

Estate management partnership and tenant fined for gas safety breaches

Burghill Farms, a partnership trading as Dalhousie Estates, and Mr Piers Le Cheminant have been fined following an incident where one of the occupants of a holiday cottage was found collapsed in a bathroom heated by a portable cabinet propane gas heater.

Forfar Sheriff Court heard that on 28 October 2015, the victim, Thomas Oliver Hill, was staying with his girlfriend and her family at Glenmark Cottage, Tarfside, north-west of Edzel. They were renting the cottage from Mr Le Cheminant, who in turn rented the property from Burghill Farms who were paid 20 per cent of the rental income he received. Mr Hill had taken a bath in the bathroom, which was heated by the gas heater. His girlfriend and her family became concerned when he did not appear after an hour. They knocked on the bathroom door and forced entry when they didn't receive a response. Mr Hill was found collapsed next to the bathroom door and later died. A post-mortem confirmed the cause of death was carbon monoxide poisoning.

An investigation by the Health and Safety Executive (HSE) found that Burghill Farms and Piers Le Cheminant did not have a suitable and sufficient system of maintenance in place for the cabinet heaters and the cabinet heaters were placed in rooms which were too small for the heaters to be used safely due to a lack of suitable ventilation. However, these failings could not be proven to be causally connected to the death of Mr Hill.

Burghill Farms of Brechin Castle, Brechin, Angus pleaded guilty to breaching Regulation 36(2)(a) of The Gas Safety (Installation and Use) Regulations 1998 and Section 33(1)(c) of the Health and Safety at Work etc. Act 1974. The company was fined £120,000.

Piers le Cheminant of Poundsgate, Newton Abbot, Devon, pleaded guilty to breaching Regulation 35 of The Gas Safety (Installation and Use) Regulations 1998, and Section 33(1)(c) the Health and Safety at Work etc. Act 1974. He was fined £2,000.

Speaking after the hearing, HSE principal inspector Niall Miller said: "Landlords have a duty to maintain gas heaters in a safe condition, which in the context of movable gas appliances includes maintaining an appropriate operating environment."

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

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