



REGISTER NOW TO SEE WHAT'S NEW

Get the ultimate up-close look at the future of lifting.

Registration is now open for the show that offers an immense unveiling of all the newest equipment, technology and product breakthroughs in lifting. Bringing you the latest in everything from capacity and reach to transportability, it's the one show that raises the bar for working smarter.

Register now at www.conexpoconagg.com to save over 30%!



**IF IT'S NEW,
IT'S HERE**

Letters



Dear Sir,

I would like to welcome the recent review of HSENI (Health & Safety Executive Northern Ireland) which took place following two attempts to prosecute me (Trevor Bailie) for Health & Safety offences. These prosecution attempts took place after my name was blackened by my competitor, a croney of one of the local HSE inspectors. The two not-guilty decisions before a 12 man jury were an expensive embarrassment to the HSENI and the government of Northern Ireland.

The review of HSENI resulted in its chief executive being asked to leave and replacement of the chairman and committee. It will take the new chief executive with his new chairman and new committee a considerable amount of time to remove the incidence and risks of cronyism and corruption in an organisation riddled with opportunity for corruption and cronyism.

HSENI's present policy of prosecution to promote safety appears to be having little or no effect, perhaps investigation and enforcement decisions should be left to the PSNI (Police Service Northern Ireland), this would be a massive step forward in removing the risk of cronyism and corruption within the HSENI. Such a move would provide the organisation with extra manpower to promote safety in the work place, as opposed to the use of fear, a bullying tactic with little or no benefit, just bad consequences.

Trevor Bailie

Boghead Bridge Road Aghalee N.Ireland

Leigh and Mark,

I have just read the entire file of Paul Adorian's correspondence of 2011 pleading for cessation of risky manoeuvres putting people up in crane baskets. If time and dollars allowed me to stop my two primary responsibilities I would find a way to help him in the mission.

The mission is massive, broad and intertwined to various types of equipment in C & A around the world. The mission also spreads to owner/users, rental or hire out firms and firms that hire out by contract... three quite different types of operator.

As an owner/user of a NiftyLift that serves my tree service and that we occasionally hire out for special tasks, my knowledge is small in contrast to those in the rental industry who are obliged to discern user applications and match available inventory to best suit a customer's project needs.

I write to say I am puzzled why more readers do not participate in the Discussion Forum of Vertikal. I read the site daily, if not more often, as it has made me smart, safer and so disciplined about uses of my equipment. Take a look at another site I read called arboristsite dot com where we have tremendous reader response and input. Perhaps there are some site design changes you could make to increase reader input. One that is evident to me is to relocate Discussion to the News category group and call it Operator Forum. Then broadcast the changes as a headline story in the monthly periodical. The dust of discussion. Ends to be kicked up before the accidents happen.

Sincerely,

Sherman "Sherm" Anderson

Best Tree Service, Mountain View, Arizona.

We appreciate Mr Anderson's comments and would like to see the discussion forum on Vertikal.net gain momentum. There is clearly pent up demand for this, especially among the crane operator fraternity which often get into heated debates on certain news stories. This is an area we are now looking at and would appreciate further input on this subject. Ed

I trust that you are all well at Vertikal.

Having just received the latest copy of Cranes & Access

I was a little surprised to find that we were not included in any of the items on the feature section of top 30 access companies. I don't know how you collate your information, but we have never been surveyed for anything like this.

Given the investment this year:-

- we would sit in the top 10 for investment, with around £1.5mill in the past 12 months
- The joint 3rd for Largest Truck mounted lifts with a 70 metre Wumag
- 15th in Top spider lifts
- 10th in Top Truck Mounted fleets

I appreciate, it is now too late for this issue, but as we are reasonably large as far as truck mount companies go, and always support the Vertikal Days, we would be very grateful to be included and surveyed in the future.

Also, how would we go about sending you information for your news section when we buy new trucks? We have three new Ruthmanns in the past six month alone?

Kind regards

Jason Machin

Managing Director Elev8 Access Platforms Ltd Sheffield

While this year's Top 30 survey was the most complete in terms of responses, we still missed a few companies - in both the access and crane fields, while telehandlers continues to be a work in progress. It is odd that this year we have received a number of calls from companies like Elev8 many of whom should have been included.

We do publicise the feature both in the preceding magazine and frequently online as well as emailing and calling companies that could potential be in the Top 30. How we missed Elev8 is a mystery.. but as we often say when we compile large volumes of data such as this - especially when it involves input from dozens of different companies - there is only one thing that is certain.

We are going to make some mistakes and omissions. What we try to do is learn from these each year so that it continues to improve year on year.

