

Health and Safety at Work etc Act 1974 Premises: The High Plaice, Alston

Your reference:
Our reference: US/FH2/17
Enquiries to: [REDACTED]
Direct Dial: (01768) 212330
Date: 1 April 2009

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[REDACTED]
The High Plaice

[REDACTED]
ALSTON
[REDACTED]

Dear [REDACTED]

***Health & Safety at Work etc Act 1974
Premises: The High Plaice, Alston***

I refer to the inspection carried out at the above premises on 30 March 2009. The matters on the attached schedule require attention. Schedule A details the work needed to comply with the law. Schedule B lists those matters, which though not legally required, are considered to be good working practice. You should view these recommendations as important guidance for developing safe practices.

The Council uses nationally agreed guidance to decide the frequency of all planned health and safety inspections. Using this guidance, your premises have been rated as risk category B3 which means your next programmed inspection will be in three years time, however, this inspection may not be prearranged.

Should you require further clarification, please do not hesitate to contact me, telephone (01768) 212330, I will be pleased to assist you. A revisit will be carried out in 2 months time to check on compliance with the legal requirements.

The Council is currently undertaking a customer satisfaction survey of the inspection service. The results so far have been beneficial and have enabled the Council to amend the service provided. Even if you have previously completed a survey form it is still valuable to receive your views via this questionnaire in the pre-paid envelope provided. Your assistance is appreciated.

Yours sincerely

[REDACTED]
[REDACTED]
District Environmental Health Officer (Environmental Services)

Enc

S Huddart BSc CEng FICE MIMgt
Director of Technical Services

Schedule of Works

Premises: The High Place, Alston

Date of Inspection: 30 March 2009

Officer: [REDACTED]

Schedule A

The following items of work are **LEGAL REQUIREMENTS** and **MUST** be complied with:

30/7/09 2 staff trained & 2 more to train Using HSE Risk assessment for catering premises.

1. The Management of Health and Safety at Work Regulations 1999

It is a legal requirement that an assessment is made of all the potential risks to the health and safety of yourself, your staff and any other person who may be affected by your business.

You should establish if the existing safety control measures are adequate or whether further control measures need to be implemented.

If you have more than five employees you must record the significant risks and what the safe operating procedure is. It is recommended that you record these even though you have less than five employees.

A generic risk assessment for catering premises was left with you at the time of the inspection. You could use this as the basis for your own risk assessment. I have e-mailed the link to this document to your e-mail address so that you can access it on-line and amend it as necessary.

When you develop your risk assessments, you must include reference to your fire risk assessment, young persons risk assessment, procedures for decanting hot fat and the control of asbestos on the site.

2. The Control of Substances Hazardous to Health Regulations 2002 (COSHH) (as amended)

Every employer shall ensure that the exposure of his employees to substances hazardous to health is either prevented or, where this is not reasonably practicable, adequately controlled. You must assess the chemicals used within the business to identify any which are hazardous and then ensure appropriate action is taken. A booklet containing guidance on the COSHH Regulations is enclosed. 30/7/09, As above. Got all data sheets & been through them with all staff.

3. Electricity at Work Regulations 1989 - 30.7.09. Socket replaced.

You have a legal duty to ensure that all electrical equipment is safe and without danger. You should therefore put in place a routine, periodic check of all portable electrical equipment including regular visual inspections to detect damaged cables, plugs etc.

At the time of my visit there was evidence of 13 Amp plugs being used in the moist atmosphere of the potato preparation room to operate the potato rumbler and chipping machine. In locations where water/moisture is present, you must ensure that appropriate

fittings are used and seek the advice of an electrician to confirm that these fittings are suitable for use in this location.

4. Control of Asbestos Regulations 2006

At the time of the inspection, asbestos was discussed. Since May 2004, it has been a legal requirement for duty holders (those in control of premises) to identify any areas where asbestos may be present. This does not have to involve expensive surveys, it is enough to presume asbestos is present by looking at the age and design of the building and identifying any areas known to be free of asbestos.

This information about where asbestos has been found or presumed to be present, and about areas identified as being free from asbestos must be recorded, ideally with drawings, and made available to employees, contractors, the emergency services and enforcement officers as required (ideally a copy should be held on the premises). If asbestos has been identified, or is presumed to be present, a management plan will be needed to deal with it.

