



CORPORATE HEALTH AND SAFETY COMMITTEE

**MINUTES OF THE MEETING HELD AT COUNCIL OFFICES, DYFFRYN HOUSE
ON WEDNESDAY, 18TH OCTOBER 2006 AT 10.00 AM**

PRESENT:

D.T. Wiltshire - Chairman

Councillors:

P.J. Bevan, J.O. Evans, G.R. Price, A.J. Pritchard, D.T. Wiltshire

Together with:

S. Delahaye (Head of Public Protection), E. Townsend (Health and Safety Manager), K. Rogers (Senior Health and Safety Officer), T. White (Refuse and Cleaning Officer), K. Meredith (Health and Safety Welfare Officer), P. Neale (Health and Safety Welfare Officer), R. Ellis (Health and Safety Officer), D. Llewellyn (Senior Health and Safety Officer), D. Jones (Senior Health and Safety Officer), T. Phillips (Health and Safety Officer), P. Griffiths (Senior Health and Safety Officer), R. Lewis (Corporate Health and Safety Trainer), A. Young (Property Division), R. Thomas (Committee Services Officer)

Trade Union Representatives:

A. Morton and A. Stevens

APOLOGIES

Apologies for absence were received from Councillor L.R. Rees and Ms G Taylor (UNISON).

1. DECLARATIONS OF INTEREST

There were no declarations of interest made at the beginning or during the meeting.

2. WELCOME

The Chairman welcomed Mr Robert Lewis, the new Corporate Health and Safety Trainer, to the Committee.

3. MINUTES

RESOLVED that subject to the alterations as detailed below, the minutes of the Corporate Health and Safety Committee held on 12th July 2006 be approved as a correct record and signed by the chairman:

- (i) Item number 13, third paragraph, last sentence should read “It was noted this was the first quarter all Directors had returned their respective action plans ...”
- (ii) Item number 15: The Senior Health and Safety Officer, not the Manager, introduced the report.

4. MATTERS ARISING

- Accident Statistics: the contract for the new computer system had just been awarded and the system would be configured in November. It was anticipated the Occupational Health statistics would be completed first but there would be a period of data transfer from the old systems.
- Occupational Health Forum: members asked for an update at the next meeting from Hazel Hortop (Occupational Health Manager).
- Regulatory Reform (Fire Safety) Order 2005 (RRFSO): officers confirmed this was now in force.

5. TERMS OF REFERENCE AND MEMBERSHIP

The Health and Safety Manager introduced the report to invite Members, Management and Trade Union Safety Representatives to discuss and recommend potential improvements to the committee’s constitution.

The Chair highlighted the importance of the report and stated it was an opportunity to consider the effectiveness and sustainability of the committee

Members welcomed the opportunity to review the document and asked that the following be taken into consideration:

- the need for a more direct approach, similar to the way in which the scrutiny committees were managed;
- the right to request the presence of officers, Directors and Chief Executive to answer questions raised;
- the ability to make decisions and make them robust;
- the ability to make recommendations to the management and Cabinet rather than to the Policy and Resources Scrutiny Committee;
- the need for members to be more proactive; and
- removal of the words “payment for” at the start of item 4.6 of the current constitution;

Members were thanked for their contributions and told a draft, revised constitution, based on their comments, would be presented at the committee’s next meeting. In the interim, members were asked to note that some of the views expressed would be outside the remit of the committee, for example the committee was not a decision making group, but it could make recommendations.

6. DRAFT HEALTH AND SAFETY POLICY - COSHH

The Senior Health and Safety Officer introduced the report to inform Members, Management and Trade Union Safety Representatives of the draft Control of Substances Hazardous to Health (COSHH) Policy, written to ensure the Authority meets its legal requirements as specified in the following legislation:

- The Health and Safety at Work etc Act, 1974;
- The Management of Health and Safety at Work Regulations 1999; and
- The Control of Substances Hazardous to Health Regulations 2002 (as amended).

Members noted the contents of the report and the policy was agreed.

