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## CDM BREACH LEADS TO FINES

[Two construction companies have been sentenced following an incident where a working platform failed and a bricklayer using the platform was injured.](#)

Durham Crown Court heard how, on 1 July 2019, Dere Street Homes Limited were acting as principal contractor and provided components for a proprietary polypropylene working platform at a new build at Marley Fields, Wheatley Hill, County Durham. SGS Construction & Design Limited were acting as a contractor and supplied workers to erect the working platform. The working platform failed, and a worker was injured.

An investigation by the Health and Safety Executive (HSE) found that a number of components were missing from the working platform. Although previously workers supplied by SGS were formally trained in the erection of the components to form a safe working platform, the worker who erected the failed platform had not received adequate training. The signing off as a safe working platform had earlier been undertaken by a site manager working for Dere Street Homes. When this manager left, a number of months prior to the incident, the inspection and signing off of the working platform was no longer undertaken.

Dere Street Homes Limited of The Farm House, Hedley Hill Farm, Cornsay Colliery, County Durham pleaded guilty to breaching Regulation 13(1) of the Construction (Design & Management) Regulations and was fined £38,000 and ordered to pay costs of £5,367.30.

SGS Construction & Design Limited of Laburnum Avenue, Blackhill, Consett, County Durham pleaded guilty to breaching Regulation 15(2) of the Construction (Design & Management) Regulations and was fined £8,000 and ordered to pay costs of £2,683.60.

After the hearing, HSE principal inspector Rob Hirst commented: "Although the worker did not suffer life changing injuries, there was a potential for more serious injury.

"Those in control of work have a responsibility to ensure that workers are adequately trained, properly supervised, and work activities are appropriately monitored."

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# LIFT PLAN FAIL AND HEIGHT BREACH LANDS CONTRACTOR IN COURT

A construction firm must pay £63,000 after being spotted using a makeshift platform for a mobile crane and failing to use edge protection on a scaffold platform.



On 15 October 2019, a routine inspection in by a Health and Safety Executive inspector in Malvern, Worcestershire, found a mobile crane in an unsafe position on the roadside (pictured above).

The crane was being operated on a slope, and there was not a plan for the lifting operation or a competent lift supervisor, putting workers and members of the public at risk.

The investigation revealed that workers had also installed a temporary platform on scaffolding without any additional edge protection, as required by the regulations, to prevent a fall from height.

Kidderminster Magistrates' Court was told a Prohibition Notice (PN) was served immediately in response to the work at height breach and a Notification of Contravention and Improvement Notices (IN) were served in relation to planning for work at height and planning for lifting operations.

Although there were no incidents involved in the investigation, there was the potential for serious injuries or fatalities in two different areas of work being undertaken at the time of the inspection, explained HSE inspector Chris Gregory.

J F Wright Ltd pleaded guilty to breaching regulation 4(1) of the Work at Height Regulations and regulation 8(1) of the Lifting Operations and Lifting Equipment Regulations. The company was fined £64,000 and ordered to pay £4926 in costs.

It is a warning for all contractors that even if there is not an accident or injury on site, any breach in the law that has the potential to cause harm, will be prosecuted.



## WORKER TRAPPED BY NECK BETWEEN ROOF AND CHERRY PICKER

A demolition contractor has been fined £200,000 after the operator of an articulated boom type cherry picker became trapped between the vehicle platform rail and the roof of an industrial shed.

Manchester Magistrates Court heard how on Thursday 2 November 2017 a worker contracted by Bradley Demolition Ltd was accessing the underside of the roof in Bredbury to remove asbestos sheets and was trapped by his neck between the basket of the machine and a roof truss. As a result of the incident the operator suffered life changing injuries which will require lifelong care.

An HSE investigation found that the vehicle was not suitable for the work undertaken and that it was not fitted with propriety devices to avoid the likelihood of operators being crushed. The risk assessment did not sufficiently identify the entrapment hazard, and there was no effective communication with banksmen on the ground. An inadequate plan led to the operator being trapped for a sustained period of time.

