

# Building company and director sentenced after carrying out unsafe and unnecessary work

A building company and its director have been sentenced today after carrying out unsafe and unnecessary building work.

BBS Improvements Limited and sole director Barrie John Henry Birch were sentenced after a joint investigation by Worcestershire Trading Standards Service and the Health and Safety Executive (HSE) uncovered a string of health and safety and fraud offences.

Worcester Crown Court heard how Mr Birch, operating under BBS Improvements Ltd, was employed to carry out building work on a domestic property in Redditch in May 2017. A complaint was made to Trading Standards who instructed an expert to examine the roof. The expert confirmed that the work was wholly unnecessary and that the work done had no value whatsoever. During the course of their investigations Trading Standards also uncovered potential health and safety issues.

HSE inspectors found that the company was carrying out work at height without scaffolding and that there were no measures in place to prevent employees from falling.

People were walking on the roof of the house with no safety measures in place to prevent them from falling and Mr Birch was present and fully aware of the people working unsafely on the roof.

At the time the complaint was received Mr Birch was also before the court for similar offences committed while trading as a sole trader under the name BBS Improvements.

The Court heard how Mr Birch was employed to carry out minor roofing repair work on a domestic property in Bromsgrove in June 2016. After inspecting the roof Mr Birch advised the homeowner that the whole roof required replacing. A Trading Standards investigation, involving an expert examination of the roof found that the work to replace the roof was totally unnecessary.

Mr Birch admitted an offence under the Fraud Act 2006 and an offence under the Consumer Protection from unfair Trading Regulations 2008 in relation to unnecessary work carried out at a property in Bromsgrove during June 2016. He also pleaded guilty to breaching Section 37 of the Health and Safety at Work etc. Act 1974.

Mr Birch also asked for 5 other, similar matters to be taken into consideration including two offences of failing to provide the 10 Year Insurance Backed Guarantee.

For the Trading Standards offences and the HSE offences Mr Birch was

sentenced to 12 months imprisonment, suspended for 2 years, ordered to do 250 hours of unpaid work and was disqualified from being a Company Director for 5 years. He was ordered to pay compensation to the victims and to make a contribution to the prosecution costs. BBS Improvements Limited pleaded guilty to breaching Regulation 6 (3) of the Work at Height Regulations 2005 and the company was fined £200. Speaking after the hearing HSE inspector Matthew Whitaker said: "This prosecution demonstrates how the HSE works in partnership with other enforcers like Trading Standards, to tackle serious crime and dangerous working practices which put people at risk of death and serious injury. "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. "In this case, suitable measures such as scaffolding should have been provided to ensure the health and safety of people working at height on the roof". Cllr Lucy Hodgson said: "The work done by our small team of Trading Standards Officers to protect Worcestershire consumers cannot go unrecognised.

"In this case Barrie Birch was instructed to carry out relatively minor work but then advised the homeowners that major work was needed when it was not."

"This type of fraudulent activity will not be tolerated in Worcestershire. Our Trading Standards Officers actively investigate criminal complaints of rogue builders such as this, and will continue to do so to protect the public.

"The sentence handed down in this case clearly shows that the Courts view this type of offending very seriously."

### **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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**[Brick manufacturer fined after worker](#)**

# seriously injured in machinery incident

Forterra Building Products Limited has been fined after a worker had his left arm amputated and was left paralysed from the chest down after being drawn into machinery.

Burnley Magistrates' Court heard how on 8 July 2017, Eddie Ely, a chargehand with Forterra Building Products Ltd was working with a group of colleagues to remove a blockage and spillage on a conveyor when he was drawn into the conveyor system. Guards had been removed from the machine but the power had not been isolated.

An investigation by the Health and Safety Executive (HSE) found that Forterra Building Products Ltd had failed to properly ensure that machines were always isolated from power, to be made safe, before guarding was removed from machinery.

Forterra Building Products Ltd pleaded guilty to breaching Sections 2(1) of the Health and Safety at Work etc act 1974. Total fines of £200000 were imposed with costs of £7529.11.

