

West Suffolk Joint Health and Safety Panel 30 October 2012

Health and Safety Executive: Fee for Intervention (FFI) Cost Recovery Scheme

1. Summary and reasons for recommendation

- 1.1 During 2011 the Safety Working Group (FHDC) and the Central Safety Panel (SEBC) were advised that the Health and Safety Executive (HSE) was undertaking a consultation on proposals to recover its costs from non-compliant businesses.
- 1.2 The purpose of this report is to inform the Joint Panel that with effect from 1 October 2012 the HSE is operating a Fee for Intervention (FFI) Cost Recovery Scheme.
- 1.3 Under the Health and Safety (Fees) Regulations 2012 those who break health and safety laws are liable for recovery of HSE related costs, including inspection, investigation and taking enforcement action.

2. Recommendation

- 2.1 The Joint Panel is asked to **NOTE** the contents of this report.

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3. Corporate priorities/Strategic Priorities

3.1 The recommendation(s) meet the following, as contained within the Corporate Plan:

- (a) Corporate priority: *'working together for an efficient council'*; and
- (b) Strategic priority: *'being an efficient and effective Council'*.

4. Key issues

4.1 The Regulations have placed a duty on HSE to recover its costs for carrying out its regulatory functions from those found to be in material breach of health and safety law.

4.2 A material breach occurs when in the opinion of the HSE Inspector, there has been a contravention of health and safety law that is serious enough to require them to notify the person in material breach of that opinion in writing.

4.3 HSE and the Government believe it is right that businesses and organisations that break health and safety laws should pay for the HSE's time in putting matters right, investigating and taking enforcement action.

4.4 The proposed FFI hourly rate for 2012/2013 is £124 and not £133 as previously announced. This does not include fees for expert advice from other agencies which will be charged separately.

4.5 FFI will also encourage businesses and organisations to comply in the first place or put matters right quickly when they do not. It will also discourage those who undercut their competitors by not complying with the law and putting people at risk.

4.6 An appeal system will be operated in the case of any disputes over cost recovery.

5. Other options considered

5.1 N/A

6. Community impact

6.1 **Crime and disorder impact** *(including Section 17 of the Crime and Disorder Act 1998)*

6.1.1 N/A

6.2 **Diversity and equality impact** *(including the findings of the Equality Impact Assessment)*

6.2.1 N/A

6.3 **Sustainability impact** *(including completing a Sustainability Impact Assessment)*

6.3.1 N/A

6.4 **Other impact** *(any other impacts affecting this report)*

6.4.1 N/A

7. Consultation *(what consultation has been undertaken, and what were the outcomes?)*

7.1 N/A

8. Financial and resource implications *(including asset management implications)*

8.1 N/A

9. Risk/opportunity assessment *(potential hazards or opportunities affecting corporate, service or project objectives)*

Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
N/A	High/Medium/Low		High/Medium/Low

10. Legal and policy implications

10.1 N/A

11. Ward(s) affected

11.1 N/A

12. Background papers

12.1 N/A

13. Documents attached

13.1 None.

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