

Subject: Health and Safety Enforcement
Strategy 2008-2011

Status: For Publication

Report to: Cabinet

Date: 3rd December 2008

Report of: Executive Director – Business

Portfolio

Holder: Communities and Neighbourhoods

Key Decision: Yes

Forward Plan

General Exception

Special Urgency

1. PURPOSE OF REPORT

1.1 The Local Authority has a statutory duty under Section 18 of the Health & Safety at Work etc. Act 1974 to make adequate arrangements for enforcement of that Act in relation to those premises or activities that fall within their area of responsibility. Compliance with the revised s18 Standard implies that those adequate arrangements have been made. The Strategy accompanying this report sets out how Rossendale Borough Council will comply with their duties and is in a format that enables readers to understand the purpose, priorities and method of working of the Health & Safety Enforcement service.

2. CORPORATE PRIORITIES

2.1 The matters discussed in this report impact directly on the following corporate priorities and associated corporate objective.

- Delivering Quality Services to Customers (Customers, Improvement)
- Improving health and well being across the Borough (Health, Housing)
- Well Managed Council (Improvement, Community Network)

3. RISK ASSESSMENT IMPLICATIONS

3.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:

a) Failure to make adequate arrangements for the enforcement of health & safety will prejudice the conditions under which employed people and the public are protected from risks to their health, safety and welfare.

b) Although the revised s18 Standard came into effect on 1st April 2008, it does not require immediate full compliance with its requirements. Instead, Local Authorities are required:

- From 1st April 2008, to work towards compliance with the requirements of the Standards, and
- From 31st March 2011, to comply fully with all the requirements of the Standard.

Failure to achieve compliance by 31st March 2011 could result in the Health & Safety Executive taking over our enforcement responsibility. This could also have an adverse effect on our CAA rating.

4. BACKGROUND AND OPTIONS

4.1 Rossendale Borough Council has the responsibility for ensuring that people in control of work activities within Rossendale are controlling risks from their work activities in relation to employees and the public generally. The Council is responsible for premises where the main activity is broadly as a:- retailer, caterer, wholesaler, recreation and entertainment, office, hotels and caravan site, club, religious premises and consumer services.

4.2 The Health and Safety Executive also has powers and duties in relation to premises within Rossendale. The enforcement responsibility is allocated between the two organizations according to Regulations. Generally, the Health and Safety Executive (HSE) is responsible for premises such as factories, Council activities, transport, domestic housing, agriculture, education, construction, Crown premises, medical premises, fairgrounds, forestry, home workers.

4.3 The s18 Standard, entitled "Making a Difference – A new Section 18 Standard for Health and Safety Enforcement", has been endorsed by LACORS. They have in turn published a booklet "Your Council's role in health and safety regulation" – a Councillor's Handbook, which provides more information.

4.4 The main local issues, in addition to the National priorities, that have been taken into account in the development of the Health and Safety Enforcement Strategy 2008-2011 are as follows:-

- Aims and objectives of the Corporate Plan 2008-2011
- Priority outcomes in the Sustainable Community Strategy 2008-2018
- Profile of Rossendale prepared by the Health & Safety Executive. This shows that the level of work-related working days lost due to ill-health or injury are both above the average for Great Britain and the North West region. The rate of over-three-day injuries to employees is also well above the Great Britain rate.
- There is a higher than average rate of incapacity benefit claimants in Rossendale compared with the England average
- There is anecdotal evidence of the existence of workers in an unregulated economy whereby employees are exposed to risks to their health, safety and welfare.

- 4.5 The proportion of small business i.e. those with less than 10 employees, is higher in Rossendale than the average for Great Britain and the North West. This implies that a larger proportion of the total number of employees are working in these smaller businesses. These businesses require a disproportionately higher level of resource in order to be reached than a few larger premises and with large number of employees. In addition, small businesses may find it more difficult to research and understand their health & safety responsibilities and therefore rely on the Local Authority as a source of impartial advice, information and support.
- 4.6 The health and wellbeing of Rossendale residents is lower than that of the majority of Local Authorities in England. A significant proportion of residents work outside the Borough but it is not known whether the health, safety and welfare of residents is better amongst those people working in Rossendale or working outside Rossendale.
- 4.7 This strategy has therefore been developed with these issues and questions in mind. In order to ensure that health and safety is maintained throughout Rossendale, the strategy also aims to embed a culture of sensible but effective health and safety compliance. This implies the reinforcement of an appropriate culture within businesses so that compliance is achieved on an ongoing basis and is built into the routine management systems of all businesses.
- 4.8 The following 6 strands describe the enforcement priorities which are elaborated in the strategy:-
1. We will target the inspection of premises that are inherently high risk
 2. We will target the inspection of premises that have a history of poor levels of compliance with legislation
 3. We will seek out those vulnerable workers in the hidden economy to ensure their risk is no greater than that experienced by other employees.
 4. We will target new entrants to the workforce to ensure their knowledge and behaviour is conducive to working in a safe and healthy workplace
 5. We will use the workplace as a setting for the understanding and delivery of healthy messages to contribute to the reduction of health inequalities
 6. We will aim to ensure sustainability of the enforcement function by working to create a supportive culture for health and safety within the workplace.
- The means by which enforcement priorities will be delivered are detailed in the Strategy.
- 4.9 The significance of health and safety enforcement has been reinforced by the enactment of the Health and Safety (Offences) Act 2008. This raised the maximum fine that can be imposed in the magistrate's court to £20,000 for most offences and a custodial sentence an option for more offences. This Act comes into force on 1st January 2009.

COMMENTS FROM STATUTORY OFFICERS:

5. SECTION 151 OFFICER

- 5.1 Implementation of Rossendale Borough Council Health & Safety Enforcement Strategy 2008-2011 will be met from existing budget resources.

6. MONITORING OFFICER

- 6.1 The Health & Safety Executive have published a revised s18 Standard. Compliance with the contents of this Standard is mandatory by 31 March 2011. This document will assist the Council in complying with the Legislation

7. HEAD OF PEOPLE AND ORGANISATIONAL DEVELOPMENT (ON BEHALF OF THE HEAD OF PAID SERVICE)

- 7.1 There are no HR implications.

8. CONCLUSION

- 8.1 The Health & Safety Executive have published a revised s18 Standard. Compliance with the contents of this Standard is mandatory by 31 March 2011. The Council's Health and Safety Enforcement Strategy 2008-2011 describes how Rossendale Borough Council will comply with its duties and also contribute to protecting and improving health generally and reducing health inequalities.

9. RECOMMENDATION(S)

- 9.1 That the Rossendale Borough Council Health & Safety Enforcement Strategy 2008-2011 be approved.

10. CONSULTATION CARRIED OUT

- 10.1 Consultation is currently underway with selected organizations, including those representing the local community and businesses. A verbal report will be given to Cabinet on the comments made and suggested responses.

11. EQUALITY IMPACT ASSESSMENT

Is an Equality Impact Assessment required Yes

Is an Equality Impact Assessment attached Yes

12. BIODIVERSITY IMPACT ASSESSMENT

Is a Biodiversity Impact Assessment required No

Is a Biodiversity Impact Assessment required No

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| Background Papers | |
| Document | Place of Inspection |
| Health & Safety at Work etc Act 1974 Making a Difference – A New Section 18 Standard for Health and Safety Enforcement.HSE. 2008 Your Council’s Role in health & safety regulation LACORS. 2008 | Environmental Health Service Stubbylee Hall Stubbylee Lane Bacup Lancashire OL13 0DE |