

Building company and director sentenced after carrying out unsafe and unnecessary work

A building company and its director have been sentenced today after carrying out unsafe and unnecessary building work.

BBS Improvements Limited and sole director Barrie John Henry Birch were sentenced after a joint investigation by Worcestershire Trading Standards Service and the Health and Safety Executive (HSE) uncovered a string of health and safety and fraud offences.

Worcester Crown Court heard how Mr Birch, operating under BBS Improvements Ltd, was employed to carry out building work on a domestic property in Redditch in May 2017. A complaint was made to Trading Standards who instructed an expert to examine the roof. The expert confirmed that the work was wholly unnecessary and that the work done had no value whatsoever. During the course of their investigations Trading Standards also uncovered potential health and safety issues.

HSE inspectors found that the company was carrying out work at height without scaffolding and that there were no measures in place to prevent employees from falling.

People were walking on the roof of the house with no safety measures in place to prevent them from falling and Mr Birch was present and fully aware of the people working unsafely on the roof.

At the time the complaint was received Mr Birch was also before the court for similar offences committed while trading as a sole trader under the name BBS Improvements.

The Court heard how Mr Birch was employed to carry out minor roofing repair work on a domestic property in Bromsgrove in June 2016. After inspecting the roof Mr Birch advised the homeowner that the whole roof required replacing. A Trading Standards investigation, involving an expert examination of the roof found that the work to replace the roof was totally unnecessary.

Mr Birch admitted an offence under the Fraud Act 2006 and an offence under the Consumer Protection from unfair Trading Regulations 2008 in relation to unnecessary work carried out at a property in Bromsgrove during June 2016. He also pleaded guilty to breaching Section 37 of the Health and Safety at Work etc. Act 1974.

Mr Birch also asked for 5 other, similar matters to be taken into consideration including two offences of failing to provide the 10 Year Insurance Backed Guarantee.

For the Trading Standards offences and the HSE offences Mr Birch was

sentenced to 12 months imprisonment, suspended for 2 years, ordered to do 250 hours of unpaid work and was disqualified from being a Company Director for 5 years. He was ordered to pay compensation to the victims and to make a contribution to the prosecution costs. BBS Improvements Limited pleaded guilty to breaching Regulation 6 (3) of the Work at Height Regulations 2005 and the company was fined £200. Speaking after the hearing HSE inspector Matthew Whitaker said: "This prosecution demonstrates how the HSE works in partnership with other enforcers like Trading Standards, to tackle serious crime and dangerous working practices which put people at risk of death and serious injury. "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. "In this case, suitable measures such as scaffolding should have been provided to ensure the health and safety of people working at height on the roof". Cllr Lucy Hodgson said: "The work done by our small team of Trading Standards Officers to protect Worcestershire consumers cannot go unrecognised.

"In this case Barrie Birch was instructed to carry out relatively minor work but then advised the homeowners that major work was needed when it was not."

"This type of fraudulent activity will not be tolerated in Worcestershire. Our Trading Standards Officers actively investigate criminal complaints of rogue builders such as this, and will continue to do so to protect the public.

"The sentence handed down in this case clearly shows that the Courts view this type of offending very seriously."

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. www.hse.gov.uk
2. More about the legislation referred to in this case can be found at: www.legislation.gov.uk/
3. HSE news releases are available at <http://press.hse.gov.uk>

Journalists should approach HSE press office with any queries on regional press releases.