



Public Document Pack

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NOTE: This meeting will be a virtual meeting and will be webcast live

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4 May 2021

EXTRAORDINARY COUNCIL MEETING

To all Members of the Council

You are summoned to attend an Extraordinary meeting of the ARUN DISTRICT COUNCIL to be held virtually on **Wednesday 12 May 2021** at **5.00 pm** to transact the business set out below:

A handwritten signature in black ink, appearing to read "N. V. Lynn".

Nigel Lynn
Chief Executive

PLEASE NOTE: *This meeting will be a 'virtual meeting' and any member of the press and public may listen-in and view the proceedings via a weblink which will be publicised on the Council website at least 24 hours before the meeting.*

This Council's revised Rules of Procedures for 'virtual meetings' can be found by clicking on this link: <https://www.arun.gov.uk/constitution>

For further information on the item to be discussed, please contact: committees@arun.gov.uk

AGENDA

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members and Officers are invited to make any declarations of pecuniary, personal and/or prejudicial interests that they may have in relation to items on this agenda, and are reminded that they should re-declare their interest before consideration of the item or as soon as the interest becomes apparent.

Members and Officers should make their declaration by stating:

- a) the item they have the interest in
- b) whether it is a pecuniary, personal and/or prejudicial interest
- c) the nature of the interest
- d) if it is a pecuniary or prejudicial interest, whether they will be exercising their right to speak under Question Time

3. QUESTIONS FROM MEMBERS WITH PECUNIARY/PREJUDICIAL INTERESTS

To receive questions from Members with pecuniary/prejudicial interests (for a period of up to 15 minutes)

4. COUNCIL MEETINGS - PROPOSALS FOR CONTINGENCY ARRANGEMENTS DURING THE COVID-19 PANDEMIC RESTRICTIONS (Pages 1 - 26)

On 7 May 2020, Government Regulations came into force to enable Councils to hold virtual meetings for one year, providing certain conditions were met in relation to ensuring openness and public access. This was an exception to what was the accepted legal position that Council meetings are to take place by attendance in a physical space. There are no current plans by the Government to renew the Regulations from 7 May 2021. Venues to hold Council meetings in a COVID secure environment are very limited.

This report provides options for the Council to consider for the period up to 21 June 2021, or such later date when the Government confirms social distancing requirements will be completely relaxed.

Note : If Members have any detailed questions, they are reminded that they need to inform the Chair and relevant Director in advance of the meeting.

Note : Where there are recommendations from other Committees, please refer to the e-link under the specific agenda item to access the Officer report.

Note : Filming, Photography and Recording at Council Meetings – The District Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. This meeting may therefore be recorded, filmed or broadcast by video or audio, by third parties. Arrangements for these activities should operate in accordance with guidelines agreed by the Council and as available via the following link [Filming Policy](#)

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF AN EXTRAORDINARY MEETING OF ARUN DISTRICT COUNCIL ON 12 MAY 2021

SUBJECT: Council Meetings – Proposals for Contingency Arrangements During the Covid-19 Pandemic Restrictions

REPORT AUTHOR: Nigel Lynn, Chief Executive

DATE: 30 April 2021

EXTN: x37600

EXECUTIVE SUMMARY:

On 7 May 2020, Government Regulations came into force to enable Councils to hold virtual meetings for one year, providing certain conditions were met in relation to ensuring openness and public access. This was an exception to what was the accepted legal position that Council meetings are to take place by attendance in a physical space. There are no current plans by the Government to renew the Regulations from 7 May 2021. Venues to hold Council meetings in a COVID secure environment are very limited. This report provides options for the Council to consider for the period up to 21 June 2021, or such later date when the Government confirms social distancing requirements will be completely relaxed.

RECOMMENDATIONS:

It is recommended to Full Council to:

- (1) In accordance with his Health and Safety responsibilities the Chief Executive recommends that the Council continues with virtual meetings (for all of the Council's meetings) from 7 May through to such date that the Government confirms social distancing will be completely relaxed (current indications are that this is 21 June 2021) to ensure the safety of Councillors, staff and the public, and
- (2) Section 5 Part 5 of the Constitution: The Virtual Meeting Procedure Rules are amended at Paragraph 2.1, to provide for those Rules to prevail until further notice.

1. BACKGROUND

Background

- 1.1 The long-accepted interpretation of local government law in relation to meetings is that council meetings are to take place by attendance in a physical space by Councillors and provision of reasonable space for the public.
- 1.2 In May 2020, the Government introduced the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 pursuant to Section 78 of the Coronavirus Act 2020, enabling authorities to hold formal meetings virtually provided certain requirements were met to ensure openness and public access. The rules were aimed at suspending the legal requirements for local authority meetings to be arranged with the Councillors meeting together in a 'place' to which the public have access. The Regulations permitting virtual meetings are in force up to and including 6 May 2021. There is no current plan by Government for their renewal and so a contingency plan is required.
- 1.3 Throughout the lock down period, restrictions have been imposed on businesses, including local authorities, in relation to attendance at places of work when that work can be carried out remotely. Social distancing measures are applied to workplaces when attendance is unavoidable. Limits have been placed on the number of persons who may be present together indoors.
- 1.4 The Health and Safety at Work Act 1974 places duties on employers and those in control of business premises. Section 4 places a duty on the Council to ensure that reasonably practicable measures are taken to ensure that premises are safe and without risks to health. Section 2 places a duty on an employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees. As set out in the "Health & Safety Policy: Organisation & Responsibilities" adopted by Full Council on 13 March 2019 the Chief Executive has final and overall responsibility for health and safety matters within the Organisation. Government has issued guidance on the steps which it considers reasonable in order to reduce the risk of harm from transmission of the covid-19 virus. It is not considered reasonably practicable to comply with these measures within the period ending 21 June.
- 1.5 If the regulations permitting virtual meetings (introduced the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020) are not extended or replaced with similar provisions then the requirements of the Local Government Act 1972 will apply. This has previously been interpreted as requiring Council business by Elected Members to take place in physical space where the Members are together, and which press and public may attend. On 21 April 2021, the High Court was asked to make a court declaration that virtual meetings can proceed after 6 May 2021. The High Court concluded that primary legislation would be required to allow local authority "meetings" under the 1972 Act to take place remotely. The Court went on to say that *"In our view, once the Flexibility Regulations cease to apply, such meetings must take place at a single, specified geographical location;*

attending a meeting at such a location means physically going to it; and being "present" at such a meeting involves physical presence at that location".

