

-LICENSING ACT 2003 - GUIDANCE FACT SHEET

HEALTH & SAFETY RISK ASSESSMENT

The Operating Schedule

The Operating Schedule is a document in which applicants set out various details on how they propose to operate their premises when carrying on licensable activities. It must include a statement of the steps the applicant proposes to take to promote the licensing objectives (eg, the arrangements for door security to prevent crime and disorder).

Conducting a risk assessment of your business will identify areas that have a potential for risk to both your staff and customers and indicate that in running your business you intend to promote the licensing objectives. Health and safety legislation already puts an obligation on business operators and others to risk assess their workplace and operation so you should be familiar with the process.

You are legally required to assess the risks in your workplace. You need to identify all risks and put in place procedures to remove or reduce the likelihood of harm resulting from those risks. Risk assessments must be suitable and sufficient.

When submitting your Operating Schedule you will need to satisfy the Licensing Authority that you have adequately considered any risks that may be associated with your business and if the risk cannot be removed you have in place practices and procedures that effectively minimise those risks.

The Health and Safety Executive define a *hazard* in their booklet *Five steps to risk assessment* as;
Anything that can cause harm (eg chemicals, electricity, working from ladders etc).

In your business it could be a trailing cable (a trip hazard), beer or other drink on the floor (a slip hazard), broken glass, a damaged seating (it could cause a customer to fall and sustain injury) rubbish accumulating in an area that has public access (Fire or obstruction hazard) etc.

A *risk* defined as:

The chance, high or low, that somebody will be harmed by the hazard.

For licensed premises it could be argued that risks also apply to the business risks associated with of selling alcohol to underage children – consider how you will prevent underage drinking, is there a risk of disorderly behaviour -how will you prevent disorder, noise and nuisance?

A Risk assessment need not be a difficult and protracted process. They generally involve a great deal of common sense. Ignore the trivial things but take notice of those things that could result in harm or more serious injury. If you can see the risk then you should do something about it.

Risk assessing your operation means looking at what you do in your business and identifying those issues, processes or parts of the business that could cause harm to those people you employ or who visit your establishment either as friends, family, employees or customers. Having identified the risk and who may be at risk you must then consider the way you can either remove or minimise the harm and take such steps that are necessary to achieve that aim.

The risk assessment process is;

- ❖ Identifying the hazard(s) (Looking for the hazard(s))
- ❖ Identifying who is likely to be harmed by it. (staff/customers, visitors etc)
- ❖ How might they be harmed? (trips, slips, electrocution, cuts etc)
- ❖ What is the likelihood of harm associated with the risk? (Evaluate it High, medium or low)
- ❖ What can be done to remove or reduce the risk? (Can I remove it or control it)

Having identified the risk, ask yourself who is at risk and how it can be controlled, RECORD IT and conduct periodical reviews to make sure it has not returned or changed. If it has do it again.

HOW DO I DO IT?

Identify the hazard

Identify what you do in the course of your business (serve alcohol, process and serve food, have dances and music, cinema/theatre shows etc). Talk to your staff, have they identified risks you may have not recognised? Use your eyes, common sense and knowledge of your business.

Walk around your premises and see what could be a hazard, e.g. broken furniture or fittings, rubbish in public areas, worn electric wires Electric circuits not protected by RCDS, exits obstructed by tables and chairs or locked shut when the premises is open for business preventing emergency evacuation, unguarded open fires.

What other areas might present risks?

Whilst not inclusive the following are areas where there may be a risk to your operation and may need addressing by a risk assessment;

- ❖ Occupancy Levels – These are set to ensure that there are sufficient exits to allow persons to safely evacuate you premises if an emergency arises. - Does your present Fire certificate specify an occupancy limit if so how do you ensure it is not exceeded? If not talk to the Fire & Rescue Service or your local building control officer for

advice, the Licensing Authority may require one to be agreed before they issue your licence.

