

TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

18 August 2008

Report of the Director of Health and Housing

Part 1- Public

Matters for Information

1 HEALTH AND SAFETY TEAM PERFORMANCE 2007- 08

Summary

This report considers the 2007/08 performance of the Council in respect of its health and safety function.

1.1 Introduction

1.1.1 The Council is required by the Health and Safety at Work etc. Act 1974 guidance to produce a Health and Safety Law Enforcement Plan. The Plan must set out how the Council will undertake its statutory regulatory and enforcement duties relating to health and safety. Our existing Plan covers the period 2004-2007 and at the end of each year a performance report is provided for Members, together with details of new projects for the following year.

1.1.2 Last year the revision of the Health and Safety Law Enforcement Plan was deferred until guidance had been received evaluating the implications of the Hampton Report and Rogers Review. This guidance is now available through new Health and Safety at Work etc. Act, section 18 guidance and as a consequence the Health and Safety Law Enforcement Plan will be revised later in the year to reflect these changes.

1.1.3 This report provides performance information under key activity headings for the year 2007/08.

1.2 Health and Safety Inspections

1.2.1 Programmed inspections of commercial premises form the core activity of the health and safety enforcement function. 84% of the inspection programme was completed, with all high risk premises receiving their programmed inspection when it was due.

1.2.2 Inspections focus on the priority areas outlined in the Health and Safety Executive's FIT3 programme, which include slips, trips and falls, manual handling, working at height, workplace transport and contact dermatitis. Specific details of this work activity are shown in **[Annex 1]**.

1.2.3 In addition the Food and Safety Team organised a number of specific initiatives intended to address higher risk concerns, these included:

- Working at Height topic - best practice guidance for builders provided via leaflets at builders merchants;
- Moving goods safely campaign – working in conjunction with the HSE officers targeted vehicle movement issues throughout the supply chain of a national company;
- Disease reduction programme – worked with West Kent College and the Hairdressing School in providing guidance to prevent dermatitis; and
- Better backs campaign – in tyre and exhaust premises.

1.3 Requests for Service

1.3.1 The Food and Safety team received 56 service requests from employees in the borough in 2007/08. These related to workplace safety and welfare. All these complaints were fully investigated and relevant action taken.

1.4 Accident Investigations

1.4.1 The Food and Safety team received 189 accident reports from businesses in the borough in 2007/08. 24 of these were fully investigated by officers. The breakdown of accidents by premises type can be found at **[Annex 1]**.

1.5 Formal Enforcement Action

1.5.1 In order to protect employees and the public it is sometimes necessary to take formal action against businesses. In 2007/08 officers issued two formal cautions and served 14 improvement notices for to secure compliance with health and safety legislation and one prohibition notice where there was a risk of serious personal injury.

1.6 2008/09 - Proposed Service Improvements

1.6.1 The following service improvements will be delivered in 2008/09:

- the implementation of the Kent flexible warranting scheme, for additional information refer to the Flexible Warranting Report on this agenda;
- flexible working on industrial estates as part of the common approach to Kent enterprise (cake) project, in which officers will be working with Health and Safety Executive Inspectors targeting high risk activities in these areas; and
- the revision of team procedures to reflect new health and safety guidance and flexible warranting.

1.7 Legal Implications

1.7.1 The Council has a statutory duty to produce and monitor its Health and Safety Law Enforcement Plan.

1.8 Financial and Value for Money Considerations

1.8.1 All service improvements will be undertaken within existing budgets.

1.9 Risk Assessment

1.9.1 Failure to meet the requirements of the new guidance by 31 March 2011 could result in sanctions by the Health and Safety Commission.

1.10 Recommendations

1.10.1 None.

Background papers:
Annex 1

contact: Jane Heeley

John Batty
Director of Health and Housing