

WALLOPS PARISH HALL

Background Information on Responsibilities and Risk Assessments

1. Wallops Parish Hall Management Committee

The Wallops Parish Hall comprises the hall and car park on Salisbury Hill, Middle Wallop. The property is owned jointly by Nether Wallop Parish Council (NWPC) and Over Wallop Parish Council (OWPC) and is run for them as a community facility by the Wallops Parish Hall Management Committee ('the committee'). The committee comprises parish councillors from both parishes and the secretary/treasurer of the committee is responsible for the day-to-day management of the hall. All are volunteers.

2. Civil Law and the Duty of Care

Under the common law (Civil Law), voluntary organisations and individual volunteers have a duty of care to each other and others who may be affected by their activities. Where something goes wrong, individuals may, in some cases, sue for damages using the civil law if they are injured as a result of another person's negligence. Liability in individual cases is a matter for the civil courts, depending on all the circumstances of the case and the actions and standards it is reasonable to expect from each of the parties involved.

3. Health and Safety (H&S) Matters

3.1 The Law

The Health and Safety at Work Act 1974 (HSW Act) is criminal law aimed at protecting employees and others who may be affected by work activities. It does not, in general, impose duties upon someone who is not an employer, self-employed or an employee. It is enforced mainly by HSE and local authority H&S officers who have no power to investigate incidents or pursue enforcement action in relation to most purely voluntary activities (subject to limited exceptions).

The HSW Act and the regulations made under it apply if any organisation, including a voluntary organisation, has at least one employee. The Act sets out the general duties that employers have towards employees. It also requires employers and the self-employed to protect people other than those at work (eg members of the public, volunteers, clients and customers) from risks to their health and safety arising out of, or in connection with, their work activities.

3.2 Responsibilities of the Committee

The committee is regarded as a legal entity under H&S law even though it does not employ anyone and is only made up of volunteers. It therefore **has a duty to take reasonable measures to ensure the hall, access to it and any equipment or substances provided are safe for people using it**, so far as is reasonably practicable.

The committee has no responsibility under the HSW Act for risks created by the work activity of others, such as those maintaining the building, or for the activities organised by those who hire the hall.

3.3 H&S Risk Assessment

A risk assessment is a list of sensible and proportionate measures needed to control risks that may affect those who use the hall or are involved in its maintenance and upkeep. The committee employs less than 5 people and therefore does not have the legal requirement to record the finding of a risk assessment. Despite this, the committee has decided that there are sound legal and business reasons to record the findings of an assessment and to bring them to the attention of those working or holding an event in the hall.

3.4 Hall Users and Hirers

Users of the hall have responsibility for managing risks, so far as reasonably practicable, arising from their own activities when they have control of the hall or control of equipment on the premises.

It should be noted that a Hirer of the hall is deemed to be in control of the hall during the period of hire and is therefore the **temporary 'responsible person'** during this time. The formal Terms and Conditions of Hiring the Hall explain the responsibilities further and Hirers agree to them when they sign a booking agreement.

3.5 Self-Employed Workers and Contractors

Most of the repair and maintenance work at the hall is carried out by self-employed workers or contractors who have responsibility for their own H&S. Similarly, self-employed workers who hire the hall (eg for the purpose of running classes or lessons) are also responsible for their own H&S.

The committee expects self-employed workers and contractors to demonstrate that they are suitably qualified to work at the hall (eg membership of a trade association) and are covered by appropriate public liability insurance.

4. Fire Safety Matters

4.1 The Law

The Regulatory Reform (Fire Safety) Order 2005 states that **any person who has control of a premises must take reasonable steps to reduce the risk from fire and make sure people can safely escape if there is a fire.** The Order applies to community halls and therefore applies to the Wallops Parish Hall.

The person in control of a premises is classified as the **'responsible person'** and in the case of the Wallops Parish Hall the **'responsible person' is the Wallops Parish Hall Management Committee.** The committee may appoint one or more 'competent' persons to supervise the details of fire safety and to undertake risk assessments. Usually this is the hall secretary/treasurer.

4.2 Fire Risk Assessment

Under the Fire Safety Order the committee is required to carry out a fire risk assessment and the steps that should be taken when carrying this out include:

- The identification of fire hazards followed by the identification of those at risk.
- The evaluation, removal and reduction of the hazards and protection of people from risk.
- The recording of information, planning, informing and instruction/training of those involved.
- The need to review and update any assessment.

4.3 Those Hiring the Hall

It should be noted that a Hirer of the hall is deemed to be the person in control of the hall during the period of hire and therefore is the **temporary 'responsible person'** during this time. This means that Hirers should carry out their own fire risk assessment and this is specified in the formal Terms and Conditions of Hiring the hall.

5. Summary

- The management committee is responsible for the overall control of the hall and has a duty under H&S law to take reasonable measures to ensure that the hall is safe for those who use it. As part of this the committee carries out and maintains an H&S risk assessment of the hall.
- Those who are self-employed workers or contractors are responsible for their own H&S whilst at the hall.
- Those who hire the hall are responsible for managing H&S risks during the period of hire.
- The committee is also the 'responsible person' under fire safety law and must take reasonable steps to reduce the risk from fire in the hall and make sure people can safely escape if there is a fire. As part of this the committee carries out and maintains a fire risk assessment of the hall.
- Those who hire the hall become the temporary 'responsible person' under fire safety law during the period of hire and must carry out their own fire risk assessment of the hall.

*Copies of the H&S Risk Assessment and the Fire Risk Assessment
are available on the hall website.*