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Project -
Subject DIOHAS Meetings 2019 1/6 – meeting record
Ref -
Job No H0005
Date 21.01.2019 (Monday)
Pages 1
cc. -

Meeting Notes – Gavin Bull

DIOHAS meeting 2019 1/6: 21st Jan 2019, 4.30-6.00pm at AHMM (5-23 Old Street, London EC1V 9HL)

Attendance (16):

1. Gavin Bull – HSE (guest speaker)
2. Andy Jobling – Levitt Bernstein
3. Gary Burden – PRP Architects
4. Roland Reinardy – Hawkins Brown
5. Sarah Susman – Scott Brownrigg
6. Dagmar Binsted – Scott Brownrigg
7. Steve Coppin – Arcadis
8. Martin Touška – Rolfe Judd
9. George Poppe – Sheppard Robson
10. Nima Shamsipour – Rund
11. Santiago Morena Jiménez
12. Greg Brown – Parliamentary Safety Team
13. Carol King – Nicholas Hare Architects
14. Chris Mason – Nicholas Hare Architects
15. Paul Bussey – AHMM
16. Goh Ong – AHMM

01	<p>Guest speaker: Gavin Bull of the Health and Safety Executive</p> <p>Presentation: Gavin Bull of the Health and Safety Executive (HSE) will talk about a 2018 case concerning health and safety breaches in Exeter. The talk will be followed by discussion and lessons learned. See here for more details on the case.</p>	
02	<p>Case – Health and Safety Executive v Coast and Country Construction Ltd and Paul Humphries Architects Ltd (2018), heard by the Exeter Magistrates' Court</p> <p>Site – Manor Lodge Residential Home in Exmouth</p> <p>Works involved – A new traditional timber frame extension surround an existing, occupied residential home with 80 people with physical and mental impairments</p> <p>Principal Contractor (PC) – Coast and Country Construction Ltd</p> <p>Architect and Principal Designer (PD) – Paul Humphries Architects Ltd</p>	

Origin – The HSE was tipped off for concern over the scaffolding, which has collapsed on two previous occasions, but found extensive H&S breaches.

The HSE's findings:

- The work was poorly planned and had not been carried out in a safe manner;
- The site was not in good order;
- Scaffolding wasn't checked by a competent person;
- No fire risk assessment for the construction site nor the residential home;
- No escape route in place for the construction site;
- The PC does not know who was the PD;
- The PC was unreliable and unresponsive;
- The PD has little understanding of the role of a PD under CDM 2015;
- Information from the PD was poor;
- The PD was uncooperative during the investigation;
- HSE issued three improvement notices;
- The timber frame supplier has bought attention to guidance document, 16 Steps to fire Safety, published by the Structural Timber Association, but was ignored.

The verdict:

- The PC was found in breach of section 2(1) and 3(1) of the Health and Safety at Work Act 1974;
- The PD was found in breach of Regulation 11(1) and 11(3) of the CDM Regulation 2015;

Regulation 11(1) concern with the planning, managing and monitoring of pre-construction phase matters; Regulation 11(3) concern with identifying and eliminating or controlling foreseeable risk.

The fine:

- The PC was fined £150,000 plus cost £6280.39;
- The PD was fined £20,000 plus cost £6280.39.

	<p>Observations:</p> <ul style="list-style-type: none">• The absent of fire safety measures associate with traditional timber frame construction implies the lack of understanding of the design, specification and the associated standards;• It's a pre-emptive prosecution, where there had not been any accident;• It is the first successful prosecution of Principal Designer under the CDM Regulations 2015 which came into effect tree years ago, although there may be other unsuccessful prosecutions. <p>16 Steps to Fire Safety:</p> <ul style="list-style-type: none">• Guidance document published by the Structural Timber Association;• Endorse by the HSE;• It concerns with traditional timber frame, not engineer's timber products such as CLT;• Provides guidance for preparing fire risk assessment for design, pre-construction and construction phases;	
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Notices served

