

Health and Safety Executive Board		Paper No: HSE/08/31	
Meeting Date:	18 th June 2008	FOI Status:	Open
Type of paper:	Above the line	Exemptions:	None
Trim reference:			
Chief Executive's Report to the Board			

Fatal Incident involving Greater Manchester Police (GMP) Officer on 9 June

1. A police officer, Ian James Terry (age 32), was killed during a training exercise on 9 June at Newton Heath, Manchester. He died after being struck by a single training round discharged from a shotgun carried by a colleague. The exercise was taking place at a disused industrial premises and the officers were operating in a controlled environment using training versions of special ammunition to practise tactics designed to stop vehicles containing armed criminals.
2. The Independent Police Complaints Commission (IPCC) will carry out an independent investigation and HSE will provide support under the terms of the Work-Related Death Protocol and the Memorandum of Understanding with the IPCC. The detailed approach to the joint investigation will be agreed very shortly with the IPCC. HSE Inspectors attended the scene on the day of the incident to liaise with GMP and IPCC investigators, and this liaison will continue as the investigation develops. GMP, IPCC and HSE press officers have been co-ordinating media communications and, during the investigation, the IPCC will lead on the development of the media strategy.

Festival Fireworks

3. On Sunday 3 December 2006, a series of fires and explosions occurred at the site belonging to Festival Fireworks (UK) Ltd, at Marlie Farm, near Lewes, East Sussex, which resulted in the deaths of two members of East Sussex Fire and Rescue Service. Sussex Police, with HSE providing specialised and technical support, are leading the investigation into the circumstances surrounding these fatalities. The Police have been pursuing two major lines of enquiry:
 - The activities of Festival Fireworks leading up to and during the incident, and
 - The actions of East Sussex Fire and Rescue Services.
4. Dan Mitchell has led HSE's investigation team involving representatives from the Explosives Inspectorate (ExI), FOD South East and HSL. As a result of the team's findings, and the reports made to the Police, on 9th June 2008 the Crown Prosecution Service charged the proprietor of Festival Fireworks, Martin Winter, and his son, Nathan Winter, with manslaughter and two breaches of explosives regulations.

HMS Tireless

5. On 12 June the MoD hosted a press briefing on the release of the Board of Inquiry (BOI) report on HMS Tireless. Terry Rose (Head Wales and South West) and Jacqueline Noble (Press Office) attended. The report was a factual, no blame account of the deaths of two service personnel and serious injury to a third when a self contained oxygen generator (SCOG) exploded when fired onboard HMS Tireless in

March 2007. The submarine was on active service under the Arctic icecap at the time of the explosion.

6. While the BOI and RN Police inquiry have both concluded, there remains an ongoing investigation by MoD. This is being carried forward by V-Admiral Trevor Soar, Chief of Material (Fleet), Defence Equipment and Support (DES). The DES investigation is planned to end before the summer recess and its report will go to Ministers. This is to cover what emerged as a key item of media interest - the possibility that records relating to the logistics of the SCOGs were found to have been altered/falsified. CPS directed that HSE be made aware of the RN Police and BOI findings, and HSE will examine all the material to see whether to carry out an investigation under its own powers. HSE can only consider matters that had posed harm to GB based workers/service personnel and this remains to be determined.

ICL Public Inquiry

7. Lord Gill (Inquiry Chair) announced in April that the Inquiry into the circumstances of the Liquid Petroleum Gas (LPG) explosion and subsequent building collapse at the ICL Plastics factory in Glasgow on 11 May 2004 will start on 2 July.
8. There are five 'core participants' to the inquiry: ICL, Calor, J Gas, HSE and relatives of those killed and survivors of the tragedy. Calor and J Gas had both supplied LPG to the ICL site during its operating period.
9. The Inquiry is to be held in two stages:
 - Stage 1 starts on 2 July with a focus on determining 'factual' matters - eg the history of the site, interactions at it (including HSE visits, involvement of gas companies etc) and events on the day of the explosion. A number of HSE inspectors (both current and ex-employees) have provided written statements to the inquiry and will be called to attend as witnesses. Evidence is being provided by HSL on the forensic aspects and findings of the joint police/HSE investigation into the explosion.
 - Stage 2 of the inquiry starts on 21 October and will look at the wider issues arising from the facts established during Stage 1. These will include regulatory activities at the site by relevant enforcement agencies. Sandra Caldwell and/or I are expected to be among the HSE witnesses.
10. Several interested parties have lodged formal 'Statement of Cases' to the inquiry ahead of Stage 1 detailing the issues they believe should be considered. Lord Gill has made these publicly available on the Inquiry website <http://www.theiclinquiry.org/>. Statement of Cases submitted include those from: ICL, Calor, J Gas, HSE, relatives of those killed and survivors of the explosion, STUC, FACK, the constituency MP (Ann McKechin), Prospect, Strathclyde University, IOSH and the FBU.

Application for an Exemption to Import Asbestos

11. The consideration of Able UK's application for an exemption to import asbestos on a ship scheduled for dismantling at their Teeside Environmental Reclamation and Recycling Centre (TERRC) facility is nearly completed. We have followed HSE's policy and procedures for granting exemptions, which includes external consultation of other

government departments and key stakeholders i.e. MPs, Hartlepool Council, TUC Northern, GMB, One North East, Greenpeace and Friends of the Earth.

12. The consultation period ended on 9 May. Replies have been in support of the exemption apart from 3 objections from local residents (2 of which were received after the consultation period ended but have been taken into account). No replies were received from Greenpeace or Friends of the Earth.
13. Sandra Caldwell, as Responsible Person, considered all of the papers on 5 June and made a 'minded to grant exemption' decision which was indicated to the company. A late request to provide comments was made by a representative of Friends of Hartlepool on 5 June and, on advice from Legal Advisors Office, we have given until noon on 16 June for their submission.
14. A final decision will be made on 17/18 June.

