

TO: LICENSING AND SAFETY COMMITTEE
7 July 2011

HEALTH AND SAFETY LAW ENFORCEMENT PLAN 2011-2012
(Chief Officer: Environment and Public Protection)

1 PURPOSE OF REPORT

- 1.1 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.
- 1.2 The proposed Health and Safety Law Enforcement Plan for 2011-2012 reflects this requirement and identifies where and how resources are to be deployed in the current year. Also included as part of the Plan is last year's outturn report.
- 1.3 The Committee is asked to consider the Plan attached as Annex 1. A draft Enforcement Plan was presented to the Committee meeting of 24 March 2011; the purpose of this report is to finalise the plan prior to adoption.

2 RECOMMENDATIONS

That the Committee:

- (a) notes the performance outturn report as set out in Appendix A in the plan and**
- (b) agrees the adoption of the Health and Safety Law Enforcement Plan for 2011-2012 as set out in Appendix B, noting the particular focus on topic inspections and the inspection strategies for high risk businesses to ensure our resources are appropriately targeted.**

3 REASONS FOR RECOMMENDATION

- 3.1 The Plan sets out how the Council will seek to work with businesses as they seek to comply with health and safety requirements, in line with direction from the Health and Safety Commission. Appendix B sets out the proposed work plan for 2011 - 2012.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The production of an annual plan is a legal requirement.

5 SUPPORTING INFORMATION

- 5.1 Matters relating to overall management and delivery of health and safety management at a national level fall to the Health and Safety Executive. There are effectively two main delivery/regulatory arms; namely the Health and Safety Executive and the Local Authorities. Within Bracknell Forest, enforcement of health and safety is predominately a function of Environmental Health. Trading Standards have a small role in relation to workplace product safety matters and the licensing officers have authority to do some inspection work in low risk premises. At 1 April 2011 the Council had 1,498 local businesses where it has the statutory responsibility to enforce the Health and Safety at Work etc Act 1974 and associated regulations. This figure will

be adjusted during the year to account of the closure and start-up of new businesses. The Health and Safety Enforcement Plan 2011-12 set out in Appendix B shows the breakdown for the current year based on risk assessment.

- 5.2 Appendix A shows how we have performed in 2010-11. The Council's performance in relation to health and safety enforcement has been reported to the Health and Safety Executive in an annual statutory return. The Executive has powers to intervene where there is a shortfall in performance. The targets set in 2010/11 were met.
- 5.3 The Council has signed a Statement of Intent with the Health and Safety Executive thereby committing itself to working in closer partnership so as to further national, regional and local priorities. The Plan reflects that arrangement in line with national priorities. A key theme of the Enforcement Plan is to continue to develop targeted health and safety activity by working effectively in partnership with businesses 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 has been 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. 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 Plan also covers accident and complaint investigation. Progress against the plan is reported monthly as a key performance indicator to the Departmental Management Team.
- 5.4 The Enforcement Plan once it is approved is made public and feedback is invited. Any feedback received is then used to inform the plan for next year. The Plan is published on the Council's website and copies are sent to key locations in the Borough including the Council's libraries and Town and Parish Council offices. No representations were made in relation to the previous plan during 2010-2011, or on the draft plan made public in March 2011.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

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

Borough Treasurer

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

Equalities Impact Assessment

- 6.3 The Plan targets premises based on the history of risk and identified need. Where issues of equality may arise, provision is made to help as may be necessary. The activity is regulatory and the plan is covered by the overarching document entitled Enforcement Policy 2008 and Equalities Impact Assessment (Executive November 2008).

Strategic Risk Management Issues

- 6.4 The Council is liable to inspection to ensure compliance with section 18 of the Health and Safety at Work Act etc 1974. This Plan sets out how the Council intends to comply with those obligations and in so doing so mitigate against the risk of an adverse inspection report followed by possible intervention and surcharge.

Other Officers

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

7 CONSULTATION

Principal Groups Consulted

- 7.1 The nature of the Plan is such that we have consultation with stakeholders after its adoption. All feedback is taken into account and helps inform the Plan's future development.

