

**Public**  
**Key Decision - No**

## **HUNTINGDONSHIRE DISTRICT COUNCIL**

**Title/Subject Matter:** Service Plan for Health & Safety Regulation

**Meeting/Date:** Licensing and Protection Committee – 11<sup>th</sup> March 2020

**Executive Portfolio:** Executive Councillor for Operations and Regulation – Cllr K Prentice

**Report by:** Acting Operational Manager – M.Bebbington

**Ward(s) affected:** All

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### **Executive Summary:**

Huntingdonshire District Council is a health and safety enforcing authority. The Health and Safety Executive (HSE) is the national regulator for health and safety and requires every local authority to outline how it will fulfil its duty “to make adequate arrangements for the enforcement of the relevant statutory provisions within its area”. This requirement is supported by the National Local Authority Enforcement Code and Local Authority Circular (LAC) 67/2 (Revision 9).

### **Recommendation(s):**

Members are requested to:-

1. Comment on, and if in agreement approve the “Service Plan for Health and Safety Regulation 2020-21 in accordance with the Council’s constitution
2. If in agreement with the approval of the service plan, delegate to the Operational Manager the ability to update the 2019-20 performance data within the service plan prior to publication

## **1. PURPOSE OF THE REPORT**

- 1.1 The report formally presents the Service Plan for Health and Safety Enforcement 2020-21 (Appendix 1) to the Licensing and Protection Committee. It invites their comments and their approval of the plan. This enables the Council to discharge its duty as an enforcing authority for Health and Safety regulation.

- 1.2 The Council's role as a health and safety regulator is delivered by the Business Team of the Community Division. The purpose of the Service Plan is to explain how that service will be delivered. It also details the resources required to deliver the service, together with a review of the previous year's performance.

## **2. WHY IS THIS REPORT NECESSARY/BACKGROUND**

- 2.1 Huntingdonshire District Huntingdonshire District Council is a health and safety enforcing authority. The Health and Safety Executive (HSE) is the national regulator for health and safety and it requires all local authorities to outline how it will fulfil its duty "to make adequate arrangements for the enforcement of the relevant statutory provision within its area". The requirement is supported by the National Local Authority Enforcement Code and the Local Authority Circular 67/2 (Revision 9).
- 2.2 The work plan priorities are guided by the content of Local Authority Circular 67/2 (rev 9), the National Local Authority Enforcement Code and the HSE's Helping Britain Work Well Strategy. Whilst the primary responsibility for managing health and safety risks lies with the business that creates the risk, regulators have an important role in ensuring the effective and proportionate management of risks, supporting business, protecting communities and contributing to the wider public health agenda.

## **3. OPTIONS /ANALYSIS**

- 3.1 The service has considered the National Enforcement Code, the Corporate Plan 2018-22 and the predicted 2020-21 workload based upon commitments, resources and work delivered since 1 April 2019. The plan highlights that accidents and complaints are still being received by the service and that they are being responded to in an appropriate manner. Due to significant staffing vacancies proactive planned inspections have been minimal however proactive inspection of local businesses that are carrying out higher risk activities will be resumed once recruitment has taken place and will be in accordance with national and/or local priorities.
- 3.2 The workplan priorities are guided by the content of Local Authority Circular 67/2 (rev 9), the National Local Authority Enforcement Code and the HSE's Helping Britain Work Well Strategy. Whilst the primary responsibility for managing health and safety risks lies with the business that creates the risk, regulators have an important role in ensuring the effective and proportionate management of risks, supporting business, protecting communities and contributing to the wider public health agenda.
- 3.3 Key priorities for the coming year include.
- Procurement of a new Environmental Health office management system and development of a project plan to implement and migrate data to the new system including

training for staff and updating procedures. This project may span over more than one year.

- Health and Safety advice will be given through engagement with the Event Safety Advisory group and Better Business for All project
- A risk-based approach to complaint handling and incident selection criteria will continue to select relevant incidents and complaints for investigation.
- The continued drive to simplify regulation and ensure that employers are aware of their responsibility is a continuing thread of government policy. This is demonstrated by the Better Business for All scheme which we actively contribute to. Its aim is to demystify aspects of the law and give businesses a better grasp of what “good enough to meet compliance obligations” looks like. Whilst promoting revised HSE guidance on securing competent advice, emphasis is also be placed on how smaller, lower risk businesses can “do” health and safety for themselves.

#### **4. KEY IMPACTS / RISKS**

- 4.1 The failure to monitor the delivery of the approved Service Plans could invite criticism from the Health and Safety Executive in their capacity as the national regulators. This in turn could result in contact from the HSE’s Local Authority Unit. The plan must be resourced and should only target proactive inspection at those premises identified within the highest priority sectors, known as the list (Annex B LAC67/2(revision 9)).
- 4.2 The continuing vacancies in the team have significantly impacted on the delivery of the service in respect of proactive activities. This is accentuated by the lack of suitable and qualified EHO`s nationally.
- 4.3 The now imminent departure for the EU is likely to have, as of yet, a largely unknown impact on how we deliver the service, however, it is widely anticipated that there will be additional requirements placed upon local authorities.
- 4.4 The implementation of a new EH software package that will allow more agile working and streamline current processes is underway, data cleansing and Data migration and cleansing as part of the implementation will have a resource implication for the team over the coming year.

#### **5. ACTIONS – PROGRESS AGAINST APPROVED PLANS**

- 5.1 The service plan will be delivered during the 2020-21 financial year and will be delivered alongside the Business Team`s other core functions of food safety and licensing.

#### **6. LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND/OR CORPORATE OBJECTIVES**

6.1 Service plan promotes the Council's Corporate Plan and the strategic priorities

## **7. CONSULTATION**

7.1 No consultations required as part of this report.

## **8. LEGAL IMPLICATIONS**

8.1 The HSE has a key role as the national regulator in overseeing health and safety regulation undertaken by local authorities.

8.2 The HSE's National Local Enforcement Code recognises that service plans are an important part of the process to ensure that national priorities and standards are addressed and delivered locally.

8.3 This plan replaces the Service Plan for 2019-20 and identifies the priorities for Huntingdonshire District Council in delivering this statutory function. Service Plans must include a review of performance in order to consider any variances from meeting the requirements of the service plan and to identify areas for improvement.

## **9. RESOURCE IMPLICATIONS**

9.1 The budget for 2020-21 remains largely the same as that for 2019-20 although there is growth of 1% in the salary allocation.

## **10. OTHER IMPLICATIONS**

10.1 The HSE expects local authorities to carry out regulatory activity in an effective, risk based, proportionate and consistent way. The production, publication and delivery of the Service Plan will set out how we meet those expectations.

## **11. REASONS FOR THE RECOMMENDED DECISIONS**

11.1 Huntingdonshire District Council is required to produce and approve a Health and Safety Service Plan. This Provisional Plan gives the Committee an opportunity to comment on the priorities identified and shape delivery of the service within approved resources.

## **12. LIST OF APPENDICES INCLUDED**

Appendix 1 – Draft Service Plan for Health & Safety Regulation 2020-21

## **CONTACT OFFICER**

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