



Minutes

Meeting of Kent and Medway Health and Safety Group

Tuesday 12th January 2010

Commencing 10:15am for 10:30am

At: Dartford Borough Council offices, Dartford

In attendance

Julian Moss - Ashford Borough Council
Nick Mayne - Canterbury City Council
Sarah Scrogie - Dover District Council

Desmond Bobb - Maidstone BC

Dave Edwards – Medway Council
Peter Lincoln - Swale Borough Council
(Chair)

Colin Heath - Thanet District Council
Paul Burlison - Tunbridge Wells Borough
Council
Mike Walters - HSE

Steve Biggs - Canterbury City Council
Chris Amey - Dartford Borough Council
Mandy Cartwright - Gravesham BC **(Vice
Chair)**

David Brown - Medway Council
(Secretary)
Vicky George - Sevenoaks District Council
Dennis Marsh - Thanet District Council

Sally Parkes - T&M Borough Council
Peter Lunn - HSE Partnership Team

Apologies

Arthur Atkins - Shepway District Council

Meeting commenced: 10:30 am
Break: 11.30-11.45am
Meeting finished: 2:15 pm

CPD Awarded:
3¼ hours core CPD
¼ hour supplementary CPD

| | | |
|----------|---|---|
| 1 | <p>Welcome</p> <p>Peter welcomed everyone to the meeting.</p> | <p>Action</p> <p>None</p> |
| 2 | <p>Apologies</p> <p>Apologies were received from:</p> <ul style="list-style-type: none"> • Arthur Atkins – Shepway District Council | <p>None</p> |
| 3 | <p>Minutes and matters arising</p> <p>Des requested that his apologies be included on the minutes of the meeting in July 2009, and that his presence be included on those for the meeting in October 2009.</p> <p>Mike Walters asked that the "route" to find the RDNA tool on the HSE website be clarified in the minutes for Octobers meeting, as LA officers would not be able to access it through the HSE intranet.</p> <p>With these changes to be made, the minutes for both the meeting on 7th July at Sittingbourne and 6th October 2009 at Dover were agreed.</p> <p>David said that he would circulate copies of the agreed minutes once he had made the requested changes.</p> <p>There were no other matters arising that were not already on the agenda.</p> | <p>David</p> |
| 4 | <p>Trading Standards</p> <p>There were no representatives from either Kent County Council's or Medway Council's Trading Standards Departments.</p> <p>David informed the group that he had not been sent anything for dissemination.</p> <p>The Group agreed that this item would be removed as a standing item from the agenda of future meetings. It would be included if the Group received anything from trading standards colleagues.</p> <p>Mike suggested that a representative from Kent Fire and Rescue service should be invited to attend.</p> <p>Mike agreed to send David details of a contact at Kent Fire and Rescue Service who could be invited to attend future meetings.</p> | <p>David</p> <p>Mike</p> |

5 Election of Secretary, Chair and Vice-Chair

David told the Group that this had been included as an Agenda item by mistake.

In previous years, these positions had been held subject to annual elections at the first meeting of the year. However, under the Terms of Reference for the Group agreed in late-2008, these positions were now held for a period of two years. Accordingly, these positions were not due for re-election until January 2011.

6 Regional Strategy Group

Peter Lunn told the Group that the Regional Strategy Group had not met since our last meeting in October 2009.

7 South East Region Partnership Forum

Peter Lunn told the Group that the South East Region Partnership Forum (SERPF) had not met since our last meeting in October 2009.

8 Feedback on Kent Fit3 projects from the Steering Groups

a) Common Approach to Vehicle Enterprise (C.A.V.E.)

Steve said that the CAVE Steering Group had not met since the pilot project in October. He said that it had been a very successful project, resulting in a number of improvement notices being served.

Steve suggested that, if this project was chosen to be included in the work plan for 2010/11 and rolled out across the county, a training event should be organised for participating officers. This would build on the experiences found during the pilot project.

Nick said that he could recall a similar event being organised in Kent a few years ago.

