

Campaign group set up after crane disaster

Following the collapse of a crane in Thessaly Rd, Battersea where two people lost their lives, families of the deceased, residents and supporters have formed the Battersea Crane Disaster Action Group (BCDAG). The group has a list of demands including inspection of the wrecked crane by an independent expert and for a code of practice on crane safety to become law.

On September 26th at a construction site next to the Thessaly Rd estate a 50m crane collapsed onto a block of residential flats killing the crane driver, Jonathan Cloke, 37 from Guildford and local man Michael Alexa, 23 who was working on his car in the street outside his mum's home.

Michael's body was trapped under the collapsed crane and was left there for five days until the body could be moved safely.

Michael's parents, who live just yards from the scene, are demanding answers. Mum Liliana, said: "We are devastated. His body was out there in the street for all that time. We know they were doing an investigation but don't they understand how awful it was to have my son down there? I wanted to go and sleep on the street next to him."

Michael had two children and was a member of the Transport and General Workers Union. Since the deaths residents have organised a candlelight vigil, which hundreds attended.

Local people said the noise of the crane collapse was like a bomb going off followed by a massive dust cloud. The crane collapsed on a block of flats on top of shops, smashing out windows in the



Tony O'Brien, CSC, Speaks to family and friends of the two dead men

surrounding area. Twenty five flats and maisonettes were initially evacuated for several days. The construction site is being developed by Barratts and the crane was hired from Norfolk company, Falcon Crane Hire.

Residents are also upset as work on the site did not stop on the day of Michael's funeral.

Following the disaster a public meeting was called and supported by local residents, South London Action on Safety and Health (SLASH), Battersea and Wandsworth Trades Council (BWTUC), Construction Safety Campaign (CSC), police and the Health and Safety Executive (HSE). Over sixty people attended including John Cloake's widow who traveled from Guildford, Michael's mother and girlfriend. The group are now holding regular committee meetings to plan further action and Battersea TUC and the

Construction Safety Campaign are giving support.

Julia Brandreth of BWTUC said: "The trades council organized this public meeting to give families of the bereaved and residents the opportunity to raise their concerns together. It's outrageous that no other body involved in the case have given residents this opportunity."

At the meeting, solicitor Louise Christian said: "Having an independent expert means the families will have someone representing them involved in the investigation." Head of construction at HSE, Louise Brearey, said she did not have a problem with this.

Residents at the meeting were outraged that their questions about the history of the crane could not be answered by the panel of speakers including representatives from the HSE and the police.

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London Borough of Hackney fined after worker coma

The London Borough of Hackney was fined £10,000 at Southwark Crown Court with £11,286 costs following an incident where an employee was given an electric shock that left him in a coma for two days.

In July 2003 Hackney works department employee Steve Yamoah was working with Geoff Hicks, a qualified electrician, on a street lamp outside Lincoln Court, Bethune Road, London N16. The normal procedure was to switch off the light using the isolator switch at the bottom. The two men had not been taken through this procedure or instructed in how to carry out a proper risk assessment. Additionally the live and neutral wires of the street lamp had previously been reversed and this potentially fatal error remained undetected until after the incident.

When Mr Yamoah changed the bulb he received a severe electric shock and was thrown from the ladder, knocked unconscious and stopped breathing. Mr Hicks, who was holding the bottom of the ladder, also received an electric shock but recovered sufficiently to give Mr Yamoah artificial respiration. Mr Yamoah was in a coma for two days, received severe burns to his right hand, fractured his spine and dislocated his shoulder. He is recovering from his injuries and is no longer working for Hackney on grounds of ill health.

HSE Principal Inspector Ron Wright said: "This was a very unfortunate series of events that led to serious injury for Mr Yamoah. The case highlights the failure of Hackney Council to provide proper training to employees working on electrical equipment and for the need for a thorough risk assessment particularly when working in public areas".

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One angry neighbour of the site said: "If I had an accident in my car the police would know in five minutes if the car had an MOT or not."

Louise Breary, of HSE's construction division, said: "We don't know what caused the accident but we intend to find out. I haven't got the exact age of the crane but I believe it was quite an old one. And that will obviously be part of the investigation."

