

# Property developer sentenced following excavation collapse

The sole director of a Norfolk based property development firm has been sentenced for the unsafe excavation of land beneath occupied properties.

Norwich Crown Court heard how Lyng Developers Ltd was contracted to excavate a disused railway track, carrying out the work between November and December 2017 to make space for a development of five new properties in Great Eastern Way, Fakenham. The company failed to take measures to prevent the collapse of the excavated walls, which began to gradually crumble at the beginning of 2018.

Although no one was injured as a result of the unsafe work, the tops of the excavated banks were joined with the back gardens of existing properties. The collapse led to substantial loss of property and exposed elderly residents and children to the risk of becoming buried by the collapsing walls.

An investigation by the Health and Safety Executive (HSE) found that the job was not planned properly and carried out using only an excavator and two dump trucks. No safe system of work was followed, and no structures were put in place to support the risk of collapse. In addition, the company failed to fully cooperate with the HSE during the investigation and did not remedy the collapsed banks.

Director of Lyng Developers Ltd Timothy Peter Wegg of The Broadway, Scarning, Norfolk pleaded guilty to breaching Section 37(1) of the Health and Safety at Work etc Act 1974. He has been sentenced to four months in prison suspended for 15 months and ordered to carry out 120 hours of unpaid work. He was also ordered to pay compensation of £12,000 to a member of public who lost property due to collapse and pay costs of £12,000.

Speaking after the hearing, HSE inspector Kasia Urbaniak said: "This incident could so easily have been avoided by simply assessing the risk from working with large and complex excavations and then implementing control measures and safe working practices that are well-known in the construction industry. There is freely available HSE guidance on how to work safely with excavations.

"Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards and irrespective of whether injury has arisen."

## **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](http://www.hse.gov.uk)

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

The post [Property developer sentenced following excavation collapse](#) appeared first on [HSE Media Centre](#).

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## [Company fined after putting workers at risk of a fall from height](#)

A roofing contractor has been fined after a health and safety inspector came across two workers jet washing a steeply pitched roof on a house without adequate protection.

Manchester Magistrates' Court heard that on 5 December 2019, a HSE inspector observed the employees of Improvearoom LLP on the roof of a detached property in Hale Barns using two powerful jet washers unsafely; and without any means of fall protection such as scaffolding or harnesses. The inspector issued a prohibition notice and the work was stopped until suitable measures were put in place.

An investigation by the Health and Safety Executive (HSE) found that poor planning from management led to the failure of the erection of scaffolding prior to the work being carried out.

Improvearoom LLP of Macclesfield Road, Hazel Grove, Stockport pleaded guilty to breaching Regulations 4(1) and 6(3) of the Work at Height Regulations 2005. The company was fined £20,000, ordered to pay costs of £2,981.20 and a victim surcharge of £180.

Speaking after the hearing, HSE inspector Phil Redman said: "Although the two workers should have raised concerns immediately with site management regarding the lack of scaffolding, it was the responsibility of the company to manage the job safely."

“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. Companies should be aware that unsafe work at height without suitable and sufficient controls in place is not acceptable and HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards.”

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

The post [Company fined after putting workers at risk of a fall from height](#) appeared first on [HSE Media Centre](#).

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## [HSE-hosted UK Transition chemicals podcast](#)

The Health and Safety Executive (HSE) is hosting a series of free podcasts to help businesses that make, use or supply chemicals understand what actions they need to take to ensure they are prepared for the end of the UK Transition period, when independent GB chemical regimes will be in place from 1 January 2021.

The ‘After UK Transition: Working with Chemicals’ podcast is now available from all major podcast platforms. To find it, just search ‘The HSE Podcast’ on your chosen platform. Audiences can also register to receive notifications for each episode released using [this link](#).

Each episode focuses on a different chemicals regime, including Biocidal Products Regulation (BPR), Classification, Labelling and Packaging (CLP) and Prior Informed Consent (PIC) regimes, Plant Protection Products (PPP) and Registration, Evaluation, Authorisation and restriction of Chemicals (REACH).

The series will be centred around business readiness for Small to Medium Enterprises (SMEs), ensuring audiences are well informed of the duties and

obligations needed to comply with to access the GB market after the transition period ends.

Throughout the series, we will be joined by industry voices and experts from both HSE and the Department for Environment, Food and Rural Affairs (DEFRA) to address the key changes to legislation and providing information on the actions required before or from 1 January 2021.

Dr Matthew Penrose, HSE's Head of Chemicals (Future Readiness) Policy, said: "The planned series of podcasts are intended to advise and inform anyone who may work with or use chemicals in their day-to-day line of business of the actions they need to take at the end of the UK Transition period.

