

CORPORATE HEALTH AND SAFETY COMMITTEE – 11TH JULY 2007

SUBJECT: RECENT HSE UPDATES

REPORT BY: DIRECTOR OF THE ENVIRONMENT

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to inform Members, Management and Trade Union Safety Representatives of recent updates in Health and Safety information, advice and guidance.

2. SUMMARY

- 2.1 The Health and Safety Commission (HSC) and the Health and Safety Executive (HSE) has closed its consultation on whether the HSC and the HSE should merge into a single health and safety authority. The Consultative Document has been endorsed by Lord Hunt of Kings Heath, Minister for Health and Safety. The HSC announced on the 21 May 2007 that they will move forwards onto the next stage of the consultation process and undertake further consultation on the detailed proposals. In its consultation document the HSC detailed how it intended the new governing body to be built on the principles of independence, openness, professionalism and accountability.
- 2.2 The HSE has issued provisional figures on workplace fatalities, for the six Months between April and September 2006. The provisional figure of 124 compares to a total of 212 people killed for the whole of the preceding 12 months. If the trend continues it is possible that the figure could peak at 248, which would be an increase of 17% on 2005/06. The main area for concern is the construction industry, which accounts for 59 of the deaths.
- 2.3 The European Court of Justice upheld one of the key elements of British Health and Safety Law – the use of the key Phrase, ‘as far as is reasonably practicable’. The EC brought the case against the UK challenging the UK’s implementation of the European Directive 89/391/EEC. The EC actions was founded on the UK’s use of the phrase ‘ as far as is reasonably practicable’ in Section 2(1) of the Health and Safety at Work etc Act 1974 as the EC believed that this amounted to a defective implementation as the Directive does not contain such a quantification. The ‘as far as is reasonably practicable’ wording has been a long-standing feature of British Law and predates even the Health and Safety at Work etc Act 1974. The phrase introduces an element of flexibility into the law and allows the balancing of resources (e.g. cost and time) with the level of foreseeable risk. This ruling marks the end of the proceedings, as there is no appeals procedure.

3. RECOMMENDATION

- 3.1 That the contents of the report be noted.

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