



CORPORATE HEALTH AND SAFETY COMMITTEE – 24TH FEBRUARY 2015

SUBJECT: RECENT HSE UPDATES

REPORT BY: INTERIM DEPUTY CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to inform Members, Management and Trade Union Safety Representatives of recent updates in Health and Safety information, advice and guidance

2. SUMMARY

- 2.1 The following report is provided as information for members of the Committee, to ensure they are kept informed of changes to health and safety legislation and approved codes of practice which will affect the Council, as well as advising of any relevant accidents, incidents and prosecutions.

3. LINKS TO STRATEGY

- 3.1 The report is provided as information to Members of the Health and Safety Committee in line with the Council's Health and Safety Policy.

4. THE REPORT

- 4.1 The Health and Safety Executive (HSE) has published draft guidance on the legal requirements of the Construction (Design and Management) Regulations 2015 (CDM2015) that, subject to parliamentary approval, will come into force on the common commencement date of 6th April 2015. These Regulations will replace the existing CDM2007.

The new draft guidance has been published to help those with duties under the new CDM2015 Regulations to prepare in advance, and is available to view on the HSE website <http://www.hse.gov.uk/pubns/books/l153.htm>

The draft Regulations within the guidance have themselves been amended following consultation. The Regulations and the draft guidance may be subject to change while the Regulations are awaiting Parliamentary approval. However, the final version of the guidance to support CDM 2015 will be available on 6 April 2015 when the Regulations are due to come into force.

- 4.2 The HSE has published a revised (second) edition of its guidance and Approved Code of Practice publication in support of the Lifting Operations and Lifting Equipment Regulations (LOLER) 1998.

Although the Regulations themselves remain unchanged, the reviewed guidance includes

- (a) a decision 'tree' that provides the main elements that must apply to a piece of equipment for it to be subject to LOLER;
- (b) some changes to bring the guidance in line with other advice, eg. clarifying that you should not take lifting equipment within 10 m of overhead power cables;
- (c) the context and examples have been expanded to show that LOLER applies across every sector using lifting equipment, including new examples that show the impact on the health and social care sector.

The second edition of the publication is available from the HSE website:
<http://www.hse.gov.uk/pubns/books/l113.htm>

- 4.3 The HSE has also published a revised (third) edition of its guidance and Approved Code of Practice publication in support of the Confined Spaces Regulations 1997. Although the Regulations themselves remain unchanged, the revised guidance has been simplified to make the understanding and use of the document easier, particularly with clarifying the definition of a confined space.

The third edition of the publication is available from the HSE website:
<http://www.hse.gov.uk/pubns/books/l101.htm>

- 4.4 The largest local authority in the country has been fined after a refuse worker sustained leg injuries when he was trapped against a van by a reversing bin lorry.

The Street Cleansing Officer was working at Birmingham City Council's fleet and waste depot when the incident happened on 6 March 2014 that caused ligament injuries to his lower right leg.

Birmingham Magistrates' Court heard that he was trapped between the door and cab of his parked street cleansing vehicle when it was struck by a bin lorry as it reversed into a neighbouring parking space.

The Health and Safety Executive (HSE) investigation found the bin lorry had not reversed in accordance with the Council's safe working procedure and that this was not an isolated case. The Council's safe working procedure required a colleague of the driver to act as a reversing assistant to help guide the bin lorry driver during reversing manoeuvres. However, CCTV footage of vehicles reversing in the depot showed workers routinely reversing vehicles without assistance, indicating they were not worried about potential disciplinary action for not doing so. Senior management admitted there was no policy or programme of monitoring, or supervision of how employees were reversing.

Birmingham City Council pleaded guilty to breaching Section 5(1) of The Management of Health and Safety at Work Regulations 1999 that requires employers to make and give effect to such arrangements as are appropriate, having regard to the nature of his activities and the size of his undertaking, for the effective planning, organisation, control, monitoring and review of the preventive and protective measures. The Council was fined £10,000 plus £1,887 costs.

5. EQUALITIES IMPLICATIONS

- 5.1 There are no equalities implications.

6. FINANCIAL IMPLICATIONS

- 6.1 There are no financial implications.

7. PERSONNEL IMPLICATIONS

7.1 There are no personnel implications.

8. CONSULTATIONS

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

9. RECOMMENDATIONS

9.1 That the contents of the report be noted

10. REASONS FOR THE RECOMMENDATIONS

10.1 For information only.

11. STATUTORY POWER

11.1 Not applicable to this report.

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