

Suspended sentence for owner of Merseyside roofing firm

A roofing company owner has been given a suspended sentence after a member of the public reported a concern regarding unsafe work at height.

Liverpool Crown Court heard how, on 5 March 2021, company owner Phillip McGinn and two workers were replacing roof tiles on a detached dormer bungalow, in Lydiate on Merseyside, without any scaffolding or edge protection in place to prevent them from falling a distance liable to cause personal injury.

An investigation by the Health and Safety Executive (HSE) found that Phillip McGinn had failed to take suitable and sufficient measures to ensure that work at height was carried out safely. He had failed to provide sufficient work equipment to prevent a fall or to minimise the distance or consequences of a fall.

The court also heard that this was not the first time that HSE had encountered poor working practices from Phillip McGinn. The HSE took previous enforcement action and prosecuted Mr McGinn for a similar offence in 2012.

Phillip McGinn of Lydiate, Merseyside, was found guilty to breaching Section 6(3) of the Work at Height Regulations 2005. He received a thirteen-month suspended prison sentence, 200 hours of unpaid work and ordered to pay costs of £1,000.

After the hearing, HSE inspector Anthony Stuart Hadfield said: "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 HSE will not hesitate to take appropriate enforcement action against those that fall below the required standard".

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](https://www.hse.gov.uk)
2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](https://www.legislation.gov.uk/)
3. HSE news releases are available at <http://press.hse.gov.uk>
4. More information and guidance can be found at: <https://www.hse.gov.uk/work-at-height>

[Recycling company fined after 18-year-old employee injured](#)

A recycling company has been fined after an employee was injured whilst clearing a blockage in a waste metal chute.

Shrewsbury Crown Court heard how, on the 9 October 2017, an employee of PG Skips Limited was injured when he fell through a chute, approximately four metres above a concrete yard, whilst clearing a blockage. Another employee, who was waiting in a telescopic handler to collect the waste metal in the machine bucket, saw him fall and moved the machine to try and catch him. The employee was hit by the bucket and sustained injuries including several broken bones.

An investigation by the Health and Safety Executive (HSE) found that there was no risk assessment or safe system of work in place for clearing blockages. The company had not considered the risk of employees falling through the chute from that height.

PG Skips Limited of The Lowe, Wem, Shropshire were found guilty of breaching Section 2 (1) of the Health and Safety at work Act 1974 and have been fined £17,500.

Speaking after the hearing, HSE inspector Sarah Baldwin-Jones said: "This significant injury to an 18-year-old employee in his first employment could have been easily prevented. The remedial action taken to prevent future blockages implemented after the incident had no cost implication for the company. Employers should make sure they properly assess and apply effective control measures to minimise risks from clearing blockages."

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Landlord fined for not providing gas safety certificates

A landlord has been fined for failing to ensure that gas fittings, appliances and associated flues were checked for safety.

Edinburgh Sheriffs Court heard that from late winter 2013 to early spring 2014 David Mackman stated he was the landlord for at least 15 flats in an old tenement block. The majority of the flats had gas central heating boilers for heating and hot water. Some of the boilers served more than one flat. The court was told tenants were not provided with Landlord's Gas Safety Certificates.

The Health and Safety Executive (HSE) investigated after receiving a complaint from a tenant. The HSE inspector failed to obtain a response from Mr Mackman and on being unable to contact the complainant attended the block of flats with another HSE inspector.

The inspectors gained access to several flats and quickly identified gas safety concerns. They again attempted to make contact the landlord during this visit but failed. Due to the gas safety concerns the inspectors decided to contact the Gas Safe Register, the official gas safety organisation in Britain, who arranged for Scottish Gas Networks (SGN) to attend the property.

The inspectors later revisited the property with SGN engineers and after gaining access to further flats they identified further gas safety faults. SGN issued 'immediately dangerous' safety notices and disconnected the gas supply to several properties.

Despite repeated attempts to contact him, the landlord did not attend the flats to assist with the investigation.

At a later visit SGN notices were again issued to a number of flats. Mr Mackman attended during this visit and HSE Inspectors issued 15 Improvement Notices. The aim of the notices was to ensure all gas safety issues were identified and rectified by a competent Gas Safe registered engineer which would enable the landlord to provide tenants with a Landlord's Gas Safety Certificate.

