

LICENSING AND SAFETY COMMITTEE
31 January 2008

HEALTH AND SAFETY LAW ENFORCEMENT PLAN 2008-09
(Director of Environment and Leisure)

1 PURPOSE OF DECISION

- 1.1 The Council has responsibility for the enforcement of health and safety in private sector businesses in the Borough. Members will recall approving the Health and Safety Law Enforcement Plan 2007-2008 at the Committee meeting on 5 July 2007. The purpose of this report is to provide members with an opportunity to comment on the draft Health and Safety Enforcement Plan for 2008-2009 prior to the final version the Committee will receive later in the year. The Work Plan for Health and Safety Law Enforcement 2008-2009 (Appendix A) is in the process of being re-drafted and sets out a framework for the Council's plan for health and safety in line with direction from the HSC and the Health and Safety Executive (HSE).
- 1.2 The plan is required to comply with Section 18 of the Health and Safety at Work etc Act 1974 to ensure that national priorities and standards are delivered effectively and consistently at a local level.

2 RECOMMENDATIONS

2.1 That DMT:

- (a) **notes the timescales for the production of the final Health and Safety Law Enforcement Plan 2008-2009 and**
- (b) **comments on the contents of the draft Enforcement Plan (Appendix A).**

3 ADVICE RECEIVED FROM STATUORY AND OTHER OFFICERS

Borough Solicitor

- 3.1 The relevant legal provisions are contained within the main body of the report.

Borough Treasurer

- 3.2 There are no significant financial implications arising from the recommendations in this report.

Impact Assessment

- 3.3 There are no direct consequences of the report for any group and no direct community safety implications.

Strategic Risk Management Issues

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

Head of Trading Standards and Licensing

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

4 SUPPORTING INFORMATION

- 4.1 To assist and prepare members for receipt of a final document later in the year, the committee is being shown a draft Health and Safety Enforcement Plan. On completion after April, the full plan will set out the work for 2008-2009 and be accompanied by information providing details of how we have performed in the current financial year.
- 4.2 A key theme of the work plan is to continue to develop targeted health and safety activity by working effectively in partnership with business and the Health and Safety Executive. This will be achieved by working to an agreed portfolio of joint working with the HSE based around 'Fit3' - "Fit for Work, Fit for Life, Fit for Tomorrow". This year's work plan as set out in Appendix A is in the process of being populated with targets and initiatives under 3 main headings which are: protecting consumers, support for local businesses and local partnerships.
- 4.3 As a reminder, there are effectively two main regulatory arms: the Health and Safety Executive and the Local Authorities. Within Bracknell Forest enforcement is a function of the Environmental Health and Safety Section. At 1 April 2007 the Borough had 1,191 local businesses where it has the statutory responsibility to enforce the Health and Safety at Work etc Act 1974. This figure will be adjusted in the new financial year to account for the closure and start-up of new businesses.
- 4.4 Progress against the plan is reported monthly as key performance indicator to the Departmental Management Team. Since Members approved the Health and Safety Law Enforcement Plan for 2007-2008 on 1 July 2007, staff from across the section have left the Council to take up employment elsewhere. Despite having agency cover, there have been difficulties with recruitment and consequently there have been problems with meeting the statutory minimum requirement in the Commercial and Environmental Protection Teams. Therefore the health and safety plan previously approved by Members has been cut to ensure the minimum legal requirements are met. This has been achieved by pulling Environmental Health Officers from their programmed health and safety work to cover shortfalls in the Environmental Protection Team. The Council's performance in relation to health and safety enforcement is reported annually to the Health and Safety Executive. The Executive has powers to intervene where there is a shortfall in performance. However the risk has been minimised because some additional inspection services have been brought in to cover health and safety inspections as these are more readily available skills to acquire from recruitment agencies.
- 4.5 Consultation with stakeholders has been ongoing since the Committee approved the plan for 2007-2008. It has been published on the Borough Council's website and copies have been issued at key locations in the Borough including the Council's libraries and town and parish council offices. To date no representations have made in relation to the plan.
- 4.6 The Commercial Team is comprised of 5 officers who spend approximately 40% of their time on health and safety issues. The remaining 60% is committed to visiting business to

carry out full food hygiene inspections to assess for legal compliance. In the previous year 354 of these inspections were carried out. Additionally all new food businesses are required to be inspected within 28 days of opening and also follow-up visits are required for businesses where issues of non-compliance have been found.

Background Papers

1. HELA Strategic Plan 2000-2004
2. HSC Strategy for Workplace Health and Safety in Great Britain to 2010 and Beyond – (Securing Health Together – SH2)
3. Health and Safety in Local Authority Enforced Sectors, Section 18. HSC Guidance to Local Authorities (09/01)
3. HELA Circular Number 67/1 (Rev 3) Advice to Local Authorities in Inspection Programmes and an inspection rating system (12/2000)
4. Health and Safety Law Enforcement Plan 2007-08

