

# Draft Health & Safety Policy

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## **PURPOSE OF REPORT**

To provide the Parish Council with a draft Health & Safety Policy on which subsequent and more detailed and related strategies and documentation eg risk assessments can be constructed.

## **BACKGROUND**

Consideration of the Parish Council's approach to health & safety is a high priority at this time, not least because of the HPC 'asset' the Village Green which is used by the public and 'others' eg the Village Fair.

Cllr Hertz has looked at various Parish's documentation, Basingstoke & Deane's Health and Safety Policies, as well as various commercial organisations who have implemented their policies soon after the **H&S Act 1974** came into being. Hannington Parish Council should have had an H&S Policy in place years ago!

In constructing this report, advice has been provided by Paul Beaumont CMIOSH, Chartered Safety Practitioner, BDBC's Health and Safety Advisor. To summarise, "*A Parish council has a moral duty of care (Common Law) and a statutory (criminal) duty of care to safeguard and provide for persons who come onto their land or who enter and exit that land for the purposes to partake in a village fete or other festivities.*"

In drafting the H&S Policy (attached at Appendix I), Mr Beaumont provided further advice as to what is most appropriate for an organisation the size of Hannington Parish Council. In this context, the Council's attention is drawn to the guidance where an organisation has less than five employees. In general,

*"The approach you take should be proportionate to the size of your business and the nature of your business activity. For most small, low-risk businesses the steps you need to take are straightforward. If you have fewer than five employees you don't have to write down your risk assessment or your health and safety policy."*

Source: <http://www.hse.gov.uk/simple-health-safety/index.htm>

However, it is necessary to take into account that whilst the Parish Council currently only has one employee (the Clerk) and one regular volunteer (maintenance of the village green), with the transfer of the Village Green this asset will be used by the public, and the overriding responsibility for their 'health and safety' rests with the Parish Council. In such circumstances, a Risk Assessment would be required and the Parish Council would need to be satisfied that there is 'due diligence'.

The nature and construction of supporting Risk Assessment documentation will be addressed in a separate report.

Hannington Parish Council's responsibilities are not just limited to public use of the village green. HPC has recently worked with Rambler volunteers and others to repair gates and to clear bridleways etc. From the perspective of Public Liability Insurance, these 'volunteers' are treated as HPC employees. Having an agreed H&S Policy in place is the prudent and sensible approach to take.

## **CONSTRUCTION OF THE DRAFT HEALTH & SAFETY POLICY**

As already stated, substantial help and advice has been provided by Paul Beaumont and Jade Poulton, Events Organiser BDBC, for which we are very grateful.

The initial draft policy has been modified by the advisors to better reflect the size and nature of the Parish Council and its activities, and also to reflect that words such as 'occurrence' and 'incidents' have specific connotations when used in a health and safety, or risk context. Examples of some of these modifications are amending:-

- 'including **regular** risk assessments' to including **appropriate** risk assessments;
- 'Systems of work that are safe **and without risks to health**' to 'Safe systems of work'. You cannot have 'without risk to health' as there is always 'risk' in any system of work;
- 'do not **unreasonably jeopardise** the health and safety of the public.' to 'do not **adversely affect** the health and safety of members of the public'.

In order for health and safety to be consistently recognised within the Parish Council's documentation, 'Health and Safety' has been added to the **Skills Audit (Item 9.b)** on this Agenda).

'Health and Safety has also been taken into account as Objective 7 in the drafting of the **Aims and Objectives (item 8 on this Agenda)**.... *"To work with the BDBC and HCC **to provide safe, healthy** and timely opportunities for recreation, leisure and education by adding value to their statutory activities"*.

## **NEXT STEPS:**

Once the Parish Council has agreed its H&S Policy, it follows that :-

- HPC would need to establish its own risk assessment (RA) for the HPC's asset; the village green;
- 'Event Organisers' would be required to satisfy HPC that they have undertaken the necessary risk assessments etc;
- Once satisfied with the assessments and action plans, HPC would then be in a position to issue a Licence ie an approval to the 'event organiser' to actually use the village green. A first draft template of a potential Licence is attached at Appendix II, for information only at this stage.

- Accepting that even with the most comprehensive RA and action plan, it is inevitable that at some time there will be an 'incident'... HPC establishes an 'incident' reporting procedure.

**RECOMMENDATION:**

That the Parish Council:-

- i) adopts the Health and Safety Policy (Appendix I);
- ii) agrees to the 'licence' approach for events;
- iii) establishes its own risk assessment (RA) for the HPC's asset; the village green; and
- iv) establishes an H&S incident reporting procedure.

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