Method of Consultation

- 7.2 The Plan will be published on the Council's website and issued to key locations in the Borough, including all the Councils libraries and Town and Parish council offices.

Representations Received

None.

Background Papers

- 1 A Strategy for Workplace Health and Safety in Great Britain to 2010 and Beyond (Securing Health Together – SH²), (HSE 2004)
- 2 Health and Safety in Local Authority Enforced Sectors, Section 18. HSC Guidance to Local Authorities (09/01)
- 3 HELA Circular Number 67/2. Advice/guidance to Local Authorities on priority plans (03/2010)
- 4 Health and Safety Law Enforcement Plan 2010-2011
- 5 BFC Enforcement Policy 2008

Contact for further information

David Steeds, Head of Environment Health – 01344 352530

david.steeds@bracknell-forest.gov.uk

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**HEALTH AND SAFETY ENFORCEMENT
PLAN 2011-2012**

(inc 2010 – 2011 OUTTURN)

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Bracknell Forest Council
Time Square
Market Street
Bracknell
RG12 9JD**

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PART 1 - INTRODUCTION TO THE PLAN

This Plan sets out details of:

- the work we have completed in the previous year as this influences the way forward
- what we plan to do this year and
- how we intend to do it,

Our key priorities when it comes to workplace safety are to work with business to:

- Provide advice and information to Bracknell Forest businesses and residents
- Inspect businesses on the basis of risk, reducing the burden on compliant businesses whilst targeting those that seek to gain an advantage from non-compliance
- Investigate complaints and listen and respond to your concerns
- Investigate accidents, giving priority to those involving major injury or death in the workplace
- Develop safety and health promotion initiatives including accredited training courses
- Consult our customers on the quality of our service and key issues
- Work in partnership with others to improve our outcomes for Bracknell Forest; for example The Health & Safety Executive, the Berkshire East Primary Care Trust (PCT) and the Royal Berkshire Fire Service

Bracknell Forest Council is responsible for protecting the health, safety and welfare of employees and members of the public who may as a result of business activity be harmed.



We achieve this by targeting projects, inspections, seminars and media campaigns to help reduce accidents and ill health in the work place and to protect others from risks.

The duty and powers of the Council are set out in the Health & Safety at Work etc Act 1974 and associated Regulations; this plan is produced as part of our responsibilities under Section 18 of the Act. Section 18 of the Health and Safety at Work etc Act 1974 (HSWA) puts a duty on the Health and Safety Executive (HSE) and Local Authorities (LAs) to make adequate arrangements for enforcement, including details such as service planning, the officer capacity required to enforce in the Borough and the competency of those officers. Possible risks to compliance with expectation are resource related. Staff numbers and officer skill shortages are hard to mitigate for in the current climate. Where needed, resources are redeployed within the overall service to ensure continued priority is given to greatest need. Staff performance and training needs are constantly evaluated.

The Council has responsibilities in respect of **1,498** premises in the Borough including offices, shops, warehouses, builders' merchants and services such as hairdressers as shown in the table below:

Type of Premises	Number of Premises
Retail shops	352
Wholesale shops, warehouses and fuel storage depots	344
Offices	499
Catering, restaurants and bars	233
Hotels, camp sites and other short stay accommodation	21
Residential care homes	26
Leisure and cultural services	100
Consumer services	211
Other premises	12
Total	1,498

National Picture for health and safety

Lord Young's recent report on the review of health and safety, *Common Sense - Common Safety*, commissioned by the Prime Minister, recommends improving the way health and safety is applied and tackling the compensation culture. It highlights the role that the Health and Safety Executive (HSE) and Local Authorities have in promoting a common sense approach to health and safety, and suggests how to ensure that businesses and voluntary organisations can operate in a way where health and safety is applied in a proportionate manner.

The recommendations have been in place since the 2005 'Hampton report' whereby we seek to reduce the burden on business through unnecessary regulation and to work towards improving the vision of a regulatory system that is based around risk and proportionality.

