

PERFORMANCE PORTFOLIO (Health & Safety Consultative Group)

DECISION RECORD

3rd August 2011

The meeting commenced at 3.45 pm in the Civic Centre, Hartlepool

Present:

Councillor Jonathan Brash (Performance Portfolio Holder)
Councillors

Trades Union Representatives
Edw in Jeffries and Derek Wardle

Officers: Joanne Machers, Chief Customer and Workforce Services
Officer
Stuart Langston, Health, Safety and Wellbeing Manager
Jo Stubbs, Democratic Services Officer

1. Members of Performance Portfolio (Health and Safety Consultative Group)

The Portfolio Holder noted that in the case of the Performance Portfolio (Health and Safety Consultative Group) it was the usual practice to invite two non-executive councillors to take part in the discussions and give their input, something the portfolio holder supported and wished to see continue. However, since the current incumbent had taken over the role of Portfolio Holder the two invitees had consistently failed to attend. Therefore the Portfolio Holder intended to rescind any future invitations to the current invitees and would identify two alternative non-executive councillors to take part.

2. Proposed changes to the National Health and Safety Regime *(Chief Customer and Workforce Services Officer)*

Type of decision

Non-key

Purpose of report

To advise the Portfolio Holder of proposals to change the national health and safety regime.

Issue(s) for consideration by Portfolio Holder

At the last meeting of the Performance Portfolio (Health and Safety Consultative Group) in February 2011 the Portfolio Holder requested an update on the health and safety situation following the publication of the 'Common Sense Common Safety' report. At that time there had been minimal changes to current practices but since then the Department of Work and Pensions had published a document proposing more significant and wide ranging changes. This document 'Good health and safety good for everyone' was appended to the report. At the heart of this document was a purported attempt to decrease the burden of health and safety red tape on organisations. The main proposals were as follows:

- The creation of a voluntary Occupational Safety and Health Consultants register;
- A revised health and safety framework with emphasis being placed on those businesses at highest risk such as the major hazard industries;
- The introduction of a cost recovery system for those businesses which do not comply with the law;
- An increase in joint initiatives with industry to promote safe and healthy workplaces;
- More effective targeting of inspections leading to a reduction in the overall number of proactive inspections for businesses in lower risk areas.

The Health, Safety and Wellbeing Manager discussed the cost recovery proposals in more detail. Proposed figures included in the consultation document were as follows:

- £133 hourly charge for a visit to the premises by a Health and Safety Executive (HSE) Inspector
- £750 for each letter advising of a contravention
- £1500 for an enforcement notice

He clarified that should there be multiple contraventions each may be given separate enforcement notice which may significantly increase these costs. For more complex breaches a visit from a specialist inspector may be required at a higher hourly rate. Priority areas for HSE intervention are construction and waste both of which the Council had substantial involvement in. Schools were lower risk but the cost recovery proposals would still apply to them and it was therefore imperative that they understand the risks and take their responsibilities seriously. A copy of the latest guidance 'Health and Safety – Department for Education Advice on Legal duties and Powers for Local authorities, Headteachers, Staff and Governing Bodies' was appended to the report. The Health Safety and Wellbeing Manager noted that while the document itself was relatively short there were cross references to no fewer than eighteen websites, not all of which were easy to understand.

The Trade Union Representative commented upon the cost recovery proposals which he felt were less about safety and averting serious problems

and more about making up the 35% budget deficit the HSE had been given. The Portfolio Holder described it as disgraceful that a government organisation was taking this action, whereby they make up their budget deficit by heaping the financial burdens onto others. He highlighted that even where the Council was acting entirely appropriately it could still incur significant additional costs. He felt it might be prudent to consider preparing a budget risk reserve to offset any potential future costs. The Council had an excellent health and safety record and yet could still be open to massive costs which he did not want coming out of the health and safety budget. He asked that this be presented in some form to Cabinet as part of future budget discussions.

In terms of health and safety at schools the Portfolio Holder asked that consideration be given to ways in which the process could be simplified such as reductions in form filling. He asked that the Heads of all schools in the town be written to for their opinions and details of their recent experiences and that the results be brought back to a future meeting. In terms of the guidance document - 'Health and Safety – Department for Education Advice on Legal duties and Powers for Local authorities, Headteachers, Staff and Governing Bodies' – he asked if officers could prepare a further document giving straightforward details of what was included within the document and associated website links for distribution amongst community schools. The Health Safety and Wellbeing Manager confirmed that this was already being done.

The Portfolio Holder further commented that the proposed Occupational Safety and Health Consultants register should be mandatory. In terms of the proposals that industry come up with their own health and safety standards he confirmed that should this apply to the Council that standards would continue to be extremely stringent with cost cutting playing no part in the drawing up of such standards.

The Health Wellbeing and Safety Manager referred the Portfolio Holder to the Lofstedt review which would investigate health and safety law and the burdens placed on business. The Council had queried the removal of the phrase 'reasonably practicable in any future legislation. The Trade Union Representatives tabled documents in relation to this review. They felt that health and safety was often seen as a burden to businesses because of negative press and that this viewpoint should be resisted. The Portfolio Holder agreed that health and safety's primary function was to prevent workplace injuries and should be taken seriously. He hoped that the Trade Union representatives would be fully involved in any future health and safety changes which were required.

Decision

- I. That the report be noted
- II. That a document be prepared summarising the new guidance documents for schools and distributed to Hartlepool's community schools

- III. That all head teachers be consulted on their schools experiences with health and safety matters highlighting any suggestions they might have for improvements.
- IV. That consideration be given to preparation of budget risk reserves for any future HSE cost recovery the Council might be subjected to in the future.

3. Any other business agreed by the Portfolio Holder

The Trade Union Representatives highlighted an article in the Hartlepool Mail regarding the Council plans to improve Church Square. These included a proposed access road which appeared to cut through the Workers Memorial. They were concerned at the impact this would have not only on the memorial itself but also on the annual service which might in future require road closures. The Portfolio Holder requested that the Chief Customer and Workforce Services Officer raise these concerns with the appropriate officer and seek assurances that there would be no impact upon the Workers Memorial. Should these assurances not be forthcoming he would like there to be further discussion on the matter.

The meeting concluded at 4.20 pm.

P J DEVLIN

CHIEF SOLICITOR

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