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## Hearing what you say

In our last issue we experimented by combining health and safety, and food safety topics. Whilst there are merits in this, feedback indicates it led to some confusion so we are going back to separate newsletters. A newsletter for food businesses only will be published in the new year.

## Are you part of the solution?

As all good businesses know, taking care of health and safety in the workplace is not an option. The law requires us all to avoid endangering ourselves or others, including the public, through any work activity. This is a challenge since the working world is constantly changing. In recognition of this the Health and Safety Executive (HSE) have prepared a new strategy under the theme, "Be part of the solution" emphasising the need for everyone to play their part to improve standards of performance in health and safety. Further details on the new strategy can be found at [www.hse.gov.uk/strategy/index.htm](http://www.hse.gov.uk/strategy/index.htm).

We always try to be part of the solution and hope you share our commitment to improving health and safety standards for everyone working in the Reigate and Banstead Borough Council area. We hope that our newsletter helps toward this. Please circulate it at your workplace and keep it for future reference. If you require help or advice please see Contacts on the back page.



## Ladder Exchange 2009

(1 September - 31 December 2009)

In an effort to reduce the number of workers injured as a result of falling from a 'dodgy' ladder, the HSE has teamed up again with several partners so you can trade in your old ladder and get a discount of up to 50% for a new one! For more information on the ladder exchange, go to the HSE website:

[www.hse.gov.uk/falls/ladderexchange.htm](http://www.hse.gov.uk/falls/ladderexchange.htm).

## Is this your business?

This business had a damaged, uneven floor surface. Slips and trips remain the most common kind of major injury accounting for 39% of all major injuries reported in 2007/08. Be part of the solution and make sure all your floor surfaces and walkways are in good condition and kept free of obstructions.

The HSE have produced an e-learning package called STEP. It provides information about slips and trips, how they are caused, and how to tackle them. STEP includes quizzes, videos, animations, case studies and interactive sequences to enhance the learning experience. The STEP tool can be found at: [www.hse.gov.uk/slips/step/index.htm](http://www.hse.gov.uk/slips/step/index.htm).



# Legal Action

## First corporate manslaughter charge

The Crown Prosecution Service has authorised its first charge of corporate manslaughter against a geological survey company in relation to the death of a junior geologist, under the Corporate Manslaughter and Corporate Homicide Act 2007.

In September 2008, Alexander Wright, employed by Cotswold Geotechnical Holdings Ltd was taking soil samples from inside an excavated pit when the sides collapsed, crushing him.

Peter Eaton, a director of the company, has been charged with gross negligence and manslaughter as well as contravening the Health and Safety at Work Act 1974. If convicted of gross negligence and manslaughter it could result in a life sentence, while the firm could be subject to an unlimited fine.

## Warehouse fined £42,000

A K International (Imports and Exports) Ltd has been fined £42,000 for breaching health and safety regulations at its warehouse in Dudley, West Midlands.

Environmental Health Officers at Dudley Council brought the case after responding to reports of collapsed racking. On inspection they found that badly damaged pallet racking was being used to store products at height. A prohibition notice was served on the company in June 2007 preventing the use of racking until it had been repaired and examined by an expert engineer. Despite the notice, subsequent visits showed that the racking was still being used while in a damaged condition.

The company admitted failing to fully comply with a prohibition notice preventing the use of the racking and was fined £20,000 for the offence. It was fined an additional £20,000 for failing to provide a safe system of work to ensure the safety of staff. It was also fined £2,000 after admitting failing to maintain the racking in efficient order and failing to carry out a suitable and sufficient risk assessment.

## Smoking in the pursuit of science?

Did you hear the one about the pub licensee who allowed customers to smoke in a 'designated room' claiming that this was permissible under a legal exemption for 'research and testing facilities'? Nice try, but the nature of the research or testing is carefully specified in the legislation and does not extend to simply observing the behaviour and attitudes of smokers.

### What price a puff?

About £11,000 as Tony Blows, landlord of the Dog Inn public house, Herefordshire found out. He was fined £75 for smoking in the pub and £500 on two counts of allowing other people to smoke, contrary to the Health Act 2006. He was also ordered to pay costs of £10,807.

Don't forget that workplace vehicles are included in the law. For more information on the law and smoking go to [www.smokefreesurrey.co.uk](http://www.smokefreesurrey.co.uk) or [www.smokefreeengland.co.uk](http://www.smokefreeengland.co.uk).

## Have you done your Risk Assessment?

A risk assessment is simply a careful consideration of what could cause harm to yourself and others in your work. It enables you to weigh up whether you have taken enough precautions or should do more to prevent harm. Workers and others have a right to be protected from the harm that a failure to take reasonable control measures could result in.

All businesses must carry out a suitable and sufficient risk assessment but if you have more than five employees you must document your findings. Small businesses sometimes struggle with knowing where to start. The HSE has helpfully provided some example risk assessments to help get started. These include hairdressers, butchers and other shops, various offices, pubs, nightclubs, car showrooms and many more. These can be found at: [www.hse.gov.uk/risk/casestudies/index.htm](http://www.hse.gov.uk/risk/casestudies/index.htm).

# Myth: People don't have to take any responsibility for their own health and safety

Employers have a duty to protect workers and the public from dangers caused by their work and the HSE is committed to making sure they do that. Health and safety isn't always someone else's responsibility.