David added that he thought that one of the County Groups had organised a similar training event last year in conjunction with BMW.

Sally reminded the Group that a new HSG had been published on motor vehicle repair (MVR).

A free .pdf version of HSG261, *Health and safety in motor vehicle repair and associated industries*, could be downloaded from the HSE Books website here: <http://www.hse.gov.uk/pubns/priced/hsg261.pdf>

b) Asbestos Duty to Manage (DtM) II

Sally asked for completed feedback forms from authorities that had been involved in the project. This was because LACORS had requested feedback on local authority involvement/participation in the HSE's "Hidden Killer" campaign. Sally wanted to collate a response on behalf of the county. So far, she had only received forms from Canterbury, Gravesham, Swale and Medway.

Everyone agreed to complete the feedback form and return to Sally by this Friday (15th January 2010).

There was some debate about the advantages and disadvantages of paperwork associated with the project being badged with the HSE and LACORS logos. Several authorities reported that businesses didn't recognise the LACORS logo. In one case, an authority was contacted several times to check that the letters were part of a legitimate campaign.

In another, they had removed the HSE and LACORS logos and sent the letter out on council headed paper.

Sally reported that Tonbridge and Malling had redesigned their letter so that it included the HSE, LACORS and council logo.

Dave Edwards suggested that it would be better to have the HSE and LACORS "strip" as a footer, and to use normal Council headed paper.

Mike reminded the Group that the issue of "badging" was a sensitive one. Anything involving the use of flexible warrants must include the HSE and LACORS logos as this had been agreed with HSE's Local Authority Unit in Bootle. The Instant Visit Report forms and enforcement notices had already been designed in this way and must be used if an officer was using their flexible warrant. If a letter was being sent, and the authority felt that not including their Council's logo would cause confusion, then they could incorporate it, provided they still included the HSE/LACORS banner.

All**c) Workplace Transport**

Mike updated the Group on the project that had happened on 27th and 28th October. Kent Police had been heavily involved but VOSA had not. The project had utilised 4-5 HSE staff and 4 Police vehicles in North and West Kent. Over two days, a number of vehicles were stopped and several defects were identified. These included:

- No brakes on a trailer
- No mirrors on a tractor
- Vehicles with insecure loads
- A driving instructor court using their mobile phone whilst driving

These resulted in around 12 PN's and IN's being served. Around 70% of those vehicles stopped were found to be defective.

Mike added that he didn't see a single agricultural vehicle that had a no-smoking sticker in accordance with the Health Act.

d) Noise in places of entertainment

Nick reported that Dennis and he had met last Friday. Unfortunately the poor weather had prevented the other members of the Steering Group from attending.

At the meeting they had had to make an important decision to postpone the noise "boot camp" planned for Wednesday 13th January due to the poor weather. In addition, as the noise dosimeters had not arrived from the Health and Safety Laboratory (HSL) and because the project had been due to start in January, it had been decided to postpone the whole project until 2010/11, depending on the work plan to be agreed later in the meeting. The dosimeters had been re-booked with HSL for April to June 2010 and they were proposing to rearrange the boot camp for early-April 2010.

All

9 Health and Safety Executive (HSE)

LPG – Mike reported that the Kent office had only had seven premises referred to them since October regarding LPG pipework. They had expected nearer 250, and had pledged to inspect all of those to be deemed "high-risk" by 31st March 2010.

Some LA colleagues (Sevenoaks, Ashford, Tonbridge & Malling and Maidstone) reported that they had been sent details of premises from the Local Authority Unit. Mike said that he had thought that details were going to be sent out from the HSE Partnership Team.

Sally said that she would send a copy of the e-mail that she had received to Peter Lunn. Peter and/or Mike would then clarify who in HSE was supposed to be sending this information out to local authorities.

Sally

Peter requested that he be sent copies of e-mails received by other local authorities.

All

The West Kent "cluster" of LA's said that they had carried out their LPG cascade training as a single cluster. It was agreed that it would be a good idea for the other two clusters to do the same.

