



Approved Code of Practice (ACOP) on Confined Spaces

Over the past few years there have been three fatalities in confined spaces offshore, three on a North Sea standby vessel, one on a ship in a dock and two in a submersible pontoon. This, along with possible other incidents in confined spaces in other industries has led to the Health and Safety Executive realising a need to update existing guidance on work in confined spaces.

The new publication came out on 17 February 2009 and contains an Approved Code of Practice (ACOP), as well as guidance on the duties in the Confined Spaces Regulations which apply across all industry sectors and which apply to working in confined spaces but which do not apply to offshore installations. It also gives guidance on the duties in other regulations where they apply to work in confined spaces.

The new HSE document will be of most use to those working in confined spaces in the Agriculture, Brewery, Construction, Maritime, Waste and Water industries. It emphasises the need to plan for work in confined spaces and take common sense measures to ensure risks to health and safety are identified and addressed. In particular, risks pertaining to grain silos, storage tanks and slurry pits, brewery cellars and work in sewers have been noted as significant.

Father and Son Pay Out over £50,000 for Fire Safety Breaches

In a prosecution brought by the Hereford & Worcester Fire and Rescue Authority, Brian Murdoch and his son David, were ordered to pay more than £50,000 in fines and costs after admitting to charges relating to inadequate fire safety standards.

Brian Murdoch owns property at 90 and 91 Coventry Street, Kidderminster, and his son is responsible for the day-to-day operation of the premises. In July 2007, tenants had to be rescued from those premises following a fire.

At Kidderminster Magistrates' Court, Brian and David Murdoch pleaded guilty to various breaches of The Regulatory Reform (Fire Safety) Order 2005. The Fire Safety Order places an obligation upon premises owners/occupiers/employers to carry out a suitable and sufficient assessment of the risks to their premises from fire. It applies to virtually all premises, with a few exceptions which include single occupancy domestic properties.

The charges against the Murdochs included:

- failing to carry out a suitable and sufficient assessment of the risks
- failing to ensure that the premises and relevant equipment and devices were properly maintained and in good working order
- failing to comply with the Fire Safety Order, so far as was required.

Father and son were fined a total of £11,600 and were required to pay costs amounting to £39,695.

Attention was drawn to the effectiveness and efficiency of the Fire Service during the incident in question. Assistant Chief Fire Officer, Jon Hall, expressed the hope that the case would act as a timely reminder to people throughout Herefordshire and Worcestershire to ensure their buildings are safe. He added that the Fire Authority would use enforcement action and, ultimately, prosecution in situations where building owners/operators fail to fulfil their legal obligations to those that use their buildings.



Landlord Pays £84,000 in Fines and Costs after Tenant Dies

The Health and Safety Executive has warned landlords about the dangers associated with potentially unsafe gas installations in tenanted properties, following the prosecution of a landlord.

Shahid Hussain, who manages a family business that owns and rents out a number of properties in Burton-on-Trent, has been fined £40,000 and ordered to pay £44,000 in costs following a carbon monoxide leak in one of his properties.

The property in question, was rented to a single male on Waterloo Street. He died in February 2006.

In February 2009 Stafford Crown Court heard that Mr Hussain was found to be managing a business letting 12 properties, of which nine had gas appliances fitted. Subsequent checks showed that only two of these properties had current Landlord Gas Safety Certificates and that a number of appliances were classified as either 'Immediately Dangerous' or 'At Risk,' which put other tenants in jeopardy of exposure to the poisonous fumes or gas explosions.

Shahid Hussain pleaded guilty to a charge of breaching Section 3(2) of the Health and Safety at Work etc. Act 1974 and failing to maintain appliances or to keep a record of safety checks in properties.

Company Discovers the Cost of Slips, Trips and Falls

Following a prosecution case in which the company responsible for a driver breaking his ankle was fined £5,600, the Health and Safety Executive (HSE) is warning firms that slips and falls can be costly.

At Coventry Magistrates' Court, Sunlight Services Group, who are based at Basingstoke, was fined £2,400 after pleading guilty to a breach of regulation 12(1) of the Workplace (Health, Safety & Welfare) Regulations 1992. The company also pleaded guilty to breaching regulation 3(1) of the Management of Health & Safety at Work Regulations 1999. For this offence, the firm was fined £3,200. It was also ordered to pay costs amounting to £8,951.

The case concerned a driver at the company's London Road depot. On 20 November 2007, he had parked his vehicle next to the locked pump prior to filling it up with diesel fuel. Unfortunately, he slipped on the wooden decking in front of the pump and broke his ankle. After falling, he was stranded for 20 minutes, but eventually managed to use his mobile phone to call his wife. She then telephoned for an ambulance.

The driver, an agency worker, had been working with the company for just two weeks. He took only two steps on the decking before falling. Upon arrival, the paramedics also found the surface very slippery and had to remove some of the decking before they could lift the casualty into the ambulance. This was not the first time drivers had slipped in the area – the pump had a small leak when not in use – but it was the first time such a fall had resulted in injuries.

At Coventry Magistrates' Court, the charges concerned the company's failure to carry out a suitable and sufficient risk assessment of the wooden decking next to the diesel pump and ensure that every floor surface in the workplace was suitable for its intended purpose and not slippery. It also failed to protect workers using the pump.

The Court's ruling on this case coincides with the Health and Safety Executive's (HSE's) launch of phase two of its 'Shattered Lives' campaign, which aims to draw attention to the potentially fatal consequences of slips, trips and falls in the workplace.

Speaking after the case, HSE inspector Pamela Folsom made the point that, in this instance, the dangers could have been identified easily through even a basic risk assessment. An alternative type of flooring could then have been installed. Wooden decking was an inappropriate flooring material for an area subject to fuel spillage and a variety of weather conditions.