

Health and Safety Intervention Plan (reviewed 2021/2022)

REPORT TO EXECUTIVE



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PORTFOLIO	Community & Environmental Services
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PURPOSE

1. The Council's regulatory team responsible for Health & Safety at Work enforcement must have in place an intervention plan to meet the requirements of statutory guidance. This report formally consults the Committee on the plans prior to their approval at Full Council.

RECOMMENDATION

2. Executive recommends to Full Council to approve the Health and Safety Intervention Plan (reviewed 2021/2022), detailed at Appendix 1 to this report.

REASONS FOR RECOMMENDATION

3. Section 18 of the Health & Safety at Work Act 1974 and the subsequent National Local Authority Enforcement Code for Health and Safety (The Code) provides a framework within which the Environmental Health & Licensing Team must operate when carrying out its public protection duties within workplaces. The framework requires the Council to have plans in place to control these activities, and mechanisms for review. The intervention plan appended to this report has been prepared to satisfy the statutory requirements.

SUMMARY OF KEY POINTS

4. The Health & Safety Intervention Plan has been produced to outline the health and safety regulation duties undertaken by Burnley Borough Council's health and safety team. The regulation of health and safety is split between local authority (LA) regulators and the Health and Safety Executive (HSE), the businesses we regulate as the LA are mostly in the service sector and include offices, shops, restaurants, care homes, hotels, tyre and exhaust fitters and warehouses. The HSE regulate health & safety in factories, hospitals, council run premises, schools, colleges, construction and agricultural premises.
5. The approach to health and safety regulation changed significantly in 2013, following the Red Tape Challenge on health and safety. The changes resulted in the National Local

Authority Enforcement Code for Health and Safety which is designed to ensure that LA health and safety regulators take a more consistent and proportionate approach to their regulatory interventions. Responsibility for managing health and safety risks lies with the businesses who create the risk, however, health and safety regulators an important role in ensuring the effective and proportionate management of risks, supporting business, protecting their communities and contributing to the wider public health agenda.

Interventions carried out in 2020/2021 - Coronavirus pandemic

The COVID19 pandemic in 2022/21 dominated Environmental Health and Licensing activity. Officers in all teams worked hard to support and advise businesses in the borough on the `working safely` guidance. Since the start of the pandemic Environmental Health & Licensing officers along with covid officer colleagues have carried out over 2,300 interventions with businesses in Burnley. This includes; visits, inspections, advice, guidance updates with specific emails, letters and telephone calls. Officers have dealt with hundreds of requests for advice from businesses and the public on The Health Protection (Coronavirus Restrictions) Regulations, in addition to working with Public Health England and Lancashire Health Protection colleagues to investigate and manage workplace outbreaks. Burnley Council also worked with the HSE to deliver `Spot Checks` on businesses throughout the Borough to check compliance with working safely guidance.

Recovery plans are now in place and as we approach the end of 2021 we are preparing to get back to `business as usual` and to start to pick up interventions listed as national priorities such as; falls from heights and violence in the workplace.

The 2021 LAC 67-2 guidance for Local Authorities on Interventions provides enforcement targeting advice based on a philosophy of using local and national intelligence to identify issues of greatest priority and possible poor performance. This approach remains just as valid during the current Coronavirus pandemic. Although there have been significant recent scientific developments, it is still unclear as to when enforcement priorities can revert completely back to business as usual.

The HSE recognises the need for LAs to prioritise regulatory resources and where appropriate, shift the focus to Coronavirus related health and safety activities. They recommend LAs continue raising awareness of suitable workplace Coronavirus controls, engaging with and following up those duty holders failing to take appropriate Coronavirus related measures in the workplace. In addition to dealing with pandemic related issues it is important for LAs to remain focussed on also ensuring that `traditional` workplace health and safety issues of major concern are not ignored, e.g. work related major or fatal injuries.

This is a particular balance for the Council, considering the current national concerns of the rise in Coronavirus cases (known as the Omicron Variant). At the end of December 2021, Local Authorities received an indication that further details in early 2022 may follow from the Secretary of State for the Department for Levelling up, Housing and Communities (DLUHC) on the potential regulatory services that could be re-prioritised by Council's due to current national concerns of the rise in Omicron cases. At this stage it is unknown as to whether the work outlined in the Health and Safety At Work Intervention Plan will be affected. The Council will, however, continue to work with the relevant Government agencies on this, should this work be re-prioritised.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

6. Health and Safety regulation is a core statutory service delivered by the Environmental Health & Licensing Team, under contract to Liberata UK Ltd and within existing operational budgets.

POLICY IMPLICATIONS

7. As national regulators the Health & Safety Commission set and monitor national standards. The framework for local plans is prescribed to ensure “official controls” are consistently delivered across the country. Through audit, they monitor local authorities to ensure that local controls are effective, and they have intervention powers where delivery fails to meet the required standard.

DETAILS OF CONSULTATION

8. Scrutiny and Executive will be consulted prior to Full Council decision

BACKGROUND PAPERS

9. None

FURTHER INFORMATION

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