

# Cheshire Council fined after child falls from height

Cheshire West and Chester Council has been fined after a young child fell almost three metres to the floor from a gap in railings, sustaining serious head injuries.

Chester Magistrates' Court heard how on 16 November 2018, a family was visiting Chester City centre to watch the Christmas parade. While standing at a viewing point on The Rows at Bridge Street, their 21-month-old daughter fell through a gap in the railings onto the floor below, resulting in a fracture to her skull.

An investigation by the Health and Safety Executive (HSE) found that one of the spindles on the railings had been missing since at least May 2017, leading to a significant gap (22cm) in the physical protection of the railings on The Rows.

Cheshire West and Chester Council failed to ensure that The Rows were maintained to prevent a risk of a fall from height..

No risk assessment or risk control measures were put in place for members of the public and employees accessing or working on The Rows before the incident occurred.

The council failed to provide adequate information, instruction and training to ensure employees understood the risks associated with a lack of maintenance of the Rows.

Cheshire West and Chester Council of Nicholas Street, Chester, pleaded guilty of breaching section 3(1) of the Health and Safety at Work etc. Act 1974. The Local Authority was fined £300,000 and ordered to pay costs of £5,607.40.

HSE Inspector Emily Osborne said after the hearing: "Councils have a duty to adequately assess and control risks to members of the public, and maintain structures for which they are responsible.

“A child suffered serious injury as a result of what was an easily preventable incident if the risk had been identified and correct action taken to prevent a fall.”

#### 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>

The post [Cheshire Council fined after child falls from height](#) appeared first on [HSE Media Centre](#).

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## [Construction firm fined after worker was seriously injured](#)

A construction company has been fined after an employee was struck by the placing boom of a concrete pump, causing serious injuries.

Brighton Magistrates Court heard how on the 5 March 2019, concrete footings were being poured at a site at Ditchling Common, East Sussex . Due to the soft ground, vehicles could not get close to the work, so a concrete pump with a 52-metre boom was used.

During the pour, the ground beneath one of the pump outriggers collapsed, causing the concrete pipe and boom to strike the employee, dislocating and fracturing his hip, fracturing his spine and tearing ligaments and muscles. He was also later diagnosed with a brain injury. He is still undergoing regular physiotherapy, and suffering from post-traumatic stress, but does not know the long-term effects of the brain and nerve damage.

An investigation by the Health and Safety Executive, it was found that the work had not been properly planned, managed or monitored. Although some work had been done to stabilise the ground in the area where the pump was set up, no checks had been made as to the load that the ground could sustain, and no consideration had been given to the size or type of spreader plates that

would be required to support the vehicle outriggers.

Axio (Special Works) Limited of Portslade, Brighton pleaded guilty to breaching Regulation 13 (1) of the Construction (Design and Management) Regulations 2015 and were fined £20,000, plus a victim surcharge of £170 and costs of £5,285.70.

Speaking after the hearing HSE Inspector Stephen Green said “The employees injuries are life changing and he could have easily been killed. This serious incident and devastation could have been avoided if basic safe guards had been put in place.”

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## **[HSE’s Chair pays tribute to George Brechin](#)**

The Chair of the Health and Safety Executive (HSE) has paid tribute to fellow Board member George Brechin OBE, who passed away on Saturday 17 October after a short illness.

Sarah Newton said: “We all feel great sadness about this news.

“In addition to being the senior member of the Board, offering guidance to his peers to help them settle in and make an effective contribution to HSE’s governance, George worked closely with colleagues leading HSE’s EU Exit Programme, providing assurance to the Board that this immensely important work was continuing at the right pace and delivering its objective of supporting the work to prepare the United Kingdom for a future outside of the European Union. He was also a member of the Board’s Remuneration and People Committee; a role which was reflective of his interest in our people.

“George took every opportunity to engage with HSE colleagues. He particularly

valued the insight into the work of the various parts of the organisation that he gained from these opportunities. His interest was genuine and he was always very gracious in recognising everyone's contribution to our mission, particularly at Board meetings.

"He will be sorely missed by the health and safety community in Scotland where his connections and understanding of working in a devolved nation made him a brilliant Chair of the Partnership on Health and Safety in Scotland (PHASS). His meticulous attention to fairness and balance (and his good humour) at PHASS events encouraged mutual respect amongst partners from very different viewpoints and constituencies. George's knowledge but above all his commitment made him such a strong leader in HSE's work to engage with others to improve workplace health and safety.

"George epitomised what it is to be a public servant. Starting at the Department of Health in London in 1972, he moved to the NHS in Scotland in 1988, holding three NHS Trust Chief Executive posts before his appointment to NHS Fife. 'Retirement' however did not slow him down. He was also a non-executive Board Member of Food Standards Scotland, Chair of the Scottish Teachers' Pension Board and Vice-Chair of the Board of Trustees of the Royal Zoological Society of Scotland. He was awarded the OBE in 2013.

"HSE and those who benefit from our work owe George a huge debt of gratitude.

"My thoughts, and those of the HSE Board, are with George's family, friends and colleagues, both in HSE and the other organisations in which he served, who had the honour to know him and benefit from his wise counsel."

Mims Davies, the Minister for Employment, said: "George was an influential figure on the HSE Board, having served for over eight years alongside Dame Judith Hackitt, Martin Temple and Sarah Newton. A Board member who was extremely well respected by all who worked with him and also amongst the wide variety of HSE stakeholders. He will be greatly missed by the HSE Board and the wider organisation."

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## [HSE and Sefton Council target Liverpool City Region for COVID-secure spot inspections](#)

Sefton Council is one of many local authorities working with the Health and Safety Executive (HSE) checking on businesses to make sure they are COVID-secure.

Sefton is part of the Liverpool City Region that has just been placed in the highest lockdown tier following discussions between central and local government.

HSE inspectors and Sefton Council's Environmental Health officers have been conducting spot checks and inspections on businesses from all different sectors in the area to check they are following government guidelines.

Being COVID-secure means that businesses need to put adjustments in place to manage the risk from coronavirus to protect workers, visitors and customers.

Sefton Council is responsible for the enforcement of health and safety legislation in sectors which includes shops, pubs and restaurants, whereas HSE regulates health and safety in areas such as construction and manufacturing.

By putting in COVID-secure measures to protect employees, visitors and members of the local community, it will help businesses to continue to operate which is key to the local economy.

Sally Nicholson, HSE Head of Operations, North West, said: "Across the country we are working with local authorities, like Sefton Council, ensuring businesses are checked and are COVID-secure.

"All workplaces are in scope which means businesses of any size, in any sector can receive an unannounced check, by us or a local authority.

"If you are contacted by the HSE or your local authority, please engage with us as it is your duty to ensure employees and visitors at a workplace are protected from the virus.

"By making sure that businesses have measures in place to manage the risks, we can benefit the health of local communities as well as support the local and national UK economy."

During the checks, advice and guidance can be provided to help the business to implement work practices that reduce the risk of virus transmission, but where businesses are not managing this, enforcement action can be taken. This can range from the provision of specific advice, issuing enforcement notices, stopping certain work practices until they are made safe and, where businesses fail to comply, prosecution.

Cllr Paulette Lappin, from Sefton Council, said: "As the Liverpool City Region has further lockdown measures in place, ensuring workplaces are COVID-secure needs to remain a main priority for all businesses in Sefton and beyond.

"It is a legal duty for businesses to protect their workers and others from harm and this includes taking reasonable steps to control the risk and protect people from coronavirus.

"Being COVID-secure can help reduce these risks and we want every business in the borough to follow the guidelines that ultimately protects our communities.

"Working with the HSE has enabled us to target the whole of the Sefton area from small businesses to large manufacturers, whether Local Authority or HSE enforced, ensuring all workplaces understand the importance of being COVID-secure."

HSE and local authority inspectors are finding some common issues across a range of sectors that include: failing to provide arrangements for monitoring, supervising and maintaining social distancing, and failing to introduce an adequate cleaning regime particularly at busy times of the day.

For more information on HSE's spot checks and inspections, see [www.hse.gov.uk/campaigns/spot-inspections.htm](http://www.hse.gov.uk/campaigns/spot-inspections.htm)

For the latest information and safer business guidance, see [www.gov.uk](http://www.gov.uk)

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2. Local Authorities have the same enforcement responsibilities and powers as the HSE for certain types of businesses within their area, including shops, restaurants, licenced premises, offices and warehouses.
3. HSE news releases are available at <https://press.hse.gov.uk>

For HSE's working safely guidance

see <https://www.hse.gov.uk/coronavirus/working-safely/index.htm>

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