

Report to: **Executive**
Date: **4 April 2006**
Report of: **Executive Member for Health**
Subject: **The 'Local Authorities and Health and Safety Executive Working Together' Programme**
Ward: **All**

1. Purpose of the Report

This report seeks approval to sign up to the 'statement of intent' (Annex 1), in support of the 'Working Together in partnership with the Health and Safety Executive' initiative. The Health & Safety Executive (HSE), the Health & Safety Commission (HSC), and local authority representative bodies agreed the statement of intent in July 2004. It sets out the high-level commitments aimed at improving the enforcement of the Health and Safety at Work etc. Act, and related laws.

Subject to agreement, it is proposed that a delegation from the District of Easington attend a countywide event with the Health & Safety Executive (HSE) and other supporting authorities in County Durham to promote the signing of the agreement. The event has provisionally been scheduled for the afternoon of 27th April 2006 at Lumley Castle.

2. Consultation

Consultation has been undertaken with the Executive Member for Health, the Partnership Manager from the Health and Safety Executive and staff in the Environmental Health and Licensing Unit, the council's Monitoring Officer, and Management Team who have agreed the proposals.

3. Background

The council has a statutory duty to enforce health and safety law in certain types of premises within the district such as offices, shops and warehouses.

The Health and Safety Commission (HSC) provides policy and guidance on how the Health and Safety at Work etc. Act 1974 is enforced in England.

Within the District of Easington, responsibility for the enforcement of the health and safety law is divided between the Health and Safety Executive (HSE) and the council's Environmental Health and Licensing Unit.

Guidance issued by the HSC under section 18 of the Health and Safety at Work etc. Act 1974, sets out minimum standards for service delivery, and requires that Local Authorities produce an annual health and safety service plan. The guidance also requires Local authorities to submit annual returns to the HSE. Failure to meet the minimum requirements set out in the section 18 guidance may subject the authority to a local enquiry, and transferral of the authority's enforcement functions to the HSE.

Enforcement responsibility is allocated by regulations but generally, the HSE have responsibility for industries where there is a high risk of worker injury, including mining, manufacturing, transport and the NHS. The council has responsibility for the service and retail sectors where there is a much lower risk of worker injury, but where workplace deaths and injuries involving the public may be at a high level.

Developing an effective partnership between local government and HSE is one of the strategic themes of the Health and Safety Commission's (HSC) 'Strategy for Workplace Health and Safety in Great Britain to 2010 and beyond'.

The 'Statement of Intent' sets out 7 points on how a partnership approach to the enforcement of health and safety law can be achieved. They include:

- working in partnership
- having a joint approach on how the partnership will work
- improving communications between the partners
- sharing information
- examining the legal framework
- developing arrangements for monitoring the work of the enforcing authorities, and
- working with other government departments.

4. Position Statement and Option Appraisal

The HSC's strategy envisages a significant change in how the Health and Safety Executive (HSE) and Local Authorities (LAs), work together. The aim is to make them collectively more effective in improving health and safety and in reducing the incidence of injuries and ill health in the workplaces for which they are responsible.

HSC has asked the HSE and LAs together to establish a Strategic Programme that would, over 15-18 months, develop and deliver the detailed arrangements for working together in an effective partnership.

The Commission are actively promoting the 'Local Authorities and HSE Working Together' Strategic Programme, and to supplement the national 'Statement of Intent', they are seeking support from individual authorities to sign up to the agreement.

Part of the local action plan will seek to provide opportunities for front line officers from Easington to take part in joint training initiatives with their HSE counterparts, which is seen as a beneficial first step to closer working.

The training initiatives together with changes in national guidance on inspection programmes will allow the council's officers to deliver national priorities at a local level. As the council has limited inspection resources, this will help the council focus resources away from lower risk premises to initiatives aimed at reducing the numbers of injuries in businesses within the district.

It is intended that partnership working with the HSE will help share strengths and minimise weaknesses:

Item no.

	HSE	Local Authorities
Strengths	National body, with substantial central support and expertise Health and Safety is the only responsibility Extremely well-developed internal communications system	Local knowledge and local bases for inspectors Substantial experience of working in partnership. Priorities can be adapted to suit local needs, although we're expected to follow national priorities too
Weaknesses	Inspectors may work significant distances away from base Limited knowledge of localities Priorities set nationally and can be slow to change National priorities do not reflect many NHS and local priorities	Resources vary considerably between Councils Potential for inconsistency between Councils No regional resource for training and expertise. Difficult for local authority priorities to end up as national priorities

Anticipated benefits include:

- Access to HSE central training and laboratory resources
- HSE inspectors may gain access to local authority office facilities when away from base
- Easington's officers and HSE inspectors will be able to work with an increased amount of cooperation and support through shared knowledge, skills and data
- Easington's priorities will be more readily fed into the national priorities
- Improvements to the safety of workers, visitors, and customers within the district of Easington

There are therefore 2 options to consider:

- Local Authorities work separately to the HSE
- Local Authorities sign the up to the statement of intent and agree to work together with the HSE

It is proposed that the District of Easington signs up to the statement of intent.

5. Implications

5.1 Financial

Guidance issued by the HSE allows Local authorities to prioritise work by removing a requirement to inspect some lower risk premises in favour of the priority partnership areas of work. There are therefore no additional financial implications above normal service delivery.

5.2 Legal

The enforcement of health and safety law is a statutory function. Guidance issued by the HSC under section 18 of the Health and Safety at Work etc. Act 1974, which sets out minimum standards for service delivery, requires that Local Authorities produce an annual health and safety service plan. The guidance also requires Local authorities to submit annual returns to the HSE.

Failure to meet the minimum requirements set out in the section 18 guidance may subject the authority to a local enquiry, and transferral of the authority's enforcement functions to the HSE.

5.3 Policy

Signing up to the statement will inform council policy on partnership working with the HSE.

5.4 Risk

A risk assessment has been carried out.

5.5 Communication

Subject to member approval the council's Communications and Marketing Team will be informed in order to publicise the signing up event.

5.6 Corporate Implications

Service plan

Intended projects for partnership working will be built into the service plan for 2006-7. The delivery of the Health and Safety Enforcement Service contributes to the authority's key objectives: 'Making the District Safe' and 'Building a Healthy Community'

Performance Management and Scrutiny

Performance against the service plan will be reported to Service Delivery Scrutiny Committee as part of the Environmental Health and Licensing Managers report.

6.0 Recommendations

It is therefore recommended that members agree to sign up the 'statement of intent' (Annex 1) in support of the 'Working Together in partnership with the Health and Safety Executive' initiative.

It is further recommended that an elected member be nominated to attend the signing event, and sign the statement of intent on behalf of the authority.

DOCS:

The following documents are available from the commercial enforcement team:

- The HSC's strategy for workplace health and safety in Great Britain to 2010 and beyond.
- Local Authority Health and Safety Regulation – An Elected Members Handbook.