Thames Gateway and East Kent Clusters

Sally, Colin and David B volunteered to co-ordinate a LPG training session at King's Hill on **Wednesday 10th February 2010** to cascade the HSE training for inspectors.

All

Sally told the Group that the LPG Topic Inspection Pack was now available on the HSE Extranet:

[https://extranet.hse.gov.uk/C17/C16/Liquefied%20Petroleum%20Gas%20\(%20LPG/Document%20Library/LPG%20-%20Topic%20Inspection%20Pack%20-%20v1.1%20Oct%202009.pdf](https://extranet.hse.gov.uk/C17/C16/Liquefied%20Petroleum%20Gas%20(%20LPG/Document%20Library/LPG%20-%20Topic%20Inspection%20Pack%20-%20v1.1%20Oct%202009.pdf)

All

You would need a valid Extranet login and password to be able to access it.

Asbestos – Mike reported that Kent County Council and Medway Council would both be audited on how well they were managing asbestos in schools. This would take up a significant amount of resource.

HSAO's – The role of the Health and Safety Awareness Officers was likely to change in the next few months to incorporate their current roles with those of litigation and incident support staff. Each HSE Office would have at least 1 full time equivalent officer.

Local Career Review Group – HSE were looking to move staff on to different posts within the organisation every 3-5 years. This was because it was deemed that you would gain as much experience and expertise in a given post as you could in this time, and it would then be useful to move on.

10**Kent work plan for 2010-11**

The following projects were agreed for 2010-11:

“Seasonal” projects

Quarter 1 - Noise in places of entertainment (April – June 2010)

All

Quarter 2 - Kept clear

Quarter 3 - Common Approach to Vehicle Enterprise (C.A.V.E.)
(October – December 2010)

All

Quarter 4 – Kept clear

Yearlong projects

LPG – To be rolled out throughout 2010/11.

All

Estates Excellence – This project will involve several local authorities in 2010/11. The pilot in Swale begins in May 2010 and will continue for 12-18 months. The “trial” pilot in Medway that started in October 2009 continues until at least March 2011, with re-visits in October 2010. Flexibly-warranted officers from neighbouring authorities may be involved, especially where estates cross LA boundaries (as in Medway).

All

Asbestos Duty to Manage – Many Kent LA’s will continue with their asbestos projects throughout 2010/11.

All

Section 18 – Every Kent authority will aim to be compliant with the revised s.18 standard by end of December 2010, three months before this becomes mandatory on 1st April 2011.

All

A sub-group of representatives from each cluster (Julian, Paul, Des and Mandy volunteered) will provide a steer and help to ensure consistency. Further information is provided in the next item.

**Julian,
Paul,
Des and
Mandy**

Strategy Group (working title) – Sally suggested that a sub-group be set up to look at alternative ways of working and best practice. They would look towards other LA’s including Luton and the Hampshire local authorities for ideas on how to target limited resources on to priority areas.

Volunteers were requested to help.

All

11 Progress with section 18 compliance

David B said that Kent Environmental Health Managers has asked every LA to be compliant with the revised s.18 standard by 1st April 2010, one year before it was due to become mandatory in 2011.

Only two authorities reported that they were on-track to meet this deadline.

Accordingly, it was agreed that the deadline would have to be extended. Those authorities present agreed that everyone should be compliant with the revised s.18 standard by 31st December 2010.

Peter Lincoln said that he would inform Kent Environmental Health Managers know that we would not be able to meet the original deadline and had had to extend it.

**Peter
Lincoln**

A sub-group of representatives from each cluster (Julian, Paul, Des and Mandy) volunteered to provide a steer and help to ensure consistency. It was viewed that there were some things that each LA should do themselves, and others that LA's should work on together (e.g. a single enforcement policy for Kent).

**Julian,
Paul,
Des and
Mandy**

12 Progress with RDNA tool

Peter asked the Group how they were doing with working through the **RDNA** (*Regulators' Development Needs Analysis*) tool.

