

# Self-employed painter and decorator fined after employee falls through fragile roof

A painter and decorator has been fined after an employee stepped off a working platform and fell two and a half metres through the fragile roof of a carport.

Aberdeen Sheriff Court heard that on 6 July 2018, sole trader Neil Beattie and an employee were undertaking the removal of a wasps' nest at a bungalow in Daviot, Oldmeldrum before painting the gable-end soffits above a carport. They climbed a ladder on to the roof and walked along a structural beam to stand on a working platform in the middle of the carport roof. When the wasps' nest was disturbed the employee stepped off the working platform and fell through the fragile, plastic roof of the carport. He sustained head and back injuries resulting in permanent disfigurement.

An investigation by the Health and Safety Executive (HSE) found that Neil Beattie Limited failed to ensure that the work at height was properly planned and so far as reasonably practicable, safe. His employee was required to walk across a fragile roof to access the working platform which was not fitted with appropriate edge protection.

Neil Beattie of Nether Davah Place, Inverurie, Aberdeen pleaded guilty to breaching the Regulation 4(1)(a) and (c) of the Work at Height Regulations 2005 and was fined £2,650.00.

Speaking after the hearing, "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 on fragile roofs are well known. If a suitable safe system of work had been in place prior to the incident, the injuries sustained by the employee could have been prevented."

## **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](http://hse.gov.uk)
2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](http://legislation.gov.uk/)
3. HSE news releases are available at <http://press.hse.gov.uk>
4. For guidance please visit [Fragile roofs: Safe working practices GEIS5](#) and [Health and Safety in Roofwork](#)

The post [Self-employed painter and decorator fined after employee falls through fragile roof](#) appeared first on [HSE Media Centre](#).

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## [Unregistered gas fitter fined for dangerous installation of range cooker at care home](#)

A fitter has been fined following a gas leak from a newly fitted range installed in a North Devon residential care home.

Exeter Crown Court heard that on 24 December 2020, Mark Whitham undertook the installation of the new gas range cooker after damaging the existing gas cooker whilst fitting out a new kitchen. Over the next 24 hours staff at the care home experienced problems with the operation of the cooker and contacted their usual Gas Safe Registered engineer. He found a substantial gas leak from the gas supply connection to the cooker.

An investigation by the Health and Safety Executive (HSE) found that Mr Whitham was not registered with the Gas Safe Register. The manufacturer's installation paperwork that came with the appliance when purchased, made numerous references to correct installation by a qualified engineer and numerous references to compliance with the Gas Safety (Installation and Use) Regulations 1998, however these instructions were not followed.

Mark Whitham of Fallow Fields, Barnstaple Devon, pleaded guilty to breaching Regulation 3(1) of the Gas Safety (Installation and Use) Regulations 1998, and Regulation 22(1)(a) of the Gas Safety (Installation and Use) Regulations 1998. He was sentenced to six months imprisonment for each offence, suspended for 12 months. He was also ordered to undertake 120 hours unpaid work and to pay £2,000 costs.

Speaking after the hearing, HSE inspector Simon Jones said: "Mark Whitham undertook gas work, which he knew he was not registered to do. In this case Mark Whitham's unregistered gas work put the lives of vulnerable people at real risk from fire and explosion.

"All gas work must be carried out by Gas Safe registered engineers to ensure the highest standards are met to prevent injury and loss of life."

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interventions on individual businesses. These activities are supported by globally recognised scientific expertise. [hse.gov.uk](http://hse.gov.uk)

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## [Companies fined for inadequate guards on machinery](#)

Two sister companies based in Grantham, Lincolnshire that manufacture cardboard items, and a company that manufactures flat-bed die cutting (FBDC) machines have all been sentenced after a worker sustained serious injuries to his left hand.

Lincolnshire Magistrates' Court heard that Postpack Limited and Damasco UK Limited of Hollis Road Grantham, manufacture cardboard items including packaging materials, flat pack boxes and toys. They purchased five FBDC machines from DIG Corrugated Machinery Ltd of Cullen Place, Eastlands Industrial Estate, Leiston. A worker using one of the supplied machines caught his hand under the rotating main roller and the fingers and thumb of his left hand were crushed, leading to their amputation.

An investigation carried out by the Health and Safety Executive (HSE) found that the machine was supplied with inadequate guards to prevent access to its dangerous parts. Following the incident and service of Improvement Notices the guards were extended.

Postpack Limited xxADDRESSxx and Damasco UK Limited xxADDRESSxx pleaded guilty to contravening Regulation 11(1) of the Provision and Use of Work Equipment Regulations 1998 The companies were fined £4000 and ordered to pay costs of £1,152 with a victim surcharge of £340.

DIG Corrugated Machinery Limited xxADDRESSxx pleaded guilty to breaching the duty under Section 6(1)(a) of the Health and Safety at Work Act 1974 The company was fined £6500 and ordered to pay costs of £3529.20 with a victim surcharge of £170.

Speaking after the hearing HSE inspector Mr Martin Giles commented:

“Those supplying machinery have a duty to ensure that it is safe. Purchasers and users of machinery must assess the equipment that they purchase and ensure that it is adequately guarded and that they have appropriate safe systems of work in place.

“If the flat-bed die cutter had been adequately guarded, then the life changing injuries sustained by the employee could have easily been prevented.”

There is guidance to help companies assess the safety of machines on HSE’s website at [www.hse.gov.uk/toolbox/machinery/safety.htm](http://www.hse.gov.uk/toolbox/machinery/safety.htm)

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## **[Construction company fined for repeated health and safety failings](#)**

Construction company, Urban Living Constructions Limited, has been fined following a Health and Safety Executive (HSE) inspection which identified numerous health and safety failings.

Westminster Magistrates’ Court heard that an inspection of a construction site in Roseneath Road, London (SW11) on 5 August 2019 identified numerous health and safety breaches. These included locations on site that had no edge protection to prevent falls, including a plank that traversed a basement

extension to provide access into the property.

There were also insufficient measures in place to prevent the collapse of the sides of a large excavation.

HSE had previously inspected other Urban Living Constructions sites between 2015 and 2019. During this time two prohibition notices were served in relation to unsafe work at height and one prohibition notice was served in relation to an unsafe excavation.

Urban Living Constructions Limited of The Broadway, Woodford Green, Essex, pleaded guilty to a breach of Section 2(1) of the Health and Safety at Work etc. Act 1974. The court fined Urban Living Constructions £50,000 and awarded full costs of £6,578.84.

Speaking after the hearing, HSE inspector Adam Thompson said: "The legal standards for ensuring work at height is carried out at safely and ensuring excavations on site are safe from the risk of collapse are well known throughout the construction industry. The standards on this site fell far below the minimum legal standard. This is inexcusable in any case, but even more so given the amount of enforcement action the company had previously received in relation to known health and safety risks."

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## **[Builder fined for unsafe practice](#)**

A builder has been fined after a worker lost a finger whilst cutting timber.

Brighton Magistrates' Court heard that on 7 August 2019, two men were cutting timber joists for the flat roof of a domestic extension. A builder was carrying out the cutting using a circular saw, whilst the worker was holding the timber. During cutting, the saw slipped, amputating the worker's index finger, severely damaging his middle finger and slicing open his thumb along its length. It was not possible to re-attach the amputated finger and the middle finger still has no movement or feeling. It is not known what, if any,

movement will return following further operations. As a result of the injuries, the worker has lost 70 per cent of the grip in that hand and is still suffering from post-traumatic stress.

An investigation by the Health and Safety Executive found that the work had not been properly planned and the risk of the saw blade coming into contact with the worker's hands had not been considered. The timber should have been secured to a workbench or similar so that no-one else was needed to assist whilst the saw was in use.

Benjamin Collier-Ware of Hailsham, East Sussex, pleaded guilty to breaching Section 37 (1) of the Health and Safety at Work Act 1974 and was fined £1,969 with a victim surcharge of £181. He was also ordered to pay full costs of £3,940.20.

Speaking after the hearing HSE inspector Stephen Green commented

"The worker's injuries are life changing. This incident could so easily have been avoided by simply carrying out correct control measures and safe working practices."

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3. HSE news releases are available at <http://press.hse.gov.uk>
4. Further information about health and safety in food and drink manufacturing can be found at: <https://www.hse.gov.uk/pubns/priced/hsg252.pdf>

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