

**Executive Report****HEALTH & DIVERSITY PORTFOLIO****COUNCILLOR GEOFF BLACKWELL – PORTFOLIO HOLDER****MARTIN JEPSON – LEAD OFFICER****1. KEY ISSUES – PROGRESS REPORT****HAIG COLLIERY MINING MUSEUM – HEALTH AND SAFETY AT WORK  
MATTERS – PROSECUTIONS BY THE COUNCIL AND THE  
ENVIRONMENT AGENCY**

As was widely reported in the local press, the prosecution proceedings by the Council and the Environment Agency against four individuals in respect of offences under Health and Safety at Work and Environmental Protection legislation, concerning the handling and disposal of asbestos at the Haig Mining Museum in Whitehaven in 2003, was heard in Whitehaven Magistrates' Court on 9 November 2005 by a District Judge.

The four men all pleaded guilty to four offences under Health and Safety at Work legislation and one of them to two offences under Environmental Protection Legislation. Fines of £250 were imposed on all four in respect of each of the four Health and Safety at Work offences and £150 on the one man in respect of each of the two Environmental Protection offences. All four were ordered to pay £500 each towards the cost of the prosecution. In announcing the fines the District Judge said he was taking into account the voluntary and charitable status of the defendants and the fact that they had pleaded guilty (although they had earlier pleaded not guilty, thus causing much more work and cost to the Council and the Environment Agency). The serious nature of the offences was noted by the District Judge and that the action taken by Copeland was not bureaucratic.

A number of minor charges were dropped in response to the late guilty plea, as it would not have been cost effective to pursue these charges when a guilty plea had been entered for the major offences.

The circumstances relating to the offences came to the Council's notice during a routine inspection of the premises by one of the Council's Health and Safety Inspectors. The case was a complex and challenging one for the Council and involved many hours of officer time. Unfortunately the costs awarded to the Council came nowhere near the costs incurred (approximately £30K) but, as with any major prosecution, the case has been a valuable learning and training exercise for the officers involved. The case has also served to highlight to the local business community the dangers of failing to control asbestos in the workplace.

The decision to prosecute the offences was arrived at by reference to the Council's Health and Safety Enforcement Policy which has been formally endorsed by Members and which is modelled on a nationally recognised policy and is in accordance with the Government's Enforcement Concordat to which the council is a signatory. The policy also takes into account the policy of the Crown Prosecution Service, which, amongst other things, requires the "public interest" criteria to be satisfied. The offences were extremely serious ones and it is considered that it would have been impossible to justify not prosecuting them. The Council has a statutory duty to enforce the legislation and thus help to protect the health and safety of workers and the general public from unsafe and dangerous work practices.

Notwithstanding the enforcement action taken it should be noted that officers of the Council's Environmental Health Section also gave, and will continue to give, extensive advice and information to the museum operators on how to comply with the law.

## **2. SMOKEFREE WORKPLACES**

As members will be aware the issue of smoking in workplaces has been on the national Public Health Agenda for some time now and has, recently, become the centre of much attention politically. It is almost certain that local authorities will become much more involved than they are even now, both as partners with other agencies (such as the NHS) in the promotion of public health and as enforcers of health and safety at work legislation.

On 15 November the Council, together with the North Cumbria Primary Care Trust of the NHS, participated in a Smokefree Awareness Seminar at the Lakes College, Lillyhall, which was aimed at various interested persons but primarily employers. One of the Council's officers (Michael Hale – Health and Safety Inspector) gave a presentation.

## **3. LOCAL AUTHORITIES AND THE HEALTH AND SAFETY EXECUTIVE WORKING TOGETHER**

In July 2004 a high-level "Statement of Intent" was agreed between the Health and Safety Commission, the Health and Safety Executive, and the bodies representing local authorities in England, Wales and Scotland, including the Local Government Association and LACoRS (the Local Authorities Coordinators of Regulatory Services), relating to the new partnership approach being developed as part of the Local Authorities and HSE Working Together Strategic Programme.