The disaster has also been mentioned in parliament with local MP Martin Linton calling for a debate on crane safety. Mr Linton told MPs that a debate on crane safety would "allow the Work and Pensions Secretary to report on the number of fatal accidents and to review the need for more safety precautions to protect not only the people who work on cranes but the many people living next to building sites who now look nervously at the huge cranes towering over them."

Following the disaster and another high profile collapse in the City of London, the crane drivers group, The United Crane Operators Association, called for passports which include "sell by dates" on all cranes. They said there are many cranes over 40 years old still in operation and their components have been under working stress every working day. They feel the current safety inspection regime is too lax.

BCDAG's demands:

- ▲ Justice for the bereaved and residents.
- ▲ Security and safety of local residents
- ▲ For the Health and Safety Executive to hold an full and immediate inspection of the site
- ▲ An independent expert to be allowed to inspect the crane
- ▲ Wandsworth Council to hold a full public investigation into the disaster
- ▲ For a Code of Practice on crane safety to become law
- ▲ Keep local shops open for the community.

Northern Line staff most at risk of assault

There were 531 reported assaults on Northern Line staff over the last 18 months according to figures from Transport for London (TfL). The statistics were given in a reply to a question to Mayor Ken Livingstone from London Assembly member and Barnet councillor Brian Coleman.

Of the Northern Line assaults, eight were against off-duty personnel. Piccadilly Line staff came second with 363 assaults and Jubilee Line staff suffered 300 assaults. There were 57 reported assaults on commuters in the same period.

A spokesman for TfL said: "In the last year, staff assaults dropped by 4.5 per cent and assaults on passengers dropped by 17 per cent. The vast majority of these incidents relate to verbal abuse – obviously this is something we still take very seriously."

Riverboat safety protest

Campaigners from the Marchioness disaster and the Rail, Maritime and Transport union (RMT) have attacked plans for less experienced boat masters to be allowed on the River Thames.

Margaret Lockwood-Croft, whose son Shaun was among 51 people killed when the Marchioness pleasure boat was sunk by a dredger in 1989, said: "Unless these plans are stopped there will be another Marchioness-type tragedy on the Thames. These waters are highly dangerous, and proper training of staff is needed."

Currently a license to work on the Thames requires five years experience on the river and four examinations. Proposals before parliament would reduce the requirement to two years experience with the period for qualifying service to gain local knowledge reduced from two years to six months.

Bob Crow, the RMT general secretary, said: "It is even proposed to do away with the current mandatory college-based training and to reduce the qualifying age for a license from 21 to 18 years for cargo vessels up to 40m long."

Construction workers' memorial

The construction union, the Union of Construction, Allied Trades and Technicians (UCATT), has erected a statue to commemorate construction workers killed at work and to remind us of the contribution construction workers make to society. The unveiling ceremony was supported by London's Mayor, Ken Livingstone, who gave permission for the statue to be placed on the main road in front of the Tower of London.

The statue is part of UCATT's campaign to strengthen proposed corporate manslaughter laws and will be a focal point on Workers Memorial Day, commemorated every April 28th.



'The Building Worker'

UCATT General Secretary Alan Ritchie said: "Our union will continue campaigning for a new law so that

individual directors and senior managers are held accountable for accidents at work." (See also FACK page 4).

A total of 351 construction workers have died on sites since 2001 and a two-minute silence was observed in their memory.

Watching the unveiling was Mary O'Sullivan whose 54-year-old husband Patrick was working on the new Wembley Stadium in 2004 when he was killed at work. Mary said: "He was crushed to death that morning and they crushed us to death as well."

The inscription on the plinth of the statue reads, "The Building Worker'

For the thousands of building workers who have lost their lives at work we commemorate you.

For thousands of building workers who are today building and rebuilding towns and cities across the United Kingdom, we celebrate you."

Scaffolder electrocuted

Ralph Kennedy aged 24, known as Barney, a scaffolder and father of two, was electrocuted and died on a Camden Council housing refurbishment project on 22nd September. The death on the Mayford Estate in Sommers Town happened when he touched a live light fitting. Workers on the site told Camden New Journal shortly after Ralph Kennedy was killed that someone else had a shock from the light fitting the previous week.

