



Neath Port Talbot
Castell-nedd Port Talbot
 County Borough Council Cyngor Bwrdeistref Sirol

Making a difference Gwahaniaeth er gwell

20/03/2013

Mr Celvin Davies
 c.davies13@npt.gov.uk

Date **Dyddiad**
 Direct Line **Rhif Ffôn**
 email **ebost**

Mr Celvin Davies

CED/204286

Contact **Cyswllt**
 Your Ref **Eich Cyf**
 Our Ref **Ein Cyf**

Mr Tyron Rees
 Sunnyside
 8 Y Garreg Lwyd
 Llanedi
 Pontarddulais
 SWANSEA
 SA4 0ZL

Dear Sir,

Re: Freedom of Information Act 2000

Fatal accident at Afan Argoed Country Park on 27th May 2012

I write further to your Freedom of Information request concerning the late Ms Angharad Rees and the accident involving Cimla Ride and Drive at Afan Argoed County Park.

I have dealt with your request to release information, which we hold in accordance with our statutory duties under the provisions of Section 18 of the Health and Safety at Work etc Act 1974 and the enforcement arrangements for this Act empowered to the Council.

I have reviewed our records for this tragic accident, and I can confirm that we hold the following information:

- Record 1 - Record of actions held on our departmental database.
- Record 2 - Record of meeting with Mr Jonathan Green of Cimla Ride and Drive.
- Record 3 - Report of Melanie Jenkins, Environmental Health Officer, Neath Port Talbot CBC.

I release a copy of these records for your information. I have redacted some information contained in the attachments which consist of personal data, being

Social Services, Health & Housing

Gwasanaethau Cymdeithasol,

Iechyd a Thai

Community/TempCom

www.npt.gov.uk

Tony Clements, M.A., C.Q.S.W.
 Director of Social Services, Health & Housing
 Civic Centre, Neath SA11 3QZ

The Council welcomes
 correspondence in English or Welsh

Tony Clements, M.A., C.Q.S.W.
 Cyfarwyddwr Gwasanaethau Cymdeithasol, Iechyd a Thai
 Y Ganolfan Ddinesig, Castell-nedd SA11 3QZ

Mae'r Cyngor yn croesawu goliebiaeth
 yn y Gymraeg neu'r Saesneg



either the names and/or addresses of individuals. This Authority is not prepared to release this personal information into the public domain, as to do so would result in this Authority breaching the first data protection principle of 'fair processing'.

Accordingly, the Authority is invoking the exemption available to it under section 40 of the Freedom of Information Act 2000 [personal data exemption] and has redacted this information from the documentation it is releasing.

Please be advised that the Council operates a Freedom of Information Appeal Procedure and if you are dissatisfied with this response you may appeal in writing to the Council's Monitoring Officer at the following address, setting out your reasons why you consider this decision should be overturned:

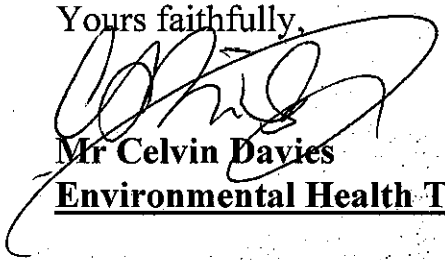
Head of Legal & Democratic Services
Port Talbot Civic Centre
Port Talbot SA13 1PJ

If you do appeal and are dissatisfied with the outcome, please be advised that you then under the Freedom of Information Act 2000 have the right of a further appeal direct to the Information Commissioner at the following address:

Wycliffe House
Water Lane
Wilmslow
SK9 5AF

If I can be of any further assistance, or if you identify any new evidence in relation to the investigation, please do not hesitate to contact me.

Yours faithfully,



Mr Calvin Davies

Environmental Health Team Leader

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Record of actions held
on our database

SRU V7.13a

REPORT PREPARED ON 6/3/13 AT 10:42

[Signature]
6/3/13

NAME AND ADDRESS DETAILS

PREMISES REF: L018**AFAN/1

TRADER: Afan Argoed Country Park

ADDRESS: Afan Argoed Country Park

Afan Valley Road

Cymmer

Port Talbot, Neath Port Talbot

AREA:

