

Financial Monitoring Report 2012/13 – September 2012

11. Legal and Statutory Implications

1. Civic Centre windows

The Civic Centre windows programme has been reprioritised forward due to health and safety concerns regarding the state of the windows.

Section 2 of the Health and Safety at Work etc Act 1974 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. This includes the provision and maintenance of a safe working environment. Section 3 places a duty on the employer to conduct his undertaking in such a way so as to ensure, so far as is reasonably practicable, that persons not in his employment (and so would include contractors and members of the public) are not exposed to risks to their health and safety. Failure to comply with these duties are criminal offences.

Since April 2008 local authorities may be prosecuted under the Corporate Manslaughter and Corporate Homicide Act 2007 where death has been caused following a gross breach of a duty of care as a result of the way the organisations activities have been managed or organised by senior management. The local authority owes a duty of care to those both inside the building and members of the public within the vicinity of the building.

In addition there may be personal injury claims in civil proceedings.

2. For other matters contained in this report, relevant legal implications have been addressed. "