

LICENSING AND SAFETY COMMITTEE
24 March 2011

HEALTH AND SAFETY LAW ENFORCEMENT PLAN 2011-12
(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 1 July 2010. The purpose of this report is to provide members with an opportunity to comment on the draft Health and Safety Enforcement Plan for 2011-2012 prior to the final version the Committee will receive later in the year. The Work Plan for Health and Safety Law Enforcement 2011-2012 (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 2011-2012 and**
- (b) **comments on the contents of the draft Enforcement Plan (Appendix A).**

3 ADVICE RECEIVED FROM STATUORY AND OTHER OFFICERS

Borough Solicitor

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

Borough Treasurer

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

Impact Assessment

- 3.3 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. The activity is regulatory and the current equalities impact assessment is undergoing a refresh and the update will accompany the final Health and Safety Enforcement Plan at the licensing and safety committee in July 2011.
- 3.4 There are no strategic risk management issues arising from the report.

Head of Trading Standards and Licensing

- 3.5 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 2011-2012 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. We will continue to support businesses with adopting and encouraging a common sense approach to health and safety. 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. The portfolio of work is based on national accident data combined with local intelligence to deal with areas of concern for businesses and the public of Bracknell Forest. Visits to businesses will where appropriate encompass multiple regulatory services. However we would not seek to burden businesses with additional regulatory controls unless this can be justified. The Health and Safety work also covers accident and complaint investigation.
- 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 2010 the Borough had 1,350 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 a 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 1 July 2010 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 2010-2011. 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 report is concerned with health and safety but, to put the volume of work associated with the Commercial Team into context, the team is comprised of 5 officers who spend approximately 40% of their time on health and safety issues. So far in the current year 165 health and safety inspections and a further 112 health and safety visits have been made for advisory or enforcement purposes. The remaining 60% is committed to visiting business to carry out full food hygiene inspections to assess for legal compliance and officer advice and information. In the current year 290 inspections have been carried out and 100 visits have been made for advisory or enforcement purposes. 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. Officers also deal with public health issues including environmental protection visits and food poisoning outbreak investigations. The total number of visits across both functions is likely to exceed over 1,000 visits at year end. The final audited figures will be presented to the committee in July 2011.

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 2010-11

Contact for further information

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**APPENDIX A
HEALTH & SAFETY ENFORCEMENT PLAN 2011-12**

Protecting Consumers			
Task	Outcome	Resource	By when
To seek to improve the health and safety standards of workplaces in Bracknell Forest through effective enforcement methods.	Inspection 57 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 targeted interventions for other business, where appropriate.	57x4 hours 100 hours re-visits 100 hours Notices 100 hours Prosecutions Total 528 hours	50% - October 2011 Complete March 2012
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.	Incorporated into other tasks	March 2012
Respond to and investigate workplace accidents and reports of poor working practices and conditions	To ensure that effective investigations are carried out for 100% notifications and to take prompt action to improve conditions and reduce likelihood of injury recurring. Examine local trends in accidents reports.	Total 200 hours	March 2012
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"> • Free up officer time for developing 5 campaigns and allow more contact time with businesses • Low cost publicity and support material by use of nationally produced resources and publicity • Impact on the health of the community and the strength of the local economy by targeting areas of identified significant risk. 	Planning + research Visit/Inspecting Follow up Total 600 hours	March 2012

**APPENDIX B
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Project Working – Focussing Resources			
National Topics	Comments and Outcome	Resource	By when
Liquid Petroleum Gas Inspection Campaign	Nationwide	3 premises x 4 hours 8 Hours Follow Up Total 20 hours	March 2012
Asbestos	Nationwide	Incorporated into visits	March 2012
Local Topics Based on National Data and Local Intelligence	Comments and Outcome	Resource	By when
Sunbeds + Spray tanning	Following on from successful project focussing on sun beds (the coin operated facilities) - to also incorporate premises offering spray tanning – to address issues of poor local ventilation	10 premises x 4 hours 10 hours database 10 hours research Total 60 hours	May to August 2011
Nail Bars	Following on from successful project focussing on nail bars to address issues of poor local ventilation	10 premises x 5 hours 10 hours database 10 hours research Total 70 hours	September to November 2011
<u>Catering Priority Areas</u> Deep Fat Fryers Gas Liquid Petroleum Gas in Mobile Caterers	To be carried out jointly as part of food hygiene inspections	120 visits x 30 mins Total 60 hours	September to November 2011