- ❖ Electrical and Gas installations – Do you need to provide electric or gas inspection certificates? Annual inspection(s) could indicate good management and ensure the safety of your staff and customers. When was your electric or gas installation last inspected, have you an inspection regime that ensures it/they are safe and functioning correctly? Have you got current inspection certificates? Are there any trailing cords/cables or unprotected supply pipes that could be a trip hazard or present other hazards.
- ❖ Waste Management – How do you store your waste? Where do you store it? What litter is associated with your operation and could it become a slip, trip or fire hazard?
- ❖ Noise – Often associated with complaints of nuisance. How can you reduce the effects of noise on your staff, clients, neighbours etc? Do you need noise limiters on sound systems? Can the noise from your premises be reduced by simply ensuring doors and windows are closed. Should you prevent customers having access to your beer garden or outside areas after 11pm? When do you dump your bottles?
- ❖ Children - Underage Sales of alcohol – How will you prevent sales to or for consumption by under aged persons? What training have you given to your staff to be aware of this issue? Entertainment - What procedures do you have in place or need to prevent children accessing adult entertainment or age related entertainment?
- ❖ Door Supervisors - Do you use door supervisors to aid security and public safety? Ask your self the following questions; what type of activity does my business undertake (disco, theatre, whist drive etc.), what is my clientele base? Is there a potential for disorder and if there is do I need door staff to restrict access if I do how many do I need? If you employ door staff ensure they are registered with the SIA. (See Appendix 1).

What is the risk?

How are they a risk? (Trip, slip, fall, electrocution, traffic hazards in car parks, exposure to noxious fluid/smells, fire etc) This will determine what if anything; you need to do to reduce the risk (the evaluation process).

Who is at risk?

Having identified the risk decide who might be at risk. (Employees, customers, visitors, company representatives, contractors working in your workplace. If other businesses that share your workplace, people visiting or working for them could be at risk by your working practices)

Be aware that the young old, disabled and pregnant mothers may need additional protection to avoid risks.

What is the likelihood?

Identify the likelihood of harm and grade it, high medium or low.

How can I remove or reduce the risk?

Start by asking yourself if you can get rid of the risk altogether ? If not what can you do to control the risk and reduce the likelihood of harm?

Identify what you need to do to remove or reduce the risk to prevent harm. Remember that it is not always possible to remove the risk completely and that a lower level of risk may remain even after you have take all reasonable precautions. Your aim should be to make all risks as small as possible by taking reasonable measures to prevent harm or remove or reduce them.

Prioritise

Prioritise the way you tackle risks addressing those that a most likely to cause harm or serious injury first. That is not to say that some risks cannot be addressed with minimum effort giving instant results.

Record your findings

After you have conducted you assessment write down what you found, what you did about it and why. (This is a Health & Safety legal requirement if you employ 5 or more persons)

Record how the check was done, who conducted it, who might be affected by the risk, and what actions you took or procedures you put in place to reduce the risk.

Keep those records for future reference and use them as a basis for reviewing your risks.

Inform your employees and involve them in the process to make them aware of their responsibilities.

AND AFTER THAT?

Make arrangements to review your risks on a regular basis. Do not alter the original records, complete new ones each time you re-assess the risk.

If your business or any part of it changes risk assess the change, implement any actions necessary to reduce the risk and record your actions.

If you employ new staff inform them of your risk assessments and tell them what they should do to comply with your controls and practices.

Further Information

The HSE's booklet – Five steps to risk assessment provides a self help guide to risk assessment and contains examples on how to record your assessment. Individual free copies of the booklet may be obtained from HSE Books tel; 01787 881165 quoting ISBN 0 7176 1565 0 or in packs of 10 at a cost.

Additionally information on risk assessment and advice on managing crowds attending your establishment or event may be obtained from your local Health and Safety Executive offices – details available in the phone book – or your local district council offices

FURTHER INFORMATION ON THE LICENSING ACT 2003 MAY BE OBTAINED FROM THE FOLLOWING WEBSITES

Personal visit to: Exeter City Council Offices (we would advise callers to make appointments)	Writing to us at: The Licensing Section Environmental Health Service Exeter City Council Civic Centre Paris Street EXETER. EX1 1RQ
Email: ian.ley@exeter.gov.uk	Phone: 01392 265434
Internet: www.exeter.gov.uk	Fax: 01392 265853