This is being investigated by the police and the Health and Safety Executive as part of their enquiries into the cause of the death.

The Construction Safety Campaign, CSC, has been asked for support by relatives and by Camden Unison (one of the relatives is a member of the branch). The CSC is particularly concerned that this was work on Camden Council property.

Tony O'Brien, CSC secretary, said:

"Councils across London have a lot to answer for. Camden used to have a large in-house construction team, not any more. They would check sites often. There should be daily recorded safety checks. In this case it looks like this wasn't done because the problem would have been spotted – especially if there had been complaints about it sparking beforehand. The area should have been cordoned off. These things wouldn't happen if there was a direct in-house team."

He went on: "Things are hushed up when building workers are killed. Families are not invisible people. They deserve to be told what happened."

Meanwhile Camden New Journal reports that bosses at Gee Construction Ltd the contractor responsible for the work were refusing to answer any of their questions. They have worked on other local authority projects; and seven years ago, trading under the name Wiggins Gee Construction, they were fined £5,000 for safety offences on a project in Neath in Wales. The Inquest resumes in April.

Croydon company fined for employee injury

Viridor Waste Management of Croydon were fined £2,500 with £2,914 costs after an employee's foot was crushed by a tractor.

Viridor employee Daniel Bonnell was told to remove a drain cover by using the tractor's towing equipment. He slipped and his foot was crushed leading to him having to take six months off work.

The court heard how Viridor had conducted an internal audit some weeks before Mr Bonnell's accident, which should have alerted them to weaknesses in the health and safety management system. The Health and Safety Executive (HSE) found that a sufficient risk assessment and effective training had not been carried out.

Families call for tougher manslaughter laws

Campaign organisation Families Against Corporate Killers (FACK) protested outside parliament and held a meeting to lobby MPs inside calling for the proposed corporate manslaughter law to be strengthened just before the Bill was given its second reading in the Commons.

The Corporate Manslaughter and Corporate Homicide Bill was roundly criticised as it will only be able to place a fine on companies who are convicted and will not allow for prosecutions against individual company directors or senior managers. These criticisms were also aired by, amongst many others, the trade unions Amicus, Transport and General Workers Union (TGWU) and the Union of Construction and Allied Trades and Technicians (UCATT).

Dorothy Wright, a founder member of FACK, whose son Mark was killed last year in an explosion at a recycling plant said: "Since my son's death we, his family, have been stripped of our dignity, intimidated, harassed, dehumanized, and made to feel that our son's life was totally expendable and we are the wrongdoers. Directors of companies and organizations under current legislation cannot easily be imprisoned for manslaughter but can be imprisoned for fraud. We feel that is morally and legally indefensible. Surely the lives of citizens are of infinitely more value than money? There are tougher laws and penalties for people who harm or kill animals. It is a government's primary responsibility to protect citizens' lives. That, we were told, was why we went to war in Iraq. Let's protect them against killer employers by giving this ineffective Bill some teeth."

Hilda Palmer, Hazards Campaign, said: "The Hazards Campaign shares FACK's main criticism of The Corporate Manslaughter and Corporate Homicide Bill. We want employers who flout health



Campaigners joined by Andrew Dismore MP call for stronger workplace manslaughter laws.

and safety law to know they will face serious penalties otherwise what deterrent is there to stop these criminals killing workers and others? As it stands the Bill will make little difference. Until directors of large companies face imprisonment for their negligence or recklessness, workers will not be any safer than they are now. The government must listen to people who have been given a life sentence – of injustice! The families of people killed by employer negligence will not collude with the business world in seeing workplace deaths as acceptable collateral damage. The current bill is a disgrace to justice and a slap in the face for the families of people killed at work. But the Bill is good for business and a cause for much of corporate manslaughter."

The lobbying event was held after the Labour Party Conference voted in favour of strengthening the proposed law to include directors and senior managers despite the party's leadership recommending they vote against this move. Previous Home Secretaries and the party leadership have spoken out against

any such changes in the past.

Following the second reading of the bill it will be scrutinised again by a parliamentary committee who then make suggested amendments and report these back to Members of Parliament in the House of Commons. Whether the revisions will include the campaigners' demands is unclear. The resistance of the party leadership lessens the likelihood of an amended bill getting through the Commons. Several trade unions have kept up the pressure for these changes in parliament since these events.