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Local Topics	Comments and Outcome	Resource	By when
Legionella	Identify high risk sources and raise awareness with 10 duty holders at leisure centres, garden sales premises, spa venues, and golf clubs. Aim is to adopt best practice. Potential sampling activities to be incorporated	10 visits x 5 hours 5 hours research 10 hours follow up Total 65 hours	50% - October 2011 Complete March 2012
Disease Reduction – Dermatitis	Aimed at industries where skin hazards are high risk. Following up successful seminars held in 08/09 + targeted project in 10/11 – focuses on florists. Aim is to raise awareness and implement simple controls in 10 flower sales premises.	10 visits x 1 hours 5 hours research 5 hour follow up Total 20 hours	50% -October 2011 Complete March 2012
Special Treatments	To revisit conditions and examine existing byelaws with view to updating these. To process all new applicants and deal with all queries relating to these premises. Risk focused inspection for 30% of licensed premises with view to visit remainder in next 2 years.	60 hours 7 visits x 5 hours 5 hours research 1 hour follow up Total 47 hours	March 2012
Seasonal Retail Project	Focussing on warehouse and stock management not affected by Christmas, Easter and bank holiday demands	10 visits x 1 hour 1 hour follow up Total 20 hours	March 2012
Noise at Work in Licensed Premises	Focus on noise levels affecting staff. Information and Advisory focus, linking with Environmental Protection (EP) and Licensing noise complaints Joint working with EP + Licensing teams.	10 hours research 10 visits x 1 hour Total 20 hours	March 2012
Commercial Swimming Pools	Focus on management of water quality and general safety standards – project will involve obtaining up-to-date Risk assessments and recent sampling results s to ensure appropriate interpretation and actions	5 visits x 60 mins 5 hours research Total 10 hours	March 2012
Attendance at safety advisory group	Attend monthly meetings and provide support and information for groups interested in holding events.	6 meetings x 1 hour Total 6 hours	March 2012

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Local Topics	Comments and Outcome	Resource	By when
Caravan Sites	Conduct full inspection of one caravan site to check compliance, health and safety aspects of model standards and licence conditions.	1 visit x 20 hours Total 20 hours	March 2012
Fireworks	To inspect 40 licensed premises to check compliance with storage and safe provisions.	40 visits x 2 hours Total 80 hours	March 2012
Taxi Inspections	To conduct at least one joint enforcement agency inspection involving VOSA, Social Security, Customs and Excise and Thames Valley Police to check safety of licensed vehicles.	2 visits x 10 hours Total 20 hours	March 2012
Petroleum	To inspect through risk assessment premises licensed for the storage and sale of petroleum, checking for unattended and overnight delivery.	16 visits Total 30 hours	March 2012
Animal Establishments	Inspections of premises.	10 visits x 4 hours Total 40 hours	March 2012

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Support for Local Businesses			
Task	Outcome	Resource	By when
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 in conjunction with Chamber of Commerce Produce one health and safety newsletter for distribution to all Bracknell Forest businesses Prepare 2 health and safety press releases Ensure that the full range of information and guidance is available on priority areas	20 hours 5 hours 3 hours 10 hours Total 38 hours	March 2012
To provide support and advice to local businesses to help them improve their health and safety compliance, maintaining relationship with business community and ensuring regulatory impact does not generate unnecessary burden	Respond to requests for advice within 2 working days and provide full advice within 14 days and provide "Health and Safety Handbook" to businesses, with questionnaire for low risk premises to ensure communication	192 hours	March 2012
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.	50 hours	March 2012 Ongoing
To provide training in Level 2 Health and Safety	One low cost course aimed at small businesses – Level 2 (Chartered Institute of Environmental Health)	15 hours	March 2012

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Local Partnerships			
Task	Outcome	Resource	By when
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	Previously counted	March 2012
Develop links with local businesses via the Chamber of Commerce, 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. Attending business forum meetings and work closely with businesses.	30 hours	March 2012
		20 Hours	
		Total 60 hours	

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Performance Management			
Task	Outcome	Resource	By when
To respond within agreed timetables for performance data for HSE	Full reports annually and in year returns submitted within time frames	10 hours	May 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, including: Regulators Development Needs Analysis tool (RDNA) Guidance for Regulators Information Point (GRIP) Reviewed and up-to-date internal procedures	20 hours (3 hours x 5 officers) 15 hours 10 hours Total 45 hours	March 2012
Complete Monthly Performance Assessments	Report on quality and consistency of the Commercial Team's work and review as necessary	15 hours	March 2012
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. To ensure S18 compliance through consistency exercise training and ensuring consideration to reducing the burden on businesses	10 hours 10 hours Total 20 hours	Ongoing
To maintain officer competence for Flexible Warranting with HSE	Staff training and experiential learning. Ensuring competence in basic health and safety skills	(3 hours x 5 officers) 15 hours	Ongoing
To 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.	40 hours	Ongoing
To maintain database	To ensure accurate record of premises in the borough	90 hours	Ongoing
		Total Resource 2,546 hours = 2.8 FTEs	