

London Borough of Waltham Forest

Tenants Responsibilities for Premises Health and Safety

Introduction

As your landlord we want to make sure that you, our tenant, are aware of the need to comply with the laws covering the health and safety of any staff you employ volunteers and customers while they are on the premises, and close neighbours who may be affected. This document gives you basic information regarding the main health and safety duties that you have as a tenant in the premises you occupy.

The document provides basic information on **premises requirements only**, and does not provide guidance or direction on the wider aspects of your Health and Safety responsibilities (eg First Aid, Noise, Vibration, Welfare Facilities, Young Persons etc.) and you should consult a professional adviser if you are in any doubt as to your responsibilities in these areas.

You have general and specific responsibilities under the Health and Safety at Work Act to ensure that your premises are safe, compliant and risk free as far as is reasonably practicable. You also have a duty to the general public, visitors and any other party who may be affected by what you do. As the user and occupier of the premises, you are the **Duty Holder** for the premises and as such it is your responsibility to comply with the Legislation, and appoint such **Competent** and **Responsible** Persons to assist you in managing the premises safely.

The remainder of this requirements document outlines at **the highest general level only** the main responsibilities you have under the Act and various other supporting pieces of Legislation, Codes of Practice and Standards, and it is your responsibility to ensure that you are in full compliance with all Legislative and Regulatory Requirements pertaining to the premise you occupy, and the undertaking you perform from the premise (eg retail, office, industrial etc.).

We strongly recommend that you find out what health and safety risk analysis, tests and checks you need to carry out for **your business and the premises you occupy**. If you are unsure of anything then it is important that you seek professional advice. Please be clear that it is **your** responsibility to manage all health and safety matters.

This requirements document suggests where you could go for more information, but a very good place to start is the Health and Safety Executive website www.hse.gov.uk

1. General Requirements (the list is not exhaustive)

1.1 Health and Safety Policy

It is a requirement for any business with 5 or more persons employed to have a Health and Safety Policy which defines the commitment, organisation, resources and responsibilities. Further information www.hse.gov.uk

1.2 Risk Assessment

It is a specific requirement to undertake a risk assessment at intervals determined by the risk environment in which you operate. This should be reviewed by you on a regular basis and should indicate steps you have taken to eliminate or mitigate identified risks.

Further Information www.hse.gov.uk

1.3 Asbestos

It is a requirement of the Control of Asbestos Regulations 2012 that you have had an Asbestos Survey undertaken, and if Asbestos Containing Materials are present, an Asbestos Management Plan and Register. Further general guidance for premises owners and those with a duty to manage asbestos can be found in www.hse.gov.uk

1.4 Water Hygiene/ Legionella

Specific measures and a risk analysis may need to be undertaken to ensure water quality is maintained and that the risk of Legionella bacteria is managed within statutory limits. In general this may include maintaining hot and cold water temperatures at prescribed levels, tank flushing and chlorination. Further guidance can be found www.hse.gov.uk

1.5 Fire Safety

The Fire (Regulatory Reform) Order places the emphasis for Fire Risk Assessment, its review, and ongoing management of fire safety issues with the building occupier and user. The previous regime of fire certification by Fire Authority no longer exists. You are required to undertake a Fire Risk Assessment, act on any escalated risks, and review the risk assessment on a regular basis. You should prepare a Fire Evacuation Plan, train all staff and appoint fire marshals/wardens as required. In general, test and certification will be required on Emergency Lights, Fire Detection and Alarm Systems, and Fire Fighting Equipment. Further guidance www.hse.gov.uk

1.6 Gas Safety

The Gas Safety Regulations require that all appliances be regularly maintained, serviced, and certificated by approved GasSafe engineers. Further Guidance www.hse.gov.uk

1.7 Electrical Safety

The Electricity at Work Regulations require the safe operation, maintenance and testing (at various intervals) of the fixed electrical apparatus in your premise. This can only be undertaken by approved and qualified electricians. Further Guidance www.hse.gov.uk

1.8 Portable Appliance Testing

All portable appliances need to be inspected and tested on a periodic basis, dependent on the type of appliance and its use. All appliances should be labelled. Further guidance can be obtained from your approved electrician and www.hse.gov.uk

1.9 Control of Substances Hazardous to Health (CoSHH)

The CoSHH Regulations require a risk analysis to be prepared for all substances and premises used or stored on the premises (including those of cleaners and subcontractors), and substance manufacturers safety data sheets should be consulted and measures employed including training to ensure safe use, storage and disposal of same. Further Guidance www.hse.gov.uk

1.10 Minor Projects

All minor projects and alterations require approval from London Borough of Waltham Forest (your lease conditions will specify this). Consideration should also be given to the CDM Regulations 2015 which places specific requirements and duties for notification of qualifying projects. Further information can be obtained from www.hse.gov.uk

2. Regulation and Enforcement

Enforcement will be by the HSE in the most severe cases of breach and in certain high risk premises, but generally the enforcement is at Local Authority level through Environmental Health Officers who enforce H+S Law in workplaces allocated to them including offices, shops, retail and wholesale distribution, leisure, hotel and catering facilities.

Enforcement notices may be served by either party and may be of an 'Improvement' type or 'Prohibition' depending on the nature, severity and risk of the breach – it is important that you familiarise yourself with the process and requirements should you receive and enforcement notice.

3. LBWF Landlord Role

LBWF as the Landlord of the premise have no direct responsibility for the Health and Safety or Premises Compliance on your leased premise. However, in exercising our responsibilities as a landlord, it is our duty to ensure that corporately owned assets are being managed in a responsible manner and that the assets are being properly maintained.

As a result, the attached questionnaire which you are requested to complete and return will be used to indicate your compliance with the general requirements outlined in this responsibilities document.

This will form the basis of any audit undertaken by LBWF.

Professional or technical advice related to Health and Safety or Premises Compliance will not be provided, and you should seek to satisfy yourself that you are meeting the responsibilities outlined in this document.

Attachment – LH Premises Compliance Check (DOUBLE **CLICK TO OPEN**)



LH Premises
Compliance Check.doc