

FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date 7 July 2015

Report of: Director of Community

Subject: ANNUAL HEALTH AND SAFETY SERVICE PLAN

SUMMARY

The Council is designated as an Enforcing Authority under the Health and Safety (Enforcing Authority) Regulations 1998 and is responsible for the enforcement of the Health & Safety at Work etc. Act 1974. The Council has a duty to carry out its functions in accordance with guidance issued by the Health & Safety Executive. The guidance is issued under Section 18 of the Act. The Council each year is required to produce an Intervention Plan to meet the requirements of the Section 18 guidance.

RECOMMENDATION

That Members approve the Section 18 Health & Safety Intervention Plan, attached as Appendix A.

INTRODUCTION

1. The Council is designated as an Enforcing Authority under the Health and Safety (Enforcing Authority) Regulations 1998 and is responsible for the enforcement of the Health & Safety at Work etc. Act 1974 (and relevant statutory provisions) for activities which fall to the local authority for enforcement within the Borough; the Health & Safety Executive is the Enforcing Authority for all other premises.
2. Premises are divided by their main work activity; those that are Local Authority Enforced include: Sale of goods, offices, catering, temporary accommodation, consumer services, launderettes, cosmetic services, sporting activities, pleasure craft inland waterways, animal accommodation (excl. agriculture), undertakers, religious worship, car parking at airports, childcare.
3. The Council's Statutory duty in respect of Health & Safety at Work enforcement sits within the Community Department and is delivered by the Fareham and Gosport Environmental Health Partnership. The joint Commercial section has the delegated authority to enforce the legislation.
4. The Council has a statutory duty to carry out its enforcement functions in accordance with guidance issued by the Health & Safety Executive (HSE). The Health & Safety Commission issued this guidance under Section 18 of the Health & Safety at Work etc. Act 1974.

HEALTH & SAFETY AT WORK ETC ACT 1974 - SECTION 18 GUIDANCE

5. Local Authorities are responsible for the enforcement of the Health and Safety at Work etc. Act 1974 as prescribed in the Health and Safety (Enforcing Authority) Regulations 1998. Typically the types of activities included are:- sale of goods, offices, warehousing, catering, residential care, consumer services, child care.
6. Section 18 requires Local Authorities to perform their duties in accordance with guidance from the Health and Safety Executive. The "Section 18 Guidance" is therefore mandatory.
7. The guidance notes issued by the HSE under section 18 (4) contain the broad principles which they wish LAs to adopt in enforcing health and safety legislation. The Section 18 guidance reflects the Health & Safety Executive Board's strategy.
8. The Section 18 guidance requires the Council to:-
 - set out its commitment, priorities and planned interventions programme;
 - put into place capacity, management infrastructure, performance management and information systems to deliver an effective service and comply with its statutory duties;
 - operate systems to train, appoint, authorise, monitor and maintain a competent inspectorate.
9. There is further guidance linked to the Section 18 guidance on "Priority Planning"; this has also been updated in recent years and the scheme to risk rate the premises that have been inspected has been revised. Premises found to be low risk are removed from the inspection programme. An alternative intervention

scheme has been introduced to deal with any higher risk elements within these low risk premises. This will ensure that accurate data is maintained and there is a mechanism in place to identify if the risk status of the premises changes and therefore brings the business back into the inspection programme.

RISK ASSESSMENT

10. The Council has a legal obligation to comply with the guidance issued by The Government under Section 18 of the Act and failure to do so may result in action being taken against the Council. This may also result in bad publicity. Having a detailed Health & Safety Intervention plan in place provides a platform to help make Fareham a Safe and Healthy place to live and work and demonstrates that adequate resources are provided to this important statutory area of work.

CONCLUSION

11. The intervention plan attached (Appendix A) demonstrates compliance with the Section 18 guidance The Committee is provided with the opportunity to comment on the plan and is asked to approve it.
12. The intervention plan once approved will be revised annually and brought back to this Committee each time for comment and approval.

