



**HEALTH AND SAFETY LAW ENFORCEMENT
PLAN 2015 - 2016**

(inc 2014 – 2015 OUTTURN)

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PART 1 – THE PLAN FOR 2015 - 2016

1. Introduction

Our Vision

The annual Health and Safety Law 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 all people can thrive; living, learning and working in a clean, safe and healthy environment”

The health and safety work that we do primarily falls within the scope of Priorities Four (Create a Borough where people are, and feel, safe) and Five (Sustain economic prosperity). More specifically Medium Term Objectives six (Support opportunities for health and wellbeing), eight (Work with police and other partners to ensure Bracknell Forest remains a safe place) and nine (Sustain the economic prosperity of the Borough) provide the main focus for our work. The plan itself provides a golden thread for each service priority identified, to enable it to be traced directly up to our Vision.

Our Health and Safety Law Enforcement Plan aims to ensure a graduated approach based on risk to public health, including both employees and others who may be affected by the operation of a business such as customers. It reaffirms our commitment to carry out our duties in an open and fair manner, protecting employees and the wider public, and supporting business and economic development. In doing so, at its core sits five basic principles:

- Targeting – taking a risk based approach
- Proportionality – only intervening where necessary
- Accountability – able to explain and justify service levels and decisions
- Consistency – apply standards consistently to all
- Transparency – open and user-friendly

We recognise that most businesses want to comply with the law; therefore we want to support and enable businesses to meet their legal duties, providing a level playing field without unnecessary expense. However, firm action, including prosecution, will be taken where appropriate in accordance with the national Regulators Code and our Enforcement Policy.

This Health and Safety Law Enforcement Plan sets out the actions we are taking to promote health and safety for the benefit of local residents and employees and those who operate their business within our Borough.

The Council is responsible for health and safety under The Health and Safety at Work etc. Act 1974 and the associated Regulations. We advise on and enforce health and safety in **1522** premises including offices, shops, leisure sites, catering premises and hotels. The Health and Safety Executive (HSE) produces formal guidance under Section 18 of the Health and Safety at Work etc. Act 1974¹. This guidance shapes the work of all Local Authorities in relation to health and safety and the HSE may potentially audit Local Authorities on their health and safety enforcement activities.

¹ The National Local Authority Enforcement Code. Available at: <http://www.hse.gov.uk/lau/la-enforcement-code.htm>

Bracknell Forest Council's Health and Safety Law Enforcement Plan contains details of:

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

Being mindful of the above priorities, we strive to provide a health and safety enforcement function that is driven by the concept of **sensible risk management**. In practice our key priorities are to:

- provide advice and information to Bracknell Forest businesses and residents
- reduce unnecessary interactions with businesses that consistently meet requirements
- undertake appropriate contacts with business 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 accidents and listen and respond to concerns raised; giving priority to those involving significant injury or death in the workplace
- consult our customers upon 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, Public Health England and the Royal Berkshire Fire Service

Whilst this plan specifically deals with the forthcoming financial year of 2015-16, it takes place within the context of the wider agenda and the longer term view. The plan directly links the health and safety law service areas with the identified Regulatory Service Priorities². It is reviewed annually and additionally includes details of the previous years performance; the 2014-15 outturn.

2. The National Context to this Plan

In addition to directly linking to other internal Bracknell Forest plans, this health and safety law plan is influenced by the national agenda.

Specific issues that have, and will continue, to impact on the direction of our work include:

a) Health and Safety Executive Guidance

Bracknell Forest Council is responsible for protecting the health, safety and welfare of employees and members of the public who may be harmed as a result of work activities. However, this duty is shared with the Health and Safety Executive (HSE) depending on the type of work premises and the powers of both bodies is detailed in the Health & Safety at Work etc. Act 1974 and associated Regulations.

The HSE additionally produces formal guidance that all relevant authorities (both LAs and the HSE) are legally required to be mindful of, referred to as 'Section 18 guidance' as it is produced under Section 18 of the Health and Safety at Work etc. Act 1974. This guidance requires Authorities to make adequate arrangements for enforcement, including details such as service planning, the officer capacity required to enforce in the Borough, the competency of those officers, and the production of an appropriate enforcement plan.

² Details of the Regulatory Service Priorities are provided on page 22

This national guidance, referred to as the 'National Local Authority Enforcement Code', aims to simplify the requirements placed on LAs and also identify high risk sectors that should become the focus of our activities. The code influences our priorities and focuses our activity by minimising full inspections in preference to other types of activity; such as reactive investigations and project work.

b) Reducing the Burden on Business

There is a strong drive from Central Government to reduce the burden upon business and not to undertake inspection or enforcement activities without a specific reason. As an enforcing authority we fully support this view.



The Better Regulation Delivery Office (BRDO) has developed national Priority Regulatory Outcomes³, which provide a focal point for all of our regulatory work, including health and safety. This plan directly links the relevant health and safety service areas with these Priority Outcomes.

c) Primary Authority Partnerships

The concept of Primary Authority was formalised under the Regulatory Enforcement and Sanctions Act 2008. Under this legally recognised scheme (overseen by the BRDO), any business operating across more than one Local Authority can form a legally recognised partnership, effectively creating a focus for consistent advice. It is the gateway to simpler, more successful local regulation, and recent changes to the scheme has meant a significant expansion to the range of businesses that can participate, to now include so-called 'Co-ordinated Partnerships', such as franchise operations, trade associations and other business groups.

The impact of partnerships can be huge. A Primary Authority can issue formal advice to its partner business that applies throughout England & Wales regardless of where the outlets are based, and officers must take into account any such guidance or inspection plan. Primary Authority gives business the confidence to expand and grow, knowing that any such regulatory advice they receive is binding on other local authorities.

Inspection plans produced under the scheme have a strong status in law and any proposed deviations must be notified to the Primary Authority. The scheme covers a wide variety of subject areas, now also including Under Age Sales, gambling and sunbeds.

