

# Scaffolding contractor fined after worker sustains multiple injuries in fall

A scaffolding contractor has been fined after a worker fell from height resulting in serious injuries.

Brighton Magistrates Court heard how, on 15 August 2019, Darren Barnett was dismantling temporary over-roof scaffolding at a site in Hailsham, East Sussex, when he fell through the scaffolding landing on to the roof of the property below, before rolling down and on to the ground. Mr Barnett fell approximately eight meters in total and sustained two brain haemorrhages, six vertebra fractures, a fractured shoulder blade and multiple rib fractures.

An investigation by the Health and Safety Executive (HSE) found the company had failed to properly plan the works in respect of giving consideration to how the temporary over roof should be dismantled safely. Furthermore, Mr Barnett was only provided with a single lanyard harness that was not suitable for such works, rather than a twin lanyard harness.

Zendrill Ltd of Blind Lane, Bredhurst, Gillingham, Kent pleaded guilty to breaching Regulations 4 (1) (a) and 6 (3) of the Work at Height Regulations 2005. The company was fined £16,667 and ordered to pay costs of £6,767 and a victim surcharge of £170.

Speaking after the hearing, HSE inspector Ross Carter said: “The case highlights the importance of following industry guidance in order to design and dismantle scaffolding in a safe manner with the correct equipment made available to those undertaking the work.

“If a suitable safe system of work had been in place prior to the incident, the life changing injuries sustained by Mr Barnett would have been prevented.”

## **Notes to Editors:**

1. The Health and Safety Executive (HSE) is Britain’s national regulator for workplace health and safety. We prevent work-related death, injury and ill health through regulatory actions that range from influencing behaviours across whole industry sectors through to targeted interventions on individual businesses. These activities are supported by globally recognised scientific expertise. [hse.gov.uk](http://hse.gov.uk)
2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](http://legislation.gov.uk/)
3. HSE news releases are available at <http://press.hse.gov.uk>

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## Contractor fined after carrying out illegal gas work

A self-employed contractor has been fined after undertaking gas work on a property whilst not being gas safe registered.

Crewe Magistrates' Court heard how, on 1 June 2019, Robert Allen, a self-employed contractor trading as A&E Property Services, replaced a boiler at a property in Ledward Street in Winsford. Following the installation, a number of problems arose including loss of pressure and water leaks. In August 2019, a Gas Safe Registered engineer attended the property and discovered multiple issues with the installation including an inadequately sized pipe, which they felt posed immediate danger. The case was reported to the Health and Safety Executive (HSE) in the form of a Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) report.

An investigation by HSE found that Mr Allen had never been Gas Safe Registered. It was discovered that he had provided himself with a false registration number and had also used the registration number of a completely unconnected company.

On the inspection of the work carried out at Ledward Street, five separate serious defects were found including an unsealed flue, a pressure relief valve incorrectly located, undersized gas pipework, uncommissioned appliance, and corrosion to the gas pipework. These defects could have led to carbon monoxide leakage, scalding, unsafe combustion, and unburned gas release, which could have proved fatal.

Robert Allen of Nixon Drive, Winsford, Cheshire pleaded guilty to two breaches of Regulation 3 (3) of the Gas Safety (Installation and Use) Regulations 1998 and breaches of Regulation 3 (7) of the Gas Safety (Installation and Use) Regulations 1998 and Regulation 5 (3) of the Gas Safety (Installation and Use) Regulations 1998. He was given a 40 week suspended sentence, 200 hours community service and ordered to pay costs of £5263.04

Speaking after the hearing, HSE inspector Ian Betley said: "This case highlights the dangers of carrying out unregistered gas work. All gas work must be done by registered Gas Safe engineers to ensure the highest standards are met in order to prevent injury and loss of life. Installers will be prosecuted if they carry out gas work without the proper qualifications. Householders should check that anyone they allow to work on the gas supply is gas safe registered."

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  2. More about the legislation referred to in this case can be found at: <https://www.hse.gov.uk/gas/>
  3. HSE news releases are available at <http://press.hse.gov.uk>
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## [Plant hire company in court over work at height and welfare issues](#)

A plant hire company has been fined for leaving workers at risk of a fall from height and failing to provide minimum welfare facilities.

Blackpool Magistrates' Court heard how, on 17 November 2020, Ruttle Plant (Birmingham) Ltd was in the process of building a new aggregate recycling facility at their site at Common Bank Lane, Chorley. Part of the work included the provision of cladding to the roof, which was carried out using a cherry picker. However, as some areas of the roof were difficult to reach, employees had to step onto the roof where no edge protection had been provided, putting them at risk of a 30ft fall. In addition, workers had been on site for some considerable time without the minimum required welfare facilities being available. This included facilities for hand washing during the height of the Covid pandemic.

