

EXETER CITY COUNCIL

SCRUTINY COMMITTEE – COMMUNITY 5 JUNE 2007

**EXECUTIVE
19 JUNE 2007**

APPROVAL OF HEALTH AND SAFETY SERVICE PLAN 2007/08 & SMOKE- FREE ENFORCEMENT POLICY

1. PURPOSE OF THE REPORT

- 1.1 Under the Health & Safety at Work etc Act 1974, the Council has a duty to ensure it makes adequate provision for health and safety regulation in its area. The Health and Safety Commission (HSC) also requires the Council to produce a Health and Safety Service Plan detailing the Council's programme for regulatory responsibilities in its area. This report seeks approval of the plan for 2007/2008 and support for the change of emphasis in the Council's approach to health and safety regulation following on from its signed agreement of the Statement of Intent for partnership working with the Health and Safety Executive (HSE) in October 2005.
- 1.2 This report also seeks support and approval of a policy to enforce the provisions of the Health Act 2006 in relation to smoke-free areas, and to make appropriate delegations for the Head of Environmental Health Services to authorise officers to implement the legislation.

2. BACKGROUND

- 2.1 Councils are responsible for regulating health and safety in 1.4 million workplaces. This accounts for nearly half of the employed workforce in Great Britain. The Health and Safety Executive (HSE) is responsible for the rest. HSE and local authorities report to the Health and Safety Commission (HSC).
- 2.2 The forthcoming smoking ban in England will have a significant and positive impact on the health of many employees currently exposed to secondary smoke in their workplaces, as well as protecting other persons from exposure in a wide range of premises. Over time, it is likely to bring about a major improvement in the public health of the nation.

3. HEALTH AND SAFETY ENFORCEMENT RESPONSIBILITIES

- 3.1 Towards the end of 2005 the HSC set a new strategic direction for the health and safety system in Great Britain. In the last few months the HSE and local authorities have been developing the detailed arrangements for working together in partnership, to make more effective use of combined resources.
- 3.2 Both the HSE and local authorities have a common interest in reducing workplace injury and ill health. Thousands of people are seriously injured or become unable to work due to ill health each year as a result of workplace activities. This has a detrimental impact on the health and wellbeing of the individual concerned, their family, work colleagues, local businesses and local communities. The Council's

health and safety regulation has an important part to play in reducing workplace injuries and ill health

- 3.3 In Exeter, the Council and the HSE are committed to working better together and, in particular, concentrating on the greatest local health and safety risks in order to make most effective use of resources. The projects listed in the service plan focus on those premises where the council has a responsibility or where intervention will deliver greater outcomes by close collaboration and partnership working.
- 2.6 The service plan will involve a mix of interventions and whilst inspections and enforcement remain an important element, they will only be one of a range of intervention tools. Interventions such as a working with those employees at risk, partnership approaches with businesses, provision of training, sensible risk management, employee involvement, education/awareness campaigns and recognising best practice, will be also be utilised. This new approach meets many of the proposals of the 2005 Hampton Review on regulatory inspections and enforcement.

4. PARTNERSHIP BETWEEN HSE AND LOCAL AUTHORITIES

- 4.1 Following on from last year's Service Plan and signing up to the Statement of Intent in late 2005, there have been rapid developments aimed at establishing closer partnership working arrangements with the HSE. This has led to a joint-working approach, and agreement on a joint health and safety work plan.
- 4.3 In formulating the Service Plan for 07/08 we are committed to participating in a number of national projects aimed at meeting the HSC's Public Service Agreement (PSA) targets in addition to undertaking a programme of routine inspection and other interventions that take account of the Hampton Review principles.
- 4.4 These projects indicate how the Council can most effectively contribute to the HSC's targets through the *Fit for Work, Fit for Life, and Fit for Tomorrow Strategic Programme (FIT3)*. This is a three-year programme setting out the activities of health and safety regulators that are necessary to achieve the PSA targets set for 2008/09. They enable the Council to target proactive health and safety regulatory resources to contribute to the national targets and local corporate objectives such as economic development, sustainable and healthier environment, and community safety health and wellbeing. A copy of the plan is available on the intranet and in the Members' Room.

5. SMOKING ENFORCEMENT

- 5.1 From 1 July 2007, all substantially enclosed public places and workplaces will have to be smoke-free by law (Health Act 2006), and the Council has enforcement responsibilities in an estimated 4000 businesses, of which 2500 currently receive a periodic inspection. It is anticipated that in most premises there will be support for the legislation and therefore resources will be focussed on assisting businesses with compliance via education, advice and complaint investigation. However, compliance checks will also be carried out as part of normal inspection regimes.
- 5.2 It will be an offence for the manager or proprietor of premises not to have done everything reasonable to make sure persons do not smoke in smoke-free areas. In addition, a person who smokes in such an area also commits an offence. The

legislation makes provision for fixed penalty notices to be issued as well as directly pursuing a prosecution.

- 5.3 The Council has already adopted the Enforcement Concordat, which sets down good enforcement principles. The Smoke-free Enforcement Policy will complement other detailed service enforcement policies and ensure the council operates in a considered and consistent manner. This has been developed jointly with other Devon District and Unitary Councils based on national advice.
- 5.4 A copy of the draft policy is available on the intranet and in the Members' Room.
- 5.5 It will be necessary to amend the Scheme of Delegation to take into account the new provisions and permit officers to enforce the relevant provisions of the Health Act 2006.

6. FINANCIAL IMPLICATIONS

- 6.1 Both the Health and Safety Service Plan and the enforcement and other intervention tools to ensure compliance with the smoking ban will be carried out within existing resources.

7. RECOMMENDED

- 1) that Scrutiny Committee – Community supports and Executive adopts the Health and Safety Service Plan 2007/08.
- 2) that Scrutiny Committee – Community supports and Executive adopts the draft Smoke-free Enforcement Policy, subject to any necessary minor amendments.
- 3) that Scrutiny Committee – Community supports and Executive adopts the amendment of the Scheme of Delegation to delegate authority to the Head of Environmental Health Services to authorise appropriate officers under the provisions of Chapter 1 of the Health Act 2006 and the Smoke-free Enforcement Policy.
- 4) that Scrutiny Committee – Community supports and Executive adopts the authorisation of the Head of Environmental Health to approve any subsequent revisions or amendments to the Smoke-free Enforcement Policy in light of Government guidance and operational needs.

HEAD OF ENVIRONMENTAL HEALTH SERVICES

S:PA/LP/ Committee/607SCC12
16.5.07

COMMUNITY & ENVIRONMENT DIRECTORATE

Local Government (Access to Information) Act 1985 (as amended)
Background papers used in compiling this report: