

Annex L – Guidance for persons involved in receiving telephone enquiries and quotation requests for lifting operations with a lorry loader.

It should be explained to the Customer that all lifting operations carried out with a lorry loader should be in accordance with BS7121: Safe Use of Cranes Part 4:2010 Lorry Loaders. This Standard provides clear guidance on the main roles and legal duties of the parties involved and the type of hire contract under which the lift is to be carried out - either "hired and managed" or a "contract lift".

NOTE: Additional information on types of hire contract is given in Section 3.0 of this Best Practice Guide.

The criteria for a hired and managed lift are as follows:-

Hired and Managed Lift
The Company requiring the lift to be carried out (the Customer) will request a lorry loader and operator to be supplied to the site in question.
<p>The Customer will then be responsible for:</p> <ul style="list-style-type: none"> ■ carrying out all work in accordance with BS 7121; ■ supplying the Appointed Person; ■ planning the lift and operating a safe system of work; ■ ensuring that the lorry loader hired is of a suitable type and capacity; ■ checking the credentials of the lorry loader company and certification supplied; ■ conducting a briefing of the lifting team before the lifting operation commences and recording this in the method statement/lifting plan.
<p>The lorry loader owner has a duty to:</p> <ul style="list-style-type: none"> ■ provide a lorry loader that is properly maintained, tested and certified; ■ provide a competent operator

The second main type of hire contract is known as a Contract Lift. The roles and legal duties of the parties concerned are shown below. Many owners who operate lorry loaders believe they are not involved in Contract Lifts. **This is not the case!** By default, unless the lifting operation takes place in accordance with the criteria outlined above, the lifting operation becomes a de-facto Contract Lift.

Formally Contracted or Included with the delivery of goods to a non-domestic customer (de-facto Contract Lift)
<p>The Customer should specify:</p> <ul style="list-style-type: none"> ■ that all work is to be undertaken in accordance with BS 7121; ■ that the contractor is to supply an Appointed Person; ■ what information and/or services will be provided to the Contractor by the Customer.
<p>The Lifting Contractor (lorry loader owner) is responsible for:</p> <ul style="list-style-type: none"> ■ supplying the Appointed Person; ■ planning the lift, and operation of a safe system of work; ■ organisation and control of the lifting operation; ■ providing a lorry loader that is properly maintained, tested and certified; ■ providing a competent operator.

NOTE: In this case the Lifting Contractor is the company carrying out the lifting operation; usually the owner of the lorry loader. Even if the lorry loader is not owned by them, for example if it is sub-contracted or a lorry loader is hired from a vehicle hire company, this does not negate their responsibility.

If the lifting operation is being carried out as part of the supply of goods to a domestic customer, it is unreasonable to expect the domestic customer to have the level of knowledge or experience to fulfil the Customer duties as defined above. The following table provides a clear example of the Lifting Contractors responsibilities in such cases.

Contract Lift - Included with the delivery of goods to a domestic customer
<p>The Lifting Contractor is responsible for:</p> <ul style="list-style-type: none">■ ensuring that all work is to be undertaken in accordance with BS 7121;■ supplying the Appointed Person;■ ensuring that adequate information regarding site conditions is obtained;■ planning the lift, and operation of a safe system of work;■ organisation and control of the lifting operation;■ providing a lorry loader that is properly maintained, tested and certified;■ providing a competent operator.

From a commercial viewpoint, it can be seen that there are not only additional legal obligations but also additional cost implications in carrying out a Contract Lift.

It is therefore considered to be extremely important to establish at the enquiry stage which type of lift is being requested and to ensure adequate terms and conditions and insurances are in place.

The following example flowchart in **Figure L1** provides assistance with this.