We offer Primary Authority partnerships to businesses wishing to take advantage of the scheme, and all of our health and safety work is undertaken in accordance with the scheme and mindful of any existing partnerships that businesses may have.

³ The National BRDO Priority Regulatory Outcomes are detailed on page 22

d) **The Independent Regulatory Challenge Panel**

In order to help support business, and challenge the perception that Authorities were placing unreasonable requests upon businesses, the Independent Regulatory Challenge Panel was formed to consider any cases of excessive or unreasonable requirements. Since its inception in 2011 there has been one successful challenge; with no challenges to requirements made by BFC. Further details can be found at: <http://www.hse.gov.uk/contact/challenge-panel.htm>

3. **The Local Context**

Within Bracknell Forest Council, the health and safety function is located within Regulatory Services; within the Environment and Public Protection Division of Environment, Culture and Communities. The work is carried out by the Health and Safety Team, which is made up of both Environmental Health and Trading Standards Officers from the Business and Consumer Team, and involves not only general health and safety but additionally firework and petroleum safety. The general aspects of this plan are managed by the Food & Safety Team Leader (Karen O'Connor), and the fireworks and petroleum safety aspects by the Business and Consumer Team Manager (John Nash).

Whilst much of our overall work is guided by the national context, it is refined and shaped locally as we take into account local intelligence and available information. This includes specific local knowledge of the nature and type of businesses within Bracknell Forest, and by utilising data sources such as complaints received, inspection data and reported accidents. By utilising such local sources of information, taking into account the national context, we are able to prioritise our work to ensure best effect with the resources available to us, whilst taking a sensible approach to health and safety. This includes:

- focusing attention towards the real risks, meaning valuable resources are not wasted on the trivial, whilst ensuring that workers and the public are properly protected.
- reducing burdens on those we regulate, meaning that we become a better regulator.
- building our organisation's credibility, providing credible and proportionate advice, whilst ensuring that those who create risks manage them responsibly and understand that failure to manage real risks responsibly is likely to lead to proportionally robust enforcement action.



It is also important to recognise what is not included in our approach to sensible risk management, as it is neither possible nor desirable to try and create a totally risk-free society. For example, we do not restrict important recreational and learning activities for individuals where the risks are managed.

Sensible risk management is about practical steps to protect people from real harm and suffering – not bureaucratic back covering. 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 example we only undertake full inspections for those premises representing the highest risk, whilst for lower risk operations we provide more support and guidance via information provision and self-assessment activities.

With the incorporation of Public Health into Bracknell Forest Council's remit, key projects, such as Legionella control and risks from contact with animals at open farms provide vital links with this new area of work. We are working with our Public Health colleagues to ensure that such synergies are explored fully with the aim of maximising our collective impact.

4. The Specifics for Health and Safety within Bracknell Forest Borough

Bracknell Forest Council has health and safety responsibilities in respect of **1522** 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	383
Wholesale shops, warehouses and fuel storage depots	44
Offices	422
Catering, restaurants and bars	270
Hotels, camp sites and other short stay accommodation	24
Residential care homes	29
Leisure and cultural services	127
Consumer services	212
Other premises	11
Total	1522

In comparison with some other districts, Bracknell Forest has low numbers of wholesalers and warehouses, and higher proportions of offices, retail and leisure businesses.

There is no legal requirement for businesses to register with us for general health and safety purposes, and so we are reliant upon officers becoming aware of changes within the district and updates from our colleagues across BFC, such as Business Rates. There are however some specific operations that are required to register, such as cooling towers, special treatments (e.g. tattooing) and those selling fireworks.

Food & Safety Team Officers deal with the main aspects of workplace safety related matters and undertake programmed risk based inspections, reactive inspections, investigate reports of accidents/ill-health under RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations) and respond to enquiries and complaints received. 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. Trading Standards Officers have a role related mainly to matters of the safe storage and sale of fireworks and petroleum, undertaking inspections and responding to enquiries and complaints received. Whilst officers generally visit during office hours, this is very dependant upon the operating times of a business. Our flexible working arrangements mean that officers undertake visits both at evenings and over weekend periods in response to when businesses actually operate.

In addition to routine inspection visits, we also prioritise our available resources and undertake alternative enforcement activities. These generally apply to all but the highest risk operations and may be in the form of a self-assessment questionnaire or an advisory visit by a less experienced officer reporting back to fully qualified officers. When such alternative methods are used, any significant problems or concerns identified will always be investigated by fully qualified officers, including a full inspection if appropriate. By taking such alternative approaches we are able to focus our resources towards those higher risk operations, maximising the impact that available officer time can make on protecting the public. We always strive to move the service forward and look for more efficient and effective delivery methods, including minimising the overall number of visits to business by different officers where possible.

5. Resources

Our primary resources are our staff. There are currently 1.5 full-time equivalent qualified Environmental Health Officers and 0.2 full-time equivalent Trading Standards Officers who perform aspects of health and safety law enforcement. In total 10 officer posts are involved in issues relating to aspects of health and safety enforcement as part of their day-to-day duties, consisting of:

- 1 x Team Manager
- 1 x Team Leader
- 4 x Environmental Health Officers
- 2.5 x Trading Standards Officers
- 1.5 x Trading Standards Enforcement Officers

The Food & Safety Team officers spend 40% of their time on health and safety related matters. Additionally, 5 Trading Standards Officers have been allocated to undertake fireworks safety work accounting for approximately 4% of their time.

In addition to the work detailed elsewhere in this Plan, officers within the Health and Safety Team represent Bracknell Forest on relevant regional bodies with the aim of sharing good practice, benchmarking and achieving value for money. For example, we are members of the Trading Standards South East Limited (TSSEL) Group which seeks to identify and develop good practice procedures to help enhance the quality and consistency of service provision. We are also members of the Berkshire Health and Safety Liaison group with a key function of co-ordinating the health and safety enforcement function towards a consistent approach across the county. This group periodically also undertakes county wide inter authority audits. Such activities aim to both improve regulatory service provision whilst maximising the effective use of local authority resources.

Officers can be contacted through our Customer Service Centre on 01344 352000 which is open from **8.30am - 5.00pm Monday to Friday**. Whilst officers are based at the Time Square offices on Market Street, Bracknell, officers are not generally office based and messages may well have to be left. Alternatively they can be emailed at environmental.health@bracknell-forest.gov.uk



6. Departures from the Plan

Departures from the Health and Safety Law Enforcement Plan, reported through Departmental Management Team, will inevitably occur due to the reactive nature of some of the areas of work. However, departures will be kept to a minimum, capable of justification and be fully considered by the Head of Regulatory Services before varying action is taken. With performance additionally monitored via key performance indicators on a monthly basis and via quarterly service reports, comments are added where performance exceeds or fails to meet targets. This information will then be fed back into the development of other service plans.

7. Customer Feedback and Quality Monitoring

Procedures are in place to scrutinise all the work that is undertaken by the Health and Safety Team. Our quality monitoring includes detailed practice notes, checks on data entry and officer consistency. We monitor our performance against targets on a monthly basis, via internal Key Performance Indicators (KPIs) including numbers of inspections, visits, etc., and additionally invite customer feedback; during 2014-2015 no formal complaints were received regarding the service. Annually we also undertake an in-house competency assessment for Officers in accordance with Section 18 Guidance issued by the HSE Local Authority Enforcement Liaison Committee (HELA).

We additionally have a web-based survey for all regulatory service customers, both businesses and the general public, and the results help us to ensure we are providing the best possible service to customers within the resources available. The survey is open to anyone having contact with us at:

<http://consult.bracknell-forest.gov.uk/public/eh/regservevaluation>

Paper copies are available to those unable to complete the survey online.

All such monitoring and performance information is fed back into the development of future health and safety and other service plans.

8. Staff Development

We aim to make full use of the skills that exist in the Health and Safety Team and to develop those skills through updates, shadowed working and internal and external training. A record of continuous development is maintained for all officers, with all health and safety officers supported to maintain relevant training during the year, in accordance with the Health and Safety Executives requirements.

9. Our Performance Outturn for 2014-15

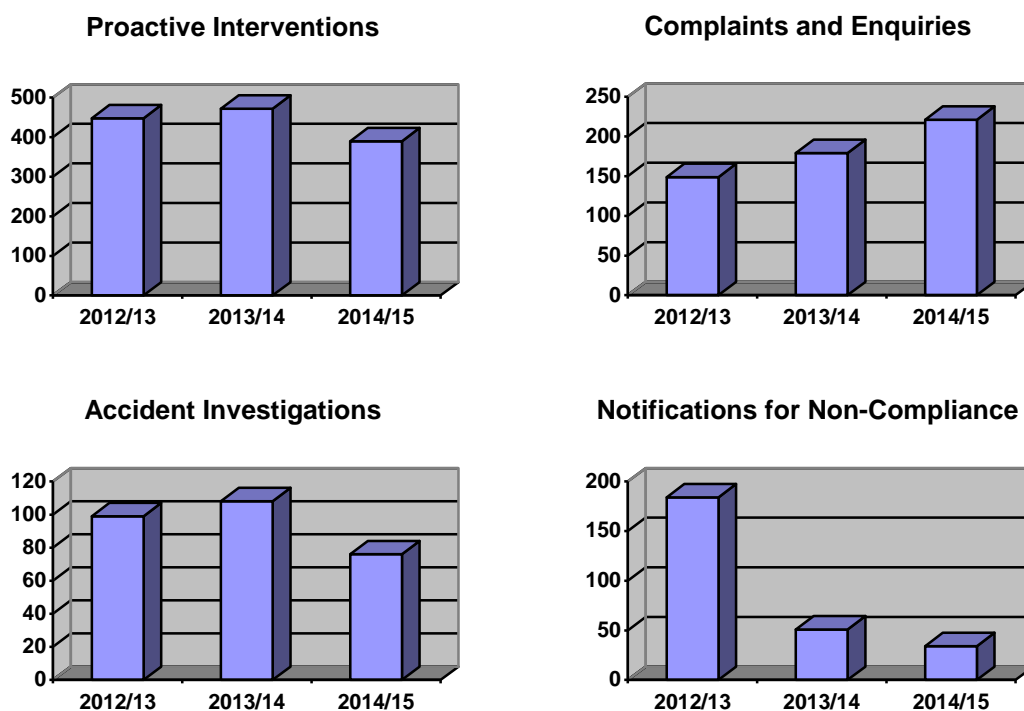
In producing our Health and Safety Law Enforcement Plan each year we reflect on the previous years activities. This process provides the opportunity to identify what went well and what went less well, and identify trends or key areas for focus moving forward. The health and safety law enforcement activity undertaken during 2014/15 is detailed on pages 10 to 16, although in summary we:

- undertook proactive interventions with **390** businesses. This included undertaking **6** full inspections of higher risk businesses, reviewing self-assessment questionnaires returned from **43** medium risk premises, sending relevant health and safety information to a further **286** low risk businesses, and undertaking initial contact visits with **6**. We additionally inspected **24** premises for fireworks safety and **13** premises in relation to petroleum. Of the remaining **12** premises, **3** were inspected

following complaints or accidents and the remaining **9** were found to have ceased trading when we visited.

- carried out **109** other related visits
- responded to **221** enquiries and complaints
- investigated **76** accident notifications
- issued notifications on how businesses can comply with the law to **34** businesses, of which **2** were formal Notices

This activity can be compared with previous years:



10. Our Health and Safety Law Enforcement Plan for 2015-16

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. We have moved the emphasis from full inspections of premises purely on a risk based inspection programme to participation in national campaigns and projects tailored to target local and regional priority topics. Full inspections are restricted to those premises where activities represent the highest risk, as determined by national guidance and local intelligence.

Details of planned activities for 2015-16 begin on page 17; however, in summary we plan to undertake the following:

- inspecting health and safety premises on the basis of risk
 - inspect all premises due an intervention with high risk sector activities as identified by the National Local Authority Enforcement Code, and any others which intelligence suggests are high risk (risk rated A); a total of **15** premises.
 - Provide self-assessment questionnaires to **109** medium risk premises, and provide relevant information to **203** lower risk premises
 - Undertake advisory visits or provide relevant information to all businesses previously not risk rated
- focussing our work on priority topics identified by the HSE and carry out topic-based projects

- investigating complaints and concerns over health and safety, including work with other authorities within Berkshire and the South East on issues that cross Local Authority boundaries and affect Bracknell Forest businesses and residents.
- providing advice and information, including:
 - extending our Primary Authority Partnership arrangements
 - providing advice and guidance in response to requests from businesses to help them achieve compliance with legal requirements
 - ensuring the information on our website is up to date and accurate
- consulting our customers and seeking feedback on the quality of our service.

11. Concluding Information

This plan is reviewed every year and we welcome your comments and suggestions on how it could be improved further. If you would like further information or would like to speak to an officer for advice, please contact them via any of the following options:

Regulatory Services
 Environment, Culture & Communities Department
 Bracknell Forest Borough Council
 Time Square
 Market Street
 Bracknell, RG12 1JD
 Tel: 01344 352000
 Fax: 01344 351141
 Email: environmental.health@bracknell-forest.gov.uk
 Or look on our website at: www.bracknell-forest.gov.uk/healthandsafetyatworkinvestigation

Additionally useful information is available at the following websites:

www.hse.gov.uk -The Health and Safety Executive website, which has an enormous amount of invaluable information on health and safety. This includes specific advice and toolkits to help different types of business achieve compliance. 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 across Authorities.

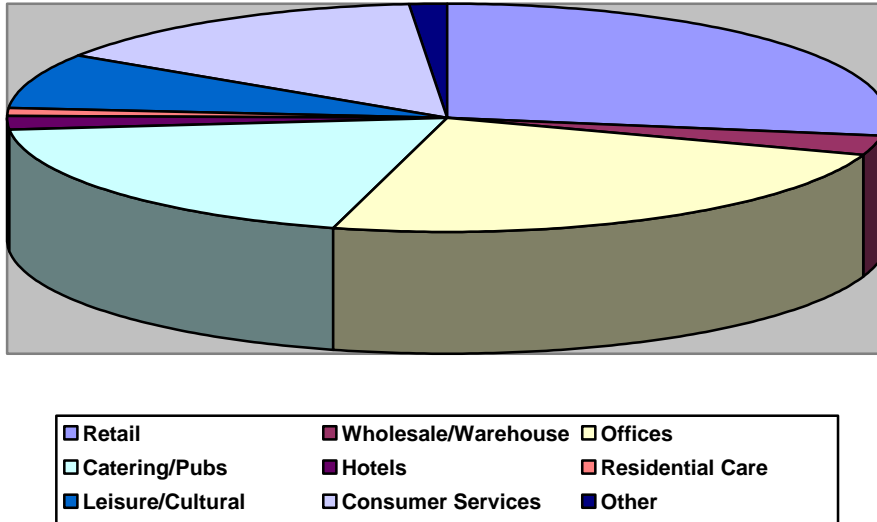
<http://www.hse.gov.uk/riddor> - for a full list of reportable specified injuries, diseases and dangerous occurrences and when and how they must be reported.

PART 2 – HEALTH AND SAFETY ENFORCEMENT OUTTURN 2014–15

A summary of this Outturn is provided under Section 9 above (pages 7-8), with further detail below:

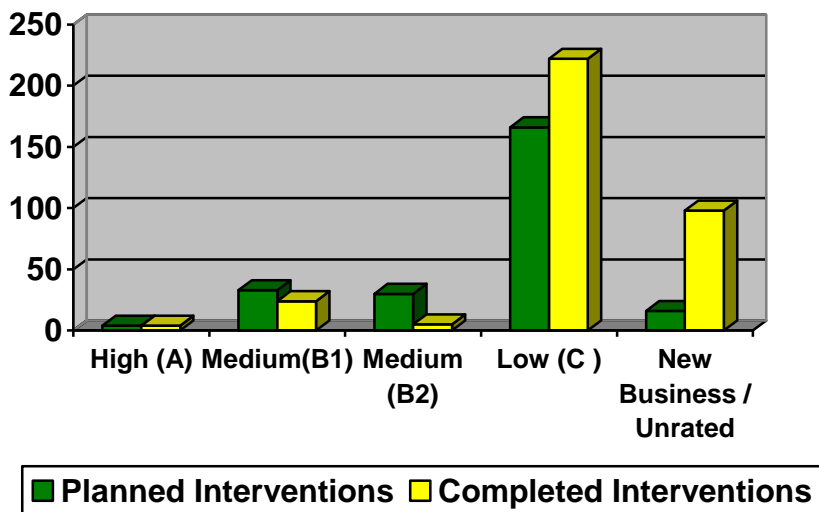
1. Proactive Inspections and other interventions

The chart shows the proportion and type of businesses where proactive interventions were targeted in relation to Health and Safety during 2014/15.



In 2014/15 officers completed a combined total of **390** proactive interventions overall, including both inspections and other interactions such as self-assessment questionnaires and appropriate information provision. The individual breakdown for Environmental Health and Trading Standards interventions are illustrated in the diagrams in the subsequent sections 2 and 3.

