
Meeting: Licensing Committee
Date: 12 March 2014
Subject: Health and Safety (as a Regulator) Service Plan 2014-2016
Report of: Marcel Coffait, Community Services Director
Summary: This report presents the above plan to the Committee for their approval in relation to the Health and Safety work undertaken by Public Protection in the Central Bedfordshire area.

Advising Officer: Marcel Coffait, Director of Community Services
Contact Officer: Jo Borthwick, Service Manager Public Protection
Public/Exempt: Public
Wards Affected: All
Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

Enhancing Central Bedfordshire. As the economy grows with an increasing number of businesses and employment, the health and safety service supports such growth obligations through a targeted and intelligence led approach. The service works with businesses to help them understand how to keep employees safe at work, and protecting visitors to those businesses. This reduces the risk of incidents which can impact on business resources in terms of lost production and/or employee working time, management time in dealing with accidents and ill-health, and controls public and employee liability insurance costs due to civil compensation claims. In addition a healthy workforce is a productive one

Promote health and wellbeing and protecting the vulnerable. By ensuring high health and safety standards at businesses across Central Bedfordshire we can protect employees and members of the public who visit business premises from accidents which can have a devastating impact on individuals and their families. This work includes investigating incidents where vulnerable groups such as the elderly (including the elderly in care settings), people with disabilities and children are injured. The work of the team also contributes to developing healthier lifestyles for those working in Central Bedfordshire by seeking to reduce the instances and root causes physical and mental ill health arising in the work place.

Value for money by targeting our interventions and providing training and advice to businesses we provide value for money. This means we only visit businesses when we need to and by supporting them to get things right we reduce the costs to the Council of needing to take potentially expensive enforcement or court action. Focusing our resources where they are most needed is effective in protecting people from real harm and suffering.

Financial:

1. All expenditure will be met within existing budgets. In addition the work of the health and safety service brings in additional income.

Legal:

2. Central Bedfordshire Council has a statutory duty under section 18 of the Health and Safety at Work etc Act 1974 (HSWA) to ensure it makes adequate provision for health and safety regulation in its area for enforcing health and safety in the workplace. There is also a mandatory requirement placed on the Council by the HSE to produce a Health and Safety Service Plan which is approved by members. The service plan details health and safety enforcement functions carried out by the council under the HSWA and associated regulations are carried out.

Risk Management:

3. 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):

4. Not Applicable.

Equalities/Human Rights:

5. 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 via Language Line and training is delivered in other languages when appropriate. We also work 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. Legal advice is always sought.

Public Health

6. The service contributes to the public health agenda via health and safety projects such as zoonosis (contagious diseases passed from animals to human), legionella, blood-borne disease (from skin piercing), mesothelioma from asbestos, cancer from sunbeds, and musculoskeletal disorders. These projects help to tackle long term ill-health and morbidity.

Community Safety

7. 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 worker and public safety.

Sustainability:

8. Regulation of Health and Safety at businesses in Central Bedfordshire is focused where the greatest risks are found and the service looks to support compliance to ensure best use of resources and the best outcomes for the whole community.

Procurement:

9. Not applicable.

RECOMMENDATION(S):

The Committee is asked to:

1. **Approve the Health and Safety (as a Regulator) Service Plan 2014-16**

Background

10. 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.
11. 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.
12. The arrangements for carrying out these tasks in Central Bedfordshire are detailed in the Health and Safety (as a Regulator) Service Plan 2012 -2014
13. Specifically Public Protection seeks to meet Section 18 requirements for member engagement by ensuring the committee are kept informed of progress against the H&S plan and the work of the team.

Appendices:

Appendix A – **Health and Safety Service Plan 2014 - 2016**

Background Papers: (open to public inspection)

- Draft Guidance: Non-Economic Regulators: Duty to Have Regard to Growth, *HSE website*
- CBC Enforcement Policy, *Council website*
- LAC 67/2 (rev4), *HSE website*
- LA National Code, *HSE website*
- HSE List of LA National Code Activities, *HSE website*
- Regulators Compliance Code, *BRDO, online*
- H&S Team Meeting minutes, 7 January 2014, *S: Drive, health and safety folder*
- Better Regulation, HSE, 2014, *HSE website*
- Health and Safety (as a Regulator) Service Plan 2012- 2014, *Council website*