

## Dealing with New Businesses

### 1. Purpose of this document

- 1.1. To ensure that consistent, accurate and contemporaneous records are kept of businesses in Argyll and Bute for which the Council is the health and safety enforcing authority.
- 1.2. To ensure that businesses which come to the attention of inspectors for the first time have access to appropriate information to enable them to comply with minimum legal standards.

### 2. Scope of this document

- 2.1. Sites which fall to the Council as enforcing authority in accordance with The Health and Safety (Enforcing Authority) Regulations 1998.

### 3. Identification of new businesses

- 3.1. District inspectors are responsible for ensuring that records of businesses in their operational areas are accurate and up to date. It is recognised that this is a progressive objective, but inspectors are required to use all reasonable opportunities to pursue this objective.
- 3.2. New businesses will come to the attention of inspectors through routine operational work, being present on their districts and requests, complaints, planning consultations and other information received by Regulatory Services.
- 3.3. "New businesses" include the transfer of existing operations at a site to a new dutyholder.

### 4. Action in respect of new businesses

- 4.1. When a new business is identified, the inspector shall ensure that sufficient information is obtained about the site, including the dutyholder(s), the activities carried out, numbers of persons and young persons employed.
- 4.2. The preferred method of obtaining this information is by an introductory visit to the site. The introductory visit shall also check compliance with smoke-free legislation. Sufficient information shall be obtained to complete an accurate Commercial Premises record in Uniform in accordance with the relevant Data Standard and to inform the Desktop Risk Assessment.
- 4.3. The introductory visit shall **not** be conducted as a health and safety intervention. It shall be focussed on gathering the necessary information about the business

Document Reference	HELA-P12
Version Date	2nd July 2013
Review Date	31st May 2015

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and site and does not include asking to be conducted through all parts of the premises. Nevertheless, any immediate matters of concern shall be dealt with proportionately in accordance with procedure HELA-P08 *Enforcement Decisions*.

- 4.4. The inspector shall create a new Commercial Premises record in Uniform and complete it in accordance with the relevant Data Standard. The introductory visit shall be recorded in Uniform as a smoking compliance visit.
- 4.5. A desktop risk assessment shall be completed for the site and recorded on Uniform. Any appropriate interventions shall be carried out by the inspector or flagged for future action as required.
- 4.6. Physical files shall be maintained in accordance with local procedures.

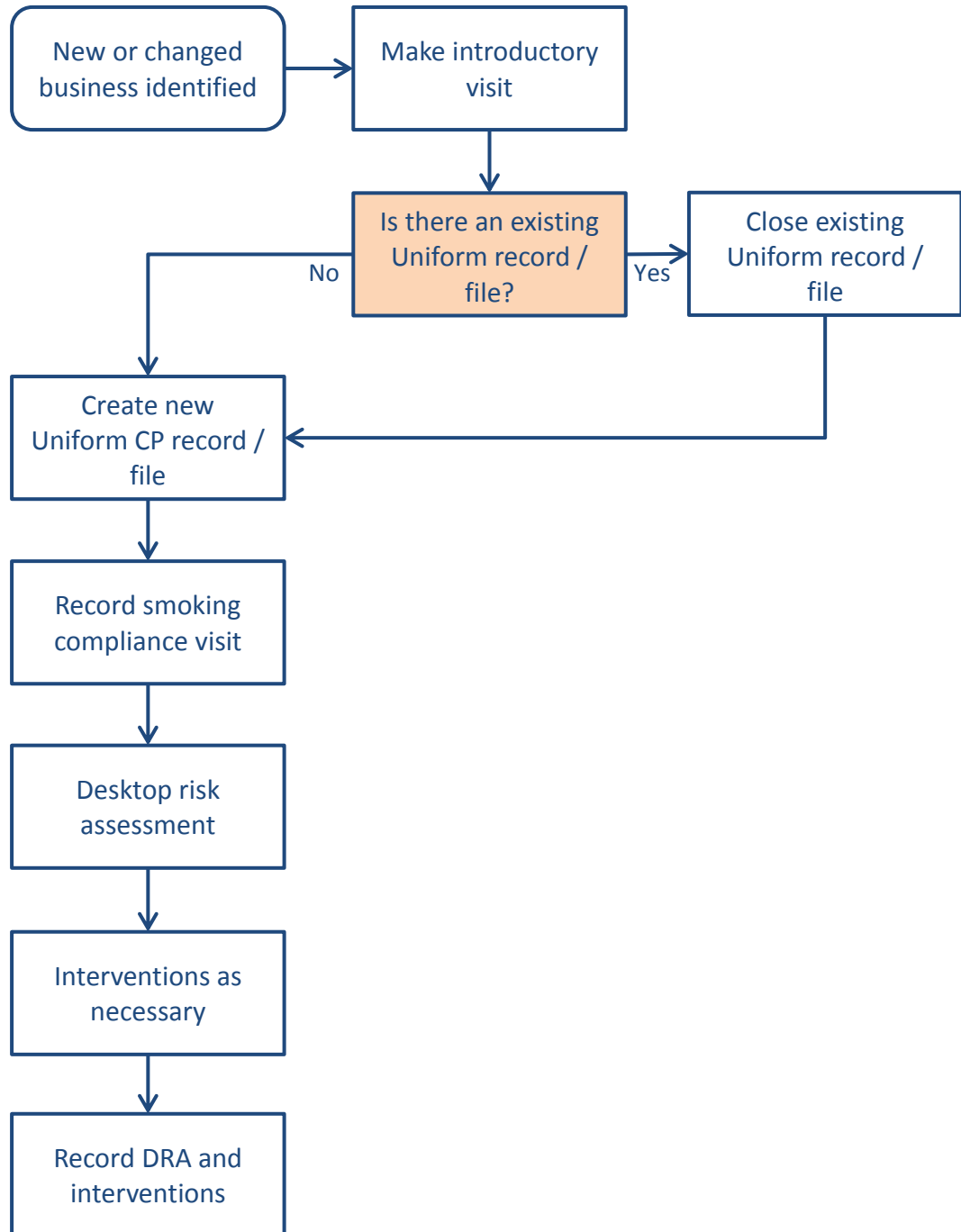
### 5. References

- 5.1. The Health and Safety at Work etc. Act 1974
- 5.2. The Health and Safety (Enforcing Authority) Regulations 1998
- 5.3. *Health and safety (enforcing authority) regulations 1998: A-Z guide to allocation*, OC124/11 – Rev 3, HSE, 17/11/2011
- 5.4. Argyll and Bute Council's *Occupational Health and Safety Enforcement Policy*
- 5.5. *Uniform Data Standard – Commercial Premises*, Internal document

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Appendix A – Dealing with New Businesses Flowchart



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