

Health and Safety Executive Board		Paper No: HSE/15/23	
Meeting Date:	25 March 2015	FOI Status:	Open
Type of paper:		Exemptions:	None
Trim reference:	2015/102069		
Chief Executive's Report to the Board			

HSE Top Regulatory Policy Committee's 'league table'

1. The Regulatory Policy Committee (RPC) is an independent body that provides the Government with external scrutiny of new regulatory and deregulatory proposals. They rate the quality of evidence and analysis assessing the impact of new proposals and check the estimates for the cost to business of new regulations.
2. Every year the RPC publish a report which includes a 'league table' of the performance of Departments and Agencies, based on how their Impact Assessments and other submissions were rated using a red/amber/green classification. HSE have performed consistently well every year since the system was set up.
3. The latest RPC report was published on 3 March, and HSE comes top in terms of submissions rated as fit for purpose (green or amber), both for 2014 and during the entire life of the current parliament. Over the whole period, 92% of HSE's submissions were rated as fit-for-purpose, compared to the average of 78% across government. Our aim will be to continue to maintain a high level of performance in the future, whatever scrutiny system is used by the next Government.
4. The latest RPC report can be found at:
<https://www.gov.uk/government/publications/securing-the-evidence-base-for-regulation-rpc-scrutiny-in-the-2010-to-2015-parliament>

Increase in Sentencing Powers of Magistrates Courts

5. Section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 came into force on 12 March 2015. This has the effect of increasing the level of fine available for Magistrates Courts to an unlimited fine (currently £20,000 for most health and safety offences). However, the increase will only apply in respect of offences committed after 12 March 2015, so it will take some time before HSE cases are affected.
6. When the provision does apply it is likely that more cases will be suitable to be dealt with by the Magistrates Court because their powers of sentence will be sufficient. This should lead to some cases being dealt with quicker and for less cost. However, HSE's view is that our most serious offences (e.g. fatalities) should still be heard in the Crown Court.
7. The Criminal Practice Direction has been amended to require a District Judge to be allocated to deal with certain types of case in which, despite the unlimited fine being available, the Magistrates Court should consider allocation to the Crown Court. The types of case include:
 - Cases involving death or significant, life changing injury or a high risk of death or significant, life-changing injury;
 - Cases where the defendant corporation has a turnover in excess of £10 million but does not exceed £250 million, and has acted in a deliberate, reckless or negligent manner;
 - Cases where the defendant corporation has a turnover in excess of £250 million;
 - Cases where the court will be expected to analyse complex company accounts;

- High profile cases or ones of an exceptionally sensitive nature.

The Management of Asbestos in Schools – the publication of a review of Department for Education policy

8. The Department for Education (DfE) published the report of its review of asbestos management in schools on 12 March. HSE and HSL staff have supported DfE colleagues throughout the review and the report's development. This has involved providing advice and assistance on the current law and its application and interpretation as it applies to asbestos in schools. We have also advised on aspects of asbestos science and measurement. Much of this has been through our active membership of DfE's Asbestos in Schools Steering Group.
9. DfE have made a number of commitments in the review. One is a commitment to improve the evidence base on current levels of asbestos exposure in the schools estate. Others focus on what DfE will do to address identified barriers to the safe and effective management of asbestos in schools, for example revising and refreshing their current guidance.
10. HSE will continue to advise and assist DfE colleagues in the implementation of these commitments as appropriate

Derogation from the EU REACH Regulation¹ to allow the supply and professional use in the UK of paint strippers based on the solvent dichloromethane (DCM)

11. HSE, working with Defra, has put in place legislation to allow the UK to take up a derogation from a Europe-wide restriction in the EU REACH Regulation on the supply and professional use of DCM-based paint stripper. This is because DCM-based paint strippers are very effective in removing paint and coatings from heritage structures, antiques and works of art and can be used safely professionally, provided users are competent and appropriate precautions are taken. The REACH Enforcement (Amendment) Regulations 2014 (S.I. 2014/2882) were laid in Parliament on 31 October 2014 and came into force on 1 December 2014. (See <http://www.legislation.gov.uk/ukSI/2014/2882/made>). HSE will be responsible for issuing certificates of competence to professional users who have completed appropriate training and who have also successfully passed an online competence-based assessment on the safe use of DCM-based paint stripper.
12. HSE together with HSL is developing an online competence scheme and the final version of the online competency test, including the issuing of the HSE certificate should be available later in the spring. Publicity about the training syllabus, details of the online competency test, and how professional users should apply will only take place once testing of the scheme has been fully completed and the online competency test is shown to be working correctly.

Importation and Disposal of Chemical Weapon Agents from Syria

13. HID played a significant role in enabling the safe disposal of around 200 tonnes of chemical weapon agents from Syria. The operation was complex and hazardous by the fact that some of the material was in very old and potentially damaged containers and details about its form were incomplete.
14. A team of 11 HID inspectors with EA and FOD support provided advice to the two chemical companies involved, the Foreign and Commonwealth Office and Ministry of

¹ Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning Registration, Evaluation, Authorisation and Restriction of Chemicals.

Defence (MoD). The team's work has enabled the work through the transport, storage and disposal process to be carried out successfully and safely.

Press coverage – responding to the downturn in oil prices

15. The Energy Supplement of the Aberdeen Press and Journal is a monthly publication. It is highly influential with the Aberdeen-based offshore community and is read by operators, support industries and the workforce alike.
16. The March issue contained a two page Q and A feature with Susan Mackenzie (Director of HID) in which she set out her expectations of industry in light of the downturn in the oil price and the associated pressure to reduce costs.
17. Key messages were the major hazard threat has not reduced, so there will be no easing of inspection or the standards expected, major hazard risk management remains central to managing any major hazard business and maintenance and asset integrity are as important for securing sustainable production as they are for safety, leadership is critical to making this happen in straitened times and involvement of the workforce remains as essential now as ever. Links were also made to the wider industry strategy to Maximise Economic Recovery in the North Sea and the work of the newly-formed Oil and Gas Authority. The article can be accessed at:
<http://edition.pagesuite-professional.co.uk/Launch.aspx?EID=3a5b0bc6-4f73-4d65-9dce-96b1a1a537ac>
18. Tony Hetherington (Head of Energy Division) featured in a similar article in Upstream – an international magazine targeted at oil and gas professionals.
19. Feedback on these and similar contributions has been very positive. HSE's position is now clear and well understood across industry and represents a very positive and coordinated communications exercise