Contact for further information

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**APPENDIX A
HEALTH & SAFETY ENFORCEMENT PLAN
2008/09**

Protecting Consumers		
Task	Outcome	By when
<i>To seek to preserve and improve the health and safety standards of workplaces in Bracknell Forest through effective enforcement methods.</i>	Inspection 145 businesses in Bracknell Forest where we are the enforcing authority for health and safety in accordance with risk aiming to complete 100% of identified high-risk premises and using alternative interventions for other business.	March 2009
<i>Respond to and investigate workplace accidents and reports of poor working practices and conditions</i>	To ensure that effective investigations are carried out and to take prompt action to improve conditions and reduce likelihood of injury recurring. Examine local trends in accidents reports.	Ongoing
<i>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.</i>	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. (FIT3) 	Ongoing

<i>FIT3 Project Working – Focusing Resources</i>		
<i>Task</i>	<i>Outcome</i>	<i>By when</i>
<i>Ladders – to continue Height Awareness activity from 07/08</i>	To incorporate awareness raising at all relevant visits.	April 2008 onwards
<i>Slips and Trips – Watch Your Step in Care Homes¹</i>	34 residential care homes identified for initial visit; to raise awareness of hazards. Aim is to improve overall H&S score for premises by ensuring legal compliance and adopting best practice.	March – August 2008
<i>Noise at Work in Pubs and Nightclubs¹</i>	Increase awareness of Regulations (potential for joint working with Licensing Team) at all premises; clubs and bars live and recorded music. Evaluation of impact in 20. Aim is to improve overall H&S score for premises by ensuring legal compliances and adopting best practice.	July – August 2008
<i>Better Backs</i>	34 residential care homes identified for initial visits; to raise awareness of hazards. Aim is to improve overall H&S score for premises by ensuring legal compliance and adopting best practice.	March – August 2008
<i>Slips and Trips and Falls from Height in Food Retail</i>	Visits to food retail outlets 20 – where slips and trip, falls from height are of concern – secure improvements. Focus on areas of high accident reporting and lowest management controls.	September – December 2008
<i>Slips and Trips in Hotels and Catering</i>	Visits to hotel and catering establishments 20. Aim is to improve overall H&S score for premises by ensuring legal compliance and adopting best practice.	January – March 2009
<i>Disease Reduction – Dermatitis</i>	Aimed at industries where skin hazards are high risk. Raise awareness by written advice followed up by visits to 20 premises to implement simple controls.	April – November 2008
<i>Special Treatments</i>	Continue to provide specialist advice for the Licensing section and for businesses on new applications and renewals.	Ongoing
<i>Smoke-Free</i>	Continue to monitor for compliance at all premise visits and respond to complaints and enquiries.	Ongoing
<i>Stress Management</i>	Initial work to identify leaders implementing management standards for work-related stress. Identify and work with 5 local service industries to encourage adoption of methods to manage risk. Aim is to improve overall H&S score by ensuring legal compliance and adopting best practice.	May – December 2008

¹ Linked project

<i>Warehousing Activities</i>	To carry out pre-Christmas visits to areas of highest accident reporting. Visits to 8 retail warehouses.	December 2008
<i>Cooling Towers</i>	To audit all duty holders (18) with responsibility for cooling towers and evaporative condensers.	November 2008
<i>Asbestos – Duty to Manage</i>	Raise at all relevant visits third year of campaign. Likely to result in some enforcement to secure improvement.	Ongoing
<i>Caravan Sites</i>	Conduct full inspection of one caravan site to check compliance, health and safety aspects of model standards and licence conditions.	March 2009
<i>Petroleum</i>	To inspect 20 licensed premises to ensure safe storage and use of petroleum products.	March 2009
<i>Fireworks</i>	To inspect 20 licensed premises to check compliance with storage and safe provisions.	December 2008
<i>Riding Establishments</i>	To inspect 4 premises for compliance with health and safety legislation and animal welfare provisions.	December 2008
<i>Taxi Inspections</i>	To conduct at least one joint enforcement agency inspection involving VOSA, Social Services, Customs & Excise and Thames Valley Police to check safety of licensed vehicles.	September 2008

Support for Local Businesses		
Task	Outcome	By when
<i>To facilitate the delivery of health and safety promotional events and material to reflect local needs and national priorities</i>	Organise one major workshop during the year Produce one H&S Newsletter for distribution to all Bracknell Forest businesses Prepare 2 H&S press releases Ensure that the full range of information and guidance on priority areas	Ongoing during year and completion by March 2009
<i>To provide support and advice to local businesses to help them improve their health and safety compliance</i>	Respond to requests for advice within 2 working days and provide full advice within 14 days Develop a new business advice pack	Ongoing
<i>To maintain up-to-date health and safety pages on the Council's website</i>	Provision of relevant accessible information and links to other key sites including Berkshire Health and Safety Website.	Ongoing
<i>To provide training in Risk Assessment (CIEH Accredited course)</i>	One low cost course aimed at small businesses in Risk Assessment (CIEH Accredited)	September 2008

Local Partnerships		
Task	Outcome	By when
<i>To support and participate in a joint warranting project with the HSE</i>	Work effectively together on agreed regional projects to provide a consistent and improved service	Ongoing during the year
<i>Develop links with local businesses to support local priority topics</i>	To form partnerships with a variety of organisations to help support the service aims 2 major partnerships (Panasonic and one other)	March 2008
<i>Maintain partnership with the Berkshire PCT and Smoke-Free Berkshire</i>	Ensure compliance with smoke-free legislation. Give businesses and individuals advice accordingly.	Ongoing

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