7. DRAFT ENFORCEMENT ACTION PROTOCOLS

The Health and Safety Manager presented the report to inform Members, Management and Trade Union Safety Representatives of the draft protocols to cover enforcement action and planned inspections. The protocols outlined:

- (i) the process for dealing with formal enforcement action from either the HSE or South Wales Fire and Rescue Service and covers the process for responding to the notice, addressing the issue, sharing of information across the Authority and reviewing the process; and
- (ii) the process for dealing with recommendations made as a result of a formal programmed inspection by either the HSE or South Wales Fire and Rescue Service and covers actioning any recommendations and sharing information across the Authority.

Officers highlighted the need for effective communication and to learn from shared best practices. They commented that although the Corporate Health and Safety Committee met quarterly, the Health and Safety Group met monthly as part of their role ensure improvement notices were reviewed and progress was monitored regularly.

Members noted the contents of the report and the protocols were approved.

8. ACCIDENT STATISTICS – APRIL TO JUNE 2006

The Health and Safety Manager presented the report to inform Members, Management and Trade Union Safety Representatives on the numbers and types of industrial accidents that had occurred to staff of Caerphilly CBC during the period 1st April to 30th June 2006.

Members asked for further information regarding a number of the incidents reported in appendix A and questioned whether risk assessments were completed for each incident. Officers confirmed that following an accident/incident an investigation takes place and the risk assessments were reviewed, either on an individual or generic basis.

Officers also commented that accident investigations were of concern to members of staff and 3rd parties and each were carried out differently, depending upon the severity of the accident.

Officers reiterated the new computer system would assist in cross referencing accidents, establishing patterns etc, but it was recognised that it was human nature to take short-cuts and the difficulty was to change peoples and the working environment culture.

The Chairman thanked members for their interesting questions and confirmed the need for more information to be supplied. The Health and Safety Manager asked members for their patience in waiting for the new system installation and confirmed the reports would be completely revamped.

Members noted the contents of the report and challenged other departments to achieve the reduction in comparative accidents that Social Services had achieved in 2006, compared with 2005 (as shown in appendix C).

9. HEALTH AND SAFETY AUDITS

The Senior Health and Safety Officer introduced the report to inform Members, Management and Trade Union Safety Representatives of recent audits carried out by the Corporate Health and Safety Unit.

The Corporate Health and Safety Unit have a target of 210 audits for 2006-07 and 56 audits were undertaken during the first quarter (April to June). These covered a variety of topics including risk assessment, display screen equipment, lone working, fire, housekeeping, COSHH, manual handling and latex. Re-audits were also carried out on previous audits undertaken on COSHH and manual handling.

The Corporate Health and Safety Unit, Directorate Health and Safety Officers were working closely with Managers to ensure that where health and safety issues were identified, they were addressed promptly. A percentage of these audits would be re-audited after twelve months by the Corporate Health and Safety Unit to ensure that action had been taken where required. Officers stated that the number of re-audits were to be increased to ensure that actions highlighted on action plans were completed as necessary.

In order to understand the process involved, the nature of the audits and the types of items reported, members asked to see a sample of the audit and re-audits at the next meeting. Officers confirmed this would be arranged.

Members noted the contents of the report and welcomed the opportunity to see a sample of the audit documentation.

10. RECENT HSE VISITS

The Health and Safety Manager presented the report to inform Members, Management and Trade Union Safety Representatives of recent HSE visits and action by the Health and Safety Executive.

Members were informed the HSE visited the Authority and a summary of their findings was as follows:

- During July, as a result of a follow up visit on a Refuse/Recycling Inspection carried out last year, the HSE decided to issue an improvement notice on the Authority regarding route risk assessments. The improvement notice requires detailed route risk assessments for collection and was required to be complied with by December 2006. A working group had been set up to progress the recommendations made in the notice and also to ensure good practise was replicated across the Authority.
- The HSE recently carried out a planned inspection on School Traffic Management. The Authority had not yet received the final report, however it is not expected to result in any formal action. It was anticipated that the report would make recommendations around traffic management risk assessments in schools, training and the need for review and monitoring of risk assessments.