The Regulatory Enforcement and Sanctions Act 2008 introduced the Primary Authority Principle, placing a particular responsibility upon Local Authorities to provide information, advice and support to local businesses that operate in more than one Local Authority area. We provide for such help and have already set up formal arrangements.

The Better Regulation Executive (BRE) aims:

- to work with departments and regulators to simplify and modernise existing regulations, and
- to work with regulators (including Local Authorities) and departments to change attitudes and approaches to regulation to become more risk-based.

The inspection of businesses in Bracknell Forest is already based upon risk as we carry out inspections in line with the national targets set by HSE.

Roles

Officers within the Environmental Health function deal with the main aspects of workplace safety related matters and undertake programmed risk based inspections, reactive inspections, investigating reports of accidents/ill-health under RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations). They also provide educational and

promotional materials and information to raise the public profile of workplace health and safety, and coordination of enforcement activities within the Berkshire area.

The team also has responsibility for enforcement of the smoke-free legislation, food safety, waste, drainage, nuisance, infection control and licensing of special treatments. Licensing officers undertake some premises inspections according to their skill set in low risk premises. Trading Standards staff have a limited role related mainly to matters of the safety of new work-related equipment.

All officers are authorised to carry out work according to qualification and competence. The aim is to focus resources on the areas where research suggests we will have the greatest impact in terms of reducing work-related injury and ill health.

Across the Environment and Public Protection Division on average approximately 1.75 FTE's time is spent on health and safety matters a year. During 2010/11 the Commercial Team Manager was absent due to maternity leave for a period of nine months and a Senior Environmental Health Officer within the team acted up as manager.

Sensible Risk Management



A key component to Bracknell Forest Council's health and safety duties is promoting the principles of sensible risk management including:

- ensuring that workers and citizens are properly protected
- providing overall benefit to society by balancing benefits and risks, with a focus on controlling real risks – both those which arise more often and those with serious consequences
- ensuring that those who create risks manage them responsibly and understand that failure to manage real risks responsibly is likely to lead to robust action

Promoting sensible risk management is not:

- creating a totally risk-free society;
- generating useless paperwork mountains;
- scaring people by exaggerating or publicising trivial risks;
- stopping important recreational and learning activities for individuals where the risks are managed;

Benefits of sensible risk management

- Focuses attention towards the real risks, meaning valuable resources are not wasted on the trivial.
- Reduced burdens on those we regulate, meaning that we become a better regulator.
- Building our organisation's credibility.

Risk management is about practical steps to protect people from real harm and suffering – not bureaucratic back covering.



As part of this we support the efforts by the Health and Safety Executive to tackle the problem of health and safety myths which are undermining important health and safety messages. Often such myths result in an unnecessary burden on business in the mistaken believe that “it’s what is required.”

Some examples of myths which received attention in the past year are:

- “HSE bans traditional school ties”
- “If you run an office-based business you need a health and safety consultant”
- “There’s nothing you can do about slips and trips and they don’t really hurt anyone anyway”
- “Health and safety bans bunting”



HSE encourages people to use common sense about their attitudes to risk. At every visit or intervention with a business, we offer advice setting out the sensible and proportionate steps to be taken to deal with workplace risks properly.

For the past number of years, we have moved the emphasis from full inspections of premises purely on a risk based inspection programme to participation in national campaigns tailored to target local and regional priority topics. Full inspections are now restricted to those premises where activities represent the highest risk (as determined by officers following national guidance after inspection) and in accordance with the Hampton Review. Therefore regular full inspections are carried out only of our A, B1 and B2 category premises with alternative interventions for lower risk premises.

Our priority topics are areas of work where intelligence suggests that interventions are required to achieve a reduction in working days lost, fatal and major injuries and work related ill health. Based on statistics for injury data 2009/10 for Berkshire, there were 4 fatal injuries, 98 major injuries, 310 over 3 day injuries to employees and 461 injuries to members of the public. These 902 accidents in Berkshire can be detailed by type:

Workplace transport	14
Slips and trips	339
Falls from height	98
Workplace violence	22

In 2011/12 we plan to:

- inspect all high-risk businesses
- focus our work on priority topics identified by the HSE and carry out **195** topic-based inspections
- organise one major seminar to support businesses
- publish and distribute one specialist health and safety newsletter
- develop further our partnership working with the Health & Safety Executive with joint warranting.

