

<b>Subject:</b>	<b>Health and Safety Service Plan 2015-16</b>		
<b>Date of Meeting:</b>	<b>17<sup>th</sup> March 2015</b>		
<b>Report of:</b>	<b>Director of Public Health</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Roy Pickard</b>	<b>Tel:</b> <b>292145</b>
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<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE****1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The Health & Safety Service Plan is required under the National Local Authority Enforcement Code, issued by the Health and Safety Executive, under Section 18 of the Health and Safety at Work etc. Act 1974.
- 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.
- 1.3 Recent years' activities were determined by reducing service budget, the local public health agenda and the 'better regulation' agenda. Deregulation impacted on health and safety following Lord Young's review of health and safety, Common Sense - Common Safety, the Löfstedt review recommending reducing the burden of unnecessary regulation on businesses and the HSE's National Local Authority (LA) Enforcement Code which provided a principle based framework that recognised the respective roles of business and the regulator in the management of risk. The resulting reduced demand reflects reduced posts.

**2. RECOMMENDATIONS:**

- 2.1 That the Committee approves the proposed Health & Safety Service Plan 2015/2016 at Appendix 1.

**3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 Health and safety legislation in Great Britain is enforced by HSE or one of the over 380 Local Authorities (LA), depending on the main activity carried out at any particular premises. In general, Local Authorities are the main enforcing authority for retail, wholesale distribution and warehousing, hotel and catering premises, offices, and the consumer/leisure industries. In Brighton and Hove this is approximately 8,000 businesses.
- 3.2 Each LA is an enforcing authority in its own right and must make adequate provision for enforcement. The LA National Enforcement Code introduced in

May 2013 sets out the principles that each LA should follow to ensure a consistent, proportionate and targeted approach to regulation based on risk.

- 3.3 Local Authorities use a number of intervention approaches to regulate and influence businesses in the management of health and safety risks including: provision of advice and guidance to individual businesses or groups  
proactive interventions, including inspection reactive interventions, e.g. to investigate an accident or complaint.
- 3.4 LA inspectors may use enforcement powers, including formal enforcement notices, to address occupational health and safety risks and secure compliance with the law. Prosecution action may be appropriate to hold duty holders to account for failures to safeguard health and safety.
- 3.5 The Health & Safety Annual Service Plan is a statutory document required under guidance issued by the Health and Safety Executive (HSE), National Local Authority Enforcement Code. This Code requires Local Authorities to make adequate arrangements for providing a health and safety service that includes an enforcement role.
- 3.6 There have been a number of national health and safety reviews over the last five years. Consequently, Central Government thinking on how Local Authorities should approach enforcement of health and safety has changed. Regulators are to achieve their objectives in a way that minimises the burdens on business. Local Authorities are to embed a risk-based, proportionate, targeted and flexible approach to regulatory inspection and enforcement. This approach will ensure that regulators are efficient and effective in their work, without imposing unnecessary burdens on those they regulate.

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1 As part of the council's efficiency drive to make savings, the health and safety service over the last four years has undergone changes.
- 4.2 Last year staffing levels were reduced from 5.5 FTEs plus one manager to 1.9 FTEs plus one manager, who is shared between 4 other services.
- 4.3 This year it is proposed to reduce staffing levels to 1FTE and one manager shared between 4 other services.
- 4.4 This reduction in resources has resulted in less preventative work being carried out and less inspection of proactive high risk premises or activities.
- 4.4 Consequently, the service has become predominately reactive focusing on accident/complaint investigation and investigations as a result of referrals from other agencies.

#### **Service Redesign**

- 4.6 To manage demand with fewer resources the service will 'stop, start, change' work streams.

#### 4.7 Work that will no longer be carried out will be:

- Proactive inspections of businesses. Business compliance with health and safety legislation will be assessed as a result of a complaint or an accident notification investigation.
- Visits to skin piercers on new registrations to ensure infection control is in place and compliance with the city's byelaws and the assessment of knowledge and competence of skin piercers.
- Yearly inspection of cooling towers, (these will now be inspected according to risk following HSE guidance). The duty is on Employers, or a person in control of a premises, to be responsible for health and safety and need to take the right precautions to reduce the risks of exposure to legionella. The HSE are responsible for hospital, education establishments and council premises. The Local Authority is the enforcement authority for retail, offices, hospitality and leisure sectors.
- Visits to hotels in response to complaints about poor house keeping
- Participating in the Sussex health safety liaison group regional H&S safety project.
- Business advice.
- Visits to asbestos removal to ensure safety controls are in place. The duty to manage asbestos is directed at those who manage non-domestic premises: the people with responsibility for protecting others who work in such premises, or use them in other ways, from the risks to ill health that exposure to asbestos causes. The HSE licence asbestos removal contractors and assess their competence. We will continue to respond to complaints.