Further information

For more information about FACK:

<http://www.hazardscampaign.org.uk/fack/>

Hansard full text of the debate on the Bill in parliament:

<http://www.parliament.the-stationery-office.co.uk/pa/cm200506/cmhansrd/m061010/debtext/610100008.htm#061010140000001>

Weakened Asbestos Regulations will usher in more asbestos deaths

On the 13th of November 2006 the revised Control of Asbestos at Work (CAW) Regulations became law. (see Daily Hazard 90 Asbestos – good news and very bad news).

Tony O'Brian, Secretary of the Construction Safety Campaign (CSC) said, "the removal of the requirement for a license to work on asbestos textured coatings is criminally wrong and will do nothing but send out a message to industry that asbestos is not as dangerous as it really is. This weakening of the law has already played into the hands of the asbestos industry and their supporters, not just in the UK but globally."

He went on to say: "Weakening the law doesn't protect workers from the killer dust and bad science was used to justify what is plainly a cost cutting exercise. Those on the Health and Safety Commission who voted for these changes, despite massive objections from Members of Parliament and trade unions should hang their heads in shame."

Part of the problem is that the World Health Organisation (WHO) and the International Labour Organisation (ILO) have allowed organizations such as the International Commission on Occupational Health (ICOH) and other asbestos industry advocates to manipulate them and to distort scientific evidence. The global asbestos cancer epidemic is a story of monumental failure to protect the public health.

More than 30 million tons of asbestos in its various forms have been mined in the past century. Asbestos is one of the most pervasive environmental hazards in the world, present in more than 3,000 manufactured products. All forms of asbestos can result in asbestosis (a progressive fibrotic disease of the lungs), lung cancer, and mesothelioma, a cancer arising in the membranes lining the pleural and peritoneal cavities. *The Asbestos Cancer Epidemic by Joseph LaDou*

Barking and Dagenham (BAD) Asbestos News

Barking and Dagenham continues to hold monthly drop in sessions at Barking Town Hall with a solicitor present giving free advice.

The largest number of enquiries concern men and some women with pleural plaques, currently unable to make claims for damages because of a Court of Appeal ruling in January this year. This ruled by two to one that pleural plaques would no longer be eligible for compensation despite the fact that it is known that those with this condition are known to be at higher risk of developing an asbestos cancer than those who don't have it. Previously compensation could be as high as £15,000 although an earlier decision had reduced this sum. An appeal to the Law Lords to reinstate compensation for sufferers is now set for summer 2007.

BAD Asbestos has had to say goodbye to founder member Tony Browne, Secretary Barking and Dagenham UNISON, who has moved on to new career in Dorset. We wish him well. The group hopes to appoint its first paid part-time worker in the near future.

The drop-in sessions are advertised in the Barking Post. They are usually 3–5pm. www.badasbestos.org.uk

Asbestos compensation to include costs of non-NHS drugs

A carpenter has been awarded £400,000 damages for asbestos-related cancer. This award includes, for the first time, the cost of drug therapies not available on the NHS. The agreed award to father-of-two Amarjeet Singh Dahele, aged 52, of East London, is believed to be one of the highest ever made in such a case.

Whilst working on three tower blocks in Stratford, East London between 1975 and

1977, Mr Dahele was regularly exposed to asbestos dust. He was required to saw and drill asbestos sheets and was showered with asbestos-laden dust and debris as scaffolding was removed from above him.

Mr Dahele had received Pemetrexed (Alimta) and Cisplatin chemotherapy at St Bartholomew's Hospital, London but had been told by his treating consultant Dr Jeremy Steele, director of Bart's Mesothelioma Research, that although a further course would be beneficial it would not be available on the NHS. As a result, his lawyer Harminder Bains

included the cost of obtaining it via the private sector in the court action.

Acting for Mr Dahele, law firm, Field Fisher Waterhouse sued the company for which he worked as a carpenter at the time – Thomas Bates and Son Ltd. of Romford. The company admitted liability after cross-examining him at his home. At court the company conceded Mr Dahele's claim for nursing care and equipment in the sum of £18,593.26, the cost of private chemotherapy treatment in the sum of £20,000 and in respect of the lost years claim a reduction of 25% rather than the usual 50%.