Paul confirmed that all authorised officers at Tunbridge Wells had gone through RDNA as part of their appraisal review. No other authorities had completed putting their health and safety staff through RDNA.

Mike reminded everyone that the RDNA tool should be used for assessing competence, and thereby whether an inspector should be authorized. All inspectors should be competent in the core skills, but not necessarily fully competent with all of the other topics. The tool is there to identify training needs after all.

In his experience, staff going through the tool were likely to be hard on themselves, and it was useful for Managers to go through it with them. All HSE inspectors at Ashford had gone through the RDNA process in September.

Mike told the group that anyone holding a flexible warrant should go through the RDNA tool before 31st March 2010. The group agreed that this should be a mandatory requirement for anyone holding a flexible warrant under the Kent scheme, and anyone wishing to join the scheme in the future.

All

The group agreed that it would be useful to collate the identified training needs for each authority once everyone had gone through the RDNA process. Much of the training could be delivered effectively in-house (i.e. at low-cost). It would therefore be sensible to see if common training needs could be identified and provided by this group at local training events (e.g. the annual health and safety training day)

Further information on RDNA may be found here:

<http://regulatorsdevelopment.hse.gov.uk/index.htm>

13 Flexible Warranting Scheme – Feedback from Management Team

Mike reported that the Management Team had met yesterday but that he had been unable to make the meeting.

A draft document had been produced detailing the processes for applying for a new flexible warrant and transferring a warrant to a new local authority. The competence framework was now based on the RDNA tool process. The document had to be agreed by the Management Team.

Mike reminded everyone to complete the intervention form every time the flexible warrant was used.

All

Mandy said that she had circulated a draft feedback form to every local authority. The idea was to capture information on the use of the warrants. The group agreed that the finished form/spreadsheet should be completed quarterly.

All

Dennis suggested that this could coincide with meetings of this Group.

Mandy agreed to circulate the final spreadsheet.

Mandy

Peter thanked Mandy for presenting to the Sussex Health and Safety Liaison Group on behalf of Kent.

14 Update on Primary Authority Partnerships

David informed the Group that, to date, the following companies had signed up the Primary Authority principle with regards **health and safety**:

| Company | Local Authority |
|---|---------------------------|
| Asda Stores Ltd. | City of Wakefield MDC |
| B&Q | Eastleigh Borough Council |
| Blanc Brasseries Ltd. | City of Bristol |
| Dave Whelan Sports Ltd. (DW Sports Fitness) | Wigan Council |
| Enterprise Inns Plc | Westminster City Council |
| Iceland Foods Limited | Flintshire County Council |
| Ladbrokes Betting & Gaming Ltd. | Liverpool City Council |
| TJX UK (TK Maxx and Homesense) | Watford Borough Council |

Other companies had signed up for Primary Authority regarding other issues, e.g. food safety, trading standards etc.

The up-to-date list of partnerships is available on the LBRO website here: <http://www.lbro.org.uk/lbro-projects-list-of-partnerships.html>

15 Use of Joint Warrants in relation to Circus's

Julian had requested this item be included on the agenda as he had been in contact with the lady running the Circus database on the HELA Extranet.

The Group agreed that it would be useful for everyone to input all visits to circuses on to the database, even if there were no contraventions. This would help colleagues in other authorities to decide whether or not to visit or not. Julian also suggested that if notices were served by another authority in Kent then a flexibly warranted officer could follow-up, as inevitably a circus will have moved on before an improvement notice had expired.

All

16 Excessive noise from "spinning" (fixed cycling classes)

Dennis had requested that this item be included on the agenda as he had had recent problems with noise from "spinning" classes. The combination of the noise from the machines themselves, amplified music and an instructor had led to noise levels just under 100 dB.

Sally reported that she had dealt with noise in a private gym and had found that engineering controls had dealt with the problems effectively.

17 Sharing of best practice

Nothing to report.

