

## **CORPORATE HEALTH AND SAFETY COMMITTEE – 11TH JULY 2007**

**SUBJECT: CONSTRUCTION DESIGN AND MANAGEMENT REGULATIONS 2007**

**REPORT BY: DIRECTOR OF THE ENVIRONMENT**

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### **1. PURPOSE OF REPORT**

- 1.1 The purpose of this report is to inform Members, Management and Trade Union Safety Representatives of recent changes brought about by the introduction of the Construction (Design and Management) Regulations 2007 and to outline the main implications for the Authority.

### **2. SUMMARY**

- 2.1 The Construction (Design and Management) Regulations 2007 (CDM 2007) came into force on April 6th 2007. The new regulations replace the Construction (Design and Management) Regulations 1994 and the Construction (Health Safety and Welfare) Regulations 1996 to form a single set of regulations covering the health and safety of both the management and site operations of construction projects. In summary the CDM regulations require:

- A realistic project programme with adequate time allowed for planning preparation and the work itself.
- Early appointment of key people e.g. CDM Co-ordinator.
- Competent duty holders with sufficient resources to meet their legal duties.
- Early identification and reduction of risks.
- Provision of health and safety information from the start of the design phase, through construction and maintenance to eventual demolition.
- Co-operation and Co-ordination between duty holders.
- Effort and resources proportionate to the risk and complexity of the project.

- 2.2 The aims for making the legislative changes was to:

- Improve the clarity of the defined roles and responsibilities
- Maximise the legislations flexibility by allowing those with the knowledge to manage
- Focus on planning and management of projects, not just the paperwork
- Strengthen the requirement for co-operation and co-ordination to encourage better team work.
- Simplify competence assessment, reduce bureaucracy and raise standards.

2.3 There has been some major changes, in the new regulations these include:

- Introduction of a new CDM Co-ordinator Role.
- Removal of the Client Agent and Planning Supervisor roles.
- Introduction of a simplified notification trigger of 30 days or 500 person hours of work
- Changes to the enforcement authority, all construction activities are now enforced by the Health and Safety Executive.

2.4 The regulations are now structured into 5 parts as follows:

- Part 1 – Contains definitions and applications
- Part 2 – Contains the general duties (including competencies) which apply to all projects
- Part 3 – Covers additional duties where the project is notifiable
- Part 4 – Contains duties which apply to all construction sites
- Part 5 – Contains transitional provisions and revocations

2.5 The duty holders under CDM 2007 are, for all construction projects, the Client, the Designer(s), and the Contractor. For notifiable projects the duty holders also include the CDM Coordinator and the Principle Contractor. Each of these roles has legal duties associated as described within the regulations and the HSE Approved Code Of Practice L144 'Managing Health and Safety in Construction'.

### **3. IMPLICATIONS FOR THE AUTHORITY**

3.1 Depending on the project being undertaken the Authority may take more than one role under CDM 2007. The Authority can act as the Client, Designer, Principal Contractor, Contractor, and CDM Co-ordinator.

3.2 The client is the organisation or individual for whom a construction project is undertaken. Ultimately the Authority is the client, however it is sometimes difficult to establish within the Authority which individual is acting as the Client. This is especially important for notifiable projects under CDM 2007 as the Client (or someone on the clients behalf) is required to sign the F10 notification form to declare that they are aware of their duties under the Regulations. Discussions will need to occur between interested parties, e.g. Property Division so that guidance can be issued regarding the submission of this document.

3.3 The new regulations provide specific duties, which the client is required to discharge. The clients arrangements should ensure that:

- Enough time is allowed for the design, planning, preparation and construction work, so that the entire project can be carried out safely and without risks to health.
- The designers and contractors are competent and adequately resourced to undertake the work required of them.
- Implications for public safety and/or for their own employees are addressed.
- The responsibilities of those who have legal duties and how they inter-relate are clearly defined.
- Designers and contractors correctly identify hazards and control measures in accordance with their duties under the regulations.
- There is systematic and routine monitoring and review of the work to ensure that it is undertaken safely and without risks to health.
- Revisions to design, programmes of work or method statements are managed without risks to health.

These duties do not have to be undertaken by one individual they can be managed by a project team, however one individual should be nominated as the main client.

- 3.4 The Authority also acts on some projects as the Designer. This role is assumed, not only where the authority designs the project from scratch, but also where changes to the design are specified e.g. as a client, by members on behalf of constituents, or perhaps during the planning application process. It is important for individuals to ensure that where design changes are requested or imposed that this does not have a detrimental effect on the health and safety of the structure during its life cycle and that they comply with the designer duties under CDM 2007.
- 3.5 The Authority, for certain notifiable projects, may also act as the CDM Co-ordinator. This is usually for projects that are managed by the Property Division or Housing Technical. The regulations introduce new criteria for which individuals must meet in order to act as the CDM Co-ordinator for a project. As an Authority we must ensure that all individuals who act as CDM co-ordinators met this criterion or that we appoint external CDM Co-ordinators for the project.
- 3.6 The Authority, for notifiable projects, can also act as the Principle Contractor e.g. DLO. There are numerous duties that fall upon the Principle Contractor; the key duty however is the effective management of health and safety during the construction phase of the project. As an Authority we need to ensure that we have trained individuals and have in place the correct resources to meet the requirements of the principle contractor role.
- 3.7 Where the client fails to appoint the key positions required under the regulations then they will by default take on the other responsibilities. Therefore it is important that clients have a clear understanding of what is required of them by CDM 2007.

#### **4. ONGOING ACTIVITIES**

- 4.1 Training courses organised through Property Division are currently taking place. Specific training courses are being held to look at the key roles. Training courses have been aimed at the Client and at the Principle Contractor Roles.
- 4.2 The Corporate Health and Safety Unit has issued guidance on the new CDM regulations and the key changes, and is currently undertaking a review of the Authority's Contractor Selection, Monitoring and Management Policy as well as undertaking compliance audits.
- 4.3 The Property Division has undergone a CDM compliance audit, which was undertaken by external consultants.

#### **5. RECOMMENDATION**

- 5.1 That the contents of the report be noted.

Author: Karen Rogers, Senior Health and Safety Officer, Ext 3763  
Consultees: Emma Townsend, Health and Safety Manager, Ext 3708  
Steve Delahaye, Head of Public Protection Ext 5316  
Michael Meeson, Building Consultancy Manager Ext 5573  
Councillor David Poole, Cabinet Member