

# October 2023 – A roundup of HSE's top stories

Here are some of the stories published by the Health and Safety Executive (HSE) in October, with the workplace regulator heralding a key milestone in building safety, announcing a new inspection campaign, securing justice and urging employers to try the shout test!

## **HSE to prosecute Falcon Tower Crane Services Limited following deaths of three men**

We started off the month by [announcing our prosecution against Falcon Tower Crane Services Limited](#) after a crane collapsed in Crewe and killed three men.

A trial at Chester Crown Court will take place in relation to the incident, which occurred in June 2017, starting on 4 November 2024.

Read more here: [HSE to prosecute Falcon Tower Crane Services Limited following deaths of three men | HSE Media Centre](#)

## **Companies fined as child suffers fractured skull**

[Three companies were fined last week](#) after a slate tile fractured the skull of a three-year-old girl.

The pre-schooler was placed in an induced coma and required a two-hour operation to remove fragments of slate from her head following the incident.



Moonfleet Manor hotel

Read more here: [Companies fined as child suffers fractured skull | HSE Media Centre](#)

### **HSE to visit farms as part of national inspection campaign**

[Inspectors from HSE will visit farms](#) across England, Scotland and Wales in the coming months as part of a push to change the culture in the farming industry and check for compliance with long standing legal requirements.

The inspectors will also look at risks to members of the public, which often means the management of cattle around public rights of way, as well as child safety on the farm.

Read more here: [HSE to visit farms as part of national inspection campaign | HSE Media Centre](#)

### **BSR register of high-rise buildings represents major momentum for building safety**

[The Building Safety Regulator's new regulatory regime has moved further ahead](#) in its vital registration programme of in-scope high-rise residential buildings, that are at least 18 metres or seven storeys tall, with two or more residential units.

Principal Accountable Persons (PAP's) were given until the 1 October 2023 to register all high-rise residential buildings in England. It is now an offence to allow residents to occupy an unregistered building.

Read more here: [BSR register of high-rise buildings represents major momentum for building safety | HSE Media Centre](#)

### **Company fined £240,000 after Liverpool residents put at risk during removal of dangerous cladding**

[A HSE prosecution was brought against Green Facades Limited](#) after the company failed to take appropriate precautions to ensure the safety of residents living in a Liverpool apartment block.

When a HSE inspector visited the apartment block, they found cladding, similar to that used on Grenfell Tower, lying on residents' balconies.



Combustible material exposed where scaffold is attached to the building

Read more here: [Company fined £240,000 after Liverpool residents put at risk during removal of dangerous cladding | HSE Media Centre](#)

### **Try the shout test – protect workers’ hearing**

With around a fifth of the British working population potentially exposed to high noise levels, HSE is now urging workplaces to consider the shout test to manage noise at work and ways to give workers’ ears a break.

Bosses must assess and identify measures to eliminate or reduce risks from exposure to noise so that they can protect the hearing of their workers.

Read more here: [Try the shout test – protect workers’ hearing | HSE Media Centre](#)

## Construction company fined after serious injury to 16-year-old on work experience

[A teenage boy suffered serious injuries](#) after becoming trapped under a tractor while on paid work experience at Earlcoate Construction and Plant Hire Limited.

The teenager's dad says his son is now more anxious as a result of the incident.



Read more here: [Construction Company fined after serious injury to 16-year-old on work experience | HSE Media Centre](#)

### 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. HSE news releases are available at <http://press.hse.gov.uk>

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## Suspended prison sentence for builder over gas safety failures

A builder has avoided an immediate spell behind bars after being convicted of carrying out gas work at a property in Berkshire when he was not qualified to do so.

Thomas Murray, who traded as Kerbgold Design and Construction Ltd, was given an eight-month prison sentence which was suspended for 18 months.

Reading Crown Court heard how Murray had been contracted to manage a large-scale renovation and extension of a property in Maidenhead in July 2018. The project involved significant gas work, including the installation of a gas boiler, relocation of a gas meter and the installation of associated pipework for both.

Further information and guidance on [domestic gas health and safety](#) is available.

However, the project over ran and the householders had to return to the property in January 2019, where they soon reported the smell of gas. Murray carried out a test which detected no gas leak.

As their concerns persisted, the homeowners contacted a Gas Safe Registered engineer to inspect the installation. The engineer found a gas leak and other faults within the installation. In addition, Cadent Gas, the gas supplier to the property, had never been notified about the relocation of the meter and pipework. The pipework leading to the meter was found to have been laid to incorrect depth and fittings suitable only for water pipework had been found to have been used throughout the installation.