- 1.6 The Council now has to resolve the conflict between the requirements Local Government Act 1972, for physical meetings, and the requirements of Health and Safety legislation and organisational policy, in relation to attendance at places of work when that work can be carried out remotely.
- 1.7 There are good grounds to believe that Licensing Committees, dealing with Licensing the Act 2003 and Gaming Act 2005 matters, are not covered by the requirements of the Local Government Act 1972 but this will be clarified at the Full Council meeting.

Proposals

- 1.8 It is proposed that Arun District Council considers the following options for Full Council meetings and any Committee meetings which must transact business, and which cannot be arranged as a Covid-safe physical meeting in compliance with the Local Government Act 1972 and the social distancing Regulations.
- 1.9 **OPTION 1:** To continue with remote/virtual meetings until 21 June 2021. Two professional organisations (namely Lawyers in Local Government and the Association of Democratic Services Officers) jointly commenced unsuccessful proceedings seeking a declaration that remote meetings are permitted under the terms of the 1972 Act itself, with or without the temporary COVID Regulations. In its pre-action response, MHCLG said that it agreed the 1972 Act can be so interpreted and did not oppose granting the declaration. Although the action was unsuccessful it is not clear if there is to be an appeal.
- 1.10 However, this stance by the MHCLG reduces some of the risk of challenge to Council who continue with virtual meetings.
- 1.11 The Council has responsibilities under health and safety legislation which are engaged by the pandemic. This is supported by government guidance.

[COVID-19: Guidance for the safe use of council buildings - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/covid-19-guidance-for-the-safe-use-of-council-buildings) It stresses at the outset:

"In the event of any conflict between any applicable legislation (including the health and safety legislation) and this guidance, the applicable legislation shall prevail."

The Council's duties towards employees under health and safety legislation plainly trump the guidance. The Council does not know which of its staff have been vaccinated – nor does it have that information about Councillors or members of the public who may attend a meeting if held face-to-face. While temperature checks on entry can be performed and masks could be worn except when speaking, these would not provide any guarantee that infected people would not be present and that they could not infect staff. There are reasonable steps that the Council can easily take to promote the health and safety of staff, by continuing with the remote meeting technology that it has successfully used since April 2020.

1.12 The guidance states that

“Where elected members, officers and others attend physical meetings, you must maintain social distancing wherever possible.

“Where the social distancing guidelines cannot be followed in full in relation to a particular meeting, local authorities should consider whether that meeting can be redesigned to maintain a 2m distance or 1m with risk mitigations where 2m is not viable.”

1.13 A Full Council meeting typically sees about 70 people present in the Chamber: 54 Councillors, plus usually at least 5 members of staff and a variable but unknown number of members of the public (typically 10-12). The Council has assessed the capacity of the Chamber with 2m social distancing as a maximum 15 persons. It is not possible to guarantee 1 metre distances for all participants.

1.14 The impractical mitigations suggested by the Government include:

“keeping the meeting time as short as possible”

“using back-to-back or side-to-side working (rather than face-to-face) whenever possible”

1.15 The guidance states that:

“Ultimately it is for local authorities to carry out their own risk assessments and follow the working safely guidance to ensure physical meetings take place safely, but the government will work with sector representative bodies to ensure that local authorities understand the guidance and are aware of the full range of options available to them.

“If deemed necessary, these options could include:

Use of your existing powers to delegate decision making to key individuals such as the Head of Paid Service to minimise the number of meetings you need to hold. Relying on single-member decision making where your constitution allows.

“When considering whether either of these options may be necessary, you should always consider the democratic implications of your decision to ensure that local residents are appropriately represented and that all local authority decisions have appropriate scrutiny. Additionally, you should note that certain decisions cannot be delegated and require a decision by full council or a statutory committee; for example, confirming the appointment of a Chief Executive and certain licensing decisions.”

1.16 The Chief Executive is responsible for health and safety in the Council and has carried out a risk assessment with which the Group Leaders are agreed.

1.17 The Chief Executive in consultation with Group leaders have also considered and ruled out the option of hiring a much larger venue, because they are simply not available with the required technology.

1.18 Finally, the guidance includes the following confused paragraph:

“Continuing to provide remote access to the public Local authorities have legal obligations to ensure that members of the public have access to most of their meetings. For physical meetings, the government would actively encourage local authorities to continue to provide remote access until at least 21 June, at which point it is anticipated that all restrictions on indoor gatherings will have been lifted in line with the Roadmap. However, it is for individual local authorities to satisfy themselves that they have met the requirements for public access.”

1.19 The second sentence encourages that the public’s right to attend formal meetings of the Council should be **delivered through remote means until at least 21 June**. The provisions on council meetings in the Public Bodies (Admissions to Public Bodies) Act 1960 seem clear that this ordinarily means presence within a meeting alongside councillors. Section 1(4A), which was inserted by regulations in 2014, makes sense only if someone is physically present within the same place: “Subsection (4)(d) does not require a relevant local government body to permit oral reporting or oral commentary on a meeting as it takes place if the person reporting or providing the commentary is present at the meeting.” If the Government considers remote attendance by the public to be appropriate until at least 21 June, then there is every reason to believe that the same conclusion should also be reached in respect of attendance by councillors and staff.