WARD: Cymmer

UPRN/USRN: 10009185603

EASTING: 282096

NORTHING: 195056

PRINCIPAL USAGE: L01 - Open Land
PREMISES TYPE: 8 - Land or Site

ACTION DETAILS

ACTION TYPE: 008 - Open Service Request Diary
SOURCE DATABASE: REQUESTS
Record number 193351
UNIT: B02 - Health & Safety
INVESTIGATING OFFICER: MJ - Ms Melanie Jenkins

DATE ACTION OPENED: 28/05/2012

DATE ACTION CLOSED: 14/11/2012

TEXT TEMPLATE

ACTION EVENT DETAILS

ITEM	EVENT	DESCRIPTION	SCH. DATE	ACT. DATE	OFF	ACTIVITY
1	G02	Telephone call received- from C regarding chaos & 2No-injuries, & bad Organisation. no First Aid, no communication. Event organisers thought to be at fault/blame, but also Park management. 28/ 5/2012 9:54 HJ Horse riding event, known as Cimla Ride & Drive. Council owned land- must have been booked & permission given. (Try Mgr- Steve Parker 07968-891280). Horses seemingly got spooked by Pedal Cyclists in close proximity- using their brakes on stone/gravel tracks- creating skretching noise. 18yr old girl fell off her horse & needed either Air Ambulance or 4x4 Ambulance to recover her. Also a man got dragged by horses & cart		28/05/2012	HJ	

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ITEM	EVENT	DESCRIPTION	SCH. DATE	ACT. DATE	OFF	ACTIVITY
		("traps"). Approx 15 Horse & trap competitors, plus 10 Horse riders for an Endurance event. No first aider. Car Park attendants not aware of risks or who was in charge, or how they were to segregate or respond. Public put at risk. Horses bolted. Chairman / Event Organiser = John Green				
2	G01	Telephone call made 28/ 5/2012 10:17 MJ Andy Langford message left		28/05/2012		MJ
3	G01	Telephone call made 28/ 5/2012 10:17 MJ Steve Parker 07968 891280 message left		28/05/2012		MJ
4	G02	Telephone call received 28/ 5/2012 12:03 MJ Spoke to Andy Langford. Is aware of the incident, it happened on forestry land yesterday. Contact is Nick Murphin from Afan Argoed, 01639 850564		28/05/2012		MJ
5	G01	Telephone call made 28/ 5/2012 12:11 MJ Spoke to Nick Murphin, see attached notes		28/05/2012		MJ
6	G01	Telephone call made 28/ 5/2012 12:11 MJ Spoke to ambulance control message left 01267 225791		28/05/2012		MJ
7	G02	Telephone call received 28/ 5/2012 12:12 MJ Spoke to Claire Thomas, supervisor, injured person was taken to University Hospital, Cardiff 02920 747747		28/05/2012		MJ
8	G57	Email Received		28/05/2012		MJ
9	G01	Telephone call made 28/ 5/2012 16:49 MJ Spoke to Police Jayne in public service centre unaware of incident and did not want details.		28/05/2012		MJ
10	G57	Email Received		29/05/2012		MJ
11	G01	Telephone call made 29/ 5/2012 10:34 MJ Spoke to Clare Owen, HSE, to inform her of incident. She is not aware but will do some research.		29/05/2012		MJ
12	G01	Telephone call made 29/ 5/2012 11:55 MJ Spoke to Brian Morgan CID, he has been allocated the incident and is on his way to speak to the family of the deceased.		29/05/2012		MJ
13	G01	Telephone call made 29/ 5/2012 13:11 MJ Peter Cloke, for info on application to use forestry land		29/05/2012		MJ