An investigation by the Health and Safety Executive (HSE) found that although Murray arranged for a Gas Safe engineer to install the boiler, they had only connected the water plumbing and left the property due to concerns being raised. In a bid to allow the homeowners to access hot water and heating, Murray decided to undertake some of the gas work himself as a temporary fix.

Murray, of Heath End Road, Flackwell Heath, Buckinghamshire, pleaded guilty to breaching section 3(2) of the Health Safety at Work Act 1974 and was sentenced to eight months in prison, suspended for 18 months. He was also

ordered to complete 250 hours unpaid work.

Speaking after the hearing, HSE inspector Karen Morris said: "In this case, Mr Murray was responsible for overseeing the gas work, which was not finished and had left householders and their neighbours at risk from the dangers and effects of leaking gas.

"To make matters worse, he decided to try and finish the job himself, despite not being competent to do so.

"His failures could have led to catastrophic and tragic consequences.

"We will not hesitate to prosecute builders who fail to ensure that gas work under their control is conducted safely using Gas Safe Registered engineers."

Gas engineers and consumers can contact the Gas Safe Register in any of these ways:

- [Gas Safe Register](#)
- Phone – **Consumers:** 0800 408 5500; **Engineers:** 0800 408 5577
- Email – [enquiries@gassaferegister.co.uk](mailto:enquiries@gassaferegister.co.uk)

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2. More information about the [legislation](#) referred to in this case is available.
3. Further details on the latest [HSE news releases](#) is available.
4. Further information on [domestic gas health and safety](#) is available.

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## [Waste company fined after woman hit by vehicle and dies](#)

A waste company has been fined over £250,000 after a member of the public was run over by one of its vehicles and died.

The woman was collecting wood from Martins of York's yard on Osbaldwick Lane, York, when she was hit by a reversing skip wagon on 29 January 2020.

She later died from her injuries.

The woman had regularly attended the site with another woman to collect wood.

A Health and Safety Executive (HSE) investigation into the incident identified that Martins of York had failed to put in place appropriate measures to control access into the main yard area. This allowed unrestricted access to the site so visitors, including members of the public, were exposed to risks from moving vehicles. Martins of York employees working as hand pickers within the yard were also put at risk of being struck by moving vehicles within the area.

HSE guidance can be found at: [Waste management and recycling – Transport \(hse.gov.uk\)](https://www.hse.gov.uk/waste-management-and-recycling-transport/)

Martins of York Limited, of Park Court, Riccall Road, Escrick, York, pleaded guilty to breaching Section 2(1) and 3(1) of the Health & Safety at Work etc. Act 1974. The company was fined £268,000 and ordered to pay £10,130.32 in costs at York Magistrates' Court on 27 October 2023.

HSE inspector Darian Dundas said: "Measures should have been introduced to prevent members of the public from being able to enter the yard without authorisation, whilst also ensuring that workers present within the yard were not put at risk from vehicles moving in and around where they were working.

"This incident could so easily have been avoided by carrying out correct control measures and safe working practices.

"It is hoped that this will remind the waste industry of the need to ensure that workplace transport is appropriately considered, with control measures introduced to ensure the appropriate separation of vehicles and pedestrians."

This HSE prosecution was supported by HSE enforcement lawyer Jayne Wilson.

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## **[Company fined £240,000 after Liverpool](#)**

# residents put at risk during removal of dangerous cladding

A health and safety inspector found cladding lying on residents' balconies at a Liverpool apartment block, posing a serious fire risk.

The combustible cladding was similar to that used on Grenfell Tower when the 2017 disaster occurred. Green Facades Limited had been contracted to remove the potentially dangerous aluminium composite panels and combustible insulation material from The Circle, an eight-storey building on Henry Street in Liverpool.

When an inspector from the Health and Safety Executive (HSE) first visited the site on 10 January 2022, the inspection revealed that, in preparation for the removal work, combustible material had been left exposed and there were inadequate means of escaping from the scaffold which was being erected.



Combustible material exposed where scaffold is attached to the building

The situation had worsened when the inspector returned a few days later, on 21 January 2022. Further combustible material had been exposed with no protection from potential sources of ignition, and combustible cladding material was found lying on residents' balconies. As the building remained occupied during the works, the inspector alerted Merseyside Fire and Rescue Service who took their own enforcement action.

Green Facades Limited had been subject to earlier enforcement for similar breaches during cladding removal at a site in London. At that time the company was provided with advice on sustainable compliance with the regulations.

