

WELWYN HATFIELD BOROUGH COUNCIL
ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE – 11 JUNE 2018
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING
AND GOVERNANCE)

Health and Safety Service Plan 2018/19

1 Executive Summary

- 1.1 Section 18 of the Health and Safety at Work etc Act 1974 (HSWA) puts a duty on the Health and Safety Executive (HSE) and Local Authorities (LAs) to make adequate arrangements for enforcement of health and safety law.
- 1.1 Members are asked to consider and note the contents of this service plan that reviews the performance of the service during 2017/18 and looks ahead at plans for the forthcoming year.

2 Recommendation(s)

- 2.1 For the committee to provide any comments on the content of the draft service plan for the delivery of health and safety interventions and to recommend its adoption by Council.

3 Explanation

- 3.1 Local Authorities and the HSE have shared responsibility for ensuring public and employee health and safety protection throughout the UK.
- 3.2 Whilst the main responsibility remains with the businesses and individuals who create the risk the Council has a responsibility to deliver a service that regulates businesses and enforces against those that fail to protect the public.
- 3.3 A safe working environment is something every employee should be able to take for granted, this service plan seeks to outline the work carried out to deliver sensible, proportionate and firm management of health and safety in the workplace.

4 Legal Implication(s)

- 4.1 Section 18 of the Health & Safety at Work etc Act 1974 places an explicit duty on the Council to make adequate arrangements for the enforcement of health and safety law. The expectations for arrangements are set out within the National Local Authority Enforcement Code published by the HSE.
- 4.2 In carrying out this work officers may carry out enforcement of the legal provisions in order to ensure the public are not put at risk and there is compliance with the law. This can range from provision of advice through to formal enforcement notices and prosecutions.

4.3 The Sentencing Council provided new definitive guidelines¹ covering the sentencing of food hygiene offences before the criminal courts in February 2016.

4.4 All officers delivering health and safety interventions must maintain their competency, this includes training specifically related to each officer's individual authorisation.

5 Financial Implication(s)

5.1 None directly arising from this report; there is a budget in place for this work however it is not possible to predict what enforcement actions may be required during the year, and specific enforcement cases may incur additional costs (for example in respect of legal fees).

6 Risk Management Implications

6.1 The main risks related to this proposal are:

6.2 The Council is at risk from public criticism from the Health and Safety Executive if it cannot demonstrate adequate arrangements are in place to delivery of health and safety interventions and enforcement.

6.3 The public are at risk if the council does not provide an adequately resourced health and safety service.

6.4 As with any enforcement activity there is a risk of incurring costs, some of which may not be fully recovered.

6.5 Our work with local business, especially small and medium sized enterprises helps the local economy and business growth, thereby mitigating associated risks.

6.6 The work of the public health and protection service is considerably broad with the underlying theme of protecting the public. Therefore it is inevitable that in order to make best use of resources some work will be prioritised over other work. Sometimes the priorities afforded to work by officers using their professional judgement may not match the perceived priorities allocated by members of the public, and this mismatch can result in complaints to local councillors, MPs and the Ombudsman.

7 Security & Terrorism Implication(s)

7.1 Inspectors appointed under the Health and Safety at Work Act have a number of powers available to them, these powers alongside enforcement tools may be used to assist the council's role as a category 1 responder under the Civil Contingencies Act and assist with the mitigation of this risk.

8 Procurement Implication(s)

8.1 None directly arising from this report however at periods of high demand casual staff may be procured to assist with interventions.

¹ <https://www.sentencingcouncil.org.uk/wp-content/uploads/HS-offences-definitive-guideline-FINAL-web.pdf> accessed 10/03/2016

9 Climate Change Implication(s)

9.1 None directly arising from this report.

10 Link to Corporate Priorities

10.1 The subject of this report is linked to the Council's Corporate Priorities "Our Community", "Our Economy", and "Our Council", and specifically our objectives of safe communities, public health, value for money and equality and fairness it is also linked to statutory provisions under health and safety legislation.

11 Equality and Diversity

11.1 An Equality Impact Assessment (EIA) has been carried out in connection with the health and safety activities that are carried out by the council and no adverse differential impacts have been identified.

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Appendices

Appendix A – Health and Safety Service Plan 2018/19