

# CIBSE LIFT GROUP SEMINAR – CDM – by Ish Buckingham

**T**HE CIBSE Lifts Group Seminar on CDM, which took place on Wednesday 20th November 1996, was held at a different venue from previous similar events. The Lifts Group staged this important seminar at the London Headquarters of Masons in Aylesbury Street, EC1.

Masons are an international legal firm who provide a number of Health & Safety related services aimed at the Corporate sector. They were formed in the late 1940's and have over 60 partners employing more than 400 staff in their offices in London, Bristol, Manchester, Leeds, Brussels, Hong Kong and Guangzhou.

The seminar was held in the fourth floor Lecture Theatre of Masons modern office complex and was reached via a large atrium which accommodated four glazed scenic lifts (a pair at each end). Many of the 100 or so delegates attending the seminar noted the ineffective 'chain type' car top protection arrangement before it was brought to their attention by one of the speakers (who other than Bernard James - ex HSE officer). Masons could not have planned a better example to promote the necessity of regulations to ensure safety (i.e. the designers should have considered the dangers to maintenance staff associated with such an arrangement).

Once inside the comfortable Lecture Theatre the proceedings com-

menced with a welcome from Simon Gray (outgoing Chairman of the CIBSE lifts Group). Simon said how pleased he was to see such a well supported event for the fifth year running and introduced Bill Gale as the Session Chairman.

Simon Russett, Associate Director with Brian Warwicker Partnership plc was the first to present his paper which gave an overview of the CDM regulations and outlined how his own practice had accepted and implemented their responsibilities in this respect. The consequences of this new legislation were highlighted in Simon's closing statement when he said "... if an incident occurs and is punishable under the jurisdiction of the regulation a fine of upto £5000 could be imposed".

Len Halsey of Otis presented the next paper for Derek Smith, who unfortunately was unable to attend. Len started his presentation by posing the question - Does CDM apply to Modernisation and Maintenance? The legislation is quite clear about the various roles and activities when CDM does apply; but it is not always clear if CDM should apply in a particular circumstance.

Len's paper concluded that CDM does not appear to apply to all Lift Modernisation in buildings but it does lay down a set of good practices that should always be observed.

1. Have a safety plan.
2. Have someone clearly responsible for running the Modernisation.
3. Carry out a risk assessment of design.
4. Ensure that any sub contract work is co-ordinated from a Safety view point.
5. Produce a file that ensures a good record of the work is passed to the owner.

Check to see if the works are minor, if they are, you do not need a Planning Supervisor.

Follow harmonised standards whenever they are available.

Ensure that persons performing the works are competent by checking the suitability of their accreditation.

Alex Carmichael of Plant Safety presented the next paper from the Engineer Surveyors view point. He provided an interesting perspective of the Engineer Surveyor attending a site which is subject to CDM regulations.

Neal Etchells of Professional Health & Safety Consultants Limited presented the next paper and gave reasoned comments on CDM and how the regulations were being implemented by Designers and Construction Industry management. Neal writes for *Elevation* and has associated articles published elsewhere in this issue.



*The audience await the start of the meeting.*

Susan Fink of Masons gave a legal perspective on the issue, which as you would expect was very non committal.

Her native American sense of humour added a new dimension to this somewhat dull and uninteresting subject. Her best line was in response to a question from the floor which outlined a certain scenario and required a yes or no answer. Susan, provided a 'legal' response - "Maybe - that will be 100 dollars please sir".

Susan highlighted the problem of confusion about the application of Regulations to lift maintenance contracts and service agreements. She felt that the answer as to whether CDM should apply was dependent upon how you define the terms 'construction work' and 'project'.

She concluded that - while it will be for the client to decide in every case how he wants to define the term 'project', you may be able to

influence that decision if you can present a reasoned argument why that term should be defined narrowly. Finally, you must not forget that the designers' duties under Regulation 13 may apply to work done under a maintenance contract - whether or not the rest of the Regulations apply.

Bernard James was the last to present his paper which gave the

Health and Safety Advisors view point.

Bernard explained the reasoning behind the Regulations and noted that there were 79 fatalities within the construction industry in 1995 and it is estimated that during the same year many more fatalities resulted from the long term effects of asbestos and other hazardous substances used years ago. It is considered that poor management is a prime cause of the unacceptable accident and occupational health record of the construction industry.

Bernard explained that responsibility of those involved in the 'overall' procurement of health and safety were not always clearly defined or understood by the various parties involved in the site work. The CDM Regulations now clearly identify those persons who are able to contribute to the health and safety of 'construction work', and the Regulations lay down specific requirements for such persons. □



*The speakers (left to right) Alex Carmichael, Len Halsey, Bill Gale, Susan Fink, Simon Russett, Bernard James, Neal Etechells, Roger Howkins and Simon Gray.*