4.8 In addition to this work being stopped, the NHS health checks service will, in future, be delivered through primary care with a small numbers being delivered through the public health hostels work and the public healthy school programme. Accordingly, the community based NHS health checks will cease.

#### 4.9 Work streams that will continue.

- Proactive inspection of high risk activities in those sectors specified by HSE or where intelligence suggests risks are not being effectively managed.
- Investigation of RIDDOR accident notifications.
- Investigation of complaints about poor working practices or working conditions.

#### 4.10 Work streams that will change.

- Complaints about poor housing keeping in hotels and B&Bs will be responded to by letter only and complaints referred to Visit Brighton.
- Complaints about dirty public toilets in food premises will be dealt with by food safety officers.
- Clearance certificates will be asked for by standard letter for all asbestos removal notifications. Risk assessments and method statements will not be requested and scrutinised.
- Cooling towers will be inspected by risk only – currently these are rated low risk and therefore will not be proactively inspected.
- Contraventions of smoke free legislation will be initially responded to by letter only.

- Matters of evident concern in food businesses will be dealt by the food safety team officers.
  - A possible public health led project to work with skin piercers.
- 4.11 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.
- 4.12 The Service Plan is a statutory requirement. LAC 67/2(rev 4) and The National Local Authority Enforcement Code provides direction to Local Authorities on meeting statutory requirements.

## **5 COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 The service plan will be part of a rigorous consultation process in March 2015 involving members of the public, employers, employees, internal and external stakeholders such as Trade Unions, Corporate Health & Safety and local business forums. It must be a published document and is also available on the Council's website.
- 5.2 Business satisfaction rates for the Health and Safety service remain high with 96.9% of businesses feeling that they had been treated fairly and 98.4% of businesses felt the contact was helpful in 2013-14.

## **6. CONCLUSION**

- 6.1 This report details how the Council intends to comply with its statutory duties.
- 6.2 Whilst the primary responsibility for managing health and safety risks lies with the business who creates the risk, health and 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

## **7. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 7.1 The costs associated to regulating and enforcing the Health & Safety Plan are met from the Health and Safety service revenue budget within Regulatory Services. The 2015/16 budget will be determined as part of the budget proposals to Budget Council in February. The net budget for the service in the 2014/15 financial year is approximately £190,000, which includes the costs of support services and management and administration support.

*Finance Officer Consulted: Steven Bedford*

*Date: 30/01/15*

### Legal Implications:

- 7.2 Section 18(4) of the Health & Safety at Work etc. Act 1974 imposes a duty on every local authority to make adequate arrangements for the enforcement within

their area of the relevant statutory provisions for which they are responsible, and to perform those duties in accordance with guidance issued by the HSE. The National Local Authority Enforcement Code sets out guidance for Local Authorities so that they adopt a consistent and proportionate approach to enforcement. The Health & Safety Service Plan proposed for approval will assist the council in discharging its section 18 duties.

*Lawyer Consulted: Elizabeth Culbert*

*Date: 25/02/15*

Equalities Implications:

- 7.3 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.
- 7.4 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:

- 7.5 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.

Any Other Significant Implications:

- 7.6 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.
- 7.7 A safe and healthy workforce benefits the local economy and develops the city's tourism.

Crime & Disorder Implications:

- 7.8 The reduction in preventative work may lead to an increase in poorly performing business resulting in more enforcement action,

Risk and Opportunity Management Implications

- 7.9 Proportionate decision making is required by the Council's Enforcement Policy, HSE's Enforcement Policy Statement and Enforcement Management Model

Public Health Implications:

- 7.10 Health and safety at work enforcement complements accident protection work like road safety and home safety. E.g. the health and safety team work with adult social care regarding reducing falls in care homes.

Corporate / Citywide Implications:

- 7.11 Inspectors take a risk based approach to intervention planning for both local & national priorities

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Health & Safety Service Plan 2014/2015

### **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 (LAC 67/2 (rev4))
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
9. The LA National Enforcement Code