

# Maidstone company fined following death of worker

A Maidstone company has been sentenced after a maintenance worker fell five metres through a roof and died.

Folkstone Magistrates' Court heard that on, 23 September 2015, Justin Hewitt fell through an opening that was being created on the roof of the premises of Maidstone Studios Ltd.

An investigation by the Health and Safety Executive (HSE) found the tower scaffold used to access the roof was damaged, had not been correctly erected and had been purchased second hand by Maidstone Studios Limited with no manufacturer's instructions. No formal planning had been recorded for the work, which was outside the scope of the general maintenance duties of the team.

The work had been discussed, and planned to be carried out from below, but no-one identified the errors with the towers, ladder sections being the wrong way round, damaged bracing or the inadequate guardrails.

The towers were erected by Mr Hewitt, but he had been given no formal training on how they should be erected safely. Although he was supervising the work, no checks were made of how it was actually being carried out.

Maidstone Studios Ltd pleaded guilty to breaching Sections 2(1) and 3(1) of the Health and Safety at Work Act 1974. The company has been fined £30,000 and ordered to pay costs of £6,487.76.

HSE inspector Stephen Green said: "Had the work been properly planned with suitable access equipment, correctly placed and erected, by those with adequate training, the work could have been done safely and this tragedy could have been averted.

"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."

## **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: [www.legislation.gov.uk/](http://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.

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## **Oxleas NHS Foundation Trust today pleads guilty following investigation**

Before Woolwich Crown Court, Oxleas NHS Foundation Trust today pleaded guilty to charges under Sections 2(1) and 3(1) of the Health and Safety at Work Etc Act 1974. This follows a HSE investigation into serious injuries to two members of staff at the Bracton Centre on Bracton Lane, Dartford on 17 July 2016.

This prosecution has been brought by the Health and Safety Executive (HSE).

The case is next due to be heard at Woolwich Crown Court on 17 August 2018.

A HSE spokesperson said: "HSE acknowledges the defendant's guilty plea but will not make a further comment until after sentencing."

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## **Building contractor fined after failing to carry out the correct procedures**

A building contractor has been fined after failing to carry out the correct procedures after asbestos was found during the refurbishment of a building at Bedford School in Bedford .

Luton Crown Court heard how on 11 August 2015, SDC Builders Ltd failed to carry out a suitable and sufficient assessment to identify the presence of asbestos in all areas of the building where work was to be carried out.

A HSE investigation found that SDC Builders Ltd failed to carry out the procedures required under the Control of Asbestos Regulations 2012. Subsequently, asbestos-containing materials were disturbed in the course of the work; the company failed to ensure all workers were informed, and did not

take the necessary measures to control access into the area until remedial actions were taken.

SDC Builders pleaded guilty to breaching Regulation 5 and Regulation 15 of The Control of Asbestos Regulations 2012. The company has been fined £185,000 and ordered to pay costs of £28,118.74.

Speaking after the hearing HSE inspector Alison Outhwaite said: "Asbestos remains the top cause of fatal illness because of exposure in the workplace. It is important that contractors responsible for refurbishment of premises constructed before 2000 identify whether asbestos is present and take the appropriate action to prevent exposure."

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4. Further information is available at <http://www.hse.gov/asbestos/tradeperson.htm>

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## [Company fined for poor condition of asbestos containing materials](#)

A company which manufactures and distributes furniture was fined £6,000 for failing to properly assess the risk from exposure to asbestos containing materials.

Glasgow Sheriff Court heard that, during an inspection on 6 August 2014, concerns were raised by a Health and Safety Executive (HSE) inspector about significant damage to what appeared to be asbestos containing materials which were encasing the structural columns and beams of the premises.

An investigation by HSE found that Aquapac Limited failed to properly assess the risks to employees' exposure to asbestos containing materials and failed to take measures necessary to protect employees from exposure to asbestos.

The investigation also found that the company failed to ensure that anyone working on the premises was aware of the presence of the material (to make sure that it was not disturbed and to deal with any inadvertent disturbance to prevent the spread of asbestos fibres).

Aquapac Limited of The Quadrangle, 59 Ruchill Street, Glasgow G20 9PX pleaded guilty to breaching of Section 2 of the Health and Safety at Work etc. Act 1974 and was fined £6,000.

Speaking after the hearing, HSE inspector Russell Berry said: "This incident could so easily have been avoided had the company simply monitored the condition of the asbestos containing materials (ACMs) at their premises and had in place robust procedures to deal with any deterioration or damage to those ACMs.

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

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## **[Construction firm and director fined for failure to comply with prohibition notices](#)**

D & S Building Solutions Ltd and its director Daniel Schipor have been fined after failing to comply with prohibition notices.

Westminster Magistrates' Court heard how D & S Solutions Ltd, under the control of its director Daniel Schipor, was issued with two prohibition notices on site. It was found that persons were at serious risk of fall and injury from the unprotected edges of an excavation and at immediate risk of

injury from potential collapse of the unsupported excavation.

An investigation by the Health and Safety Executive (HSE) found that D & S Building Solutions Ltd and Daniel Schipor had not taken any steps to comply with the prohibition notices prohibiting any work near the open edge of the excavation, and had not taken measures to prevent dislodgement of material and collapse of the excavation.

D & S Building Solutions Ltd of George V Avenue, Pinner, Middlesex pleaded guilty to two counts of breaching Section 22 of the Health and Safety at Work etc. Act 1974. The company was fined £2,000 and ordered to pay costs of £2,000

Daniel Schipor pleaded guilty to breaching two counts of Section 37 by virtue of Section 22 of the Health and Safety at Work etc Act 1974. He was fined £2,000 and ordered to pay costs of £2,000

Speaking after the hearing, HSE inspector Saif Deen said: "The risks associated with work related to excavations are well known throughout the construction industry. "D & S Building Solutions Ltd and Daniel Schipor failed to comply with prohibition notices and continued to put persons at risk of serious injury."

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