



Title	Health & Safety Enforcement: Flexible Warrant Scheme (FWS)
For further information about this report please contact:	Rob Chapleo (01926-456707)
Service Area:	Environmental Services
Wards of the District directly affected	None
Is the report private and confidential and not for publication by virtue of a paragraph of <i>Schedule 12A</i> of the <i>Local Government Act 1972</i>, following the <i>Local Government (Access to Information) (Variation) Order 2006</i>:	No
Date and meeting when issue was last considered and relevant minute number:	N/A
Background Papers:	None

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No

Officer/Councillor Approval		
With regard to officer approval all reports <i>must</i> be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
Officer Approval	Date	Name
Chief Executive	10.2.11	Chris Elliott
CMT	10.2.11	
Deputy Chief Executive	10.2.11	Bill Hunt
Section 151 Officer	10.2.11	Mike Snow
Legal		
Finance	10.2.11	Mike Snow
Portfolio Holder	10.2.11	Michael Coker
Consultation Undertaken		
Final Decision?		Yes

1. **SUMMARY**

- 1.1 The Health and Safety Executive (HSE) wants Local Authorities (LAs) and the HSE Inspectorate to work jointly and in partnership locally, regionally and nationally where it makes sense, in terms of resources and impact, to do so. A barrier to this is the inability of HSE and LA inspectors to take action in each other's area of responsibility, or for LAs to work across each other's administrative boundaries.
- 1.2 This report explains proposals which will enable more flexible working between agencies.

2. **RECOMMENDATION**

- 2.1 - that the Council supports the Flexible Warrant Scheme to enable intelligent local delivery of the service promoting and enforcing health and safety legislation.
- 2.2 - that the Chief Executive and those delegated in his absence to authorise nominated health and safety inspectors of the Health & Safety Executive and the City, Borough and District Councils of Coventry and Warwickshire to act within the District of Warwick.
- 2.3 - that the Council agrees that the City, Borough and District Councils of Coventry and Warwickshire can authorise nominated health and safety inspectors of Warwick District Council to act within their Districts.
- 2.4 - that the Chief Executive be authorised to sign a Memorandum of Understanding giving effect to the above, for matters of evident concern, and supported by annexes giving details of particular joint projects.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 The Council has a responsibility to protect its citizens and visitors from risks arising from work activities.
- 3.2 Flexible warranting allows intelligent resourcing of joint projects and deployment of expertise, together with more immediacy of response to matters of evident concern.

4. **POLICY FRAMEWORK**

- 4.1 No implications

5. **BUDGETARY FRAMEWORK**

- 5.1 No implications

6. **ALTERNATIVE OPTION(S) CONSIDERED**

- 6.1 None

7. **BACKGROUND**

7.1 Flexible Warrant Schemes (FWS), with LAs and HSE appointing a number of each other's inspectors under S.19 of the Health and Safety at Work etc. Act 1974 (HSWA), have the ability to overcome this barrier.

7.2 **Aims & Objectives**

7.3 The aim of a FWS is to provide an efficient, flexible approach to the enforcement of health and safety legislation.

7.4 The objectives of a FWS are to:

- make best use of joint resources
- achieve greater impact and outcomes
- improve communication and cooperation
- increase flexibility and responsiveness to situations of significant risk
- overcome issues created by the current allocation of enforcement

7.5 **Scope of a FWS**

7.6 The actual scope of any particular scheme will be determined and agreed by the participating enforcing authorities.

7.7 The Divisional Environmental Health Officer will draft a Memorandum of Understanding (MoU) to be presented to the Warwickshire, Coventry and HSE enforcing authorities for agreement, endorsement and signature.

Enforcing authorities will need to sign a standard Memorandum of Understanding (MoU) in order to participate in a Scheme and it will not commence until all the participating enforcing authorities have signed the MoU.

7.8 Inspectors have to be appointed by the other participating enforcing authorities before participating in a Scheme.

7.9 A Scheme enables participating LA inspectors to make appropriate interventions in HSE and other participating LA enforced premises within the framework of the MoU. For example, the enforcing authority for roofing works in a particular situation might be the HSE. If there was a matter of evident concern for safety in the course of works, noted by a warranted WDC inspector, he could deal with it there and then on behalf of the HSE. In the absence of an FWS covering such incidents the WDC would be held to be acting *ultra vires*.