



The
Property
Institute

ADVICE NOTE

POWERED GATES

Important safety information about automatic gates



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NOTE

As the leading trade body for residential leasehold management, TPI is also an important resource for leaseholders. Our Advice Notes cover a range of topics on the leasehold system to help leaseholders understand their rights and responsibilities and ultimately get the most out of living in their flat.

SUMMARY

Following a number of fatalities caused by powered gates in recent years, the Health and Safety Executive (HSE) issued a series of safety notices.

They identified several factors that classify automatic gates on residential sites as high risk:

- Where children may be in close proximity to them
- Where it's not possible to instruct users
- Where the gates are used by high numbers of the public

Regular risk assessments are required for powered gates including force testing and planned preventative maintenance by a competent person.

Failure to carry out a risk assessment may affect the insurance cover and could lead to prosecution and negligence claims if there's an accident.

This Advice Note looks at what you need to do if there are powered gates on your development. Whilst the focus is on gates, the advice also applies to roller shutter doors and barrier arms.

Background

Karolina Golabek tragically died in an automated gate accident in Bridgend, South Wales in July 2010. The court coroner ruled that an 'unsafe' gate contributed to her death. Returning a verdict of accidental death, the jury ruled that the gate was unsafe due to 'a series of failures, inadequacies and omissions to adhere to British Standard Directives'.

The hearing highlighted several areas of concern including the fact that the maintenance agreement in place for the gate didn't include health and safety testing.

An HSE inspector described how testing had shown the gate was capable of producing 2,000 newtons of force – 'unacceptably high' when compared to safety standard guidelines of no more than 400 newtons. Such a force would have prevented the gate from engaging its stop and reverse function. In addition, the motor's gearbox was found to be wound so tightly that the friction produced made it impossible for it to stop and reverse the gate.

Risk assessing gates

All existing pedestrian and vehicle gates that are operated electronically should be regularly risk assessed. The HSE also recommends that the assessment includes force testing.

Failure to have a risk assessment carried out by a competent person will leave any landlord, Residents' Management Company and Right To Manage Company open to the risk of prosecution in the event of an accident. It may also prejudice any insurance cover.

On new developments, a risk assessment should be made when the residents move in. But after that there's no designated frequency for reviewing it. The gate installer on a new scheme has a legal obligation to hand over a certificate of conformity for the gate.

Anyone responsible for a powered gate should periodically review its risk assessment to identify any changes to its environment or operating conditions, and ensure that they have taken appropriate steps to address them. This is particularly important when the responsibility for managing the gate passes from one person or organisation to another.

Other hazards associated with opening and closing the gate should also be addressed. These will include crushing; shearing; impact; drawing-in hazards; the opening edge; gaps in the gate where they pass fixed structures; and the drive mechanism.

All safety devices and features should be checked on a regular basis and in accordance with the manufacturer's instructions. They should continue to function as they were designed, so that safety is maintained. This should be specified in a planned preventative maintenance schedule agreed by whoever is responsible for the gate's management and their appointed maintenance company.

Planned maintenance

The HSE has issued the following guidance for planned maintenance of powered gates:

- Check your gate is being maintained by a reputable company who regularly tests the safety features of the gate to ensure they're set and working correctly – they should use measuring equipment to test closing forces
- Keep a log of maintenance and any repairs and modifications made
- Ask the gate maintenance company to show you how to release the gate in an emergency – this should be easy and quick to do. Issue written guidance to any site-based staff
- Also ask the maintenance company to identify the safety features including:
 - any safety edges (usually rubber 'buffer' strips running the full height of the gate)
 - light beams to detect a person or object in the way of the closing gate
 - the operation of the force limitation device (although this is

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- unlikely to be enough to stop injury on its own)
- fixed guards at other areas e.g. where the vertical bars of a gate slide close to the vertical bars of a fence.

What to do if existing gates need additional safety measures

Many older gates probably don't have the additional safety features required after the advice was issued from the HSE. So it's essential that they are made safer to meet current standards, even though the work may cost substantial sums from the service charges.

Failure to install safety features identified after a risk assessment will leave any landlord, Residents' Management Company or Right To Manage Company open to claims of negligence and prosecution under criminal law by the HSE if any accidents occur.

TPI's advises its members to meet the requirements of a risk assessment, and disconnect the power to gates that are deemed to be unsafe until the required safety measures are installed. They should also notify the insurer for the development because the security may be affected.

Further information

Visit the HSE's website (www.hse.gov.uk) to read their safety notices on powered gates. These are:

- Safety notice FOD WSW 1-2010 26/2/10 – Risks to pedestrians from crushing zones on electrically powered gates -1
- Safety notice FOD7-2010 2/9/10 – Risks to pedestrians from crushing zones on electrically powered gates-2
- HSE general safety notice OPSTD1-2011 21/1/2011 – Powered perimeter gates

The Door and Hardware Federation also have a guide to gate safety legislation and standards. Visit: www.dhfonline.org.uk

Note:

Whilst every effort has been made to ensure the accuracy of the information contained in this TPI Advisory Note, it must be emphasised that because TPI has no control over the precise circumstances in which it will be used, TPI, its officers, employees and members can accept no liability arising out of its use, whether by members of TPI or otherwise.

The TPI Advisory Note is of a general nature only and makes no attempt to state or conform to legal requirements; compliance with these must be the individual user's own responsibility and therefore it may be appropriate to seek independent advice.