

Construction company prosecuted after workers fall from height

A construction company has been sentenced following an incident where two bricklayers fell from height during the construction of a parapet wall.

Manchester Magistrates' Court heard that on 31 October 2019, two employees suffered serious injuries at a property in Over Alderley, Cheshire when the makeshift platform they were working on collapsed. The two men, along with plywood boards and bricks, fell approximately eight feet to the concrete floor below. The first man sustained fractured ribs, severe bruising and a large wound to his leg, the second man sustained severe bruising to his knees.

An investigation by the Health and Safety Executive (HSE) found that H Cumberbirch & Sons Limited did not properly plan the work at height, in that the risk assessment and method statement by failing to consider how the parapet wall would be constructed and how the risk of falling from height would be prevented. The company failed to ensure that there were suitable measures in place for preventing the employees from falling from height and they were left to work out how best to carry out the work with the equipment they had available. The work at height was not adequately supervised to ensure that it was carried out safely.

H Cumberbirch & Son Limited of Fence Avenue in Macclesfield pleaded guilty to breaching Regulation 4(1) of the Work at Height Regulations 2005. The company was fined £36,000 and ordered to pay costs of £2,824.

Speaking after the hearing, HSE inspector Sinead Martin said: "This incident could have been prevented had the company properly planned the work at height and identified and implemented suitable control measures, such as platforms for preventing falls through the joists and scaffolding at the roof edges.

"Falls from height are the number one cause of serious injury and death in the construction industry."

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
2. More about the legislation referred to in this case can be found at: legislation.gov.uk/
3. HSE news releases are available at <http://press.hse.gov.uk>
4. For more information on working at height visit: [Work at Height](http://www.hse.gov.uk/workatheight/)

HSE focuses on health and safety in the construction industry in Birmingham

With the number of new construction schemes started across Birmingham City Centre almost doubling in 2021^[1], the Health and Safety Executive (HSE) are sending inspectors out to sites to ensure firms are complying with health and safety regulations, it announced today (Thursday 3 March).

As the city prepares to host the 2022 Commonwealth Games in just 140 days' time, the HSE has noted increased development across the city potentially raising risks for both workers and the public.

Sarah Hill, one of the HSE inspectors leading the campaign, commented:

“With a high volume of construction sites in the busy city centre, there is inevitably more potential for incidents which can result in life-changing injuries or worse and working environments which can pose respiratory risks and are hazardous to workers' health and well-being. This week, HSE colleagues and I will be visiting sites across the city to check that employers are managing risk and keeping workers and the public safe. The fatal injury rate in the construction sector is around four times the all-industry rate, while over 3,500 builders die each year from cancers related to their work, so this is a reminder to employers that there is no room for complacency or non-compliance.”

During a visit, inspectors look to see how companies keep their workers, and anyone affected by the work they do, healthy and safe. In the event that an employer is breaking the law, an inspector may deploy a range of measures such as issuing an improvement notice which allows a minimum of 21 days for the issue to put right or, in the case of the most serious breaches, prosecution.

Sarah Hill added:

“The majority of work-related illness, injuries and fatalities are wholly avoidable if those responsible for the welfare of their workers follow health and safety guidance and regulation. Construction is a high risk industry, but those that work in it are as entitled as everyone else to go home safe and well at the end of the day.”

Health and safety statistics for the construction industry across the UK:

- 39 fatal injuries to workers in 2020/21
- 74,000 workers suffering work-related ill health (average over 2018/19-2020/21)

- 61,000 non-fatal injuries (averaged over 2018/19-2020/21)
- Four fatalities amongst members of the public.[\[2\]](#)

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2. HSE news releases are available at <http://press.hse.gov.uk>

[\[1\]](#) Deloitte Birmingham Crane Survey 2022 [Birmingham Crane Survey 2022 | Deloitte UK](#)

[\[2\]](#) Data up to March 2021, published 16 December 2021 [Construction statistics in Great Britain, 2021 \(hse.gov.uk\)](#)

[A letting company and its director have been fined for gas safety failings](#)

A letting agent company and its director have been fined for failing to carry out essential safety checks on gas appliances in their rental property.

Chelmsford Magistrates' Court heard how the landlord, Belleview Property Limited (Belleview), failed to carry out the annual gas safety check at their rental property in Colchester, Essex. Belleview were served with an Improvement Notice requiring the checks to be carried out, but they failed to do within the specified timeframe.

They also failed to provide details of the tenancy agreement when requested to do so by a Health and Safety (HSE) inspector using her powers under Section 20 of the Health and Safety at Work etc Act 1974. The investigation found that Belleview's failures were committed with the consent of, or were

attributable to neglect on the part of, Adrian Ellis, as the sole director of Belleview.

The Court heard how Adrian Ellis had previously been prosecuted by HSE for failing to undertake gas safety checks at properties owned and rented out by him as an individual. Belleview had also been subject to HSE enforcement twice in the last five years relating to its failure to arrange gas safety checks at properties rented out by it, including the property subject to the current case.

