

# ENVIRONMENT CABINET MEMBERS MEETING

## Agenda Item 61

Brighton & Hove City Council

**Subject:** Health & Safety Annual Service Plan 2009/10  
**Date of Meeting:** 23 March 2009 Overview and Scrutiny Commission  
26 March Environment Cabinet Member Meeting  
23 April Cabinet Meeting  
30 April Council  
**Report of:** Director of Environment  
**Contact Officer:** Name: Roy Pickard Tel: 292145  
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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:

- 2.1 That the members commend the Health & Safety Annual Service Plan 2009/2010, as set out in Appendix of the report, to Environment Cabinet members to be reserved to Full Council.

#### 3. RELEVANT BACKGROUND INFORMATION/IMPLICATIONS

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.

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.

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.

In accordance with the Standard the Health & Safety Service should provide a range of risk-based interventions would include planned general inspections, 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;

In addition, partnership working, the night time economy, supporting small and medium sized enterprises and working with Brighton & Hove's diverse communities are identified as areas we wish to focus on this year ensuring we reflect local and regional priorities.

#### **4. CONSULTATION**

4.1 The Lead Councillor and opposition spokesperson have been consulted. A Senior Lawyer and Senior Finance Officer have also been consulted regarding the legal and financial implications. The service plan will be part of a rigorous consultation process in March 2009 involving members of the public, employers, employees, internal and external stakeholders and other agencies. It must be a published document and is also available on the Council's website.

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

##### **5.1 Financial Implications**

###### **Health & Safety**

The projected budget for 2009/2010 providing the Health & Safety service within Environmental Health is detailed below. The staffing figures include a figure to cover the appropriate proportion of the Head of Environmental Health & Licensing and administrative support:-

	Health & Safety
Staffing	264, 700
Transport	1,490

Supplies and Services	11,600
Total	277,790

*Finance Officer consulted: Karen Brookshaw*

## 5.2 Legal Implications

The Section 18 Standard applies to all Local Authorities in relation to its enforcement activities.

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'. 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.

The Council's Commercial Enforcement Policy (currently being amended) gives due regard to the Human Rights Act 1998 in respect of the Council's enforcement powers under Health & Safety laws. The Council's Constitution requires the adoption of the Health & Safety Annual Service Plan be reserved to full Council.

*Lawyer consulted: Liz Culbert*

## 5.3 Equalities Implications:

An Equalities Impact Assessment will be completed as part of the consultation process. The section on communities in the service plan recognises little is known about the needs of the LGBT business community and BME business community in terms of health & safety. These communities will be targeted as part of the teams work programme in 2009/10 to understand there needs better.

## 5.4 Sustainability Implications:

None

5.5 Crime & Disorder Implications:  
None

5.6 Risk and Opportunity Management Implications:  
*None*

5.7 Corporate / Citywide Implications:  
None

## **SUPPORTING DOCUMENTATION**

### **Appendix 1 Health & Safety Annual Service Plan 2009/2010**