Bradley Demolition Ltd of Preston pleaded guilty to safety breaches and was fined £200,000 and ordered to pay costs of £21,838.56. Speaking after the hearing HSE inspector David Argument said: "If a suitable safe system of work had been in place prior to the incident, the life changing injuries sustained by the employee could have been prevented."

# CONSTRUCTION WORK COLLAPSES AT PLUMBING SUPPLIES SITE

A plumbing supplies company and its building contractor have been fined after construction work collapsed at the company premises in Burnley.



Burnley Magistrates' Court heard that on 21 October 2018, Northwest Plumbing Supplier Limited and contractor Daniel Georghiou carried out construction on its retail premises without measures to adequately plan, manage and monitor the work.

As a result, work was carried out in an unsafe manner and a large section of the building collapsed into the adjacent car park and across the main road.

An HSE investigation found that Northwest Plumbing Supplier Limited failed to appoint a contractor with the appropriate skills, knowledge, experience, and organisational capability; and failed to adequately plan and manage the project.

Georghiou hired and sourced equipment and material to complete the building work but failed to ensure the structural integrity of the building and ensure lifting operations were carried out in a safe manner putting members of the public at risk.

Northwest Plumbing Supplier Limited of Burnley pleaded guilty to breaching CDM regulations and was fined £75,000 and ordered to pay costs of £10,843.

Daniel Georghiou of Accrington, Burnley pleaded guilty to safety breaches and was sentenced to six months imprisonment suspended for 18 months and was ordered to pay costs of £750.

Speaking after the hearing, HSE inspector Jacqueline Western said: "This was a very serious incident, it is fortunate that nobody was injured, and it occurred on a Sunday when the level of traffic on the main road was low.

"The consequences could have been much graver had the building collapsed onto a vehicle. This situation could so easily have been avoided by ensuring someone competent was carrying out the work in a planned and organised manner. Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards."

## HSE NOISE AT WORK EBULLETIN

HSE has made updates to our [noise exposure calculator](#). Please read below for more details.

HSE's Noise exposure calculator helps you to estimate and record workers' exposures to noise and compare them with the exposure action and limit values in the regulations as part of a noise risk assessment.

It combines the previous daily exposure calculator and weekly exposure calculator in one calculator with separate tabs to help simplify the process. More importantly, advice on actions that should be taken when certain action values are exceeded is also provided.

The calculator contains a new exposure limit value calculator to take into account the attenuation provided by the hearing protection worn when compared with the exposure limit value. Advice is also given in terms of the suitability of hearing protector provided in relation to attenuation.

The revised calculator can be [accessed at our website](#).



# CHEMICAL STORAGE Q&A

## IF I HAVE 3 X 200 LITRE DRUMS ON A BUND. SHOULD THE BUND CAPACITY BE 220 LITRES OR 660 LITRES?

The bund capacity should be 110% of the largest container on the bund. In this scenario the large container is 200 litres and therefore the capacity of the bund should be 220 litres.

## WHAT ABOUT STORING ALCOHOL HAND SANITISER IN THE WORKPLACE?

Hand sanitisers are classified as flammable liquids and therefore must be stored in accordance with HSG 51. Section 223 of HSG provides guidance for the storage of retail flammable liquids in primary containers in less than 500ml where you can store the containers in general storage with appropriate precautions.

## HAVE YOU ANY COMMENTS ON SPILL KITS IN STORAGE AREAS?

A few key points on spill kits in storage areas:

1. Do not keep spill kits in the chemical store / cabinet. In the event of a spill, you will not be able to access the spill kit.
2. Decide on what size of spill you are going to deal with in each department as part of your risk assessment and above what quantities will be call the emergency services or emergency Response Team.
3. Remember that you need to have the Personal Protective Equipment available for dealing with a spill in addition to the spill kit contents. Have the PPE readily available for dealing with a chemical spill.
4. Regular checks should be completed on the spill kit contents. Rather than having to check the spill kit contents each time, place a breakable tie on the closure of the spill kit. The check then will only require that you check that that the tie is intact.

