

Construction company and its groundworks contractor sentenced

A construction company and its groundworks contractor have been fined after unsafe excavation work left a worker with serious burns to his hand and arm.

High Wycombe Magistrates' Court heard that, on the 2 August 2018, a groundworker was preparing the ground to install a post to carry an Automatic Number Plate Recognition Camera (ANPRC), at Twyford near Reading, Berkshire.

Initially, the worker dug hand, however, due to the ground conditions and numerous hedgerow roots he started to use an 110V mechanical electric breaker.

The incident occurred when the groundworker struck a power cable supplying an adjacent British Telecommunications building. The voltage of the cable was 415v causing the ground worker to receive an electric shock that caused burns to one hand and to his opposite arm.

An Investigation by the Health and Safety Executive (HSE) found that site plans for buried cables had not been consulted and a cable avoidance tool had not been used to locate buried services in advance of carrying out the work. In addition, there was a lack of properly trained labour and supervision in place for the excavation works.

The principal contractor on site had failed to plan, manage and monitor the excavation works and also failed to provide adequate supervision for the ANPR installation project.

CLC Contractors Limited (the Principal Contractor), of Unit 2 Northbrook Industrial Estate, Vincent Avenue, Southampton, S016 6PB pleaded guilty to breaching 13 (1) Construction (Design and Management) Regulations 2015 and were fined £400,000.00 and ordered to pay costs of £5,300.00.

Paul Gale, Company Director of PAG Building Services Ltd of 2 Moore Crescent, Netley Abbey, Southampton, Hampshire pleaded guilty to Section 37(1) Health and Safety Work Act 1974.

Due to the seriousness of the offence the case was referred to Aylesbury Crown Court for sentencing. Paul Gale was sentenced to 14 months imprisonment suspended for 24 months and 150 hour of community service. HSE was awarded costs of £7,200.

Speaking after the case, HSE inspector John Caboche commented: "Those in control of work have a responsibility to devise safe methods of working and to provide the necessary information, instruction and training to their workers in the safe system of working. In this instance, readily available buried service records were not consulted, and a cable avoidance tool was not provided to the groundworks team. Utilising these simple steps would have

prevented this serious incident.”

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
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>

[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."

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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."

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[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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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>