

Employees' copy

Health and Safety at Work etc Act 1974, Sections 21, 23 and 24

Serial Number **FC4195814**

Improvement Notice

Name **Bolsover District Council**

Address **Sherwood Lodge, Bolsover S44 6NF**

Trading as **Bolsover District Council**

I, *(Inspector's full name)* **Fiona Caroline Dorothea Coffey**

one of Her Majesty's Inspectors of Health and Safety, being an Inspector appointed by an instrument in writing made pursuant to section 19 of the said Act and entitled to issue this Notice

of **HSE**
City Gate West, Toll House Hill, Nottingham, NG1 5AT

Telephone number **0115 971 2814**

hereby give you notice that I am of the opinion that at

(Location of premises or place of activity) **the above address**

you, as **an employer**

are contravening the following statutory provisions :

Health & Safety at Work etc. Act 1974, Section 2
Control of Vibration at Work Regulations 2005, Regulations 5 & 6

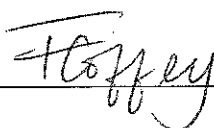
The reasons for my said opinion are :

you are not ensuring the health, safety and welfare of employees, so far as is reasonably practicable, as you have not conducted a suitable and sufficient assessment of the activities within your house refurbishment/construction department, which put them at risk of hand arm vibration, nor identified the steps that need to be taken to eliminate or control those risks.

and I hereby require you to remedy the said contraventions or, as the case may be, the matters occasioning them, by

24th May 2010 *(Date for compliance)*

and I direct that the measures specified in the Schedule which forms part of this Notice shall be taken to remedy the said contraventions or matters

Signature 

Date **26 / 2 / 2010**

This is not a relevant notice for the Environment and Safety Information Act 1988

Signature 

Date **26 / 2 / 2010**

Schedule

To comply with this notice:

EITHER

1. Carry out a suitable and sufficient assessment of the risks to employees from activities within your house refurbishment/construction department which put employees at risk of hand arm vibration, and identify the steps that need to be taken to eliminate or control those risks.

The assessment should;

- a) Identify those activities which present a risk of hand arm vibration , including non-routine activities
- b) Take account of the way in which work is organised and the effects this can have in terms of hand arm vibration.
- c) Evaluate the risks from the identified hazards by;
 - i) observing the actual practice and consulting with employees.
 - ii) addressing what actually happens during the work activity.
 - iii) taking account of existing preventative measures and, if they are not adequate, assessing what more could be done to reduce the risks sufficiently.
- d) Identify measures which may be able to eliminate risk.
- e) Where elimination is not possible, identify preventative and protective measures already in place, and additional measures necessary to control the risks.
- f) Record the significant findings;

OR

2. Any other equally effective means of remedying the said contraventions

NOTES

1. Failure to comply with this Improvement Notice is an offence as provided by section 33(1)(g) of the Health and Safety at Work etc Act 1974 and section 33(2) and Schedule 3A of this Act renders the offender liable on summary conviction, to imprisonment for a term not exceeding 6 months in England and Wales and 12 months in Scotland, or to a fine not exceeding £20,000, or both, or, on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.
2. An Inspector has power to withdraw an Improvement Notice or to extend the period specified in the notice, before the end of the period specified in it. If you wish this to be considered you should apply to the Inspector who issued the notice, but you must do so before the end of the period given in it. Such an application is not an appeal against this notice.
3. The issue of this notice does not relieve you of any legal liability for failing to comply with any statutory provision referred to in the notice or to perform any other statutory or common law duty resting on you.
4. You can appeal against this notice to an Employment Tribunal. Details of the method of making an appeal, a form to use (ETS19) and information about where to send it are contained in booklet URN 09/891 which will be provided by the Inspector with this notice. Copies are also available from the Employment Tribunal Enquiry Line (Tel: 0845 795 9775).

Time limit for appeal

A notice of appeal must be sent to the Employment Tribunal within 21 days from the date of service on the appellant of the notice, or notices, appealed against, or within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the notice of appeal to be presented within the period of 21 days. If posted the appeal should be sent by recorded delivery.

The entering of an appeal suspends the Improvement Notice until the appeal has been determined, but does not automatically alter the date given in this notice by which the matters contained in it must be remedied.

The rules for the hearing of an appeal are given in The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004 (SI 2004 No 1861), and the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2001 (SI 2001 No 1171) for England and Wales and the Employment Tribunals (Constitution and Rules of Procedure) (Scotland) Regulations 2001 (SI 2001 1170) for Scotland to the extent those Regulations remain in force.

Public availability of information on all enforcement notices

1. The Health and Safety Executive (HSE), for its own purposes, records and monitors trends in the enforcement action it takes, and in the convictions and penalties imposed by the Courts. It is HSE's policy that this information should be brought to the public's attention. HSE also has a statutory obligation under the Environment and Safety Information Act 1988 to maintain a public register of certain notices. Details from this notice will therefore be stored on an electronic database, which is available on HSE's Website (www.hse.gov.uk).
2. Information on a notice will not be entered onto the database until after the right of appeal against the notice has expired. Where a notice is withdrawn or cancelled on appeal no entry will be made. Entries will be kept on the database for a period of 5 years from the date of issue. Notices served on individuals under the age of 18 will be removed sooner.
3. Information will be withheld where, in HSE's belief, its disclosure would:
 - cause harm or prejudice; or
 - be in breach of the law.
4. Personal information is dealt with in accordance with the Data Protection Act 1998. Where disclosure of personal information would be incompatible with the Act it will not be included on the database.
5. If you are not satisfied with the information contained in the entry you have a further right to appeal to the HSE in the first instance.