We will base this work on:

- inspecting premises on the basis of risk and priority topic
- respond to all enquiries and accident notifications within 2 days and in serious cases respond on the same day
- providing specialist advice, information and training to businesses
- consulting our customers and seeking feedback on the quality of our service.

The table below shows targeted or programmed inspections for the higher risk premises: A, B1 and B2. All lower risk premises will be subject to “alternative intervention strategies” rather than inspections. This will include postal questionnaires, seminars and the issue of specific publicity material.

	A	B1/B2	B3/B4
Targeted 2006/2007	7	45	51
Targeted 2007/2008	5	48	58
Targeted 2008/2009	9	44	108
	A	B1/B2	Fit3
Targeted 2009/2010	6	27	161
Targeted 2010/2011	3	28	208

	A	B1	B2	Topic Led	C rated	Unrated
Targeted 2011/2012	6	3	26	195	169	250

Table 1

Where the premises are to be visited for other statutory inspection purposes, both visits will if possible be combined.

A further **195** topic led inspections will be made to premises based on the suitability of project intervention. These include industrial premises in respect of manual handling and workplace transport initiatives; leisure premises for controls of legionella and reductions in slipping and falling related injuries; and disease reduction at hairdressers, florists, nail bars, and sun bed providers. Details of these are attached in Appendix B. In a typical year some low risk premises are likely to be brought back into the formal inspection process following complaints and accident investigations.

In addition there currently remains approximately 844 C-rated premises in the area. Although these are of insufficient risk to be included in the inspection cycle, they have previously been targeted with questionnaires to check their status and awareness in relation to health and safety and will continue to be approached in that manner. HSE guidance advises that 20% of these must be targeted each year, resulting in an additional 169 interventions. All new premises will be brought into the inspection cycle based on the risks presented by their activities.

PART 2 – DELIVERING THE PLAN

Our Vision

The Health and Safety Enforcement Plan is designed to work within the Bracknell Forest Community Plan to help deliver the Council's priorities. The Council's vision is:

“To make Bracknell Forest a place where people can thrive: living, learning and working in a clean, safe and healthy environment”

The Medium Term Objectives 2010 -2011 adopted by Bracknell Forest Borough Council that encompasses our health and safety work is contained within Priority Five: Value for money MTO10 to be accountable and provide excellent value for money.

The Plan aims to ensure a graduated approach based on risk. It reaffirms our commitment to carry out our duties in an open, fair and consistent manner that promotes economic development.

We recognise that most businesses want to comply with the law; therefore we want to support and enable businesses to meet their legal duties without unnecessary expense. However, firm action, including prosecution, will be taken where appropriate. We aim to ensure that employers minimise the risks of accident, injury and ill health to their employees and customers, and address employee welfare issues. This Health and Safety Law Enforcement Plan sets out the actions we are taking to promote health and safety for the benefit of residents, employees and businesses that operate in our Borough.

STRIVING FOR EXCELLENCE

Areas for Development

We are always striving to move the service forward. In order to achieve this, we set targets and identify areas for development during the coming year. Appendix B details targets from our Action Plan for 2011-2012 along with proposed timescales.

Customer Feedback and Quality Monitoring

Procedures are in place to scrutinise all the work that is undertaken by the officers. Our quality monitoring includes detailed practice notes, checks on data entry and officer consistency. We have also been evaluating our performance by asking our customers to complete a “Business Satisfaction Survey “following inspections.

We have begun to roll out an in-house competency assessment for Officers in accordance with the criteria set out in the **Section 18 Guidance** issued by the **HSE Local Authority Enforcement Liaison Committee (HELA)**.

