



It's snow joke!

What is "reasonably practicable" when it comes to keeping a footpath leading to the premises clear of snow and ice? That is the question many of us found ourselves asking recently!

There is a requirement under the Workplace (Health, Safety and Welfare) Regulations 1992 to ensure the safe condition of floors and traffic routes and the Approved Code of Practice (ACOP) makes specific reference to minimising the risks from snow and ice, and there is a recommendation regarding snow-clearing and gritting.

Don't forget that employees have to take care of their own safety under the Health and Safety at Work, etc. Act 1974, particularly when moving about in slippery conditions. One hazard that is frequently forgotten is the slippery floors caused by people bringing in water and slush on their shoes. Extra care with doormats and floor cleaning is likely to help reduce this hazard.

When clearing snow and ice, it is probably worth stopping at the boundaries of the property under your control. If an area of the public highway is cleared, there is a common-law duty of care to ensure that it is cleared properly and remains clear. If this duty is not fulfilled, it can lead to an action for damages against the company, e.g. if members of the public, assuming that the area is still clear of ice and thus safe to walk on, slip and injure themselves.

CORGI's flame extinguished.

The Gas Safe Register (GSR) opened on Monday 19th January 2009 for currently registered gas installers to register in advance with the new scheme. GSR will replace the current CORGI scheme and will be the **only** gas installer registration scheme approved by HSE from 1 April 2009.

All gas installers wanting to undertake domestic gas work in GB from that date will need to be registered in order to lawfully carry out any work on gas fittings (including gas appliances).



Road Safety – Accidents at Work

We are all aware that for road accidents, the relevant legislation is the Road Traffic Act and thus they are the responsibility of the police.

However, if any of the drivers involved are driving on the business of their employer, then it becomes an 'accident at work' and as such the interest of the HSE becomes relevant and the Employers concerned will need to show they have carried out risk assessments in respect of the driving activities of their employees.

Before too long we may well see prosecutions brought under the Corporate Manslaughter Act in respect of a death on the road.

Consultant & Client prosecuted

A Health and Safety consultant has been fined £1,000 and ordered to pay costs of £700 by way of HSW Act Section 36 following his failure to make a suitable assessment of the risks to health from respirable crystalline silica. In addition, his client George Farrar (Quarries) Ltd of Keighley was been ordered to pay over £10k in related fines and prosecution costs.

Make sure you employ the right people!
Roger.K@bsims.co.uk

NASC

The National Access and Scaffolding Confederation (NASC) has launched guidance note TG20:08 - *A Guide to good Practice for Scaffolding with Tubes and Fittings* that details how tube and fitting scaffolding can be erected to comply with European standard BS EN 12811-1.

HSE CRACK DOWN ON DEVELOPERS

Construction Inspectors will be out in force across the country inspecting construction refurbishment sites throughout March during its latest enforcement led intensive inspection initiative. This is aimed to increase awareness of the health and safety responsibilities faced by those involved in developing property their business. 38 people died last year on development projects.

BSA now notifies CDM projects online

As you know, CDM Coordinators are required to inform HSE of construction projects that are notifiable under CDM 2007. We have moved to use the new F10 form, which is completed online, meaning the data is automatically transferred to HSE systems.

PARTY WALL & BSA

The Party Wall etc Act 1996 gives homeowners rights to do work to the party wall (shared wall) and when excavating or building close to the boundary line. The main obligations are to tell the neighbour that the work is to be done and to repair any damage that might be caused by the work.

We can act for Building Owners and Adjoining Owners to ensure that the provisions of the Party Wall etc Act are complied with.

We offer a bespoke professional and personal service to residential and commercial occupiers and owners affected by party wall matters. To find out more about call Stephen on 01483 467278 or Stephen@bsims.co.uk

PRE CHRISTMAS FATALITIES

Whilst many of us were gearing up for the festive season it is sad to think that 5 people lost their lives in workplace accidents. A sobering fact considering, the wider implications to the wide circle of friends and family.

HSE MYTH OF THE MONTH – H&S bans pancake races

Health and safety requirements were given as the reason that a pancake race couldn't take place last year. A straightforward event like this one only needs a short, simple risk assessment. And when an event has taken place lots of times before, all that's needed is a review of the previous assessment - just to check nothing has changed - so that the fun can go ahead!

BURNING ISSUE

Since the Regulatory Reform (Fire Safety) Order 2005 came into force on 01st October 2006, prosecutions have started to go to court with a number of fines now being awarded. One case has led to a custodial sentence. Read on....

A landlord failed to provide suitable and sufficient measures to protect tenants and his rental property in Tottenham, London. In September 2007 a fire broke out at the property and a tenant was taken to hospital, a couple of days later the injured person died as a result of the fire. A fine of £21,000 was awarded and the landlord sentenced to 4 months imprisonment.

Surveys show it takes a minimum of 3 years for a business to recover from a fire, if not so lucky you could be hauled before the courts.

Ensure you have more than adequate fire safety protection. Appoint a competent person; keep up to date with your fire risk management, in order to comply with the RRFSO 2005

For further advice contact:- Anthony Hill on 07726693485 or AnthonyH@bsims.co.uk

PROSECUTION OVER UNLICENSED WORK

The City of Edinburgh Council has been fined over £17k after engaging Dalkeith Demolition Ltd to remove asbestos-containing material at a school when the company was not licensed by HSE nor competent to do so. Dalkeith Demolition Ltd was fined over £11k.

Bernard Sims Associates – Contacts

For CDM Coordinators, Health & Safety Risk Assessments / Fire Risk Assessments / Party Wall / Training / Consultancy, Advice, Policies and Plans - Call BSA in Guildford on 01483 467270, our Northern Office on 01924 480473 or e-mail us via enquiries@bsims.co.uk



Bernard Sims Associates
York House
38-42 Chertsey Street
Guildford
Surrey
GU1 4HD
Our website is www.bernardsimsassociates.com

Northern Office

Bernard Sims Associates
192A Huddersfield Road
Mirfield, Yorkshire
WF14 8AU
Tel 01924 480473