1.19 LEGAL VIEW;

The advice at present is that there will be a high risk of challenge to Council decisions if the Council chooses to hold remote meetings contrary to the Courts interpretation of the legislation. Controversial matters are more likely to be challenged on this basis and therefore consideration on how to proceed with those individual matters needs to be carefully considered on a case by case basis. For example, it may be that those types of matters are deferred, or where possible, the virtual Committee delegates the issue of the decision to an Officer.

Council Policy on health and safety is attached as Appendices 1 and 2. These place ultimate responsibility on the Chief Executive for Health and Safety. The Organisational Responsibilities section states “No Director, Manager, or employee of Arun District Council may undertake or authorise any activity which places employees, or others, in danger, or is in breach of legal requirements with respect to health and safety”. Thus, the Chief Executive has to take great care if he summons meetings which places “employees or others” in danger.

1.20 **OPTION 2:** The proposal is that a quorum of Members be nominated to attend physical meetings in the Council Chamber and that space be made available for press and public attendance up to a reasonable limit, that the Members to attend be nominated by Political Group Leaders in accordance with the proportionality rules. Group Leaders will be asked to nominate Members from their Group to make up the quorum and additional nominees to allow for some substitutes and so as to ensure the quorum is met in the event of any Members being unable to attend.

This will include meetings which take decisions, or which require a vote by Members. For meetings which do not require a vote for a decision, or which can transact business in an advisory way, it will remain possible to use virtual means. Between 7 May 2021 and 21 June 2021 the following meetings are scheduled: Full Council (12 May), Cabinet (17 May), Special Development Control Committee (18 May), Annual Council (19 May), Planning Committee (26 May), Environment and Neighbourhood Services (27 May), Planning Policy (1 June) Residential and Wellbeing Services (3 June), Economic (8 June), Corporate Support (10 June), Corporate Policy and Performance (17 June) and Licensing Committee (18 June).

1.21 Those Officers essential for the transaction of business, including the giving of advice at any meetings, would be asked to attend the physical meeting, but there is a high possibility, especially as younger members of staff have not been vaccinated, that they will be unwilling to do so because the physical environment is not safe to do so, and the Government says they should work from home until 21 June 2021. A mixture of Members in person, and Officers virtually, is, of course possible, but very complicated and difficult to manage. The question also arises about whether the public should be invited to the physical meeting, in view of the health and safety concerns around the Coronavirus. Members may also be unwilling to attend the Chamber, particularly if, they too, have not been vaccinated. The Council could require attendees to complete lateral flow tests on the day of the meeting, with a negative result, before physical attendance.

1.21 It is possible that most meetings could be accommodated in the Council Chamber whilst observing physical distancing measures, but areas such as toilets, corridors, stairs and lifts will be much more difficult to manage with higher numbers of people in the Civic Offices.

LEGAL VIEW:

1.22 **In accordance with the Local Government Act 1972 all Members have to be invited to attend the relevant meetings at a physical place. The quorum for the Council meetings is one quarter, and for Committee meetings is one third of the membership of the relevant meeting. The allocation to each political group would be determined by the Interim Monitoring Officer by reference to the statutory provisions. It is understood that the Group Leaders would then nominate Members to attend the meetings.**

1.23 **The risk of challenge where a meeting is summoned to meet physically but numbers are restricted by reference to a quorum will vary according to the meeting and the business being conducted at that meeting, the more controversial the item the higher the risk of challenge.**

1.24 On a practical level, all Members and the public would be invited to attend the meetings. When the quorum is reached at any meeting, further attendance could be prevented in accordance with Health and Safety legislation and Council policy. However, this may not mean the quorate was proportional. The risk of this option could therefore be high and open to challenge, if Members are prevented from attending. Health and safety would be an unsafe reason for preventing a Member from attending a meeting to which they have been invited and are entitled to attend. The argument would be that the meeting was not properly convened in the first place if it was being held in a venue where all Members could not be accommodated safely. The public have no absolute right to physical attendance in the actual Chamber where the meeting is taking place and can be accommodated in an overflow, where available.

1.25 It would be expected that Full Council would approve this as a reason for a Member being unable to attend any meeting, under Section 85 of the Local Government Act 1972.

1.26 OPTION 3: an alternative would be for meetings to be postponed until they become manageable under revised Covid restrictions or for all business to be carried out by officers using delegated powers or urgent action procedures. Those would be in full consultation with relevant Members, but no voting or decision making by Members other than individual Cabinet Members would be possible, and only up until 20 May, when the new Committee from of governance starts (the first meeting being the Planning Committee on 26 May 2021). Again, Group Leaders would be consulted in accordance with the Constitution.

LEGAL VIEW:

1.27 The Full Council meeting on 12 May will be determining the new Constitution and on 19 May 2021, the Annual Council Meeting will be determining the Chairmanship and Vice-chairmanship of Committees for the new Committee system. Both of these need to be productive to ensure the Continuation of Council business. This is unlikely to be a viable option in view of the business that is being conducted at the Council meetings. The current delegations to officers are based on the current constitution and cannot be rolled over.

Recommendation

1.28 In accordance with his Health and Safety responsibilities the Chief Executive recommends that the Council continues with virtual meetings (for all of the Council's meetings) from 7 May through to such date that the Government confirms social distancing will be completely relaxed (current indication is 21 June 2021) to ensure the safety of Councillors, staff and the public, and

1.29 Section 5 Part 5 of the Constitution: The Virtual Meeting Procedure Rules are amended at paragraph 2.1, to provide for those Rules to prevail until further notice.

2. PROPOSAL(S):

It is recommended to Full Council to:

Continue with virtual meetings (for all of the Council's meetings) from 7 May through to such date that the Government confirms social distancing will be completely relaxed (current indication is 21 June 2021) to ensure the safety of Councillors, staff and the public and provided the Virtual Meeting Procedure Rules prevail.

3. OPTIONS:

1. To continue with virtual meetings until it is safe to hold meetings in Council buildings.
2. To have politically balanced, reduced Member meetings, with Officers virtually connected.
3. To support the CEO and other senior Officers to make decisions, as delegated through the Constitution. .

4. CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		X
Relevant District Ward Councillors		X
Other groups/persons (please specify) Group Leaders	X	

5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial	X	
Legal	X	
Human Rights/Equality Impact Assessment	X	
Community Safety including Section 17 of Crime & Disorder Act	X	
Sustainability		X
Asset Management/Property/Land		X
Technology	X	
Safeguarding		X
Other (please explain)		

6. IMPLICATIONS:

The Council needs to hold public meetings in a safe environment. Holding these meetings IN public will not guarantee the safety of Members, Officers or the public, whilst continuing to hold virtual meetings, until the anticipated easing of restrictions (on 21 June 2021), will. This approach is consistent with the Council's Health and Safety Policy

7. REASON FOR THE DECISION:

To enable Council decisions to be made in a democratic and public way, but in a Covid safe environment.

8. BACKGROUND PAPERS:

Correspondence: <https://www.gov.uk/government/publications/covid-19-letter-to-council-leaders-on-the-future-of-remote-meetings>

Announcement:

<https://www.gov.uk/government/news/new-guidance-on-safe-use-of-council-offices>

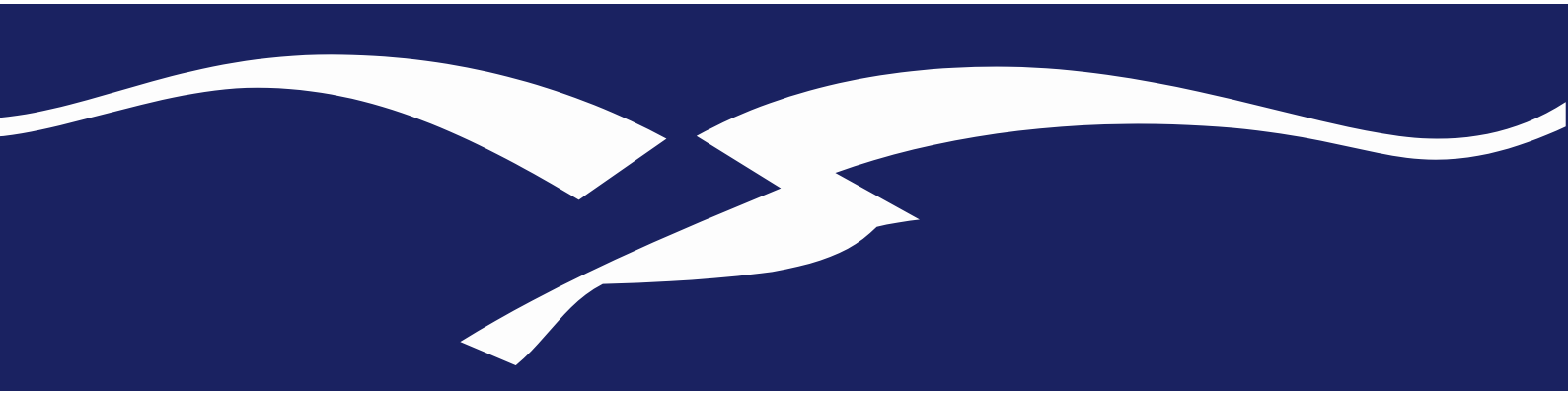
Government Guidance

[COVID-19: Guidance for the safe use of council buildings - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/covid-19-guidance-for-the-safe-use-of-council-buildings)

[Offices and contact centres - Working safely during coronavirus \(COVID-19\) - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/covid-19-guidance-for-working-safely-during-coronavirus)

[Coronavirus \(COVID-19\): guidance for local government - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/covid-19-guidance-for-local-government)

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Health & Safety Policy

Organisation & Responsibilities

Adoption date	13 March 2019
Full Council Minute	483

Arun District Council Health and Safety Policy – Organisation and Responsibilities

*Arun District Council's Health and Safety Policy is divided into three sections. The first is the **Health and Safety Policy Statement** of commitment which is signed and dated by the Chief Executive. This document is placed at the staff entrance to each operational ADC building and is on the Intranet. This document expresses the overall aims and commitment of the organisation to health and safety. The **Organisation & Responsibilities Section (this section)** sets out the relevant health and safety responsibilities for all persons undertaking work activities for Arun District Council. Detailed information about employee roles and responsibilities may also be included in job descriptions. The third section includes all the Council's **Health and Safety Procedures**.*

No Director, Manager, or employee of Arun District Council may undertake or authorise any activity which places employees, or others, in danger, or is in breach of legal requirements with respect to health and safety.

ARUN DISTRICT COUNCIL STRUCTURE

CORPORATE SUPPORT			PLACE				SERVICES		
	Nigel Lynn		Karl Roberts				Philippa Dart		
PA	Gemma Stubbs, Shirley Zeman,		Sue Bowley, Carolyn Nysingh				Helen Perry, Emma Strudwick		
Contact	Ext 37707/37601		Ext 37533/37778				Ext 37801/37701		
Group	Group Head of Policy	Group Head of Council Advice & Monitoring Officer	Group Head of Corporate Support	Group Head of Planning	Group Head of Technical Services	Group Head of Economy	Group Head of Community Wellbeing	Group Head of Residential Services	Group Head of Neighbourhood Services
Page 15 of 15	Jackie Follis	TBC	Alan Peach	Neil Crowther	Nat Slade	Denise Vine	Robin Wickham	Satnam Kaur	Joe Russell-Wells
	Ext 37580	Ext 37610	Ext 37558	Ext 37839	Ext 37683	Ext 37846	Ext 37835	Ext 37718	Ext 37914
Service Areas	<ul style="list-style-type: none"> Corporate Policy Corporate Performance Communications, web management, marketing National Partnerships Local partner liaison Scrutiny Support Postal Services Design Print Elections 	<ul style="list-style-type: none"> Information Management and support – FOI, Data Protection, Customers of Concern, Official Complaints Legal advice to the Council Monitoring Officer Standards Committee Committee Services 	<ul style="list-style-type: none"> Finance Audit Procurement S151 Officer Payroll Human Resources Legal Services ICT and Service Improvement 	<ul style="list-style-type: none"> Development Management Control Local Plan & Policy 	<ul style="list-style-type: none"> Street name & Numbering Local Land Charges Engineering Property & Estates Facilities Environmental Health Private Sector Housing Building Control 	<ul style="list-style-type: none"> Economic Policy & Research Town Centre Management Business Development Economic Partnerships Tourism 	<ul style="list-style-type: none"> Leisure Foreshores Wellbeing Voluntary & Community Sector & Citizens Advice Youth Council Safeguarding Activities for the Elderly Think Family Telecare (Lifeline) Community Safety (inc ASB) 	<ul style="list-style-type: none"> Strategy & Enabling Registered providers and social landlords Homelessness Housing and HRA Revenues & Benefits 	<ul style="list-style-type: none"> Car Parking Parks Cleansing Cemeteries Emergency Planning Trees and maintenance team Customer Services