Gas safety and dodgy gas fitters

The Health and Safety Executive (HSE) has issued domestic gas appliance safety warnings as well as warning against using dangerous, unqualified gas fitters.

HSE issued warnings after the publication of a report by University College London which indicates that 23 per cent of homes in the South East have one or more defective gas appliances and 8 per cent of homes were judged to be at risk of dangerous levels of carbon monoxide (CO).

According to the research, which saw more than 600 homes with appliances inspected, problems were mainly associated with the way homeowners and occupiers used the appliances and how they used available ventilation.

Mike Harrison, HSE Principal Inspector said: "In properties where gas appliances are installed that are the responsibility of the landlord, tenants must see a copy of a Landlord's Gas Safety Record. This record details the outcome of the annual safety check. Landlords of rented properties should remember that gas appliances are not just subject to annual safety checks; they must be maintained in a safe condition all year round. This means that gas boilers should be serviced in accordance with manufacturer's instructions by a CORGI registered installer, as well as having annual gas safety checks carried out on them."

This warning followed the prosecution of Mr Christopher O'Mahoney and his company Gas R Us Limited of Wandsworth who were fined £2,200 with costs of £8,120 following a series of gas safety offences. Mr O'Mahoney falsely claimed to have CORGI registration and carried out work on gas installations in Wandsworth, Kensington and Chelsea, Islington and Sutton. He falsely used a CORGI registration number that

belonged to Kulwinder Singh of Birmingham. Mr O'Mahoney was also disqualified from being a Director of a Limited Company for two years under the 1986 Directors Disqualification Act.

Between November 2004 and March 2005 Mr O'Mahoney carried out work on a central heating system at a rented property in London Court, Frogmore, Wandsworth. He made several visits as the tenant was concerned about the work and could smell fumes from a gas fire. He claimed it was safe, but a Transco engineer subsequently disconnected the gas supply and labeled the boiler as dangerous.

Following a complaint HSE began investigating Mr O'Mahoney. However, despite the HSE's warning to stop his illegal work, he continued and issued 12 false gas safety records in a single day to a landlord who has properties in Kensington and Chelsea and Islington. For this work he used the name "Chris Smith" and again he used Mr Singh's CORGI registration number.

In two other incidents, complaints were made to CORGI about Mr O'Mahoney's work in Devereux Road, Wandsworth. A subsequent CORGI inspection found that the wall had not been made good around the boiler flue. And following work by Mr O'Mahoney in Beauchamp Road, Sutton on 7th January 2005, a CORGI inspection discovered that a fire had a gas leak.

Following the hearing HSE inspector Andrew Withers said: "It appears that Mr O'Mahoney went to great lengths to avoid having his work monitored by CORGI. The investigation into the complaints against Mr O'Mahoney was difficult, but eventually I was able to issue a Prohibition Notice against him because of the imminent concern for public safety. If he illegally works on gas appliances again he could face imprisonment for breaching the Notice."

LHC supporters scheme

If your organisation needs regular health and safety support (inspections, audits, risk assessment or training) then becoming an LHC supporter will be a useful and money saving scheme for you. You pay £495 pound annual subscription and for this you can have the services of one of our workers for a day in the following year. Additionally if you need other LHC services in the year you get 10% off our normal service rates.

Sign up as an LHC supporter and get workplace health and safety support.



Training

COURSE PROGRAMME

The Centre runs one-day courses aimed at trade union safety representatives and voluntary/public sector organisations. Courses cost £65 per person and are held at the Red Cross building near the Angel, Islington which is fully accessible.

Our training is activity based and the timetable is from 10am to 4pm.

Our current programme includes:

- ▲ **Introduction to Workplace Health and Safety**
Tuesday 20th February 2007
 - ▲ **Introduction to Risk Assessment**
Thursday 22nd February 2007
 - ▲ **Introduction to Workplace Health and Safety**
Tuesday 6th March 2007
 - ▲ **Introduction to Risk Assessment**
Thursday 8th November 2007
- Details and booking forms at www.lhc.org.uk or from the Centre advice line 020 7794 5999.