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ITEM	EVENT	DESCRIPTION	SCH. DATE	ACT. DATE	OFF	ACTIVITY
14	G57	Email Received		29/05/2012	MJ	
15	G01	Telephone call made 30/ 5/2012 11:10 MJ Spoke to DC Brian Morgan, forwarded details of Peter Cloke and Nick Murfin.		30/05/2012	MJ	
16	S32	Non-Reportable Accident		30/05/2012	MJ	
17	G01	Telephone call made 31/ 5/2012 11:19 MJ Spoke to [REDACTED] original complainant. She was at the event from the beginning to the end. She lives in the area and rides horses. She also works for [REDACTED] She was riding through the park when she came across the organiser setting up from the back of a 4x4 with Cimla Ride and Drive on it. The person who was setting up told her that there was an event and invited her to attend. She was not aware of the event prior to this as she would have liked to attend, however as her horse had already been walked she declined. However she did want to watch so she returned. She arrived prior to the event starting. The weather was hot and sunny and people had started to set up picnics and barbecues in the picnic field. The area was very busy with families, children and horses all intermingled in a very small area. There were about 10-15 horses there at that time. The horses were restless due to the numbers of people there, there was an instance when a biker came riding down the hill spooking a horse which dragged his rider. The rider had a cut face and a hurt back. There was no first aider on site to deal with his injuries. There was a horse on site with cut legs and no vet to treat it. There was no segregation of horses and spectators, and insufficient marshalls. C tried to calm down some of the horses and assist the injured man. There was no communication to cyclists about the event. C has made notes regarding the event.		30/05/2012	MJ	
18	G01	Telephone call made 1/ 6/2012 9:34 MJ Neath Police- message left.		01/06/2012	MJ	
19	G02	Telephone call received 7/ 6/2012 11:58 MJ Spoke to DC Morgan. The inquest is set for 23/08/12. Cimla Ride and Drive are not associated with Cimla Riding School. DC Morgan is still interviewing witnesses to accident for preparation of coroners file. The helmet did not belong to Angharad Rees as he has witness statements saying that she does not wear a helmet. He is awaiting for forensic examination of cart. The owner of the cart is [REDACTED] his affiliation with the club is not yet fully understood. John Green has not been interviewed as DC Morgan wants to find out as much information as possible prior to interviewing him. Informed him that helmet and whip are in secure store. DC Morgan happy for me to establish John Green's involvement with the club, however he wants us to avoid speaking to Mary (club sec) as she gave Angharad Rees CPR. Forwarded details of Jon Griffiths, Rights of Way Officer.		07/06/2012	MJ	
20	G85	Other:Inquest 23/ 8/2012 9:56 MJ Inquest postponed	23/08/2012	23/08/2012	MJ	

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ITEM	EVENT	DESCRIPTION	SCH. DATE	ACT. DATE	OFF	ACTIVITY
21	G57	Email Received 12/ 6/2012 16:32 MJ Details from Lee Barratt, Countryside re bridleways in the area.		12/06/2012	MJ	
22	G01	Telephone call made 21/ 6/2012 16:38 MJ Spoke to Jonathan Greene		21/06/2012	MJ	
23	G53	Appointment Made 25/ 6/2012 11:48 MJ Premises visited, spoke to Jonathan Green and Mary Jones.	25/06/2012	25/06/2012	MJ	
24	G01	Telephone call made 26/ 6/2012 13:36 MJ Employment status referred to Iwan Davies, legal for opinion.		26/06/2012	MJ	
25	G01	Telephone call made 28/ 6/2012 11:31 MJ Referred to Iwan Davies		27/06/2012	MJ	
26	G57	Email Received		02/07/2012	MJ	
27	G01	Telephone call made 1/ 8/2012 11:25 MJ Spoke to Brian Morgan, appointment made		25/07/2012	MJ	
28	G53	Appointment Made 13/ 8/2012 14:17 MJ Meeting with Brian Morgan CID	02/08/2012	02/08/2012	MJ	
29	G57	Email Received		13/08/2012	MJ	
30	G43	Interview Defendant 21/ 8/2012 10:08 MJ Interview Jonathan Green at Neath Police Station with DC Brian Morgan.		20/08/2012	MJ	
31	G85	Other:inquest	06/11/2012	06/11/2012	MJ	

Record 1
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Record of meeting with Jonathan Green

Meeting with Jonathan Green, 10am 25th of June 2012

[Signature]
6/3/13

Meeting at [REDACTED] Cimla, Neath. Present Melanie Jenkins, Jonathan Green, Mrs Green and Mary Jones.

Questions

Mr Green was asked a series of questions, answers were provided by Mr and Mrs Green and Mary Jones

Question One

What is the club called

Cimla Ride and Drive Club

Question Two

What are the objectives of the club

A gathering of like minded enthusiasts who meet on a monthly basis, the club consists of both horse riders and carriage drivers who live locally who get together socially and who organise events

