

NORTH LANARKSHIRE COUNCIL
REPORT

To: ENVIRONMENTAL SERVICES COMMITTEE		Subject: GLASGOW BIN LORRY FATAL ACCIDENT INQUIRY (FAI) – UPDATE OF NLC ACTIVITY
From: ACTING EXECUTIVE DIRECTOR OF REGENERATION AND ENVIRONMENTAL SERVICES		
Date: 26 APRIL 2016	Ref: GJ/KW	

1. INTRODUCTION

The purpose of this report is to provide a summary of the Glasgow bin lorry FAI recommendations, and an update of actions taken by North Lanarkshire Council. Kenneth Wilson, Head of Environment and Estates, was called as a witness to give evidence at the FAI, providing information on NLC's activities relevant to the inquiry. Six people died and seventeen were injured in the accident which occurred on 22 December 2014.

2. FATAL ACCIDENT INQUIRY REPORT

- 2.1 The FAI report was published in December 2015. It identified 8 reasonable precautions (Appendix 1) which may have averted the accident and made 19 recommendations (Appendix 2). The Sheriff raised 3 further matters for consideration by the relevant authorities (Appendix 3).
- 2.2 The accident was due to the driver losing control of the bin lorry when he suffered an episode of neurocardiogenic syncope (temporarily fainted). The two refuse collectors who accompanied the driver only had a second or two to react. Both crew members were non drivers and not familiar with the controls of the vehicle. Sitting on a bench seat behind the driver, it may have been possible for one of the crew to have reached the handbrake on the dash board. However, it would have involved the crew member removing their seat belt and performing an awkward manoeuvre in an unstable vehicle. The report states that the instinct for survival would have directed the crew member away from doing so.
- 2.3 The recommendations include a call on the government to review the law governing the non-disclosure of medical information. Had the driver fully disclosed his medical history the incident may have been avoided. The Department for Transport has been asked to examine if doctors should be under an obligation to report fitness to drive concerns to the DVLA. The existing fitness to drive rules are open to abuse and not fit for purpose. No one has ever been prosecuted for giving a false declaration.

2.4 A number of recommendations were aimed at Glasgow City Council and other Local Authorities. These included:

- Providing non driving crew members with basic training on steering and braking systems.
- New lorries should be fitted with Automatic Emergency Braking Systems (AEBS) and where reasonably practical to do so, AEBS should be retro fitted to existing vehicles.
- Vehicle routes should be examined so as to minimise the number of people potentially at risk should a driver lose control of a bin lorry, and
- Recruitment processes should be reviewed to ensure that employment does not commence until references have been received. Improvements may include having focussed health questions within reference requests for drivers.

2.5 The DVLA has been asked to redouble its efforts to raise awareness of the implications of medical conditions for fitness to drive amongst the medical profession. Its "At a Glance Guide to Medical Standards of Fitness to Drive" booklet needs to be reviewed to better clarify issues surrounding 'loss of consciousnesses'. The DVLA should also change its policy on notification of fitness to drive information received from third parties e.g. the Police.

2.6 The Procurator Fiscal Service should consider reviewing the prosecution regime for breaches of the Road Traffic Act with regards to the current self-reporting system for fitness to drive.

2.7 Occupational health doctors performing DVLA driver medical examinations and filling in DVLA form D4, should consider requiring drivers to sign a consent form permitting release by any GP relevant medical records to the occupational health doctor.

3. NLC ACTIONS TO DATE

3.1 Bin Lorry Design

- NLC crews sit alongside the drivers in 33 out of the 35 fleet vehicles. By May 2016 all crews will sit alongside the driver, providing easier access to the vehicles' controls in the event of an emergency.
- Eight new bin lorries have been ordered and will come fitted with AEBS in line with newly introduced legislation.
- Mercedes Benz has confirmed that it is not technically possible to retro fit AEBS to NLC's 24 existing Mercedes bin lorries.
- NLC bin lorries are fitted with 4 way camera systems to provide drivers with improved all round visibility.
- NLC bin lorries are fitted with onboard weighing systems to help the driver avoid overloading the vehicle.
- By May 2016, all NLC bin lorries will have low entry cabs which further reduce blind spots for pedestrians and cyclists.
- As an added precaution to prevent runaway vehicles, the eight new bin lorries will arrive fitted with a system to alert the driver should the driver's door be opened whilst the handbrake is off.
- Tracker systems are fitted to all NLC lorries, which allows the council to monitor speeding, idling and vehicle movements, and

- Although not part of the recommendations, NLC are retro fitting vehicles with a 'drive-lock' system which prevents the vehicle being driven away whilst the driver is working in the vicinity of the vehicle.

