



## Quarter 1 - Newsletter

Click [www.cqms-ltd.com](http://www.cqms-ltd.com) to see the Newsletter Archive

CDM 2007 is due to come into force on the 6<sup>th</sup> April 2007, and they will replace the Construction (Design and Management) Regulations 1994 and the Construction (Health, Safety and Welfare) Regulations 1996.

**The key aim of CDM 2007 is to integrate health and safety into the management of the project and to encourage everyone involved to work together to:**

- **Improve the planning and management of projects from the very start;**
- **Identify risks early on so that they can be eliminated or reduced at the design or planning stage and the remaining risks can be properly managed;**
- **Target effort where it can do the most good in terms of health and safety; and**
- **Discourage unnecessary bureaucracy.**

These Regulations are intended to focus attention on planning and management throughout construction projects, from design concept onwards. The aim is for health and safety considerations to be treated as an essential, but normal part, of a projects' development – not an afterthought or 'bolt-on' extra.

CQMS will provide further detailed guidance once the HSE Approved Code of Practice has been produced.

### **HSE PROHIBITS OPERATION OF TOWER CRANES**

This week the Health and Safety Executive (HSE) served a Prohibition Notice on Falcon Crane Hire Ltd of Shipdham, Norfolk which required them, with immediate effect, to take out of service all tower cranes in their fleet which have not been subject to a thorough examination by an independent competent person.

The HSE has taken this action following the collapse of two\*\* of the Company's tower cranes in less than four months at sites in Battersea and Liverpool. Both incidents are

the subject of on-going investigations and it is therefore too early to be able to identify the exact causes of either failure. Nevertheless, the HSE have decided to adopt a precautionary approach and require the company to demonstrate those cranes which have been thoroughly examined by competent persons employed by them, are safe to continue in operation.



The Notice will affect up to 180 tower cranes which are erected currently on construction sites throughout Great Britain. Cranes which have already been examined by an independent competent person are not affected by the Notice and can continue in service.

\*\* At around 17:50 on Tuesday 26 September 2006 on a Barratts Home construction site at Thessaly Road, Battersea, London SW8, there was a tower crane collapse. Two people were killed as a result of the incident - the driver of the crane and a member of the public.

At approximately 16:10 on Monday 15 January 2007 on a David McClean Ltd construction site at Colquitt Street, Liverpool city centre, a luffing jib crane collapsed. As a result of the incident one person was killed and the driver of the crane was seriously injured .

### **PRINCIPLES OF SENSIBLE RISK MANAGEMENT**

**Sensible risk management is about:**

- > Ensuring that workers and the public are properly protected
- > Providing overall benefit to society by balancing benefits and risks, with a focus on reducing real risks – both those which

Call 01476 566665 / 564242.

The Annexe, The Old Maltings, Wharf Road, Grantham, Lincolnshire NG31 6BH

arise more often and those with serious consequences

- > Enabling innovation and learning not stifling them
- > Ensuring that those who create risks manage them responsibly and understand that failure to manage real risks responsibly is likely to lead to robust action
- > Enabling individuals to understand that as well as the right to protection, they also have to exercise responsibility

**Sensible risk management is not about:**

- > Creating a totally risk free society
- > Generating useless paperwork mountains
- > Scaring people by exaggerating or publicising trivial risks
- > Stopping important recreational and learning activities for individuals where the risks are managed
- > Reducing protection of people from risks that cause real harm and suffering

## **MIS-INTERPRETATION OF HEALTH AND SAFETY REGULATIONS**

It has been reported in the press\* in recent weeks that firefighters in Humberside have been told by their employers it is dangerous for them to go up ladders.

(\*Daily Mail/The Times/Evening Standard/Daily Star/Daily Express/The Sun)

Given that going up ladders to rescue people from blazing buildings is what firefighters do for a living, the news has been greeted with more than a spark of incredulity by the individuals who man the fire service for Hull and its surrounding area. But it is not sending up extending ladders on the back of fire engines to deal with towering infernos that is causing concern. It is climbing mere stepladders to install smoke alarms in people's homes, a popular prevention

measure offered free by the Humberside Fire and Rescue Service.

The Chief Executive of the HSE has responded on the HSE website, as follows, which highlights the misinterpretation Safety Regulations face on a daily basis:

*Dear Sir,*

*There have been suggestions in the press today that HSE has banned the use of stepladders for firefighters when fitting smoke alarms. Let me be clear - this is untrue - HSE has NOT banned firefighters from using stepladders to fit smoke alarms. Humberside Fire and Rescue Service (FRS) and the Fire Brigades Union approached HSE and asked to discuss the use of stepladders for this work. Humberside FRS wanted to clarify their policy as they had been unable to resolve the issue over a three year period. HSE agreed that the issue needed to be resolved and soon.*

*In many cases stepladders will be the appropriate tool for the job. It would depend on the type of step ladder and the way they are being used. Inappropriate use of ladders as work platforms is a major cause of serious injury and employers must think about when they should be used and when something else is needed.*

*HSE recognises the importance of the FRS work to protect the public by fitting smoke alarms and wants to see sensible and practical systems of work that will help and not hinder this task.*

*Yours faithfully*

*Geoffrey Podger Chief Executive  
Health and Safety Executive*

## RECENT PROSECUTIONS

### HSE PROSECUTES OVER EXCAVATION SAFETY FEARS

Morgan Utilities and one of its site managers have been ordered to pay nearly £20,000 after pleading guilty to breaking safety rules on an excavation.

Liverpool Magistrates Court imposed the fine after an HSE inspector saw two employees working in an unsupported excavation in Liverpool city centre in October 2005.

HSE inspector Neil Jamieson, said: There was a high risk of collapse and consequent injury given that spoil was stored immediately adjacent to the excavation sides, an excavator was also operating in close proximity to the edge, and the risks were further accentuated from vibration emanating from the nearby Liverpool underground railway system.

### FIVE PAY OVER £144,000 FOLLOWING WARRINGTON DEATH

The Health and Safety Executive (HSE) successfully brought criminal charges against five different parties after the death of Mr David Moran. Between them they were fined a total of £87,000 and ordered to pay £57,228 costs at Manchester's Minshull Street Crown Court.

David Moran fell eight metres to his death when he stepped on a fragile roof light in Warrington on 20 September 2002. David Moran and another untrained demolition worker, Anthony Harris from Manchester, were using the roof to access another roof on the site.

David Moran's employer Elmsgold Haulage Ltd of Manchester and John McSweeney the Managing Director of Elmsgold Haulage Ltd - pleaded guilty to two charges under Section 2(1) of The Health and Safety at Work etc Act 1974 (HSW Act) in that they failed to provide a safe system of work and failed to ensure that people working on site were properly trained and supervised, and a third charge

under Regulation 9(3) of the Lifting Operations and Lifting Equipment Regulations 1998 in that they failed to ensure that lifting equipment was properly examined and inspected.

Demolition contractor Excavation & Contracting (UK) Ltd, the principal contractor for the Chesford Grange project, and the company's former Managing Director Bernard O'Sullivan, pleaded guilty to a charge under Section 3 (1) of the HSW Act in that they each failed to ensure that risks to non employees were adequately controlled.

Excavation & Contracting (UK) Ltd was fined £35,000 and ordered to pay £9,972 costs. Bernard O'Sullivan was fined £20,000 and ordered to pay £30,000 costs.

Dennis O'Connor, of St James' Road, Orrell, Wigan, Elmsgold Haulage's site foreman pleaded guilty to a charge under Section 7 of the HSW Act in that he failed to ensure the safety of other employees. He was fined £2,500 and ordered to pay £2,500 costs.

### CLEARAIR FINED FOR HEIGHT SAFETY BREACHES

Clearair Property Developments has been fined £1,500 plus £1,559 costs after pleading guilty to height safety breaches with left a worker with a spinal fracture.

Joiner Anthony Crack from Newton Aycliffe, fell through an unprotected stairwell while working on the conversion of a barn at Warwick upon Eden, for Clearair Property Developments Ltd.

He fell two and a half metres and sustained several injuries, including a spinal fracture and a punctured lung.

### FOOD MANUFACTURER PAYS £65,000 AFTER FORKLIFT TRUCK ACCIDENT

Droylsden company, Centura Foods Ltd has been fined a total of £60,000 and ordered to pay £5,724 costs at Manchester's Crown Court.

Centura Food Ltd pleaded guilty to two criminal charges brought by the Health and

Safety Executive (HSE) following an accident involving a forklift truck at its premises at Fitzroy Street, Droylsden, Manchester.

On 3 May 2005 employee Margaret Shaw (age 59) was hit by a reversing forklift truck in a warehouse on site and suffered severe injuries to her left leg and ankle.

Centura Foods pleaded guilty to a breach of Regulation 17 of the Workplace Health and Safety Regulations, which require the organisation of traffic movements within premises so that pedestrians and vehicles can circulate in a safe manner and to a breach of Regulation 3 of the Management of Health and Safety at Work Regulations, which require employers to undertake suitable and sufficient risk assessments.

### **WASTE MANAGEMENT LICENSING**

Wiggins Transport Limited of Horton Road, Stanwell Moor, Staines pleaded guilty to nine charges of treating and disposing of waste outside the designated waste management area and failing to comply with the conditions of its waste management licence. The company was fined £63,000 and ordered to pay £9,110 Environment Agency costs.

The waste management licence authorised the storage and treatment of stone, concrete and brick waste at the site in a designated area, which was suitable for the activity. Conditions of the licence stated that no more than 35,000 cubic metres of waste could be stored at any time – and that the waste could not be piled higher than four metres.

Environment Agency officers found that there were 95,000 cubic metres of waste on the site, piled up to 14 metres high - over three times the permitted height and quantity. 155,000 cubic metres of waste were also being stored and treated outside the licensed area, on land lacking the necessary infrastructure to prevent environmental damage. The waste quantities on the whole site were so large that a global positioning satellite survey was required to calculate its volume.

Although the company was told by the Environment Agency to reduce the volume of waste officers found the amount of waste stored on the licensed part of the site had increased to 110,000 cubic metres, and to 175,000 cubic metres on the unlicensed area.

Investigating officer James Adams said: 'Wiggins Transport deliberately broke the law, risking damage to the environment and undermining other legitimate waste businesses in the area. By ignoring the conditions of the waste management licence, and keeping waste without a licence it stood to make significant financial gains.'

In sentencing the court acknowledged that these were deliberate offences which resulted in a financial advantage. In mitigation the court acknowledged the early guilty plea, accepted the defendants' point that there was no pollution of the environment and that the area was suitable for this type of activity.

### **SAINT GOBAIN FINED £160K FOR SAFETY BREACHES**

Saint Gobain Pipelines have been fined £160,000 after pleading guilty to safety breaches when an employee was run over by a four tonne rail mounted vehicle.

Roy Moore, 53, from Ripley, Derbyshire, received serious leg and pelvic injuries when he was hit while maintaining a conveyor belt at the Saint Gobain Pipelines factory in Ilkeston, Derbyshire, in December 2004.

Saint Gobain had previously admitted that no adequate systems for the segregation of pedestrians and rail mounted vehicles were in place at the time of the incident.

*Sources: HSE/HSC website, RoSPA publication (Safety Express), trade publications. All information detailed is to provide guidance only.*