
HEALTH AND SAFETY ENFORCEMENT

1 SUMMARY

- 1.1 To report on the issues raised by a recent audit of the Council's health and safety enforcement function.

2 BACKGROUND

- 2.1 The requirements of revised statutory guidance from the Health & Safety Commission (HSC) were reported to the Community Services Committee on 5 February 2002. It is a legal requirement that local authorities perform their enforcement duties in accordance with such guidance.
- 2.2 That Committee report highlighted the issues that the Council faces in balancing competing demands for enforcement resources, and it was resolved that the Best Value Review of public regulation, inspection and protection services includes consideration of options to improve performance in health and safety enforcement, and calculates resource implications (Min 35/02). That review is currently in progress, with a target date of March 2003 for completion.
- 2.3 As was anticipated in the report, the Health and Safety Executive Local Authority Unit has now conducted an audit of the way the Council carries out its enforcement activities.

3 AUDIT FINDINGS

- 3.1 Following the audit, which took place in late March, a draft report has been received. A number of points of accuracy and interpretation have been challenged and responses are still awaited.
- 3.2 The main general conclusions are:-
- the Division has an enforcement policy and Officers carry out targeted transparent and proportional enforcement action
 - investigations are carried out effectively and staff are competent

However,

- the authority does not have an effective risk-based programme of health & safety activity – this relates mainly to the carrying out of planned inspections

- the database of premises for which the Council has enforcement responsibility is not as up-to-date as it could be, which prevents an effective priority planning system for inspections – in reality, the carrying out of inspections and the maintenance of an accurate database are closely linked.
- the authority needs to ensure it has sufficient resources to achieve its programme of inspections
- more peer review and benchmarking between Officers and with other authorities should be undertaken to promote consistency.

4 NEXT STEPS

- 4.1 It is anticipated that once responses are received to the questions raised on the draft report, there will follow a short period of discussion, leading to the production of the final report.
- 4.2 An action plan will then have to be developed to implement the recommendations contained in the final report. Identifying the resources needed to achieve and sustain any required improvements will be essential, and this is likely to need to be considered ahead of the conclusion of the Best Value Review of public regulation, inspection and protection services.
- 4.3 Progress against the action plan will have to be reported to the Health & Safety Executive at six monthly intervals.

5 RESOURCE IMPLICATIONS

- 5.1 At this stage it is not possible to fully identify the resource implications needed but this will be done once the report has been finalised.
- 5.2 However, an issue that has emerged from the audit is around the interpretation of standards and processes under the law and the competition for resources around the application of these standards and processes; in effect, what is reasonable in the circumstances.

6 LEGAL IMPLICATIONS

- 6.1 The law requires that the Council complies with the guidance issued by the HSC.
- 6.2 If a local authority fails to meet these obligations, the Secretary of State may hold a local enquiry and may declare an authority to be in default. He may order the local authority to perform the functions in a specified manner and may transfer enforcement responsibility to the Health & Safety Executive, with the expenses being paid by the defaulting authority.

7 RECOMMENDATION

7.1 It is proposed that:-

A further report be brought to this Committee with an action plan once the enforcement report has been finalised, to include details of the resource requirements required to achieve and sustain any improved level of performance specified.

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Background Papers:

Health & Safety in local authority enforced sectors. Section 18 HSC Guidance to Local Authorities.

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