

Committee(s)	Dated:
Corporate Projects Board Projects Sub Markets Committee	08 June 2016 29 th June 2016 20 th July 2016
Subject: Pedestrian Segregation Barrier – New Spitalfields Market (NSM)	Public
Report of: David Smith – Director of Markets and Consumer Protection	For Decision
Report author: Ben Milligan	

Summary

1. This report outlines the proposal to install a segregation barrier within New Spitalfields Market to separate Fork Lift Trucks (FLT) from pedestrians. There will be a full, waist height barrier on one side of the market “fire path” to stop FLT coming into contact with pedestrians, and a low level barrier on the other side to prevent FLT hitting the fences surrounding the market stands. (See Appendix 1 for pictures of an installed sample barrier). This barrier is required to remove the risk of a pedestrian being hit by an FLT.

Recommendation(s)

2. Members are recommended to approve expenditure of £118,000 for the installation of a segregation barrier in the fire paths of New Spitalfields Market. Note that no City funding will be required. Funds to install the segregation barrier will come solely from NSM resources. £850K of ring-fenced money is available for such works in the Market’s maintenance funds/reserves. This will easily cover the costs of implementation.

Main Report

Background

3. There are 225 fork lift trucks (FLT) on the New Spitalfields site. Work is ongoing to ensure that risks associated with these FLT, and workplace transport in general, are reduced where possible. Following an external review of FLT operation on site by Labyrinth Logistics Consulting Ltd, a work-plan was created to address risks to pedestrians. Several pieces of work have been implemented regarding FLT to ensure that pedestrians are kept safe. One recommendation that is yet to be actioned, is to segregate pedestrians from FLT, where FLT operation is essential. Whilst it is not reasonably practicable to ban FLT on-site, it is proposed to segregate pedestrians from FLT using barriers where possible.

4. An “A-Safe” barrier has been trialled, free of charge, over the last few months. It has been a great success as it does not simply reduce risks, it removes them completely. It is the intention now to implement this across all “fire paths” in the market.

Current Position

5. At present there is no physical barrier to prevent FLT's coming into contact with pedestrians in shared use areas.

Options

6. There are two possible options for the installation of the barrier system:
 1. Install a full height on one side of the fire path to protect pedestrians, and low height on the other side to prevent FLT's striking the fence surrounding trader stands.
 2. It is possible to install only part of the barrier system. i.e. install only the full height barriers to protect pedestrians and use the current Armco barrier to prevent damage to tenant stands, instead of installing the low level barriers, . This would reduce installation costs. However, the Armco is not flexible and takes up more room than the “A-Safe” barrier intended for installation; therefore Armco would narrow the fire path making it harder for FLT's to pass each other.

Proposals

7. It is proposed that option 1 is implemented. Flexible, heavy-duty, plastic barriers will be installed along the edge of the current pedestrian walkways in all of the market “fire paths” to ensure that FLT's will not come into contact with pedestrians. These “fire paths” are the main routes into, and out of, the market hall. Appendix 1 has pictures of the A-Safe trial barrier, and the pedestrian walk-way before and after the installation. Appendix 2 shows a plan of the market hall with the fire paths highlighted)
8. These routes are the main evacuation routes in the event of an emergency, and as such, they must remain clear. They are much narrower than the main avenues of the market hall, and therefore, when FLT's pass each other in these fire paths there is more chance of FLT's crossing into the pedestrian walk way. This presents the risk of a pedestrian being struck by the FLT, its forks, or its load. There is also a risk of a pedestrian having their foot run over. The barrier will reduce this risk to nil whilst ensuring the pathways are always clear to facilitate speedy evacuation.
9. The barriers are slightly flexible to cushion any impact when struck, thereby minimising damage to the FLT or the barrier itself. The barrier will be full height on one side of the fire path to protect pedestrians, and low height on the other side to

prevent FLT's striking the fence surrounding trader stands. The barrier itself is of a modular construction, and as such, repairs are fast and simple when required.

10. Over the past month there has been a free trial of one segregation barrier variety. It was installed in one section of one of the fire paths by A-Safe. It has proven to be very popular across the market. The product is of good quality and meets all relevant requirements. There have been no accidents or incidents reported in this fire path during the trial.
11. A-Safe have quoted an all-encompassing price of **£117,844.45** for installation. City Procurement are now in the process of ascertaining if this price can be beaten whilst maintaining the required specification.

Corporate & Strategic Implications

12. This proposal has been incorporated in the Departmental Business Plan. It also aligns with the City's Corporate Asset Management Strategy and strategic objectives, namely that:
 - i) Operational assets remain in a good, safe and statutory compliant condition
 - ii) Operational assets are fit for purpose and meet service delivery needs.
 - iii) Capital and supplementary revenue projects are affordable, sustainable, and prudent and that the limited available resources are directed to the highest corporate priorities

Implications

13. There have been 106 FLT related incidents in the market since 2012 (accidents or near-misses). Of these, 67 resulted in injury. As such, this matter therefore requires immediate action to safeguard employees, non-employees, and members of the public, whilst also ensuring the City of London Corporation (COL) maintains the required due diligence.
14. The COL have an obligation under the Health and Safety at Work Act 1974 to ensure, so far as is reasonably practicable, that the market (a place of work under the COL's control) is maintained in a condition that is safe and without risks to health. The COL must also make provision for, and maintain, means of access to, and egress from, the market in a way that makes it safe and without such risks. These requirements extend to employees in para 2, members of the public in para 3, and non-employees (tenants) in para 4.
15. The COL also have an obligation under the Workplace (Health, Safety and Welfare) Regulations 1992 para 17 to ensure that where vehicles and pedestrians use the same traffic route, there is sufficient separation between them.

16. In May this year Royal Mail were fined over £60,000 under para 17 of the above legislation when an employee's foot was crushed by a passing Reach Truck. The HSE investigation criticised the lack of segregation on-site. A pertinent statement was made at the trial by the investigating HSE officer who stated - *"What they should have done, and what they did do eventually, was install a solid barrier in the middle of aisle so reach trucks would be operating on one side and people working on foot on the other side. For a company of that stature it's something that you would expect them to have picked up on and put in place."*

17. Failure to comply with the relevant legislation could result in

- i) Serious accident,
- ii) Potentially life changing injury to pedestrian,
- iii) HSE led prosecution of the COL,
- iv) Potential long term closure of part of the market during HSE investigation,
- v) Financial penalty of up to £350,000 or imprisonment,
- vi) Loss of reputation for the COL.

Conclusion

18. It is clear that the segregation of FLT's and pedestrians must occur as soon as possible. There are many ways to reduce risks, but attention must be given to actions that could remove risks completely. A segregation barrier system would completely remove the risk to pedestrians in the fire paths in the market at a relatively low cost.

19. Since the approval track for this report is in the "light" category the subsequent Gateway 5 report can be signed off by a Chief Officer. It is therefore requested that this Gateway 1&2 report is authorised with a view to the Chief Officer authorising the Gateway 5 report, thereby approving a monetary spend in the region of £118,000 to implement an FLT segregation barrier system in New Spitalfields Market.

Appendices

- Appendix 1 – Pictures of fire paths with and without trial "A-Safe" installation
- Appendix 2 – Plan of the market with fire paths marked

Ben Milligan

Superintendent New Spitalfields Market

T: [020 7332 6522]

E: [ben.milligan@cityoflondon.gov.uk]