David Stuart Mackman, Shepherd's Keep, Colzium, Kirknewton pleaded guilty to breaching Regulation 36(3)(b) of the Gas (Installation and Use) Regulations 1998 and was fined £4,500 and ordered to pay a £175 Victim Surcharge.

Speaking after the hearing, HSE inspector Katherine Gostick said: "It was very fortunate that Mr Mackman's failure to carry out important landlord gas safety checks did not result in a number of deaths in the flats he rented out, where the unsafe gas appliances were leaking poisonous odour free fumes.

“He should have employed a competent Gas Safe Registered engineer to carry out landlord gas safety checks including carrying out the necessary work and obtain a landlord gas safety certificate every 12 months. Landlords may be prosecuted if they do not ensure that this well publicised duty is carried out. Tenants should check that they receive a landlord gas safety certificate on moving into rented property and annually.

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[Scaffolding contractor fined after worker sustains multiple injuries in fall](#)

A scaffolding contractor has been fined after a worker fell from height resulting in serious injuries.

Brighton Magistrates Court heard how, on 15 August 2019, Darren Barnett was dismantling temporary over-roof scaffolding at a site in Hailsham, East Sussex, when he fell through the scaffolding landing on to the roof of the property below, before rolling down and on to the ground. Mr Barnett fell approximately eight meters in total and sustained two brain haemorrhages, six vertebra fractures, a fractured shoulder blade and multiple rib fractures.

An investigation by the Health and Safety Executive (HSE) found the company had failed to properly plan the works in respect of giving consideration to how the temporary over roof should be dismantled safely. Furthermore, Mr Barnett was only provided with a single lanyard harness that was not suitable for such works, rather than a twin lanyard harness.

Zendrill Ltd of Blind Lane, Bredhurst, Gillingham, Kent pleaded guilty to breaching Regulations 4 (1) (a) and 6 (3) of the Work at Height Regulations 2005. The company was fined £16,667 and ordered to pay costs of £6,767 and a

victim surcharge of £170.

Speaking after the hearing, HSE inspector Ross Carter said: “The case highlights the importance of following industry guidance in order to design and dismantle scaffolding in a safe manner with the correct equipment made available to those undertaking the work.

“If a suitable safe system of work had been in place prior to the incident, the life changing injuries sustained by Mr Barnett would have been prevented.”

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[Contractor fined after carrying out illegal gas work](#)

A self-employed contractor has been fined after undertaking gas work on a property whilst not being gas safe registered.

Crewe Magistrates’ Court heard how, on 1 June 2019, Robert Allen, a self-employed contractor trading as A&E Property Services, replaced a boiler at a property in Ledward Street in Winsford. Following the installation, a number of problems arose including loss of pressure and water leaks. In August 2019, a Gas Safe Registered engineer attended the property and discovered multiple issues with the installation including an inadequately sized pipe, which they felt posed immediate danger. The case was reported to the Health and Safety Executive (HSE) in the form of a Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) report.

An investigation by HSE found that Mr Allen had never been Gas Safe Registered. It was discovered that he had provided himself with a false registration number and had also used the registration number of a completely unconnected company.

On the inspection of the work carried out at Ledward Street, five separate serious defects were found including an unsealed flue, a pressure relief

valve incorrectly located, undersized gas pipework, uncommissioned appliance, and corrosion to the gas pipework. These defects could have led to carbon monoxide leakage, scalding, unsafe combustion, and unburned gas release, which could have proved fatal.

Robert Allen of Nixon Drive, Winsford, Cheshire pleaded guilty to two breaches of Regulation 3 (3) of the Gas Safety (Installation and Use) Regulations 1998 and breaches of Regulation 3 (7) of the Gas Safety (Installation and Use) Regulations 1998 and Regulation 5 (3) of the Gas Safety (Installation and Use) Regulations 1998. He was given a 40 week suspended sentence, 200 hours community service and ordered to pay costs of £5263.04

Speaking after the hearing, HSE inspector Ian Betley said: "This case highlights the dangers of carrying out unregistered gas work. All gas work must be done by registered Gas Safe engineers to ensure the highest standards are met in order to prevent injury and loss of life. Installers will be prosecuted if they carry out gas work without the proper qualifications. Householders should check that anyone they allow to work on the gas supply is gas safe registered."

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