

**TO: LICENSING AND SAFETY COMMITTEE**  
**15 JUNE 2016**

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**HEALTH AND SAFETY LAW ENFORCEMENT PLAN 2016-2017**  
**Chief Officer: Environment and Public Protection**

**1 PURPOSE OF REPORT**

- 1.1 The Council has responsibility for ensuring the health and safety of most of the working population of this Borough.
- 1.2 This report sets out the basic framework within which the Council seeks to enable businesses to comply with their obligations. It sets out the tasks undertaken during a 'typical' year. The Work Plan (Annex A) sets out the proposal for the delivery of our legal obligations. The Plan is required in order to comply with Section 18 of the Health and Safety at Work etc Act 1974 and the objective is to ensure that national and local priorities and standards are achieved. A key priority for the officers is to try to ensure that businesses apply appropriate and proportionate measures to the need in hand.

**2 RECOMMENDATION**

- 2.1 **That the Committee notes the work undertaken in 2015/16 and approves the proposed plan for 2016/17.**

**3 REASONS FOR RECOMMENDATIONS**

- 3.1 The Plan sets out how the Council will work with and support businesses to comply with health and safety requirements and legislation.

**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 health and safety there are effectively two main regulatory arms: the Health and Safety Executive (HSE) and Local Authorities. Within Bracknell Forest enforcement is a function within Regulatory Services. As at 1 April 2016, there are 1,549 local businesses where the Council has a duty to regulate health and safety in the interests of staff and public welfare.
- 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 annually to the Health and Safety Executive. The Executive has powers to intervene should the Council not perform its duties to a satisfactory level.
- 5.3 Certain actions within a work place can pose an immediate risk to personal safety or may have the potential for longer term negative impacts upon the health of a person. This not only impacts upon an individual but also on society as a whole which may have to fund the treatment, care and support of the injured person. Delivery of effective health and safety within a work place therefore has a significant positive impact upon public health.

- 5.4 Regulation can pose a burden upon business and therefore not only must regulation be appropriate, proportionate and necessary, it must also be applied in a similar manner. In a difficult economic climate we need to encourage and assist business to grow and our actions should be focussed upon supporting growth. We look to direct our limited resources to those areas of greatest concern in terms of public health, taking into account factors such as risk, consequence, and severity.
- 5.5 Assessment of risk is therefore imperative when drawing up our work plan. Data on accidents within the work place is collected nationally and such data assists the HSE in identifying nationally higher risk work sectors and activities. This information points us towards those matters which should be a priority for us. We additionally use local data to target our work; for example by considering the Joint Strategic Needs Assessment (JSNA) information collated by Public Health in relation to relevant local risk operations.
- 5.6 As in previous years the Committee are asked to consider the Plan so they can assure themselves that key needs are being met. 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. This year's Plan has been populated with targets and initiatives under 3 main headings; (i) Protecting Consumers and Supporting Businesses, (ii) Project Working and (iii) Performance Management. The portfolio of work is based on accident data combined with local intelligence and direction from the HSE. Visits to businesses will where appropriate encompass multiple regulatory functions in order to seek to minimise the burden to a business. The work includes reactive accident and complaint investigations as well as anticipated requests for advice from businesses.
- 5.7 Consultation with stakeholders is an ongoing process and we will publish our Plan on our website to facilitate this. We invite feedback throughout the year so as to inform the Work Plan for future years. We have had no feedback on last year's plan that needs to be taken into account.
- 5.8 To put the volume of work associated with its delivery into context, we commit circa 1.5 FTEs (Officers) to this function, the officers conducting such work are not dedicated to that function but have a wide range of other duties. During 2015/16, some 480 proactive interventions with business were undertaken, 159 enquiries were received and a further 72 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 2016-2017 is covered by the overarching Equalities Impact Assessment document entitled 'Enforcement Policy'.

#### 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.

#### Representations Received

- 7.3 Not applicable.

#### Background Papers

HSE's Helping Great Britain Work Well; a new health and safety system strategy

<http://www.hse.gov.uk/strategy/strategy-document.htm>

National Local Authority Enforcement Code (referred to as Section 18 guidance).

<http://www.hse.gov.uk/lau/la-enforcement-code.htm>

Local Authority Circular (LAC) 67/2 (Rev 4.1) Targeting Local Authority Interventions

<http://www.hse.gov.uk/lau/lacs/67-2.htm>

#### Contact for further information

Robert Sexton

Head of Regulatory Services

01344 352580

[robert.sexton@bracknell-forest.gov.uk](mailto:robert.sexton@bracknell-forest.gov.uk)