

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**LICENSING & APPEALS COMMITTEE**

**12 November 2007**

**Report of the Director of Health and Housing**

**Part 1- Public**

**Delegated**

**1 SAVING LIVES – NOT STOPPING PEOPLE LIVING – A HEALTH AND SAFETY EXECUTIVE AND LOCAL GOVERNMENT ASSOCIATION INITIATIVE**

**Summary**

**The report considers a new initiative aimed at ensuring sensible risk management of safety problems.**

- 1.1.1 The Council has a statutory duty to enforce the provisions of the Health and Safety at Work etc. Act 1974 in a range of businesses in the borough. This activity is undertaken by officers in Environmental Health and Housing Services' food and safety team. We also, as employer and provider of services, have a duty to carry these out so as not to present danger to our employees or other people.
- 1.1.2 Local authorities and the Health and Safety Executive (HSE) have too often been criticised for making "nannying" health and safety decisions that stop people living their lives in full. Many of the stories are outright myths, but some contain a grain of truth where an officer or manager has, usually with the very best of intentions, gone beyond what the spirit of the law intended. Whatever the facts, they are damaging and overshadow the vast majority of good decisions made having regard to risk.
- 1.1.3 The Local Government Association (LGA) and the HSE have joined forces to support councils in taking a sensible line when identifying safety risks. At a recent LGA national conference, a "sign-up to sensible risk" campaign was launched. The campaign asks local authorities to sign up to "Principles of Sensible Risk Management". This commitment will give a clear message to both staff and citizens as to the sensible approach to risk they expect to be taken. The "Principles of Sensible Risk Management" can be found at **[Annex 1]**.
- 1.1.4 I support this initiative as the "Principles" provide a pragmatic approach and context to safety risk assessment from both a regulatory or employer perspective.

## **1.2 Legal Implications**

- 1.2.1 The “Principles of Sensible Risk Management” provides voluntary, rather than statutory guidance, and a practical way to protect people from real harm and suffering.

## **1.3 Financial and Value for Money Considerations**

- 1.3.1 The initiative focuses managers and officers on key safety issues providing a balance between the unachievable aim of absolute safety and the kind of poor management of risk that damages lives and the economy.

## **1.4 Risk Assessment**

- 1.4.1 Risk assessment should be based on practical actions that protect people from harm and not a bureaucratic experience that unduly restricts personal choice and experience.

## **1.5 Recommendation**

- 1.5.1 The Committee is **RECOMMENDED** to **ENDORSE** support for this initiative.

Background papers:

contact: Phil Beddoes

Nil

John Batty

Director of Health and Housing