<ul style="list-style-type: none"> Mainly office based Lone working canvassers External events re: elections. COSHH Use of equipment Suspicious packages Use of own vehicles Manual Handling Out of hours evacuation 	<ul style="list-style-type: none"> Mainly office based activities Out of hours evacuation 	<ul style="list-style-type: none"> Mainly office based activities Procurement & Provision of Occupational health services for ADC staff. Procurement and provision of wellbeing services for ADC staff 	<ul style="list-style-type: none"> Office based activities Officer site inspections Lone working Use of own vehicles 	<ul style="list-style-type: none"> Office based activities Officer site inspections Lone working Use of own vehicles Contractors Procurement Use of plant and equipment Workplace transport Lone working Potentially aggressive customers Thorough Examination re Pressure equipment, Lifts, Lifting equipment re FLT, mechanical and electrical. Landlords H & S responsibilities re legionella, Asbestos, Infectious disease 	<ul style="list-style-type: none"> Office based activities Lone working 	<ul style="list-style-type: none"> Office based activities Use of own vehicles Lone working Potentially aggressive customers First Aid (Foreshores) Use of plant and equipment Contractors Procurement Workplace Transport, ATV;s Officer site inspections Homelessness outreach home visits Transportation of clients in own vehicles Naxolene Pens Infectious disease 	<ul style="list-style-type: none"> Office based activities Officer site inspections Use of own vehicles Contractors Procurement Workplace transport Lone working Potentially aggressive customers Contractors Use of plant and equipment Thorough Examination re Pressure equipment, Lifts, mechanical and electrical. Landlords H & S duties re legionella, asbestos. Infectious disease Debt Collection 	<ul style="list-style-type: none"> Office based activities Officer site monitoring & inspections Use of own vehicles Management and use of leased vehicles Contractors Procurement Use of plant and equipment Workplace transport Lone working Potentially aggressive customers Thorough Examination re Pressure equipment, Lifts, mechanical and electrical Infectious disease Working at height
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Chief Executive

The Chief Executive has final and overall responsibility for health and safety matters within the Organisation and will:

- Take a leadership role on health and safety matters by setting a good example and acting promptly where deficiencies are identified.
- Allocate adequate resources to implement the Health and Safety Policy and management system.
- Ensure that Corporate Management Team meeting agendas include regular updates and reports from CMT, SMT, Corporate Health and Safety and Unison Staff Safety Panel and that CMT's responsibilities are fulfilled.
- Ensure that managers and supervisory staff are aware of the importance of enforcing health and safety rules and leading by example by following the rules themselves.

Council Portfolio Holder for Technical Services Group

- Elected to champion health and safety management issues at Council Member level.
- To receive regular health and safety training commensurate with their position.
- Receive regular update briefings on new and changed legal requirements and other external developments and ensuring that action is initiated to make any necessary internal changes.
- Encourage Members to use and follow Corporate Health and Safety Policies and Procedures including the Councillor's Guide to Personal Safety.

Directors (Corporate Support, Place, Services.)

- Ensure that Group Heads have the staff, competence, resources and training to enable them to fulfil their role.
- Keep the Chief Executive, CMT and Group Heads informed of:
 - any proposed changes to the premises, activities or management structure.
 - any new hazards not already identified within Risk Assessments which have been brought to their attention.
 - any visits by, or correspondence with, enforcing authorities.
 - any difficulties or delays in implementing advice provided by Corporate Health and Safety.
- Ensure that for equipment or materials purchased from outside the EU, where Arun District Council is the 'importer', arrangements are made to ensure that EU product safety legislation and material labelling requirements are met. This should be implemented through an effective Procurement Policy.
- Directorates where work involved with contract installation, maintenance and repair works on ADC or customer sites are also responsible for the following:
 - Produce a Construction Phase Plan, Risk Assessments and Method Statements to cover the work of engineers on site.
 - Formally review the quality and safety of workmanship by employees and Sub-Contractors, both during the work activity and by review of the completed work, reporting the outcome to the Chief Executive and CMT.
 - Ensure that information is obtained from the Client and/or from site visits to identify site hazards and that the necessary precautions are incorporated into the method statement before the work commences.
 - Ensure that any design and specification work carried out by the ADC considers the safety of those using and maintaining the installation and that information is provided to the Client, to assist them in managing it safely on an ongoing basis.
 - Check that the Clients are aware of their duties under the Construction (Design and Management) Regulations prior to starting work and where the work involves more than one Contractor; obtain the details of the appointed Principal Contractor and Principal Designer.
 - Ensure that workers have access to welfare facilities when undertaking site work.

- Ensure that reasonable steps have been taken to secure the site from unauthorised entry, as appropriate.
- Encourage Members to follow Corporate Health and Safety Policies and Procedures including the Councillor's Guide to Personal Safety.

