

Subject:	Health and Safety Service Plan 2014-15		
Date of Meeting:	4th March 2014		
Report of:	Executive Director of Environment, Development & Housing		
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Ward(s) affected:	All		

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

- 1.1 The Health & Safety Service Plan is required under section 18 of the Health & Safety at Work Act etc 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.

2. RECOMMENDATIONS:

- 2.1 That the Committee approves the proposed Health & Safety Service Plan 2014/2015 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), Section 18 Standard. This standard 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 5 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 In Brighton and Hove this has meant that less resource is required to provide a health and safety service that includes an enforcement role. Since 2009 staffing levels have been reduced from 5.5 to 3.2 full time equivalents.
- 3.8 Local Authority Circular (LAC 67/2 (rev4) has recently been revised and is guidance under Section 18 Health and Safety at Work etc Act 1974 (HSWA) and replaces LAC 67/2 (rev3) and all earlier versions.
- 3.9 The LAC provides LAs with guidance and tools for priority planning and targeting their interventions to enable them to meet the requirements of the National Enforcement Code (the Code).
- 3.10 LAC 67/2 (rev 4) details national priorities that local authorities should have regard to and participate in. These are:
- The national programme of work for the control of legionella
 - Raising awareness on the duty to manage asbestos
 - Animal contact at visitor attractions.
 - Underground LPG
 - Investigation of incidents and complaints
 - Reactive work only in accordance with the Beauty sector strategy.
- 3.11 National programme work that has been completed includes the control of legionella with the City's cooling towers being proactively inspected. Additionally we have also carried out an intervention with city's spa pool operators to raise standards. Brighton & Hove animal attraction has been visited to ensure it complies with current guidance. We have no underground LPG that the LA has enforcement responsibility for. We have investigated all incidents and complaints. We continue to register all skin piercers in the line with the national beauty sector strategy.

3.12 Additional local priority work that will be carried out in 2014-15, will be supporting the city's large outdoors events and partnership working with the Falls Prevention Team to help reduce the numbers of preventable fall in the care homes.

3.13 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. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

4.1 The Service Plan is a statutory requirement. Section 18 guidance, LAC 67/2(rev 4) and The National 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 2014 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.

5.2 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.

6. CONCLUSION

6.1 This report details how the Council intends to comply with its statutory duties.

6.1 Whilst the primary responsibility for managing health and safety risks lies with the business who create 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

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

7.1 The costs associated to regulating and enforcing the proposed Health & Safety Plan 2014/15 will be met from the Health and Safety Service revenue budget within Environmental Health. The 2014/15 budget will be determined as part of the budget proposals to Budget Council on 27th February 2014. The net budget for the service in 2013-14 financial year is approximately £231,000, which includes the costs of support services and management and administration support.

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: Liz Woodley

*Date:*15/01/14

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 Violence at work is a national priority. The need for intervention would have regard to premises with vulnerable working conditions (lone/night working/cash handling e.g. betting shops/off licences/care settings) and where intelligence indicates that risks are not being effectively managed

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 The Director of Public Health commissions a workplace and community health development service and health check service. Three part time nurses funded by PH deliver health checks in workplaces and community:

- Advice: smoking, alcohol, stress, weight, cardiovascular, cholesterol, blood pressure, exercise.
- Clinical: Blood lipids including Cholesterol, HbA1c (test that shows the average amount of sugar in your blood) routine blood glucose test, CVD risk calculator by Qrisk

Small business grants scheme is administered to promote employee health & wellbeing. Health development advice includes programmes for physical activity promotion and workplace charter.

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