Benchmarking

In line with HELA guidance we are currently utilising tool kits developed to ensure the Local Authority can demonstrate compliance with Section 18 Standard.

Staff Development

The Council aims to make full use of the skills that exist in the Sections and to develop those skills through updates, shadowed working and internal, external and cascade training. A record of continuous development is maintained for all officers. All staff are subject to a formal appraisal each year with interim review meetings. Part of this appraisal process is the development of a training needs analysis for staff. ‘Continuing Professional Development’

(CPD) training is provided for all staff to ensure that they maintain their level of competence. A list of training received by officers in the previous year is set out in the outturn report.

Working in Partnership with Others

1 Health and Safety Executive



The Council has signed a 'Statement of Intent' as part of the Local Authorities and HSE Working Together Strategic Programme confirming the Council's commitment to working in closer partnership with the HSE to tackle national, regional and local priorities in a more effective and focused manner. The Council has also signed a flexible warranting scheme with the HSE which broadens the authorisation of both HSE and Local Authority officers.

Our activities for 2011/2012 (detailed in Appendix B) are planned following consideration of the HSE's delivery portfolio which is based on analysis of injury and ill health generated from known hazards at work. It aims to reduce injury and days lost from ill health and accidents.

2 Smoke Free Berkshire Alliance



**Berkshire East
Community Health Services**

A comprehensive ban on smoking in all enclosed public places and workplaces, including vehicles, came into effect on 1 July 2007.

Through the Smokefree Berkshire partnership we have continued to work with NHS Berkshire East, Slough Borough Council and the Royal Borough of Windsor and Maidenhead to raise awareness of smokefree legislation and smoking cessation services to companies in East Berkshire.

A total of 6 complaints / enquiries were received in relation to smoke free issues and smokefree compliance was assessed in 2476 Commercial premises within the Borough.

PART 3 – FURTHER INFORMATION

If you would like further information about the service that the Environment and Public Protection Division does in relation to Health and Safety or would like to speak to an officer for advice, please contact us:

Environment, Culture & Communities Department
Bracknell Forest Council
Time Square
Market Street
Bracknell
RG12 1JD

Tel: 01344 352000

Fax: 01344 351141

Email: customer.services@bracknell-forest.gov.uk

Or look on our website at: www.bracknell-forest.gov.uk/environment.htm

Availability of Officers

Officers can be contacted through our Customer Service Centre which is open from 8.30am to 5.00pm Monday to Friday

USEFUL CONTACTS AND WEBSITES

www.hse.gov.uk - The Health and Safety Executive website, which has an enormous amount of invaluable information on health and safety. The local HSE office is at:

Priestley House
Priestley Road
Basingstoke
RG24 9NW
Tel: 01256 404000
Fax: 01256 404100

www.hse.gov.uk/lau - The Health and Safety Executive/Local Authority Enforcement Liaison Committee (HELA) ensures that the health and safety legislation is enforced consistently.

www.riddor.gov.uk - for a full list of reportable major injuries, diseases and dangerous occurrences and when and how they must be reported.

www.berkshirehealthandsafety.co.uk - useful fact sheets on health and safety maintained by the Berkshire Health & Safety Liaison Group.

www.workplacehealthconnect.co.uk - free practical advice on workplace health and safety designed to help SMEs, that is Small and Medium Enterprises.