The Corporate Management Team (CMT) is responsible for:

- Demonstrating leadership on health and safety matters always both as a group and as individuals.
- Appointing a 'Health and Safety Director' to oversee fulfilment of the Council's health and safety responsibilities as listed below.
- Revising the Health and Safety Policy at least bi-annually, on the advice of Corporate Health and Safety / Staff Health and Safety Panel / Designated Portfolio Holder for Health and Safety.
- Agreeing health and safety targets and objectives for the organisation and monitoring their implementation as proposed by the Staff Health and Safety Panel.
- Reviewing health and safety performance annually by receiving reports of the agreed performance measures.
- Receiving investigation reports of serious incidents/work related ill health and accidents and incidents to employees, consultants, visitors and members of the public through activities carried out on Arun District Council land and property and responding effectively to those reports.
- Reviewing the effectiveness of measures to consult with and involve the workforce in health and safety.
- Considering the health and safety implications of introducing new processes, new working practices, new personnel or other significant business change, at the planning stage and taking the action necessary to mitigate any increased risk including Stress Risk Assessments where appropriate.
- Ensuring that no significant changes to the business are introduced without dedicating sufficient resources for health and safety purposes and managing the change effectively.
- Ensuring that there are arrangements in place for CMT to receive reports on the impact on health and safety performance following the introduction of significant changes.
- Ensuring that the Arun District Council has access to competent advice on health, safety and fire safety matters including access to specialist advisors where necessary.
- Considering health and safety needs when deciding senior management appointments.
- Receiving regular update briefings on new and changed legal requirements and other external developments and ensuring that action is initiated to make any necessary internal changes.

Senior Management Team is responsible for;

Health and Safety is to be included as a standing agenda item. This forum is to be used to highlight and resolve any non-compliance with the Council's Health and Safety Policy and procedures.

Group Heads

- Responsible for the day to day management and legislative compliance of health and safety. This role is supported by Corporate Health and Safety and Environmental Health Team Leader.
- Ensure that Construction Phase Plan, Risk Assessments and Method Statements are produced.
- Ensure that Service Area Managers within their group have the staff, competence, resources and training to enable them to fulfil their role as detailed below.
- The Health and Safety Policy and associated documents are communicated and implemented within the service areas within their groups.

- Risk Assessments are undertaken, and work procedures incorporate appropriate risk control measures.
- Ensure that Risk Assessments have considered the need to provide ongoing health surveillance to employees. Where necessary implement a program covering audiometry, vibration white finger screening, lead in blood monitoring, dermatitis, fitness to drive etc. Inform HR who arrange for the program to be arranged through an independent occupational health provider.
- Ensure that the results of Risk Assessments are communicated to all concerned including Contractors or non – Council staff.
- Team meetings include health and safety issues.

Service Area Managers

- Take a leadership role on health and safety matters by setting a good example and acting promptly where deficiencies are identified.
- Consult with employees on health and safety matters during team meetings.
- Plan the work of staff to avoid dangerously excessive working or driving hours and to ensure compliance with the Working Time Regulations.
- In the selection of employees, consider the health and safety competence requirements on and fitness for work.
- Provide appropriate skills/health and safety training to employees on starting employment and when their job role or work activities change, reviewing training needs at induction and during annual appraisals.
- To ensure that HR are provided with appropriate details so that training records can be recorded centrally and monitored.
- Ensure that staff are only given tasks for which they are competent, and that adequate staffing is provided for the safe completion of tasks.
- Retain training records for all skills and health and safety training undertaken by the Council for employees. See www.hse.gov.uk/ubns/indg345.pdf
- Ensure employees (Contractors and Sub-Contractors) are sufficiently supervised and monitored to the extent that this is practicable and necessary having regard to the work activities and the competence of the workforce.
- In the purchase of equipment and materials, ensure that the safety requirements are met and that relevant information such as instructions and safety data sheets, are supplied.
- Ensure that work equipment, vehicles and personal protective equipment are suitable for purpose, supplied where necessary and properly maintained. This includes office furniture and equipment.
- Only select construction and maintenance Contractors who have demonstrated their competence and resourcing to undertake the work safely and ensure that Contractors receive and are requested to provide, adequate information for them to carry out their work safely and without adversely affecting others.
- Ensure that Risk Assessments are undertaken to cover the work activities undertaken by the service as detailed on the ADC Structure Plan attached showing the main work activities undertaken by each service.
- This should include Risk Assessments for the general hazards already identified in the Health and Safety Procedures section of the Council's Health & Safety Policy.
- Ensure where necessary that Risk Assessments are undertaken to cover less commonly required specific Risk Assessments such as work with lead, radiation hazards, work with asbestos, vibration, lifting operations, legionella assessments.
- Through Risk Assessments consider the need to provide ongoing health surveillance to employees and implement a program covering audiometry, vibration white finger, lead in blood, dermatitis, fitness to drive etc. Inform HR of the findings of the risk assessment who will arrange for the program to be provided by an independent occupational health provider.

- Ensure that Risk Assessments are acted upon and that the results are shared with employees undertaking those activities.
- Investigate accidents and arrange for Accident and Incident Reports to be made to Corporate Health and Safety.
- Co-operate with any accident or incident investigation undertaken by Corporate Health and Safety.
- Notify Corporate Health and Safety of any inspection or request for information from a Health and Safety regulator.

Corporate Health and Safety

The Environmental Health Team within Technical Services work jointly to fulfil the Corporate Health and Safety Role including the role of Competent Person for the Council providing advice and guidance on issues relating to health and safety.