18 Speakers for CIEH Kent Branch AGM 2010

David reminded the Group that the Health and Safety Group was responsible for organising the speakers at the next meeting of the CIEH Kent Branch in January. This meeting also happened to be the Branch AGM.

David explained that in order to receive funding from the Chartered Institute of Environmental Health, the South East Region had pledged to organise a certain amount of CPD for CIEH members. As part of the Region, each County Group was then responsible for providing a certain amount of CPD towards the regional total.

Each of the five technical groups in Kent (Food, Housing, Health and Safety, Environmental Protection and Public Health) were therefore asked to provide low-cost activities for members that would attract CPD, including providing at least two hours at each of the Branch meetings.

In return, they could apply for funding from the Kent Branch for their activities.

David B said that David Edwards and he were prepared to give a joint presentation on the recent trial pilot of the Estates Excellence in project in Medway. In addition, Arthur had kindly volunteered to give a presentation on the mini-festival held in Shepway last year.

**David B,
David E,
Arthur &
Sally**

Sally kindly agreed to give a presentation on the Kent asbestos projects.

The Group agreed that these presentations should provide at least two hours of "core" CPD.

All

David reminded the Group that all CIEH members were welcome to attend the Branch AGM on Wednesday 27th January 2010 at Tonbridge and Malling's offices at King's Hill.

19 Exchange of information

Ashford BC – Nothing to report.

Canterbury CC – Steve reported that they had had an incident just before Christmas when 1000 litres of diesel had spilt from a tank during a filling operation. The fuel leaked into a “big top” that had been erected for a pantomime. A large clean up operation was held. Fortunately the fuel did not enter a nearby river.

Nick updated the Group on the issues they had had with a new bowling alley. They had bought second hand equipment from an alley in Denmark. None of it complied with requirements for machinery guarding or working at height. They had had very good support from HSE and a specialist inspector had written a report for them. An Improvement Notice had been served on the company.

Nick also updated the group on the incident in the nightclub where a large sheet of glass had fallen from a first floor balcony onto a customer on the dance floor below. As the incident was caused by a design flaw, Nick had contacted HSE, Environmental Health News and put a message out on EHCnet.

They had been told by the company that this design was unique, but had now found that a similar incident had occurred in another premises owned by the same company two months before.

Dartford BC – Chris updated the Group on the investigation into the fatal accident at the moto-x track in Dartford. The investigation had received excellent support from staff at Kent Police. The track had been closed voluntarily.

Chris reported that they had had an incident at a well-known chain of burger restaurants when an employee slipped on the floor. As they fell, they put their arm onto a burger grill. The RIDDOR report stated that the floor was dry, but the employee had told them that it had been wet. Five days later another employee slipped on the same floor and banged their head on equipment. Dartford were challenging the company on the suitability of their footwear and PPE.

Chris also reported that they were investigating a men’s clothing retailer at a large shopping centre. They had received a complaint that employees were climbing onto the roof of a WC compartment to access stock. The shopping centre was known to have limited storage space for some of its tenants. A visit confirmed that a clothing rail had been installed above the WC compartment. A Prohibition Notice was served, as there was no edge protection. Dartford had served another PN on the same premises a few years ago, but although the trading name was the same, the legal entity was different.

Dover DC – Sarah reported that they had had a fatal incident at a local motor racing circuit. A participant had been seriously injured during a race. Unfortunately, by the time they were notified of the incident it was too late to obtain any meaningful evidence.

Sarah asked whether any Kent LA's had signed the "pledge" to the new health and safety strategy. Mike reported that no Kent LA had signed the pledge yet.

Local authorities can sign up to pledge here:

<http://www.hse.gov.uk/strategy/pledge.htm>

All

Gravesham BC – Mandy updated the Group that the investigation into the incident at the church had been referred to the Council's legal department.

Maidstone BC – Nothing to report.

Medway Council – David E reported that the M3 database was due to be upgraded soon in order to cope with the new scoring system for health and safety. Sally reported that UNIFORM had already been upgraded.

