

# Company and director sentenced after resident injured

A Cornish construction company and its director have been sentenced after a resident fell through the balcony at his home during recent refurbishment work.

Truro Magistrates' Court heard how, on 18 August 2016, 58-year old Simon Powell, who has impaired mobility and suffers from epilepsy, had been sitting on the balcony at his property when he fell more than three metres through a plastic panel, which had been installed within his balcony and onto the beach below. Mr Powell suffered multiple fractures and damage to his liver. ChristalClearProperties Ltd had been working on the refurbishment of the neighbouring riverside property which included changes to that property's balcony which required it to be extended to join that of Mr Powell's. Sheets of plywood and plastic were used to temporarily infill the completed balcony framework prior to the toughened safety glass infills being fitted.

An investigation by the Health and Safety Executive (HSE) found that in the absence of safety glazing, the fall prevention measures were inadequate and there were no measures in place to prevent access to the balcony until the construction work had been completed. The investigation also found there was no construction phase plan in place and no specific risk assessment for the use of plywood or plastic as an interim measure. The plastic sheeting that had been used was an unsuitable material as it did not afford Mr Powell any impact protection.

ChristalClearProperties Ltd of Langurtho Road, Fowey, Cornwall pleaded guilty to breaching Section 3(1) of the Health and Safety at Work Act 1974 and has been fined £22,000 with costs of £4,782.72.

Anthony John Ham of Langurtho Road, Fowey, Cornwall pleaded guilty to breaching Section 37 of the Health and Safety at Work Act 1974, and has been given a 12 week prison sentence, suspended for 12 months. He was also ordered to pay costs of £4782.72.

Speaking after the hearing, HSE inspector Georgina Speake said: "This incident could so easily have been avoided by simply carrying out correct control measures and safe working practices.

"Falls from height remain one of the most common causes of work related fatalities/injuries in this country and the risks associated with working at height are well known."

## **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>

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