Seveso III Directive

20. Following several years work, The Control of Major Accident Hazards Regulations 2015 which implements this directive were agreed by the Government in February following the Board's recommendation.
21. They have now been published (<http://www.legislation.gov.uk/id/uksi/2015/483>) and will come into force on the 1 June 2015. Work continues on revised guidance and communication with stakeholders and other regulators

Revision of regulatory approach to specified animal pathogens

22. In April 2013 the Board agreed to the proposal to revise the licensing, inspection and enforcement arrangements for activities involving specified animal pathogens. This was also agreed across Government (Defra, Scottish and Welsh Ministers) in June 2014. The revised arrangements involve non-legislative changes to deliver the main principles set out in the Callaghan Review (following the outbreak of foot & mouth disease in 2007) including:
 - a) Transfer of licensing responsibilities to HSE
 - b) Devising goal setting and more risk based licence conditions
 - c) A single contact point and on-line portal for contained use of specified animal pathogens, human pathogens and genetically modified organisms

The deadline for implementation of these arrangements is August 2015.

23. HSE has led the work to implement the revised SAPO arrangements. This has involved substantial effort to revise the existing licence conditions; re-write the supporting guidance; and develop on-line forms in a challenging timescale.
24. This has been successfully achieved with assistance of a core stakeholder group (including six SAPO licence holders). The revised licence conditions and guidance has been positively received by licence holders who responded to the targeted consultation in February 2015.
25. Transitional arrangements have been devised that will enable the transfer of licences to the new arrangements over a maximum period of 18 months.
26. HSE will deliver the regulation of specified animal pathogens under revised Agency Agreements and Memoranda of Understanding with Defra and the Devolved Governments. HSE, Defra and DGs believe these changes will collectively move us closer to common regulatory approach for human and animal pathogens and genetically modified organisms contained use of biological agents

Specialist Recruitment

27. HSE is actively participating in the attempts by the Scottish Government to retain top engineering talent in the UK. We have secured an opportunity to showcase our specialist vacancies at the jobs fair they have organised. This is unprecedented.
28. HSE's Chair and Director of HID took part in #notjustforboys which was aimed at encouraging young women into Science, Engineering and Construction

Agriculture SHADs

29. The 2014/15 programme of Agricultural SHADs concluded on 26 February with an event in Suffolk. The programme comprised a total of 12 events delivered across Scotland, England and Wales, with a total of 2700 farmers attending. HSE retains full control over the targeting of these events, this year was the first time that all of the administrative and delivery arrangements were contracted out, freeing up FOD time for other operational priorities. The new arrangements demonstrate that the industry has the ability to deliver this type of event with a reduced level of HSE input, and were very successful. Exit evaluation of attendees views show high levels of industry support for these events, with the overwhelming majority of attendees saying they had benefited from attending. OPSTD's Agriculture Sector is currently working on a more detailed evaluation of attendees views, and is moving towards awarding a contract for development and delivery of the 2015/16 programme of Agricultural SHADs.

Ship Recycling Facilities Regulations 2015

30. Ship Recycling Facilities Regulations 2015 were laid on 4 March 2015 and will come into force on 26 March with cross government working to tight timescales and HSE as major partner.
31. The Regulations have been laid before the election purdah and put into place an EU Directive which is based on an International Maritime Organisation Convention on ship recycling. The HSE Board were informed of work on this matter on the 2 July 2014.
32. DEFRA lead on the Regulations which set up competent authorities comprising the HSE, Environment Agency and the devolved agencies. HSE officials have worked with the other regulators to a challenging timetable in order to deliver a workable package of law and guidance. HSE will recover costs for work associated with the assessment of an application from a fixed fee included in the regulations. This is set at £4168.00 at present. The view of the relevant industry associations is that the Regulations are unlikely to impact on them to a great extent.

33. Further work to finalise a Memorandum of Understanding continues and later in 2015 implementation of the second part of the Directive relating to individual ship recycling plans will be considered. This will be led by the Department of Transport.

The Small Business, Enterprise and Employment Bill

34. The Small Business, Enterprise and Employment Bill is expected to receive Royal Assent in this Parliament. It will place a requirement on Ministers to appoint "Small Business Appeals Champions" to listed non-economic regulators, which will include HSE. The aim is to ensure clear and effective procedures are in place for businesses to challenge regulatory decisions. Currently appointments are expected to be made Autumn 2015.
35. The need to establish Champions emerged from the Government's Focus on Enforcement programme and other research, which found businesses were not always confident of a clear pathway to challenge decisions by a regulator. For example, businesses did not know how to challenge a decision, or because challenging a decision was too expensive or time consuming.
36. The role of the Champion is to make sure the associated regulator has a clear and effective process that enables businesses (particularly SMEs) to challenge regulatory decisions. Champions will not be allowed to get involved in decisions or to make recommendations in relation to individual cases.
37. They will be expected to make a report to Parliament annually, it is envisaged that for HSE this would be a short section in the HSE Annual Report which is laid before Parliament in April.
38. Draft Guidance to ensure uniformity and consistency has been prepared by the Better Regulation Executive and is currently being consulted on. This was recently presented by BRE to HSE's Small Business Trade Association Board Chaired by Frances Outram. Proposals will be taken forward in the new Parliament.

Health and Safety Legislation coming into force 6 April 2015

39. The final Common Commencement date in this Parliament for the introduction of domestically derived legislation is 6 April 2015. HSE has submitted the following legislation to Parliament for it to come into force on this date:
- The Mines Regulations 2014
 - Health and Safety and Nuclear (Fees) Regulations 2015
 - The Construction (Design and Management) Regulations 2015

Farming Prosecution

40. HSE has successfully prosecuted a dairy farming company, Betholt Ltd, and also its Managing Director Mark Holt, following its investigation into the death of a farm worker Mr Leech in July 2012. Mr Leech died from injuries sustained when he was attacked by a dairy breed bull when moving it and a group of cows around the farmyard. The case attracted considerable national publicity, partly as a result of the significant penalties imposed in the Crown Court, which were a fine of £140,000 for the company and a 4 months custodial sentence for the Managing Director (suspended for 12 months). Both parties had entered guilty pleas.
41. The particular aggravating features in this case were that the company had commissioned an external organisation to advise them on the risks and control measures of bull handling but had then simply ignored the resulting advice. They had a suitable bull pen but chose not to use it and their practices ignored the sensible advice

contained in free HSE guidance. Complacency, coupled with weak health and safety leadership by the MD were the principal causes behind this death.

