

# Improvement Notice



Serial number I/MB/13112020/01

Name Cleshar Contract Services Limited

Address Heather Park House, North Circular Road, Stonebridge, London, NW10 7NN

Inspector's full name I,  
Monica Dawn Babb

Official address one of Her Majesty's Inspectors of Railways, of  
The Office of Rail and Road, 25 Cabot Square, Canary Wharf, London, E14 4QZ

Telephone number [REDACTED]

Location of premises or place of activity hereby give you notice that I am of the opinion that at  
Waterloo Station travellers (moving walkways) providing passengers access between the Northern & Bakerloo lines and the Jubilee line.

you, as an employer and person wholly or partly in control of the premises

have contravened in circumstances that make it likely that the contravention will continue or be repeated the following relevant statutory provisions

Health and Safety at work etc. Act 1974 Section 2(1) & 3(1)  
Management of Health and Safety at Work Regulations 1999, Regulations 3 & 5(1)

The reasons for my said opinion are

You have failed to provide a suitable and sufficient assessment of the risks for the cleaning of the traveller (moving walkway) at Waterloo Station, and failed to put in effect a safe system of work. This is because you have failed to provide a site specific assessment of the risks to your employees and subcontractors to properly apply the hierarchy of control to those risks and to implement reasonably practicable and appropriate control measures to eliminate or reduce the risk of your employees and subcontractors from being drawn into the moving parts of the traveller whilst carrying out maintenance cleaning work to the lowest reasonably practicable level.

and I require you to remedy those contraventions, or as the case may be, the matters occasioning them, by **Monday 21<sup>st</sup> December 2020**,

and I direct that the measures specified in the schedule which forms part of this Notice shall be taken to remedy those contraventions or matters\*.

*U.B. Babb*

Signature

Date / Time 13/11/2020

An inspector appointed by an instrument in writing made under section 19 of the Health & Safety at Work etc Act 1974.

*U.B. Babb*

Signature

Date 13<sup>th</sup> November 2020

## Notes

1. Failure to comply with this Improvement Notice is an offence as provided by section 33(1) (g) of the Health and Safety at Work etc. Act 1974 and section 33(2) and Schedule 3A of this Act renders the offender liable on summary conviction to imprisonment for a term not exceeding 6 months in England and Wales and 12 months in Scotland, or to a fine, or both, or, on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.
2. An Inspector has power to withdraw an Improvement Notice, or to extend the period specified in the Notice, before the end of the period specified in it. If you wish this to be considered you should apply to the Inspector who issued the Notice, but you must do so before the end of the period given in it. Such an application is not an appeal against this Notice.
3. The issue of this Notice does not relieve you of any legal liability for failing to comply with any statutory provisions referred to in the Notice or to perform any other statutory or common law duty resting on you.
4. You can appeal against this Notice to an Employment Tribunal. Details of the method of making an appeal can be found on the [GOV.UK](https://www.gov.uk) website at <https://www.gov.uk/employment-tribunals/make-a-claim>. An appeal can be submitted either online at the above address, or by downloading Form ET1 and posting it to either the Employment Tribunal Central Office (England and Wales), PO Box 10218, Leicester, LE1 8EG; or Employment Tribunal Central Office (Scotland), PO Box 27105, Glasgow, G2 9JR. If you do not have access to the Internet, contact the person who issues the Notice and ask to be supplied with a hard copy of Form ET1 and guidance note T240: Making a Claim to an Employment Tribunal.

## Time limit for appeal

5. A notice of appeal must be sent to the Employment Tribunal within 21 days from the date of service on the appellant of the Notice, or Notices appealed against, or within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the notice of appeal to be presented within the period of 21 days.
6. The entering of an appeal suspends the Improvement Notice until the appeal has been determined or withdrawn, but does not automatically alter the date given in this Notice by which the matters contained in it must be remedied.
7. The rules for the hearing of an appeal are given in The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 (SI 2013 No 1237).

## PUBLIC AVAILABILITY OF INFORMATION ON ALL ENFORCEMENT NOTICES

8. The Office of Rail and Road (ORR) for its own purposes, records and monitors trends in the enforcement action it takes, and in the convictions and penalties imposed by the Courts. It is ORR's policy that this information should be brought to the public's attention. ORR also has a statutory obligation under the Environment and Safety Information Act 1988 to maintain a public register of certain notices. Details from this notice will therefore be placed on the ORR website ([www.orr.gov.uk](http://www.orr.gov.uk)).
9. Information on a notice will not be entered onto the database until after the right of appeal against the notice has expired. Where a notice is withdrawn or cancelled on appeal no entry will be made. Entries relating to notices served on individuals will be kept on the register for a period of 5 years from the date of issue. Notices served on individuals under the age of 18 will be removed sooner.
10. Information may be withheld where, in ORR's belief, its disclosure would:
  - cause harm or prejudice; or
  - be in breach of the law.
11. Personal information is dealt with in accordance with the Data Protection Act 2018. Where disclosure of personal information would be incompatible with the Act it will not be included on the database.
12. If you are not satisfied with the information contained in the entry you have a further right to appeal to ORR in the first instance.

# Schedule

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To comply with this notice you should carry out the following:

1. You must put in place a safe system of work for the Waterloo traveller (moving walkway) that is clear for the site person in charge (SPC) to follow.
2. The assessment should include, but not be restricted to, the following areas
3. You must consider the provision of such information, instruction, training and supervision as is necessary to ensure, so far as is reasonably practicable, the health and safety at work of your employees and those that are affected by your undertaking;
4. You must incorporate the preventive and protective measures based on the following principles of prevention;  
(Taken from Schedule 1 of the Managing Health and Safety at Work regulations 1999)
  - (a) avoiding risks;
  - (b) evaluating the risks which cannot be avoided;
  - (c) combating the risks at source;
  - (d) adapting the work to the individual, especially as regards the design of workplaces, the choice of work equipment and the choice of working and production methods, with a view, in particular, to alleviating monotonous work and work at a predetermined work-rate and to reducing their effect on health;
  - (e) adapting to technical progress;
  - (f) replacing the dangerous by the non-dangerous or the less dangerous;
  - (g) developing a coherent overall prevention policy which covers technology, organisation of work, working conditions, social relationships and the influence of factors relating to the working environment;
  - (h) giving collective protective measures priority over individual protective measures; and
  - (i) giving appropriate instructions to employees.

OR

Any other equally effective measures to remedy the said contraventions

# Schedule

Signature



Date:

November 2020