

WORKPLACE SAFETY LAW ENFORCEMENT PLAN 2011-12

1. SUMMARY

- 1.1** The Council provides a statutory workplace safety law enforcement service in terms of the Health and Safety at Work etc Act 1974, undertaking similar work to that of the Health and Safety Executive, albeit with different business sectors. The enforcement duty of the local authority is undertaken by environmental health staff within Regulatory Services.
- 1.2** The Council is required in terms of the Section 18 Guidance issued by the Health and Safety Executive to formally approve a workplace safety law enforcement plan annually. This report presents the Workplace Health and Safety Law Enforcement Plan 2011-12 and the Enforcement Policy, for approval by the Committee.

2. RECOMMENDATIONS

- 2.1** Members approve the attached plan and the enforcement policy relating to Workplace Health and Safety Law Enforcement which details the service priorities for 2011-12 and note the drive to revitalise health and safety enforcement in Argyll and Bute Council.

3. WORKPLACE SAFETY LAW ENFORCEMENT

- 3.1** The work undertaken to assess and regulate standards of health and safety and welfare in the workplace is an important element of the work of the environmental health service as it provides for the protection not only of employees but of self-employed persons and members of the public.
- 3.2** Enforcement activity is expected of an enforcement service. Members will be aware of the Service's prevailing policy and approach which seeks to ensure that any enforcement action is proportional to the risk, statutory compliance; the record of the business (eg, previous history, management standards, etc) and the severity of the non-compliance. The Service is not, therefore, exclusively about formal enforcement but about working with businesses through the provision of support, guidance and information to ensure regulatory compliance

- 3.3** A risk-based approach is in place with resources being focused on the areas of greatest risk. We seek to achieve compliance with regulatory requirements by supporting business through the provision of advice, support and guidance on sensible risk management to ensure that risks to health and safety are controlled. This work includes the inspection/audit of businesses, the investigation of accidents or reported incidents and through our alternative enforcement plan (e.g. specific projects, information and advice etc.)
- 3.4** The Workplace Health and Safety Law Enforcement Policy has been reviewed and there are NO changes from the Policies agreed by Members in April 2010. Members should note that all policies and procedures for health and safety will be reviewed in detail as part of our work required to demonstrate compliance with the revised Section 18 Guidance.

4. CHALLENGES

- 4.1** Last year, I reported that there was a national drive to revitalise health and safety enforcement and this is set against a background of reducing the burden of regulation on business and also budget savings within the Health and Safety Executive. There is an increased level of partnership working between the Health and safety and Local Authorities (as enforcement agencies) and this will be further developed in the coming years.
- 4.2** A challenge for Argyll and Bute has been the need to review the service against the national Section 18 Guidance which considers the design of our enforcement services. Whilst we have policies and procedures in place and have a focus on high risk premises, we have not achieved our alternative enforcement strategy which is aimed at providing businesses generally with information to allow them to better manage their business against the health and safety demands.
- 4.3** The recent service review of Regulatory Services has addressed this issue through the redesign of posts and responsibilities. We have now an allocated resource to focus on health and safety enforcement across the service, and to undertake alternative enforcement activities across regulatory Services. This will ensure that we deliver the Section 18 workplan, improve regulation, protect the public, support business and modernise health and safety enforcement in Argyll and Bute.

5. CONCLUSIONS

- 5.1** The service as part of the service review process and efficiencies, has managed to implement new arrangements which will provide a greater focus on and “modernise” health and safety enforcement within Argyll and Bute
- 5.1** The Council is required to formally approve its Workplace Safety Law Enforcement Plan each year. The attached Plan provides the basis of the work of Environmental Health function for 2011-12.

6. IMPLICATIONS

Policy : None

Financial : None

Personnel : None

Equal Opportunities None



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LIST OF BACKGROUND PAPERS :

Argyll and Bute Councils Workplace Health and Safety Law Enforcement Plan 2011-12
Argyll and Bute Councils Workplace Health and Safety Law Enforcement Policy