



CORPORATE HEALTH AND SAFETY COMMITTEE

MINUTES OF THE MEETING HELD AT COUNCIL OFFICES, PENALLTA HOUSE ON WEDNESDAY, 18TH JUNE 2008 AT 10.00 AM

PRESENT:

Councillor A.J. Pritchard - Chairman
Councillor P.J. Bevan - Vice-Chairman

Councillors:

J.O. Evans, D.T. Hardacre, C. Hobbs

Together with:

N. Barnett (Director of Corporate Services), G. Hardacre (Head of People Management & Development), E. Townsend (Health and Safety Manager), K. Rogers (Senior Health and Safety Officer), G. Williams (Principal Solicitor/Deputy Monitoring Officer), B. Kendrick (Health and Safety Officer), P. Griffiths (Senior Health and Safety Officer), P. James (Health and Safety Officer), D. Jones (Senior Health and Safety Officer), D. Llewelyn (Senior Health and Safety Officer), T. Phillips (Health and Safety Officer), T. White (Refuse and Cleaning Officer), A. Wigley (Health and Safety Officer)

Trade Union Representatives: B. May (T&G), A. Morton (UNISON), J.W. Poole (UCATT)

APOLOGIES

Apologies for absence were received from Councillors A.G. Higgs and L.R. Rees. Ms G. Taylor (UNISON), C. Vickers (NASUWT), R. Ellis (Health and Safety Officer), M. Meeson (Property Division) and A. Young (Property Division)

CHAIRMAN'S ANNOUNCEMENT

The Chairman welcomed new Members to their first meeting of the Corporate Health and Safety Committee.

1. DECLARATIONS OF INTEREST

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

2. TO APPOINT A CHAIRMAN

Councillor A.J. Pritchard was appointed Chairman.

3. TO APPOINT A VICE-CHAIRMAN

Councillor P.J. Bevan was appointed Vice-Chairman.

4. MINUTES

RESOLVED that the minutes of the last meeting held on 13th February 2008 (minute nos. 1 - 8, on page nos. 1 - 4) be approved as a correct record and signed by the Chairman, subject to amendment of the date and location of the next meeting.

5. CORPORATE MANSLAUGHTER – PRESENTATION

Mrs Gail Williams, Principal Solicitor and Mrs Emma Townsend, Health and Safety Manager gave Members of the Committee a presentation on the Corporate Manslaughter and Corporate Homicide Act 2007. The presentation was to give Members, Management and Trade Union Safety Representatives a brief overview of the legislation and resulting implications, following its implementation on 6th April 2008.

The presentation highlighted the following:

- the four key provisions of the new act:
 - (1) a duty of care must be owed;
 - (2) there must be a breach of the duty of care;
 - (3) the breach must cause a death; and
 - (4) the breach of failing must be gross.
- 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.
- there is no change in existing legislation on personal liability. Individuals can still be prosecuted under the Health and Safety at Work etc 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.
- the range of available penalties.

Officers asked Members to note there was expected to be some debate regarding the term 'Senior Management' however the emphasis was likely to be on the role individuals perform rather than their title. In addition, it was acknowledged that the legislation was very new and it was anticipated to be a couple of years before test cases were heard and precedents set.

Members were concerned that the legislation did not go far enough to protect individuals if courts accepted procedures were not implemented due to financial constraints; and they discussed the possibility of Members of the Cabinet being prosecuted after making corporation decisions.

Members of the Committee thought this would depend upon whether Councillors (in particularly Cabinet Members), were seen as employees of the authority. Mrs Williams stated she would carry out further investigations to assess the full impact of the new legislation in regard to Members. A further report would follow.

The Chairman thanked officers for the informative presentation.

6. **DRAFT HEALTH AND SAFETY POLICY FOR THE SELECTION, MONITORING AND MANAGEMENT OF CONTRACTORS**

The report informed Members, Management and Trade Union Safety Representatives of the proposed updated Health and Safety Policy for the selection, monitoring and management of contractors.

Members were advised the existing policy required updating following the revised CDM Regulations and also to incorporate the comments received from the Health and Safety Executive following the Prohibition Notice issued at Cefn Fforest Leisure Centre. Officers had also taken the opportunity to revise the format of the document.

