Service Plan is submitted to the relevant member forum for approval. It also requires members to make a commitment to the Health & Safety Executive strategy 'be part of the solution'

- 3.3 Section 18 of the Health and Safety at Work etc Act 1974 (HSWA) puts a duty on Local Authorities (LAs) to make adequate arrangements for enforcement. The primary purpose of the HSWA is to control risks from work activities. The role of the Local Authority is to provide advice and support to duty holders, manage and control these risks and thus prevent harm to employees and to the public.
- 3.4 This year the coalition government has been carrying out a major review of health and safety legislation, strategy and enforcement.
- 3.5 In March 2011, the Minister for Employment announced the next steps in the Government's plans for reform of the health and safety system in Britain with the publication of "*Good Health and Safety, Good for Everyone*".¹ Under the reforms, protecting people in the workplace and in society as a whole remains a key priority. The focus of the health and safety regime will move to a lighter touch approach concentrating on higher risk industries and on tackling serious breaches of the rules.
- 3.6 The Government's reforms require HSE and LAs to reduce the number of inspections carried out; to have greater targeting where proactive inspections continue; and to increase information provision to small businesses in a form that is both accessible and relevant to their needs.
- 3.7 In May 2011, Local Government Group² (LGG) and HSE published joint guidance - "Reducing Proactive Inspections". This document provided guidance for LAs to determine their proactive interventions with flexibility to deliver local and national health and safety priorities within the Government's overall policy framework.
- 3.8 The joint HSE/LGG guidance ask LAs to use both national planning priority information and local information to determine the key causes of serious workplace accidents, injuries and ill-health and to develop intervention plans for poorly performing businesses. The nature of the intervention appropriate to a particular premises will be determined by the rating assigned to the premises
- 3.9 The HELA Local Authority Circular 67(3) that's give advice to local authorities on targeting interventions was revised in November 2011. In summary, LAs should target their health & safety interventions plans for the premises they enforce using the most appropriate option from the full range of interventions available. In keeping with the joint HSE/LGG guidance, LAs should reserve proactive inspection for Category 'A' premises and consider the use of other non-inspection techniques for other categories of premises. In keeping with the Government's reforms of health and safety, there are no restrictions on reactive work but LAs should consider using HSE's Incident Selection Criteria and risk based approach to complaints handling to assist with targeting their resources.
- 3.10 In November 2011 a report was released by Professor Ragnar E Löfstedt called Reclaiming health and safety for all: The report was an independent review of health and safety legislation. Its key recommendations that relate to local authority work were:

- Exempting from health and safety law those self-employed whose work activities pose no potential risk of harm to others.
- That legislation is changed to give HSE the authority to direct all local authority health and safety inspection and enforcement activity, in order to ensure that it is consistent and targeted towards the most risky workplaces.

3.11 The attached Service Plan (Appendix 1) sets out the adequate arrangements for enforcement of the Health and Safety at Work etc Act 1974 by the Local Authority, in line with the above reports.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

4.1 A Senior Lawyer and Accountant have been consulted regarding the legal and financial implications. The service plan will be part of a rigorous consultation process in March 2012 involving members of the public, employers, employees, internal and external stakeholders such as Trade Unions, Corporate Health & Safety and local business forum. It must be a published document and is also available on the Council's website.

4.2 Businesses satisfaction rates for the Health and Safety service remain high with 98.3% of business feeling that they had been treated fairly and 98.7% of businesses felt the contact was helpful.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 The annual Health and Safety Service Plan sets out the approach that the Council will use to fulfil its statutory duties. The 2012/13 net budget for the Health and Safety Service within Environmental Health will be determined by Budget Council on 23rd February 2012. The net budget for the current year is £215,870, and this includes a figure to cover the appropriate proportion of the Head of Environmental Health & Licensing and administrative support.

Finance Officer consulted: Karen Brookshaw Date: 21/12/11

Legal Implications:

5.2 Local authorities have a duty under Section 18 of the Health and Safety at Work Act 1974 to make adequate arrangements for enforcement of health and safety legislation in their area. 'The Standard for Health and Safety Enforcing Authorities' issued by the Health & Safety sets out the requirements that local authorities are obliged to follow in meeting their s18 duty'. The plan in Appendix 1 complies with these requirements.

5.3 The Council's Constitution requires the adoption of the Health & Safety Annual Service Plan to be reserved to full Council.

Lawyer consulted: Oliver Dixon Date: 23/12/11

Equalities Implications:

- 5.3 An Equalities Impact Assessment has been completed as part of our contact with groups during discussions in 2010. It has identified that additional work with BME takeaways is required.

Sustainability Implications:

- 5.4 Unacceptable risk, fatalities and major injuries would reduce development of the city, tourism and benefits to local people, in addition to private and family lives.

Crime & Disorder Implications:

- 5.5 Reduction in crime and disorder as part of the work place violence projects and retail robbery work.

Risk and Opportunity Management Implications:

- 5.6 A sensible approach to health & safety protects the Councils reputation as a responsible authority. Leading and promoting health & safety avoids tragedy and consequent adverse impacts.

Public Health Implications:

- 5.7 The service plan protects public health by improving standards in work places reducing sickness and ill health. The public and visitors to the city are also protected from accidents and incidents that can lead to injury.

Corporate / Citywide Implications:

- 5.8 A safe and healthy workforce benefits the local economy and develops the city's tourism

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 None. The Service Plan is a statutory requirement.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 Compliance with statutory duties.

SUPPORTING DOCUMENTATION

Appendices:

1. Health & Safety Annual Service Plan 2011/2012

Documents in Members' Rooms

1. None

Background Documents

1. Health & Safety at Work etc Act 1974
2. Health & Safety Executive strategy 'be part of the solution'
3. Local Authority Circular 67(3)
4. Minister for Employment : Good Health and Safety, Good for Everyone
5. Local Government Group2 (LGG) and HSE published joint guidance - "Reducing Proactive Inspections"
6. Professor Ragnar E Löfstedt: Reclaiming health and safety for all