2. Environmental Health – Health and Safety Interventions for 2014/15

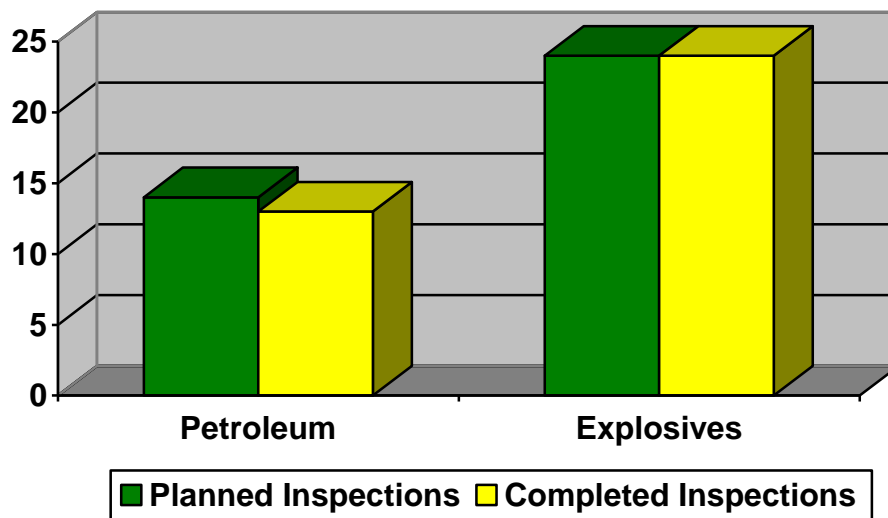


A total of **353** proactive interventions were undertaken during 2014/15. At the beginning of the year there were 4 premises rated as 'A' scheduled for proactive intervention, with all 4 receiving an appropriate visit. Both B1 and B2 rated premises were scheduled to be assessed via returned self-assessment questionnaires and low risk premises scheduled to be provided with relevant information and advice. Slightly fewer than planned interventions occurred with the medium risk premises due to some non-return of questionnaires and some premises closing. An overall higher number of premises were either inspected or provided with advice and guidance than initially programmed, largely due to the Team becoming aware of new premises.

In addition, **109** reactive visits were undertaken during 2014/15 in response to notifications, enquiries or complaints. These comprised of:

- **18** advisory visits
- **30** revisits to follow up on issues of non-compliance
- **8** visits in relation to accidents
- **32** visits in response to complaints or enquiries from business or the public, and
- **21** visits in relation to special treatments (e.g. tattooing) or smoke free legislation

3. Trading Standards – Fireworks Safety & Petroleum Interventions for 2014/15



Explosive work is traditionally focussed around the bonfire night celebrations. This is because the majority of licensed premises in the Bracknell area can only sell fireworks at specific times of year (Bonfire, New Year, Diwali, Chinese New Year) with November being the peak season.

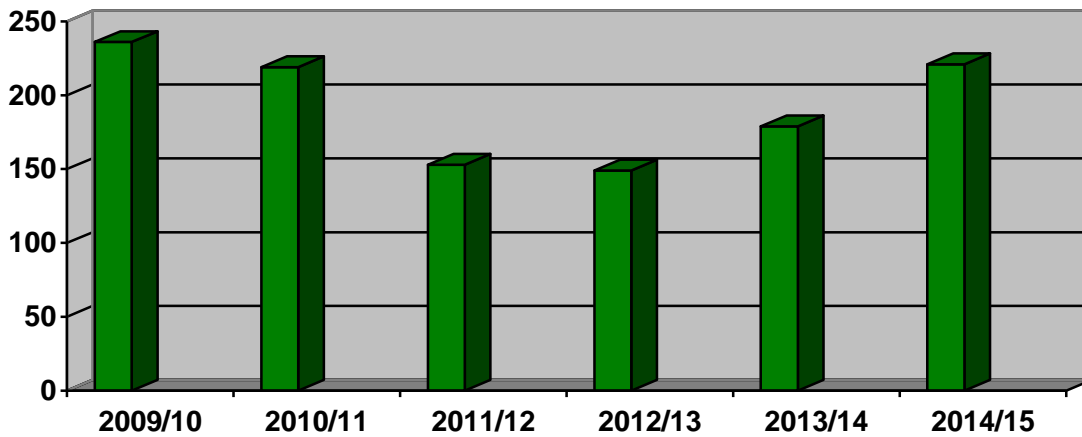
Petroleum licensing is now primarily focussed on petrol stations, there are 15 premises across the district, these are risk rated and visited accordingly. In practice this means that every petrol station is visited at least once every two years.

4. Enquiries and Complaint Investigations



During 2014/15 we received **221** enquiries and complaints as shown below, regarding working conditions and practices. We aim to respond to all such enquiries within 5 working days, but if it is judged that the situation is serious then we try to respond the same day. Some examples of the enquiries we have dealt with are:

- Requests for information about how a business may comply
- Concerns over working practices
- Trip/slip hazards
- Poor working conditions including lighting, heating, temperature



Health and Safety Enquiries and Complaints

5. Accident Investigations

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 more serious work-related accidents, diseases and dangerous occurrences. Most notifications are reported via the HSE's website at <http://www.hse.gov.uk/riddor/>. Notifications are then passed on to the relevant enforcement authority.



We review all accident notifications and investigate as appropriate, according to severity and significance of the incident and relevant HSE guidance. 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 2014/15 officers received **76** notified accidents and dangerous occurrences.

- **1** fatality (which transpired to be not work related)
- **13** specified injuries
- **30** accidents resulted in a member of the public being taken to hospital.
- **32** accidents resulted in injuries to an employee requiring an absence from work of more than 7 days.
- **0** dangerous occurrences

In order to allow a comparison with our Berkshire neighbours the data for the whole of Berkshire for 2014/15 is detailed over the page. This is broken down into Council area, and shows both the total number and rates per 100,000 population of the main injury types to enable direct comparison.