On 13 October, in Lancaster, a regional conference was held on the subject. Apart from officers and members from many local authorities in the north-west there was high level representation from the HSC, HSE, LGA, DTI and others. One of the presentations delivered at the conference was by the Council's Environmental Health Manager (Vic Emmerson) on the recent "Slips and Trips" campaign carried out in Cumbria by the 6 local authorities and the HSE.

At the conference the Council signed up to the partnership working agreement.

#### **4. FOOD PREMISES INSPECTION SURVEY**

I reported in September that officers of the Council's Environmental Health Section would be contributing to a nationwide survey of food premises on behalf of the Food Standards Agency (FSA) to provide them with information to, amongst other things, help them identify appropriate ways of raising hygiene standards in food premises.

I can confirm that officers of the Council did indeed participate in the survey. Between August and October 2005 officers surveyed 20 randomly selected food businesses.

#### **5. HEALTH AND SAFETY AT WORK – SLIPS AND TRIPS**

I reported in October that the Council was to participate in a joint national campaign by local authorities and the Health and Safety Executive dealing with the dangers of slips and trips in workplaces.

I can confirm that officers of the Council's Environmental Health Section did indeed participate in the survey. 15 businesses were visited as part of the campaign. Only 15 businesses were visited because the Council had participated in a Cumbrian campaign earlier in the year.

#### **HEALTH AND SAFETY OFFICER**

I am pleased to say Mike Sharrock has joined Copeland Borough Council as of 1<sup>st</sup> November 2005. Some of his future objectives in the early stages of assessment are:-

- ⇒ Welfare
- ⇒ Environment
- ⇒ Training
- ⇒ Culture
- ⇒ Accidents
- ⇒ Sickness/Absence

Welfare of the public and employees is paramount to the success of the Council. He has initiated a series of safety inspections and has started making inroads as to the root causes of some of the issues surrounding welfare.

Environment both in the workplace and of the owned sites of the Council is starting to be assessed, for both safety and protection.

Training is an important issue, to protect the public and employees, to enable employees to act responsibly and to lead by example. Assessments are under way to initiate a series of training sessions for health and safety both in-house and externally.

Culture once realised, is paramount to the safety and success of the Council. This is a lengthy process, starting with all levels of employees, turning old ways into new ones and poor attitudes into better awareness. Current existing processes are being realised and used more frequently, along with some newly introduced methods.

Accidents are being analysed and trends identified, which will play a large role in the reduction overall. Coupled with training and monitoring I am confident we can protect the Council and its employees.

Sickness/Absence will itself reduce with safety awareness, investment in employees by training and greater awareness, investment in employees by training and greater awareness to health and duties of responsibility will improve in time to come.

## **PLANNING POLICY ISSUES**

This month the Council will have to submit its Annual Monitoring Report to the government which will measure progress towards achieving planning policy objectives over the last 12 months. As mentioned previously this will be important in terms of attracting Planning Delivery Grant.

A response has been sent to the Regional Assembly on its Draft Regional Spatial Strategy for the North West. The consultation period was fairly short and it was not possible to report the matter to Council but a fuller report will be made in the New Year when the Strategy reaches a formal stage of deposit. Indications are that the Assembly has improved aspects of policy such as annualised housing targets but that there are significant improvements required if the document is to assist regeneration in West Cumbria.

## **2. EXECUTIVE DECISIONS RECOMMENDED TO COUNCIL**

**None**

## **3. EXECUTIVE DECISIONS REPORTED FOR INFORMATION ONLY**

### **Subject: Emergency Planning Partnership**

Date of Decision: 18 October 2005

Decision Reference: EXE/05/0083

Context: This report is to confirm Copeland BCs support for a Partnership Agreement for Local Authority Emergency Planning across Cumbria

### **Decision**

**That the contribution to the Partnership of £16,672 for 2005/06, this being 85% of the sum allocated to Copeland in the FSS settlement for this financial year be approved, from contingencies.**