

Proposal for new regulations requiring the notification of tower cranes operating on construction sites

A presentation to CONIAC, 22 July 2009



Background – reasons for interest

- Recent history of high-profile incidents
 - Canary Wharf, Battersea, Liverpool, Croydon, Worthing
 - 8 deaths arising from 5 major incidents since 2000
- Visibility and potential for public harm



Background – reasons for interest

- Secretary of State for Work and Pensions asked HSE in late 2008 to bring in a package of measures to improve tower crane safety
- This to include a tower crane register
- HSE Board considered in January 2009
- Agreed that work was required as part of a broader package to address public and Ministerial concerns

Background – reasons for interest

- Package of measures agreed, including but not restricted to a registration scheme
- Voluntary register to be developed in advance of a statutory register
- Seeking to use voluntary register to allow embedding and development of detail for statutory register
- Statutory register – aim to be in place by April 2010



The process so far

- Imperative for a straightforward register which is workable and improves safety
- Early 2009 – substantial engagement between HSE and key stakeholders (industry, unions, public)
- HSE Board approved development of consultative package in April 2009



The process so far

- HSE Board approved formal Consultative Document (CD) in June 2009
- Formal consultation period commenced on 13 July 2009
- Consultation closes 9 October 2009

The process so far

- Analysis, redrafting, refining – October – December 2009
- Planned for HSE Board clearance December 2009
- Ministerial consideration and approval early 2010
- Subject to all the above - will be in force from 6 April 2010

Proposals for new regulations requiring the notification of tower cranes operating on construction sites

This consultative document is issued by the Health and Safety Executive in compliance with its duty to consult under section 50(3) of the Health and Safety at Work etc Act 1974.

Comments should be sent to:

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to reach there no later than 9 October 2009

The Executive tries to make its consultation procedure as thorough and open as possible. Responses to this consultative document will be lodged with the Health and Safety Executive's Knowledge Centre after the close of the consultation period where they can be inspected by members of the public or be copied to them on payment of the appropriate fee to cover costs.

Responses to this consultative document are invited on the basis that anyone submitting them agrees to their response being dealt with in this way. Responses, or part of them, will be withheld from the Knowledge Centre only at the express request of the person making them. In such cases, a note will be put in the index to the responses identifying those who have commented and have asked that their views, or part of them, be treated as confidential.

Many business e-mail systems now automatically append a paragraph stating the message is confidential. If you are responding to this CD by e-mail and you are content for your responses to be made publicly available, please make clear in the body of your response that you do not wish any standard confidentiality statement to apply.

CD221
Consultative Document

<http://www.hse.gov.uk/consult/condocs/cd221.htm>

Consultative Document - options

- CD contains five options
- Do nothing – baseline
- Four further options arising from two variables:
 - Type of tower crane covered
 - Industry covered

Consultative Document - options

- Industry covered
 - Restricted to construction sites
 - Extended to industries other than construction
 - Engineering
 - Steel stockholders
 - Bungee-jumping

Consultative Document - options

- Type of tower crane
 - Restrict register to ‘conventional’ tower cranes
 - also referred to as:
 - ‘top slew’ tower cranes
 - ‘assisted erected’ cranes
 - Alternatively, include self-erecting tower cranes
 - Lorry-mounted
 - Trailer towed

Aims

- To:
 - improve the control and management of risks in the use of tower cranes
 - provide further reassurance about the control and management of such risks to workers and others
 - provide better intelligence to HSE to inform inspection and enforcement



Links with new HSE strategy

- Supports the new HSE strategy, in particular its goals to:
 - reduce the likelihood of low frequency, high impact catastrophic incidents
 - investigate work-related accidents and ill health and take enforcement action to prevent harm and secure justice where appropriate.

Factors influencing the design of the proposals

- Risk profile
- Workability and interface with existing legislation
- Costs and benefits
- Dutyholder burden
- Intelligence
- Public assurance and accessibility
- Set-up and administration costs



Draft Regulations

- Restricted to conventional tower cranes in construction
- Indirect link to LOLER – trigger point relates to thorough examination (TE)
- Same dutyholder as LOLER – ‘employer’
- Notification of information to HSE within 14 days of TE
- 28 day transitional period



Information to be notified

- Owner's name and address
- Site address
- particulars identifying the crane including, where known:
 - date of manufacture
 - date of the last thorough examination
 - name and address of the employer for whom the TE was carried out
 - whether the TE revealed any defects involving an existing or imminent risk of serious personal injury

Notification arrangements

- web-based system under development – aim is to have this in place by April
- manual notification also possible
- standardised notification form under development (similar to F10 form)
- Public access – as open as possible
- Searchable by a number of criteria
- Hosted on HSE Construction web pages

Regulatory costs

- Costs vary between options
- For options restricted to conventional tower cranes, expected costs of around £450k over 10 years*
- For options including self-erecting cranes, expected costs of around £3.2m over 10 years*

*includes start-up costs



Proposal for cost recovery

- HSE policy is to recover costs from some of its regulatory functions, including registration schemes
- Proposed flat-rate cost of £20 per registration
- Comments on charging proposal welcome