42. The Agriculture Sector used the Farm Safety Partnership (FSP) and agricultural media connections to increase the dissemination of the HSE Press release and HSE advice on livestock safety. The three GB FSPs cascaded the messages to FSP members and encouraged them to further disseminate the messages across their membership and spheres of influence. While the story was newsworthy in its own right, this also provided a springboard for the FSPs to highlight their own activities to address livestock safety, and to refer members to their own campaign materials. Similarly representatives of the key agricultural media (Farmers Weekly and Farmers Guardian) have recently met with HSE and the England FSP to develop ways of using stories such as this to carry a broader health and safety message to the industry.

Carbon Monoxide Fatality – Prosecution of company in liquidation

43. HIS Energy Ltd - a subsidiary company of Saving Britain Money Limited, which is run by Neville Wilshire, star of the BBC Three documentary 'The Call Centre' - has been fined £500,000 over health and safety breaches that led to the death of a pensioner. Immediately after the company was informed by HSE that they were to be prosecuted for the incident, the business was placed in liquidation.
44. Joyce Moore, 83, died and her son Bob was left seriously ill after toxic gas fumes filled their Middleton home following botched insulation work. Mrs Moore, had received a cold call from Nationwide Energy Services offering free cavity wall insulation. The firm arranged for the work to be carried out by their sister company, HIS Energy Ltd. During the course of the insulation installation, HIS Energy's workmen inadvertently blocked the flue of the boiler at the family's home on Middleton Road on 9 October 2012. They notified bosses of the problem, but left the premises without turning the gas supply off, putting warning stickers on switches, or telling the Moores.
45. HIS Energy Ltd, pleaded not guilty, however they were not represented at the hearing at Minshull Street Crown Court on 13 February 2015 and the jury took just 10 minutes to find them guilty. Recorder Garside said staff were inadequately trained and accused the company of 'smoke and mirrors' in a bid to prevent the case coming to court. It is extremely unlikely that the fine will be paid or HSE will recover costs (although the judge ordered HSE's full costs to be paid). Nevertheless, this is an example of a case where, despite the status of the defendant, it is in the public interest to proceed in order to secure justice for the victim

Temple Lifts Ltd – Prosecution

46. After a complex and technical investigation, and considerable legal argument, Temple Lifts Ltd pleaded guilty to two charges under S3 of the HSWA which resulted from the fall of one of the lift cars at Tower Bridge, London in May 2009, which involved 10 tourists and a lift operator. Four of the occupants of the lift car suffered fractured limbs, including injuries severe enough to require screws and plates to be fitted to the bones.
47. Temple admitted that they had failed to properly maintain the lifts and failed to make a proper investigation of repeated maintenance problems, including lift bearings wearing out in only a third of their expected life and a number of reports of "scraping" noises.
48. The case is notable in that, despite the judge's remarks regarding the lateness of the guilty plea (which narrowly averted a trial of several weeks) and his making clear that he levelled no criticism of the prosecution costs (which came to almost £800,000), the penalty was set at £50,000 fine and £50,000 costs. These were the figures offered by defence counsel as an appropriate level in his mitigation presentation.
49. The costs were so great owing to the technical depth and complexity of the investigation (including HSL contributions), the volume of documentary evidence which needed to be assessed, managed and configured.

Communications Overview February 2015

Introduction

This report to the Board summarises key communications activity supporting organisational priorities for February 2015.

News and PR

Press Office's challenge of Newcastle Racecourse's 'health and safety' ban on picnics was widely praised on social media, reaching 320,000 accounts, and positively influenced the media coverage that followed. Journalists and national newspapers reported that HSE had exposed the picnic ban as a myth. Some directly quoted tweets from @H_S_E that described it as a 'lame excuse' of the type that had gone on 'furlong enough'. The racecourse later changed its decision, and stopped using health and safety in its explanation.

There was also a positive response on twitter to HSE's support of DWP's 'Not Just for Boys' campaign, aimed at energising and supporting more women to aspire to reach top jobs in all professions. Tweets showing HSE Chair Judith Hackitt and director of Hazardous Installations Directorate Susan MacKenzie supporting the #notjustforboys message were retweeted more than 100 times.

Forty seven news releases were distributed and added to the HSE website in January. There was widespread coverage of a guilty plea entered by the Scottish Fire and Rescue Service, relating to the death (investigated by HSE) of firefighter Ewan Williamson in Edinburgh 2009. Head of waste and recycling Rick Brunt was interviewed by BBC 5 Live Investigates for its programme on the safety record of the industry.

Internal Communications

The IC team launched an online survey to give colleagues the opportunity to have their say on internal communication within HSE. The anonymous survey takes only a few minutes to complete. The results, combined with future focus group activity, will help improve communication and engagement across HSE.

Our HSE@40, the campaign to mark HSE's fortieth, continues to gather momentum. One in eight colleagues are now members of the private Facebook group, while others are able to catch up with the stories and memories being shared on the page via the traditional HSE News centre route.

Communications during the period included updates on Civil Service pensions, HSE's support for the #notjustforboys campaign, IT service updates, and information on equality and diversity.

Online Consultations

No consultations began or concluded during February 2015.

Online communications and digital marketing

During February, there were 2million visitors and 2.9million visits to the HSE website; visitors are up seven per cent and visits are up five per cent from the same period last year.

In the same period eBulletins attracted about four per cent of all visits to the website, while 59 per cent of visits came from search engines.

71 per cent of visitors and 74 per cent of visits to the main HSE website were from the UK. Most common overseas visits were from the United States, India and Germany, between them accounting for 8 per cent of visits.

