



Title: **Health and Safety Service Plan 2012/13**

Public Agenda Item: **Yes**

To: **Council/The Mayor**

Date: **12<sup>th</sup> July 2012**

Wards Affected: **All wards in Torbay**

Key Decision: **Yes Ref: I008930**

Change to Budget: **No**

Change to Policy Framework: **Yes**

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## **1. What are we trying to achieve?**

- 1.1 For Members to agree the contents of the Health and Safety Enforcement Service Plan, which is an annual requirement of the Health and Safety Executive (HSE). By approving this plan, Members will ensure that businesses, residents and the wider community of Torbay are continued to be provided with a suitable level of protection by the health and safety team.

### **Recommendation(s) for decision**

- 1.2 That the Health and Safety Service Plan 2012/13 set out at Appendix 1 to the submitted report be approved.

## **2. Reasons for recommendation(s)**

- 2.1 The production of the Health and Safety Enforcement Service Plan is a statutory requirement of the Health and Safety Executive and a requirement of the Councils Policy Framework.  
The plan adheres to the guidance produced by the Health and Safety Executive and is a factual account of this statutory service.
- 2.2 During 2011/12, a piece of work has reaffirmed its compliance to ensure that the health and safety enforcement work carried out by the Commercial Team is compliant with new Section 18 Guidance as required by the Health and Safety Executive. A number of focused interventions were also carried out in 2011/12 which included a pilot project in relation to gas safety in commercial food premises as this is a recognised area which can often be neglected by businesses. Of the premises included in this pilot 70% were found to be non compliant and the necessary action was taken to achieve compliance in these premises. As a result of this pilot gas safety has been prioritised for 2012/13.

Work was also carried out on tanning salons in Torbay to ensure that the level of UV radiation was in line with World Health Organisation guidelines, the majority were found to be compliant and additional support was provided for businesses who did not comply.

- 2.3 As part of the Government's plans to reform the health and safety system in the UK Lord Young's report on health and safety enforcement 'Common Sense Common Safety' was published in 2010 along with the Lofstedt report in 2011. The aim of both reports was to free businesses from the unnecessary burden of red tape whilst at the same time maintaining the progress made on health and safety outcomes. The Business Unit has continued to both assist and engage with local businesses to facilitate their compliance with health and safety standards without significant financial burden, this has meant an increased emphasis on web based sector support for businesses which is relevant to them and needed by them. The Commercial Team already operate a sensible risk management system and already offer a considerable amount of advice and support to businesses and the contents of Lord Young's and the Lofstedt report has reaffirmed our commitment to taking this approach. In support of this, the department continues to promote the Safer Workplace Better Business pack produced by Torbay in partnership with other Devon Authorities. This has been written for small and medium sized businesses that once read and completed will provide a basic level of compliance with the requirements of the Health and Safety. This pack is available on the Council's website for all businesses to download.

### **3. Other options considered**

- 3.1 No other options considered as statutory plan.

### **4. Combined Impact Assessment (CIA)**

The CIA is a tool which helps officers to fully consider the impact of the proposed decisions on the community.

I confirm that a Combined Impact Assessment has been completed and is available as a background document on request from the report author.

**For more detailed information on this proposal please refer to the supporting information attached.**

**Frances Hughes**  
**Executive Head of Community Safety**

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## **Supporting Information**

### **5. Introduction and History**

- 5.1 In September 2001, the Health and Safety Commission (HSC) issued mandatory guidance to Local Authorities on how they must implement adequate arrangements for the enforcement of health and safety law and to perform those duties in accordance with guidance from the HSC. The Health and Safety Commission has recently amalgamated with the Health and Safety Executive (HSE). These requirements were issued under Section 18 of the

Health and Safety at Work etc Act 1974. The requirements included a range of issues against which Local Authorities would be measured. One of these requirements was to produce “a service plan detailing the Local Authorities priorities and its aims and objectives for the enforcement of health and safety.”

5.2 The guidance requires that the Service Plan includes information on the following:

- future objectives and major issues that cross service boundaries;
- key programmes, including a planned inspection programme in the context of current regional plans and strategies;
- information on the service that is being provided;
- the means by which these services are going to be provided;
- any performance targets and how they will be achieved; and
- a review of performance to address any variance from meeting the requirements of the service plan.

