



CORPORATE HEALTH AND SAFETY COMMITTEE

**MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN ON MONDAY
11TH JULY 2016 AT 10A.M.**

PRESENT:

Councillor D. Havard - Chair
Councillor M. Adams - Vice Chair

Councillors:

P.J. Bevan, D T Hardacre, A G Higgs, S Kent

Together with:

D Jones (Service Manager, Health Safety and Welfare), E Townsend (Deputy Health and Safety Manager), T Phillips (Schools Health and Safety Manager), R. Phillips (Asbestos Team Manager), M. Wehden (Environmental Health Officer), M. Pinch (Environmental Health Officer), H. Morgan (Senior Committee Services Officer)

Trade Union Representatives:

Neil Funnell (GMB) and Juan Garcia (UNISON).

1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillor G. J. Hughes, D. Andrew Williams (Unite) and M. Williams (Head of Community and Leisure).

2. DECLARATIONS OF INTEREST

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

3. MINUTES - 22ND FEBRUARY 2016

RESOLVED that the minutes of the Corporate Health and Safety Committee held on Monday 22nd February 2016 be approved as a correct record and signed by the Chair.

REPORTS OF OFFICERS

Consideration was given to the following reports.

4. HEPATITIS A OUTBREAK

An update was given on the confirmation of an outbreak of hepatitis A in the South Wales areas which had affected Glyn Gaer Primary School and Members were advised that the incubation period for the viral infection from the time of coming into contact with the virus to developing the symptoms is between two and seven weeks, which means people may not have any symptoms when infected, but are still able to infect others.

It is a short-lived viral infection which has unpleasant symptoms but is rarely serious and most people make a full recovery in a few months. Transmission routes are faecal-oral and it is usually spread by eating or drinking food or water contaminated with infected faeces and all cases and contacts are advised to be meticulous about thoroughly washing their hands after going to the toilet or before eating.

Following confirmation of an outbreak at the school by Public Health Wales (initially one pupil but extended to further pupils and one member of staff) an Outbreak Control Meeting was arranged. Close family, pupils and staff who may be at risk were offered vaccinations as a "precaution". However, due to the very long incubation period of Hepatitis A there may be more cases in individuals who were exposed before they were vaccinated. In view of the incubation period it has not been possible to trace the source but the school has been deep cleaned and a further clean will be undertaken in the summer.

Information on how to reduce the risk of transmission of Hepatitis A has been sent to the school, parents and relatives reminding them that the most important thing to prevent the virus spreading is to ensure good hand washing techniques after using the toilet and before preparing or eating food. Staff who visit the school have also been advised as a precaution and it was noted that it is necessary to look at all who visit the school and consider their role, to see if any may fall into a high risk category and require further guidance.

It was reported that 4 cases had also been confirmed cases at both Ysgol Rhyd Y Grug in Aberfan and Ysgol Rhydywaun secondary school in Penywaun. These can be linked to the original case who attended Glyn Gaer School. A further two cases have been recorded in Carmarthen - grandparents of an infected case. A case has also been confirmed in the Pengam area but is not associated with the outbreak.

Clarification was sought on the different strains of Hepatitis and Members were advised that A and E are food or water borne whereas B and C are blood borne viruses.

Members were assured that to date, all the public health actions needed to control this outbreak have been taken and that the risk to the public remains low, although due to the length of the incubation period there may be further new cases.

5. HEALTH AND SAFETY ANNUAL REPORT 2015/16

Donna Jones, Service Manager, Health, Safety and Welfare, gave a presentation on her annual report (a copy of which was circulated at the meeting) which advised of the key health and safety achievements, health and safety performance for 2015/16, Carefirst Services, Health and Safety Training, Civil Claims and Priorities for 2016-17.

She made reference to the key projects during the course of the year and gave an update on the Asbestos Management Services Framework, inspection of Powered Gates - Authority Wide (to be considered later in the meeting), asbestos In Schools project, automated external defibrillators, Health and Safety Policy Review and Radon Monitoring in Schools.

