

## Report to the Leader of the Council

**Subject:** Amendment to Health and Safety Scheme of Delegations

**Date:** 5 January 2022

**Author:** Head of Governance and Customer Services

### Wards Affected

Borough wide

### Purpose

To seek amendments to the scheme of delegation in respect of health, safety and emergency planning functions following the departure of the Health, Safety and Emergency Planning Officer (HSEPO).

### Key Decision

This is not a key decision.

### Recommendations

#### **THAT the Leader of the Council:**

- 1) Agrees the changes to delegations set out in Appendix 2.

## **1 Background**

- 1.1 The Health and Safety at Work etc. Act 1974 imposes a number of obligations on employers, employees and others in regards health, safety and welfare in connection with work activities. In relation to the Council's role as an employer, these are executive functions. In 2020, as part of its consideration of the Council's Annual Health and Safety Report, Cabinet agreed a set of delegations in respect of Health and Safety functions as shown in Appendix 1. The purpose of the delegations was to enable officers to make any necessary changes to health and safety policies, processes and documentation, to ensure they remained fit for purpose and up to date. In addition a delegation was given to the HSEPO to enable

him to act swiftly and shut down activities or processes at the Council, in a case where a real risk to health and safety became apparent. A number of delegations were given by Cabinet directly to the HSEPO as the sole officer employed specifically to manage the Council's Health and Safety function. This officer has now left the organisation and consideration is being given as to how this function will be managed longer term.

- 1.2 In the absence of the HSEPO and in order to give time to review future options for the service, a secondment arrangement is to commence on 10<sup>th</sup> January 2022, with Health and Safety Officers from Bolsover District Council being seconded to Gedling Borough Council for 3 days a week for a six month period. The health and safety function comes under the Head of Governance and Customer Services who will oversee the arrangement with Bolsover and ensure continued delivery of health, safety and emergency planning functions with support from the County Council and other Managers. The Head of Governance and Customer Services reports to the Director of Corporate Resources, and as such, it is proposed that any delegations previously given directly to the HSEPO be given to the Director of Corporate Resources as shown in Appendix 2. The Director will then be able to ensure any further delegations to officers can be given if and when required, to ensure operational response to health and safety situations remains swift.
- 1.3 It should be noted that there is no change proposed to the delegation given to the Head of Paid Service to make amendments to the Council's Health and Safety Policy document which are more than minor.

## **2 Proposal**

- 2.1 It is proposed that the delegations contained in Appendix 2 be approved.

## **3 Alternative Options**

- 3.1 Alternative delegations could be agreed, or no changes to delegations agreed. Without an HSEPO in post, the delegations which currently attach to that role would have to be carried out by the Executive which would place an additional burden on the Executive particularly where policy or practice requires swift action to prevent risk to the health and safety of residents and staff.

## **4 Financial Implications**

- 4.1 There are no financial implications directly arising from this report.

## **5 Legal Implications**

- 5.1 The Council must comply with a number of statutory obligations in the Health and Safety at Work etc. Act 1974, other relevant legislation, Health

and Safety Executive Guidance, Approved Codes of Practice and other industry best practice. As delegations have previously been given directly to the HSEPO, no one but that officer and the Executive are authorised to carry out those specific delegated functions unless an amendment to the delegations is agreed by the Executive. By amending the delegations to Director level, functions can be carried out by officers authorised by the Director or by any other Director which enables more resilience.

## **6 Equalities Implications**

6.1 There are no equalities implications directly arising from this report.

## **7 Carbon Reduction/Environmental Sustainability Implications**

7.1 There are no carbon reduction/environmental sustainability implications directly arising from this report.

## **8 Appendices**

8.1 Appendix 1. Current scheme of delegation in respect of Health, Safety and Emergency Planning functions.

8.2 Appendix 2 Proposed amended scheme of delegations in respect of Health, Safety and Emergency Planning functions.

## **9 Background Papers**

9.1 None identified.

## **10 Reasons for Recommendations**

10.1 To allow for smooth day-to-day operational and response management and avoid the Executive being burdened with operational decisions.

### **Statutory Officer approval**

**Approved on behalf of the Chief Financial Officer**

**Date:** 10/01/2022

**Approved on behalf of the  
Monitoring Officer**

**Date:** 10/1/2022