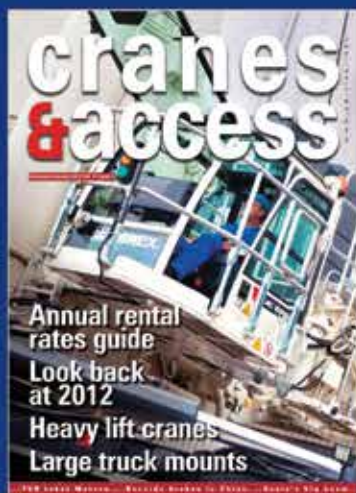
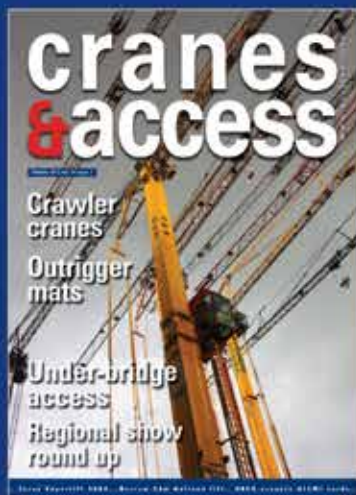
Be warned now the December issue includes our annual rental rate survey, which also allows companies to input comments on the subject, either attributed or anonymous - so please do participate and make this one the best ever.

Forms are due out later this month. Ed

Subscribe to

cranes & access

The only way
to guarantee
that you
receive every
issue



Subscription Application Form

Please complete this form and either fax back on
+44 (0) 1295 768223 or +49 (0) 7618 866814 or
post to The Vertical Press, PO Box 6998,
Brackley, NN13 5WY, UK. Tel: +44 (0)8448 155900

Name _____

Company _____

Job Title _____

Telephone _____

Address _____

Zip/Postcode _____

Country _____

Telefax _____

Email _____

Please start my one year subscription to
Cranes & Access at the rate of:

£40.00/€60 (UK and Irish addresses only)

€75.00 (Rest of Europe)

\$110.00 / €60.00 (Other regions)

I enclose a cheque made payable to The Vertical Press

Please invoice me

I enclose an international money order

Please charge to my credit card

Name _____

Card number _____

Expiry date _____

Security code _____

Vertical
.net

Subscribe online at www.vertical.net

Dear Mr Editor,

The Health and Safety at Work Act 1974 is now in its 39th year and while Parliament's well intentioned enrolment of this progressive legislation was intended to protect all construction workers from being Killed or Injured on site (See Sections 2.1 and 3.1) the Act has not been as successful as the members of Parliament would have desired.

For Example:

1. HSE published figures in UK confirm 173 men and Women were Killed at Work in 2011, of which 49 were killed in Construction with 18 killed by Cranes or Lifting operations. HSE's own long term report 1987 to 2007 confirms that the Trend is indeed down, but the shocking truth remains that 6,000 plus Men and Women have still been killed at Work since 1974, of which circa 1,800 have been Killed in Construction, with 500 Men Killed by Cranes or during Lifting Operations. (One of which was my Father in Law David Stanford).

2. Since Starting to record these Crane Mishaps on 7th May 2007, I have logged more than 553 Unsafe Crane Incidents Worldwide, most of which indicate a Lack of Training, Instruction and Supervision by Employers in **Safe Systems of Work** (The Common Law Obligation in the UK for all Employers). Most Notable Incidents in recent months include Cranes Overturning due to No Ballast, No Outriggers, No Mats under Outriggers, Short Rigged on One Side only, Overloaded beyond SWL, Fully Rigged Truck Crane moved on a Dirt Road at circa 224 tonnes GVW, (Twice), Axle Locks switched off, Lost Boom Footpins, Dropped Loads and the most heinous act of all, the Overriding of Crane Safety Controls. (To name but 10 of many so called "Crane Accidents" which are not accidental at all as they were entirely foreseeable and are seen all too frequently.)

3. Crane Safety imperils all of us, that is you, me, mine and yours. Because when a Crane goes over the Falling Jib or Dropped Load does not distinguish between Male or Female victims, nor even the Snr Executive walking on the streets below, for all are at Risk of being Killed, irrespective of Gender, Age or Status?

The Corporate Manslaughter and Corporate Homicide Act 2007 is now a **gamechanger**, because in the event of a Crane Fatality in UK, Companies can now be charged with Manslaughter under Section 1(1) which states An organisation to which this section applies is guilty of an offence if the way in which its activities are managed or organised

(a) Causes a persons death and

(b) Amounts to a gross breach of the relevant Common Law Duty of Care owed by the organisation to the Deceased (person or persons).

Therefore those Doubting Thomas's in the Construction Industry would do well to read the Judgment in the Court of Appeal reported case of R.V. Tangerine Confectionery Ltd and Veolia plc [2011] CA EWCA 2015.

In particular the Judgment of Lord Justice Hughes LJ who commented that:

" The sections do not command an enquiry into the likelihood of the events which have in fact occurred. They command an enquiry into the possibility of injury. They are not limited (to) the risks to which they apply, (rather than) to risks which are obvious (to another). They impose in effect, a duty on Employers to think deliberately about things which are not obvious" (To them).

The Ratio Decidendi of this Court of Appeal decision established a significant new precedent in English Law. That is, if the incident is **'Foreseeable'** then the resulting fatality is not an accident, because it was not accidental, but instead was foreseeable for anyone who cared to look. (Please consult a Solicitor for a more comprehensive explanation of the implications in Law for you as a Director).