3.2 Training

- Consultation will take place with workforce representatives prior to NLC rolling out its newly drafted safe system of work for crews in the event of an emergency. In line with the FAI recommendations, non driving crew members will be given familiarisation with steering and braking system controls. This will provide crews with increased knowledge, allowing them to make an informed decision should they find themselves in an emergency situation.
- A trial was conducted at the Bellshill Depot whereby a bin lorry was driven to a speed of 29 mph on several occasions and then the handbrake applied. On each occasion the bin lorry came to a controlled stop without skidding. The surface was flat and the conditions were dry.
- Drivers have all completed their Driver Certificate of Professional Competence training in line with current legislation, and
- Reversing guidance refresher training is routinely rolled out to drivers and crews. A new print run of Vehicle Register books, used by drivers to record vehicle daily checks, has been ordered with reversing guidelines now printed on the outer rear cover. The guidelines will therefore be readily visible in the cab to drivers and crew members.

3.3 References, Medicals, Health and Driving Licence Checks

- NLC ensures that references are received before employment starts.
- Drivers aged 45 and over are instructed to take their DVLA D4 medical form to their own GP for completion, rather than using the council's medical partner HML (Health Management Limited).
- Consideration is being given to introducing a system of annual medical checks for Large Goods Vehicle drivers regardless of age.
- CPR (resuscitation) training has been rolled out to employees.
- Defibrillators have been installed at depots.
- The council is planning to pilot alcohol testing procedures in 2016 aimed at drivers within Waste Management, Environment and Cemeteries, Fleet Management and Countryside and Landscapes. A committee report seeking authorisation to introduce the pilot scheme is being submitted to the April 2016 Environmental Services Committee.
- Drivers are required to complete second job declarations, which allow the council to ensure that drivers comply with both transport law and working time directive legislation.
- Driving licences are checked via the recently procured Driver Check System which sources licence details directly from the DVLA. This allows NLC to ensure licences are up to date, thereby fulfilling its legal obligations.

3.4 Route Safety Reviews

- NLC has route risk assessments for its bin lorries. The route risk assessments are regularly revisited and have been checked again to ensure that they embrace the FAI recommendation that routes be timed to avoid large concentrations of pedestrians. At the inquiry, Kenneth Wilson (NLC's Head of Environment and Estates) explained that: "Every street in North Lanarkshire is subject to individual

street risk assessment using a standard form which would enumerate the range of risks at different road speeds, traffic flow rates, spacing and parked vehicles. A grid identified nine hazards which should be considered, i.e. schools, play areas, blind bends, poor visibility, markets, steep inclines, adverse camber, concealed entrances and aged person facilities. A table lists hazards associated with effects of pedestrians and man-made obstructions which specify amongst others: schools, play areas, community centres, shopping centres and markets traders. The form invites consideration of whether activity around schools, play areas and community centres are changeable in school holidays or permanent. NLC uses a standard risk matrix with a view to evaluating risk consistently”.

- The FAI report states that NLC’s approach to route risk assessment should be seen as best practice.

4. RECOMMENDATIONS

The Environmental Services Committee are asked to note the report and the actions taken by North Lanarkshire Council in relation to the recommendations made by the Glasgow bin lorry fatal accident inquiry.



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FATAL ACCIDENT INQUIRY – REASONABLE PRECAUTIONS WHICH MIGHT HAVE BEEN TAKEN

(Text and numbering system extracted from FAI report)

3.1 For Mr Clarke to have told the whole truth to Dr McKaig, Dr Lyons and Dr Langan about what had occurred on 7 April 2010.

3.2 For Dr Lyons to have advised Mr Clarke to notify DVLA given what he was told on 8 April following the incident on 7 April 2010.

3.3 For Dr Langan to have clarified with Dr Lyons the circumstances of Mr Clarke's faint on 7 April 2010 before concluding that he had suffered a simple faint.

3.4 For Mr Clarke to have provided true and accurate information in completing an occupational health questionnaire in connection with his application for employment with Glasgow City Council in December 2010.

3.5 For First Glasgow to have provided a full, accurate and fair employment reference to Glasgow City Council in respect of Mr Clarke's application for employment.

3.6 For Mr Clarke to have provided true and accurate information about his medical history on BUPA medical questionnaires in December 2011.

3.7 For Mr Clarke to have disclosed the incident of 7 April 2010 in DVLA form D47 and to Dr Willox in December 2011.

3.8 For Mr Clarke, after fainting at the wheel of his bus on 7 April 2010, to have refrained from continuing to drive buses and to have refrained from seeking further employment as a group 2 driver in the absence of his having told the truth to doctors and without having acted upon the advice which would have been forthcoming, and thereafter without making his relevant medical history known to Glasgow City Council to the extent required in its recruitment, appointment and promotion processes.

