

**TO: LICENSING AND SAFETY COMMITTEE
22 MARCH 2012**

**HEALTH AND SAFETY LAW ENFORCEMENT PLAN 2012-13
Chief Officer: Environment and Public Protection**

1 PURPOSE OF REPORT

- 1.1 The Council has responsibility for the enforcement of health and safety in private sector businesses in the Borough.
- 1.2 This report set out the basic framework within which a mandatory service is provided. It sets out the typical tasks undertaken during a 'typical' year. The Work Plan (annex A) sets out the proposal for delivery in line with direction from the Health and Safety Executive (HSE). The Plan is required in order to comply with Section 18 of the Health and Safety at Work etc Act 1974. The objective is to ensure that national priorities and standards are delivered effectively and consistently at a local level.

2 RECOMMENDATION(S)

2.1 That the Committee

- (a) Considers the draft Work Plan as set out in Annex A and subject to any comments approve it for 2012-2013 and;**
- (b) note that an out turn report for 2011-12 will be presented to the next meeting of this Committee.**

3 REASONS FOR RECOMMENDATIONS

- 3.1 The Plan sets out how the Council will seek to work with businesses as they seek to comply with health and safety requirements in line with the direction from the HSE.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None. The production of an annual plan is a legal requirement.

5 SUPPORTING INFORMATION

- 5.1 When it comes to workplace safety there are effectively two main regulatory arms: the HSE and the Local Authorities. Within Bracknell Forest enforcement is a function of both the environmental health and to a lesser degree trading standards. As at 1 April 2011, there were 1,350 local businesses where the Council has duty to regulate health and safety in the interests of staff and public welfare.
- 5.2 Progress against the Plan is monitored an operational indicator and the Council's performance in relation to health and safety enforcement is reported bi-annually to the Health and Safety Executive. The Executive has powers to intervene should there be a shortfall in performance.

- 5.3 As in previous years the Committee are asked to consider the Plan so they can assure themselves that key needs are being met. The impact and potential benefits arising from the combining of all the regulatory services under the one manager has not been accounted for. Work is under way to effect the benefits but these may not be fully realised over the coming year as there could be training and other issues to address to ensure staff competency levels are assured.
- 5.4 A key theme of the Work Plan is to continue to develop targeted health and safety activity working in partnership with local business and the HSE. We will continue to seek to support self regulation by adopting and encouraging a common sense approach to health and safety. This year's Plan has been populated with targets and initiatives under 3 main headings ie (i) Protecting Consumers and Supporting Businesses, (ii) Project Working and (iii) Performance Management. The portfolio of work is based on national accident data combined with local intelligence to deal with areas of concern for businesses and the public. Visits to businesses will where appropriate encompass multiple regulatory functions in order to seek to minimise the burden to businesses. The work includes accident and complaint investigations as well as requests for advice from businesses.
- 5.5 Consultation with stakeholders is an ongoing process. We publish our Plan on our website and provide copies at key locations in the Borough including the Council's libraries and Town and Parish Council offices. We invite feedback through out the year so as to inform the Work Plan for future years. To date no comments have been made that need to be taken into account.
- 5.6 To put the volume of work associated with its delivery into context, we commit circa 1.5 FTEs to this function. In the current year to date, some 414 inspection have been undertaken and a further 102 health and safety visits have been made for advisory or other enforcement purposes.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The Borough Solicitor is satisfied that the relevant legal provisions are contained within the body of the report

Borough Treasurer

- 6.2 The Borough Treasurer is satisfied that no significant financial implications arise from this report.

Equalities Impact Assessment

- 6.3 The Plan will target premises based on the history of risk and identified need. Where issues of equality may arise provision is made to help as necessary. The activity is regulatory and the current plan for 2011-2012 is covered by the overarching document entitled Enforcement Policy 2008 and Equalities Impact Assessment (Executive November 2008). This document is being updated for adoption by the Council and the Health and Safety Law Enforcement Plan will be covered by new enforcement policy. Members will be asked to approve the final plan later in the year.

Strategic Risk Management Issues

- 6.4 The Council has to ensure compliance with section 18 of the Health and Safety at Work Act etc 1974. The Plan sets out how the Council intends to comply with those obligations and in so doing mitigates against the risk of adverse inspection report followed by intervention.

7 CONSULTATION

Principal Groups Consulted

- 7.1 The nature of the Plan is such that we have consultation with stakeholders after its adoption. All feedback is taken into account and helps inform the Plan's future development

Method of Consultation

- 7.2 The Plan will be published on the Council's website and issued to key locations in the Borough, including all the Council's Libraries and Town and Parish Council offices.

Representations Received

- 7.3 Not applicable.

Background Papers

HELA Strategic Plan 2000-2004

HSC Strategy for Workplace Health and Safety in Great Britain to 2010 and Beyond – (Securing Health Together – SH2)

Health and Safety in Local Authority Enforced Sectors, Section 18. HSC Guidance to Local Authorities (09/01)

HELA Circular Number 67/1 (Rev 3) Advice to Local Authorities in Inspection Programmes and an inspection rating system (12/2000)

Health and Safety Law Enforcement Plan 2001-12

Contact for further information

David Steeds

Head of Environmental Health

01344 352530

david.steeds@bracknell-forest.gov.uk

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