COURSES TO ORDER

We run tailor made courses on a range of health and safety topics for unions, charities, community groups and councils. Contact us to discuss training for your organisation or workplace.

SUPPORT FOR COMPANIES

If your organisation needs regular health and safety support we have an annual subscription scheme that provides a discounted daily fee for scheme members.

London Hazards Advice Line

We aim especially to work with local groups such as tenants/residents organisations, black and minority ethnic networks, union branches. We'll provide the level of support you need, from a single phone call to long-term support for a local campaign.

020 7794 5999

Housing hazards and landlords duties

Housing hazards and landlords duties

The 1985 Housing Act had "fitness standards" for rented accommodation. This ensured that tenants could make landlords improve sub-standard housing. On the 1st April 2006 new regulations dealing with sub-standard property came into force.

Part 1 of the Housing Act 2004 (The Act) describes an evidence-based system for assessing housing conditions. The Act allows for regulations to be made which define health hazards, the method for assessing the seriousness of hazards and the manner and extent of inspections of residential premises.

Those regulations have now been made and are called "The Housing Health and Safety Rating System (England) Regulations 2005".

Complying with the regulations

The Housing Health and Safety Rating System (HHSRS) is a system for assessing the health and safety risks in dwellings and is a replacement for the "fitness standard" that was contained in the 1985 Housing Act.

To comply with the regulations a "dwelling" (it's structure, out-buildings, gardens, yards, amenity space and means of access) should provide a safe and healthy environment for any occupier, potential occupier or visitor.

What is a "dwelling"?

A dwelling includes a house, a self contained flat, bed-sit, a room in a hostel or similar residential building or any house in multiple occupation (HMO).

The assessment?

An assessment of the house etc. decides if there is a hazard present in the dwelling that can cause harm to an occupier or visitor. The assessment should be based on the most vulnerable potential occupant. The regulations give no guidance as to what a "vulnerable" occupant might be. In our opinion it might be a baby or child were there is a possibility of gassing, a multiple chemical sensitivity sufferer when the hazard is chemical exposure or an elderly person when the hazard is hypothermia. Council Environmental Health Officers (EHOs) carrying out the assessment will be able to take account of the vulnerability of the actual occupant during their assessment.

Hazards are scored using a system set out in the regulations according to how serious they are and the effect they are having, or could have, on the occupiers of, or visitors to, a dwelling.

The rating system can also compare the health risks associated with different types of hazards. E.g. Those hazards that are long term (chronic) health risks like dampness, cold, vermin or mould and hazards that have immediate (acute) health effects such as falls and trips.

The aim of the rating system is to identify the hazard and minimise the health risks that come from being exposed to the hazard.

The Hazards

The regulations identify 29 housing hazards and they are named in Schedule 1 of the regulations and they are:

Damp and mould growth: Exposure to house dust mites, damp, mould or fungal growths.

Excess cold: Exposure to low temperatures.

Excess heat: Exposure to high temperatures.

Asbestos and MMF: Exposure to asbestos fibres or manufactured mineral fibres.

Biocides: Exposure to chemicals used to treat timber and mould growth.

Carbon monoxide and fuel combustion products: Exposure to (a) carbon monoxide; (b) nitrogen dioxide; (c) sulphur dioxide and smoke.

Lead: The ingestion of lead.

Radiation: Exposure to radiation.

Uncombusted fuel gas: Exposure to uncombusted fuel gas.

Volatile organic compounds: Exposure to volatile organic compounds.

Crowding and space: A lack of adequate space for living and sleeping.

Entry by intruders: Difficulties in keeping the dwelling or Home in Multiple Occupation (HMO) secure against unauthorised entry.

Lighting: A lack of adequate lighting.

Noise: Exposure to noise.

Domestic hygiene, pests and refuse: (a) Poor design, layout or construction such that the dwelling or HMO cannot readily be kept clean. (b) Exposure to pests. (c) An inadequate provision for the hygienic storage and disposal of household waste.

Food safety: An inadequate provision of facilities for the storage, preparation and cooking of food.

Personal hygiene, sanitation and drainage: An inadequate provision of (a) facilities for maintaining good personal hygiene; (b) sanitation and drainage.

