

FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date **8 July 2014**

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. The guidance reflects the Health & Safety Executive Board's strategy, key outcomes from the Hampton, Rogers and Löfstedt Reviews and sets out the approach to developing effective health and safety regulatory interventions based upon risk.

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 e.g.. The Health & Safety Executive are the Enforcing Authority for all other premises.
2. 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.
3. 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

4. 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.
5. 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.
6. 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 and key outcomes from the Hampton and Rogers Reviews and sets out the approach to developing effective health and safety regulatory interventions based on risk.
7. 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.
8. 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

9. 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

10. 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.
11. 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 2014/15

FAREHAM

BOROUGH COUNCIL

Fareham Borough Council
Health & Safety Enforcement
Intervention Plan
2014 / 2015

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 vision is for Fareham to be a 'prosperous, safe and attractive place to live and work'. This vision is guided by a set of values which include making Fareham a safe place and one where the Council works with its partners to promote good health and reduce ill-health. In particular the Council has identified seven corporate priorities arising out of its vision statement; the one which the Health & Safety Enforcement Service supports is ensuring Fareham is "A safe and healthy place to live and work".
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 2013-2014

5. The performance in each of the above areas for 2013/2014 is summarised below:-
 - i) 53 accident notifications were received in the financial year 2012/2013 and these have been investigated in accordance with the Incident Selection Criteria Guidance issued by the Health and Safety Executive.
 - ii) 63 complaints were received and investigated.
 - iii) 14 Enforcement Notices were served in total. A summary of these are shown as Appendix 1 to this plan.
 - iv) 100% of the programmed inspections completed.

Key Delivery Priorities

7. 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;
 - vi) To further align the systems and ways of working with Gosport to further develop the partnership and realise the benefits in terms of resilience and efficiency the partnership can deliver.

Local Priorities

8. Over the coming year the key local priorities are:-
- a) Develop the Fareham and Gosport Environmental Health partnership
 - b) To participate in the Hampshire FIT Programmes as appropriate e.g.
 - Health and Safety in the Beauty Sector in particular – Tattooing and skin piercing, Lasers and Intense Pulse Light hair removal systems and sunbeds
 - Pressure systems
 - Gas Safety in food premises

Fareham and Gosport Environmental Health Partnership Initiative

9. The partnership arrangement with Fareham and Gosport's Environmental Health sections became more formalised on 1st April 2014. Officers are joint warranted. This continues to provide resilience, efficiency and cost saving benefits.

The National Local Authority Enforcement Code

10. Professor Löfstedt's Review, published in November 2011 recommended that the HSE be given a stronger role in directing Local Authority health & safety inspection and enforcement activity. A National Code has been developed in response to this recommendation and also as an outcome of the Red Tape Challenge on Health and Safety. It is designed to ensure that LA health and safety regulators take a more consistent and proportionate approach to enforcement.

11. The code sets out what is meant by 'adequate arrangements for enforcement and concentrates on the following four objectives:
 - a. Clarifying the roles and responsibilities of business, regulators and professional bodies to ensure a shared understanding on the management of risk;
 - b. Outlining the risk-based regulatory approach that LAs should adopt with reference to the Regulator's Compliance Code, HSE's Enforcement Policy Statement and the need to target relevant and effective interventions that focus on influencing behaviours and improving the management of risk;
 - c. Setting out the need for the training and competence of LA H&S regulators linked to the authorisation and use of HSWA powers; and
 - d. Explaining the arrangements for collection and publication of LA data and peer review to give an assurance on meeting the requirements of this Code.
12. The Service will be delivered in accordance with the national code: <http://www.hse.gov.uk/lau/la-enforcement-code.htm>

The Independent Regulatory Challenge Panel

13. The Independent Regulatory Challenge Panel has been set up by the Government to look into complaints regarding advice given by HSE or LA inspectors. If a business thinks that health and safety requirements are incorrect or goes beyond what is required to control the risk adequately they have the option to go to the Panel. The panel will consist of independent members who will have the competence and experience to assess advice that has been given on regulatory matters. Before the business raises an issue with the panel, they should have first tried to resolve the matter with the relevant HSE or LA inspector and their manager.

The Health & Safety Resource

14. The Environmental Health Partnership Commercial Team carry out the Health and Safety enforcement function, this team consists of 1 full time Principal Environmental Health Officer, 2 part-time (3 days a week each) Senior Environmental Health Officers, and 2 Senior Technical Officers and 2 Technical Officers. These officers also undertake Food Safety and Licensing enforcement and Infectious Disease control work.
15. The resource is now supported by the Fareham and Gosport Environmental Health Partnership, as each Authority can be supported by the other during peaks in workload, with staff able to carry out Health & Safety functions in each Authority. A lot of work has already taken place to align work practices, procedures, forms and letters etc to facilitate this.

Enforcement Decisions

16. To ensure that all enforcement decisions are consistent, the Council has an [Enforcement Policy](#), which has just been updated and the HSE's Enforcement Policy Statement which takes account of the Enforcement Management Model (which is a tool for determining the most appropriate course of action in more serious cases).

Training

17. The HSE and Local Authorities have recently developed the Regulators' Development Needs Analysis Tool. This is an on-line system which is able to identify knowledge gaps and devise action plans to address them. This is a useful tool to help ensure that the inspectorate is trained and competent. This is being implemented for the EH Partnership Enforcement Team.