- Senior Environmental Health Officer and Group Head of Technical Services to attend quarterly Staff Health and Safety Panel Meetings.
- Produce and maintain Fire Evacuation Policy and Procedures in liaison with Facilities for Arun Civic Centre and Bognor Regis Town Hall and Phoenix House.
- Liaise with Human Resources in managing the appointment and selection of First Aiders and assisting First Aiders in undertaking their role.
- Liaise with Human Resources in contributing to staff induction training on health and safety.
- Arrange for all staff to receive training in how to undertake workstation assessments.
- Advise Service Area Managers on workstation assessments as necessary and make recommendations where office furniture and equipment are necessary.
- Arrange for quarterly Staff Health and Safety Panel meetings to be held.
- Review this Policy frequently where appropriate e.g. as a result of changes within the organisation, the work activities or legislation and guidance.
- Review the health and safety standards and practices of the Council on an ongoing basis and bring any significant concerns to the attention of the Group Head of Technical Services.
- Investigate serious accidents, incidents and cases of ill health to employees, Contractors, and visitors using Arun District Council property or land or activities undertaken by Arun District Council.
- Investigate accidents, incidents and work-related ill health issues which caused or had the potential to cause serious injury or ill health.
- Report to the Staff Health and Safety Panel on any accidents and incident reports including concerns that Corporate Health and Safety are unable to resolve.
- Ensure that statutory reports are made for serious incidents in accordance with the *Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR)*
- Ensure that there is an effective mechanism for consulting with employees on health and safety matters.

All employees, volunteers and contractors and partners.

All employees, volunteers, Contractors and partners must take care of themselves and others affected by their work and are expected to:

- Familiarise themselves with this Health and Safety Policy and Risk Assessments (whererelevant, Method Statements, Construction Phase Plans etc.) relevant to their work activities, comply with the requirements set out and raise any shortfalls in the content with their supervisor.
- Follow the health and safety rules and their training for the work activity and the particular location.
- Know the emergency procedures for the location at which they are working

- Use vehicles, equipment, materials or substances in accordance with information, instruction and training provided by the Council
- Not use defective equipment or misuse equipment
- Wear personal protective equipment issued appropriate to the job they are doing
- Look after personal protective equipment and report loss or damage to their supervisor
- Report any safety problems, accidents or near misses to their supervisor
- Not work under the influence of alcohol or drugs.

Human Resources (HR)

- Retain training records for all skills and health and safety training undertaken by the Council for employees. See www.hse.gov.uk/ubns/indg345.pdf
- Arrange and co-ordinate Corporate Health and Safety Induction Training with assistance from Corporate Health and Safety within Environmental Health Service.
- Maintain arrangements for providing eye and eyesight tests for regular users of display screen equipment and ensure that relevant employees are made aware of these arrangements.
- Ensure that management practices are consistent with statutory requirements in relation to working hours, employment of children, young persons, pregnant employees, and new mothers at work.
- In liaison with the Corporate Health and Safety representative in Environmental Health, ensure that Risk Assessments are undertaken for work undertaken by new and expectant mothers.

Health Surveillance

- As instructed by the Service Area Manager and /or via Risk Assessments, to arrange for ongoing health surveillance for employees who are exposed to noise or vibration, ionizing radiation, solvents, fumes, dusts, biological agents and other substances hazardous to health or work in compressed air. Health surveillance will be carried out by our Occupational Health provider and where appropriate, records will be retained by the HR Department for a period of up to 40 years.
- HR will employ the services of an independent Occupational Health provider for the purposes of pre-employment health checks once an offer of employment has been made. The pre-employment health check will help determine whether adjustments are required in order for the candidate to undertake the role and /or for certain jobs, the candidates fitness to undertake the role i.e. roles requiring the use of heavy machinery, driving etc. As the employer we do not have access to medical information other than the report provided by Occupational Health. If an individual has an injury or illness which appears to be work related, affects their work, or is made worse by work, we seek a medical opinion to assist us in evaluating the problem and identifying any practical changes we can make to assist the individual in safely continuing to do their job. It is usually most effective to refer the individual to an Occupational Health Doctor rather than relying on GP's information where the GP may not understand the nature of the work.
- Report to Corporate Health and Safety any health and safety concerns which HR are not able to resolve.

Payroll

Payroll will carry out a check of the driving licence of all staff at the commencement of their employment for those that drive on Council business and the insurance arrangements for private cars used on ADC premises. Any subsequent changes will be confirmed by declaration to Service Area Managers when employees submit their mileage claims.

Employee health and wellbeing.

The person with overall responsibility for employee health and wellbeing is the Group Head of Corporate Support with assistance from the Group Head of Community Wellbeing.

Employees are offered free Freedom Leisure Centre Membership in Arun Wellbeing MOT's and Activity Classes. Details of promotional activities and services can be found on the Intranet in the 'Staff Zone'.

Insurance Officer

- Arrange and maintain a policy of employer's liability insurance and that a current certificate of insurance is displayed or otherwise made available to all employees.
- Arrange and maintain a policy of motor insurance for all motor vehicles owned, leased or hired by the Council for use in its business.

Unison Staff Consultation Panel

The Staff Consultation Panel is made up of a selection of Councillors, Managers representing the Employers side at Arun DC and members from the UNISON Executive Committee. The Unison Staff Consultation Panel is the forum that deal with a variety of topics which relate to and affect staff at Arun, including health and safety, and report to Full Council where necessary. Meeting notes are available for all staff to view on SharePoint.

Staff Health & Safety Panel

The general remit of the Panel is to review and discuss health and safety policy, organisation, arrangements and practices of the Council within the scope of Section 2 (7) of the Health & Safety at Work etc. Act 1974 and related legislation, regulations and guidance made thereunder. Meeting notes are available for all staff to view on SharePoint.

Safety Representatives and Representatives of Employee Safety

Representatives as appointed through the recognised Trade Union or elected by employees are responsible for assisting the employer in consulting staff and representing their colleagues.

- They assist in health and safety monitoring by proactively advising managers and staff of concerns regarding day to day issues.
- Their functions are described in legislation but they do not have responsibility for health and safety. However, once appointed they are responsible for consultation with colleagues and attending safety meetings.

