

HSE Issues Prohibition Notice on Bouncy Castle Retailer

A complaint from an operator about the quality of an item he had purchased resulted in Trading Standards and Health and Safety Officers visiting Bouncers Outdoor Leisure of Cramlington Northumberland.

As a result of the visit the Health and Safety Executive issued a 'Prohibition Notice' to prevent further sales of this style of unit. The following statement was issued by the Performance Textiles Association explaining the situation and consequences for Operators.

“PIPA INSPECTION LEADS TO HSE PROHIBITION NOTICE ON BOUNCY CASTLE

The Performance Textiles Association, administrator of the PIPA inflatable safety scheme, has welcomed the tightening of procedures against dangerous bouncy castles following the serving of a Prohibition Notice against a Northumberland based company by the Health and Safety Executive (HSE).

During a routine test by a PIPA registered examiner, a bouncy castle was found to have several serious defects. These included insufficient anchor points, excessive fall-off height, poor stitching and several entrapment points, all of which meant the inflatable fell far short of the requirements of PrEN 14960, the draft Standard for inflatable play equipment used by PIPA Inspectors as a minimum standard for testing inflatables.

The PIPA inspector advised the owner of the company to contact the local Trading Standards officers who subsequently contacted the HSE. Enquiries revealed the castle to be one of a batch of inflatable play items manufactured and imported from China by **Bouncers Outdoor Leisure of Cramlington, Northumberland**. Given that the inflatables had been advertised as suitable for “commercial use”, this fell under the remit of the HSE, who visited the supplier and served a Prohibition Notice preventing him from supplying these castles for commercial use. Local Trading Standards Officers also subsequently visited the supplier and suspended him from selling any of the castles as “toys” in their current condition.

Gerry Muir, HMI Inspector of Health & Safety at HSE, commented – “Section 6 of the Health and Safety at Work Act 1974 requires anyone importing or supplying any fairground equipment to ensure, so far as is reasonably practicable, that: it is safe when being used for its intended purpose; the equipment has been tested as necessary; to ensure that anyone supplied with it has been provided with adequate information about the use for which it is designed so that it will be safe when used; and to ensure that any buyer is supplied with revised information if it becomes known that anything gives rise to a serious risk to health and safety.

“In this case, these requirements were not being met so we had no hesitation in issuing the Prohibition Notice and then passing on the information to Trading Standards Officers, to ensure the castles could not be sold as toys. ”

During the visit the supplier informed the HSE Inspector that he had sold several hundred of these castles for commercial use. The castles were mostly sold over the internet, and were described as “18ft by 16ft commercial bouncy castles”.

These castles, as supplied, are not suitable for third party use, i.e. for hiring to members of the public either for reward or otherwise and anyone doing so may be failing to comply with the duties to ensure the safety of non-employees imposed upon them under Section 3 of the Health and Safety at Work Act 1974.

Mr Muir continued – “ HSE would support prohibiting the use of any of these castles where it can be shown that they are unsafe when being used in connection with the entertainment of any member of the public. A PIPA or ADIPS (The Amusement Device Inspection Procedures Scheme) test can be used to determine whether or not an inflatable bouncy castle is safe.”

Clive Moss, Chief Executive Officer of the Performance Textiles Association, said – “This action is a serious warning to those companies who are not taking health and safety seriously that it is time to reconsider. The PIPA scheme was set up expressly to ensure that inflatables meet recognised standards and are therefore safe to operate. The HSE and Trading Standards have clearly demonstrated their commitment to policing the industry and in the PIPA scheme we have the means through which transgressors can be identified and the appropriate measures taken.”

Further Details: Performance Textiles Association, 42 Heath Street, Tamworth, Staffs, B79 7JH Tel: 01827 52337 Fax: 01827 310827 www.performancetextiles.org.uk

Press Enquiries: Chris Twigger/Josie Diep, Performance Textiles Association Press Office, c/o Shaw & Underwood PR, Monaco House, Bristol Street, Birmingham B5 7AW Tel: 0121 622 6868 Fax: 0121 666 6551 e-mail: admin@shawandunderwood.co.uk”

It is imperative that any Operator who has purchased from Bouncers Outdoor Leisure ensure that they have the equipment tested and have any faults corrected before continuing to use in their hire fleet.

Inflated News spoke with Rob Nicholls partner at Bouncers Outdoor Leisure who told us, “We did have a castle fail a PIPA test because it did not have the required number of anchor points to satisfy PIPA. There were no entrapment points nor was the bed too high. We have sent all of our remaining stock back to China for modification”

Rob continued, “We have worked hard with HSE, Trading Standards and PIPA to resolve any design issues. When this problem was brought to our attention we suspended our Ebay and web store operations whilst the problems were resolved. I have spent three weeks in China with our manufacturer and future designs will be PIPA compliant and we are now seeking advice from PIPA on having all of the applicable units PIPA tagged and tested as a matter of course”.

He concluded, “ I would like to thank our existing customers and potential new customers for their patience whilst our problems were resolved. Unlike other importers we have faced up to our difficulties and not run away from our responsibilities.”

Domestic Units

In past issues of Inflated News we have reported on the issue of domestic units being used by operators. Unfortunately the practice continues and Inflated News feels it is worth reminding its readers about this issue.

Over the past 18 months or so there has been an ever increasing amount of Bouncy Castles and inflatable play equipment available for purchase at retail outlets, Tesco, Asda, Costco and Woolworths being just some examples. Prices range from £50.00 to several hundred pounds and to the untrained eye they appear to be very reasonably priced units and a good investment for operators. These units are designed for domestic use only and are built to different standards to those required for commercial hire. In most cases the packaging will be labelled to read 'For Domestic Use Only' or 'Not For Commercial Use'.

Any person who hires a unit for a fee will be classed as a 'commercial' operator and therefore will be breaking the law (Health & Safety At Work Act etc 1974) if they hire 'domestic' units.

Similarly any school or organisation that has one of these units and uses them at their events will also be deemed to be operating commercially.

Operators should also be aware that insurance companies only cover 'commercial' units and if you have this type of unit in your stock they are definitely not covered.

When the first domestic units appeared some years back, it was obvious to all that they were not the same as the popular Bouncy Castles seen at numerous fetes, parties and corporate events, because they were made from the same material as beach toys (lilos etc). As time has gone on the material has become very similar to modern fabrics used in the production of modern inflatable play equipment and also use a constant air blower (fan) for inflation.

The general public could be forgiven for believing that these 'toys' are the same as those they are used to hiring from inflatable play equipment providers but operators should, by now, be fully aware of the difference.

Those operators who choose to operate this type of equipment and ignore the law that applies to the inflatable play industry, could find themselves in an extremely difficult position if they find themselves in a situation where an incident occurs which then becomes the subject of an investigation. Furthermore, if they are caught with this type of equipment in their stock they could find that the equipment will become the subject of a prohibition notice or may even be removed.

The rules are simple. Domestic units **MUST NOT** be used for commercial purposes. With the busy season approaching there is little doubt that both Trading Standards and HSE will be on the look out for domestic units in a commercial environment.