

**LICENSING AND SAFETY COMMITTEE**  
**8 February 2010**

---

**HEALTH AND SAFETY LAW ENFORCEMENT PLAN 2010-11**  
**(Director of Environment, Culture and Communities)**

**1 PURPOSE OF DECISION**

- 1.1 The Council has responsibility for the enforcement of health and safety in private sector businesses in the Borough. Members will recall approving the Health and Safety Law Enforcement Plan 2009-2010 at the Committee meeting on 2 July 2009. The purpose of this report is to provide members with an opportunity to comment on the draft Health and Safety Enforcement Plan for 2010-2011 prior to the final version the Committee will receive later in the year. The Work Plan for Health and Safety Law Enforcement 2010-2011 (Appendix A) is in the process of being re-drafted and sets out a framework for the Council's plan for health and safety in line with direction from the HSC and the Health and Safety Executive (HSE).
- 1.2 The plan is required to comply with Section 18 of the Health and Safety at Work etc Act 1974 to ensure that national priorities and standards are delivered effectively and consistently at a local level.

**2 RECOMMENDATIONS**

**2.1 That DMT:**

- (a) **notes the timescales for the production of the final Health and Safety Law Enforcement Plan 2010-2011 and**
- (b) **comments on the contents of the draft Enforcement Plan (Appendix A).**

**3 ADVICE RECEIVED FROM STATUORY AND OTHER OFFICERS**

**3.1 Borough Solicitor**

The Borough Solicitor is satisfied that the relevant legal provisions are contained within the body of the report.

**3.2 Borough Treasurer**

The Borough Treasurer is satisfied that no significant financial implications arise from this report.

**3.3 Impact Assessment**

The plan targets premises based on history of risk and identified need where issues of equality may arise, then special provision is made to help as may be necessary. An initial equalities impact assessment is attached in appendix B. The activity is regulatory and the equalities impact assessment was covered by the overarching document entitled Enforcement Policy 2008 which was reported to the Executive on 18 November 2008.

### 3.4 Strategic Risk Management Issues

There are no strategic risk management issues arising from the report.

### 3.5 Head of Trading Standards and Licensing

The Head of Trading Standards and Licensing has been consulted and contributed to the proposed plan.

## 4 SUPPORTING INFORMATION

- 4.1 To assist and prepare members for receipt of a final document later in the year, the committee is being shown a draft Health and Safety Enforcement Plan. On completion after April, the full plan will set out the work for 2009-2010 and be accompanied by information providing details of how we have performed in the current financial year.
- 4.2 A key theme of the work plan is to continue to develop targeted health and safety activity by working effectively in partnership with business and the Health and Safety Executive. This will be achieved by working to an agreed portfolio of joint working with the HSE based around 'Fit3' - "Fit for Work, Fit for Life, Fit for Tomorrow". This year's work plan as set out in Appendix A is in the process of being populated with targets and initiatives under 3 main headings which are: **protecting consumers, support for local businesses and local partnerships.**
- 4.3 There are effectively two main regulatory arms: the Health and Safety Executive and the Local Authorities. Within Bracknell Forest enforcement is a function of the Environmental Health and Safety Section. At 1 April 2009 the Borough had 1932 local businesses where it has the statutory responsibility to enforce the Health and Safety at Work etc Act 1974. This figure will be adjusted in the new financial year to account for the closure and start-up of new businesses.
- 4.4 Progress against the plan is reported monthly as key performance indicator to the Departmental Management Team. In addition The Council's performance in relation to health and safety enforcement is reported annually to the Health and Safety Executive. The Executive has powers to intervene where there is a shortfall in performance. When the committee approved the Health and Safety Law Enforcement Plan on 2 July 2009 it was reported that there had been longstanding staff vacancies but since that time the vacancies have been filled and it is expected that plan will be met.
- 4.5 Consultation with stakeholders has been ongoing since the Committee approved the plan for 2009-2010. It has been published on the Borough Council's website and copies have been issued at key locations in the Borough including the Council's libraries and town and parish council offices. To date no representations have made in relation to the plan.
- 4.6 The Commercial Team is comprised of 5 officers who spend approximately 40% of their time on health and safety issues. The remaining 60% is committed to visiting business to carry out full food hygiene inspections to assess for legal compliance. In the previous year 261 of these inspections were carried out. Additionally all new businesses are required to be inspected within 28 days of opening and also follow-up visits are required for businesses where issues of non-compliance have been found.