Advice line: 0845 609 6006

APPENDIX A

HEALTH & SAFETY ENFORCEMENT OUTTURN 2010/11

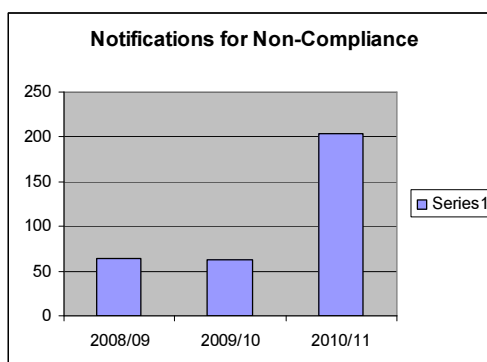
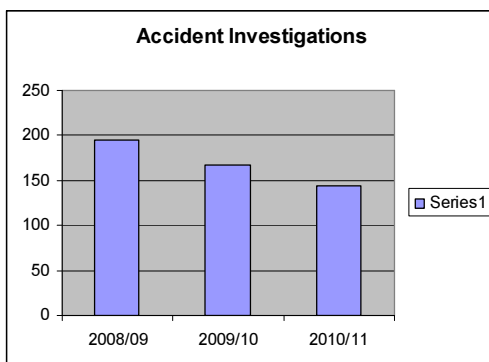
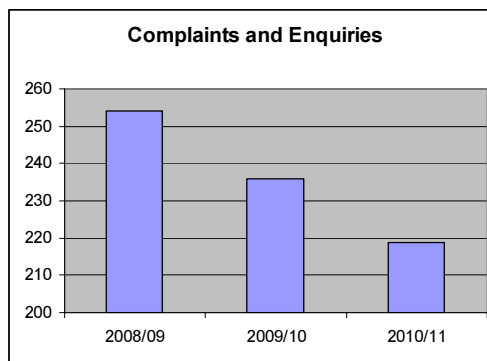
HOW DID WE PERFORM?

Our Health & Safety Law Enforcement Plan is reviewed on an annual basis. This process provides the opportunity to record achievements and identify the key areas for improvement over the forthcoming year.

During 2010/11 we:

- inspected **377** businesses and carried out **124** other related visits
- responded to **219** complaints and enquiries
- investigated **144** accident notifications
- issued formal notifications on how businesses can comply to **204** businesses, of which **12** were formal Notices

The charts bellows shows how this compares with previous years.



Inspections and other interventions

In 2010/11 officers carried out a total of 501 health and safety inspections and visits:

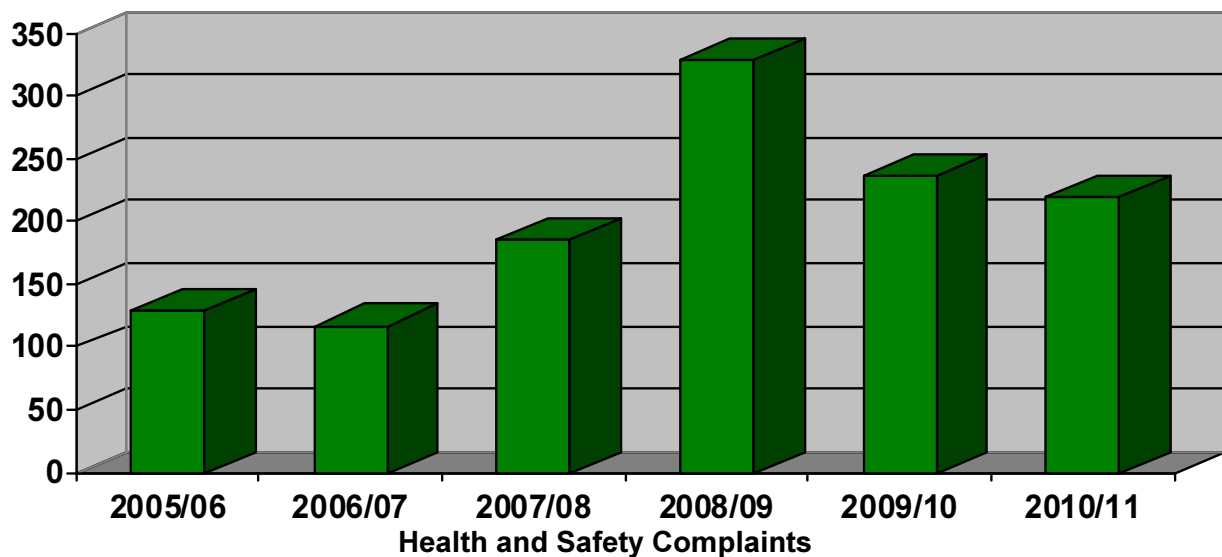
- 85 of these were programmed inspections and 213 were first visits to the business
- 33 were advisory visits
- 29 were revisits to follow up on issues of non-compliance
- 16 were visits in relation to accidents
- The remaining 125 visits were made up of both visits in response to complaints or enquiries from members of the public (32) and other visits such as where the visits identified the business as closed or not trading at that time (93)

