
REPORT TO:	ENVIRONMENTAL and DEVELOPMENT SERVICES	AGENDA ITEM: 12
DATE OF MEETING:	2 nd February 2006	CATEGORY: DELEGATED
REPORT FROM:	ENVIRONMENTAL HEALTH MANAGER	OPENPARAGRAPH NO:
MEMBERS' CONTACT POINT:	Carl Jacobs 595717	DOC:
SUBJECT:	Authorisation of Officer for Health & Safety At Work etc Act 1974	REF: c:\myfiles\com\ES\ authphillip
WARD(S) AFFECTED:	All	TERMS OF REFERENCE: ES13

1.0 Recommendations

1.1 Health & Safety At Work etc Act 1974

Resolve:-

That the Committee confirm the Authorisation of the following Officer ;-

Phillip Broughton

and that she be authorised as an inspector under to undertake the following duties :-

- (a) As an Inspector under Section 19 of the Health and Safety at Work etc. Act 1974 for the purpose of administering the relevant provisions of Section 20(2) of the said Act , i.e. Section 20(2), (a),(b),(c),(d),(e),(f),(g),(h),(i),(j),(k),(l),and (m), and authorise them to institute legal proceedings in respect of contravention's arising out of the exercise of their duties under the Act.
- (b) Further, that they be Authorised to serve Improvement Notices under Section 21 and Prohibition Notices under Section 22 of the Act.
- (c) Also that they be Authorised for the purpose of :
 - (1) Any Health and Safety Regulation
 - (2) The provisions of the Acts mentioned in Schedule 1 of the Health and Safety at Work Act 1974 Act which are specified in Schedule 1 of the 1974 Act which are specified in the third column of that Schedule and of the Regulations, Orders, or other instruments of a legislative character made or having effect under any provisions so specified.
- (d) in respect of any act done by them in execution or purported execution of their duty, if they are satisfied that the officer honestly believed that they were acting within

2.0 Purpose of Report

- 2.1 To Authorise a newly appointed officer under the Health and Safety At Work etc Act 1974. This officer who is appropriately qualified will be authorised to serve Improvement and Prohibition Notices and instigate legal proceedings under his own name, in respect to the Health & Safety at Work etc Act 1974..
- 2.2 This piece of legislation requires that officers who enforce the powers contained within the Acts are appropriately indemnified from any action that they take provided they have acted within there powers.

3.0 Detail

3.1 Health & Safety at Work Etc Act 1974

Any Local Authority which is an enforcing Authority under the Health and Safety at Work Act 1974(HSWA) has the power under section 19(1) of that Act to: 'appoint as inspectors such persons having suitable qualification as it thinks necessary for carrying into effect the relevant statutory provisions within its field of responsibility and may terminate any appointment made under this section.' HSWA requires that each inspector has a written instrument of appointment, known as a 'warrant' in accordance with Section 19(2) of the Act. The Warrant should specify the powers conferred on the inspector and should be under the common seal of the Authority. These are the only powers the inspector may exercise.

4.0 Financial Implications

- 4.1 None

5.0 Corporate Implications

- 5.1 None

6.0 Community Implications

- 6.1 None

7.0 Background Papers

- 8.1 None