



CORPORATE HEALTH AND SAFETY COMMITTEE – 21ST JUNE 2021

SUBJECT: RECENT HEALTH AND SAFETY EXECUTIVE UPDATES

REPORT BY: CORPORATE DIRECTOR - EDUCATION AND CORPORATE SERVICES

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1. PURPOSE OF REPORT

1.1 The purpose of this report is to inform the Committee about recent relevant accidents, incidents and prosecutions by the Health and Safety Executive (HSE).

2. SUMMARY

2.1 The report is provided as information for members of the Committee, to ensure that they are kept informed of any matters that could impact on the management of health and safety within the Council.

3. RECOMMENDATIONS

3.1 That the Committee note the contents of the report.

4. REASONS FOR THE RECOMMENDATIONS

4.1 To keep the Committee up to date on any health and issues that may be relevant or may require further consideration.

5. THE REPORT

5.1 **London Council prosecuted after a child died when playground equipment collapsed on her in a park.**

5.1.1 Tower Hamlets Council has been prosecuted after a post for a rope swing snapped at its base, causing a rotten tree trunk holding the equipment to fall on to a five year old girl who died about an hour later as a result of a head injury.

5.1.2 The structure used poplar wood instead of the oak that had been specified. The council had also failed to ensure that an annual playground safety check was carried out.

- 5.1.3 Westminster Magistrates' Court was told that the local authority had previously implemented a system of inspections to ensure that play equipment was safe to use. However, the play equipment had not been inspected by a playground inspector since September 2013. If the equipment had been inspected and tested for signs of rot, the risk may have been identified and appropriate action taken to remove and replace the equipment.
- 5.1.4 London Borough of Tower Hamlets Council pleaded guilty to breaching section 3(1) of the Health and Safety at Work Act. It was fined £330,000 and ordered to pay costs of £6204
- 5.1.5 According to the BBC, the council signed off a £2 million 'extraordinary cost item' from its children's services budget last year to cover the potential fine and legal costs.

5.2 Cheshire Council prosecuted for failing to maintain safety railings, leading to child's fall.

- 5.2.1 A local authority has been fined after a child fell almost three metres to the floor from a gap in railings.
- 5.2.2 The 21-month old child was visiting Chester City centre with her family to watch the Christmas parade in November 2018. While standing at a viewing point on The Rows at Bridge Street, the child fell through a gap in the railings onto the floor below, fracturing to her skull.
- 5.2.3 Chester Magistrates' Court was told that one of the spindles on the railings had been missing for at least 18 months, leading to a significant gap (22cm) in the physical protection of the railings on The Rows.
- 5.2.4 Cheshire West and Chester Council failed to ensure that The Rows were maintained to prevent a risk of a fall from height. Health and Safety Executive (HSE) investigators said no risk assessment or risk control measures were put in place for members of the public and employees accessing or working on The Rows before the incident occurred. The local authority failed to provide adequate information, instruction and training to ensure employees understood the risks associated with a lack of maintenance of the Rows.
- 5.2.5 Cheshire West and Chester Council (CWCC) admitted breaching section 3(1) of the Health and Safety at Work Act. It was ordered to pay a fine of £300,000 plus £5607 costs.
- 5.2.6 CWCC's cabinet member for legal and finance said immediately after the incident that a full risk assessment of Chester Rows was carried out and repairs to all defects, including those not owned by the council, were completed at the council's expense. There is now also a quarterly inspection and arrangements for carrying out repairs and undertaking a full refresh of its health and safety culture, including providing IOSH training courses for directors, senior managers and supervisors.

5.3 School prosecution due to low wall posing trip hazard.

- 5.3.1 A school has been fined after a member of public tripped over a retaining wall and sustained a fatal head injury.
- 5.3.2 Peterborough Magistrates' Court heard how on 17 February 2017; a family member attended The Leys & St Faith's Foundation School in Cambridge to watch an evening performance. While walking towards the hall the woman tripped over a small retaining wall and fell to the ground sustaining a serious head injury. She died six days later in hospital.

5.3.3 An investigation by the Health and Safety Executive (HSE) found that The Leys & St Faith's Foundation School had failed to ensure the area was adequately lit. A pedestrian site safety assessment failed to identify the risk of tripping over the wall and did not take into consideration the lighting conditions or potential effect of poor lighting on pedestrian safety at night.

5.3.4 The Leys and St Faith's Foundation School of Cambridge pleaded guilty to breaching Section 3 (1) of the Health and Safety at Work Act 1974, fined £52,800 and ordered to pay costs of £10,040.

5.4 Waste company fined £1.2m after a worker fatally injured by a reversing vehicle.

5.4.1 Enterprise Managed Services, part of Amey, has been prosecuted after a worker was fatally injured by a reversing vehicle.

5.4.2 On 8 April 2016, a 22-year-old employee was working as part of a four-man collection crew on a routine collection of recyclable waste in Daventry, Northamptonshire.

5.4.3 The employee tripped and fell under the wheels of the refuse lorry and sustained fatal crush injuries.

5.4.4 Investigators found that a suitable and sufficient risk assessment had not been carried out for the collection route and there was a failure to adequately supervise the round.

5.4.5 At Northampton Crown Court, Enterprise Managed Services admitted breaching section 3(1) of the Health and Safety at Work Act. The company was fined £1.2 million and ordered to pay costs of £60,476.

5.5 Conclusion

Health and Safety remains a key priority for Local Authority consideration. Although the HSE are less pro-active than previously, they will investigate and prosecute if there are health and safety failings. As an Authority we ensure that we keep up to date with prosecutions enabling us to implement any learning from such actions within Local Authority services if applicable. Ensuring that health and safety is considered, and risks assessed and controlled, assists the Authority in meeting its legal obligations, in protecting the health and safety of employees and others.

6. ASSUMPTIONS

6.1 No assumptions have been made regarding the information contained in this report.

7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

7.1 This report is for information only and so an Integrated Impact Assessment is not required

8. FINANCIAL IMPLICATIONS

8.1 There are no financial implications.

9. PERSONNEL IMPLICATIONS

9.1 There are no personnel implications

10. CONSULTATIONS

10.1 All comments from consultees have been included in the report.

11. STATUTORY POWER

11.1 The Health and Safety at Work etc. Act 1974 and Management of Health and Safety at Work Regulations 1999.

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