

---

## **HEALTH AND SAFETY ENFORCEMENT**

### **1 SUMMARY**

- 1.1 To advise Members of the requirements of new guidance on local authority health and safety enforcement issued by the Health and Safety Commission (HSC).
- 1.2 Compliance with the guidance is mandatory.

### **2 LOCAL AUTHORITY ENFORCEMENT**

- 2.1 Enforcement of the Health and Safety at Work etc. Act 1974 (the 1974 Act) and associated legislation is divided between the Health and Safety Executive (HSE), which tends to deal with higher risk activities such as manufacturing and construction sites and Local Authorities who enforce in shops, offices, catering establishments, consumer services and a range of other relatively lower risk activities.
- 2.2 The powers available to Local Authority inspectors and the standards to which they are expected to conform are the same as for HSE inspectors. All enforcement activity is overseen by the Health and Safety Commission (HSC).
- 2.3 The 1974 Act requires that Local Authorities perform their duties in accordance with guidance from HSC. Revised Guidance was issued in September 2001 which includes requirements dealing with:-
- enforcement policy and procedures,
  - prioritised planning,
  - service planning,
  - audit and action plan,
  - staff training and competence,
  - Lead Authority Partnership Schemes.

Copies of the Guidance have been placed in the Members' Rooms.

- 2.4 In the view of HSC, the following elements are essential for a local authority to adequately discharge its duty as an enforcing authority:-
- 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 & Local Authorities Enforcement Liaison Committee (HELA),
  - a service plan detailing the local authority's priorities and its aims and objectives for the enforcement of health and safety,
  - the capacity to investigate workplace accidents and to respond to complaints by employees and others,
  - arrangements for benchmarking performance with peer local authorities,
  - provision of a trained and competent inspectorate,
  - arrangements for liaison and co-operation in respect of the Lead Authority Partnership Scheme.

### **3 DISCUSSION**

- 3.1 Previous reports to this Committee have highlighted the difficulties that the Council faces in balancing the competing demands on enforcement resources, particularly given the high profile nationally of food safety activities. It is a number of years since the section dealing with these types of commercial enforcement activities has had a full establishment of experienced staff. In the meantime, priority has been given to maintaining other areas of work, including food safety, animal welfare, control of trading, pollution control etc. Members agreed in 1998 that planned health and safety enforcement inspections would be resumed when resources allow but, so far, it has only been possible to carry out a very small number of planned inspections. Other work, such as the investigation of complaints about health and safety issues and accidents has continued to be dealt with.
- 3.2 There is a national drive to raise the profile and importance of workplace health and safety, and higher performance in enforcement activities is an essential part of this.
- 3.3 Health and safety enforcement forms part of the Council's Best Value review of 'Public Regulation, Inspection and Protection' which is due to start soon. The review will clearly have to consider ways in which the recurrent difficulties of resourcing an adequate enforcement programme can be addressed.
- 3.4 HSC, through the Health and Safety Executive Local Authority Unit, will be conducting an audit of all local authority enforcement. It is anticipated that Rochford will be audited during the course of the Best

---

Value Review because of the low number of planned, preventative inspections carried out.

**4 LEGAL IMPLICATIONS**

- 4.1 Enforcement of health and safety law in premises allocated to local authorities is a statutory duty, as is compliance with HSC Guidance.
- 4.2 The HSC has default powers where a local authority fails to meet its legal obligations.

**5 RESOURCE IMPLICATIONS**

- 5.1 The options for improving performance, and the resource implications, will need to be considered as part of the Best Value Review.

**6 RECOMMENDATION**

- 6.1 It is proposed that this Committee RESOLVES

That the best value review of Public Regulation Inspection and Protection includes consideration of options to improve performance in health and safety enforcement, along with any resource implications.

G P Woolhouse

Head of Housing, Health & Community Care

---

**Background Papers:**

Health and Safety in Local Authority Enforced Sectors – Section 18 HSC Guidance to Local Authorities.

For further information please contact G P Woolhouse on:-

Tel:- 01702 546366, Ext. 3300  
E-Mail:- [graham.woolhouse@rochford.gov.uk](mailto:graham.woolhouse@rochford.gov.uk)