## **Background Papers**

1. HELA Strategic Plan 2000-2004
2. HSC Strategy for Workplace Health and Safety in Great Britain to 2010 and Beyond – (Securing Health Together – SH2)
3. Health and Safety in Local Authority Enforced Sectors, Section 18. HSC Guidance to Local Authorities (09/01)
3. HELA Circular Number 67/1 (Rev 3) Advice to Local Authorities in Inspection Programmes and an inspection rating system (12/2000)
4. Health and Safety Law Enforcement Plan 2009-10

## **Contact for further information**

David Steeds, Head of Environmental Health - 01344 352530  
[david.steeds@bracknell-forest.gov.uk](mailto:david.steeds@bracknell-forest.gov.uk)

## **Doc ref**

G:\SECS1\LICENSING & SAFETY COMMITTEE\2010\January\H&S Law Enforcement Plan 2010-11.doc

## APPENDIX A

### HEALTH & SAFETY ENFORCEMENT PLAN 2010/11

<b>Protecting Consumers</b>		
<b>Task</b>	<b>Outcome</b>	<b>By when</b>
To seek to improve the health and safety standards of workplaces in Bracknell Forest through effective enforcement methods.	Inspection 160 businesses in Bracknell Forest where we are the enforcing authority for health and safety in accordance with risk aiming to complete 100% of identified high-risk premises and using alternative interventions for other business, where appropriate.	March 2011
To develop, implement and maintain a Health and Safety Plan	Provide encouragement, direction and support to local businesses in achieving higher levels of compliance and standards to enhance the wellbeing of Bracknell Forest residents and visitors. Plan to be achieved within existing resources.	March 2011
Respond to and investigate workplace accidents and reports of poor working practices and conditions	To ensure that effective investigations are carried out for 100% of notifications and to take prompt action to improve conditions and reduce likelihood of injury recurring. Examine local trends in accidents reports.	March 2011
In partnership with the Health & Safety Executive work towards reducing the number of accidents and ill health that occurs within Bracknell Forest by focusing on priority areas identified local, regional and national level.	Adapting existing project plans that have been developed by the HSE for campaigns to: <ul style="list-style-type: none"> <li>• Free up officer time for developing 8 Fit 3 campaigns and allow more contact time with businesses</li> <li>• Low cost publicity and support material by use of nationally produced resources and publicity</li> <li>• Impact on the health of the community and the strength of the local economy by targeting areas of identified significant risk. (FIT3)</li> </ul>	March 2011

<b>FIT3 Project Working – Focusing Resources</b>		
<b>Task</b>	<b>Outcome</b>	<b>By when</b>
Slips and Trips – Watch Your Step in Catering Premises	<b>30</b> visits to hotel and catering establishments with the aim is to improve overall H&S score for 20% premises by ensuring legal compliance and adopting best practice.	March 2011
Slips and Trips at leisure centres	<b>5</b> visits to leisure centres; the aim is to improve overall H&S score for 20% premises by ensuring legal compliance and adopting best practice.	March 2011
Disease Reduction – Dermatitis	Aimed at industries where skin hazards are high risk. Following up successful seminars held in 08/09: visits to raise awareness and implement simple controls to <b>20</b> hairdressing premises and further seminar for those in flower industry followed by <b>10</b> flower sales premises. Dermatitis among KP staff in <b>15</b> catering premises where main duties involve wet work.	March 2011
Legionella	Identify high risk sources and raise awareness with <b>15</b> duty holders at leisure centres, garden sales premises, spa venues, golf clubs. Aim is to improve overall H&S score for 20% premises by ensuring legal compliance and adopting best practice.	March 2011
RIDDOR – Under-reporting	Evidence of same organisations reporting. Carry out publicity campaign targeting businesses, health care professionals and injured people on reporting accidents. Incorporate awareness raising at all relevant visits.	March 2011
Construction	A Berkshire-wide project aims at designing out problems in premises such as slip and trip hazards at the design stage by informing designers and architects working in the Borough. To be targeted using the building control and planning lists.	March 2011
Noise at Work in Pubs and Nightclubs	Increase awareness of regulations at clubs and bars playing live and recorded music. Evaluation of impact in <b>5</b> . Aim is to improve overall H&S score for 20% premises by ensuring legal compliances and adopting best practice.	March 2011

<b>Task</b>	<b>Outcome</b>	<b>By when</b>
Special Treatments	Continue to provide specialist advice for the Licensing section and for businesses on <b>100%</b> new applications and renewals. Following underage sales initiative, assess levels of management control in <b>10</b> premises offering sun-bed use and implement interventions as appropriate ensuring legal compliance and adoption of best practice.. Assess levels of management control in <b>10</b> premises offering nail treatments and implement interventions as appropriate ensuring legal compliance and adoption of best practice.	March 2011
Smokefree	Continue to monitor for compliance at all premise visits and respond to <b>100%</b> complaints and enquiries.	March 2011
Stress Management	Initial work to identify leaders implementing management standards for work-related stress. Identify and work with <b>1</b> local service industry to encourage adoption of methods to manage risk. Aim is to improve overall H&S score by ensuring legal compliance and adopting best practice.	March 2011
Asbestos – Duty to Manage	Raise at all relevant visits. Likely to result in some enforcement to secure improvement.	March 2011
Animal Establishments	To inspect <b>10</b> premises for compliance with health and safety legislation and relevant licence conditions as part of licence renewal.	March 2011
Caravan Sites	Conduct full inspection of one caravan site to check compliance, health and safety aspects of model standards and licence conditions.	March 2010
Fireworks	To inspect 40 licensed premises to check compliance with storage and safe provisions.	March 2011
Taxi Inspections	To conduct at least two joint enforcement agency inspection involving VOSA, Social Security, Customs and Excise and Thames Valley Police to check safety of licensed vehicles.	March 2011
Petroleum	To inspect through risk assessment premises licensed for the storage and sale of petroleum products to ensure compliance with legislation and safer working practices.	March 2011