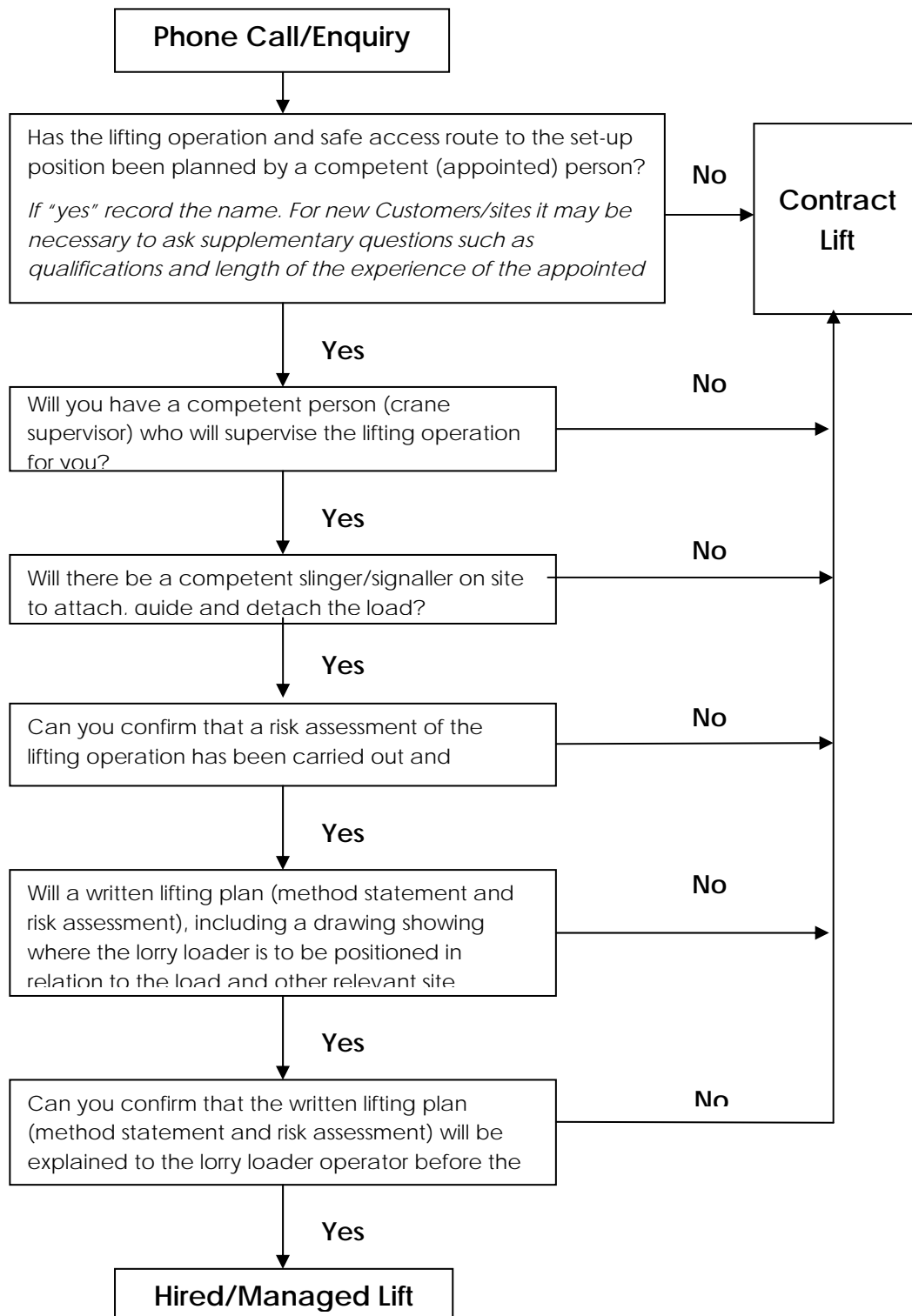


Figure L1 - Flowchart Illustrating the Process of Determining if a Lorry Loader Hire or a Contract Lift is Required

If the customer chooses to hire the lorry loader and manage the lift themselves, the questions on the "*Record of Questions and Answers when taking a request for a the Hire of a Lorry Loader*" must be asked and the answers recorded and retained.

If the customer answers "no" to any of the following questions and, after discussion, is still unable to provide the information, then the hire staff should decline to offer lorry loader hire and discuss the provision of a contract lift.

The customer should be made aware that when the lorry loader arrives at the lift location, the lorry loader operator will not start the lifting operation until he/she has been briefed on the lift plan by the person supervising the lifting operation. The customer's competent (appointed) person has the responsibility for ensuring the lift plan is suitable and sufficient. Having received the briefing on the lift plan, the lorry loader operator will need to confirm that the lorry loader has the required capacity and capability to undertake the proposed lifting operation. This should not be interpreted as the lorry loader operator taking responsibility for the planning of the lifting operation.

In a similar manner, if a representative from the lorry loader hire company visits the site to assist the customer in the selection of the lorry loader, then this should not be interpreted as either the lorry loader owner or their operator taking responsibility for any part of planning the overall lifting operation.

