

Competition in Connections Code of Practice – Consultation Response Form

0006 – G39 Self-Authorisation

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Response Deadline: 5pm, 19th October 2018

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| Confidential? | No |
| If confidential, please specify why¹: | Click here to enter text. |

¹ All responses marked as confidential will not be published on the Competition in Connections Code of Practice website. However, all response forms will be made available to all working group members and the Governance Panel to view.

1. Do you agree with the proposed amendments to paragraph 5.2.2 of the Code of Practice? (see Appendix One)

NO.

I am somewhat concerned that Engineering Recommendation G39 (ER G39) (*Model code of practice covering electrical safety in the planning, installation, commissioning and maintenance of public lighting and other street furniture*) which is actually a code of practice itself is actually referenced in the Competition in Connections Code of Practice (CICCOP) when its primary aim is to establish electrical safety and not promoting competition in the planning, installation, commissioning and maintenance of public lighting and other street furniture . I would also be keen to understand why the disconnection (via removal of the DNO Cut out fuse) of street lighting and/or other street furniture is considered a competitive activity as I don't think it is.

Promoting self-authorisation via an employer is thin end of wedge and could a precedent for removal of cut out fuses for metered supplies which now has a very strict authorisation process via MOCOPA.

I note from the list of workgroup members there is no reference to the Health & Safety Executive. Have they been involved/included in the working group discussions and/or indeed consulted on these proposals?

The current G39 authorisation process via DNO authorisations is fit for purpose and has a good track record. Opening this to “employers” (or Authority as defined in ER G39) as referenced in the consultation paper is not warranted and a could potentially result in increased risks/liabilities for LDNOs due to the possible limited competencies of employees and limited understanding of the dangers associated with cut out removal irrespective of the HERS scheme.

As you know the principle hazards which can arise from street lighting service termination equipment are two-fold; namely:

- Fire or short circuit flashover; and/or**
- Shock or electrocution.**

The types of actions, activities or scenarios that can give rise to the above hazards are but not limited to:

•An overload situation affecting the service cable or service fuse;

•Deterioration of the condition of the material from which the service termination equipment is constructed due to aging effects or excessive loading;

•Resistive-type failures (which can be caused by numerous actions, including mal-operation of or damage caused to the service termination equipment or loose connections);

•Inadvertent interference with or damage to the service termination equipment (e.g. by third parties carrying out work at or near the service position and disturbing the equipment);

•Abusive/ malicious operation of the service termination equipment (e.g. of this could include tampering, theft etc this has actually been identified where illegal abstraction has been via street furniture equipment.);

•Effects on equipment as a result of the service position environment being outside of its operating specification.(e.g. temperature, moisture, dust, corrosive substances, atmosphere, flammable or explosive dusts, vapours or gases etc.);

•Poor initial installation of the service termination equipment;

•‘Shrink back’ of the service cable insulation as it enters into the service termination equipment with the potential result of exposing inadequately insulated conductors;

•Type/design or form of the service termination equipment (e.g. cut-outs with fused neutrals);

•Inadequate space around the service termination equipment and/ or close proximity of any combustible materials;

•Area around service termination equipment used as storage space resulting in restricted access if work is required to be carried out on or in the vicinity of exposed live conductors; and

•Inappropriate operation of or work on the service termination equipment by persons with insufficient competency, knowledge or required G39 LDNO authorisation.

•Lack of understanding of DNO 5th Core street lighting systems

It should also be noted that work by the SL Authority in substations, network distribution pillars and other supply equipment owned by the DNO is not permitted unless specifically sanctioned by the DNO.

In addition it is very clear in ER G39 that Insertion/removal of the main fuse for a metered supply will only be carried out by the appointed Meter Operator via MOCOPA (or the DNO in the case of supply loss or an emergency).

It is my view and that of the ENA SHE committees Employers should continue to require input services from at least one Licensed Distribution

Network Operator (LDNO) then that one LDNO authorisation can be used at one or across all other GB LDNOs areas.