An investigation by HSE found that Green Facades Limited, had failed to take



appropriate precautions to address the risk of fire and to ensure the safety of residents, workers, and others. It had also failed to take account of published guidance on the safe removal of cladding following the previous issue in London.



Exposed combustible material on exterior of the building

The company of Woolwich Road, London pleaded guilty to breaching regulations 11(1) and 13(1) of the Construction (Design and Management) Regulations 2015. AT Liverpool Magistrates' Court the company was fined £240,000 and ordered to pay costs of £5,405.

After the hearing HSE inspector Jackie Western said: "The disturbing irony of this case is that work to protect residents from fire risk ended up making the situation more dangerous.

"This prosecution highlights the need for responsible management of the removal of cladding. The potentially tragic consequences of fire involving this type of material are well known following the Grenfell Tower fire.

"Despite earlier interventions and advice from HSE, and the availability of a wealth of guidance from HSE and others, this company continued to fail in its duty to address the risk of fire, putting people's lives at risk."

This prosecution was supported by HSE lawyer Matthew Reynolds.

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2. More information about the [legislation](#) referred to in this case is available.
3. Further details on the latest [HSE news releases](#) is available.
4. Guidance for managing the [risk of fire](#) during [cladding removal and replacement](#) is available.
5. Information about the [Building Safety Regulator](#) can be found on HSE's website or on our [Making Buildings Safer](#)

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## [HSE to visit farms as part of national inspection campaign](#)

Farmers are being reminded they must change their attitude towards safety as Britain's workplace regulator readies itself for a wave of inspections in the coming months.

Inspectors from the Health and Safety Executive (HSE) will visit farms across England, Scotland and Wales as part of a push to change the culture in the industry and check for compliance with long standing legal requirements.

People on farms are 21 times more likely to be killed in a workplace accident than other sectors.

In total, there have been 161 deaths on Britain's farms over the last five years – an average of 26 people each year. This includes members of the public and children.

The visits, from this week to next April, will focus on the main causes of death in farming, including working with cattle, operating and maintaining vehicles and falls from height.

They will also look at risks to members of the public, which often means the management of cattle around public rights of way, as well as child safety on the farm.

HSE plans to carry out 440 visits during the campaign.

One of the HSE inspectors helping organise and support the visits is Kathy Gostick, who offered the following advice to farmers:

"We will not only be checking farmers' knowledge of risk but also making sure they understand their responsibility to themselves and others. We will look at actions they have taken to control these risks and comply with the law."

Although, the number of deaths in the agricultural sector has fallen by around half since the early 1980s, the rate of fatalities, which is based on the number of people at work in the sector, has remained stubbornly high,

much higher than comparable industries.

In a bid to reduce that number, Kathy Gostick has called for farmers to stop and think differently about their own and other peoples' safety.

"There are simply too many tragedies in farming and it is time for that to change.

"We are committed to making workplaces safer and healthier and that includes agriculture – we will do this by highlighting the risks, providing advice and guidance, and by holding employers to account for their actions.

"This means changing attitudes towards safety – it is the only way we will reduce the numbers of people being injured or killed.

"These upcoming inspections will help drive home the message that the only way we can bring down the numbers being injured or killed is if we change behaviour."

Alongside inspections, HSE regularly gives advice on safe practice to key industry stakeholders, including at agricultural shows. The regulator is a key member of the Farm Safety Partnership.

There are many simple actions farmers can take to reduce the key risks:

- When using and maintaining vehicles consider [‘Safe Farm, Safe Driver, Safe Vehicle’](#) and follow ‘Safe Stop’ and use adequate props during maintenance.
- When handling cattle ensure good handling facilities are in place and used and that you have considered protection of members of the public when cattle are kept in field with public access. See [Handling and housing cattle AIS35 – HSE](#) and [Cattle and public access – HSE](#)
- When considering [working at height](#); avoid doing the work yourself – use a professional contractor instead. Don’t ever be tempted to use the wrong equipment – being lifted on the forks or bucket of a telehandler or fork lift truck is illegal. As is walking or working on fragile roof materials.
- When considering children on farms, try and avoid them being there in the first place and if not then full and complete supervision is required. See [Preventing accidents to children on farms INDG472\(rev4\) \(hse.gov.uk\)](#)

Earlier this year HSE launched [‘Your Farm – Your Future’](#) – a campaign focused on the number one cause of fatalities in agriculture – moving vehicles. The campaign website bringing together lots of great advice on controlling the key risks.

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2. HSE guidance on [working at height](#) and [what a good farm looks like](#) is available.
3. Further details on the latest [HSE news releases](#) is available.