5.3 As well as specifying the need for a Service Plan, the guidance also requires:

- a clear published statement of enforcement policy and practice;
- a system for prioritised, planned inspection activity according to hazard and risk, and consistent with any advice given by the Health and Safety Executive and Local Authorities Enforcement Liaison Committee (HELA);
- the capacity to investigate workplace accidents and to respond to complaints by employees and others against allegations of health and safety failures;
- arrangements for benchmarking performance with peer Local Authorities;
- provision of a trained and competent inspectorate; and
- arrangements for liaison and co-operation in respect of the Primary Authority Scheme.

The responsibility for health and safety enforcement lies with the Commercial Team within the Community Safety Business Unit.

5.4 The Service Plan highlights the pressures on this statutory service from:

- the Health and Safety Executive in terms of qualitative and quantitative targets.
- businesses and consumers in Torbay, as part of the service is demand led;
- competition for increasingly limited resources within the team, against, for example, Food Standards Agency requirements, other demand led services, need to ensure continuing competencies of Officers in the full range of services delivered; and
- the Health and Safety Authority is also a prescribed statutory consultee under the Licensing Act 2003.

5.5 From the 1<sup>st</sup> April 2012 a pilot utilising officers from the Commercial Team started with Trading Standards Officers gathering intelligence for other teams whilst undertaking their routine inspections. This has resulted in more efficient working. This is achieving better integration of the different services

at the front line, providing a more business friendly support service, offering advice and support to business. This has also lead to better intelligence sharing so inspections and interventions are targeted at higher risk businesses.

- 5.6 Better intelligence allows the better managed premises to be trusted to implement the officers advice, while poorer performing premises, generally with a record of poor compliance, will be prioritised for further inspections, so making the 'playing field' more even and improving the overall safety of premises.
- 5.7 At the end of April 2012 new guidance from the HSE has reaffirmed the councils approach to intelligence led interventions meaning that the number of full inspections will be limited to high risk premises and other lower risk premises will be dealt with by different interventions such as targeted topic specific inspections e.g. gas safety, asbestos.

## **6. Summary of Combined Impact Assessment**

### **6.1 Equalities, Consultation and Engagement**

In relation to the Council's requirement to have due regard to eliminating discrimination, advancing equality of opportunity and fostering good relations the Combined Impact Assessment outlined the following potential consultation and equalities implications and impacts. Most of the work contained in this service plan is of a statutory nature so consultation in these areas is limited however the views of different sectors of the business community are gathered during inspections and then any necessary changes made such as providing information in other languages etc. The Business Unit produces a bi annual food and safety newsletter which is produced both in paper and electronic format to ensure it is accessible to all. As the Business Unit undertakes health and safety work in a wide range of businesses such as residential homes and children's nurseries, the proposals in this report will have a positive impact on the elderly and young within our society.

### **6.2 Environment**

The issue has been analysed in light of implications against the following environmental criteria:

- energy and carbon;
- sea level rise and extreme weather events;
- natural environment;
- built environment; and
- waste and water.

(a) No issues have been identified in this section.

### **6.3 Economic Development**

The issue has been analysed in light of the impacts against the following criteria:

- economic growth of Torbay;
  - perception of Torbay as a place to invest;
  - promotion of new employment opportunities in Torbay;
  - promotion of higher value economic activity in Torbay; and reduction of economic deprivation in Torbay
- (a) The programme of risk based inspections has meant that businesses are being encouraged to perform well in the area of health and safety thereby hopefully promoting good business sense encouraging economic growth, this provides a level playing field for all businesses as small independent businesses are capable of achieving the same standard as a large national company.
  - Safe well run businesses help to promote the Bay as a safe, healthy place to visit, live and work in.

The Health and Safety Service provides guidance to new start up businesses setting up in the Bay and are often the first point of contact for the prospective business owner. The service encourages businesses to get it right first time ensuring compliance and a safe well run business.

#### **6.4 Identified Risks**

- (a) No key risks identified.

**6.5** In light of 6.1 to 6.4 above, the following course of action is recommended:

**Outcome 1: No major change required** - CIA has not identified any potential for adverse impact in relation to equalities, the environment and economic development and all opportunities to promote equality, the environment and economic development have been taken.

#### **7. Summary of resource implications**

7.1 The Health and Safety Service Plan presented is within the current budget allocated to the service.

#### **Documents available in members' rooms**

None

#### **Background Papers**

The following documents/files were used to compile this report:

- Combined Impact Assessment (CIA)
- Community Plan 2011 onwards

#### **Appendices**

Appendix 1 Health and Safety Service Plan 2012/13