

Appendix A. Health and Safety (as a Regulator) Service Plan 2016-18

Meeting: Licensing Committee
Date: 14th December 2016
Subject: Health and Safety (as a Regulator) Service Plan 2016-2018
Report of: Tim Argent , Principal Officer - Public Protection
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: Tim Argent (Principal Officer- Public Protection)
Public/Exempt: Public
Wards Affected: All
Function of: Council

CORPORATE IMPLICATIONS
Council Priorities:

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Enhancing Central Bedfordshire:

As the economy grows with an increasing number of businesses and employment, the health and safety service supports such growth. This is achieved via advisory and targeted visits, working 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:

The work of the health and safety service promotes healthy working both physically and mentally. A safer workplace reduces the risks of ill health and accidents, both which can have a devastating impact on individuals and their families. This work includes investigating incidents and accidents in particular for vulnerable groups such as the elderly (including the elderly in care settings), people with disabilities and children, ensuring the business put measures in place to prevent a recurrence, and in some cases, taking further action when in the public interest.

Value for Money:

The health and safety service provides health and safety training to both business management and its employees. The service also provides advice via appointments in a non regulatory manner. Such action helps keeps the business workforce healthy, thereby contributing to the local economy. In addition, based on national priorities and local intelligence we only focus our resources where they can be most 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.

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Legal:

2. Central Bedfordshire Council has a statutory duty under secondary legislation made pursuant to 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 and in particular for enforcing health and safety in the workplace. There are also mandatory requirements placed on the Council by the Health & Safety Executive through its guidance issued to Local Authorities. The Council can comply with much of this guidance by producing a Health and Safety Service Plan. The Plan for 2016-2018 details clearly and concisely how the Council will discharge its health and safety enforcement functions under the HSWA and associated legislation and guidance. It therefore meets the requirements and may be approved by Members.

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 sought where needed.

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.

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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 2016-18**

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.

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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 2016 -2018
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:

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Background Papers: (open to public inspection)

- Public Protection Enforcement Policy, *Council website*
- LAC 67/2 (rev4.1), Targeting local authority interventions *HSE website*
- National Local Authority (LA) Enforcement Code. *HSE website*
- HSE List of LA National Code Activities, *HSE website*
- Regulators Compliance Code, *BRDO, online*
- Better Regulation, HSE, 2014, *HSE website*