Water supply: An inadequate supply of water free from contamination, for drinking and other domestic purposes.

Falls associated with baths: Falls associated with toilets, baths, showers or other washing facilities.

Falling on level surfaces: Falling on any level surface or falling between surfaces where the change in level is less than 300 millimetres.

Falling on stairs: Falling on stairs, steps or ramps where the change in level is 300 millimetres or more.

Falling between levels: Falling between levels where the difference in levels is 300 millimetres or more.

Electrical hazards: Exposure to electricity.

Fire: Exposure to uncontrolled fire and associated smoke.

Flames, hot surfaces: Contact with (a)

controlled fire or flames; (b) hot objects, liquid or vapours.

Collision and entrapment: Collision with, or entrapment of body parts in, doors, windows or other architectural features.

Explosions: An explosion at the dwelling or HMO.

Position and operability of amenities:

The position, location and operability of amenities, fittings and equipment.

Structural collapse and falling

elements: The collapse of the whole or part of the dwelling or HMO.

The Inspection and Risk Assessment.

An EHO will inspect a dwelling and note down all defects found. Once the inspection is completed the officer, in compliance with the method set out in the regulations, scores the hazards present and the likelihood of an incident causing harm to the occupiers. Scores are not a matter of personal judgement, they are set out in a document called "Guidance on operating principles".

If the score for a hazard is in excess of 1000, this is known as a **Category 1 hazard** and there is a legal duty on the Council to take appropriate enforcement action.

For scores less than a 1000, known as **Category 2 hazards**, the Council will have power to take action, but no legal duty to do so.

Tenants have no legal right to force council officers to carry out inspections and risk assessments of the property they live in. It will be difficult for Councils to justify not carrying out an inspection and risk assessment, particularly if the hazard is likely to be a category 1 hazard.

Much of the information about how the rating system works is technical and a computer program is available to council officers carrying out inspections. There is room for human error and misjudgment.

Pressure can put on council officers by using the Council's complaints system. You can also raise the matter with your local councillors or and Member of Parliament. If after doing this there is no action on the Council's part you may also be able to make a complaint to the Local Government Ombudsman's Office.

Enforcement Action

When a category 1 risk is revealed by an inspection the council **must** take action. Either

- (a) serving an improvement notice (ordering the landlord to make improvements) or
- (b) making a prohibition order (bans the use of the dwelling or parts of the dwelling) or
- (c) serving a hazard awareness notice or
- (d) taking emergency remedial action (the Council makes the hazard safe and charges the landlord for the work) or
- (e) making an emergency prohibition order or
- (f) making a demolition order under subsection (1) or (2) of section 265 of the Housing Act 1985 (c. 68); or
- (g) declaring the area in which the premises concerned are situated to be a clearance area by virtue of section 289(2) of that Act.

If (d) "emergency remedial action" is taken, then the council can recover the costs of taking that action from the landlord.

If the hazard revealed is a category 2 risk the council **may** take action, either:

- (a) serving an improvement notice,
- (b) making a prohibition order,
- (c) serving a hazard awareness notice,
- (d) making a demolition order, and
- (e) making a slum clearance declaration.

The taking of one of those kinds of enforcement action by the local

authority in relation to a particular category 2 hazard does not prevent them from taking either:

- (a) the same kind of action again, or
- (b) a different kind of enforcement action, in relation to the hazard, when they think that the action taken by them so far has not proved satisfactory.

Guidance of enforcement action

In February 2006 the office of the Deputy Prime-minister issued operating guidance (as set out by Section 9 of the Housing Act 2004) which anyone carrying out an inspection and assessment must use.

Further information

The Housing Health and Safety Regulations 2006

<http://www.opsi.gov.uk/SI/si2005/2003208.htm>

The Housing Act 2004

<http://www.opsi.gov.uk/ACTS/acts200420040034.htm>

Housing Health and Safety Rating System – Operating Guidance

<http://www.communities.gov.uk/pub/83/HHSRSOperatingGuidancePDF914Kbid1161843.pdf>

Shelter – If the environmental health team will not help

<http://england.shelter.org.uk/advice/advice-6334.cfm>

Factsheets online www.lhc.org.uk London advice 020 7794 5999



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