
Meeting: Regulation Committee
Date: 24 February 2010
Subject: Health and Safety (as a Regulator) Service Plan 2010-2011
Report of: Gary Alderson – Director of Sustainable Communities
Summary: The report proposes that the Health and Safety (as a Regulator) Service Plan 2010-2011 be endorsed and recommended to Executive for approval. The Health and Safety Service Plan, which sets out the Health and Safety Enforcement activities to be undertaken by Central Bedfordshire Council, is a mandatory requirement of the Health and Safety at Work etc. Act 1974.

Contact Officer: Ben Salvatierra, Environmental Health Officer
Public/Exempt: Public
Wards Affected: All
Function of: Executive

CORPORATE IMPLICATIONS

Council Priorities:

Supporting and caring for an ageing population - The Council is the enforcing body for health and safety in care homes where Council interventions improves the health and safety of both staff and elderly residents

Educating, protecting and providing opportunities for children and young people - The Council, as part of its inspection programme, educates and where necessary, takes enforcement action, to secure the health, safety and welfare of children at work, children attending nurseries, and children visiting businesses with parents (Garden Centres, Supermarkets etc)

Managing growth effectively - Implementing the Better Regulation Agenda will reduce administrative and regulatory burdens on local business thereby helping economic growth.

Promoting healthier lifestyles and creating safer communities - The Councils health and safety programme which includes intelligence led inspections, accident investigations, and providing advice and education to businesses helps create safer communities

Financial:

All expenditure will be met within existing budgets. Budget allocation figures (when provided) are detailed in the Service plan attached at Appendix A.

Legal:

There is a mandatory requirement placed on the Council by the Health and Safety Executive to produce Enforcement Service Plans which are approved by members. The service plan details health and safety enforcement functions carried out by the council under the Health and Safety at Work etc. Act 1974 and associated regulations.

Risk Management:

Failure to properly manage and operate the enforcement services could result in central government agencies intervening to assume responsibility for the function.

Staffing (including Trades Unions):

None

Equalities/Human Rights:

The Service undertakes regular equality monitoring to check that local businesses are aware of the service and able to access information and guidance. Information is translated where necessary and training is delivered in other languages when appropriate. It also works with schools, child care settings, care homes and luncheon clubs to promote the well-being of vulnerable groups. The Service has an important role to play in helping to prevent disability and tackling health inequality caused by unsafe working practices.

There are no direct implications for human rights. The application of legislation may have human rights implications in instances where premises are closed down or prosecutions are brought.

Community Safety:

The Service Plan details how the Council will discharge its responsibility to enforce health and safety law within Central Bedfordshire. The implementation of the service plan will work to minimise criminal contraventions of the legislation which is intended to ensure workers and public safety.

Sustainability:

To help create a safer, stronger, healthier and more prosperous community

RECOMMENDATION(S):

that the Regulation committee

- 1. endorses the Health and Safety (as a Regulator) Service plan for 2010 - 2011;**
- 2. recommends that Executive approve the Health and Safety (as a Regulator) Service Plan for 2010 - 2011;**
- 3. gives the Assistant Direct Community Safety and Public Protection, in consultation with the Portfolio Holder for Safer and Stronger communities, delegated authority to undertake any necessary minor amendments to the requirements prior to publication.**

Background

1. The Health and Safety Executive (HSE) is a body, appointed by the Secretary of State, whose primary function is to make arrangements to secure the health, safety and welfare of people at work, and of the public in their dealings with commercial undertakings. The HSE are also responsible for proposing new laws and standards; conducting research and providing information and advice; and developing policy on fundamental and strategic health and safety issues. The HSE has specific powers to monitor and audit the activity of Local Authorities enforcing health and safety legislation to ensure relevant guidance is being followed.
2. Section 18 of the Health and Safety at Work etc. Act 1974 requires Local Authorities to make adequate arrangements:
 - for the enforcement of health and safety in premises under the Authorities enforcement remit;
 - to perform the legal duties imposed on them;
 - to undertake any other function conferred on them by relevant statutory provisions; and
 - to set out its commitment, priorities and planned interventions.The arrangements for carrying out these tasks in Central Bedfordshire are detailed in the Health and Safety (as a Regulator) Service Plan 2010 -2011 as set out in Appendix A.

Conclusion and Next Steps

3. This report seeks endorsement of the Health and Safety (as a Regulator) Service Plan 2010 - 2011 for Central Bedfordshire Council by the Regulation Committee.
4. On the 9 March 2010 approval will be sought at Executive for the Health and Safety (as a Regulator) Service Plan 2010 - 2011 along with the other statutory service plans.
5. Once approved the plan will be published on the internet and open to scrutiny by the Health and Safety Executive/Local Authority Enforcement Liaison Committee (HELA), and HSE.

Appendices:

Appendix A – Health and Safety (as a Regulator) Service Plan 2010 - 2011

Background Papers: (open to public inspection)

Central Bedfordshire Enforcement Policy
HSE Section 18 Standard on Enforcement

Location of papers: Priory House, Chicksands