Health and Safety Management and maintenance of land and property

Arun District Council is responsible for the management and maintenance of land and property assets throughout the District and complying the relevant health and safety legislation. A brief description of their health and safety responsibilities is provided below, further detail on how this is managed is provided in the 'Procedures Section of this Policy.

Property, Estates and Facilities have overall health and safety responsibility for operational buildings such as Arun Civic Centre, Phoenix House, Hotham Park Lodge, The Carriage Yard, Bognor Town Hall. This includes responsibilities for the repair and maintenance of the building and installed systems such as the alarm systems, maintenance of lifts etc. through the use of their own Officers and the use of Contractors. The team also deal with assets that we rent and those that are leased by ADC including commercial premises where we have landlord duties. They are responsible for the maintenance and repair of properties and their landlord duties and other statutory duties including the management of legionella and asbestos and Written Scheme of Examination for the main safety hazards of lifting equipment or pressure systems. Any shared responsibilities for the buildings is with tenants or other ADC services and agreed through the use of a 'Shared Responsibilities' document for each building.

Residential Services and HRA have overall health and safety responsibility for residential property that is owned, leased, managed and rented including sheltered housing, bed and breakfast accommodation and emergency temporary accommodation. They are responsible for

the maintenance and repair of properties and their landlord duties and other statutory duties including the management of legionella and asbestos and Written Scheme of Examination for the main safety hazards of lifting equipment or pressure systems. They use partner organisations, Contractors and services provided in house through Neighbourhood Services, Parks and Greenspaces.

Neighbourhood Services are responsible for a number of high profile front line services including parks, cemeteries, play areas, cleansing (refuse collections, street cleansing, and public conveniences) and car parks, with wide ranging health and safety responsibilities. This includes delivery of services 'in house' for example through the Tree and Maintenance Team who deal with arboricultural work, as well as repairs and maintenance and coastal defence work.

A number of services are delivered through high value external service contracts such as the Combined Cleaning Services Contract and Greenspace Management Contract. Ensuring that these contracts are appropriately reviewed and audited in terms of health and safety compliance and operational best practice is a key function of the service.

Neighbourhood Services are also responsible for leading on specific high profile projects such as the Littlehampton Leisure Centre and other public realm projects. The Emergency Planning function also sits with the Neighbourhoods Group.

In-house responsibilities include; workplace transport, working at height, Written Schemes of Examination for lifting and mechanical equipment. The Tree and Maintenance Team are also responsible for the day to day operational management and safe use of Hotham Park Carriage Yard.

Community Wellbeing oversee community safety and wellbeing services. It has Contract management responsibility for the leisure centres operated by Freedom Leisure and direct responsibility for the management of the promenades which includes providing first aid to members of the public by Foreshore Officers and the RNLI as part of a Lifeguarding Services Contract. Other responsibilities include workplace transport and the use of plant and equipment. Community Wellbeing is supported by Parks and Greenspace, Housing Services, Engineers and other Contractors and partners.

Monitoring, Auditing and Reviews

Proactive measurement of our performance against health and safety standards will be undertaken through:

- Formal review of performance against the Health and Safety Policy requirements relating to Risk Assessment.
- Directors, Group Heads and Service Area Heads have health and safety performance objectives based on the Council's health and safety objectives. Progress towards individual objectives is measured as part of our staff appraisals.
- Monitoring of progress against action plans by the Staff Health and Safety Panel.

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Arun District Council Health and Safety Policy Statement



Nigel Lynn
Arun District Council
Chief Executive

This Health and Safety Policy Statement and the Organisation and Arrangements sections that support the Statement will be reviewed at least annually or more frequently where there have been significant changes to the organisation or the nature of the organisation's activities.



1. The Corporate Management Team (CMT) is firmly committed to doing all that is reasonably practicable to protect the health, safety and welfare of our employees and any other person affected by our activities through applying the high standards set out within this policy.
2. The Corporate Management Team, led by the Chief Executive has overall responsibility for ensuring that we maintain high standards of health and safety. However, we rely on all our Senior Management Team (SMT), employees and sub-contractors to play their part in implementing our health and safety policy and drawing to our attention, areas in which we can improve.

Arun District Councils work activities are mainly office based but also include many diverse activities that are higher risk including tree felling, operation of plant and equipment, front line staff dealing with members of the public in a variety of environments etc. Our premises are shared with other organisations. Many services are conducted via contractors or business partners. It is a priority for us to ensure that we select only competent contractors/partners and monitor the health and safety standards of their work and workmanship.

3. The Corporate and Senior Management teams will take all reasonably practicable steps to:
 - Provide and maintain a safe and healthy working environment including safe access arrangements and suitable welfare facilities.
 - Provide information, instruction, training and supervision to enable employees to perform their work safely, including displaying a copy of this policy on the intranet and at each workplace, drawing the policy to the attention of new starters.
 - Undertake risk assessments, implement the identified control measures and ensure that safe systems of work are applied in relation to all our activities.

- Ensure that all vehicles and work equipment are suitable for purpose and properly maintained.
 - Minimise the use of hazardous or dangerous substances and where their use cannot be eliminated, implement suitable controls.
 - Make available all necessary safety devices and protective equipment and supervise their use.
 - Take steps to assess the competence of any contractor we engage and to ensure that information is exchanged on matters relevant to health and safety.
 - Be prepared for emergencies such as fire and medical emergencies and investigate all incidents of injury or ill health.
 - Promote a positive health and safety culture within the organisation, by Directors and Managers, consulting with employees on health and safety matters, directly and through safety representatives appointed by Unison.
4. Arun District Council is committed to ensuring that the implementation of the health and safety management system is adequately resourced to enable the full implementation of this policy. This commitment includes the provision of sufficient financial resources, management and employee time, training and health and safety advisory support. The organisation appoints a combination of internal and external specialists to provide competent health and safety advice.
 5. It is the responsibility of the Chief Executive to monitor the implementation of this policy and the company's overall health and safety performance by receiving regular health and safety reports through the Joint Staff Safety Panel.

29 June 2020

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