Health and Safety Complaints and Enquiries



During the year there were 219 complaints as shown below, regarding working conditions and practices. We aim to respond to all such enquiries within 2 working days, but if it is judged that the situation is serious then our response will be the same day. Some examples of the complaints we have dealt with are:

- Poor working conditions including lighting, seating, temperature
- Working practices
- Employment of young persons
- Fork lift truck operation
- Trip/slip hazards



Accident Investigation



The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 place a legal duty on employers, the self-employed and those in control of premises to notify and report some work-related accidents, diseases and dangerous occurrences. Most notifications are reported to the national Incident Contact Centre (ICC) operated by the HSE. Notifications are then passed on to the relevant enforcement authority. Full details of what should be reported and the procedure are available on the ICC website at: www.riddor.gov.uk.

Our policy is to review all accident notifications and to investigate as appropriate. Our aims in undertaking independent investigations of accident notifications are:

- To prevent a recurrence of the accident by securing improvements in health and safety standards, including practices and procedures, and the assessment of the effectiveness of existing controls
- The identification of potential hazards and associated risks
- Provision of advice and information
- Appropriate enforcement action (proportionate to risk) to secure compliance with health and safety legislation where necessary



During 2010/11 the officers investigated 144 notified accidents and dangerous occurrences. The majority of the accidents occurring in Bracknell were related to poor manual handling and slips and trips. However:

- 76 accidents resulted in a member of the public being taken to hospital.
- 63 accidents resulted in injuries to an employee requiring an absence from work of more than 3 days.

Smokefree Bracknell Forest

Officers continued to monitor and advise business on compliance with smokefree legislation at all inspections.



A total of 6 complaints and enquiries were received relating to smoking. All complaints were resolved informally without the need for enforcement action. There is extensive advice and information about the smokefree requirements on the Council's website at:

<http://www.bracknell-forest.gov.uk/smokefree>

Compliance has remained high throughout the year with low levels of complaints, largely due to public demands and acceptance.



Asbestos

More people die from asbestos-related disease per year than are killed on the roads. Asbestos is raised as a matter of concern at every inspection. Employers are assessed on how they are complying with their duty of managing asbestos in buildings and advice is given on how to achieve compliance. 100% of notifications for work involving areas known to contain asbestos are investigated.



Slips Trips and Manual Handling

71 visits were carried out to raise awareness and improve compliance in preventing slips and trips.

7 visits were carried out to premises where manual handling injuries had been high. Premises were found to be relatively compliant and willing to comply where required.

Cooling Towers



All cooling towers within the Borough were sampled to assess for controls for legionella.

This was the first time it has been undertaken in the Borough and has been a success. It also features as a major public health intervention in ensuring effective monitoring of controls to reduce the likelihood of legionella outbreaks. 10 premises were inspected and sampled. All results were satisfactory.

Nail Bars



The emerging popularity of nail bars has raised a number of concerns in relation to chemical safety, competency of practitioners, safety of equipment and adequacy of ventilation. A project was run jointly across Berkshire. 10 premises in the Borough were inspected and the project is to continue to the next phase of interventions with enforcement activity planned for the premises identified as problematic.

Sunbeds



This was also another Berkshire wide project which aimed at establishing awareness amongst premises of the irradiance issues and increase awareness by offering advice. The project also looked at the provision of health information to users and record keeping. The findings were varied and this has identified areas for potential future enforcement action.

Liquid Petroleum Gas



This emerged as a high risk nationwide priority which required visits to all known sites utilising bulk storage of LPG, to assess condition, risks and controls in place for underground LPG storage and pipe work. An improvement notice was served on one duty holder requiring them to carry out substantial works to re-lay or replace pipe work to ensure this is accessible for inspection or of a durable material.