In addition to which all Directors & Senior Executives can also be Charged under Section 37 of HSW Act 1974, with Section 40 then available to the Prosecution and thus reversing the Evidential Burden on the Defendant, so that he or she then has to prove that he/she did everything possible to comply with the Law.

Whenever I speak to Crane Industry Executives I get responses like " The Construction Industry is a Dangerous Place to Work" which it most definitely is.....and that it precisely why I am now calling for the Crane Industry to put its House in Order. The UK and EC Industry Trade Bodies are Noticeably Silent on these matters of importance, so if no-one else will speak up for the Dead, I definitely will. Those Crane Companies who do it by the (Mfrs) Handbook should be congratulated and those who do not should be exposed.....because they imperil all of us by not following the Crane Mfrs Instructions in the Handbook. As such I am now calling upon the HSE, the EC Parliament and OSHA (in USA) to enforce these Crane Safety matters to the full extent of the Law.

Finally and in closing those two chief executives who recently criticised me personally in a Public Forum for my work in attempting to drive-up crane safety standards should hang their heads in shame for such morally reprehensible behaviour. If you truly wish to challenge my work, the correct place to do it is in a court of law. Worker safety is important and one of my Core Values, only the gutter press think that Safety is unimportant, however the rest of us know that it is the difference between going home in one piece, or not going home at all. So please do whatever you personally can do to devise Safe Systems of Work, because if we do not Drive-up Crane Safety Standards, who will ?

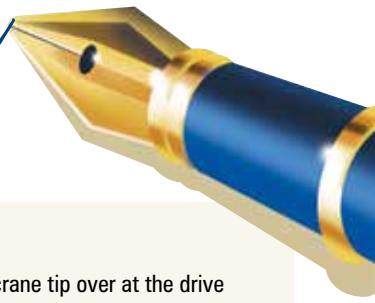
Yours faithfully,

Mike Ponsonby BA

Silver Fox House, Fox Lane

Bromsgrove, Worcestershire. B61 7NL

Readers Letters



I have just read the latest Cranes & Access and want to know if someone can tell me why we were included in the charts when we refused to participate?
 What gives you the right to publish this stuff? The information on us is not right! Where did you get it from? I can spot some companies you have not included so why can we not be left out?


This contribution came in verbally over the phone and concerns a large access sales and rental company - one of only two that prefers not to disclose its fleet numbers. When there is a company that we know has a fleet that qualifies for the Top 30 and yet who refuses to disclose the numbers we do several things to estimate them. We start with their web site to find the range of products they have - largest and smallest etc... We talk to others in the industry who should know, and industry associations etc and using this estimate their fleet. We have always felt that our duty here is to make the survey as accurate as we can - given the constraints - and to provide our readers with as true a picture of the relevant rental park as we possibly can. When we get reactions such as this it can help us with subsequent year's surveys.

Dear Leigh and Mark,

Please find enclosed a photograph of the crane tip over at the drive through at a local McDonalds. The crane is owned by Reeds which have been in Plant Hire many many years, well before 'Drivers Tickets'. Just look at those beer mat sized pads and on the virgin tarmac! And zero outriggers. Was the crane on a drive through also? Greed over safety?

Fred Pole.
 Darlington

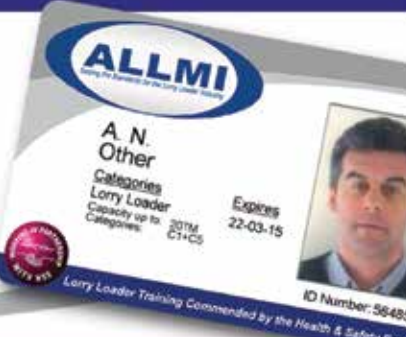

The story carried on Vertikal.net generated an enormous number of comments, of which many of the later ones had to be deleted or edited due to being overly personal and contravened the sites rules. There we clear errors made with this lift, but fortunately no one was hurt or injured and it will hopefully have served as another reminder of the care needed with such seemingly routine lifts?



UKCG LORRY LOADER OPERATOR TRAINING
 Recognised by the UKCG

Courses also available:

- Slinger / Signaller
- Crane Supervisor
- Appointed Person
- Thorough Examiner
- Instructor
- Manager - PUWER 9.2

The Trade Association for the Lorry Loader Industry
 Tel:0844 858 4334 • Email:enquiries@allmi.com • www.allmi.com



Another good reason to join the CPA...



Problems occur at the least expected times, but when they do, support and specialist knowledge from someone on your side is invaluable. The CPA specialists can help with many issues, including training, safety and legal matters.

Find out a whole lot more, call us on:
020 7796 3366,
 or visit our website:
www.cpa.uk.net

If dealings with a government department or an industry authority are not going smoothly, CPA can advise on what to do, and can turn to their extensive range of contacts to find the right person to speak to.

This means your problem gets solved quickly and painlessly wherever possible - allowing you to get back to your business.