***NOTE:** It is essential when providing advice to a customer who has opted for a crane hire that this is limited to technical matters such as access/egress for the lorry loader on site, outrigger loads, duty charts and choice of lorry loader (based on the weight of the load and other information, both provided by the customer). Advice must not be given on any management issues, such as the provision of Risk Assessments and Method Statements. If the lorry loader supplier does provide such information, there is a possibility that the lorry loader supplier will be deemed to have carried out a de facto contract lift and to have taken responsibility for the lifting operation.*



**Record of Questions and Answers
when taking a request for a the Hire of
a Lorry Loader**

(a copy should be sent to the Customer with the Hire Contract)



Customer		Contact Number	
Company		Date	

A.	Has the lifting operation and safe access route to the set-up position been planned by a competent (appointed) person? <i>Note: See BS7121 Safe Use of Cranes - Part 4:2010 – Lorry Loaders, for detailed information concerning the selection and duties of appointed persons.</i>	Yes/No
	<i>If “yes” record the name:</i>	
	Name	
	<i>For new customers/sites, it may be necessary to ask supplementary questions such as length of experience of the competent (appointed) person.</i>	
	Answers to supplementary questions	
B.	Will you have a competent person (crane supervisor) who will supervise the lifting operation for you?	Yes/No
	<i>Record the name, if known at this stage.</i>	
	Name	
C.	Will there be a competent slinger/signaller on site to attach, guide and detach the load?	Yes/No
D.	Can you confirm that a risk assessment of the lifting operation has been carried out and documented?	Yes/No
E.	Will a written lifting plan including a drawing showing where the lorry loader is to be positioned in relation to the load and other relevant site features be prepared? <i>Note: For an example of a suitable lifting plan incorporating risk assessment and method statement, refer to the CPA/ALLMI Best Practice Guide for Safe Use of Lorry Loaders - 2010.</i>	Yes/No
F.	Can you confirm that the written lifting plan incorporating risk assessment and method statement will be briefed to the lorry loader operator before the lifting operation commences?	Yes/No

Note: It is important that all documentation associated with a Hired/Managed or Contract Lift, including the above Record of Questions and Answers are retained for a suitable length of time in case of queries, claims or HSE investigations.

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If it is established that a Contract Lift is required:

If a Contract Lift is required, then it is strongly advised that the Appointed Person has systems/questions in place for staff to use at the initial enquiry stage. This process should enable the staff to obtain relevant site information to a satisfactory degree. Section **3.1** of this Best Practice Guide states:

"Where the customer (apart from domestic customers) opts for a contract lift they have a duty to provide information, such as ground bearing capacity and the weight of the load to be lifted, to the lorry loader owner to assist them with their planning. As the customer is in control of the site and has access to the expertise required to assess the ground on which the lorry loader will stand, they are responsible for assessment and preparation of the ground."

If there is any concern that the information is incorrect or inadequate, then a site visit should be made by the Appointed Person or their nominated representative. Once the relevant information has been obtained, the Lift Complexity can be established which will assist in determining what levels of planning are required.

Commercially, it is also extremely important to ensure that Terms and Conditions are in place to accommodate the possibility of arriving on site to find that information provided by the customer is incorrect; or that the situation has changed from any previous site survey. Should situations such as these arise then there will be obvious financial/cost implications and all parties should be clear from the outset as to what their own levels of liability and responsibility are in this regard.

In the case of a Contract Lift to a Domestic Customer, section **3.2.3** of this Best Practice Guide states that it is not reasonable to expect them to have sufficient knowledge of either site conditions or legislation. In such cases, procedures should be put in place to accommodate this.

The following pages contain examples of a flowchart (See **Figure L2**) and a "Record of Questions and Answers when taking a request for a Contract Lift using a Lorry Loader" template sheet to guide companies on this issue.

NOTE: *All templates and flowcharts provided in this Annex are for example purposes only. It should be clear that it is the responsibility of the Appointed Person in all cases to ensure that any documentation used by them for this purpose is designed to accommodate the requirements and possible outcomes within their respective companies and levels of operation.*

