

**OCCUPATIONAL HEALTH & SAFETY LAW ENFORCEMENT PLAN 2013/2014**

---

**1. PURPOSE**

- 1.1** The Council has a statutory duty as an “enforcing Authority” under the Health & Safety at Work etc Act 1974 to regulate standards of health, safety and welfare in a similar manner to the Health & Safety Executive, albeit in different business sectors. This enforcement is undertaken by Environmental Health Officers, supported by other authorised Officers within Regulatory Services.
- 1.2** The Council is required to formally approve an Occupational Health & Safety Law Enforcement Workplan annually under the Section 18 National Standards. This paper presents the 2013/2014 Workplan and Enforcement Policy, for Committee approval.

**2. RECOMMENDATIONS**

- 2.1** Members note the work undertaken to redesign health and safety enforcement services in Argyll and Bute Council to meet National Standards.
- 2.2** Members endorse the Occupational Health & Safety Law Enforcement Workplan 2013/2014 and the Enforcement Policy, which will be implemented by Regulatory Services.

**3. WORKFORCE HEALTH AND SAFETY ENFORCEMENT**

- 3.1** Nationally, there is a drive by central Government to reduce the burden on businesses from health and safety legislation, although at the same time seeking to revitalise it given its economic costs in days lost through ill health and accidents at work.
- 3.2** The work undertaken to regulate standards of health and safety in workplaces is important to environmental health as it provides for the protection of not only employees but also of the self-employed and members of the public.
- 3.3** The changing landscape of health and safety regulation is evident through the guidance upon which the Health & Safety Executive and Local Authorities design their enforcement services. There has been a move away from an inspection programme of high, medium and low risk premises to an approach targeted at high risk premises and project-related activities focusing on health and safety risks derived from accident data and local or national trends.

This approach will be affirmed through the National Code which is expected in the course of 2013, which replaces the current Section 18 guidance to Local Authorities.

- 3.4** In Argyll and Bute our Enforcement Policy is based on achieving compliance

through working with businesses and the public, using risk-based, proportionate enforcement. In general terms, this is primarily achieved through the provision of advice, assistance and working together. There are instances where formal action is required where there are significant risks to health, safety and welfare, where the informal approach is unsuccessful, or where there is non-compliance with formal enforcement. Our Enforcement Policy meets the requirements of the Section 18 guidance, protects health and safety through targeted risk-based enforcement, and supports the economy. Members are asked to endorse the Enforcement Policy in Appendix II of the Workplan.

#### **4. OCCUPATIONAL HEALTH AND SAFETY IN ARGYLL AND BUTE**

**4.1** In the last year we have redesigned our services, moving away from the programmed inspection of all premises to the new approach advocated in **3.3** above. This has been a cultural change for Officers and also businesses, and significant efforts have been made to ensure that this is the right approach for Argyll and Bute. This has included :-

- (i) Training for enforcement staff, in the new approach, and procedural changes.
- (ii) Liaison with businesses. The concern that businesses may be adversely affected by the reduction in planned programmed visits was considered in a survey of businesses regularly visited. This indicated that
  - (a) Businesses preferred information targeted at businesses
  - (b) There was little enthusiasm for events and forums on health and safety
  - (c) They rated us highly for accessibility, our approach and verbal communication, but we were rated lower for written information, cutting through red tape, and understanding the business environment

These comments have assisted us in designing our new interventions-based approach.

**4.2** In 2012/2013 we have performed well against the Service Plan and the key highlights are detailed in 4.1 of the Workplan. Of note are :-

- (i) We achieved 100% of high risk interventions, and other programmed targets
- (ii) We have redesigned our service in compliance with the new Code, and embedded in the approach across the enforcement team.
- (iii) Our focus on interventions and initiatives has enabled us to target a larger number of premises in the areas of gas safety, safety in swimming pools, and preventing and controlling ill health through animal contact at Visitor Centres and other premises.
- (iv) Standards of compliance within businesses were generally good and

only one case was presented to the Crown for prosecution. This resulted in a successful prosecution relating to offences in health and safety which resulted in severe injuries to a young employee.

- 4.3** The Service Plan for 2013/2014 builds upon these successes, and also key national and local projects and themes. The priorities are detailed in **5.3** of the Workplan.

## **5. CONCLUSIONS**

- 5.1** The work plan for 2013-14 is consistent with the draft National Standards and will enable the Council to meet its statutory duties as “an enforcing authority” under the Health and Safety at Work etc. Act 1974. We now have the foundations to deliver the new health and safety enforcement regime within Argyll and Bute and continue to protect standards of health and safety.
- 5.2** I advise Members to endorse the 2013/2014 Workplan and the Enforcement Policy.

## **6. IMPLICATIONS**

- |            |                            |  |
|------------|----------------------------|--|
| <b>6.1</b> | <b>Policy</b>              | None   |
| <b>6.2</b> | <b>Finance</b>             | None   |
| <b>6.3</b> | <b>Personnel</b>           | None   |
| <b>6.4</b> | <b>Equal Opportunities</b> | None   |
| <b>6.5</b> | <b>Risk</b>                | The risk-based enforcement approach targets resources at risk activities and manages the risks of non-compliance with National Standards and the Section 18 guidance |
| <b>6.6</b> | <b>Legal</b>               | Meets the Council’s duty as an “enforcing Authority” under the Health & Safety at Work etc Act 1974.   |

**ALAN MORRISON**  
**Regulatory Services Manager**

**AM/KT/7103 April 2013**

For further information contact: Alan Morrison Tel: 01546 604292  
Regulatory Services Manager  
e-mail : [alan.morrison@argyll-bute.gov.uk](mailto:alan.morrison@argyll-bute.gov.uk)