In addition the HSE issued an improvement notice on Education/Leisure as a result of an investigation following the Hafodyrynys Minibus crash last year. The improvement notice required improved arrangements for selection of contractors, roles and responsibilities for operators, drivers and escorts, information exchange across Directorates and with external agencies including collation of information held and its accessibility, procedure for CRB checks, arrangements for monitoring and recording and review of monitoring activities and allocation of resources to manage the contractor control system. Compliance with the notice was required by 20 December 2006. A working group had been set up to action the issues identified as part of the notice and to ensure sharing of good practise across the Authority.

Members were also informed the HSE had indicated they would carry out Health and Safety Inspections on Violence at Work in Children's Services, Manual Handling and Asbestos Management in 2007. These visits would form part of the HSE's planned inspection programme for Wales.

Members noted the contents of the report.

11. RECENT HSE UPDATES

The Senior Health and Safety Officer informed Members, Management and Trade Union Safety Representatives of recent updates in Health and Safety information, advice and guidance.

In particular the officer highlighted the following:

- (i) the revised Construction (Design and Management) Regulations are proposed to become law on 1st April 2007, which combined the Construction (Design and Management) Regulations 1994 with the Construction (Health, Safety and Welfare) Regulations 1996 to create one simplified set of regulations;
- (ii) the HSE plans to revise the Working at Height Regulations bringing those paid to lead and train climbing and caving activities within the scope of the Regulations. This would complete the implementation of the European Working at Height Directive (EC2000/45/EC);
- (iii) the HSE revised guidance on risk assessment, 'Five Steps to Risk Assessment', placing a greater emphasis on risk assessment resulting in actions and reducing the focus on bureaucracy;
- (iv) the new Regulatory Reform (Fire Safety) Order 2005 that came into force on 1st October 2006. The order places responsibilities on organisations to carry out fire risk assessments and to introduce changes where necessary to reduce the risk of fire. The regulations repeal and consolidate previous fire safety legislation and introduce a risk-based framework to fire management.

Members noted the report and welcomed the simplified regulations.

12. CORPORATE HEALTH AND SAFETY GROUP

The Health and Safety Manager informed Members, Management and Trade Union Safety Representatives of the latest discussions that had taken place in the Corporate Health and Safety Group.

She reiterated the group met monthly to ensure consistency of advice and interpretation of legislation, to share information and develop coherent cross-directorate strategies, to effectively manage health and safety risks within the Authority.

The main topics of discussion at the groups August meeting were the Health and Safety budgets, manual handling and stress management.

Members noted the contents of the report.

13. CORPORATE MANSLAUGHTER

The Health and Safety Manager gave a PowerPoint presentation to inform Members, Management and Trade Union Safety Representatives of the current position on Corporate Manslaughter.

The presentation highlighted the following:-

- that under current legislation it was very difficult to prove that a 'controlling mind' was personally guilty of manslaughter with larger organisations. As a result there were very few successful prosecutions for corporate manslaughter. And those that were brought were typically against small organisations with simple management structures.
- the new bill focuses on the working practises of the organisation as a whole, thereby taking away the need to identify an individual before a prosecution can be brought. Effectively this will make it much easier for an organisation to be prosecuted for corporate manslaughter.
- the bill hasn't been finalised yet and in the original proposal the focus was on senior management organisational failing. It was felt that this would lead to legal arguments as to the definition of senior management. As a result it is likely the focus of any prosecution will be at a supervisory and strategic level, meaning those who make decisions, control budgets and determine organisational priorities.
- there is no change in existing legislation on personal liability. Individuals can still be prosecuted under the Health and Safety at Work Act 1974 as both controlling minds and individuals.
- this legislation does not affect personal liability. And there are no changes to civil liability.
- courts were likely to consider compliance with Health and Safety legislation, codes of practise and guidance when looking at organisational failings. This meant an organisation required robust policies, procedures and documented systems to manage health and safety risks.

Members discussed the proposed changes and questioned the possibility of Councillor and Cabinet alike being prosecuted. It was agreed to ask Ian Medicott to the next meeting of the Committee to update members and to respond to their questions and concerns.

The meeting closed at 11.50 a.m.

Approved as a correct record, and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 10th January 2007, they were signed by the Chairman.

CHAIRMAN