Question Three

What is your position in the club

Mr Green is chairman of the club

Question Four

What is the executive structure of the club

Chairman -Jonathan Green

Secretary -Mary Jones

Treasurer- Dylan Jones

Events Officer/Publicist- Rebecca Derges

Question Five

How many members does the club have

Currently about 10

Question Six

Where does it meet

At T-Bones

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Question Seven

How often does it meet

Once a month on the last Sunday of the month

Question Eight

Do you take subscriptions

Yes

Question Nine

How are you funded

Purely by subscription. The money is used for forestry permits and for rosettes

Question Ten

Is anyone employed

No one is employed

Question Eleven

Does anyone take a wage

No all monies are ploughed into the club

Question Twelve

Is the club a registered charity

No the club is not a registered charity but does do charity work

Question Thirteen

Is the club affiliated to the BDS

All club members are BDS members but the club is not affiliated to the BDS

Question Fourteen

Does the club hold frequent events

It holds 2/3 events a year. All events are to BDS rules/standards

Record 2

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Record of EHO Report *W. Jenkins* 6/3/13

Report of Melanie Jenkins,
Environmental Health Officer (Health and Safety), Neath Port Talbot C.B.C
into Incident in Forestry Commission Land adjacent to Afan Argoed Country
Park
on Sunday 27th May 2012

Monday 28th of May

The department received a complaint from [REDACTED] a member of the public regarding an event that had taken place on Sunday 29th of May in Afan Argoed. The complaint related to the poor organisation of the event and the lack of safety management. The complainant also mentioned that there had been two incidents at the event that had resulted in injuries, one involving the air ambulance. The complainant did not have further details. The complainant thought that the event had been organised by Afan Argoed.

I attempted to contact Steve Parker, Manager of Afan Argoed by phone. There was no reply to my call and he did not return my message.

I phoned Andy Langford of Neath Port Talbot corporate health and safety department for further details. He confirmed that there had been an incident at an event in the forestry outside of the park, and that Neath Port Talbot had no involvement in the planning and organisation of the event, however Nick Murfin of Afan Argoed had opened the gate and had assisted in summoning assistance after the incident.

I phoned Nick Murfin for further details. He informed me that there had been an event organised by Cimla Ride and Drive Club which had taken place on Forestry Commission land. He had opened the gate to let the organiser into the Forestry. The event was an annual event that had taken place for the last 30 years without incident. There was an incident where a young girl fell off the back of her carriage. He assisted in summoning medical assistance to the site of the accident. Her injuries were so severe that she was airlifted to the Heath Hospital in Cardiff. He had called the ambulance and directed the paramedics to the scene. He had heard rumours that she had died but there was no confirmation.

I phoned ambulance control and spoke to Claire Thomas who confirmed that there had been an incident which resulted in an injured person being taken by Air Ambulance to University Hospital, Cardiff

Several phone calls to the police failed to confirm that there had been an incident resulting in a death.

Record 3

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Tuesday 29th of May

I phoned the Forestry Commission and spoke to Peter Cloke. He was aware there had been an incident on Forestry Commission land and was able to provide details of the organisers of the event. He was unable to confirm that the injured girl had died. Peter Cloke was able to provide incident reports received by the Forestry Commission from Nick Murfin and a map of the area. He also informed me that permission to use the forestry land had not been granted. He also informed me that an accident report had been made through the Forestry Commissions notification system that would automatically generate a report to the HSE Incident Contact Centre (ICC) in accordance with the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR)

Wednesday 30th of May

I received notification from the ICC through the HSE extranet that there had been a fatality in Forestry Commission land at Afan Argoed. The information on the form was limited to the name of the deceased, time, date and location of the incident and a brief outline of how the incident occurred

The incident would be reportable in accordance with regulation 3 of RIDDOR if any person dies as a result of an accident arising out of or in connection with work.

Thursday 7th of June

Spoke to the investigating detective DC Brian Morgan.

Tuesday 12th of June

I contacted Neath Port Talbot Countryside department for further information on maps of the location of the incident, these were provided by Lee Barrett.

Thursday 21st of June

I phoned Jonathan Green to arrange a meeting to discuss the organisation of Cimla Ride and Drive.

Monday 25th of June

I met Jonathan Green at [REDACTED], with his wife and Mary Jones, secretary of Cimla Ride and Drive. I asked a series of questions regarding the operation of the club, I asked no questions regarding the accident. The purpose of the

Record 3
Page 2 of 5

interview was to ascertain if anyone was at work during the event and therefore to establish if the Health and Safety at Work etc Act 1974 applies. Mr Green confirmed that the club consisted of approx 10 members. The club meets once a month at T Bones. All club members pay subs. The club is run by a committee of 4 people

- Jonathan Green- chairman
- Mary Jones- secretary
- Dylan Jones – treasurer
- Rebecca Derges- Events Officer/publicist

The answers provided by Mr Green indicates that no one was at work during the event and therefore the Health and Safety at Work etc Act 1974 does not apply.

Tuesday 26th of June

I contacted the legal section at Neath Port Talbot who confirmed that based on the information provided by Mr Green, The Health and Safety at Work etc Act 1974 does not apply.

Thursday 2nd of August

I visited the site of the event and the accident with DC Brian Morgan. My examination of the site of the event was brief however there were some areas that raised immediate concerns that I felt should be subject to a risk assessment and implementation of appropriate control measures.

These included

- The access to Rhyslyn over the viaduct over Pontrhydyfen. An evaluation of the suitability of the access should have been made, taking into account the height of the walls and the distance of the fall off the viaduct.
- The transfer route from the time trial event to the gymkhana event (the site of the accident) and its suitability for the trap. The turn onto the track was very tight and the horse and trap would be expected to make a difficult manoeuvre to gain access.
- The transfer route was quite steep and there were areas that were very narrow.
- There was a steep fall to one side of the track.
- The stability of the ground underfoot. There were several large stones that obstructed the track with the potential to cause the trap to become unstable.
- The location of the gymkhana. There appeared to be no segregation between the event and casual users of the park.
- The holding area for the horses was located between the transfer path and the gymkhana field and seemed inadequate in size.

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- The location of sign posted cycle routes and their close proximity to the transfer path and the gymkhana.
- The area of the event being open to public access with no means of separating the participants from members of the public.

Monday 20th of August 2012

Mr Jonathan Green was interviewed at Neath Police Station with DC Brian Morgan; Mr Green confirmed under caution that Cimla Ride and Drive do not employ anyone and no one was at work at the time of the incident.

Health and Safety

Current information indicates that there is no evidence to suggest that a work place activity was taking place at the time of the incident. In the event that someone was at work during the event there would be a section 3 duty to the deceased not to expose her to risks to her health and safety.

Health and Safety at Work etc Act 1974 S3(1)

It shall be the duty of every **employer** to conduct his undertaking in such a way as to ensure so far as is reasonably practicable that **persons not in his employment** who may be affected thereby are not thereby exposed to risks to their health and safety

Or

Health and Safety at Work etc Act 1974 S3(2)

It shall be the duty of every **self employed person** to conduct his undertaking in such a way as to ensure so far as is reasonably practicable that he and **other persons (not being employees)** who may be affected thereby are not thereby exposed to risks to their health and safety

Regulations

Management of Health and Safety at Work Regulations 1999

Regulation 3(1)&(2)

Every **employer** or **self employed person** shall make a suitable and sufficient assessment of the risk to health and safety of **persons not in his employment** arising out of or in connection with the conduct by him of his undertaking.

Record 3

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If the Act and regulations applied, the organiser would have been expected to undertake a risk assessment prior to the commencement of the event. There would be no legal requirement to record the risk assessment if there are less than five employees, however he should be able to demonstrate to the investigating officer that hazards present in the working environment or arising out of commercial activities and work activities have been identified and the risks involved have been evaluated. The organiser would be expected to take into account any existing precautions and any guidance produced covering the event.

I would anticipate that the organiser of an event of this nature would contact the Safety Advisory Group for advice and guidance. The HSE publishes an Events Safety Guide (HSG 195) which has sections that would apply to events of this nature. There is also a section of the HSE website www.hse.gov.uk/eventsafety dedicated to event safety. There is also guidance developed by the British Driving Society (BDS) which provides guidance specifically for events of this nature including a checklist for health and safety. HSE guidance and BDS Guidance is free to download. Information is also freely available from the Environmental Health Department.

I would anticipate that the risk assessment would cover as a minimum

- Suitability of location for event
- Access to the site
- Egress from the site
- Course hazards, both natural and created
- Number and details of participants
- Capability of competitors
- Relevant permissions from the landowner
- Other people using course including vehicles/ picnickers/ mountain bikers/ walkers etc
- Emergency procedures
- Communications
- First aid
- Segregation between horses and others
- Safety of competitors e.g. personal protective equipment, seat belts, helmets
- Suitability/safety of vehicles
- Marshalling at crossing points, person/vehicle interaction points
- Route markers/signage

As there is no evidence of a work activity I have not undertaken an investigation into the suitability of any risk assessments undertaken by the organisers or of any control measures implemented as a result of risk assessments, or investigated any other possible breaches of health and safety legislation.

Record 3

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