	Fatalities (rate per 100,000 population*)	Specified Injuries (rate per 100,000 population ⁴)	Over 7 day injuries (rate per 100,000 population*)	Members of Public taken to Hospital (rate per 100,000 population*)	Not specified (rate per 100,000 population*)	Total (rate per 100,000 population*)
Bracknell	1 (0.9)	13 (11.5)	32 (28.3)	30 (26.5)	2 (1.8)	78 (68.9)
Reading	0 (0)	13 (8.3)	74 (47.5)	58 (37.3)	6 (3.9)	151 (97.0)
RBWM	1 (0.7)	23 (15.9)	43 (29.7)	60 (41.5)	3 (2.1)	130 (89.9)
Slough	2 (1.4)	7 (5.0)	37 (26.4)	77 (54.9)	4 (2.9)	127 (90.6)
West Berks	0 (0)	16 (8.5)	48 (31.2)	38 (24.7)	1 (0.7)	103 (67.0)
Wokingham	2 (1.3)	10 (6.5)	11 (7.1)	44 (28.5)	0 (0)	67 (43.4)
Total	6 (0.7)	82 (9.5)	245 (28.4)	307 (35.6)	16 (1.9)	656 (76.1)

⁴ using 2011 census data at <http://www.bracknell-forest.gov.uk/ks101ew-usual-resident-population.pdf>

Further detail on the causes of many of the accidents is available, and for example of the 656 accidents within Berkshire some of the main causes were:

	Slip, trip or fall on the same level (rate per 100,000 population*)	Lifting and handling injuries (rate per 100,000 population*)	Fall from height (rate per 100,000 population*)	Struck by an object (rate per 100,000 population*)	Other cause or cause not completed (rate per 100,000 population*)
Bracknell	35 (30.9)	7 (6.2)	6 (5.3)	8 (7.1)	15 (13.3)
Reading	46 (29.5)	19 (12.2)	18 (11.6)	17 (10.9)	25 (16.1)
RBWM	56 (38.7)	9 (6.2)	9 (6.2)	6 (4.2)	32 (22.1)
Slough	70 (98.3)	15 (21.1)	8 (11.2)	7 (9.8)	7 (9.8)
West Berks	41 (26.7)	18 (11.7)	8 (5.2)	9 (5.9)	12 (7.8)
Wokingham	38 (24.6)	3 (1.9)	3 (1.9)	4 (2.6)	9 (5.8)
Total	286 (33.2)	71 (8.2)	52 (6.0)	51 (5.9)	100 (11.6)

Whilst this data is useful to help identify the main causes, several accidents do not detail the actual cause, and the information for accidents occurring in other Local Authorities is not readily available. That said, there are some suggestions that reports for Bracknell Forest are slightly raised for certain categories (specified injuries) but overall slightly lower than for other areas of Berkshire. Such figures must however be used with caution, as there may be many reasons for the levels seen, including the reporting of incidents that don't need to be reported.

6. Enforcement Action

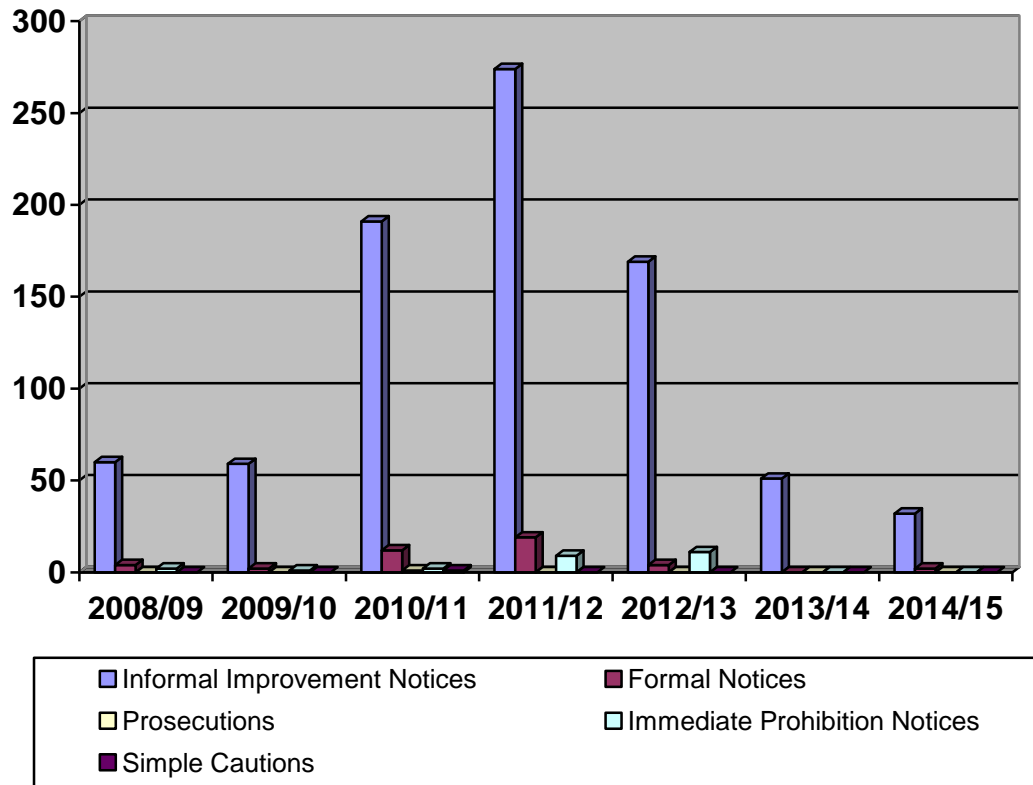


We have adopted a broad and comprehensive set of measures to protect consumers and promote health and safety, and we actively work with local business to achieve a balanced approach. We use the full range of enforcements options available to us, but wherever possible we use informal measures to achieve any necessary improvements. 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:

<http://www.bracknell-forest.gov.uk/enforcement-policy.pdf>

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

ENFORCEMENT ACTION	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15
Informal improvement notices	60	59	191	274	169	51	32
Formal notices	4	2	12	19	4	0	2
Prosecutions	0	0	1	0	0	0	0
Immediate Prohibition Notices	2	1	2	9	11	0	0
Simple Cautions	0	0	1	0	0	0	0
TOTAL	66	62	207	302	184	51	34



In 2011/12 a peak in enforcement work was seen. This was largely due to database updating work undertaken that identified a number of extra premises. As many of these businesses had received no contact previously, the visits revealed a larger number of issues that resulted in informal notices being sent. Since this peak, this figure has been seen to reduce as we have made contact with many such businesses already.