"It could be a bigger company that produces chemicals or even a smaller business such as a metal fabricator that imports specialist powder coating products from the EU – either way they'll be affected when independent GB chemicals regimes start.

"The podcasts complement information that is already available through the HSE website, bringing them to life in a more personal format to suit the needs of the digital age HSE want to provide as much information as possible on the changes to chemicals regulations that will come into place on 1 January 2021.

"Our experts provide insights and answer questions raised by industry voices covering all five chemicals regimes, which should help any business prepare for the end of the UK Transition.

"It is imperative that businesses and individuals who make, use or supply chemicals prepare for 1 Jan. If they don't, they could face issues with products they use in everyday work."

The first episode, focusing on Plant Protection Products (PPP/pesticides), is available to stream or download now.

Further details regarding how to prepare your business for the end of the UK Transition can be found via the [HSE site](#) and [DEFRA site](#).

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The post [HSE-hosted UK Transition chemicals podcast](#) appeared first on [HSE Media Centre](#).

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**[Companies fined for failing to comply](#)**

## with work at height regulations

A large homebuilder and an electrical contractor have been sentenced for failing to comply with work at height regulations, resulting in serious injury of an electrician and placing other workers at risk of injury.

Southampton Magistrates' Court heard that on 10 May 2018, workers were carrying out work to lay cabling and ducting in loft spaces at newly built residential properties in Swanmore, Southampton without suitable or sufficient protection from falls at height. A 49-year-old electrician fell through the plasterboard loft flooring sustaining multiple fractures to his ribs, shoulders and vertebrae. He also suffered a punctured lung.

An investigation by the Health and Safety Executive (HSE) found that BDW Trading Ltd the registered name of Barratt Homes and David Wilson Homes; and Quayside Electrical Ltd had failed to prevent a fall from height. BWD Trading Ltd had created the loft space by installing the ceiling of the room below using plasterboard, known as top tacking, before the electricians had completed the installation of cables and ducting. This meant that work in the loft was above fragile plasterboard and sufficient precautions were not taken by either company to prevent the electrician from falling through the plasterboard.

BDW Trading Ltd of Barratt House, Cartwright Way, Forest Business Park, Bardon Hill, Coalville, Leicestershire pleaded guilty to breaching Regulation 6(3) of The Work at Height Regulations 2005. The company was fined £140,000, ordered to pay costs of £3,689.15 and a victim surcharge of £170.

Quayside Electrical Ltd of Unit 22, Mount Pleasant Industrial Estate, Southampton, Hampshire pleaded guilty to breaching Regulation 6(3) of The Work at Height Regulations 2005. They were fined £20,000 ordered to pay costs of £3,521.15 and a victim surcharge of £170.

Speaking after the hearing, HSE inspector Fiona Woods said: "Falls from height remain the most common cause of work-related fatalities and serious injuries in the construction industry. The risks associated with working at height are well known. It is important that those in control of working at height take appropriate control measures to safeguard workers and others."

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3. HSE news releases are available at: <http://press.hse.gov.uk>
4. Further information on working safely at height can be found at: <https://www.hse.gov.uk/work-at-height/key-messages.htm>

The post [Companies fined for failing to comply with work at height regulations](#) appeared first on [HSE Media Centre](#).

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## [Groundworks company fined after employee suffers multiple leg fractures in workplace incident](#)

A groundworks company has been fined after an employee was injured when he was struck by a metal bow shackle whilst laying a sewer pipe.

Luton Magistrates' Court heard that on 19 July 2018, the employee – a machine cab operator was laying a High-Density Polyethylene (HDPE) foul sewer pipe weighing 20 tonnes with three other plant operators who were positioned along a 240m trench to lift and drag the pipe. One of the slings being used to pull the pipe failed catastrophically causing a bow shackle linkage to be catapulted back towards the machine cab operator. The employee was hit in the leg by the solid metal shackle, which weighed 7.5kg causing multiple fractures that needed extensive surgery.

An investigation by the Health and Safety Executive (HSE) found that the company had failed to ensure that the operation was safely planned and carried out, with appropriate supervision in place.

Smith Construction Group Limited of Maidstone Road, Kingston, Milton Keynes pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work etc Act 1974. The company was fined £55,440 and ordered to pay costs of

£971.80.

Speaking after the hearing, HSE inspector Rauf Ahmed said: "This incident could have been avoided if the dutyholders had assessed the risks of the load handling operation and put appropriate safety measures in place.

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

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3. HSE news releases are available at <http://press.hse.gov.uk>

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