Motor Vehicle Repair



This county wide project involved joint working with HSE officers to premises with dual activity, one being motor vehicle repair. This proved to be an opportunity for further training with HSE experts in evaluating controls at these premises.

Database Review



A review of the database was carried out to ensure that all premises Bracknell Forest Council enforced premises are subject to the health and safety programme. The review also identified informal information sharing opportunities with other teams within the Council to ensure that all new businesses are added to this programme regularly.

Enforcement Action

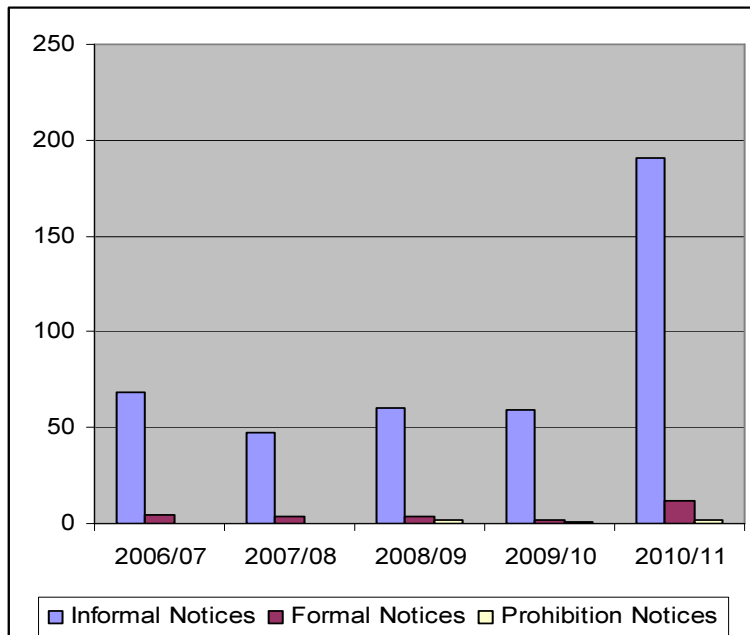


We have adopted a broad and comprehensive set of measures to protect consumers and promote health and safety, and we actively work with local business to achieve a balanced approach.

Any enforcement action taken by the officers is proportionate and in accordance with the Council's Enforcement Policy. A full copy of the policy can be found on our website: www.bracknell-forest.gov.uk.

The enforcement action taken in relation to health and safety for recent years is shown below:

ENFORCEMENT ACTION	2006/07	2007/08	2008/09	2009/10	2010/11
Informal improvement notices	68	47	60	59	191
Formal notices	5	4	4	2	12
Prosecutions	0	0	0	0	1
Immediate Prohibition Notices	0	0	2	1	2
Simple Cautions	0	0	0	0	1
TOTAL	73	51	66	62	207



The prosecution referred to above was against Tesco Stores Limited for issues relating to lack of training for employees and inadequate accident notifications. A number of accidents occurred at the Tesco store, County Lane, Warfield whereby employees were injured as a result of accidents during routine deliveries to the store. The company was fined £48,000 for four offences and the Council was awarded £25,000 in costs. Officer involvement was in excess of 300 hours.

Variations from the Plan

Departures from the Health & Safety Enforcement Plan will be exceptional, capable of justification and be fully considered by the Head of Service before varying action is taken. Reasons for any departure will be fully documented. Monitoring procedures are in place to assist in evaluating the effectiveness of the services as a whole. Performance reports are presented as key performance indicators monthly and quarterly with comments where performance exceeds or fails to meet targets. This information will then be fed back into the development of other service plans.

Staff Development 2010-2011

Each officer is responsible for keeping a record of training undertaken and maintaining their own CPD records. However following the appraisal process the following courses were attended during 2010-11:

- Gas Safety in the Catering Industry
- Noise at Work.
- Health and Safety Priority Planning
- Nailbar safety

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

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

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

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 20 Hours Total 60 hours	March 2012

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HEALTH & SAFETY ENFORCEMENT PLAN 2011-12**

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	