

Council prosecuted after member of the public killed by falling tree

Staffordshire County Council has been prosecuted for failing to inspect and maintain trees on a public footpath, following the death of a member of the public.

North Staffordshire Justice Centre heard how, on 3 October 2019, a man walking his dog on the Isabel Trail in Stafford was struck and killed by part of a falling oak tree.

An investigation by the Health and Safety Executive (HSE) found that the tree, a multi-stemmed mature hybrid oak, approximately 12-14 metre high and with a crown radius of between seven and ten metres, had defects from which it was foreseeable that it was likely to fall and cause injury. The tree was located within the boundaries of the Isabel Trail.

Local authorities, including Staffordshire County Council, are legally required to suitably and sufficiently manage the risks and hazards posed by the trees within their responsibility remit. Staffordshire County Council had a programme of proactive inspection and maintenance across the county, but the Isabel Trail had been omitted for many years.

Staffordshire County Council of 1 Staffordshire Place, Stafford pleaded guilty to breaching Section 3(1) of the Health and Safety at Work Act 1974. They were fined £300,000 and ordered to pay costs of £13,164.90 and a victim surcharge £181.

Speaking after the hearing, HSE inspector Lyn Mizen said: "This tragic incident could have been averted if the required periodic tree safety inspections, as per the Staffordshire County Council's own Code of Practice, had been carried out. Local Authorities need to ensure they have suitable inspection systems in place, including monitoring and audit provisions, to guard against situations such as this, and to ensure they have enough suitably trained and competent tree inspectors to enable compliance with their tree management policies and codes of practice."

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>

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Self-employed gas engineer sentenced for unsafe gas work

A self-employed gas engineer, trading as Shabba Gas Services Plumbing and Heating Engineer, has been fined for carrying out unsafe gas work after installing a boiler which had multiple installation faults.

Isleworth Crown Court heard how, in November 2016, Dexter Regis installed a boiler at a private address in Newbury Park, London. The boiler malfunctioned posing a risk to the occupants of the property by exposing them to carbon monoxide.

The faults came to light when the family living at the property became unwell. Mr Regis was called back to fix the boiler, but the problems continued. The family then engaged another gas engineer to inspect the boiler who found that it was immediately dangerous and posed a risk.

An investigation by the Health & Safety Executive (HSE) found that the flue had been assembled with parts from more than one manufacturer, there was water leaking from the joints and it had been propped up with rubble.

Dexter Regis of Lady Margaret Road, Southall Court, Middlesex pleaded guilty to breaching Regulations 5(3), 26(1), 26(5) and 27(1) of the Gas Safety (Installation and Use) Regulations 1998. He was sentenced to 15 months imprisonment, suspended for two years with requirements to undertake 200 hours of unpaid work and a tagged curfew between 9pm-6am for 3 months. No order was made for prosecution costs because Mr Regis has no means to pay.

Speaking after the hearing, HSE inspector Charles Linfoot said: "This case involving a badly installed gas boiler and flue could have had tragic consequences. It highlights the importance of engineers working to the correct standards and installing gas boilers in compliance with manufacturer's recommendations, using the correct flue which is properly supported.

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

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2. For more information on safe gas installation please see HSE

guidance:<https://www.hse.gov.uk/toolbox/gas.htm>

3. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](https://www.legislation.gov.uk/)
4. Further HSE news releases are available at [hse.gov.uk/press](https://www.hse.gov.uk/press)

[Company fined after a worker injured by a forklift truck](#)

A cardboard manufacturer has been sentenced after a visiting lorry driver suffered life changing injuries when he was struck by a forklift truck (FLT).

Peterlee Magistrates' Court heard that on 27 August 2019, the driver was assisting in the loading of pallets of cardboard tubes onto his vehicle at a delivery yard in Stanley, County Durham. In the course of loading the second pallet, the FLT being used to lift the pallets reversed and struck the driver, causing crush injuries to his right leg.

An investigation by the Health and Safety Executive (HSE) into the incident found that Corespec Limited failed to organise the delivery yard at the premises in such a way that pedestrians and vehicles could work in a safe manner. This was because of a lack of suitable segregation between pedestrians and vehicles.

Corespec Limited of Greencroft Industrial Park Stanley, County Durham, pleaded guilty to breaching Regulation 17(1) of the Workplace (Health, Safety and Welfare) Regulations 1992. The company was fined £117,585 and ordered to pay £5,404 in costs.

Speaking after the hearing, HSE inspector Ashfaq Ali said: "This injury was easily preventable. Planning for transport safety and implementing safe working practices should avoid such incidents. Workplace transport is a significant hazard, and the risks must be recognised and managed. There are simple and effective measures employers can take to help keep everyone safe.

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

Notes to editors

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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: <https://www.hse.gov.uk/pubns/books/hsg136.htm>
3. HSE news releases are available at <http://press.hse.gov.uk>

[Company fined after worker falls and suffers serious injuries](#)

A housing company has been sentenced after an agency worker suffered serious injuries in a ladder fall.

Teesside Magistrates' Court heard that on 8 November 2017, the worker was carrying out work at height from a ladder, removing beading to an external first floor window on a residential home. The worker fell a distance of three metres, suffering serious injuries including four fractured vertebrae.

A Health and Safety Executive investigation found that the housing company had failed to properly plan, supervise and carry out external work at height.

Thirteen Housing Group of Northshore Road, Stockton-on-Tees, Cleveland, pleaded guilty to breaching Regulation 4 (1) of the Work at Height Regulations 2005. The company was fined £50,000 and ordered to pay costs of £7,327.

Speaking after the hearing, HSE inspector Ashfaq Ali said: "This incident could have been prevented had the company properly planned the work at height. This would have included the use of reasonably practicable measures such as mobile tower scaffolds, which were introduced for similar work following the incident."

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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>

4. Further information about safely working at height can be found at:
<https://www.hse.gov.uk/toolbox/height.htm>

[Contractor prosecuted due to partial collapse of building](#)



A building contractor was prosecuted after carrying out unsafe excavation works, which resulted in the partial collapse of a residential building.

Manchester Crown Court heard how on 14 August 2019, Iproject Cheshire Limited had been carrying out refurbishment works on a building in Old Lansdowne Road, Didsbury, Manchester. Employees of the company undermined the foundations while digging out the ground around the building causing a partial collapse. There were no injuries or fatalities, but the collapse presented a risk to life.

An investigation by the Health and Safety Executive (HSE) found that the company failed to properly plan or carry out the work safely. A risk assessment into the excavations had not been carried out. There was no safe system of work in place and the work had not been sufficiently supervised.

Iproject Cheshire Limited of Park Lane, Poynton, Stockport pleaded guilty to breaching section 2(1) of the Health and Safety at Work etc. Act 1974. The company was fined £31,500 and ordered to pay costs of £13,500.

Speaking after the hearing, HSE inspector David Argument said: "This was a very serious incident, and it is fortunate that nobody was injured as a result of it.

"This incident could have been prevented if the company had carried out a

suitable and sufficient risk assessment prior to commencing work on the excavations and by properly supervising the work.”

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2. More about the legislation referred to in this case can be found at: www.legislation.gov.uk/
3. More information about working safely during excavations can be found at https://www.hse.gov.uk/construction/safety_topics/excavations.htm
4. HSE news releases are available at <http://press.hse.gov.uk>