With regards to the automated external defibrillators a query was raised as to their ease of use. Mrs Jones explained that it is a safe, reliable, computerised device that can analyse heart rhythms and enable a non-medically qualified person to safely deliver the lifesaving shock. It uses clear voice instructions and guides a person through each step of defibrillation and will not work if there is a heartbeat detected. Training has been provided and refresher training will continue on a regular basis.

Reference was then made to radon monitoring in schools and it was noted that radon is a natural radioactive gas. While the outside air levels are low, the gases that rise to the surface through naturally formed cracks or fissures can accumulate inside buildings that are constructed on certain rock strata and can create health hazards for their occupants. Public Health Wales required Local Authorities in Wales to participate in a national programme to monitor levels of radon gas that is naturally generated and Corporate Health and Safety Officers visited 20 schools within the borough and installed over 300 monitoring devices as part of the All Wales Public Health programme. The devices were collected after a three month period for analysis and the majority of results did not indicate any level of concern. Public Health Wales however, decided as a further measure, that three Caerphilly schools should be sampled for a further 6 months, to provide data over a different environmental period (spring and summer months). This monitoring is on-going.

Reference was then made to enforcement action during 2015/16 and it was explained that one Health and Safety Improvement Notice had been issued (Tir Y Berth Depot – Transport Safety), one Notice of Contravention (Waste - Route Risk Assessments) and 9 South Wales Fire Services notices had been received. With regards to the latter, the Notices were recorded, investigated and a response provided to the Fire Service.

By way of explanation in relation to the Health and Safety Improvement Notice, in December the Health and Safety Executive were undertaking a planned inspection of waste and refuse collection. This formed part of a national safety inspection programme, where the HSE have inspected all Local Authorities in Wales. During the visits to the Tir-y-Berth Depot, the Inspector witnessed unsafe practices by both drivers and pedestrians, which he felt were in contravention of Health and Safety Legislation. An Improvement notice was issued with a compliance date of the 14th January 2016, which required the Authority to advise how the legal contraventions would be dealt with. A detailed Action Plan which has been agreed with the HSE has been implemented and progress is being monitored by the Director of Communities.

It was accepted that this may have been exacerbated by the number of staff that have been moved to other accommodation and them not being aware of the risks associated with the building they have been relocated to (particularly in the case of working depots). It was agreed that this should be addressed as part of the accommodation rationalisation programme with Corporate Health being involved with the planning of any transitional moves.

Members were advised that the Improvement Notice was issued the same time as a legal contravention notice on waste services, due to inaccurate route risk assessments for waste, recycling and food collections. This notice does not have the same legal weight as an improvement notice and the issues raised have been addressed.

Mrs Jones then provided data on the statutory maintenance compliance statistics as they relate to electrical, legionella and gas and explained the use of the RAMIS system to monitor the information. She advised that health and safety inspections/audits are undertaken and updated onto RAMIS and corrective actions are programmed to ensure that Building Managers close out the actions with evidence. A reminder is sent if the action is not closed. An update was also provided on the accident statistics - 35% decrease from the previous year but with a 40% increase of reportable accidents (which include those that resulted in over 7 days off work).

Members were pleased to note the proactive inspections now include health and safety audits, Medical DSE Assessments as well as risk assessments and asbestos Inspections and that Contractors are vetted. Reference was also made to the data from occupational health and care first support services, to the number of health and safety training events that have taken place and to the number of civil claims recorded, none of which were taken to court.

During the course of the debate, reference was made to the HSE investigation of a near drowning incident at Newbridge Leisure Centre. The investigation concluded that there were no failings on the part of the Authority and the HSE concurred with the Authorities internal investigations of the incident and the resulting action taken. It was requested that an update on this incident be provided at the next meeting.

Going forward, Mrs Jones detailed the key priorities for 2016/17 which include the completion of the asbestos removal programme and radon testing in schools, the drug and alcohol policy, driver and vehicle safety, statutory maintenance compliance and the further development of SLA Services to Cardiff City Council.

