

# Contractor sentenced following safety failings during demolition work

A north west contractor has been sentenced after disturbing asbestos during demolition works and damaging underground cables that resulted in severe disruption to services.

Blackpool Magistrates' Court heard how Peter Walling's company had been contracted to demolish a former medical centre in Blackburn and clear the land ready for development. Between 15 November and 6 December 2018, four separate incidents occurred on site when an excavator operated by Mr Walling, caused damage to underground cables and a sub-station which caused loss of electricity supplies to the local area and repair costs to the electricity supplier of £49,000. In addition to this, Mr Walling removed asbestos containing materials prior to an asbestos survey taking place, potentially exposing workers to asbestos.

An investigation by the Health and Safety Executive (HSE) found that Mr Walling did not ensure all services had been disconnected prior to starting work. He had ignored warnings from Electricity North West to stop work when low voltage cables were first dug up by the excavator, causing damage to the live substation, and only stopped working in a dangerous area when the police attended the scene. Mr Walling did not implement a safe system of work when operating near to underground cables and failed to ensure that workers on site were not exposed to asbestos.

Peter Andrew Walling of Arley Rise, Mellor, Blackburn pleaded guilty to breaching Section 37(1) of the Health and Safety at Work etc. Act 1974. He was sentenced to 200 hours unpaid work and received a ten-month prison sentence suspended for 18 months and was ordered to pay costs of £7,000.

HSE inspector Christine McGlynn said after the hearing: "These incidents could so easily have been avoided by simply carrying out correct control measures and safe working practices. Mr Walling recklessly failed to heed warnings and advice and put not only himself but also others on site at risk of electrocution and risk of exposure to asbestos containing materials.

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

## **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. More information about working safely near underground cables can be found at <https://www.hse.gov.uk/construction/safetytopics/underground.htm>
  4. HSE news releases are available at <http://press.hse.gov.uk>

The post [Contractor sentenced following safety failings during demolition work](#) appeared first on [HSE Media Centre](#).

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## [Metal supplier fined after employee suffers multiple fractures](#)

A metal supplier has been fined after an employee suffered multiple fractures to the hand and wrist when he was polishing a metal bar with a manual metalworking lathe.

Birmingham Crown Court heard that, on 27 January 2019, an employee working for Timet UK Limited at Holdford Road, Witton, was using a manual metalworking lathe to polish a metal bar when the emery cloth, which he applied by hand, snagged causing his right hand to be pulled underneath the rotating bar. This resulted in a fracture to his right wrist and two fractures to his right hand

An investigation by the Health and Safety Executive (HSE) found that Timet UK Limited failed to implement a system of work which is safe for the use of manual metal working lathes to refurbish, polish and deburr parts. Timet UK Limited also failed to ensure that employees received adequate training in the use of the lathe, as well as adequate supervision.

Timet UK Limited of Witton, Birmingham pleaded guilty to breaching Section 2(1) of The Health and Safety at Work etc Act 1974 and were fined £375,000 and ordered to pay costs of £16,622.

Speaking after the hearing, HSE inspection Karen Sweeney said: "This highlights how employers should ensure they have a safe system of work in place for the operation of all machinery and ensure that adequate information, instruction and training is provided to all who use it."

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## [Property company fined after employee falls from roof](#)

Property partnership Alex Brewster and Sons has been fined £4,000 after an employee fell through a roof light.

Edinburgh Sheriff Court heard how on 19 April 2016, two employees were removing roofing panels from a derelict shed in Midlothian. One of the workers stepped on to a roof light, which gave way causing him to fall to the floor below. He sustained serious injuries as a result of the fall including fractures to his pelvis, ribs, and elbow, which required surgery.

An investigation by the Health and Safety Executive (HSE) found that Alex Brewster and Sons, who own and let domestic properties, failed to ensure that work at height was properly planned, appropriately supervised and carried out in a manner which was, as far as reasonably practicable, safe. There were insufficient measures in place to prevent the risk of a fall from height.

Alex Brewster and Sons, of Bonnington Store, Wilkieston, Kirknewton pleaded guilty to breaching the Work at Height Regulations 2005, Regulation 4 and Section 33(1)(c) of the Health and Safety at Work etc. Act 1974. They were fined £4,000.

Speaking after the hearing, HSE Inspector Gillian Anderson said: "Falls from height remain one of the most common causes of work-related fatalities in

this country and the risks associated with working at height are well known.

“If a suitable safe system of work had been in place prior to the incident, the severe injuries sustained by this employee could have been prevented.”

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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/)

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## **[HSE announces new Chief Inspector of Buildings](#)**

The Health and Safety Executive (HSE) has announced the appointment of a Chief Inspector of Buildings to establish and lead the new Building Safety Regulator (BSR).

Peter Baker, HSE’s current Director of Building Safety and Construction, will take up the post with immediate effect.

The government asked HSE to establish a new building safety regulator in the wake of the Grenfell Tower disaster and following recommendations in the ‘Building a Safer Future’ report by Dame Judith Hackitt.

In his role as the Chief Inspector of Buildings, Peter Baker will head up the Building Safety Regulator to deliver the new regime for high risk buildings, oversee work to increase competence of all professionals working on buildings and ensure effective oversight of the entire building safety environment. Peter will also be the first head of the building control profession, and lead the work to provide independent, expert advice to industry, government, landlords and residents on building safety.

Peter said: *“I am honoured to be appointed as the first Chief Inspector of Buildings and for the opportunity to play a lead role in bringing about the biggest change in building safety for a generation. I look forward to working with government, industry, partner regulators and residents to shape and deliver a world-class risk-based regulatory system for the safety and*

*standards of buildings that residents can have confidence in and that we can all be proud of."*

Peter has over 30 years' experience with HSE as an Inspector and in a number of senior operational posts dealing with a wide range of industry sectors, including the role of HSE's Chief Inspector of Construction. Since 2017 Peter has led HSE's involvement in the Government's Building Safety Programme.

*Sarah Newton, HSE's Chair said: "I would like to congratulate Peter on his appointment as the new Chief Inspector of Buildings. Peter has a long track record of working in partnership with industry and other regulators to bring about behavioural and culture change that improves people's safety. His deep understanding of assessing and managing hazards and risk makes him ideally suited to shape and lead the implementation of the new building safety regime"*

*Dame Judith Hackitt, Independent adviser to Government on Building Safety and Chair of the Transition Board said: "I am delighted to hear of Peter Baker's appointment as the new Chief inspector of Buildings. With his impressive background experience in regulating both Major hazards Industries and Construction he brings a wealth of experience to this important new role. I very much look forward to working with Peter as the new Building Safety Regulator is established as we move to establish a new regime where people can be confident that their homes are safe and fit for purpose"*

*Minister for Building Safety, Lord Greenhalgh said: "I welcome the appointment of Peter Baker as the first national Chief Inspector of Buildings. Peter will use his and HSE's wealth of experience to implement a tougher regulatory regime. I look forward to working with Peter and his team to ramp up engagement with residents and the sector as part of the biggest changes to building safety in a generation, backed by our £5 billion investment to fully fund the cost of replacing unsafe cladding for all leaseholders in residential buildings 18 metres (6 storeys) and over in England. We have a comprehensive plan to remove unsafe cladding, support leaseholders, restore confidence to this part of the housing market and ensure this situation never arises again."*

(ends)

## **Notes to Editors**

1. The creation of the Building Safety Regulator (BSR) is a key component of the Government's reforms of the building safety system following the Grenfell Tower tragedy and the recommendations in Dame Judith Hackitt's report of her independent review into building regulation and fire safety.
2. The BSR and its functions from part of the draft Building Safety Bill published in July 2020 to implement the biggest change to building safety for 40 years. HSE is leading the work to design, develop and deliver the BSR functions on behalf of Government and is recruiting across a wide range of roles and expertise to make sure the new building safety regime is fit-for-purpose. It is working with industry, the

Ministry of Housing, Communities and Local Government, Home Office, local authorities, fire and rescue services, residents and other stakeholders to pave the way for the fully-fledged regulator.

3. 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)
4. HSE already has a role in relation to specific aspects of building safety. HSE regulates workplace health and safety in the high-risk construction industry, the natural gas supply industry, the safety of domestic gas installations, and work with asbestos in buildings.
5. For the [draft Building Safety Bill](#)<sup>[1]</sup> visit [gov.uk](http://gov.uk).
6. HSE is an Executive Non-Departmental Public Body sponsored by the Department for Work and Pensions (DWP). Further information about HSE and its Board can be found at: <https://www.hse.gov.uk/aboutus/hseboard/board.htm>
7. The appointment of the Chief Inspector of Buildings was made following an open recruitment process. The Commissioner for Public Appointments regulates all appointments made by the Secretary of State to SSAC. All such appointments are made in accordance with the Code of Practice published by the commissioner. The code is based on three core principles – merit, openness and fairness.

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## [Landlord fined following gas concerns at rental property](#)

A landlord has been sentenced for failing to maintain gas appliances at a rental property in accordance with the law.

Swansea Magistrates' Court heard that between 3 May 2017 and 28 June 2017 inspectors from the Health and Safety Executive (HSE) and Gas Safe Register inspected a property at Penlan, Swansea. They found a gas cooker which was not to current standards, a boiler which was found to be a risk which may constitute a danger to life, and installation pipework considered to be immediately dangerous, exposing the tenant and others to potentially fatal exposure to carbon monoxide.

A HSE investigation found that the landlord, Mr Tariq Shehadeh, failed in his duty to have the gas appliances regularly inspected or maintained, and failed to provide a Landlord Gas Safety Record, all of which are legal requirements. Mr Shehadeh later complied with Improvement Notices which required he take action to deal with these issues.

Mr Tariq Shehadeh of Abu Hamour, Doha, Qatar pleaded guilty to breaching Regulations 28, 36(2), 36(3) and 36(4) of the Gas Safety (Installation & Use) Regulations 1998. He has been given a 12-month custodial sentence, suspended for 2 years and ordered to pay the full costs of £14,883.30.

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

"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: [legislation.gov.uk/](http://legislation.gov.uk/)
3. HSE news releases are available at <http://press.hse.gov.uk>
4. For more information on gas health and safety, see <https://www.hse.gov.uk/gas/>

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