In summary, duty holders' are required to:

- take reasonable steps to determine the location, amount and condition of materials likely to contain asbestos;
- presume materials contain asbestos unless there is strong evidence that they do not;
- make and keep an up to date record of the location and condition of the asbestos containing material or presumed asbestos containing material in the premises;
- assess the risk of the likelihood of anyone being exposed to fibres from these materials;
- prepare a plan setting out how the risks from the materials are to be managed;
- take the necessary steps to put the plan into action;
- review and monitor the plan periodically; and
- provide information on the location and condition of the materials to anyone who is liable to work on or may disturb them, ie maintenance workers.

Asbestos that is in a good condition or enclosed in some way and will not be disturbed is not a risk to health in a day to day use of the building and does not necessarily need to be removed. It is usually safer to leave it in a place and manage it. It becomes a problem if maintenance or construction work takes place that may disturb it, or if the asbestos containing material is damaged or degraded, leading to shedding of fibres into the air within the premises.

The suspected asbestos insulation board in the gas meter cupboard was not in good condition, as the edges were unsealed where the gas pipes passed through it. You must make arrangements to seal the exposed edges of the boarding or, alternatively, arrange for the material to be sampled, followed by appropriate action dependent on whether the material is asbestos or not. You will find the following document useful as it outlines work with asbestos you can carry out yourself and explains the procedures to follow if you choose

30.7.09. Sketch of layout drawn, suspected asbestos identified. All in good condition
gas meter cupboard 'presumed asbestos' well panelling sealed

to do any work yourself on asbestos containing material or suspected asbestos containing material:

<http://www.hse.gov.uk/pubns/guidance/a0.pdf>

<http://www.hse.gov.uk/pubns/guidance/a6.pdf>

You should also refer to the following link for details of the safety precautions you need to take: <http://www.hse.gov.uk/asbestos/essentials/>

Anybody undertaking any sort of work on asbestos containing materials must be competent, adequately trained and use safe working methods. Licensed contractors must be used for most work with asbestos insulation, asbestos insulating board and asbestos coatings. Asbestos waste, whether in small or large amounts, is subject to the Hazardous Waste Regulations 2005. This is enforced by the Environment Agency.

Please note: The duty to manage asbestos in your premises may be your landlords' responsibility. This requirement falls on the duty holder - which is anyone responsible for maintaining and repairing all or part of a property, or who has control of the building, for example, the occupier or the owner.

If you have any queries about this issue, please do not hesitate to contact Eden District Council.

Schedule of Works

Premises: *The High Plaice, Alston*

Date of Inspection: *30 March 2009*

Officer: [REDACTED]

Schedule B

The following items are not Legal Requirements but are RECOMMENDATIONS consistent with good practice:

1. It is recommended that the electrical installation be checked and tested every five years by a competent person and that a certificate of inspection be obtained, stating that the system is in a satisfactory condition when all necessary work has been completed.

FH 2/17

Inv Ref - 7150

Eden District Council: Health & Safety at Work Act 1974 – Report of Visit

Technical Services Department, Mansion House, Penrith, Cumbria CA11 7YG
Tel: (01768) 817817 Fax: (01768) 890732 E-mail env_health@eden.gov.uk

Business name <u>The High Place</u>	Type of premises <u>Catering</u>
Address <u>A15207</u>	Person(s) seen [redacted]
Postcode	Position <u>Proprietor</u>
Tel No.	Employee or trade union representative present? <u>Y/N</u>
	Date <u>30/3/09</u>

This report only covers the areas inspected at the time of the inspection and does not indicate compliance with any provisions of the Health & Safety at Work etc Act 1974 or any regulations made under the Act. This schedule should not be regarded as an exhaustive list, nor does it exempt further action being considered. If you are dissatisfied with anything relating to the inspection then please contact the Inspector's line manager. Please see overleaf for further details.