Notice 308615981 served against Paul Humphries Architects Limited on 20/11/2017

Notice Type	Improvement Notice		
Description	IN/ you are a principal designer and you do not have the knowledge to ensure the health and safety of those affected by your work as you failed to provide pre construction information relating to the risk of fire spread from the timber frame extensions that you specified in the designs.		
Compliance Date	05/01/2018	Revised Compliance Date	
Result	Complied with		
Breaches involved in this Notice			
Location of Offence			
Address	Salterton Road/Paul Humphries Paul Humphries Architects 49a Salterton Road EXMOUTH Devon EX8 2EF England	Region	Wales & South West
		Local Authority	East Devon
		Industry	Total service industries
		Main Activity	71111 - ARCHITECTURAL ACTIVITIES
		Type of Location	Fixed
HSE Details			
HSE Group	CDOP3GRP11	HSE Directorate	Field Operations Directorate
HSE Area		HSE Division	South West

<http://press.hse.gov.uk/2018/05/23/exmouth-building-companies-fined-after-disregarding-health-and-safety-regulations/>

[Exmouth building companies fined after disregarding health and safety regulations](#)

[23rd May 2018](#)[13th December 2018](#)

Coast & Country Construction Limited and Paul Humphries Architects Ltd have both been sentenced today after serious breaches of their health and safety duties.

Exeter Magistrates' Court heard that, in early 2016, a concern was raised about the lack of health and safety controls at a large timber frame extension being built onto Manor Lodge Residential Home in Exmouth. On 1 March 2016, inspectors from the Health and Safety Executive (HSE) visited the site and found numerous health and safety breaches.

During the site inspection, uncontrolled high-risk activities were witnessed that put workers at risk of death, serious injuries or ill health. The risks included falls from height, fire, slips and trips and poorly controlled wood dust. The inspection found there was a total disregard for health and safety and site management. In particular, the risk of fire spread associated with the construction of a timber frame extension adjoining an existing building. 80 physically and/or mentally impaired residents of the home were put at risk of injury or death due to the possibility of fire spreading into the home.

The subsequent investigation by the HSE found that the work was not properly planned, nor appropriately supervised or carried out in a safe manner. Coast & Country Construction Limited (formerly known as Make a Loft a Home) as the principal contractor, had a duty to control how the work was carried out and to ensure that the work would be completed safely. The timber frame extension work was designed by Paul Humphries Architects Ltd who failed to perform their duties as the principal designer and failed to consider the risk of fire spread to the vulnerable residents.

Coast & Country Construction Limited of Concord Road, Exmouth did not attend court but were found guilty in their absence to breaching Section 2 (1) and 3 (1) of the Health and Safety at Work etc Act 1974, and have been fined £150,000 and ordered to pay costs of £6,039.

Paul Humphries Architects Ltd of Salterton Road, Exmouth pleaded guilty to breaching Regulation 11 (1) and 11 (3) of the Construction (Design and Management) Regs 2015, and have been fined £20,000 and ordered to pay costs of £6,039.

Speaking after the hearing HSE inspector Nicole Buchanan said; "Those in control of work have a responsibility to devise safe methods of working and to provide the necessary information, instruction and training to their workers in the safe system of working.

"Companies should be aware that HSE will not hesitate to take enforcement action against those that fail to control workplace risks appropriately."

Notes to Editors:

1. The [Health and Safety Executive \(HSE\)](#) is Britain's national regulator for workplace health and safety. We seek to prevent work-related death, injury and ill health through regulatory actions that range from influencing behaviours across whole industry sectors through to targeted interventions on individual businesses. These activities are supported by globally recognised scientific expertise.
2. Further information is available about the [legislation referred to in this case](#).
3. [Latest HSE press releases](#).

Health and Safety Executive v Coast and Country Construction Ltd and Paul Humphries Architects Ltd (2018) Exeter Magistrates' Court, 22 May

Statute reference: ss.2 and 3 of the Health and Safety at Work, etc Act 1974 (HSWA) and Regulation 11 of the Construction (Design and Management) Regulations 2015 (CDM).

Summary

Two companies have been fined for serious breaches of health and safety duties in a construction project.