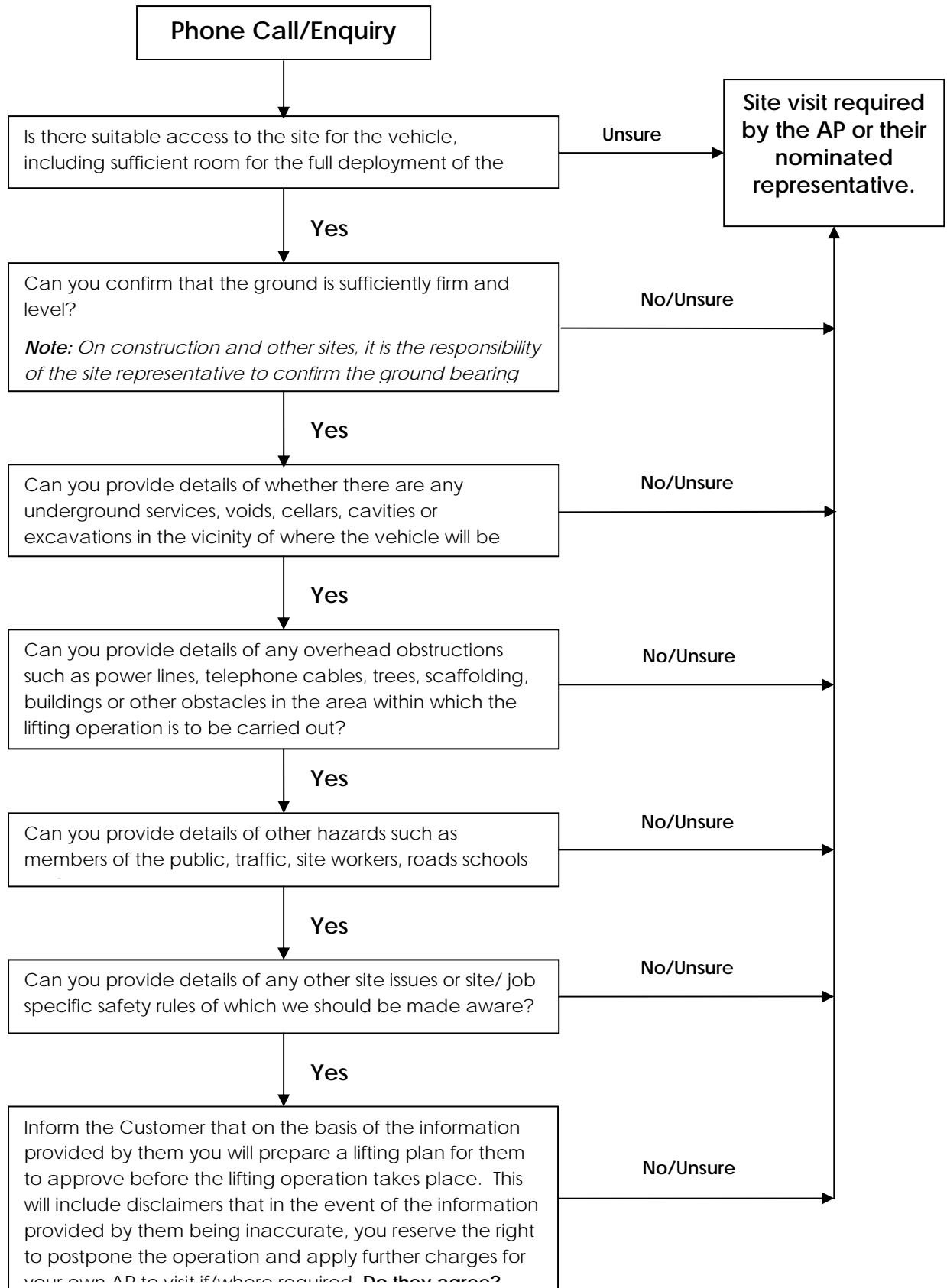




Figure L2 - Flowchart Illustrating the Process of Taking a Request for a Contract Lift

		Record of Questions and Answers when taking a request for a Contract Lift using a Lorry Loader (a copy should be sent to the Customer with the Hire Contract)			
Customer				Contact Number	
Company				Date	
A.	Is there suitable access to the site and appropriate space for the setting up of the lorry loader to allow full deployment of all stabiliser legs?				Yes/No
	Are you able to confirm the load bearing capacity of the ground?				Yes/ No
	Write load bearing capacity here and state value i.e. kN/m ² or t/m ²				
	<i>For new customers/sites, it may be necessary to ask supplementary questions such as whether a site drawing is available or geological reports.</i>				
	Answers to supplementary questions				
B.	Are you able to provide the details of any underground services, voids, cellars, cavities or excavations in the vicinity of where the vehicle will be sited?				Yes/No/NA
	Summarise any details here and request more detailed written information as required:				
C.	Can you provide details of any overhead obstructions such as power lines, telephone cables, trees, scaffolding, buildings or other obstacles in the area within which the lifting operation is to be carried out?				Yes/No/NA
	Summarise any details here and request more detailed written information as required:				
D.	Can you provide details of other hazards such as members of the public, traffic, site workers, road, schools etc?				Yes/No/NA
	Summarise any details here and request more detailed written information as required:				
E.	Can you provide details of any other site issues or site/ job specific safety rules of which we should be made aware?				Yes/No/NA
	Summarise any details here and request more detailed written information as required:				
F.	Only proceed to this next question if affirmative answers and supplementary information is provided where required to all the above questions, otherwise a site visit <u>must</u> be stipulated:				Yes/No
	Are you aware of our terms and conditions which state that on the basis of the information provided by you, we will prepare a lifting plan for you to see and approve before the lifting operation takes place. This will include disclaimers that in the event of the information provided by you being inaccurate, we reserve the right to postpone the operation and apply further charges for our own AP to visit if/where required. Do you agree to that?				
NOTE: It is important that all documentation associated with a Hired/Managed or Contract Lift, including the above Record of Questions and Answers are retained for a suitable length of time in case of queries, claims or HSE investigations.					
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