

Council

31 January 2013

Agenda Item 85

Brighton & Hove City Council

Subject:	Annual Health & Safety Service Plan 2013-14		
Date of Meeting:	31 January 2013 24 January 2013 – Policy & Resources Committee		
Report of:	Strategic Director Place		
Contact Officer:	Name:	Roy Pickard	Tel: 292145
	Email:	roy.pickard@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE**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 That the Committee agrees the proposed Health & Safety Annual Service Plan 2013/2014 at Appendix 1 and recommends 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 2012-13 and details the aims and objectives for the enforcement of health & safety as a function of the Health & Safety Team.
- 3.2 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.
- 3.3 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" by Lord Young. Under the reforms, protecting people in the workplace and in society as a whole

remained 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.

- 3.4 The Government's reforms require the 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. This policy framework was also set out in the Hampton Report and the Lofsted report.
- 3.5 In May 2011, Local Government Group (LGG) and HSE published joint guidance - "Reducing Proactive Inspections". This guidance required local authorities to only routinely inspect high risk businesses.
- 3.6 In Brighton & Hove this change meant that proactive inspections of businesses were reduced from over 400 to less than 20 per year. However, following the reports: Smart Regulation and Economic Growth – Seizing the Tourism Opportunity – DCMS, the Lofstedt review – Reclaiming health and safety for all, LAC 67-2 rev3 - national H&S planning priorities, Good Health & Safety, Good for Everyone – DWP, and Lord Young's Common Sense Common Safety. The HSE is now consulting on a National Local Authority Enforcement code. It is likely to require Councils are to investigate accidents and complaints but also inspect proactively a substantial list of activities and sectors:
 - Premises with cooling towers/evaporative condensers,
 - Tyre fitters and motor vehicle recovery as part of car sales,
 - High volume warehousing and distribution,
 - Industrial retail/wholesale premises,
 - Steel stockholders,
 - Builders/timber merchants ,
 - Animal visitor attractions,
 - High volume warehousing distribution,
 - Large scale public events, sports and leisure facilities e.g. motorised leisure pursuits including off road vehicles and track days,
 - Commercial catering premises using solid fuel cooking equipment, and
 - Premises with vulnerable working conditions (lone/night working/cash handling e.g. betting shops/off-licences/care settings).
- 3.7 For medium risk businesses it is expected that LAs will undertake appropriate interventions but not proactive inspections" as part of a national priority programmes, local priority programmes or individually during the work year. The 2013-14 service plan has devoted some resources for the team to participate in the national legionella project focusing on cooling towers and spar pools.
- 3.9 Local authorities are expected to work with low risk businesses in a reactive way only. This will be done by investigating referrals from partner agencies such as the police or fire brigade, complaints made about businesses and investigating accident notifications.
- 3.10 There are risks with this approach. With only routine inspection of high risk businesses, the standards of safety and welfare in workplaces may deteriorate as a result of this light touch regulation.

- 3.11 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'

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 The service plan will be part of a rigorous consultation process in March 2013 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 99.4% of business feeling that they had been treated fairly and 98.8% 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 2013/14 net budget for the Health and Safety Service within Environmental Health will be determined by Budget Council on 28th February 2013. The net budget for 2012-13 is £236,000, and this includes a figure to cover the appropriate proportion of the Head of Environmental Health & Licensing and administrative support.

Finance Officer Consulted: Name Karen Brookshaw Date: 17/01/13

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. Council health and safety inspectors apply proportionate decision making in accordance with the Council's Enforcement Policy, HSE's Enforcement Policy Statement and Enforcement Management Model
- 5.3 The Council's Constitution requires the adoption of the Health & Safety Annual Service Plan to be reserved to full Council.

Lawyer Consulted: Elizabeth Culbert

Date: 15/1/13

Equalities Implications:

- 5.4 An Equalities Impact Assessment has been completed as part of our contact with groups during discussions in 2010 a review of this impact assessment was carried out in 2012.

- 5.5 Where business considers that they operate in a lower risk sector and have been unreasonably subject to a proactive health and safety inspection by an LA they can complain to the Independent Regulatory Challenge Panel whose members have the competence and experience to assess regulatory matters.

Sustainability Implications:

- 5.5 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:

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

Risk and Opportunity Management Implications:

- 5.7 The National Code sets out Government expectations on a risk based approach to targeting health and safety regulatory interventions. It provides a principle based framework that recognises the respective roles of business and the regulator in the management of risk. It sets out the risk based approach to be followed by LA regulators that will provide business with a consistency of approach. At the same time, following the principles of the Code will ensure LAs make the best use of their regulatory resource by focussing their efforts where it really matters.

Public Health Implications:

- 5.8 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:

- 5.9 A safe and healthy workforce benefits the local economy and develops the city's tourism.
- 5.10 The Council achieves enforcement consistency by:
- Having a publically available risk-based service plan and information on health and safety interventions, enforcement, and prosecution activity;
 - Having easily accessible complaints procedures that clearly references the Independent Regulatory Challenge Panel; and
 - Benchmarking performance against other Sussex authorities and via data returns to HSE.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 None. The Service Plan is a statutory requirement. The National Code provides direction to local authorities on meeting statutory requirements

7. REASONS FOR REPORT RECOMMENDATIONS

7.1 Compliance with statutory duties.

7.2 Whilst the primary responsibility for managing health and safety risks lies with the business who creates the risk, health & safety regulators have an important role in ensuring the effective and proportionate management of risks, supporting business, protecting their communities and contributing to a wider public health agenda

SUPPORTING DOCUMENTATION

Appendices:

1. Health & Safety Annual Service Plan 2013/2014

Documents in Members' Rooms

1. None

Background Documents

1. Health & Safety at Work etc Act 1974
2. Reducing administrative burdens: Effective inspection and enforcement – Philip Hampton - March 2005
3. Health & Safety Executive strategy 'be part of the solution'
4. Local Authority Circular 67(3)
5. Common sense, Common Safety - Professor Ragnar E Lofstedt
October 2010
6. Lord Young Report - Department of work and pensions. Good Health & Safety,
Good for Everyone March 2011
7. Local Government Group2 (LGG) and HSE published joint guidance -
"Reducing Proactive Inspections
8. Reclaiming Health & Safety for all. An Independent review of health & safety
legislation. Professor Ragnar E Lofstedt. November 2011