<b>Support for Local Businesses</b>		
<b>Task</b>	<b>Outcome</b>	<b>By when</b>
To facilitate the delivery of health and safety promotional events and material to reflect local needs and national priorities	Organise one major workshop during the year Produce one H&S Newsletter for distribution to all Bracknell Forest businesses Prepare 2 H&S press releases Ensure that the full range of information and guidance on priority areas	March 2011
To provide support and advice to local businesses to help them improve their health and safety compliance	Respond to requests for advice within 2 working days and provide full advice within 14 days Develop a new business advice pack	March 2011
To maintain up-to-date health and safety pages on the Council's website	Provision of relevant accessible information and links to other key sites including Berkshire Health and Safety Website.	March 2011
To provide training in Risk Assessment (CIEH Accredited course)	One low cost course aimed at small businesses in Risk Assessment (CIEH Accredited)	March 2011

<b>Local Partnerships</b>		
<b>Task</b>	<b>Outcome</b>	<b>By when</b>
To support and participate in a joint warranting project with the HSE	Work effectively together on agreed regional projects to provide a consistent and improved service	March 2011
Develop links with local businesses to support local priority topics	To form partnerships with a variety of organisations to help support the service aims particularly focussing on raising awareness during European Health and Safety Week. 2 major partnerships (Panasonic and one other)	March 2011



<b>Performance Management</b>		
<b>Task</b>	<b>Outcome</b>	<b>By when</b>
To respond within agreed timetables for national performance data for HSE	Full reports annually and in year returns submitted within time frames	March 2011
To maintain a quality service in accordance with Section 18 HSC	Implementation of the agreed work plan, ensuring consistency of approach and maximised resources Continue to implement an in-house competency system for appointed officers Identification of staff training needs during appraisals Reviewed and up-to-date internal procedures	March 2011
Complete Monthly Performance Assessments	Report on quality and consistency of the Commercial Team's work and review as necessary	March 2011
To undertake benchmarking with the other Berkshire Authorities via the Berkshire Health & Safety Liaison Group and Berkshire EH Managers Group	Application of best practice, enabling the service to continually improve and identify areas suitable for collaborative working	March 2011
To periodically consult with stakeholders	To seek Business satisfaction levels by annual ongoing consultation and to use the information to improve the service and to further identify local needs.	March 2011

## APPENDIX B Equality Impact Assessment Record

Date of EIA 2 July 2009  
Directorate Environment Culture & Communities

**Step  
1/2**

<b>Initial Screening Record</b>	
Activity to be assessed	<b>Health and Safety Law Enforcement Plan 2009-10</b>
What is the activity?	<input type="checkbox"/> Policy/strategy <input checked="" type="checkbox"/> Function/procedure <input type="checkbox"/> Project <input type="checkbox"/> Review <input type="checkbox"/> Service <input type="checkbox"/> Organisational change
Is it a new or existing activity?	<input type="checkbox"/> New <input checked="" type="checkbox"/> Existing
Aim / objective / purpose of the activity – who is the activity designed to benefit/target?	<p>The Council is required by section 18 of the Health and Safety at Work etc Act 1974, to ensure that national priorities and standards are delivered effectively and consistently at a local level.</p> <p>The plan sets out how the Council intends to comply with those obligations and in so doing mitigate against the risk of an adverse inspection report from the external monitoring body the Health and Safety Executive followed by possible intervention and surcharge.</p> <p>The activity is regulatory and the Equality Impact Assessment in relation to the plan was covered by the overarching document “Enforcement Policy, 2008 which was reported to the Executive on 18 November 2008. <b>The purpose of the enforcement policy is to set a framework for enforcement action in the Environment and Public Protection Division which includes the Health and Safety Law Enforcement Plan.</b></p>
Who is responsible for the activity?	The person/section/team responsible for this policy/function is: Overwrite with name of individual, section or team
Did Step 1: Initial Screening indicates that a full EIA was necessary?	<input type="checkbox"/> Yes – full EIA completed and recorded below. <input checked="" type="checkbox"/> No – full EIA not completed therefore record ends here.