

Amey PLC
Olive Grove Depot
Olive Grove Road
Sheffield
S2 3GE

Reference 1958392

Field Operations Directorate

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HM Principal Inspector of Health &
Safety

For the attention of

Date 21st August 2017

HEALTH AND SAFETY AT WORK ETC ACT 1974 – TREE WORK ON MYRTLE ROAD, SHEFFIELD

A concern was raised with HSE in relation to work that took place on Myrtle Road Sheffield on 11th August 2017. I had a telephone conversation with Amey on that day and with yourself on Monday 14th August. This was followed by a meeting with yourself at Olive Grove Depot on 16th August 2017.

I identified contraventions of health and safety law in relation to this work. This letter explains what was wrong, why it was wrong and what you need to do to put things right. I may visit you again to check that appropriate action has been taken.

It is important that you deal with these matters to protect people's health and safety. If you do not understand what action to take then please contact me or my Principal Inspector and we will explain further.

You will have to pay a fee because I have identified contraventions of health and safety law which are material breaches. The enclosed section on Fee for Intervention provides further information.

Section 28(8) of the Health and Safety at Work etc., Act 1974 requires me to inform your employees about matters affecting their health and safety. I am enclosing a second copy of this letter which you should bring to the attention of your employees.

You will find information and advice about health and safety on our website <http://www.hse.gov.uk/>

Yours sincerely

HM Inspector of Health and Safety

MATERIAL BREACHES – NOTIFICATION OF CONTRAVENTION

1.

Health & Safety at Work etc. Act 1974, Section 2(1) and 3(1); Management of Health and Safety at Work Regulation 3(1); Control of Substances Hazardous to Health Regulations 2002 (as amended) Regulation 6

Tree work was carried out on Myrtle Road Sheffield by your contractors Acorn Environmental Group.

The tree had been straight felled down the public footpath outside the small front gardens of a row of terraced houses. See photographs below.



Paperwork supplied by yourself indicates that a decision was made by the team to climb the tree and attach a rope, the rope was then pulled on whilst another team member undertook the fell.

It is alleged that larger limbs had been removed on previous occasions – the photographs do not indicate that the crown of the tree was substantially reduced and show that attached branches of the tree were lying into gardens of the houses.

A point of Work Risk assessment had been completed, however the information in this document is sparse and does not adequately consider other options for example, taking down the crown in sections and sectioning the trunk, the use of a MEWP (mobile elevating work platform) was also not adequately considered.

The assessment states that the work was carried out with the resident's permission to enter the property – it is assumed that this refers to clear up and to the occupant of No. 181, although this is not clear from the documentation. The occupant is unable to grant permission for the felling on the public footpath.

Vehicles were in close proximity to the fell And in fact in the photograph below the red car appears to be part of the 'barrier'.

There is no specific documentary evidence of other householders whose health and safety could be affected by the work being carried out being contacted.

I would inform you that in these circumstances had I seen this work taking place I would have served a Prohibition Notice requiring that the work be stopped.



I met with you at Amey's premises on 16th August 2017 and I noted that you had spoken to the contractors involved in this instance and that straight felling of trees in these specific circumstances was halted and that in circumstances where tree felling presents a specific additional risk (as in this case) a full risk assessment will be prepared.

Contractors are to be put through a second induction and toolbox talks will be delivered to underline the instructions regarding when straight felling is and is not acceptable.

Please let me know by 14th September 2017 of the actions you have taken in this matter.

FEE FOR INTERVENTION

Health and Safety and Nuclear (Fees) Regulations 2016, Regulations 22 and 23

HSE will recover the costs that it incurs for the work it does in relation to contraventions of health and safety law which are material breaches. A material breach is something an Inspector considers is serious enough that they need to inform you of it in writing.

The fee is based on the amount of time that the Inspector has had to spend identifying the breach, helping you to put it right, investigating and taking enforcement action. This includes the cost for the whole visit, along with other associated work.

Sometimes an Inspector may decide to write to you about matters which are not material breaches. This includes any matters listed as 'Advice'. HSE will not recover costs for the time it takes to do this.

We send out invoices every two months and you will have 30 days to pay. You may receive more than one invoice if the work done by the Inspector covers more than one invoicing period.

You can dispute the invoice. You can find further information about fee for intervention and details of how to dispute an invoice in the leaflet HSE 48 - *Fee for Intervention: What you need to know* at <http://www.hse.gov.uk/pubns/hse48.pdf>.

Further information is also available on HSE's website at <http://www.hse.gov.uk/fee-for-intervention/>