

Response to Request for Information

Reference FOI 000866
Date 8 February 2017

Health and Safety offences

Request:

Following the introduction of the Definitive Guideline for Health and Safety offences, Corporate Manslaughter, and Food Safety and Hygiene offences (the "Guideline"), introduced in February of last year, we would be most grateful if the Council could confirm the following information for the year 1 February 2016 to 31 January 2017:

In respect of each of the requests below, please note we require information only in respect of health and safety offences prosecuted by the Council.

1. What has been the highest fine imposed under the Guideline? [In response to question 1 above, I can confirm that the council has not undertaken any prosecutions in the previous two years in relation to Health and Safety offences.](#)
2. What has been the highest fine imposed for a fatal health and safety incident under the Guideline? [N/A](#)
3. What has been the highest fine imposed under the Guideline for a non-fatal health and safety incident? [N/A](#)
4. How many fines over £1 million have been imposed? [N/A](#)
5. What have been the top 10 highest fines imposed under the Guideline? [N/A](#)
6. What is the total sum which has been imposed in fines? [N/A](#)
7. How does that compare to the total sum for the equivalent period in the preceding year, i.e. February 2015 to February 2016? [N/A](#)
8. Please break down the total sum imposed by sector e.g. leisure, retail, etc [N/A](#)
9. How many of the fines imposed under the Guideline have been subject to appeal? [N/A](#)
10. How many of those appeals have been successful? [N/A](#)

11. What proportion of the fines imposed have been imposed on organisations and what proportion have been on individuals? N/A

12. How many custodial sentences have there been for individuals under the Guideline? Please confirm the numbers for both suspended and immediate custodial sentences.

13. What has been the longest custodial sentence imposed under the Guideline? Please confirm the numbers for both suspended and immediate custodial sentences.

14. What has been the average custodial sentence imposed under the Guideline? Please confirm the numbers for both suspended and immediate custodial sentences.

15. How many disqualification orders have been imposed?

16. What proportion of fines imposed have been following a guilty plea and what proportion have been imposed following conviction after a trial?

17. What proportion of the custodial sentences (including suspended sentences) imposed have been following a guilty plea and what proportion have been following a conviction after trial?

18. Have there been any cases subject to the Guideline in which the Court has expressly stated that it has taken into account the financial position of any related group entities?

In response to questions 12 to 18 above, I can confirm that it has been established after careful consideration that the Council does not hold the above information. Consequently, we are unable to provide any information relating to the above, and are informing you as required by Section 1(1) (a) of the Act, that states:

"Any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information of the description specified in the request".

However, I can advise you that this information would be held by the Courts.

Details on any fines imposed on an Organisation by the HSE will be published on their website: <http://www.hse.gov.uk>