

**TO: LICENSING AND SAFETY COMMITTEE
10 OCTOBER 2013**

**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 sets out the basic framework within which a mandatory service is provided. It provides details of the work plan for 2013-2014 and the outturn for 2012/13 in Part 2 .The work plan for 2013-2014 was seen and approved by Members at Committee on 1 May 2013 and suggested amendments have been incorporated. The Enforcement Plan is required for Bracknell Forest to comply with Section 18 of the Health and Safety at Work etc Act 1974.

2 RECOMMENDATION(S)

2.1 That the Committee

- i) **approves for publication the Health and Safety Law Enforcement Plan for 2013-14**
and
ii) **notes the outturn report for 2012-13 as set out in Part 2**

3 REASONS FOR RECOMMENDATIONS

- 3.1 The Plan sets out how the Council will seek to work with businesses comply with health and safety requirements and work in conjunction with the HSE.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None. The production and publication of an annual Enforcement Plan is a legal requirement.

5 SUPPORTING INFORMATION

- 5.1 When it comes to workplace safety there are effectively two main regulatory arms: the Health and Safety Executive (HSE) and Local Authorities (LA's). Within Bracknell Forest enforcement is a function undertaken by staff within Regulatory Services.
- 5.2 Progress against the Plan is monitored as an operational indicator and the Council's performance in relation to health and safety enforcement is reported bi-annually to the HSE. The Executive has powers to intervene should there be a shortfall in performance.

- 5.3 The Committee approved the proposed Work Plan at its meeting on the 1st May. The Committee are now being asked to approve the full plan drawn up in accordance with Section 18 of the Health and Safety Act for adoption and publication upon the Council website.
- 5.4 The HSE recently produced new guidance for LAs under Section 18 of the 1974 Act; the 'National Local Authority Enforcement Code'. This new code aims to simplify the requirements placed on LAs and also identifies high risk sectors that should become the focus of our activities. The code focuses on undertaking full inspections only where the risk is very high, within ones of the identified sectors, or other intelligence suggests a full inspection is necessary. As this was only published in late May we are currently determining the full impact of these new requirements but in essence it confirms actions that we have already been implementing to reduce the inspectional burden upon local businesses.
- 5.5 A key theme of the 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 i.e. (i) Protecting Consumers and Supporting Businesses, (ii) Project Working and (iii) Performance Management. The portfolio of work is based upon national accident data combined with local intelligence so to identify those areas of concern both for businesses and the public. Visits to businesses will where possible encompass multiple regulatory functions through a single visit in order to seek to minimise the burden to businesses.
- 5.6 Looking at the work we did last year, the overall level of work was similar although there have been some changes in the type of work we did. In accordance with central Government guidance we have reduced the number of proactive visits we undertake. This changing pattern is also reflected in the lower levels of Notices served, which frequently arise following routine interactions. However we also saw higher levels of complaints and enquiries, and more concerning is a slight rise in serious deficiencies that presented imminent risks to health and safety and required formal prohibition notices to prevent the dangerous equipment or situation from continuing. Whilst the pattern is far from clear, it is likely that this changing pattern will continue, with a greater level of reactive complaint and accident work, rather than proactive inspections.

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 2013-2014 is covered by the overarching document entitled Enforcement Policy 2013.

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 an adverse inspection report followed by intervention.

7 CONSULTATION

Principal Groups Consulted

7.1 The nature of the Plan is such that we seek feedback from stakeholders after its adoption and publication. 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.

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 2012-13

HSE CODE GUIDANCE UNDER SECTION 18

Contact for further information

Robert Sexton

Head of Regulatory Services

01344 352580

robert.sexton@bracknell-forest.gov.uk

Document Reference

G:\SECS1\LICENSING & SAFETY COMMITTEE\2012\HS Law Enforcement Plan 2013-14.doc