Online channels were used to support the promotion of a free health and safety app developed by RNF Digital Innovations Ltd in conjunction with policy colleagues. RNF works with Innovate UK (the Technology Strategy Board, a non-departmental public body reporting to BIS). Targeted at small businesses and using HSE's Toolbox guidance, the app is available through the online Apple store.

Online revisions and improvements

197 jobs were completed in February, with nearly 16,000 files and 174 PDFs uploaded to HSE's website including changes to the home page.

Work on a new ionising radiation microsite was completed and this is due to go live imminently. Other online projects completed included guidance on new COMAH Regulations, L113 Safe use of lifting equipment, Lifting Operations and Lifting Equipment Regulations 1998 and L122 Safety of pressure systems WEB and PRINT now ready to go.

More than two thousand files and 258 PDFs were uploaded to the intranet.

Fatalities, Significant Prosecutions and Statistics

Fatality details

Since the last update to the HSE Board on Wednesday 28th January 2015, there were **30** fatal accidents for 2014/15 reportable under RIDDOR and subsequently published on HSE's website. Please see [Annex 3](#) for details.

In some cases, the publication of a fatality on the HSE website and notification to the Board may be some months after the actual date of the initial incident. This is due to the verification checks that are carried out to ensure that the fatality is within HSE's enforcement remit and if so, the correct information is subsequently published. The complex nature of some fatality investigations may mean that it can take some time to verify this information.

Of the **30** fatalities listed in the current report, **14** occurred prior to December 2014. **10** fatalities occurred in December 2014, compared with **10** which occurred in December 2013. **6** fatalities occurred in January 2015, compared with **16** which occurred in January 2014.

The full list of the names of the deceased plus additional details may be viewed at: <http://www.hse.gov.uk/foi/fatalities/in-year-names.htm> .

Significant Prosecutions during the months of January and February 2015

1. [HIS Energy Ltd](#) was fined £500,000 and ordered to pay £24,968.44 in prosecution costs at Manchester Crown Court after a pensioner from Middleton died from carbon monoxide poisoning just hours after the flue on her gas boiler was blocked with cavity wall insulation.
2. [Gardiner Colours Ltd](#) was fined £66,000 and ordered to pay £50,000 in costs at Leeds Crown Court after a worker died when he was crushed beneath a one tonne silo of varnish that slid from the tines of a forklift truck and toppled onto him.
3. [South Lakeland District Council](#) was fined £120,000 and ordered to pay £50,000 in prosecution costs at Carlisle Crown Court after two women were killed by reversing rubbish trucks within a year of each other.
4. [Western Park Leicester Ltd](#) was fined £100,000 and ordered to pay a further £35,000 in costs at Leicester Crown Court after a vulnerable 85-year-old resident died from serious burns.
5. [Bilfinger Salamis UK Limited](#) was fined £100,000 by Aberdeen Sheriff Court for serious safety failings following an incident in which a worker died after plunging 23 metres from a platform into the sea.
6. [Peter Mawson Ltd](#) was fined £200,000 for a corporate manslaughter offence, £20,000 for a Health and Safety breach and ordered to pay £31,504.77 costs at Preston Crown Court. Peter Mawson, owner of the company was sentenced to eight months in prison, suspended for two years; 200 hours unpaid work; a publicity order to advertise what happened on the company website for a set period of time, and to take out a half page spread in the local newspaper following an incident in 2011 in which a man died when he fell through the roof.

7. [Environcom England Ltd](#) was fined £100,000 and ordered to pay £16,286 in costs at Lincoln Crown Court after a worker was left with a broken back when he was struck by a washing machine which fell from a grabber.
8. [D Geddes \(Contractors\) Ltd](#) was fined £200,000 by Forfar Sheriff Court after a dumper truck driver died when his vehicle reversed over a stop block to the quarry floor below.
9. [Tata Steel Ltd](#) was fined £200,000 and ordered to pay costs of £11,190 at Swansea Crown Court after three employees suffered serious burns when tonnes of molten metal spilled onto the factory floor and ignited.
10. On 8th January 2015 the [Highways Agency](#) was issued with a Crown Censure – the equivalent of a criminal prosecution – for safety failings after an experienced Traffic Officer was struck and killed by a car that went out of control on the M25.
11. [Cappagh Contractors Construction \(London\) Ltd](#) was fined a total of £130,000 and ordered to pay £70,000 in costs at Swindon Crown Court after a workman was killed by a piece of flying timber which struck him on the head while laying sewerage pipes in Swindon.
12. [European Metal Recycling Ltd](#) was fined £150,000. Stuart Cheesman and Dennis Cheesman, who were contactors, were each sentenced to eight months in prison, suspended for 18 months, ordered to carry out 100 hours of unpaid work in the community and pay costs of £3,000 each at Warwickshire Crown Court after a worker was killed when part of a 33-tonne metal barge he was dismantling collapsed on top of him.
13. [Bruce of the Broch 1886 Ltd](#) was fined £80,000, reduced to £60,000 by Peterhead Sheriff Court after a man died when he fell more than five metres through a fragile roof.
14. [Clifford Owen Yeatman](#) was fined a total of £15,000 as a director of Biogas Nord UK (Ltd) CO and RA Yeatman was fined £45,000. Farmergy Ltd was fined £10,000. Both Mr Yeatman and Farmergy Ltd were ordered to share £75,000 in costs at Dorchester Crown Court for serious safety failings after a 29 year-old worker died following exposure to toxic gases.
15. [Chessington World of Adventures Operations Ltd](#) was fined £150,000 and ordered to pay £21,614 in costs at Guildford Crown Court for safety failings that led to a four-year-old girl suffering life-changing head injuries when she fell from a raised walkway while queuing for a ride.
16. [Alumet Renewable Energy Technologies Ltd](#) was fined £66,000 and ordered to pay £12,491 in costs [Rugby Scaffolding Services Limited](#) was fined £60,000 and ordered to pay costs of £12,491 and [Midlands Solar Solutions Ltd](#) was fined £50,000 and ordered to pay £12,491 in costs at Coventry Crown Court after a worker was killed when he fell seven metres from a roof while installing solar panels.
17. [Kier MG Ltd](#) was fined a total of £160,000 and ordered to pay costs of £9,809 at Chelmsford Crown Court after an employee suffered multiple injuries when he was crushed between a truck and a skip at a site in Essex.