Members asked that the wording on page 10, reference 6.7 be amended. Concerns were raised that it currently suggested the contractor had control to allow/disallow spot-checks, rather than ensuring the Health and Safety of visitors to the site. A discussion followed highlighting different wording options and officers agreed to amend the policy accordingly.

The Committee noted the contents of the report and agreed the policy, subject to the amendment above, agreement by HR Strategy Group, and to any amendments as necessary to allow the Policy to be submitted to CMT and Cabinet.

7. **DRAFT ASBESTOS MANAGEMENT POLICY AND DRAFT ASBESTOS MANAGEMENT PLAN**

The Chairman agreed to accept the two reports as a single item.

The reports were to inform Members, Management and Trade Union Safety Representatives of the proposed updated Asbestos Management Policy and Asbestos Management Plan.

The existing policy and plan had been updated to take into account the need to have an Asbestos Management Plan in place for each premise and to ensure that the Authority meets its legal requirements. Both documents had been subject to extensive consultation and an asbestos sub-group had been set up to look at the wording within the policy.

Members asked for clarification of the term “acceptable standard” as detailed at reference 5.1 of the Asbestos Management Policy. Officers advised controlled measures were listed within the survey report, depending upon the level of risk. Trade Union Representative confirmed this and gave an example of a typical type 2 survey.

Members asked that the wording at reference 1.6 of the Asbestos Management Plan be amended. The sentence currently read “For each premises there should be a nominated Building Manager and a deputy.” This needed to be changed to “For each premises there **must** be a nominated Building Manager and a deputy.”

The Committee noted the contents of the report and agreed the policy, subject to the amendment above, agreement by HR Strategy Group, and to any amendments as necessary to allow the Policy to be submitted to CMT and Cabinet.

8. LONE WORKING HEALTH AND SAFETY AUDITS

The report informed Members, Management and Trade Union Safety Representatives of health and safety audits carried out on lone working activities since January 2005, as requested by Members at the last meeting of the Committee.

Members asked for clarification of the 'red rated issues' column and questioned how to rate each priority. As each entry was listed in real time, Members found it confusing and time consuming to establish whether a further audit had been completed. Officers were asked to amend the format of the report for future meetings.

Officers highlighted that service areas would immediately implement an action plan to rectify any problems and would not wait for a second audit. Action plans needed to be realistic and take into account service areas priorities and staffing issues. They were the responsibility of management. Members advised they expected to observe more intrinsic recommendations and that a more critical approach was needed in higher risk incidents. This should include references to previous similar incidents.

It was agreed to table a presentation on audits on the Committee's next agenda.

The Chairman thanked officers for the report and noted that it highlighted areas for lone workers that needed to be addressed.

Members of the Committee noted the contents of the report.

9. ACCIDENT STATISTICS REPORT

The report informed Members, Management and Trade Union Safety Representatives of the numbers and types of work related accidents/incidents, which have occurred, during the period of January to March 2008. In addition to the normal reports put before the committee, officers had included details of violent incidents.

Members discussed the report and appendices and voiced their concerns about the number of recorded slips/trips or falls. Questions were raised regarding the success of Health and Safety training, but it was acknowledged that more incidents were being recorded following a greater awareness of employee responsibility. Members stressed the need for good working practices whilst delivering a high quality of service.

Members of the Committee noted the contents of the report.

10. TO RECEIVE AND NOTE THE FOLLOWING INFORMATION ITEMS

- (i) Corporate Health and Safety Group – Officers advised the Director of Corporate Services was to Chair the meetings in future. Members were asked to note that "external fire exits" were to be changed to "external fire escapes". A general discussion followed regarding asbestos management and legionella assessments. The Committee noted the latest discussions that had taken place in the Corporate Health and Safety Group.
- (ii) Recent HSE Updates – Officers highlighted the link within the report to the HSE website for anyone who wanted further information regarding the benefits of plastic kerbs. The Committee noted the recent updates in Health and Safety information, advice and guidance.

- (iii) Health and Safety Audits – Officers advised there was one report outstanding in the Education and Leisure Division. The School in question would be re-audited following appointment of the new Headteacher in September. The Committee noted the information regarding recent audits carried out by the Corporate Health and Safety Unit between 1st January and 31st March 2008.

The meeting closed at 11.40 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 15th September 2008, they were signed by the Chairman.

CHAIRMAN