

Title of Report: Annual Health and Safety and Consumer Protection Plan 2017/18	Officer Presenting: Director of Health and Community Author: Head of Health and Community Wellbeing
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1 Purpose of Report/Recommendation

- 1.1 To seek Members approval of the Health & Safety and Consumer Protection Service Plan for 2017/18 for the Environmental Health Service.

2 Background

- 2.1 Councils have a statutory duty to enforce the provisions of the Construction Products Regulations 2013 and the provisions of the Health and Safety at Work (NI) Order 1978 and its relevant statutory provisions.
- 2.2 Derry City and Strabane District Council as a health and safety enforcing authority is required to produce a Health & Safety Service Plan under the provisions of mandatory guidance as issued by the Health and Safety Executive for Northern Ireland (HSENI) under Article 20 of the Health and Safety at Work (NI) Order 1978.
- 2.3 The work of the Health and Safety and Consumer Protection Service is very important to the city and district with its leisure and tourist industry, its night time economy and its retail businesses. It keeps the city's workers, residents and visitors safe and healthy and enhances the city and district's reputation as an attractive and safe place to work, live and visit.
- 2.4 To ensure local transparency and accountability, it is a requirement that the Health & Safety and Consumer Protection Service Plan is submitted to the relevant member forum for approval.
- 2.5 Consumer Protection and Construction Products legislation is enforced by Local District Councils but health and safety legislation is enforced either by HSENI or one of the 11 Local Councils, depending on the main activity carried out at any particular premises. The allocation of enforcement responsibilities is determined by the Health and Safety (Enforcing Authority) Regulations (NI) 1999 and in general, Councils are the main enforcing authority for retail, wholesale distribution and warehousing, hotel and catering premises, offices, and the consumer/leisure industries. Each Council is an enforcing authority in its own right and must make adequate provision for the enforcement of the above legislation within its own district

- 2.6 Derry City and Strabane District Council as a health and safety enforcing authorities is required to produce a Health & Safety Service Plan under the provisions of mandatory guidance as issued by the Health and Safety Executive for Northern Ireland (HSENI) under Article 20 of the Health and Safety at Work (NI) Order 1978. The various mandatory guidance documents as issued by HSENI sets out the principles that each Council should follow to ensure a consistent, proportionate and targeted approach to regulation based on risk.
- 2.7 To date HSENI have issued five sets of mandatory guidance notes setting out the framework and broad principles district councils must adopt in making adequate arrangements for enforcement. The mandatory guidance note "Prioritised Planning" requires district councils to have a risk based priority inspection programme based on national guidance (LAC 67/2(rev2) – Local Authority Circular-Intervention Programmes and an Inspection Rating System) and to include the priority action areas as set out in the Health and Safety Liaison Group (HSLG) Work Plan 2017/18. These priority areas having been agreed via the "Joint Strategy" arrangements with HSENI and district councils. Similarly within consumer protection the NI Consumer Protection (NICP) Sub Group have produced a work plan for 2017/18 and this will help shape and direct Local District Councils in the development of their service plans
- 2.8 Therefore Derry City and Strabane District Council's service plan will be made up of a number of elements including planned premises inspections based on risk, priority action areas as defined by both the HSLG work plan and the NICP Sub Group, reactive work such as accident investigations/complaints investigations, follow up inspection from non-compliance matter, statutory competent persons reports, and other unplanned inspections/visits for various activities such as events, festivals, safety advisory group requests, sports grounds safety visits, fireworks applications, VSA test purchase exercises, market surveillance of construction products etc.
- 2.9 Enforcement officers will primarily provide advice and guidance to businesses to help them comply with their statutory health and safety and consumer protection duties but on occasions officers will have to use enforcement powers, including formal enforcement notices and powers of seizure as required to address both health and safety and consumer protection risks and to secure compliance with the law. Prosecution action may be appropriate to hold duty holders to account for failures to safeguard health and safety and to protect consumers. Any enforcement action will be in accordance with DCSDC Enforcement Policy.

3 Key Issues

- 3.1 This report details how the Council intends to comply with its statutory duties.
- 3.2 Whilst the primary responsibility for managing health and safety and consumer protection risks lies with the business who creates the risk, officers of the Health and Safety and Consumer Protection service have an important role in ensuring the effective and proportionate management of risks, supporting business, protecting their communities and contributing to a wider public health agenda.

4 Financial, Equality, Legal, HR, Improvement and other Implications

- 4.1 The Health and Safety and Consumer Protection Service will endeavour to deliver this year's proposed plan within current financial and Human resources available.

5 Recommendations

- 5.1 That the Committee approves the proposed Health & Safety and Consumer Protection Service Plan 2017/18.

Background Papers

Appendix 1: Health & Safety and Consumer Protection Service Plan 2017/18