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## **Adoption of a Health and Safety Enforcement Policy**

To: **Cabinet – 10 December 2015**

By: **Cllr L Fairbrass, Community Services Portfolio Holder**

Classification: **Unrestricted**

Ward: **All**

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**Summary: Adoption of this Policy provides a consistent approach to enforcement of the health and safety powers of local authorities.**

### **For Decision**

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#### **1.0 Introduction and Background**

1.1 Thanet District Council has a duty to undertake health and safety enforcement in various types of premises under the Health and Safety at Work etc. Act 1974. This enforcement has traditionally been undertaken through inspection regimes. The Government Cutting Red Tape Challenge and reducing the burden on small and medium enterprises has changed regulatory business interventions hugely. There are now a range of interactions available in seeking compliance with the law and to ensure a proportionate response to non-compliance.

Many contacts with duty holders are informal, offering information and advice. In serious cases inspectors will serve Improvement and Prohibition notices. Prosecutions and in some cases, simple cautions are reserved for the most serious cases and or those showing a disregard to the law.

#### **2.0 The Current Situation**

2.1 The Public Protection Team sit on the Kent & Medway Health & Safety Liaison Group and working alongside Kent Environmental Health Managers have drafted the attached Health and Safety Policy as a Kent wide enforcement and prosecution policy.

The aim of this approach is to ensure consistent use of enforcement action across the County and consistent application of the Health and Safety Executives Enforcement Policy Statement.

The Policy lays out to the public and businesses the approach we take to Health and Safety enforcement including the principles of enforcement and action available to the Local Authority.

#### **3.0 Options**

3.1 Agree the adoption of the Health and Safety Enforcement Policy

3.2 Reject adoption of the Health and Safety Enforcement, this is not recommended as it would lead to an inconsistent service provision

## **4.0 Corporate Implications**

### **4.1 Financial and VAT**

4.1.1 This is an accounted for service and adoption of the policy will not lead to any further financial burden. There will be financial impacts if prosecutions are taken, however this impact will occur with or without a policy.

### **4.2 Legal**

4.2.1 Thanet District Council has a duty to undertake health and safety enforcement in various types of premises under the Health and Safety at Work etc. Act 1974. These premises and the activities concerned are determined by the Health and Safety (Enforcing Authority) Regulations 1998.

### **4.3 Equity and Equalities**

4.3.1 The policy introduces a fair and consistent approach to enforcement and prosecution under Health and Safety Legislation which does not exist otherwise. It ensures that all enforcement is dealt with equally and is non discriminant. An Equality Impact Assessment has not been carried out.

## **5.0 Recommendation(s)**

5.1 That the document is adopted as in recommendation 3.1.

## **6.0 Decision Making Process**

6.1 This is a corporate policy decision to go to Cabinet and is subject to call in.

Contact Officer:	Debbie Yandle-Berryman, Public Protection Manager
Reporting to:	Penny Button Head of Safer Neighbourhoods

### **Annex List**

Annex 1	Copy of Draft Policy
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### **Corporate Consultation Undertaken**

Finance	Carl Brownlie, Finance Officer
Legal	Colin Evans, Assistant Litigation Solicitor