7. Project Working

We ensure that our priority is responding to service requests and the programmed health and safety work that we are required to complete. Thus, due to some staff shortages during the year and a significant focus on food safety work, only limited project work was undertaken in 2014/15.

Cooling Towers



Cooling towers, if not properly managed, may present significant risks to those in the area due to Legionella bacteria breeding in them and escaping to the surrounding area. These bacteria may cause a lung disease called legionellosis, which has very high fatality levels. Due to these risks, nationally authorities were asked by the HSE to inspect relevant cooling towers in their area. We previously inspected the premises requested, and continued to undertake further work with business to improve standards and thus reduce the risks. No formal action was necessary to ensure the necessary progress.

Water Features



In addition to cooling towers, Legionella bacteria are also able to grow in other types of water systems, including fountains. Due to the national focus on legionella, we continued to focus on responding to relevant enquiries or complaints that had potential legionella implications. This included working with one business that had significant health and safety concerns associated with detecting legionella in their hot water system. This included giving them appropriate advice and support whilst they resolved the problem. No formal action was necessary.

Liquid Petroleum Gas



This previously 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. In order to prioritise work nationally, only those sites notified by the HSE were investigated, and as no notifications were received, no such visits were undertaken.

Smokefree Bracknell Forest

Officers continued to monitor and advise business on compliance with smokefree legislation at all visits as appropriate.



A total of 4 complaints and enquiries were received relating to smoking during 2014/15 and all of these were resolved informally without the need for enforcement action. There is advice and information about the smokefree requirements on the Council's website at: <http://www.bracknell-forest.gov.uk/smokingbanenforcement>

Formal Asbestos Notifications

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 relevant 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. One formal notification for work involving areas known to contain asbestos was received, and appropriately investigated.

8. Staff Development 2014-15

A record of continuous development is maintained for all Officers and training is provided to ensure that officers are up to date and able to tackle specific risks within Bracknell Forest. The following courses were attended during 2014/15:

- Legionella in Hot and Cold Water Systems
- Cryptosporidium in Swimming Pools and at Animal Visitor Attractions
- Tattooing and Skin Piercing

Division: Environment and Public Protection
 Section: Regulatory Services
 Team: Health and Safety

National Priority	Council Priority	MTO	Regulatory Services Priority	Service Priority	Service Action	Outcome measure	Priority
Protecting Consumers, Supporting Business							
4	4	6,8 & 9	4	To maintain a comprehensive Health and Safety Law Enforcement Plan.	To adopt annual Health and Safety Law Enforcement Plan.	Adoption of plan by Committee.	Medium
1	4	6,8 & 9	1 & 4	To work in partnership to reduce the number of accidents and incidents of ill health that occur within Bracknell Forest.	Adapting existing project plans that have been developed by the HSE for campaigns to: <ul style="list-style-type: none"> • Free up officer time from developing 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 	Incorporated into specific items detailed below.	Medium
4	4	6 & 8	4	To investigate accidents reported via RIDDOR or reported direct.	To ensure a common, proportionate, transparent and targeted approach for the selection and investigation of accidents and incidents. BFC's selection criteria is based on the HSE's HELA guidance LAC 22/13.	100% incidents assessed within 5 working days. 100% fatalities responded to within 24 hours.	High

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1	4	6,8 & 9	1 & 4	To assist businesses to improve Health and Safety compliance levels and deliver improved public health outcomes through a programme of Intel led activities.	Ensure the full range of information and guidance on priority areas is available to local businesses.	Respond to 100% requests for information and advice within 5 working days. Maintain up-to-date health/safety pages on the Council's website.	Medium Low
1	4	6,8 & 9	1 & 4	To assist businesses to improve Health and Safety compliance levels and deliver improved public health outcomes through a programme of Intel led activities.	Inspection of all high risk premises due an intervention plus any other A rated. Offer support and advice to medium risk (B1 and B2 rated) premises where intelligence identifies concerns over levels of compliance - to be initiated and directed by use of alternative inspection techniques (questionnaires). Offer support and advice to new businesses and 20% of all relevant C risk rated businesses in Bracknell Forest.	Full inspection of 15 high risk premises. Use alternative inspection questionnaires for 109 B1 and B2 premises. Provide additional support or intervention if notable deficiencies identified. Provide information to 203 low risk businesses.	High Medium Low
1	4	6& 8	1 & 4	To assist businesses to improve Health and Safety compliance levels and deliver improved public health outcomes through a programme of Intel led activities.	Respond to requests from businesses and the public to help improve health and safety compliance. Where significant risks are identified, to take prompt action to improve conditions and reduce likelihood of injury or ill-health occurring.	Respond to 100% requests from businesses and the public within 5 working days.	High
1	4	6& 8	1 & 4	To assist businesses to improve Health and Safety compliance levels and deliver improved public health outcomes through a programme of Intel led activities.	Inspection of 50% of all medium risk Petroleum licensed premises. Inspection of 100% of all explosive licensed premises. Offer support and advice to new businesses.	Inspection of 7 petrol stations Inspection of 100% of premises (currently 23). Respond to 100% requests from businesses and the public within 5 working days.	Medium