We all have a duty to keep ourselves safe, by co-operating with safety measures and not putting ourselves or others in danger. This is just common sense - something we all use every day.

It's important that we aren't put at risk by other people's actions, but if we ignore our own responsibilities, real risks can get missed. Playing the blame game doesn't keep people safe - better to rely on common sense and co-operation.

The media loves to print stories of 'elf 'n' safety' gone mad - the more fanciful and ridiculous the better. The HSE replies to most of these stories where there is a clear need to correct wrong views and dispel daft myths. So the next time you read "Conkers banned in school playground" or "Hanging flower baskets banned" because of health and safety, check the facts on the HSE website: [www.news.hse.gov.uk/category/press-release/putting-the-record-straight](http://www.news.hse.gov.uk/category/press-release/putting-the-record-straight)

## Update on the health and safety law poster



**What is the law poster?** Employers have a legal duty under the Health and Safety Information for Employees Regulations to display a poster outlining British health and safety law in a prominent position in each workplace, or provide each worker with the equivalent information in a leaflet.

The HSE has published a new version of the poster and leaflet. These set out in simple terms, using numbered lists of basic points, what employers and workers must do, and what to do if there is a problem.

**Why is it changing?** The old poster and leaflet are visually unappealing and so rarely read. Both workers and employers can expect to benefit from the increased awareness and clearer understanding of key health and safety messages that the new versions will bring.

Employers can use the existing versions of poster and leaflet until 5 April 2014. Alternatively, employers can give workers a pocket card instead of displaying the poster. The new law poster, and pocket cards can be ordered from HSE Books (tel: 01787 881165) and will be distributed by HSE Books and booksellers. The pocket card can be downloaded from [www.hse.gov.uk/pubns/law.pdf](http://www.hse.gov.uk/pubns/law.pdf)

## GAS SAFE in CORGI out

A new gas registration scheme came into force on 1 April 2009 in England, Scotland and Wales. The new scheme, Gas Safe Register™ is delivered under an agreement with the HSE and replaces the CORGI gas register. For more details of Gas Safe or to check an engineer's registration call 0800 408 5577 or go to [www.gassaferegister.co.uk](http://www.gassaferegister.co.uk)

Not all engineers are qualified to carry out all types of gas work. Check the qualifications on the back of their ID card to make sure they are competent to work on your appliance.



## Food & Safety Team Contact Details

### General Enquiries

Nicky Woolley

(Food Safety)

01737 276417

Sharon Smart

(Health & Safety)

01737 276414

### Food and Safety Team Manager

Alex Lisle

01737 276412

### Principal EHO - Food Safety and Pest Control

Pamela Howard

01737 276419

### Principal EHO - Health & Safety

Katie Jackson

01737 276309

### EHO - North Area

Russell Jenner

01737 276415

### EHO - Central Area

Kirk Holmes

01737 276365

### EHO - South Area

Lisa Wareham

01737 276416

### Health & Safety Officer

Tracey Hobson

01737 276117

## How clean is your water cooler?

Environmental Health Officers found bacterial contamination in 26% of water dispensers sampled in Edinburgh, Lothian and Borders. Water samples from bottle-supplied coolers were the most contaminated, with 14 out of 35 samples containing bacteria. Eight samples showed the presence of coliform bacteria (an organism that can indicate faecal contamination) and three contained staphylococcus aureus - bacteria that live on the skin and in the nose. Nine of the 52 samples from plumbed-in coolers taking water from the mains were also found to be contaminated, sometimes by more than one type of bacteria.

**What to do?** Clearly much more attention needs to be given to the cleaning and maintenance of this evidently overlooked workplace facility. It is recommended that the exterior of coolers and taps should be cleaned at least once a week. Bottled water coolers should be cleaned internally every three months and plumbed-in coolers should have their filters changed every six months. For more details on how and when, check with the manufacturer or supplier. And just as importantly, all users need to wash their hands particularly after using the toilet!

## British Safety Council report

The latest annual health and safety survey by the British Safety Council (BSC) has concluded that 1 in 10 workers are fearful of raising health and safety concerns in the current economic climate.

BSC says the results of its second annual survey indicate that the recession is having a significant effect on health and safety in the workplace, which could put lives at risk. 1 in 12 workers say they feel under pressure from their boss to take risks with other people's safety in order to save money.

The survey also revealed that while 95% of bosses said they were confident about what they were legally required to do to make their workplace safe, one quarter (26%) of them were not aware of three key pieces of safety legislation and advice - the Health and Safety (Offences) Act 2008, the Corporate Manslaughter and Corporate Homicide Act 2007, and the Institute of Directors' Guidance for Directors. The full report can be accessed at [www.britsafe.org/download/reports/BSCSurvey%20report%202009.pdf](http://www.britsafe.org/download/reports/BSCSurvey%20report%202009.pdf).

## Our Health and Safety Service Plan

Each year we produce a plan setting out our approach to the enforcement and promotion of health and safety at work. It outlines our activity for 2009/10 and how we will respond to reported matters such as work-related accidents.

You can view the plan at [www.reigate-banstead.gov.uk](http://www.reigate-banstead.gov.uk) and search for 'safety service plan'.