## DO EMPTY GAS CYLINDERS NEED TO BE IN A CAGE?

Yes, empty cylinders are classified as dangerous goods because they will contain residual gas and therefore, I would recommend that they are stored in a caged facility. Empty and full cylinders should be stored separately.

# STRESS TALKING TOOLKIT LAUNCHED FOR THE CONSTRUCTION SECTOR

HSE has published a [Work-related Stress Talking Toolkit for the construction sector](#).

Developed with the help of industry stakeholders, the [Work-related Stress Talking Toolkit](#) is primarily aimed at small and medium sized businesses with a regular workforce (employed and contracted) who wish to be proactive in addressing this issue. However, it is a flexible tool that can be used across the whole industry.

Starting the conversation is an important first step in preventing work-related stress, and the toolkit will help to do that.

[Download the construction Talking Toolkit \(PDF\)](#) and find out more about [work-related stress](#).





# NEW AGA COMPANY DIRECTOR APPOINTED

Andrew Goddard Associates Ltd are pleased to announce the appointment of our new Company Director Anna Plater.



Most of you will already know Anna, she has worked at the company since 2009.

However, on 1st April 2021 she officially became an AGA Company Director.

With over 12 years' experience as a CDM Consultant Anna has built a wide portfolio of projects from office fit out to high rise residential towers. She is also highly qualified having graduated with her NEBOSH Diploma in 2019 she is currently a Graduate Member of IOSH and holds CMaPS status with the Association of Project Safety.

We very much look forward to the future with Anna at the helm of the company.

## AGA E-LEARNING COURSES

Whether you are looking to improve your own knowledge or provide training to employees, our E-Learning courses will guide you through the regulations, your legal duties, identifying hazards in your workplace and suitable control measures. Each course is followed by a short test to clarify your understanding regarding that topic, upon which after completion, you will be issued a certificate.

Each course costs £15+vat unless otherwise stated. The courses we currently offer training in are:

- Asbestos Awareness \*Course cost is £20+vat\*
- Abrasive Wheels
- Basic First Aid
- COSHH
- Display Screen Equipment (DSE)
- Falls Prevention – Working at height
- Fire Safety
- Fire Warden \*Course cost is £20+vat\*
- Health and Safety Level 2 \*Course cost is £20+vat\*
- Legionella Awareness
- Local Exhaust Ventilation (LEV)
- Lone and Remote Workers (Personal Security)
- Manual Handling
- Office Safety
- Risk Assessment
- Slips and Trips
- The Construction (Design and Management) Regulations (Overview)



For more information or to book our courses visit [www.aga-ltd.co.uk/e-learning-courses](http://www.aga-ltd.co.uk/e-learning-courses).

DID YOU KNOW..?



**1 in 5** managers  
are not trained in health and safety



**£18bn**

Annual cost to the UK economy in lost productivity due to workplace absence

**£1.6m**

The UK HSE's estimated total cost to society of a workplace fatality

# Train like a boss

New research by IOSH and YouGov highlights the benefits of health and safety training at management level.



**120%**

Global dividend on preventing occupational risks, according to ISSA



Average productivity boost per employee who took part in a programme to improve energy levels from the Advanced Wellbeing Research Centre



**MORE THAN 4 IN 5 BUSINESSES** INVESTING IN HEALTH AND SAFETY TRAINING FOR MANAGERS SAID THE COURSES WERE DRIVING BUSINESS BENEFITS



### TOP 5 SPECIFIC BUSINESS BENEFITS\*



\*Based on respondents who find health and safety courses for line managers drive benefits for their business

**698** health and safety decision-makers interviewed



**96%**

agreed that line managers were important in ensuring their staff are safe and healthy in the workplace

**1 in 4** said management failure was rarely responsible for accidents

**MORE THAN HALF WHO TRAIN THEIR LINE MANAGERS USE AN EXTERNAL PROVIDER - IOSH'S MANAGING SAFELY IS THE MOST POPULAR COURSE**



All figures unless otherwise stated are from YouGov plc. All data unless stated was 100% health and safety decision-makers. Figures are a combination between 13 Jan 2023 and 1 Jan 2023. This survey was carried out online. The figures have been weighted and are representative of all UK adults aged 16+



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