18. [Moonsys Technology Ltd](#) was fined a total of £70,000 and ordered to pay £20,710 in costs at Newport Crown Court after two employees suffered life-changing injuries whilst operating rotating machinery.
19. [DHL Express \(UK\) Ltd](#) was fined a total of £50,000 and ordered to pay costs of £15,698 at the Old Bailey after an HGV driver was run over by his own vehicle at a depot in Bedfordshire.
20. [Worktop Fabrications Ltd](#) was fined £20,000 and ordered to pay costs of £4,574 at Nottingham Magistrates' after an employee had to have two fingers amputated when they came into contact with an unguarded cutting blade.
21. [Tony Slade](#) was fined £20,000 and ordered to pay costs of £5,609 at Salisbury Magistrates' Court after an HGV driver was electrocuted while making a delivery to his farm.
22. [JC Bamford Excavators Ltd](#) was fined £25,000 and ordered to pay £1,390 in costs at Staffordshire Magistrates' Court after a worker was left with multiple injuries after being crushed during the assembly of a telescopic handler.
23. [Wye Valley Brewery Limited](#) was fined £20,000 and ordered to pay £9,632 in costs at Hereford Magistrates' Court after a worker suffered a broken foot when it became trapped in a rotating stirrer.
24. [David Miller Contracts Ltd](#) was fined £50,000 at Jedburgh Sheriff Court after a worker was left paralysed when he fell almost four metres through a fragile rooflight.
25. [Belvoir Associates Ltd](#) was fined £20,000 and ordered to pay £4,449 in costs at Leicester Magistrates' Court after a machine operator suffered serious hand injuries in a makeshift vacuum cleaner.
26. [Costain Ltd](#) was fined £15,000 and ordered to pay costs of £1,980 and [Bell Formwork Services Ltd](#) was fined £15,000 and ordered to pay £1,851 costs at Birmingham Magistrates' Court after a metal frame collapsed at a site in Birmingham, knocking two workers from scissor-lift platforms.
27. [European Active Projects Ltd](#) was fined a total of £15,000 with £917 in costs at Medway Magistrates' Court after exposing workers to unnecessary dangers.
28. [Interfloor Ltd](#) was fined £40,000 and ordered to pay £7,200 in prosecution costs at Preston Crown Court after a worker was badly injured when he was struck by a 300kg bale of foam.
29. [Farnbeck Ltd](#) was fined £46,660 by Edinburgh Sheriff Court after a worker had to have his arm amputated after it became trapped in a machine.
30. [ISS Facility Services Limited](#) was fined £30,000 and ordered to pay £5,490 in costs and Michael Laryea, trading as [Lamick Floor Machines](#) was fined £10,000 and ordered to pay £5,490 in costs at Chelmsford Magistrates' Court after a worker suffered a broken leg when he deliberately steered his ride-on cleaning machine into a balustrade when the brakes failed in order to avoid hitting pedestrians in Stansted airport.
31. [Phillip Mansell](#) was fined £18,000 and ordered to pay £1,495 in costs and [Shutt and Mansell Ltd](#) was fined £6,000 and ordered to pay £800 in costs at Shrewsbury

Magistrates' Court after he failed to protect both himself and others while working at height.

32. [Global Construction \(Northwest\) Ltd](#) was fined £50,000 and ordered to pay £8,595 in prosecution costs at Manchester Crown Court after a friend of a worker sustained life-changing injuries when he fell from the second floor of a partially built house.
33. [Motherwell Bridge Ltd](#) was fined £16,000 and ordered to pay costs of £ 4,000 at Swansea Magistrates' Court failings after a worker fell from scaffolding and suffered serious injuries.
34. [CLB Refrigeration Ltd](#) was fined a total of £22,500 and ordered to pay £9243 in costs at Southwark Crown Court after a fire involving a brazier and a drum of thinners led to safety breaches being uncovered at its Rainham site.
35. [Stormseal Roofing \(Nationwide\) Ltd](#) was fined £16,000 with £1,783 costs by Nottingham Magistrates' Court after a worker fell more than three metres through a fragile roof light.
36. [Mekatek Ltd](#) was fined a total of £35,000 and ordered to pay £20,000 in costs at Swansea Crown Court after the recycling site in Carmarthen was in such a dangerous condition that visiting health and safety inspectors had to issue eight notices to immediately halt a range of work activities.
37. [WCD Sleeman and Sons Ltd](#) was fined £30,000 and ordered to pay £20,000 in costs at Bristol Crown Court after a quarry blast sent rocks of up to 15 kilos flying outside a danger zone toward employees and across a public road.

FOI requests made to HSE

HSE received a total of 805 FOI requests during the months of January and February 2015.

Parliamentary Business

HSE answered 19 PQs during January and February 2015

Annex 3

The following table is an extract of all work-related deaths in 2013/14 and 2014/15 notified to HSE since the last update to the Board on Wednesday 28th January 2015 and contains fatalities notified to us in December 2014 and January 2015. It is taken from the latest "Names and details of fatalities" update published on HSE's website on Monday 2nd March 2015.

HSE's internet publication is the collated picture of 'as reported' information on fatalities. It does not purport to be a formal statistical release. Subsequent investigation may determine that some are not reportable under RIDDOR, for example deaths due to natural causes. Other deaths shown here may have been caused by gas incidents in the home. In such cases these deaths will not be counted in our statistics for workplace fatal injuries. Provisional quarterly figures for workplace fatal injuries are available from our latest quarterly injury figures and validated figures and information will only be available on publication of the annual fatality statistics for Great Britain.