The facts

- In 2016, a concern was raised about health and safety issues with regards to a timber frame extension being built onto a residential home in Exmouth. In March 2016, HSE inspectors visited the site and found a number of health and safety breaches.
- Uncontrolled high-risk activities which put workers at risk of death, serious injuries or ill health were noted. These included falls from height, slips and trips and poorly controlled wood dust.
- There was a total disregard for health and safety and site management.
- There was a risk of fire spread associated with the construction of a timber frame building adjoining an existing building. Some 80 disabled residents of the home were put at risk of injury or death because of the possibility of fire spread.
- The HSE investigation found that the work had not been properly planned, appropriately supervised nor carried out in a safe manner. Coast and Country Construction Ltd, as principal contractor, had a duty to control how the work was carried out and to ensure that it would be safely completed.
- Paul Humphries Architects Ltd designed the timber frame extension work and had failed to perform its duties as principal designer and failed to consider the risk of fire spread to vulnerable residents.

The decision

- Coast and Country Construction Ltd was fined £150,000 plus £6000 costs under ss.2 and 3 of HSWA.
- Paul Humphries Architects Ltd was fined £20,000 plus £6000 costs for breaches of Regulation 11 of CDM.

<https://www.healthandsafetyatwork.com/construction/coast-country-cdm>



timber frame fire risk leads to £170,000 in fines for contractor and architect

30 May 2018

[Angela Partington](#)

Numerous health and safety breaches including heightened fire risk during the construction of a large timber frame extension at a residential home near Exeter has resulted in fines totalling £170,000 for the contractor and architect.

Coast and Country Construction was fined £150,000, while Paul Humphries Architects was fined £20,000 for breaching the CDM Regulations, under a rare prosecution of a principal designer.

When concerns were raised about the lack of health and safety controls on site at the Manor Lodge Residential Home in Exmouth, HSE inspectors visited the site on 1 March 2016.

The HSE inspection identified “uncontrolled high-risk activities” and “a total disregard for health and safety and site management”.

Risks included fire, falls from height, slips and trips, and poorly controlled wood dust.

Exeter Magistrates' Court heard that site workers were put at risk of death, serious injuries or ill health.

The residential home was occupied by 80 people with physical and mental impairments.

As the wooden-framed extension was being built adjoining an existing building, the court heard that residents were exposed to the risk of injury or death due to the possible spread of fire into the home.

The HSE served Coast and Country Construction with two immediate prohibition notices for failing to ensure that there were suitable emergency routes in place, and for failing to have the scaffolding checked by competent persons.

It also served three improvement notices against the company. Two concerned the risk of the spread of fire through the timber frame building and failing to keep the site in good order.

The final notice was for "failure to ensure that, as principal contractor, you have the skills, knowledge and experience to fulfil your role."



The company was served an improvement notice after workers in a loft

were found working off a platform made of single sheets of plywood, and next to large gaps in the floor

As the principal contractor, Coast and Country Construction was found not to have properly planned the work, or to have supervised and carried it out safely.

The company, which did not attend court, was found guilty in its absence of breaching sections 2(1) and 3(1) of the Health and Safety at Work Act. It was fined £150,000 and ordered to pay costs of £6039.

Paul Humphries Architects, which designed the timber frame extension, was found to have failed to consider the risk of fire spread to the vulnerable residents and failed in its duties as principal designer.

It pleaded guilty to breaching Regulations 11(1) and 11(3) of the Construction (Design and Management) Regs 2015. It was fined £20,000 and was also ordered to pay costs of £6039.

HSE inspector Nicole Buchanan said after the hearing: "Those in control of work have a responsibility to devise safe methods of working and to provide the necessary information, instruction and training to their workers in the safe system of working."

Later that year, the HSE served a further prohibition notice against Coast and Country Construction in December 2016 for work on a timber frame extension, as it did not have the necessary fire detection and alarm systems in place to alert workers if a fire occurs.

It also served another improvement notice against the company when workers in a loft were working off a platform made of single sheets of plywood, and next to large gaps in the floor.