FATAL ACCIDENT INQUIRY RECOMMENDATIONS

(Text and numbering system extracted from FAI report)

Recommendations

5.1 Doctors generally, and general practitioners in particular, should take steps to ensure that medical notes are made and kept in such a way as to maximise their ability to identify repeated episodes of loss of consciousness, loss of or altered awareness, in the case of patients who are or may become drivers.

5.2 When a doctor is advising an organisation employing a driver as to that driver's fitness to drive following a medical incident whilst driving, that organisation should provide all available information about the incident to the doctor and the doctor should insist on having it prior to giving advice to the organisation and the driver.

5.3 Glasgow City Council, when employing a driver, should not allow employment to commence before references sought have been received.

5.4 Glasgow City Council should carry out an internal review of its employment processes with a view to ascertaining potential areas for improvement in relation to checking medical and sickness absence information provided by applicants, for example by having focussed health questions within reference requests for drivers and obtaining medical reports in relation to health related driving issues from applicants' GPs.

5.5 Glasgow City Council should provide its refuse collection operators with some basic training to familiarise them with the steering and braking mechanisms of the vehicles in which they work.

5.6 Local Authorities and any other organisations which collect refuse, when sourcing and purchasing refuse collection vehicles which are large goods vehicles, should seek to have AEBS fitted to those vehicles wherever it is reasonably practicable to do so.

5.7 Local Authorities and any other organisations which collect refuse, and which currently have large goods vehicles without AEBS but to which AEBS could be retrofitted, should explore the possibility of retrofitting with the respective manufacturer.

5.8 Glasgow City Council should seek to identify routes between refuse collection points which, so far as is reasonably practicable, minimise the number of people who would be at risk should control be lost of a refuse collection lorry.

5.9 The potential for the presence of exceptional numbers of pedestrians at particular times should be taken account of as part of route risk assessment in refuse collection.

5.10 The Driver and Vehicle Licensing Agency (DVLA) should satisfy itself as to precisely what the categorisation is intended to mean and to achieve in the loss of consciousness/loss of or altered awareness section of the guidance contained in its "At a Glance Guide to the Current Medical Standards of Fitness to Drive." ("at a glance")

5.11 Having done so, DVLA should then ensure that the meaning is made clear to those who apply the guidance in practice.

5.12 DVLA should consider if a flow chart could be provided to guide doctors through the categorisations contained in the loss of consciousness/loss of or altered awareness section of "at a glance."

5.13 DVLA should consider whether the section of "at a glance" on loss of consciousness/loss of or altered awareness gives sufficient weight to the absence of prodrome given its significance for road safety.

5.14 DVLA should consider whether the section of "at a glance" on loss of consciousness/loss of or altered awareness gives sufficient weight to a medical event occurring at the wheel of a vehicle and its consequences.

5.15 DVLA should change its policy on notification from third parties so that relevant fitness to drive information from ostensibly reliable sources, such as the police, can be investigated whether or not it comes in written form.

5.16 DVLA should redouble its efforts to raise awareness of the implications of medical conditions for fitness to drive amongst the medical profession.

5.17 The Secretary of State for Transport should instigate a consultation on how best to ensure the completeness and accuracy of the information available to DVLA in making fitness to drive licensing decisions with a view to making legislative change.

5.18 Part of this exercise should involve considering increasing the penalties and altering the mode of prosecution for contravention of section 94 of the Road Traffic Act 1988.

5.19 The Secretary of State for Transport should instigate a consultation on whether it is appropriate that doctors should be given greater freedom, by the General Medical Council, or an obligation, by Parliament, to report fitness to drive concerns directly to DVLA.

FATAL ACCIDENT INQUIRY - MATTERS FOR CONSIDERATION

(Text and numbering system extracted from FAI report)

Matters for consideration:

6.1 Occupational health doctors performing D4 examinations and providing advice to employers on applicant drivers, and employers of drivers who facilitate their staff applying for renewal of group 2 licences without the involvement of GPs, should consider whether to require the applicant to sign a consent form permitting release by any GP of relevant medical records to the occupational health doctor.

6.2 DVLA, the Crown Prosecution Service and Crown Office and Procurator Fiscal Service should review whether there are policies in place which prevent or discourage prosecution for breaches of sections 94 and 174 of the Road Traffic Act 1988. If there are such policies, consideration should be given by DVLA and the prosecuting authorities to whether they are appropriate where the current fitness to drive regime is a self-reporting system which is vulnerable to the withholding and concealing of relevant information by applicants.

6.3 DVLA and the Department for Transport should consider how best to increase public awareness of the impact of medical conditions on fitness to drive and the notification obligations in that regard.