



PERRY SCOTT NASH
associates limited

SIMPLY SAFE – FEBRUARY 2008

NOISE AT WORK 2005 – ARE YOU READY FOR THE FINAL PHASE OF IMPLEMENTATION?

Noise is one of the most widespread and under estimated risks to health according to the Health and Safety Executive (HSE). They have estimated that one million UK workers are exposed to noise levels that might damage their hearing. The hearing of most UK employees is protected by the Noise at Work Regulations 2005. In April this year the final part of the regulations will be implemented in the music and entertainment industry.

The regulations require employers who have staff working in noise environments to:-

- Undertake regular noise assessments
- Provide employees with information and training about how to protect hearing
- Make hearing protection available and ensure those most at risk actually wear hearing protection

The two year transitional period which the entertainment industry has had to comply with the new regulations recognises that music is unusual as it noise deliberately created for enjoyment and therefore the measures put in place to protect employees need to be practical and suitable.

There are many discreet hearing protection options available, including in-ear monitors, flat response ear plugs which are specially designed for musicians. The wearing of ear protection will be necessary in all premises where music is played at increased levels, ear plugs are classed as personal protective equipment (PPE) and as such if ear plugs are provided for to wear you must wear them!!

Members of the public are at reduced risk from exposure to noise since they attend concerts and music events relatively infrequently when compared to workers who may be exposed regularly to high noise over a long period of time.

Perry Scott Nash will be working with all clients to ensure that appropriate information and ear protection is made available to employees.

ASK THE EXPERT

Is there a legal requirement for the temperature in my workplace? – The Workplace (Health, Safety and Welfare) Regulations 1992 state that during working hours the temperature in all workplaces shall be reasonable, without a need for special clothing to be worn. No maximum or minimum temperature is set. However the code of practice which accompanies the regulations suggests that the temperature should be at least 16°C.

Where the temperature in a workroom would otherwise be uncomfortably high, for example because of hot processes or the design of the building, all reasonable steps should be taken to achieve a reasonably comfortable temperature, for example by insulating hot plants or pipes, providing air-cooling plant, shading windows.

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RECENT PROSECUTIONS

Retailer fined for health and safety offences

A major retailer has been fined £26,000 for two offences under health and safety legislation. Health and safety inspectors found numerous health and safety hazards such as severe overstocking, unsafe storage of stock and blocked and obstructed emergency exits. The company had been warned previously of the hazards found, but on a subsequent visit by enforcement officers no evidence of improvement was found. All businesses have a duty under health and safety and fire safety legislation to their employees, customers, guests and visitors. Stock should be stored safely, with no over-stacking of shelves and fire exit routes should be kept clear at all times.

Major food retailer fined for selling food that was out of date

A major food retailer has been fined a total of £23,000 (including costs) after selling out of date food. The company pleaded guilty to seven offences under food safety legislation, which included selling pate and salad dressing which were found a month out of date. This case highlights the importance of ensuring that daily close down checks are completed and that any food past its use by or best before date is disposed of immediately.

FIRE SAFETY

Managing Fire Safety – A reminder

The Regulatory Reform (Fire Safety) Order 2005 (RRO) came into force in October 2006. It consolidated over 70 pieces of fire safety law into one document and shifted the responsibility of fire safety to businesses and building occupiers. The Order applies to all non-domestic premises in England and Wales, including the common parts of blocks of flats or houses in multiple occupation.

The purpose of the Order was to simplify fire safety legislation and reduce the number of enforcing authorities that businesses have to deal with. The Regulatory Impact Assessment carried out before the new legislation was introduced estimated that over a 10 year period, ongoing savings to business would be over £380m.

The Order places a duty on a 'responsible person' (usually the owner, employer or occupier of business or industrial premises) to carry out a fire risk assessment. Responsible persons under the Order are required, following a risk assessment, to implement appropriate fire safety measures to minimise the risk to life from fire; and to keep the assessment up to date. You should keep your fire risk assessment under regular review as risks may change over time. If you make changes to your premises, you should ensure that the assessment and risk management plan remains current. Under the RRO all fire precautions must be maintained in efficient working order and good repair so if any failure is due to lack of maintenance, you could be held responsible.

Fire and Rescue Authorities are required under the RRO to inspect business premises within their local areas to ensure compliance with the requirements of the Order and that adequate fire safety measures are in place. The fire risk assessment which should have been completed for your premises is a 'living' document – do you know where it is kept and what it contains? When the enforcement officer visits your premises they will ask to see your premises fire risk assessment, make sure you know where it is kept!

In cases where a serious risk exists and is not being managed, Fire and Rescue Authorities have a statutory duty to enforce compliance with the Order. In serious cases, penalties of a fine of up to £5,000 for each offence on summary conviction (in a Magistrates Court) or an unlimited fine or up to two years imprisonment, or both on conviction or indictment in a Crown Court or above.

For further information and/or advice on fire risk assessments please call Perry Scott Nash on 01438 745771

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