

Committee:	Safety Committee	Agenda Item No.:	6.
Date:	27 th April 2009	Category	
Subject:	Elected Members Responsibilities	Status	Open
Report by:	Health and Safety Officer		
Other Officers involved:			
Director	Chief Executive Officer		
Relevant Portfolio Holder	People and Performance		

RELEVANT CORPORATE AIMS

CUSTOMER FOCUSED SERVICES – Providing excellent customer focused services, by helping to clearly outline elected members responsibilities.

STRATEGIC ORGANISATIONAL DEVELOPMENT – Continually improving our organisation, by ensuring elected members are made aware of their health and safety responsibilities.

TARGETS

The subject matter does not relate to any targets specified in the Corporate Plan.

VALUE FOR MONEY

Helping ensure that the Council discharges its legal responsibilities and does not incur civil penalties.

THE REPORT

IOSH (the Institute for Occupational Safety and Health) have produced a guidance document which outlines the responsibilities for elected members.

This will be supported by a presentation package from the Health and Safety Executive (this is not yet available), which will be used to deliver a future training session.

The document does not outline any fresh responsibilities, but does examine those which exist already. It should be read as an awareness document not as a 'how to' guide.

Summary of the Guidance

Considers the Council's role as regulator of workplaces, provider of services, major employers and purchasers of services.

Looks at the concept of collective responsibility for health and safety failings under Corporate Manslaughter amongst those senior officers and senior elected members who make the big decisions, and how individuals may still be found culpable for the part they play.

Looks in more detail at a recent incident, the outbreak of legionella in Barrow Borough Council's Leisure Centre, the management failures that led to this taking place and four general recommendations that arose from the subsequent enquiry.

Points out that prosecution can take place even when injuries have not occurred, where regulations have been breached.

Looks at criminal law - Corporate Manslaughter legislation, and how this can secure a conviction through collective rather than individual failures, and the wider implications of criminal enforcement.

Looks at Civil Law and the consequence of successful claims.

Discusses the costs of accidents, both financial and otherwise.

Looks at the need for effective policy and procedures which are actually implemented to reduce risk, and the need for competent health and safety advice.

Emphasises the importance of strong committed leadership, employee involvement, acting on competent advice and appropriate training and the link between health and safety and sensible management of risk.

Identifies five key risk areas for local authorities.

ISSUES FOR CONSIDERATION

The content of the guidance

IMPLICATIONS

Financial : No direct financial implications

Legal : Outlines existing responsibilities, and does not impose and new duties

Human Resources : No direct implications

RECOMMENDATION

That the report be noted.

ATTACHMENT:	YES
FILE REFERENCE:	L:\Common\Tim Walker\committee reports\Safety Committee April 09\ThinkAboutHealthAndSafety- LA1.pdf
SOURCE DOCUMENT:	As above