

Prison risk for poor maintenance

Building owners, operators and contractors face a greater threat of prosecution under new health and safety laws, warns Bob Towse. The penalties will be as much as £20,000 or two years' imprisonment



Two new pieces of health and safety legislation have ramped up the pressure on all businesses to ensure they carry out their activities safely.

The Health & Safety (Offences) Act comes into force in January 2009. This will increase the fines dished out by Magistrates Courts, when businesses are found to have broken health and safety laws, to £20,000. And it will introduce up to two years in prison for many offences already highlighted by existing regulations.

The Health & Safety Executive (HSE) believes the new act will make it easier to levy serious penalties on organisations that fail to show a duty of care to employees and members of the public.

"If you put someone at risk, you can be prosecuted," said HSE principal inspector Trevor Allan at a recent seminar held at the Institute of Directors. "In fact, you can have a near miss, with no-one hurt or killed, and still end up in court."

Dramatic impact

The Corporate Manslaughter Act, which has been in force since April 2008, should also have a dramatic impact on building owners' attitude to water and ventilation hygiene, in particular.

The government is now considering a punitive system of fines, starting at a minimum of 5% of a company's total turnover – a staggering amount for major corporations – under this Act if the management's negligence leads to

the death of an employee or member of the public.

As well as commercial companies, the act covers a range of organisations including local authorities, NHS bodies, government departments, police forces and business partnerships.

"Under the law, you are required to render a piece of equipment safe," said Simon Joyston-Bechal, a partner in the firm of solicitors Pinsent Masons. "This includes having in place a suitable maintenance regime."

"If, for example, fire investigators found there were no access doors in the ductwork, making it impossible to carry out proper ventilation cleaning, then the building owner could be guilty of negligence and face prosecution under the Act."

Gary Nicholls, a member of the HVCA's Ventilation Hygiene Branch, believes that the new legal framework should clarify the position for building operators.

"Planned, preventative maintenance is the only way to minimise the risk of fires being spread through dirty ductwork, and of legionella bacteria thriving in untreated water," he said. "The cost of carrying out essential maintenance is tiny compared with the potential penalties and human misery organisations risk if they ignore their responsibilities."

• Bob Towse is head of technical and safety at the HVCA
www.hvca.org.uk



If fire regulators find no access doors in the ductwork, building owners could face prosecution

Carrier Corp acquires Concord Controls

Carrier Corp, part of United Technologies Corp, has acquired Concord Controls of Birmingham.

The acquisition was completed on September 16. Terms of the deal were not disclosed.

Concord is an Automated Logic Corporation dealer and specialist control integrator.

It has a staff of 30 and provides round-the-clock nationwide service. Obafemi Gboyega, managing director of Carrier UK, said: "This is an opportunity to deliver even greater value to our customers. Carrier and Concord will work closely together to ensure design, engineering, installation and commissioning is

completed efficiently, and that building and energy management systems are selected, with emphasis on ease of control and energy savings to meet our customer needs."

Carrier Corp, based in Connecticut, US, says it is the world's largest provider of heating, air-conditioning and refrigeration solutions. With 2007 revenues of \$14.6B (£9.8B), Carrier has about 43,000 employees worldwide and operations in more than 170 countries. Carrier is part of United Technologies Corp, a provider of products and services to the aerospace and building systems industries worldwide.

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