

ENVIRONMENT AND COMMUNITY SAFETY OVERVIEW AND SCRUTINY COMMITTEE

Agenda Item 56

Brighton & Hove City Council

Subject: Health & Safety Annual Service Plan 2010/11

Date of Meeting: 25 March 2010 Environment Cabinet Member Meeting
19 April 2010 ECSOSC
29 April Council

Report of: Director of Environment

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Wards 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 Environment Cabinet Members and stakeholders are normally consulted before final proposals are formulated.

2. RECOMMENDATIONS:

That ECSOSC consider and comment on the Health & Safety Annual Service Plan 2010/2011.

- 2.1 That the Cabinet Member endorses the Health & Safety Annual Service Plan 2010/2011 and recommends Council to 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 2009-10 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.

- 3.3 The attached plan (Appendix A) sets out the arrangements for enforcement' under Section 18 of Health & Safety at Work etc Act 1974 (HSWA). The primary purpose of the HSWA is to control risks from work activities. The role of the Local Authority is to ensure that duty holders manage and control these risks and thus prevent harm to employees and to the public.
- 3.4 In accordance with the Standard and guidance contained in HELA Local Authority Circular 67(2) the Health & Safety Service should provide a range of risk-based interventions. This would include routine inspection of high risk businesses, planned enforcement initiatives, investigation of accidents, investigation of complaints, advice, training and advisory activity, visits to new premises, revisits to check and enforcement, Safety and Health Awareness Days etc;
- 3.5 In addition, local priorities have been identified and these include working with BME takeaways on workplace violence, working with retailers in respect of retail robbery, working with faith groups on working from height and supporting community events.

4. 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 2010 involving members of the public, employers, employees, internal and external stakeholders such as trade Unions, human resources and local business forum. It must be a published document and is also available on the Council's website.

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications

The annual Health and Safety Service Plan sets out the approach that the Council will use to fulfil its statutory duties. The 2010/11 net budget for the Health and Safety service within Environmental Health is £138,480, and this include a figure to cover the appropriate proportion of the Head of Environmental Health & Licensing and administrative support.

Finance Officer consulted: Karen Brookshaw

Date: 03/02/10

Legal Implications

- 5.2 Every district and unitary council in Great Britain has a statutory duty under Section 18 of the Health and Safety at Work etc Act 1974 to ensure it makes adequate provision for health and safety regulation in its area. The S18 Standard sets out the requirements with which the Local Authority will eventually be obliged to comply with in making 'adequate arrangements for enforcement' for those areas which are deemed to be the responsibility of local authorities.

- 5.3 It has been given legal effect as Health & Safety Commission guidance to Local Authorities under section 18(4)(b) of HSWA (section 18 guidance). HSWA requires Local Authorities to perform their duties as enforcing authorities in accordance with Section 18 guidance. However, although the Standard will have effect from 1st April 2008, it does not require immediate full compliance with its requirements. Instead, both LAs and FOD are required:
- from 1st April 2008, to work towards compliance with the requirements of the Standard, and
 - from 31st March 2011, to comply fully with all the requirements of the Standard.
- 5.4 The Council's Commercial Enforcement Policy gives due regard to the Human Rights Act 1998 in respect of the Council's enforcement powers under Health & Safety laws. There are no further Human Rights Act issues. The Council's Constitution requires the adoption of the Health & Safety Annual Service Plan be reserved to full Council.

Lawyer consulted:

Simon Court

Date: 02/02/10

Equalities Implications:

- 5.5 An Equalities Impact Assessment has been completed as part of our contact with groups during consultations in 2009. It has identified that additional work with BME takeaways is required, that no work streams have been identified as part of our contact with LGBT businesses and that work is required with faith groups in respect of working from height.

Sustainability Implications:

- 5.6 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:

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

Risk and Opportunity Management Implications:

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

Corporate / Citywide Implications:

- 5.9 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 2010/2011

Documents In Members' Rooms

None

Background Documents

None