Interestingly in section 11 of G39 entitled Competent Persons it states the following - *A suitable form of written authority shall be issued to each Competent Person by the Authority or their delegates (which may include the DNO)*, clearly stating the scope of the authorisation. Attention should be drawn to the essential factors and to the electrical and mechanical dangers and other physical hazards which may be anticipated when carrying out the work (as I indicated earlier). As an aid to interested parties, a “Model form of Competent Persons authorisation certificate” is included in Annex B and Annex C provides accompanying guidance notes for Competent Persons.

Requirements for Competent Persons and associated training may vary across the DNOs: some may require Authority staff to be authorised by the DNO for specific tasks, e.g. removal and replacement of DNO cut-out fuses; others may recognise the Authority’s own training and authorisation. This is what I believe is set out already in CICCOP V1.4 section 5.2.2.

In the consultation paper there is a suggestion that if an LDNO can accept an ICP to undertake work on their network utilising a self-authorisation process then it should allow any HERS1-accredited employer or contractor to utilise the same approach with regard to G39 activities associated with their assets. The ICP then has to register to the Lloyds accreditation scheme and is then actively monitored and audited to ensure both the skill sets of the employees and the design standards of the activity are robustly met. I would suggest any employer (Authority) self-authorisation scheme should then follow a similar process.

Consultation paper suggests the rationale for the modification proposal was to clarify the position with respect to G39 authorisations, which the modification proposal claims is worded currently to apply only where employers or employees work across one or more DNO or IDNO area. I think it is very clear that an employer can work in one LDNO area if he wishes or indeed in any other LDNO as the authorisation is transferable between LDNOs as set out in section 5.2.2 of the CICCOP (V1.4) i.e. *Training and / or authorisations relating to G39 authorisations accepted by a given DNO shall be accepted by other DNOs*

The modification proposal argues that undertaking G39 activities is no different to self-authorisation. Removing the LDNO from providing an authorisation for these activities also reduces the reliance on LDNO input services. As indicated earlier it does leave the LDNO with higher risks/liabilities if there is no audit process in place to provide the DNO with the assurance that the employees are competent as set out in G39.

I and the ENA SHE Committee cannot support the introduction of the new 5.2.2.1Further discussions on this issue are required specifically between the Working group and the ENA SHEC.

2. Do you believe that the modification proposal meets the Code of Practice Relevant Objectives (as stated in paragraph 4.3) more effectively?

NO – this is safety critical matter and hence the need to comply fully with the operational and safety requirements of ER G39 and this modification should not be used as a means of reducing those operational safety requirements and procedures.

- i) minimising, to the fullest extent reasonably practicable, the number and scope of Input Services which are only available from the licensee.**

The input services of the LDNO are required here as this is a safety critical matter and cannot be diluted to a local self-authorisation scheme introduced by the employer with the consequential liabilities and risks to the LDNO.

- iii) harmonising, to the fullest extent reasonably practicable, the Input Services provided by Distribution Service Providers.**

This is now the case as set out in section 5.2.2 of the CICCOP V1.4

3. Do you believe there is a better way in which the Code of Practice Relevant Objectives might be met than through the changes proposed?

No – but consideration should be given to the introduction of a auditing process similar to the Lloyds registration scheme used by ICPs. Auditing means the ongoing surveillance and assessment of an Employer (Authority) organisation against the HERS accreditations that it holds or against the DNO's accreditations, as applicable.

Further discussions on the above proposal would be required between proposer/working group and ENA SHEC/LDNOs.

4. Do you have any other comments or observations you would like the Working Group to take into account?

YES – Can I please suggest that following the public consultation the working group convene a short meeting with representatives from the SHEC to discuss further the concerns captured in this consultation response.

The LDNO must comply with the Safety requirements set out in Standard conditions of the Electricity Distribution Licence and other codes including the Distribution Code. The employer (Authority) shall also comply with the relevant codes including the Distribution Code and related H&S regulations.

Further discussions on the above would be very welcome.