Date of incident	Name	Age	Description of incident	Location	Local Authority	General Industry Sector	Detailed Standard Industry Classification (SIC)	Employment status
11/06/2014	Neal Edmonds	42	The deceased came into contact with machinery	Plymouth	Plymouth UA	Services	Defence activities	Employee
08/09/2014	Frances Burman	80	The deceased died whilst under residential nursing care	Shrewsbury	Shropshire UA	Services	Residential Nursing Care	Member of the public
01/10/2014	Saeed Akhtar	36	The deceased died whilst under residential care	Leeds	Leeds	Services	Other residential care	Member of the public
04/10/2014	John Millen	61	The deceased died whilst under residential care	West Calder	West Lothian UA	Services	Residential Care Activities	Member of the public
08/10/2014	Rita Mellor	82	The deceased died following a fall	Stonehouse	Stroud	Services	Residential Nursing Care	Member of the public
21/10/2014	Teresita Sison	58	The deceased was struck by an object	London	Kensington & Chelsea	Manufacturing	Manufacture of other apparel & accessories	Member of the public
25/10/2014	Alan Harris	75	The deceased fell from height	Dorking	Mole Valley	Water/Waste Management	Recovery of sorted materials	Member of the public

Annex 3

Date of incident	Name	Age	Description of incident	Location	Local Authority	General Industry Sector	Detailed Standard Industry Classification (SIC)	Employment status
04/11/2014	Edith Allen	87	The deceased was struck by a moving vehicle	Essex	Rochford	Water/Waste Management	Collection of non-hazardous waste	Member of the public
16/11/2014	Monica Lovatt	75	The deceased died following a fall	Stoke on Trent	Stoke on Trent	Services	General Public Administration	Member of the public
20/11/2014	Graham Stabbs	61	The deceased was struck by an object	Folkestone	Shepway	Construction	Construction of Buildings	Member of the public
21/11/2014	Tomasz Procko	22	The deceased fell from height	London	Kensington & Chelsea	Construction	Construction of Buildings	Employee
21/11/2014	Karol Szymanski	29	The deceased fell from height	London	Kensington & Chelsea	Construction	Construction of Buildings	Employee
23/11/2014	David Rogers	70	The deceased died whilst under residential care	Hull	Hull City UA	Services	Residential Care Activities	Member of the public
24/11/2014	John Glenn	56	The deceased was struck by an object	Coventry	Warwick	Services	Freight transport by road	Employee
02/12/2014	William Hayes	72	The deceased was trapped by something collapsing	Tadworth	Reigate & Banstead	Agriculture	Mixed farming	Employee
02/12/2014	Margaret Corcoran	66	The deceased was struck by a moving vehicle	Lanark	North Lanarkshire UA	Services	Retail of new goods in specialised stores	Employee
03/12/2014	Codrut Lederan	30	The deceased was trapped by something collapsing	London	Tower Hamlets	Construction	Construction of Buildings	Employee
05/12/2014	Darren Richardson	42	The deceased was struck by a moving vehicle	Sheffield	Sheffield	Construction	Construction of Buildings	Employee
06/12/2014	Javaid Iqbal	29	The deceased was asphyxiated	Wigan	Wigan	Services	Private security activities	Employee

Annex 3

Date of incident	Name	Age	Description of incident	Location	Local Authority	General Industry Sector	Detailed Standard Industry Classification (SIC)	Employment status
08/12/2014	Grace Rennie	74	The deceased died whilst under community care	Arbroath	Angus UA	Services	General Public Administration	Member of the public
10/12/2014	Benjamin Jon Edge	25	The deceased fell from height	Ramsbottom	Bury	Agriculture	Other cattle and buffaloes	Employee
13/12/2014	Kenny Leach	49	The deceased was trapped by something collapsing	Devon	Teignmouth	Construction	Civil engineering project nec	Employee
20/12/2014	Muhammed Yasin	27	The deceased was trapped by something collapsing	Manchester	Manchester	Services	Motor vehicle repair	Employee
23/12/2014	Alison Katrina Smith	51	The deceased was struck by a moving vehicle	Kilmarnock	East Ayrshire UA	Services	Other Human Health Activities	Employee
05/01/2015	Tomasz Galwas	29	The deceased fell from height	Aston	Birmingham	Services	Wholesale meat/meat products	Self employed
11/01/2015	Clive Stedman	52	The deceased fell from height	Liverpool	Liverpool	Services	Motor vehicle repair	Self employed
15/01/2015	Peter Millar	57	The deceased fell from height	Edinburgh	Edinburgh UA	Construction	Demolition	Employee
15/01/2015	Dale Pentney	19	The deceased was struck by a moving vehicle	Sevenoaks	Sevenoaks	Construction	Specialised construction not scaffolding	Employee
23/01/2015	Douglas Skinner	67	The deceased fell from height	Felixstowe	Ipswich	Services	Business support service nec	Employee
24/01/2015	Rehman Tasadat	40	The deceased fell from height	Leicester	Leicester UA	Construction	Construction of domestic buildings	Employee

UPDATE ON EU HEALTH AND SAFETY DOSSIERS

MARCH 2015 UPDATE ON EU HEALTH AND SAFETY DOSSIERS

This annex to the Chief Executive’s Report provides the Board with a monthly update on progress with EU health and safety dossiers that HSE leads on for HMG or other dossiers that HSE has an interest in but not the lead. To help the Board keep track of developments, each dossier is either marked ‘**UNCHANGED FROM LAST BOARD UPDATE**’ or ‘**NEW DEVELOPMENTS**’. For further information about this annex, please contact Stephen Taylor, EU Coordinator in HSE’s International Unit (Tel: 020 7227 3830 or e-mail: stephen.taylor@hse.gsi.ov.uk)

SOCIAL DIALOGUE:

EMPLOYMENT AND SOCIAL AFFAIRS DOSSIER:

Reviewing the Working Time Directive	
Current status (NEW DEVELOPMENTS):	
<p>In September 2009, the European Commission (EC) announced its commitment to review the Working Time Directive, following the collapse of the previous round of negotiations on amending the Directive in April 2009. There have since been two rounds of social partner consultation on options for the Directive, and a failed attempt by the social partners to reach an agreement on the Directive. The EC has since written to member states to ask for their formal reports on implementation of the Directive. The United Kingdom (UK) response sets out its views on the legal interpretation, monitoring and impact of the Directive. It also sets out what changes the UK is seeking. The UK also responded to an EC consultation on the impact and the future of the Directive in February this year. This set out the UK view that the Directive is outdated, particularly in relation to more flexible working patterns and certain professions, and that more autonomy is needed for member states to tailor its implementation according to national circumstances. HSE has a role in enforcing the domestic regulation that transposes the Directive.</p>	
Lead Department	BIS
HSE contact	<p>HSE SCS Lead – David Sowerby HSE Policy Lead – Tanya Stewart, Field Operations Directorate, 0151 951 5851, tanya.stewart@hse.gsi.gov.uk HSE SCS Lawyer – Hilton Leslie</p>