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1	4	6,8 & 9	1 & 4	To assist businesses to improve Health and Safety compliance levels and deliver improved public health outcomes through a programme of Intel led activities.	Attend SAG meetings and provide support and information to Event Organisers.	Attend monthly meetings and attend events where specific uncontrolled risks identified.	Medium
Project Working – Focussing Resources							
4	4	8	4	To assist businesses to improve Health and Safety compliance levels and deliver improved public health outcomes through a programme of Intel led activities.	Liquid Petroleum Gas Inspection. Inspection of high risk commercial sites with underground LPG pipe work to ensure safety of employees and site visitors as notified by the Health and Safety Executive.	Inspection of all notified sites (estimated 5).	High
4	4	6& 8	1 & 4	To assist businesses to improve Health and Safety compliance levels and deliver improved public health outcomes through a programme of Intel led activities.	Asbestos. Ensure compliance in commercial premises that may contain asbestos materials to ensure risk to employees and visitors is minimised by: incorporating asbestos control into full health and safety inspections. Providing appropriate advice and guidance for all formal asbestos removal notifications.	Include asbestos management within 100% of full inspections (15). Respond to 100% of formal notifications and attend removal works as appropriate.	High Medium
4	4	6,8 & 9	1 & 4	To assist businesses to improve Health and Safety compliance levels and deliver improved public health outcomes through a programme of Intel led activities.	Inspection of HSE notified cooling towers to ensure safety of employees and those in the vicinity. Ensure that all relevant cooling tower premises are registered, in order to facilitate oversight of high risk activities.	Inspect 100% premises notified by the HSE (estimated 5). Review registered cooling towers to ensure up to date.	High Medium

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4	4	6,8 & 9	1 & 4	To assist businesses to improve Health and Safety compliance levels and deliver improved public health outcomes through a programme of Intel led activities.	Skin piercing treatments - local intel shows rising numbers of high risk skin piercing operations. Risk focussed initiative to assess practices within higher risk skin piercing businesses (tattooists and cosmetic body piercers).	Assessment of 100% of relevant premises (currently 6) against local Byelaws and national guidance. Appropriate actions to minimise risks to customers.	Medium
4	4	6& 8	1 & 4	To assist businesses to improve Health and Safety compliance levels and deliver improved public health outcomes through a programme of Intel led activities.	Legionella risks – local intel from previous project suggests some local businesses not aware of adequate legionella controls. To target businesses providing residential care for legionella controls.	Assessment of 5 residential care homes for adequate legionella controls. Provision of advice and assistance to ensure adequate control of legionella.	Medium
4	4	6 & 8	1 & 4	To assist businesses to improve Health and Safety compliance levels and deliver improved public health outcomes through a programme of Intel led activities.	Reduce risks of carbon monoxide poisoning from solid fuel cooking. To be assessed as part of food hygiene inspections in order to minimise multiple regulatory visits to businesses.	Assess 100% of inspected food premises for risks from solid fuel burners (estimated 254), providing appropriate advice to businesses with solid fuel burners.	Medium
1	4	8& 9	1 & 4	To assist businesses to improve Health and Safety compliance levels and deliver improved public health outcomes through a programme of Intel led activities.	Examine local trends of complaint, enquiry and accident notifications and use as service planning intelligence; targeting higher risk activities or work areas for the subsequent financial year.	Evaluate 2015/16 data to ensure local intelligence is used to focus the 2016/17 work plan.	High
1	4	8& 9	1 & 4	To assist businesses to improve Health and Safety compliance levels and deliver improved public health outcomes through a programme of Intel led activities.	Examine local trends of RIDDOR accident notification accuracy and reduce over-reporting of non-reportable accidents by targeting businesses with higher reporting rates.	Identify the 5 highest RIDDOR reporters; provide advice and guidance to ensure appropriate reporting and any on-going risks resolved.	Medium

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1	4	8	1 & 4	To assist businesses to improve Health and Safety compliance levels and deliver improved public health outcomes through a programme of Intel led activities.	2014/15 RIDDOR and complaint data suggest increased levels of accidents within warehouses. Investigate the extent of current warehouse operations and high risk activities (e.g. fork lift truck, other workplace transport and racking systems).	Primary industrial unit areas surveyed for warehousing and relevant advice provided.	Medium
1	4	8&9	1 & 4	To assist businesses to improve Health and Safety compliance levels and deliver improved public health outcomes through a programme of Intel led activities.	Work with Primary Authority Partners to improve consistency across Local Authority areas within England and Wales by providing advice and guidance in relation to health and safety matters.	Respond to 100% of requests for assistance and provide appropriate advice and guidance on health and safety matters.	Medium
Performance Management							
	4	8&9	4	To maintain a quality service in accordance with Section 18 HASWA.	Annual review and implementation of work plan to demonstrate compliance with S18 requirements, ensuring consistency of approach and maximised resources, including up to date procedures and competency systems. Identify staff training needs during appraisals, including: Regulators Development Needs Analysis tool (RDNA) and Guidance for Regulators Information Point (GRIP), and provide relevant staff training/experiential learning, ensuring continued competence in relevant skills.	Monthly and quarterly monitoring of targets via KPIs and quarterly monitoring systems. Quarterly consistency monitoring of officers. Any identified shortfalls addressed. Annual assessment of officer training needs via RDNA analysis. Provision of relevant training required.	High

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1	4	6,8 & 9	4	Continue to improve our service by managing our performance and comparing ourselves against others.	Apply best practice, enabling the service to continually improve and identify areas suitable for collaborative working. Work with local partners, including Berkshire LAs and the HSE to share knowledge, and minimise duplication of effort.	Attendance and participation in Berkshire health and safety liaison group.	Medium

Regulatory Services Priorities:

1. To protect and support residents and legitimate business through the promotion of a fair, safe, responsible and competitive trading environment.
2. To work with local business to deliver a safe and quality food chain.
3. To work with partners on improvements to the local environment which positively influence the quality of life and promote sustainability.
4. To target enforcement action against those who demonstrate a disregard for the law and the consequences of their actions.
5. To promote public health and healthy living.
6. To constantly keep under review existing working procedures to ensure improvements in service delivery, effectiveness and efficiency.

BDRO Priority Regulatory Outcomes:

1. Support economic growth, especially on small business, by ensuring a fair, responsible and competitive trading environment.
2. Protect the environment for future generations including tackling the threats and impacts of climate change.
3. Improve quality of life and wellbeing by ensuring clean and safe neighbourhoods.
4. Help people to live healthier lives by preventing ill health and harm and promoting public health.
5. Ensure a safe, healthy and sustainable food chain for the benefits of the consumer and the rural economy