

# Partnership on Health And Safety in Scotland

## Purpose of the Paper

To provide the following update on HSE's activities since the August meeting.

### ICL Explosion

On 28 August 2007, ICL Plastics Ltd and ICL Tech Ltd pled guilty to two breaches of the Health and Safety at Work Act and each were fined £200,000. The Judge Lord Brodie clearly explained that the fine did not equate in any way to the value of loss of life but he had considered the declared financial status of the companies, and allow them to maintain employment. At the completion of these criminal proceedings, the Lord Advocate announced that a decision would be made, in consultation with the Secretary of State and HSC, on the format of an inquiry in public.

In early September, a report on "the Stockline disaster" was published. The authors of the report did not allow HSE or the companies to comment. HSE reject the findings of the report but have decided not to engage in a point-by-point rebuttal, as this would give it credence it does not merit.

The Lord Advocate The First Minister, Peter Hain (Secretary of State DWP), Lord McKenzie (Minister of State, DWP) Des Browne (Secretary of State, Scotland Office) separately met with some of the bereaved families in order to seek their views on the format of the inquiry. On 1 October 2007 a joint announcement was made that, there would be a Public Inquiry set up under the Inquiries Act 2005 jointly sponsored by DWP and Crown Office. The terms of reference are to be agreed.

This will be the first jointly sponsored Inquiry set up under the 2005 Act.

### Crown Censure

The Health and Safety Executive (HSE) called HM Revenue and Customs (HMRC) to a Crown Censure Monday 22 October 2007, for failure to comply with a Crown Improvement Notice and failure to ensure reasonable thermal comfort in a call centre in Bathgate, West Lothian. Whilst criminal proceedings cannot not be taken against the Crown, administrative procedures, known as Crown Censures, are used in circumstances where it is HSE's opinion that, but for Crown immunity, there would have been sufficient evidence to provide a realistic prospect of conviction in the courts.

Following the hearing, a press release was issued and Stewart Campbell commented as following:

"This is an important issue for the HMRC workers in Bathgate and the problem arose from the conversion of what were industrial premises with ventilation designed for the factory process into office premises. HMRC took too long to take the matter seriously but I was pleased to hear the Department's determination now to establish improved working conditions. HSE will continue to monitor the situation"

### Buncefield Update

In response to Buncefield and other incidents, the COMAH Competent Authority has developed a 'Containment Policy' to set out the key principles relating to the bulk storage of hazardous liquids. The policy describes measures to improve the protection of people and the environment, both on and off-site, as well as the safeguarding the supply of fuels and chemicals to the country as a whole. The Buncefield's Investigation Board's response is available on the HSE Website.

### Fatal Accidents – September and October 2007

Field Operations Division (FOD) Scotland has been notified of eight fatal accidents during September and October. Three of those accidents were in the construction industry. The cause of the accidents were fall (2), drowning (2), crushing (2), fire/explosion and transport. Five of the deceased were employees, one self-employed and two were members of the public.