

# 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 HEALTH AND SAFETY TEAM PERFORMANCE 2008/09

##### Summary

This report considers the 2008/09 performance of the Council in respect of its health and safety function.

#### 1.1 Background

1.1.1 This report provides performance information under key activity headings for the year 2008/09 and outlines proposed service improvements for 2009/10.

#### 1.2 Health and Safety Inspections

1.2.1 Programmed inspections of commercial premises form the core activity of the health and enforcement function. Inspections focus on the priority areas outlined in the Health and Safety Executive's (HSE) 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]**. The team met its target of achieving 100 per cent of the inspections due in high risk premises.

1.2.2 In addition the Food and Safety Team organised a number of targeted interventions aimed at raising awareness in businesses relating to the priority programme, these included:

- working with all catering premises, throughout the year, during routine visits to monitor the suitability of premises and measures being taken to prevent slips, trips and falls and dermatitis;
- implementing the Common Approach to Kent Enterprise (CAKE) flexible warranting project, which focussed on industrial estates. Details of which are summarised in a report elsewhere on the committee's agenda;
- delivering the Duty to Manage Asbestos flexible warranting project. Details of which are also summarised in the report to this committee; and

- providing advice and promotion of health and safety issues to businesses through the twice yearly publication of “Wise-up”, which included guidance on the Fit3 areas, asbestos and the HSE “Shattered Lives” campaign relating to slips, trips and falls.

### **1.3 Accident Investigations**

- 1.3.1 220 accidents were reported to the Team during 2008/09. These were investigated and followed up as appropriate and with regard to the Accident Investigation procedure. Details of accident reports are found in **[Annex 2]**.

### **1.4 Requests for Service**

- 1.4.1 We received 49 complaints about safety in the workplace from residents and visitors to the borough in 2008/09. All these complaints were fully investigated and relevant action taken.

### **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 2008/09 officers served 31 improvement notices to secure compliance with health and safety legislation and nine prohibition notices for risk of serious personal injury. A summary of enforcement action is included in **[Annex 3]**.

### **1.6 2008/09 - Proposed Service Improvements**

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

- review of the Team’s quality assurance procedures to ensure compliance with HSE section 18 guidance;
- education and advice campaigns to support local businesses achieving compliance with the control of asbestos and noise at work regulations; and
- further joint working with HSE and local authority partners on further projects using flexible warrants.

### **1.7 Legal Implications**

- 1.7.1 The council has a statutory duty to make adequate arrangements for the enforcement of health and safety, and to follow the standards and guidance set out in the section 18 guidance of the Health and Safety at Work etc. Act 1974. This function must be carried out with regard to the Regulators Compliance Code and the Service’s Enforcement Policy.

### **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 provide advice and support to businesses and maintain the health and safety inspection programme could result in health and safety standards deteriorating and an increase in the number of accidents at work.

Background papers:

contact: Jane Heeley

Annexes 1,2 & 3

John Batty

Director of health and Housing