Members thanked Mrs Jones for her informative presentation and for responding to the number of queries raised during the course of the debate.

6. SAFETY OF AUTOMATED GATES - UPDATE

Consideration was given to the report which provided an update on automatic powered access gates (as previously reported in September 2014 and February 2015). It referred to a recent case whereby a powered gate installation company has been prosecuted by the Health and Safety Executive for failing to install adequate guarding to an electric gate it installed at a primary school and the findings of an incident in Bridgend when a child was killed when she became trapped and crushed to death by an electric gate.

Members were advised that as part of the subsequent audit, a total of 10 Inspections were completed, of which 7 were primary schools. During 2015 the schools received individual reports and feedback on any remedial actions required. There is now only one school outstanding and the gates are being kept on manual operation until the relevant standards are met. Schools will be required to maintain the gates to BS EN 12453 standard and the Authority will monitor the pressure testing maintenance of the gates via the RAMIS system every two years via the school management audits.

One secondary school has installed a new set of powered gates for traffic control purposes on a compact site. The school were provided with all the necessary standards and safety requirements that they were required to meet prior to the contractor installation. These gates will be picked up on a school general inspection for compliance with the necessary BS standards and pressure testing, as all schools will be re-inspected as part of the two year rolling programme of general inspections by SLA or Core Officers.

Two further sites have also been identified, one is an Authority Depot site and one at Llancaiach Manor House. Both have been advised of the requirements to comply with the required standards. It was noted that six depots and corporate sites within the Corporate Services Directorate have been checked and it was requested that an update be provided to the next meeting on compliance with power gates on corporate sites.

A query was raised in relation to the responsibility for electric gates on industrial estates and it was noted that this would be the responsibility of the site owner. The Duty holder is responsible to ensure that their electric gates comply with the standards and are regularly pressure tested in accordance with requirements.

Members noted the content of the report and the progress that had been made.

7. CONTROL OF HAND ARM VIBRATION EXPOSURE AT WORK POLICY

It was requested that this report be deferred for consultation with the Trade Union representatives.

This course of action was agreed

8. SENTENCING GUIDELINES (MANSLAUGHTER, HEALTH AND SAFETY OFFENCES)

Consideration was given to the report which provided details of the changes to criminal sentencing guidelines for Health and Safety Offences by organisations and individuals.

Under the Coroners and Justice Act 2009, the sentencing Council has issued a definitive guideline on sentencing. The guideline applies to all organisations and offenders aged 18 or older, who are sentenced on or after 1 February 2016, regardless of the date of the offence.

The report gave an overview of the guidelines for Organisations (Breach of Duty of Employers to Employees/Non Employees, Corporate Manslaughter and Individuals (Breach of Duty of Employers to Employees/Non Employees). It was noted that as detailed in the report, the fines issued will depend on a number of factors. Individuals can be prosecuted under the Health and Safety at Work Act 1974 (section 33) for breaches under section 2, 3 and 7. Health and safety offences are concerned with failures to manage risks to health and safety and do not require proof that the offence caused any actual harm; the offence is in creating a risk of harm.

Members were advised that historically, sentences for health and safety offences in criminal courts have been relatively low in comparison with other criminal offences. In some cases the cost of the state taking the case to court has outweighed the level of fine issued. In this regard the threat of criminal action has been little deterrent to organisations who are not meeting their legal requirements in managing health and safety. The new guidelines will rectify this position and the incentive to manage health and safety and avoid breaches of duty are stronger than ever.

Members noted the content of the report.

9. INFORMATION ITEMS

The Committee noted the following items for information, full details of which were included within the Officers reports. There were no items brought forward for review.

- (1) Accident Statistics Report for January - March 2016;
- (2) Recent Health and Safety Executive Updates.

10. ATTENDANCE AT COMMITTEE MEETINGS

In view of the nature of the business to be transacted, it was requested that an Officers from each service area who have a responsibility for health and safety should attend future meeting of the committee. This would be raised with Directors

The meeting closed at 11.35am

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 21st November 2016, they were signed by the Chair.

CHAIR