Speaking after the hearing, HSE inspector Steven Boyd said: "This case shows the devastating consequences of coming into contact with dangerous machinery. It is crucial that companies have a clear procedure for isolating machinery and they have appropriate supervision and monitoring to ensure it is adhered to."

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# [Fine for engineering company following life-changing hand injuries to worker](#)

An engineering company has been fined after an employee's little finger and ring finger were amputated at the first knuckle.

Birmingham Magistrates' Court heard that on 29 January 2018 the employee was working at a site on Holford Way in Birmingham when his gloved hand came into contact with a rotating spindle on a Slack and Par horizontal quick tapping machine and became entangled.

An investigation by the Health and Safety Executive (HSE) found that Rical Ltd trading as Avon PDC failed to ensure that effective measures were taken to prevent access to the dangerous parts, namely the rotating spindles, of a Slack and Parr horizontal quick tapping machine.

Rical Limited, trading as Avon PDC of Holford Way, Witton, Birmingham pleaded guilty to breaching Regulation 11(1) of The Provision and Use of Work Equipment Regulations 1998 and has been fined £14,000 and ordered to pay costs of £1,383.88.

Speaking after the hearing HSE inspector Karen Sweeney said "This injury was easily preventable and the risk should have been identified. Employers should make sure they properly assess and apply effective control measures to minimise the risk from dangerous parts of machinery."

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3. HSE news releases are available at <http://press.hse.gov.uk>
4. Further information about health and safety can be found at <http://www.hse.gov.uk/pubns/books/hsg33.htm>.

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# South Yorkshire manufacturing company fined after worker suffers hand injuries

Symmetry Medical Sheffield Limited, trading as Tecomet, was sentenced today for safety breaches after a worker suffered serious injuries.

Sheffield Magistrates' Court heard how on 8 August 2016, the worker was helping to move a hardness testing machine when it fell from the pedestrian pallet truck it was being transported on and struck his left hand.

An investigation by the Health and Safety Executive (HSE) found that the machine, which was resting on a stand, was lifted with a pedestrian pallet truck by the worker. The worker had not been trained on how to use the truck and the machine stand did not have suitable channels for the forks of the truck. The machine and stand were not secured to the pallet truck and the machine fell and came away from the stand. It toppled towards a wall and struck the workers hand resulting in a full amputated finger and impact damage to a second finger.

Symmetry Medical Sheffield Ltd trading as Tecomet of Beulah Road, Sheffield pleaded guilty to breaching Section 2 (1) of the Health & Safety at Work etc Act 1974 and was fined £275,000.00 with £1237.00 costs.

After the hearing, HSE inspector Anuja Mistry-Raval commented: "This incident could so easily have been avoided by implementing suitable control measures and adopting safe working practices.

"The risks of loads falling from lifting equipment when not properly attached or secured in place are well known.

"Suitable systems of work are fundamental for ensuring workers' safety."

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## Unlicensed contractor fined for exposing workers to asbestos

A Norwich based construction company has been sentenced today for carrying out unlicensed asbestos cleaning work.

Norwich Magistrates' Court heard how the company began a project to refurbish parts of Rose Lane Business Centre in Norwich, including former kitchen and canteen. Work started on east side of the ground level in April 2015 and various phases continued into November 2015. It was during the later phase when significant exposure to asbestos materials occurred.

An investigation by the Health and Safety Executive (HSE) found the workers had little awareness of asbestos on site and no prior Asbestos Awareness Training.

The investigation revealed that no Demolition and Refurbishment Asbestos Survey had been in place before the project started. However, when one was carried out following HSE intervention, it discovered licensed asbestos debris on the ground level within the area the size of a football pitch. Despite these findings and surveyor's recommendations, the unlicensed contractor proceeded to clean the debris between 1 October and 6 October 2015, dry sweeping and vacuuming the area.

Y Construction Ltd of The Union Building, 51-59 Rose Lane, Norwich was found guilty of breaching Regulations 8(1), 10(1) and 11(1) of the Control of Asbestos Regulations 2012 and was fined £250,000 with costs of £6,512.88.

Speaking after the hearing, HSE inspector Kasia Urbaniak said: "The dangers associated with asbestos, including licensed asbestos are well known and a wealth of advice and guidance is freely available from the HSE website.

"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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