Enquiries:

For further information on this report please contact Ian Rickman (Ext 2401).

APPENDIX A – Fareham Borough Council Health & Safety Enforcement Intervention Plan 2015/16

FAREHAM

BOROUGH COUNCIL

Fareham Borough Council
Health & Safety Enforcement
Intervention Plan
2015 / 2016

Introduction

1. The Council is designated as an Enforcing Authority under the Health and Safety (Enforcing Authority) Regulations 1998 and is responsible for the enforcement of the Health & Safety at Work etc. Act 1974 (and relevant statutory provisions) for activities which fall to the local authority for enforcement within the Borough.
2. The Council has a duty to carry out its functions in accordance with guidance issued by the Health & Safety Executive (HSE) under Section 18 of the Health & Safety at Work Act 1974.

Section 18 – Intervention Plan

3. The Council's Corporate Plan identifies the Council's Strategic Priorities which includes under the heading "Safe and Healthy Place to Live and Work". The Health & Safety function is an important contributor to this Strategic Priority.
4. The delivery strategy for Health & Safety Enforcement includes the following:-
 - i) Enforce Health & Safety at Work legislation in business premises for which the Council is the enforcing authority to ensure safety, health and welfare of employees and the public by:
 - a) Investigating all relevant workplace related accidents;
 - b) Investigating all complaints relating to workplace health and safety;
 - c) Providing health & safety at work related advice to business and the public.
 - d) Ensuring that all relevant businesses are identified and inspected on a risk-assessed basis;

Performance and activities during 2014/2015

5. The performance in each of the above areas for 2014/2015 is summarised below:-
 - i) 53 accident notifications were received in the financial year 2014/2015 and these have been investigated in accordance with the Incident Selection Criteria Guidance issued by the Health and Safety Executive.
 - ii) 55 complaints/requests for Service were received and investigated.
 - iii) 2 Enforcement Notices were served in total.
 - iv) 100% of the programmed inspections completed.

Key Delivery Priorities

6. Over the coming year the key delivery priorities are :-
- i) To investigate all accidents and incidents in accordance with HSE Local Authority Circular 22/13 "Incident Selection Criteria Guidance".
 - ii) To investigate complaints made about health and safety practices within workplaces or those open to the public.
 - iii) To respond to requests for health and safety advice or guidance, in particular for new businesses.
 - iv) To investigate health and safety matters of evident concern noted during visits to businesses for other issues.
 - v) To inspect all high risk premises that are due for a programmed inspection and risk rate any premises inspected according to the revised risk rating guidance;

Local Priorities

7. Over the coming year the key local priorities are:-
- a) Develop the Fareham and Gosport Environmental Health partnership
 - b) To participate in a relevant activity as agreed by the Hampshire Health & Safety group, that is listed in LAC 67/2 as relevant activities/sectors for proactive inspection.

Fareham and Gosport Environmental Health Partnership Initiative

8. The partnership arrangement with Fareham and Gosport's Environmental Health sections became more formalised on 1 April 2014. Officers are now working as a single team. This continues to provide resilience, efficiency and cost saving benefits.

The Health & Safety Resource

9. The Environmental Health Partnership Commercial Team carries out the Health and Safety enforcement function; this team consists of 1 full-time Senior Environmental Health Officer, 2 part-time (3 days a week each) Senior Environmental Health Officers, and 1 Senior Technical Officer and 2 Technical Officers. These officers also undertake Food Safety and Licensing enforcement and Infectious Disease control work.

Enforcement Decisions

10. To ensure that all enforcement decisions are consistent, the Council has an Enforcement Policy, and the Enforcement Management Model (which is a tool for determining the most appropriate course of action in more serious cases).

Background Papers:

None.

Reference Papers:

None.

Enquiries:

For further information on this report please contact Ian Rickman (Ext 4773).