Summary of action to be taken following visit:	The service of a statutory notice (to follow)
An informal letter to be sent	No action / other (see below)
Attention by you to the items listed below	Copy of form left for employees

Legal requirements (work required to comply with the law)	Legislation applicable	Action by date
<u>Asbestos survey + any remedial work</u>	<u>(16)</u>	<u>2 mths</u>
<u>COSHH assessment</u>	<u>(10)</u>	<u>2 mths</u>
<u>Risk assessment - young persons - fire safety</u>	<u>(3)</u>	<u>2 mths</u>

Recommendations (industry best practice and other guidance)

Electrical check (potato room)

Guidance leaflets/information given: Risk assessments, electrical safety, manual handling

Priority target areas discussed/examined (please tick as appropriate)

Falls from height	Slips and trips	Musculoskeletal disorders
Workplace transport	Work related stress	Asbestos
Contact dermatitis	Occupational Asthma	Other (specify overleaf)

Inspected by (sig) [redacted] Designation DEN Line Manager - [redacted]
 Name (print) [redacted] This Inspector may be contacted on (01768) [redacted]
 Recipient signature [redacted] Name (print) [redacted]

- 1 Health & Safety at Work etc Act 1974
- 2 Health & Safety (Information for Employees) Regulations 1989
- 3 Management of Health & Safety at Work Regulations 1999
- 4 Workplace (Health, Safety & Welfare) Regulations 1992
- 5 Manual Handling Operations Regulations 1992 (as amended)
- 6 Health & Safety (Display Screen Equipment) Regulations 1992
- 7 Lifting Operations & Lifting Equipment Regulations 1998
- 8 Provision & Use of Work Equipment 1998
- 9 Personal Protective Equipment at Work Regulations 1992
- 10 Control of Substances Hazardous to Health Regulations 2002 (as amended)
- 11 Reporting of Injuries, Diseases & Dangerous Occurrences Regs 1995
- 12 Gas Safety (Installation & Use) Regulations 1998
- 13 Electricity at Work Regulations 1989
- 14 Pressure Systems Safety Regulations 2000
- 15 Work at Height Regulations 2005 (as amended)
- 16 Control of Asbestos Regulations 2006
- 17 Health and Safety (Safety Signs & Signals) Regulations 1996
- 18 Other

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Health and Safety Risk Category Scoring

A = 12 months (> 186)	B1 = 18 months (185 – 171)	B2 = 2 years (170 – 156)	B3 = other/rev 3 yr (155 – 141)	B4 = other/rev 5 yr (140 – 126)	C = other strategies (< 125)
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Potential Hazard

Safety Hazard

- 1. Negligible (only first aid) 6
- 2. Low (injuries unlikely to lead to days lost) 12
- 3. Medium to Low (3 day injuries/hospital) 18
- 4. Medium to High (fractures, e/shocks) 24
- 5. High (extremely serious injuries/fatality) 30
- 6. Major (multiple fatalities) 36

18

Health Hazard

- 1. Negligible (non-hazardous; <80 dba) 6
- 2. Low (bleach etc; <85 dba) 12
- 3. Medium to Low (COSHH, ULD/MSD) 18
- 4. Medium to High (toxic substances) 24
- 5. High (very toxic substances, asbestos) 30
- 6. Major (not enforced by LA's) 36

30

Compliance

Safety Risk

- 1. Negligible (effective, documented safe systems) 9
- 2. Low (adequate systems; adequate supervision) 18
- 3. Medium Low (some adequate systems etc) 27
- 4. Medium High (unsafe systems, p/supervision) 36
- 5. High (as above, poor physical controls) 45

18

Health Risk

- 1. Negligible 9
- 2. Low 18
- 3. Medium Low 27
- 4. Medium High 36
- 5. High 45
- 6. Major 54

27

Welfare

- 1. Very Good 5
- 2. Good 10
- 3. Fair to Good 15
- 4. Fair to Bad 20
- 5. Bad 25
- 6. Very Bad 30

15

Public

- 1. Negligible 10
- 2. Low 20
- 3. Medium Low 30
- 4. Medium High 40
- 5. High 50
- 6. Major 60

10

Confidence in Management

- 1. Extremely Confident 10
- 2. Very Confident 20
- 3. Reasonably Confident 30
- 4. A Little Confident 40
- 5. Almost No Confidence 50
- 6. No Confidence 60

30

Accident Weighting

- 1. Retail Shop
- 2. Hotels/Campsites
- 3. Wholesale Shops etc
- 4. Residential Care Homes
- 5. Offices
- 6. Leisure & Cultural
- 7. Catering, Restaurants and Bars
- 8. Consumer Services
- 9. Other Premises

153

Notes