Current Issues in Wales

15. An All Wales Convention has recently been established under the Chairmanship of Sir Emyr Jones Parry (former UK ambassador to the UN). This will consider the ground for a possible referendum on full law making powers for the National Assembly. We will monitor its work and contribute as appropriate.
16. The Minister for Health & Social Services, Mrs Edwina Hart AM, MBE, has commissioned a task and finish group to advise her on the possibility of placing provision of occupational health services onto a statutory basis. The group will be chaired by Dr Mansel Aylward; Terry Rose has been invited to join it.

Senior Recruitment

17. Deputy Chief Executive - this post was advertised widely in the media with a closing date of 20th April. Our supporting agent, Veredus, reported a high degree of interest, both from the advertising campaign and their own headhunting efforts. At the closing date there were 40 applicants of ranging experience and abilities. There was a long listing meeting on 29th May comprising of the Chair, Sandy Blair, Civil Service Commissioner Ranjit Sondhi, Veredus and I. They decided on a long list of 9. Veredus are currently conducting preliminary interviews with all 9 candidates and will present their findings to the same group who will take this number down to a workable short list on 16th June. The short listed candidates will then be assessed via psychometric and media testing and final interviews take place on 8th July. The Chair and I will inform the Board of the outcome as soon as possible thereafter.
18. Director of Communications - we have engaged Veredus to assist us with this process. At the time of going to print with this update, we are still working on a draft timetable, advertisement and application pack. A Civil Service Commissioner will be appointed to support us in this process which will follow a similar format to that of the Deputy Chief Executive. It is likely that we will advertise this post week commencing 22nd June, leading to final interviews around the beginning of August.

How and Where We Work

19. Proposals for the residual London policy presence and the outcomes from the SMT May sub-group meeting have been shared with the TU's and we will listen to their comments. Messages to staff in Rose Court and Bootle, updating them on HWWW progress and describing the next steps, will be issued after we have considered TU responses.

GEOFFREY PODGER

Annex to the Chief Executive's Report: 18 June 2008

Management

- The HSE Senior Management team meet on 4th June and discussed the monthly finance and staffing position, the health and safety performance of the HSE, the proposed guidance on worker involvement, and the Government proposals on regulatory budgets.

Operations

- 17 fatalities were reported to HSE in May. Brief details are given in Annex 2.

Significant prosecutions in May included:

- Tulip Ltd, of Caxton Way in Thetford, was fined £265,000 and ordered to pay £21,653.35 in costs for breaching section 2 (1) of the HSWA, when an employee had three of his fingers amputated in a machine used to seal plastic food packaging
- White Reclamation Ltd was fined £50,000 and ordered to pay costs of £30,000 after pleading guilty to breaching sections 2(1) and 3(1) of the HSWA.
- London Central Bus Company Ltd was fined £60,000 and ordered to pay costs of £15,347 , after pleading guilty to breaching Section 2(1) of the HSWA, when a bus cleaner, fell into a vehicle inspection pit as he attempted to use a partial pit cover as a bridge to cross from one side of the pit to the other. He suffered compression of the spine
- Hussein Jajbhay, Director of property company Amadeus Investments Ltd, was fined £20,000 and ordered to pay costs of £35,000 after pleading guilty to two charges under 37 (1) of the HSWA for failure of maintenance and failure to maintain a gas fitting in a safe condition.
- Airbags International Limited of Congleton, Cheshire, was fined £30,000 and ordered to pay £4,500 in costs to a charge under section 3 (1) of HSWA which resulted in an employee having his right arm amputated.

Myth of the Month

- Adults cannot put plasters on children.

FOI Requests

- 507 Freedom of Information requests were made to HSE in May.

Consultations

- There were no consultations exercises undertaken in May.

Events, Campaigns and Publications

- HSE launch an intensive inspection campaign to inspect farms and soft fruit growers in the North East of Scotland in order to tackle poor safety standards.

Parliamentary Business

- There were 7 PQs in May.

FATALITIES REPORTED TO HSE DURING MAY

These initial notifications are not validated in that investigation has not as yet confirmed that all the deaths were work related

AGE	REGION/AREA	INDUSTRY SECTOR	DESCRIPTION
63	Somerset	Agriculture	Crushed by hydraulic arm of a Tractor
24	Stirling	Manufacturing	Crushed when load of chipboard fell from flatbed trailer
24	-	Manufacturing	Hit in the chest by a valve discharged under pressure
76	York	Waste/Recycling	Compost heap collapsed on top of DP
49	Wakefield	Printing	Trapped in a hand fed Avocet Crosland Platen Press
55	Lanarkshire	-	Was killed when his wheelchair caught fire
68	-	Collection treatment	Bolts from the ballast weight fell on top of DP
28	South Harrow	Domestic property	Died in an explosion
24	West Sussex	Manufacturing	Waste vehicle reversed over him during collection activity
35	Oxon	Services	Fell down the stairs in his own house
56	London	Manufacturing	A metal barrier fell onto DP
53	Bristol	Construction	Fell 30ft over the cliff
45	Manchester	Engineering	Fell through a plastic rooflight
54	Manufacturing	Cornwall	Crushed by press machine
55	Dundee	Construction	Fallen from open edge of smoke extraction shaft
69	Preston	Public Transport	Bus reversed onto DP
48	Engineering/Foundry	-	Overcome by carbon dioxide