An investigation by the Health and Safety Executive (HSE) found that the workers had been left unsupervised by site management, there had been no method statement to follow when they climbed onto the roof and there were no preventative measures in place to prevent the risk of a fall from height. Workers were also expected to drive to the company's head office along an unadopted roadway more than five minutes' drive away to use the toilet, despite there being ample room on the site for facilities.

Ruttle Plant Hire (Birmingham) Ltd of Lancaster House, Ackhurst Road, Chorley, Lancashire pleaded guilty to breaches of Regulation 13(4)(c) of the Construction (Design and Management) Regulations 2015, and Regulation 4(1) of The Work at Height Regulations 2005. The company was fined £66,667 and ordered to pay costs of £1,847.

Speaking after the hearing, HSE inspector Christine McGlynn said: "Had a worker fallen off the roof edge, it could have been fatal. Employers should ensure that workers are not left to carry out high risk roof work without supervision."

“Work at height and roof work should only be carried out by trained workers, who are being robustly monitored, following proper planning, risk assessment and using suitable equipment. The minimum standards for welfare must also be met.”

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2. More about the legislation referred to in this case can be found at: [Construction- Roof work industry health and safety](#)
3. HSE news releases are available at <http://press.hse.gov.uk>

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## [Safety cases for high-rise buildings: a summary](#)

The law relating to building safety in England is changing. Proposed reforms currently making their way through parliament will introduce a safety case regime. This will mean new roles and responsibilities for high-rise residential building owners and management, including accountable persons (AP) and building safety managers (BSM).

Building on the safety case principles we published last year, we have continued our work with partners in the public and private sector to develop information that we hope will form a toolkit for building owners and managers.

The first part of this toolkit is a short summary of the key things they can do to prepare. It’s intended to be a quick read to help people and organisations to understand what they can do.

HSE has now published this headline document on its website: <https://www.hse.gov.uk/building-safety/how-to-prepare.htm>

In the coming months this will be followed by further information that builds on the safety case principles from last year. This will include new material that we have introduced following the very helpful suggestions and comments we received from early adopters, private landlords, social housing providers, and other industry consultees.

Tim Galloway, Deputy Director of the Building Safety Programme at HSE, encouraged organisations and people to start preparing: “I am really

pleased that we've published this information in such a digestible form. I want to thank all our partners for their invaluable contribution. We all want safe buildings and I would encourage building owners to start their preparations for the new regime now rather than wait for all the details to be developed. I think the existing principles, this headline document and the further information to come will really help."

Read more about safety cases and safety case reports here:  
<https://www.hse.gov.uk/building-safety/safety-cases-reports.htm>

To keep up-to-date with the latest news and information on the BSR [subscribe to our free building safety email bulletin.](#)

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## **Builder prosecuted for exposing employees to asbestos during unsafe removal**

Kieran Lynch has been prosecuted after his employees were exposed to asbestos while refurbishing domestic premises in Barnsdale Road, Reading.

Reading Magistrates' Court heard how Mr Lynch, trading as Lynch and Co, was contracted to carry out a largescale refurbishment for his client who had recently purchased the property from their local council. Prior to the project commencing, the owner of the property informed Mr Lynch that the ceiling boards in the garage contained asbestos.

Mr Lynch instructed two employees, who had no experience in asbestos removal, to take down the boards with no protective measures in place. Once they had taken down the boards, they stored them inside the house for a further three months before they were moved into the front garden to be disposed of. Subsequent examination of these boards identified them as Asbestos Insulating Board (AIB) – a high risk product which requires an asbestos removal licence to remove.

An investigation by the Health and Safety Executive (HSE) found that Mr Lynch was made aware that asbestos was present in the property, and yet he failed to make adequate enquiries as to where the asbestos was, its type and the condition it was in, prior to carrying out the removal. He also instructed his employees, who lacked the necessary competence, to carry out the removal with no control measures in place.

Mr Kieran Lynch of 9 Old Barn Close, Emmer Green, Reading pleaded guilty to breaching the Control of Asbestos Regulations 2012 Regulations 5 (1)(a),

8(1), 11 (1) and received a Community Order for a period of 12 months with a Rehabilitation Requirement of 25 days and Unpaid Work of 100 hours. Mr Lynch was also ordered to pay £5,000 in costs and a £95 victim surcharge.

Speaking after the hearing, HSE inspector David Tonge said: "Refurbishment work, even in domestic premises, is liable to expose people to asbestos and adequate steps must be taken to find out if asbestos is present. If so, appropriate measures must be taken to ensure people are not exposed to asbestos fibres."

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2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](http://legislation.gov.uk/)
3. Further information about Asbestos can be found at [HSE: Asbestos – health and safety in the workplace](http://hse.gov.uk/asbestos)
4. HSE news releases are available at <http://press.hse.gov.uk>