Belleview Property Limited of 15 Station Road, St Ives, Cambs PE27 5BH pleaded guilty to breaching the Gas Safety Installation and Use Regulations 1998, Regulation 36(3), for failing to comply with the requirements of the Improvement Notice served under Health and Safety at Work Act 1974, Section 20 and failing to comply with the requirement to provide information under Health and Safety at Work etc Act 1974, Section 20 was fined £12,000 with £2,245.28 costs.

Director Adrian Ellis of 4 Leech's Lane, Colchester, Essex C04 5EP pleaded guilty to breaching Section 37(1) of the Health and Safety at Work etc Act 1974 and was fined £3,000 with £ 2,245.28 costs.

Each defendant was ordered to pay a further £170 as a government surcharge.

After the hearing HSE inspector Jessica Churchyard said: "Landlords must ensure gas appliances at their tenanted properties are maintained in a safe condition and are checked by a Gas Safe Register engineer at least every 12 months.

"HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards."

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 2. More about the legislation referred to in this case can be found at: gov.uk/; www.hse.gov.uk/gas/domestic/faqlandlord.htm
 3. HSE news releases are available at <http://press.hse.gov.uk>
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Contractor fined for failing to comply with health and safety regulations



A sole trader has been fined for failing to plan, manage and monitor construction work being carried out under their control.

Chelmsford Magistrates' Court heard how Rytis Tamasaukas was the principal contractor carrying out extensive refurbishment works to extend a detached property in Chigwell, Essex.

The Health and Safety Executive (HSE) carried out six site inspections between 1 May and 28 November 2018. Mr Tamasaukas was served with three prohibition notices for breaches of the Work at Height Regulations 2005 and another prohibition notice for the stability of roof trusses. He was also served three improvement notices for the control of wood dust, access and egress and competent supervision,

Following a revisit to the site by the HSE inspector David King it was discovered that Mr Tamasaukas continued in his failure to plan, manage and monitor the construction work being carried out under his control. He also failed to comply with the prohibition notice for work at height and the improvement notice which referred to the training of a competent Site Manager.

Mr Tamasaukas, formerly of 27 Neterfield Gardens, Barking and now resident in Romford, Essex, pleaded guilty to breaching Regulation 15(2) of the Construction (Design and Management) Regulations 2015 and two counts of breaching Section 33(1)(g) of the Health and Safety at Work Act 1974. He was ordered to serve a community order, which involves undertaking 280 hours of

unpaid work within the next 12 months and ordered to pay costs of £5,000.

Speaking after the hearing, HSE inspector David King said: "This case highlights the need for suitable and sufficient planning, managing and monitoring, using the appropriate work at height equipment and having a competent Site Manager. Duty holders should be aware that HSE will hold to account those who do not comply with health and safety legislation, or who do not comply with enforcement notices served on them."

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<http://www.hse.gov.uk/construction/areyou/principalcontractor.htm>

<http://www.hse.gov.uk/work-at-height/index.htm>

3. HSE news releases are available at <http://press.hse.gov.uk>

[Company fined after a worker falls from height when platform collapses](#)



A North-East civil engineering company has been sentenced after a worker suffered life threatening injuries after falling 15 metres when a platform he was working on unexpectedly collapsed.

Teesside Magistrates Court heard how that on 31 July 2019, the worker was involved in the dismantling of the Brent Bravo, a former North Sea oil and gas platform.

Able UK Limited was contracted to dismantle four platforms from the Brent North Sea oil and gas field. The incident occurred during the removal of a module located on the north west corner of the Brent Bravo Platform. In planning for the removal of the module, it was noted that there were three platforms on the cellar deck of the structure that would need to be moved to allow the module to fall safely.

It was not recognised by the planning team that one of the platforms did not form part of the main structure and was attached to the platform using bolts that had corroded over time. This affected the structural integrity of the platform and the methodology required to remove it safely. During the cutting of bracing beams, the platform unexpectedly collapsed causing one of the employees to fall 15 metres.

An investigation by the Health and Safety Executive (HSE) into the incident found that Able UK Limited failed to carry out a full structural appraisal of the platform prior to demolition. This would have informed the risk assessment and method statement being used by the cutting crew at the time of the incident to ensure that the work could have been carried out safely.

Able UK Limited of Able House, Billingham Reach Industrial Est, Haverton Hill Road, Cleveland, pleaded guilty to breaching Regulation 2(1) of The Health and Safety at Work act 1974 and was fined £200,000 with £20,991.24 costs by Teesside Magistrates Court.

After the hearing, HSE inspector Richard Littlefair said: "When undertaking demolition work where structures are being left in a pre-weakened state, it is essential for those in control of the work to take appropriate measures to ensure the safety of all those involved with the work. This includes ensuring that consideration is given to the stability of structures before and during demolition work, as well as ensuring that control measures are in

place to mitigate other associated health and safety risks such as work at height.”

1. The Health and Safety Executive (HSE) is Britain’s national regulator for workplace health and safety. It aims to reduce work-related death, injury and ill health. It does so through research, information and advice, promoting training; new or revised regulations and codes of practice, and working with local authority partners by inspection, investigation and enforcement. www.hse.gov.uk
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