

# Building contractor and clients fined after catalogue of safety breaches

The clients and principal contractor of a construction project have been sentenced following numerous serious health and safety failings.

Basildon Crown Court heard how London and Essex Property Partnership Ltd, principal contractor Ludovic Calo and commercial client Richard Balls were involved in the construction of two semi-detached houses at Central Wall Road, Canvey Island. Health and safety concerns were raised by members of the public and the Health and Safety Executive (HSE) visited the site on five separate occasions between 26 July 2017 and 23 March 2018. They identified ongoing health and safety breaches relating to work at height, site welfare and security, as well as an accumulation of domestic and construction waste on site.



There were also reports that bricks had fallen from the scaffold, and the building's gable end wall apex section had at one point collapsed onto the neighbouring property. Despite HSE serving a number of enforcement notices and notification of contravention letters, serious breaches of health and safety law continued and there was a failure to comply with the enforcement notices.

An investigation by HSE found the project's joint clients, Richard Balls and London and Essex Property Partnership Ltd had failed to make suitable arrangements to manage the project. They did not ensure the principal contractor complied with his duties under the Construction Design and Management Regulations, and in Richard Ball's case, did not comply with one HSE improvement notice issued to improve health and safety standards on the site. The project's principal contractor, Ludovic Calo, failed to plan, manage, and monitor effectively to ensure the construction work was carried out safely, failed to ensure work at height was properly planned and carried out safely, failed to take suitable measures to prevent the fall of materials from the scaffold and did not comply with two HSE-issued improvement notices served to improve health and safety standards on the site.

Ludovic Calo of Kitchener Road, Walthamstow was found guilty of breaching Regulation 13(1) of The Construction (Design and Management) Regulations 2015; Sections 4(1) and 10(1) of The Work at Height Regulations 2005; and two charges under Section 21 of the Health and Safety at Work Act 1974. He received a 29 week suspended custodial sentence, 3 months electronic curfew 9pm-6am and ordered to pay costs of £5,000.

Richard Balls, of Henham, Bishops Stortford was found guilty of breaching Sections 4(1) and 4(3) of The Construction (Design and Management) Regulations 2015, and Section 21 of the Health and Safety at Work Act 1974. He received a 29 week suspended custodial sentence, 3 months electronic curfew 9pm-6am and ordered to pay costs of £5,000.

London & Essex Property Partnership Ltd of Scratton Road, Stanford Le Hope were found guilty of breaching Sections 4(3) and 4(6)(b) of The Construction (Design and Management) Regulations 2015. The company was fined £20,000 and ordered to pay costs of £5,000.

Speaking after the hearing, HSE inspector Glyn Davies said: "Property developers and construction firms should be aware that HSE will not hesitate to prosecute those who fall below the required standards, especially where advice and enforcement fails to improve their management of health and safety.

"Commercial clients and principal contractors have significant and wide-ranging duties to comply with construction health and safety law, and it is not acceptable to cut costs and maximise profit at the expense of putting people at risk."

#### **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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## [Manufacturing company fined after an apprentice suffers life-changing injury](#)

A manufacturing company has been fined after an apprentice's hand was caught in machinery.

Manchester Magistrates' Court heard that on 21 November 2018, a 17-year-old apprentice, who had been working at Amber Industries Limited in Oldham for 18 months, was reaming work pieces using an unguarded pillar drill whilst wearing gloves. The glove on his right hand became entangled in the drill bit resulting in three of his fingers being severed.

An investigation by the Health and Safety Executive (HSE) found there were no guards in place to prevent access to rotating parts and that the company had failed to provide suitable information, instruction and training to the apprentice, including clear instructions not to wear gloves. They also failed to provide adequate supervision and monitoring.

Amber Industries Limited of Crompton Street, Chadderton, Oldham pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974. The company was fined £52,500 and ordered to pay costs of £14,442. Speaking after the hearing, HSE inspector Jane Carroll said: "This injury was easily preventable, and the risk should have been identified. Employers should make sure they properly assess and apply effective control measures to minimise the risk from dangerous parts of machinery".

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3. HSE news releases are available at <http://press.hse.gov.uk>
4. More information and guidance on young people at work can be found at: [www.hse.gov.uk/youngpeople/index.htm](http://www.hse.gov.uk/youngpeople/index.htm)

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# **MOT centre sentenced after worker fatally injured in oil drum explosion**

An MOT centre has been sentenced after oil drums supplied by them exploded and killed an agricultural engineer.

Luton Magistrates' Court heard how on 21 April 2017, Christopher Chatfield, an experienced agricultural engineer, was making metal pheasant feeders for the local game shoot at Puddock Down Warboys, Cambridgeshire. This involved converting empty 200 litre oil containers by cutting open the lids using a plasma torch. While cutting open the third drum it violently exploded resulting in fatal injuries to Mr Chatfield.

An investigation by the Health and Safety Executive (HSE) found that the empty drums, labelled as having contained motor oil, were found to have also previously contained highly flammable gasoline, but had not been labelled correctly. The residual gasoline vapour present within the drums violently ignited upon the action of the hot cutting process, causing fatal injuries to Mr Chatfield. There was a failure to provide any labelling to show that the empty motor oil drums had been repurposed to store gasoline and this created a risk of fire and or explosion.

Stonehill MOT Centre Ltd of Stockley Meadows, Huntingdon, Cambridgeshire pleaded guilty to breaching Section 6(1)(c) of the Health and Safety at Work etc Act 1974. They were fined £80,000 and ordered to pay costs of £8,167.

Speaking after the hearing, HSE inspector Parmjit Gahir said: "Those who are involved in the sale or supply of an article or substance, in this case used oil drums, have a responsibility to ensure that adequate information is provided so that the person buying the article can ensure that it can be safely used, cleaned and maintained.

"Failure to provide any labelling information on the used drums, to show that they had also contained gasoline, did not allow for the necessary precautions to be considered and adopted when cutting the drums open. If appropriate labelling had been in place this incident could have been avoided."

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[www.legislation.gov.uk/](http://www.legislation.gov.uk/)

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

4. Hot work on small tanks and drums [Hot work on small tanks and drums \(hse.gov.uk\)](http://press.hse.gov.uk)

5. Storage of flammable liquids in containers [The storage of flammable liquids in containers – HSG51 \(hse.gov.uk\)](http://press.hse.gov.uk)

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## [Garage door installer fined for asbestos safety failings](#)

A garage door installation company has been fined after failing to manage asbestos safely during work on a house in Bamber Bridge.

Preston Magistrates' Court heard how on 9 October 2019, two employees of Garage Doors (Northern) Ltd, were carrying out work to remove an existing integrated garage door and fit a new door at a property in Browndedge Lane, Bamber Bridge.

The workers removed old fittings from the side of the garage door with an angle grinder and some of the ceiling fittings with a crowbar. Holes were drilled into the ceiling to fit new roof bars and in doing so they caused damage to the ceiling, which was made of Asbestos Insulating Board (AIB).

The resulting dust containing asbestos fibres was spread through the house via the central heating system, resulting in the homeowner having to leave his home, and live in an hotel for eleven months, whilst the house was deep cleaned to remove all traces of asbestos fibres.

An investigation by the Health and Safety Executive (HSE) found that despite undertaking work on a building built before 2000, a suitable and sufficient assessment to establish whether asbestos was liable to be present in the premises, and what type of asbestos containing material may have been present, was not carried out prior to the start of the job. Subsequent testing of the material came back positive for Chrysotile and Amosite.

Garage Doors (Northern) Limited of Aspden Street, Bamber Bridge, Preston pleaded guilty to breaching Regulation 6 (1) of the Control of Asbestos Regulations 2012 and Section 3(1) of the Health and Safety at Work etc. Act 1974. The company was fined £10,000 and ordered to pay costs of £1,589.

Speaking after the hearing, HSE inspector Stuart Hadfield said: "Exposure to asbestos is a serious health issue and without companies fully assessing the risk when carrying out intrusive work they are potentially putting their

workers and members of the public at risk.

“This incident could so easily have been avoided by identifying the presence of asbestos and putting in place the correct control measures and safe working practices to prevent the release of, and exposure to, asbestos.

“Companies should be aware that 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: [www.legislation.gov.uk/](http://www.legislation.gov.uk/)

3. More information regarding asbestos health and safety can be found at <https://www.hse.gov.uk/asbestos/>

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

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## **[Plastic Coated Fabric Manufacturing company in Lancashire fined after machine incident](#)**

A Lancashire based manufacturer of plastic-coated fabrics has been fined after an employee’s hand was drawn into an unguarded part of a machine, resulting in the surgical amputation of three fingers.

Manchester Magistrates’ Court heard that on 20 August 2019, a machine operator at the Earby site, was carrying out work activities on a large embossing machine, known as the Briem machine, when his hand became drawn into the nip point between two counter rotating rollers; referred to as the shell and the bole.

For product quality, the shell roller needed to be kept at an ice-cold

temperature. This was achieved by using water cooled from a chiller unit, situated outside the building. Previous incidents leading up to the incident of the chiller “cutting out” had therefore made it custom and practice for the operators to check the temperature of the moving roller by hand. This resulted in the irreversible crush injuries to the operative’s right hand.

An investigation by the Health and Safety Executive (HSE) found that there was insufficient guarding to the machine with at least four exposed nip points and a heavy reliance on training rather than engineering controls, such as fixed guarding.

Following the incident, the company undertook remedial measures to ensure machinery safety, including suitable guarding to prevent access to dangerous parts of the machine.

The company Uniroyal Global Ltd, West Craven Drive, Earby, Barnoldswick, BB18 6JZ, pleaded guilty to breaching Section 2(1) of the Health & Safety at Work etc Act 1974. The company was fined £120,000 and ordered to pay costs of £5,462.75.

Speaking after the hearing, HSE Inspector Leona Cameron commented: “A number of unsafe practices were uncovered.

“This included unguarded access to the dangerous parts of the Briem machine, failings in maintenance and the quality of the risk assessment process in allowing an unsafe working practice to develop.

“For example, the company had identified the risk of entanglement from in-running nips, but had chosen not to take practicable measures to prevent such risk.

“If suitable guarding and robust maintenance procedures been in place, then the life changing injuries to the operative would not have occurred.”

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4. For more information and advice on working with machinery, please visit our website here: [Safety topics – Working with machinery \(hse.gov.uk\)](https://www.hse.gov.uk/safety-topics/working-with-machinery)

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