



Public Agenda Item: **Yes**

Title: **Health and Safety Enforcement Service Plan 2011/12**

Wards Affected: **All Wards in Torbay**

To: **Council**

On: **13 July 2011**

Key Decision: **Yes – Ref X6/2011**

Change to
Budget: **No**

Change to
Policy
Framework: **Yes**

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1. What we are trying to achieve

- 1.1 For Members to agree the contents of the Health and Safety Enforcement Service Plan, which is an annual requirement of the Health and Safety Executive (HSE). By approving this plan, Members will ensure that businesses, residents and the wider community of Torbay are continued to be provided with a suitable level of protection by the health and safety team.

2. Recommendation(s) for decision

- 2.1 That the Health and Safety Service Plan attached in Appendix 1 to this Report be approved.**

3. Key points and reasons for recommendations

- 3.1 The production of the Health and Safety Enforcement Service Plan is a statutory requirement of the Health and Safety Executive and a requirement of the Councils Policy Framework. The plan adheres to the guidance produced by the Health and Safety Executive and is a factual account of this statutory service.
- 3.2 From the 1st April 2010 the Community Safety Business Unit implemented a restructure following a transformation programme from three teams into two teams, with a new strategic manager overseeing the whole of the commercial regulatory side of the department. The aim was to achieve better integration of the different services, providing a more business friendly support service, offering advice and support to business. This has also lead to better intelligence sharing so that inspections and interventions can be targeted at higher risk businesses. A cross professional working project is also underway across the Commercial Team of which Health and Safety is a part.

- 3.3 During 2010/11, a piece of work has reaffirmed its compliance to ensure that the health and safety enforcement work carried out by the Commercial Team is compliant with new Section 18 Guidance as required by the Health and Safety Executive. This work has been completed in partnership with the other nine Devon Local Authorities who make up the Devon Health and Safety Sub Group, this work has meant that a number of new approaches to working have been introduced such a new Accident and Complaints prioritisation procedure which allows resources to be targeted more effectively and avoiding the need to intervene with compliant businesses.
- 3.4 Following the publication of Lord Young's report on health and safety enforcement 'Common Sense Common Safety' in 2010 there has been a committed effort by HSE to both assist and engage with local businesses to facilitate their compliance with health and safety standards without significant financial burden, this has meant an increased emphasis on web based sector support for businesses which is relevant to them and needed by them. The Commercial Team already operate a sensible risk management system and already offer a considerable amount of advice and support to businesses and the contents of Lord Young's report has reaffirmed our commitment to taking this approach. In support of this, one significant piece of work that was undertaken this year in conjunction with the other Devon authorities was the production of a Safer Workplace Better Business pack. This has been written for small and medium sized businesses that once read and completed will provide a basic level of compliance with the requirements of the Health and Safety. This work has attracted considerable support and interest from the Health and Safety Executive as well as Local Better Regulation Office and resulted in a runner up award at the MJ Awards. This pack is now available on the Council's website for all businesses to download.

For more detailed information on this proposal please refer to the supporting information.

**Frances Hughes
Executive Head Community Safety**

Supporting information

A1. Introduction and history

A1.1 In September 2001, the Health and Safety Commission (HSC) issued mandatory guidance to Local Authorities on how they must implement adequate arrangements for the enforcement of health and safety law and to perform those duties in accordance with guidance from the HSC. The Health and Safety Commission has recently amalgamated with the Health and Safety Executive (HSE). These requirements were issued under Section 18 of the Health and Safety at Work etc Act 1974. The requirements included a range of issues against which Local Authorities would be measured. One of these requirements was to produce “a service plan detailing the Local Authorities priorities and its aims and objectives for the enforcement of health and safety.”

A1.2 The guidance requires that the Service Plan includes information on the following:

- future objectives and major issues that cross service boundaries;
- key programmes, including a planned inspection programme in the context of current HSE plans and strategies;
- information on the service that is being provided;
- the means by which these services are going to be provided;
- any performance targets and how they will be achieved; and
- a review of performance to address any variance from meeting the requirements of the service plan.

A1.3 As well as specifying the need for a Service Plan, the guidance also requires:

- a clear published statement of enforcement policy and practice;
- a system for prioritised, planned inspection activity according to hazard and risk, and consistent with any advice given by the Health and Safety Executive and Local Authorities Enforcement Liaison Committee (HELA);
- the capacity to investigate workplace accidents and to respond to complaints by employees and others against allegations of health and safety failures;
- arrangements for benchmarking performance with peer Local Authorities;
- provision of a trained and competent inspectorate; and
- arrangements for liaison and co-operation in respect of the Lead Authority Partnership Scheme.

The way in which Community Safety Business Unit will accommodate these requirements are included throughout the Service Plan. Health and Safety responsibilities are divided between two teams within the Community Safety Business Unit. The Licensing and Public Protection Team which addresses health and safety matters in licensing premises and some non-food commercial premises. Whilst the Food and Safety Team addresses health & safety matters in most businesses producing food and the remaining non-food commercial premises.

A1.4 The Service Plan highlights the pressures on this statutory service from:

- the Health and Safety Executive, in terms of qualitative and quantitative

targets;

- businesses and consumers in Torbay, as part of the service is demand led;
- competition for resources within the team, against, for example, Food Standards Agency requirements, other demand led services, need to ensure continuing competencies of Officers in the full range of services delivered; and
- the Health and Safety Authority is also a prescribed statutory consultee under the new Licensing Act 2003.

A1.5 From the 1st April 2010 the Community Safety Business unit undertook Transformation from three teams into two teams, with a new strategic manager overseeing the whole of the commercial regulatory side of the department. This has resulted in more efficient working. This achieved better integration of the different services at the front line, providing a more business friendly support service, offering advice and support to business. This has also lead to better intelligence sharing so inspections and interventions are targeted at higher risk businesses.

A1.6 Better intelligence allows the better managed premises to be trusted with advice, while poorer performing premises, often with a record of poor compliance, will be targeted with further inspections, so making the 'playing field' more even and improving the overall safety of premises.

A1.7 During 2011/12 there are a number of changes proposed which may impact onto the way in which health and safety is regulated within local authorities and the Health and Safety Executive and are part of a national review of health and safety enforcement by the Government. Sector based interventions across whole industries is one of the proposals along with changes to the allocation of premises in which Local Authorities enforce with LA,s taking over more of the higher risk premises currently dealt with by the Health and Safety Executive.

A2. Risk assessment of preferred option

A2.1 Outline of significant key risks

A2.1.1 There is no risk associated with accepting this report as it is a statutory plan required by the Health and Safety Executive.

A3. Other Options

A3.1 Not to approve the plan, however this would mean that we are not meeting our statutory obligation.

A4. Summary of resource implications

A4.1 The Service Plan as presented is within the budget allocated for this service.

A5. What impact will there be on equalities, environmental sustainability and crime and disorder?

A5.1 Health and Safety work has a positive impact on quality, environmental sustainability and crime and disorder. Its overall aims are to protect the health, safety and welfare of persons and work and all those who may be affected by a

work activity.

A6. Consultation and Customer Focus

A6.1 The team has been engaged with ongoing consultation with a range of business organisations from across the South West throughout the year on future service developments, the outcomes of which have informed this service plan.

A7. Are there any implications for other Business Units?

A7.1 There are no implications for any other business unit by approving this Service Plan.

Appendix

Appendix 1 Health and Safety Service Plan 2011/12

Documents available in members' rooms

None

Background Papers:

The following documents/files were used to compile this report: None