

# ESSEX FIRE AUTHORITY

## Essex County Fire & Rescue Service



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MEETING

AGENDA ITEM

**Audit, Governance and Review  
Committee**

**10**

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MEETING DATE

REPORT NUMBER

5<sup>th</sup> October 2016

**EFA/117/16**

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SUBJECT

**Health and Safety Annual Report 2015/16**

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REPORT BY

Assistant Chief Fire Officer Dave Bill, Director of Prevention, Protection & Response

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PRESENTED BY

Assistant Chief Fire Officer Dave Bill, Director of Prevention, Protection & Response

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### **SUMMARY**

This report is to provide an update to members of the Essex Fire Authority regarding the Service's health and safety plans and performance for the year 2015/16.

### **RECOMMENDATIONS**

Members of the Essex Fire Authority are asked to note the attached 2015/16 Health and Safety Annual Report (Appendix 1) providing challenge where appropriate.

### **BACKGROUND**

Appendix 1 to this paper provides members of the Essex Fire Authority with a summary of the Service's health and safety plans and performance for 2015/16.

### **RISK MANAGEMENT IMPLICATIONS**

Effective health and safety arrangements are a requirement under the Health and Safety at Work etc. (HSW) Act 1974, the Management of Health and Safety at Work Regulations 1999 and other relevant health and safety related legislation.

These arrangements serve to protect the Authority, employees and the community against risk of safety incidents occurring as a result of poor health and safety working practices. Failure to ensure effective arrangements may damage the Service's reputation.

There are no other Risk Management implications associated with the recommendations set out in this paper.

## **FINANCIAL IMPLICATIONS**

Failure to ensure effective arrangements and compliance with relevant health and safety legislation could expose the Authority, in the event of a safety event, to prosecution under the HSW Act 1974. Defence costs would normally be an insured risk, however any fine (which may be sizeable) imposed following conviction will not be.

There are no other financial implications arising directly out of the recommendations set out in this paper.

## **LEGAL IMPLICATIONS**

Failure to ensure effective arrangements and compliance with relevant health and safety legislation could expose the Authority, in the event of a safety event, to prosecution under the HSW Act 1974 in particular:

Potential personal liability upon Members and Officers (s.37 HSW Act, Corporate Manslaughter & Corporate Homicide Act, Common Law Manslaughter).

Moreover, personal injury claims may arise as a result of loss suffered by Health and Safety failures.

Potential employment claims relating to health and safety matters: including challenges from Trade Unions.

## **ENVIRONMENTAL IMPLICATIONS**

The Fire Services Act 2004 defines “emergency” to include an event or situation that causes or is likely to cause serious harm to the environment (including the life and health of plants and animals).

The Service has a duty to protect the environment, (so far as is reasonably practicable) when carrying out its functions (including responding to emergencies) by virtue of sections 2 and 3 of the HSW Act.

The Service also has specific duties under health and safety regulations, including the Control of Substances Hazardous to Health Regulations 2002 (as amended), and in particular the requirement to carry out an assessment of the risks of their activities (including environmental risks) as required by the Management of Health and Safety at Work Regulations 1992.

There are no other environmental implications associated with the recommendations set out in this paper.

## **EQUALITY IMPLICATIONS**

There are no equality implications associated with this paper.

| LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985  |  |
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| <b>List of appendices attached to this paper:</b><br>2015/16 Health & Safety Annual Report |  |
| <b>List of background documents (not attached):</b>  |  |
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