David B reported several matters that had happened since the last meeting in October:

- Veetee Rice had been sentenced in Crown Court following the fatal incident in 2006. They had received a £140,000 fine with £20,000 costs.
- A Chinese takeaway was facing Crown Court for numerous food safety and health and safety offences, including allegedly breaching two prohibition notices and non-compliance with two improvement notices.
- "Operation Poseidon", an inspection campaign of hand car washes involving Medway Council, Kent Police, UKBA and HSE had resulted in seven of the fifteen premises visited receiving prohibition notices, mainly for dangerous electrical installations and equipment and several arrests.
- Two "Operation Unite" (joint visits to licensed premises with Medway Council's licensing officers and food/h&s officers, Kent Police and UKBA) had resulted in 2 premises being closed for health and safety (dangerous electrics) and another 4 for serious food safety contraventions.

Sevenoaks DC – Nothing to report.

Shepway DC – Nothing to report.

Swale BC – Peter reported that they had had two separate incidents at a local hardware store where children had gained access to moving parts of an escalator. The escalator had been poorly designed.

They had also been concerned about a new distribution warehouse for a supermarket chain. The chilled warehouse had opened before Christmas and no racking had been installed yet. Staff were therefore order picking for stores by hand. Swale were seeking expert advice from a HSE specialist ergonomist.

Thanet DC – Colin reported that they had had issues with a supermarket carrying out building works to extend a store. A HSE construction inspector subsequently visited and found the contractors lifting structural roof members over the customer car park whilst it was still open.

They had also received a complaint about a retail premises with no heating. The store manager confirmed that it hadn't been working for two years. An Improvement notice was served.

Tonbridge and Malling BC – Sally reported that the venue for the LPG cascade training discussed earlier in the meeting had been confirmed for **10th February 2010** at King's Hill.

All

They were also investigating an alleged exposure to asbestos.

Tunbridge Wells BC – Paul reported that they had been working closely with HPA colleagues after two cases of Legionella. Two or more cases in any six-month period are officially classified as an "outbreak". Both cases were older men and both nearly died from their illness. Both HSE and LA-enforced premises were sampled. All water samples were negative for Legionella, but there were high aerobic colony counts for three cooling towers.

They had had another case where a member of the public had fallen from their horse during an escorted hack in the countryside. They were briefly knocked unconscious. The rider had complained that the accompanying member of staff had not called an ambulance. Paul reminded the Group that there is no legal obligation for an employee or employer to call for an ambulance or provide first aid treatment for a member of the public. The legislation only refers to providing treatment for employees.

HSE – Mike reported that HSE staff had also been involved in investigating several cases of Legionella. These included the premises in Tunbridge Wells and another six cases linked to a Kent hospital.

In December, HSE tendered no evidence against a Kent local authority following the death of a contractor picking litter from the roadside. They had been struck by a vehicle. HSE were continuing with a prosecution against the contractor.

Peter Lunn said that they had interviewed applicants for the Partnership Liaison Officer post. He also confirmed that a Good Practice website was due to be launched. He would upload the asbestos training package that the Asbestos steering group had produced as an example of best practice.

20 Any other business

None.

21 **Date of meetings for 2010-2011**

It was confirmed that the next meeting of the Kent & Medway Health and Safety Group would be on **Tuesday 20th April 2010** at the HSE Office in Ashford. 9.45am for a 10am start.

Other dates for 2010 are:

- **Wednesday 27th January 2010** – CIEH Kent Branch AGM, T&M, King's Hill (CIEH members only), 2pm
- **Wednesday 10th February 2010** – LPG cascade training, T&M, King's Hill
- **Early April** (tbc) – Noise in places of entertainment "boot camp"
- **21st September 2010** – Health and Safety Training Day 2010, Ashford

I certify that these minutes are a true and accurate account of the meeting.

Signed: _____

Mr. P. Lincoln

Chair, Kent and Medway Health and Safety Group

Dated: 20th April 2010