PRE-PROPOSAL**EMPLOYMENT AND SOCIAL AFFAIRS DOSSIER:**

Potential implementation of social partners agreement on the prevention of health risks in the hairdressing sector	
Current status (NEW DEVELOPMENTS): The European Union level hairdressing sectoral social partners are currently amending their agreement on the protection of occupational safety and health with the intention of resubmitting it to the European Commission (EC). The EC has announced that a resubmitted agreement would be subject to an impact assessment before any decision on potentially forwarding it to the Council for a decision on implementation by a directive.	
Lead Department HSE contact	HSE SCS Lead – Kevin Myers Policy Lead – Cameron Adam, Operational Strategy Division, 0141 275 3096, cameron.adam@hse.gsi.gov.uk SCS Lawyer – Hilton Leslie

UNDER NEGOTIATION:**ENTERPRISE AND INDUSTRY DOSSIERS:**

Proposed Regulation on Product Safety and Market Surveillance	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has published a proposal for a regulation on product safety and market surveillance as part of a coherent package to cover the market surveillance of industrial and consumer products, including explosives for civil use which is a HSE lead. It seeks to simplify the EU's market surveillance framework for manufacturers and market surveillance authorities. The proposal contains powers of product recall, specifies equal priority to dealing with administrative breaches, strengthens the obligation to respond to issues raised by other member states and explicitly makes provision for the ability to charge fees to cover the costs of market surveillance activities. HSE is acting as an advisor to the Department for Business, Innovation and Skills, the lead on the proposal. A similar proposal has been made on consumer product safety.	
Lead Department HSE contact	BIS HSE SCS Leads – Kären Clayton, Peter Brown HSE Policy Leads – Pete Lennon, Work Environment, Radiation and Gas Division, 0151 951 3014, peter.lennon@hse.gsi.gov.uk , and Debra Owen, Major Hazards Policy Division, 0151 951 3863, debra.owen@hse.gsi.gov.uk HSE SCS Lawyer – Hilton Leslie

Proposed Regulation on Personal Protective Equipment (replace the Personal Protective Equipment (supply) Directive (89/686/EC))	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has published a proposal to replace the Personal Protective Equipment (supply) Directive with a European Regulation. The proposal will bring the supply side requirements of the Directive into line with the European Regulation on accreditation and market surveillance of products. Negotiations have now begun. HSE is acting as an advisor to the Department for Business, Innovation and Skills, the lead on the proposal. Negotiations are not expected to be complete until late 2015.	
Lead Department HSE contact	BIS HSE SCS Lead – Kären Clayton HSE Policy Lead – Pete Lennon, Work Environment, Radiation and Gas Division, 0151 951 3014, peter.lennon@hse.gsi.gov.uk HSE SCS Lawyer – Hilton Leslie

ENVIRONMENT DOSSIER:

Proposed Commission Delegated Regulation amending Annex I to the European Regulation on the export and import of hazardous chemicals	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has published a proposal for further amendments to Annex I of the recast European Regulation on the export of import of hazardous chemicals (649/2012), which came into effect on 1 March 2014. The proposal would add nine substances, 1,1-dichloroethene, 1,1,2-trichloroethane, 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane, dibutyltin compounds, dioctyltin compounds, lead compounds, pentachloroethane and trichlorobenzene to Part 1 of Annex I, meaning that importing countries would have to be notified before export. A further substance, endosulfan, is removed from Part 1 to correctly reflect its regulatory status. The proposal adds one substance, fenbutatin oxide, to Parts 1 and 2 of Annex I making it subject to export notification and explicit consent to import from the importing country. A further two substances, already listed in Part 1 of Annex I, commercial pentabromodiphenyl ether and commercial octabromodiphenyl ether, are proposed for inclusion in Part 3 meaning that, in addition to export notification, they would also require the explicit consent of the importing country. Regulation 649/2012 delegates to the Commission the power to amend the annexes, so the proposals are not subject to a vote. However, they were discussed at the Regulation’s Designated National Authorities meeting on 1 October and the Commission invited further comments to be submitted by 17 October. The proposed amendments are expected to apply from early 2015.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7556 3533, robin.foster@hse.gsi.gov.uk SCS Lawyer – Peter Loosley

HEALTH AND FOOD SAFETY DOSSIER:

<p>Proposed Commission Implementing Regulations for the approval of six active substances under the European Regulation on marketing and use of biocidal products (528/2012)</p>	
<p>Current status (NEW DEVELOPMENTS):</p> <p>The March 2015 meeting of the Standing Committee on Biocidal Products is scheduled to vote on the approval of two active substances under the European Biocides Regulation. These are folpet and copper pyrithione. The meeting is also scheduled to vote on a Commission Decision determining that a series of products are not biocidal products, and so do not require authorisation under biocides legislation. These are <i>‘bacterial cultures intended to reduce organic solids’ and to be placed on the market for that purpose, and ‘a polydimethylsiloxane-based formulation’ for controlling mosquitoes’</i>. The Standing Committee will also discuss a further four active substances on which a vote cannot be taken at the meeting because the required World Trade Organisation (WTO) consultation on the draft measures runs until 23 March. The Standing Committee will be asked to deliver an opinion, through the written procedure, on Glutaraldehyde, N,N-Methylenebismorpholine, 2-methylisothiazol-3(2H)-one and clothianidin, shortly after the end of the WTO consultation process. It will also consider a request by Finland to limit ‘mutual recognition’ of the authorisation of rodenticide products containing the Second Generation Anticoagulant active substance brodifacoum. Votes of this kind are technical, frequent and routine. Officials from HSE attend these meetings and vote on behalf of the United Kingdom. Ministerial clearance for the voting line is currently being sought.</p>	
<p>Lead Department HSE contact</p>	<p>HSE SCS Lead – Kären Clayton Policy Lead – Leo McDaid, Long Latency Health Risks Division, 020 7556 3531, leo.mcdaid@hse.gsi.gov.uk SCS Lawyer – Peter Loosley</p>

TRANSPORT DOSSIER:

Proposed Regulation on Cableways Installations (replace Directive on Cableways Installations (2000/09/EC))	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has published a proposal to replace the Cableways Directive with a European Regulation. The proposal will bring the supply side requirements of the Directive into line with the European Regulation on accreditation and market surveillance of products. Negotiations are ongoing. HSE is acting as an advisor to the Department for Transport, the lead on the proposal. Negotiations are not expected to be complete until late 2015.	
Lead Department HSE contact	DfT HSE SCS Lead – Kären Clayton HSE Policy Lead – Pete Lennon, Work Environment, Radiation and Gas Division, 0151 951 3014, peter.lennon@hse.gsi.gov.uk HSE SCS Lawyer – Hilton Leslie

UNDER IMPLEMENTATION:**EMPLOYMENT AND SOCIAL AFFAIRS DOSSIERS:**

Directive on electromagnetic fields (2013/35/EU)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The adopted Directive was published on 29 June 2013 and requires transposition by 1 July 2016. It replaces the 2004 Electromagnetic Fields Directive. HSE is continuing to work with stakeholders to develop guidance and to assess the impact of the Directive.	
Lead Department HSE contact	HSE SCS Lead – Clive Fleming Policy Lead – Clare McNicholas, Work Environment, Radiation and Gas Division, 0151 951 3972, clare.mcnicholas@hse.gsi.gov.uk SCS Lawyer – Hilton Leslie

Directive (2014/27/EU) to amend certain health and safety at work directives to align them with the European Regulation on classification, labelling and packaging of substances and mixtures (1272/2008)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The Regulations to transpose the Directive in Great Britain (the Classification, Labelling and Packaging of Chemicals (Amendments to Secondary Legislation) Regulations 2015) were made on 19 January 2015 and come into force on 1 June 2015, the transposition deadline. Northern Ireland and Gibraltar are still to make their transposing regulations.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton

	Policy Lead – Sarah Mallagh, Long Latency Health Risks Division, 0151 951 4560, sarah.mallagh@hse.gsi.gov.uk SCS Lawyer – Peter Loosley
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INDUSTRY AND ENTERPRISE DOSSIER:

Directives on explosives for civil use (2014/28/EU), lifts (2014/33/EU), low voltage (2014/35/EU), pressure equipment (2014/68/EU), simple pressure vessels (2014/29/EU) and pyrotechnics (2013/29/EU) (recasts)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): Recast directives on pyrotechnics, explosives for civil use, lifts, low voltage, pressure equipment, and simple pressure vessels have been adopted. These directives bring their existing supply side requirements into line with the European Regulation on accreditation and market surveillance of products. The recast of the Pressure Equipment Directive also brings it into line with the European Regulation on classification, labelling and packaging of substances and mixtures. While the Department for Business, Innovation and Skills is leading on implementation of the package overall, HSE is leading on implementation of the Explosives for Civil Use Directive element. The majority of the directives will be implemented by April 2016 (the explosives Directive by 20 April 2016). On implementation of the explosives Directive, the United Kingdom, alongside other member states, has sought clarification on several technical matters from the European Commission, including on the scope of the Directive, which may impact on the work. We are still awaiting a formal response from the EC on the issues raised.	
Lead Department HSE contact	BIS HSE SCS Lead – Kären Clayton, Peter Brown HSE Policy Leads – Pete Lennon, Work Environment, Radiation and Gas Division, 0151 951 3014, peter.lennon@hse.gsi.gov.uk , and Debra Owen, Major Hazards Policy Division, 0151 951 3863, debra.owen@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley

ENVIRONMENT DOSSIER:

Directive on control of major accident hazards involving dangerous substances (2012/18/EU)	
Current status (NEW DEVELOPMENTS): The adopted Directive was published on 24 July, and replaces Directive 96/82/EC, as amended by Directive 2003/105/EC. It brings existing 'Seveso' requirements into line with the European Regulation on classification, labelling and packaging of substances and mixtures. It also modernises existing public information requirements, including bringing them into line with the Aarhus Convention on public information, public participation and access to justice for environmental matters. Directive 2012/18/EC requires transposition by 31 May 2015, except one provision which relates to Heavy Fuel Oil which requires transposition by 14 February 2014 and which has now been completed. The new Control of Major Accident Hazards Regulations 2015 were laid before Parliament on 9 March and come into force on 1 June. Similar regulations are still required in Northern Ireland and Gibraltar. New land-use planning regulations are also required.	
Lead Department HSE contact	HSE SCS Lead – Peter Brown

	Policy Lead – Sandra Ashcroft, Major Hazards Policy Division, 0151 951 3531, sandra.ashcroft@hse.gsi.gov.uk SCS Lawyer – Hilton Leslie
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ENERGY DOSSIER:

Directive on safety of offshore oil and gas drilling operations (2013/30/EU)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The adopted Directive was published on 28 June 2013 and requires transposition by 19 July 2015. The Department for Energy and Climate Change and HSE are working together to transpose the Directive. The public consultation on proposals to transpose the Directive ended on the 24 September and following analysis of the responses DECC and HSE have held meetings with industry to discuss any amended proposals and finalise the implementation approach. A decision was subsequently made that the competent authority will be the DECC/HSE partnership model. The proposed transposing regulations are awaiting clearance.	
Lead Department HSE contact	DECC HSE SCS Lead – Peter Brown HSE Policy Lead – Jim Neilson, Major Hazards Policy Division, 0151 951 4434, jim.neilson@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley

EURATOM DOSSIER:

Directive on Basic Safety Standards for Radiological Protection (2013/59/Euratom)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The adopted Directive was published on 17 January 2014 and requires transposition by 6 February 2018. The Directive will replace a number of directives, decisions, regulations and recommendations dealing with radiological protection. Although the Department for Energy and Climate Change is in the lead, the Directive will require several government bodies, including HSE, to update existing regulatory requirements. HSE has established governance arrangements for its implementation of the Directive and held an event with stakeholders in November to discuss some preliminary proposals for implementing the Directive. It was agreed at the event that further work is required, and HSE will continue to work with stakeholders to discuss implementation issues.	
Lead Department HSE contact	DECC HSE SCS Lead – Kären Clayton Policy Lead – Clare McNicholas, Work Environment, Radiation and Gas Division, 0151 951 3972, clare.mcnicholas@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley