

## **If you think Health & Safety is expensive – try having an accident or ignoring it!**

“What should we do!” That is the question we at BSA have been asked, a number of times, recently by worried contractors after receiving improvement / prohibition notices from Enforcement Officers. As always, the best policy is to keep on top of your management arrangements. Whatever you do don't ignore the notice as this case highlights:-

*Chelford Properties, was fined a total of £6000 over the conditions at a residential building site in Blackpool. HSE inspector Alasdair Green, who prosecuted the case said he investigated the site following a report from the Police about children playing on it. It found the fence on one of the boundaries to be dilapidated. “Anyone could walk straight onto the site, and that was not good enough,” he said. Inspectors also found there was no traffic management system on the site to segregate pedestrians and vehicles.*

*Improvement Notices were served, but because Chelford had failed to heed previous warnings, from both the HSE and from its own safety experts, it was decided to prosecute.*

Just because there is a reported economic downturn doesn't mean that standards should be allowed to slip or that the HSE won't be visiting YOUR site! In fact there is probably a greater chance that you could be visited. Some have suggested that there could be cuts in H&S, as a cut money saving exercise. This may save cash in the short term but when looked at over the longer term what could be the cost? Given that HSE surveys suggest that the cost to a company following a workplace fatality exceeds £1 million (on average), the current climate and impending greater legislative penalties. The question is this, can you and your business afford to take the risk?

Remember whatever your (H&S) needs, BSA can help you!

## **BSA practitioners go back to School!**

Over the past number of months BSA practitioners have been going back to school to gain NEBOSH qualifications in Fire Risk Assessments. Proving the adage, for some, (Steve!) that you're never too old to learn!

So what is a Fire Risk Assessment?

*The Regulatory Reform (Fire Safety) Order 2005 came into force on 1st October 2006, finally bringing to an end the confusion of a myriad of legislation dealing with fire safety matters. The Order requires the person having control of the premises (the Responsible Person) to implement general fire precautions for the safety of employees or persons who are legally on the premises or in the immediate vicinity of the premises who are at risk from a fire.*

In order to decide what the general fire precautions should be, the Responsible Person is required to carry out a suitable and sufficient assessment of the risks – the Fire Risk Assessment.

## **Lord welcomes tougher penalties for health and safety law breakers**

The new Health and Safety Offences Act 2008, which comes into force in January 2009, will increase penalties and provide courts with greater sentencing powers for those who flout health and safety legislation

The Act raises the maximum penalties that can be imposed for breaching health and safety regulations in the lower courts from £5,000 to £20,000 and the range of offences for which an individual can be imprisoned has also been broadened.

DWP Minister Lord McKenzie said:

“It is generally accepted that the level of fines for some health and safety offences is too low. These changes will ensure that sentences can now be more easily set at a level to deter businesses that do not take their health and safety management responsibilities seriously and further encourage employers and others to comply with the law.

“Furthermore, by extending the £20,000 maximum fine to the lower courts and making imprisonment an option, more cases will be resolved in the lower courts and justice will be faster, less costly and more efficient.

“Jail sentences for particularly blameworthy health and safety offences committed by individuals, can now be imposed reflecting the severity of such crimes, whereas there were more limited options in the past.

“I am delighted that this legislation is now on the statute book and very grateful to my colleagues Keith Hill MP and Lord Bruce Grocott for introducing the Bill and for the support received from all sides of both Houses of Parliament.”

"The new Act sends out an important message to those who flout the law. However, good employers and good managers have nothing to fear. In fact, they have much to gain.

### **BSA add to the number of their Party Wall Surveyors**

Bernard Sims Associates continues to invest in their staff to provide top level service to their Clients. The purpose of *The Party Wall etc Act 1996* is to give rights and obligations to building owners and adjoining property owners: If construction work is contemplated at or near a property boundary, *The Party Wall etc Act 1996* probably applies. Where the act applies, BSA acts for 'Building Owners' and/or for 'Adjoining Owners'.

We supply Party Wall Surveyors to:

- Survey sites
- Notify Adjoining Owners
- Respond to notices from Building Owners
- Negotiate reasonable agreements between Building and Adjoining Owners ...and advise you of your rights and obligations under the Act



For more information click on

<http://www.bernardsimsassociates.com/index.cfm?fuseaction=cServices.partyWallSurveying>

## **Cutting corners is bad for business: Excavator driver fined £2,500 over pedestrian fatality**

Health and Safety Executive investigating inspector Lisa Chappell described the incident as "the worst case of what can go wrong when operators cut corners".

Colin Clifford, 50, from Enfield, was operating the excavator outside a house in Westminster – and within a fenced off area – when the incident occurred.

The excavator had a number of buckets stored in the front bucket of the machine and while, turning the vehicle, Mr Clifford raised the front buckets over the site fence until they were hanging over an unprotected section of public pavement.

After he unintentionally operated the wrong lever the stored buckets fell to the pavement, one of which struck 81 year-old pedestrian Joseph Johnston. Mr. Johnston died soon afterwards.

Ms Chappell said Mr. Clifford had sufficient space to turn his excavator without the need to lift the front bucket above the public pavement.

The HSE investigation also showed there were other workers nearby who could have helped in closing the walkway. Mr. Clifford pleaded guilty to breaching the Health and Safety at Work etc Act. He was fined £2,500 with costs of £1,500.

## **New Asbestos campaign highlights risk from Asbestos as deaths top 1000 every year**

HSE have begun a new campaign to highlight the fact that **20 building tradesmen die every week** from an asbestos-related disease. Those who have carried out work on a structure that was built or refurbished before the year 2000 could have been exposed to asbestos without knowing it. The HSE website is designed to provide the facts so that plumbers, electricians, joiners and other trades, their friends and family are protected.

<http://www.hse.gov.uk/asbestos/hiddenkiller/index.htm>

## **Bernard Sims Associates – Contacts**

For CDM Coordinators, Health & Safety Risk Assessments / Consultancy, Advice, Policies and Plans - Call BSA on 01483 467270, e-mail us via [enquiries@bsims.co.uk](mailto:enquiries@bsims.co.uk) or Northern Office on 01924 480473



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