

<b>Subject:</b>	<b>Health and Safety Service Plan 2019- 20</b>	
<b>Date of Meeting:</b>	<b>19<sup>th</sup> March 2019</b>	
<b>Report of:</b>	<b>Executive Director for Neighbourhoods, Communities &amp; Housing</b>	
<b>Contact Officer:</b> Name:	<b>Nick Wilmot</b>	<b>Tel: 01273 292157</b>
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<b>Ward(s) affected:</b>	<b>(All Wards);</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.

**2. RECOMMENDATIONS:**

- 2.1 That the Committee approves the proposed Health & Safety Service Plan 2019/2020 as set out 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.
- 3.7 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. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 5.1 The Service Plan is a statutory requirement. Local Authority Circular LAC 67/2(rev 7) and The National Local Authority Enforcement Code provides direction to Local Authorities on meeting statutory requirements.

#### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 None

#### **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:

### 7.1 Financial Implications:

The costs of developing and implementing the proposed Health & Safety Service Plan 2019/2020 at Appendix 1 will be met from within the approved budget resources of the Safer Communities Health and Safety Team.

*Finance Officer Consulted: Monica Brooks*

*Date: 07/02/2019*

### 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 Health & Safety Service Plan proposed for approval will assist the council in discharging its section 18 duties.

*Lawyer Consulted: Hilary Woodward*

*Date: 05/02/19*

### Equalities Implications:

- 7.3 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:

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

### Any Other Significant Implications:

- 7.5 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.

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

### Crime & Disorder Implications:

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

### Risk and Opportunity Management Implications

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

#### Public Health Implications:

- 7.9 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:

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

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Health & Safety Service Plan 2019/2020

### **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 (rev7)
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