

TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

15 June 2009

Report of the Director of Health and Housing

Part 1- Public

Matters for Information

1 FLEXIBLE WARRANTING

Background

This report provides an update on the progress of the Kent and Medway Flexible Warranting Scheme, since it was launched in November 2008.

1.1 Background

1.1.1 The Health and Safety Flexible Warranting Scheme involves the issuing of warrants to allow one enforcing authority to appoint another enforcing authority's suitably qualified officers to exercise their powers in each other's premises or spheres of activity. In this case Health and Safety Executive (HSE) inspectors and other officers from Kent local authorities. This has proved to be a practical way of managing the allocation of premises inspections, increasing the speed of response to matters of evident concern and making effective use of resources during countywide projects.

1.1.2 It was agreed at this Committee on 18 August 2008 that an update would be provided to Members on the progress of the Kent and Medway Flexible Warranting Scheme.

1.2 Projects

1.2.1 Under the scope of the scheme, two successful county wide projects have been carried out, which are summarised below.

1.3 Common Approach to Kent Enterprise

1.3.1 This project was developed to address the following HSE priority areas:

- Working at height – falls from height are consistently the most common type of accident causing fatal injuries, resulting in 45 deaths in 2006/07;
- Manual handling – musculo-skeletal disorders resulted in the loss of 10.7 million working days in 2006/07, caused or made worse by work activities;

- Workplace transport – being struck by a moving vehicle caused 103 fatalities and 3,879 major injuries in the last two years; and
- Asbestos – the inhalation of asbestos fibres is responsible for around 4,000 deaths a year.

1.3.2 Target premises were identified on industrial estates (Deacon Industrial Estate and Bellingham Way) and were sent an information pack describing the project and enclosing information about the priority areas and details of the inspections that would be carried out and when.

1.3.3 A total of 334 inspections were carried out across the county, 18 of these in the borough, over one day and involving seven inspectors. This resulted in the service of 47 improvement notices and 29 prohibition notices across the county, including seven improvement notices in the borough.

1.4 Duty to manage asbestos project

1.4.1 The aims of this project were to remind businesses of their responsibilities under the Control of Asbestos Regulations 2006. Businesses were targeted by identifying areas in the borough with older commercial properties and where the rate of businesses turnover is high, specifically Platt Industrial Estate and Snodland High Street.

1.4.2 All targeted businesses were sent a questionnaire, containing questions to enable officers to assess how effectively duty holders were managing asbestos related risks and included information and a contact number offering further advice and support.

1.4.3 Businesses who failed to return the questionnaire or indicated on the questionnaire that they were not taking adequate steps to manage asbestos, were identified as requiring an inspection.

1.4.4 Throughout Kent a total of 355 visits were made, 46 of these in the borough, involving 12 inspectors over two days. This resulted in the service of 80 improvement notices and five prohibition notices across the county, including 19 improvement notices in the borough.

1.5 Future plans

1.5.1 During 2009/10 the following projects are planned:

- The development of a common approach to vehicle enterprise, which will focus on premises that are associated with motor vehicle sales, servicing and maintenance;
- a second duty to manage asbestos project, with a strong educational focus; and

- noise at work in places of entertainment.

1.6 Benefits of flexible warranting projects

- 1.6.1 The initial projects have been well received by both officers and businesses, and have been effective in raising the profile of specific high priority areas of health and safety through focused interventions involving a combination of advice, education and support and when necessary enforcement.

1.7 Legal Implications

- 1.7.1 The projects have been carried out in accordance with the partnership Memorandum of Understanding. All formal notices served in the borough have been monitored by the Food and Safety Team Manager.

1.8 Financial and Value for Money Considerations

- 1.8.1 The approach adopted by the projects has been shown to deliver value for money by sharing resources with other enforcing authorities, developing common approaches to aspects of health and safety inspection and enforcement and providing educational and training opportunities for both businesses and officers.

1.9 Risk Assessment

- 1.9.1 The Kent and Medway Flexible Warranting Scheme has enabled us to deliver high profile campaigns to improve health and safety in our businesses and to make appropriate interventions on matters of evident concern in a wide range of premises.

Background papers:

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Nil

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